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Country Guidance: Syria

*Common analysis and
guidance note*

September 2020

The country guidance represents the common assessment of the situation in the country of origin by EU Member States.



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Country Guidance: Syria

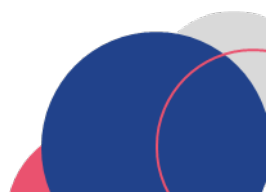
Common analysis and guidance note

The country guidance represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance note does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Syria at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive).

The analysis and guidance provided within this document are not exhaustive.

September 2020



Introduction

Why is country guidance developed?

On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by EASO, with the task to carry out a joint assessment and interpretation of the situation in main countries of origin.¹ The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum acquis and taking into account the content of the EASO training material and practical guides where appropriate. The development of common analysis and guidance notes was also included as a key area in the new mandate of the European Union Agency for Asylum proposed by the European Commission.²

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Syria, and to foster convergence in decision practices across Member States.

Is this guidance binding?

The country guidance, developed by the Member States and published by EASO, is not binding. The guidance note, accompanied by the common analysis, shall be taken into account by Member States when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network. The work of the Network was supported by a Drafting Team of selected national experts and by EASO. The European Commission and UNHCR provided valuable input in this process.

What is the applicable legal framework?

In terms of applicable legal framework, the common analysis and guidance note are based on the provisions of the [1951 Geneva Convention](#)³ and of the [Qualification Directive \(QD\)](#)⁴; as well as jurisprudence of the Court of Justice of the European Union (CJEU); where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

What guidance on qualification for international protection is taken into account?

The horizontal guidance framework applied in this analysis is based primarily on the [‘EASO Practical Guide: Qualification for international protection’](#) and the [‘EASO Practical Guide: Exclusion’](#), as well as the [‘EASO Guidance on membership of a particular social group’](#).⁵ It also takes into account relevant Judicial Analyses, published by EASO, and in particular those on [‘Qualification for International Protection \(Directive](#)

¹ Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf>.

² European Commission, Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, 4 May 2016, 2016/0131 (COD), available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf.

³ United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

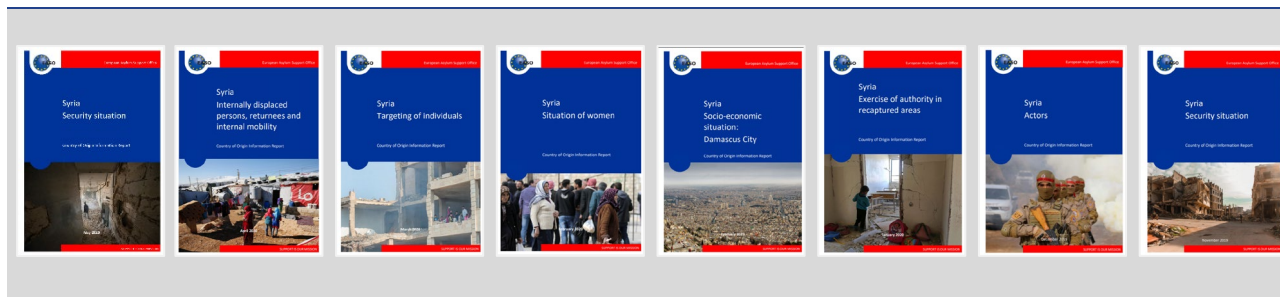
⁵ EASO Practical Guides are available at <https://www.easo.europa.eu/practical-tools>.

2011/95/EU', 'Article 15(c) Qualification Directive (2011/95/EU)', and on 'Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU'.⁶

Relevant UNHCR guidelines, and in particular the [International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V](#), are also taken into account.^{7,8}

What country of origin information has been used?

The EASO Country Guidance documents should not be considered and should not be used or referenced as sources of country of origin information (COI). The information contained herein is based on EASO COI reports⁹ and, in some instances, other sources, as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.



The country information analysed hereby includes, in particular, the following EASO COI reports:

- COI Report: Syria - Security situation (May 2020) [\[EN\]](#)
- COI Report: Syria - Internally displaced persons, returnees and internal mobility (April 2020) [\[EN\]](#)
- COI Report: Syria - Targeting of individuals (March 2020) [\[EN\]](#)
- COI Report: Syria - Situation of women (February 2020) [\[EN\]](#)
- COI Report: Syria - Socio-economic situation: Damascus City (February 2020) [\[EN\]](#)
- COI Report: Syria - Exercise of authority in recaptured areas (January 2020) [\[EN\]](#)
- COI Report: Syria - Actors (December 2019) [\[EN\]](#)
- COI Report: Syria - Security situation (November 2019) [\[EN\]](#)

References within this document are to the respective sections of these COI reports.

See [Annex II. COI references](#).

How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of origin, along with guidance on relevant individual circumstances that should be taken into account.

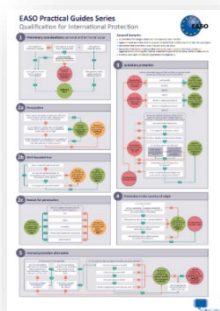
Its approach is consistent with, and should be read in conjunction with, the more detailed horizontal guidance. For an outline and additional guidance on qualification for international protection and exclusion, see:

⁶ Judicial analyses published by EASO are available at <https://www.easo.europa.eu/courts-and-tribunals>.

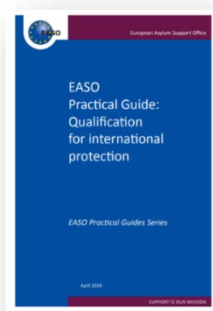
⁷ UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at <https://www.refworld.org/rsd.html>.

⁸ UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update V, 3 November 2017, available at <https://www.refworld.org/docid/59f365034.html>.

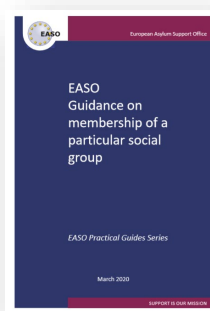
⁹ EASO COI reports are available at <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>.



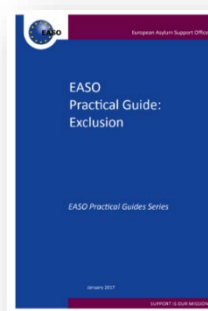
EASO Practical Guide: Qualification for international protection, Flowchart poster for practitioners¹⁰



EASO Practical Guide: Qualification for international protection¹¹



EASO Guidance on membership of a particular social group¹²



EASO Practical Guide: Exclusion¹³

How is this document structured?

The country guidance is structured into guidance note and common analysis:

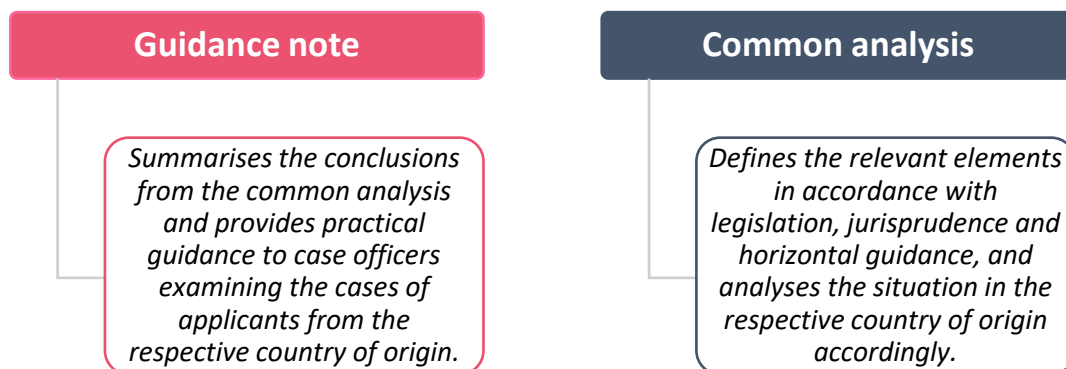


Figure 1. Country guidance elements.

For additional information and to access other available country guidance, see <https://www.easo.europa.eu/country-guidance>

¹⁰ 'EASO Practical Guide: Qualification for international protection', Flowchart for practitioners, available at <https://www.easo.europa.eu/sites/default/files/easo-flowchart-for-practicioners-qualification-for-international-protection-2018.pdf>.

¹¹ 'EASO Practical Guide: Qualification for international protection', available at <https://www.easo.europa.eu/sites/default/files/easo-practical-guide-qualification-for-international-protection-2018.pdf>

¹² 'EASO Guidance on membership of a particular social group', available at <https://easo.europa.eu/sites/default/files/EASO-Guidance-on%20MPG-EN.pdf>.

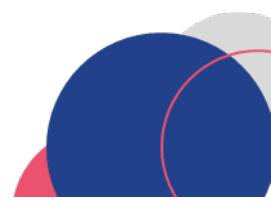
¹³ 'EASO Practical Guide: Exclusion', available at <https://www.easo.europa.eu/sites/default/files/EASO%20Practical%20Guide%20-%20Exclusion%20%28final%20for%20web%29.pdf>

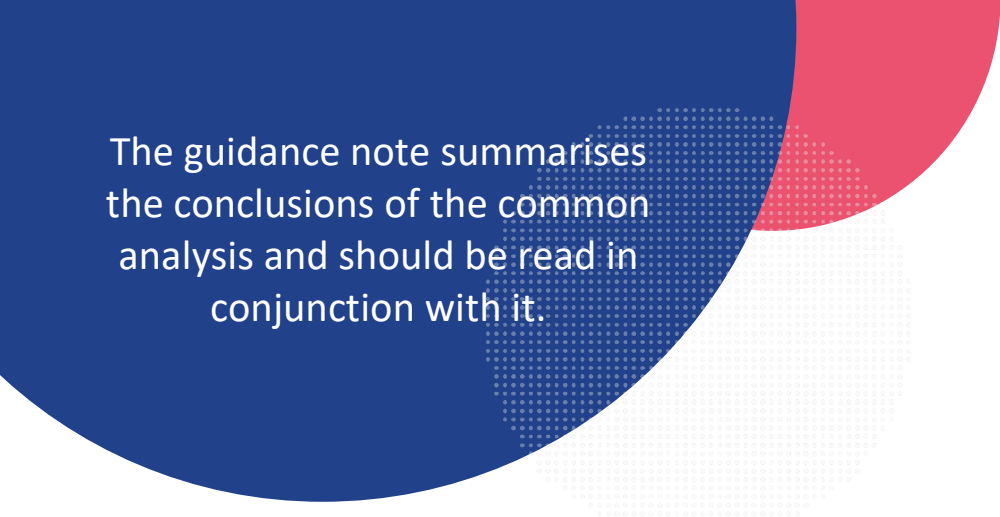
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The guidance note summarises
the conclusions of the common
analysis and should be read in
conjunction with it.

Guidance note: Syria

General remarks, including the implications of leaving Syria

During the course of the war, Syria became the scene for a series of intersecting conflicts involving many internal and international actors. Three main campaigns have driven the conflict in Syria: violence between the Syrian government and opposition forces; the efforts of a US-led coalition to defeat ISIL; and the military operations against Syrian Kurds by Turkish forces. Complex alliances, shifting allegiances, rivalries and conflicting interests between the actors involved continue to affect the balance of power and to foster uncertainty.

Hundreds of thousands of civilians have been killed, with most international experts estimating the number around 500 000 since the beginning of the conflict. The conflict has also caused the biggest displacement crisis in the world. Over 5.5 million Syrians live as refugees in the region and more than six million are displaced within the country.

The significant impact on the civilian population in the country has been the result of deliberate targeting by multiple actors, as well as risks associated with indiscriminate violence.

The individual assessment of international protection needs should also take into account the presence and activity of [different actors](#) in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. Moreover, the assessment should account for the dynamically changing security situation in the country.

It should also be noted that in some cases, where international protection needs would be established, exclusion considerations may be relevant.

It is inherent in the situation of applicants for international protection that they have left their country of origin. In the context of Syria, and in particular of targeting by the government of Syria (GoS), this in itself could have implications for the treatment of an individual upon return.¹⁴ This section is to be read in conjunction with the other sections of this country guidance, and in particular those concerning different profiles under [II. Refugee status](#), [Article 15\(b\) QD](#), [IV. Actors of protection](#) and [V. Internal protection alternative](#).

For information on the situation of returnees, see the section in the common analysis: [The implications of leaving Syria](#).

The fact of having left Syria in itself would not normally lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, this would be related to circumstances falling under other profiles included in this guidance, and in particular [Persons perceived to be opposing the government](#). However, in some cases, returnees could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. arrest, torture) and a nexus to a reason for persecution may be substantiated. In cases where no nexus can be substantiated, the implications of having left Syria may be a relevant consideration with regard to subsidiary protection. They should also be taken into account when assessing the willingness of the GoS to provide protection in the meaning of [Article 7 QD](#) and in the assessment of IPA.



Read more in the COMMON ANALYSIS

¹⁴ This section uses the terms 'return' and 'returnee' in their usual meaning in everyday language, and not in accordance with Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive).

I. Actors of persecution or serious harm

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:



Figure 2. Actors of persecution or serious harm.

This section includes the conclusions concerning some of the main actors of persecution or serious harm in Syria. The list is non-exhaustive.

Their reported areas of control, as of 31 March 2020, are presented on the map below:

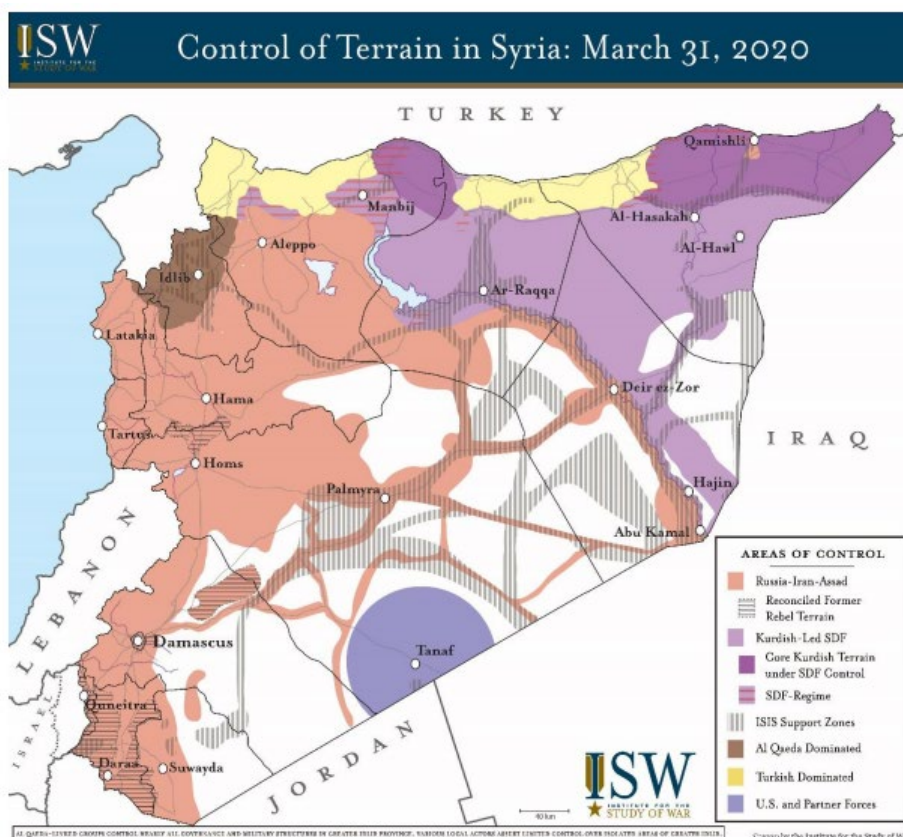


Figure 3. © ISW, Control of terrain in Syria, 31 March 2020.



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- The **Syrian State actors** include members of security forces and other authorities, such as local councils or other local officials, e.g. *mukhtars*. It should also be noted that the distinction between official State forces and non-State forces is not always clear. The Syrian State authorities, in particular the Syrian Armed Forces including the Syrian Arab Army (SAA), the intelligence services and police force, have committed a wide range of grave human rights violations since the beginning of the conflict.



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- A number of armed groups are associated with the Syrian State and operate alongside the regular armed forces. There are **local militias** and **non-Syrian militias** made up of foreign fighters and mainly backed by Iran.

The **National Defence Forces (NDF)** are a complex umbrella network, which was set up with Iran's assistance and consists of many different militias (e.g. members of local communities, Shia and Alawite individuals, members of criminal gangs of Alawites linked with the Assad family, Sunnis from Damascus and Aleppo, etc.). They have become auxiliary security institutions and are operating their own prisons and investigation commissions.

Other examples of Syrian pro-government militias include the **Tiger Forces** serving as the army of the Air Force Intelligence and militias of wealthy and powerful Alawite businessmen with close links to the Assad government, such as the al-Bustan militias and Suqor al Sahara.

The **Local Defence Forces (LDF)**, established by Iran, include local militias that operated outside of official military structures, but have been formally integrated in the Syrian Armed Forces in 2017.

Shia foreign fighters were mobilised by Iran and sent to fight on the side of the Assad government. The most prominent groups include the Lebanese Hezbollah, the Afghan Fatemiyoun Brigade, the Pakistan Zeinabiyoun Brigade, as well as various Iraqi Shia militias that are members of the Iraqi Popular Mobilisation Forces, and fighters from Yemen.

Palestinian militias such as the Popular Front for the Liberation of Palestine - General Command, the SAA-affiliated Palestinian Liberation Army and the Liwa al-Quds also supported the government military in the conflict.

Armed forces associated with the Syrian State are accused of committing a wide range of human right violations such as arbitrary detention and forced disappearances. They are also involved in a number of criminal activities such as extortion of companies, stealing, looting and smuggling of guns and drugs.




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- The security apparatus of the Kurdish Northern and Eastern Autonomous administration is comprised of the **Syrian Democratic Forces (SDF)**, a Kurdish-led multi-ethnic force of Kurds, Arabs and other ethnic groups, with the **Kurdish People's Protection Units (YPG)** as dominating faction and with its internal security forces (**Asayish**).

It is reported that members of the security apparatus have committed a wide range of human rights violations, such as arbitrary detentions, forced disappearances and torture of political opponents and other individuals who refused to cooperate with Kurdish groups. In the course of fighting ISIL, SDF/YPG has reportedly arbitrarily detained and indiscriminately killed civilians. Arbitrary arrests, including unlawful detention under deplorable conditions in


makeshift camps and forced disappearances of persons perceived to be affiliated with ISIL and/or armed opposition groups have also been reported.

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- The **Syrian National Army (SNA)** is a Turkey-backed umbrella armed group. The SNA also incorporated the **National Liberation Front (NLF)**, a Turkish-backed alliance of opposition-armed groups, formed and active in the Idlib area, into its ranks. The NLF uses the brand of the Free Syrian Army (FSA) - the umbrella armed group formed by the anti-government opposition in 2011. The union of SNA and NLF brought together more than 40 armed opposition groups which are reported to be under the 'near-total control of Turkey's Ministry of Defence and National Intelligence Organisation (MIT)'. The SNA were reportedly responsible for human rights violations, such as kidnappings, abductions, torture, extortion and assassinations of civilians. Looting, theft and expropriation of Kurdish properties by SNA factions in the aftermath of the capture of Afrin was also reported.

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- **Hayat Tahrir al-Sham or Organisation for the Liberation of the Levant (HTS)** is a coalition of Islamist Sunni anti-government armed groups, formed through the merger of **Jabhat al-Nusra** with other smaller factions. The HTS was reported to be the most powerful actor in the Idlib area. However, the GoS offensive in 2019 eroded the group's military and political control. HTS frequently commits serious human rights abuses, such as forced conversions, assassinations, kidnapping, torture, harassment, as well as unlawful detention of civilians.

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- The **Islamic State of Iraq and Levant (ISIL)** is a Salafi jihadist militant group, designated by the UN and internationally sanctioned as a terrorist organisation. ISIL aims to establish a global, Islamic 'caliphate' and fosters violent conflict between Muslims and non-Muslims. In March 2019, ISIL's territorial control and governance in Syria ceased to exist completely. However, ISIL is reported to be forming cells across Syria and evolving into a covert network. The group has killed hundreds of civilians, carrying out public executions, beheadings and crucifixions. Religious minorities in Syria such as Shias, Ismailis, Alawites and Christians, as well as Sunni Muslims who did not adhere to ISIL's religious laws, were specifically targeted. After ISIL lost its territorial control, they target SDF, Syrian government forces and affiliated armed groups, local governance officials, village elders, people perceived as informants against ISIL, as well as US-led coalition forces, and civilians. The attacks include roadside bombs, drive-by shootings and assassinations as well as larger scale attacks.

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- In specific situations, **other non-State actors** of persecution or serious harm may include the family (e.g. in the case of LGBTI persons, 'honour' violence) or criminal gangs (e.g. kidnapping for ransom).

 Read more in the COMMON ANALYSIS

II. Refugee status

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:

Article 2(d) of the Qualification Directive Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

[Article 9 QD](#) outlines how ‘persecution’ should be assessed.

[Article 10 QD](#) provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant’s actions (whether or not they are perceived negatively and/or whether or not individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals, network);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant’s well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)).



Read more in the COMMON ANALYSIS

Guidance on particular profiles with regard to qualification for refugee status

This section refers to some of the profiles of Syrian applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a [link](#) to the respective section in the common analysis are always provided for ease of reference.

The table below summarise the conclusions with regard to different profiles and sub-profiles and aim at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these examples are non-exhaustive and to be taken into account in light of all circumstances in the individual case.

Moreover, an individual applicant could fall under more than one profile included in this guidance note. The protection needs associated with all such circumstances should be fully examined.

Persons who belonged to a certain profile in the past or family members of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.

1.1. Members of anti-government armed groups

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

[→](#) Read more in the COMMON ANALYSIS

1.2. Political activists, opposition party members and protesters seen as opposing the government

Risk analysis: For those who would be considered opposing the government, well-founded fear of persecution would in general be substantiated. The sole fact of participation in a protest in the past may not be sufficient to establish that an individual would fall under this category.

Nexus: (imputed) political opinion.

[→](#) Read more in the COMMON ANALYSIS


1.3 Civilians originating from areas associated with opposition to the government

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional aspects (who is in control in the area, whether it was considered an opposition stronghold, etc.)

- level of (perceived) support or collaboration with anti-government forces
- familial ties or other connection to (suspected) members of anti-government armed groups and/or political opposition members
- (perceived) support for the GoS
- etc.


Nexus: (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.1. Draft evaders

Risk analysis: Well-founded fear of persecution would in general be substantiated. While certain exemptions from military service are envisaged in law, their application in practice lacks predictability.

Potential nexus: (imputed) political opinion.


 Read more in the COMMON ANALYSIS

2.2. Military deserters and defectors

Risk analysis: Well-founded fear would in general be substantiated.

Nexus for defectors / potential nexus for military deserters: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS


3. Persons with perceived links to ISIL

Risk analysis for **perceived members of ISIL and those perceived to have familial links to ISIL members:** Well-founded fear of persecution would in general be substantiated.

Risk analysis for **civilians who resided in territories controlled by ISIL:** Not all individuals would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the perceived level of support for ISIL.

Nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

4. Members of and persons

Risk analysis for **areas where the SNA operates:** Well-founded fear of persecution would in general be substantiated.

perceived to be collaborating with the SDF and YPG


Risk analysis for **Kurdish-controlled areas:** Not all individuals under this sub-profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (areas where ISIL continues to operate)
- visibility of the applicant
- position within the community
- nature of activities undertaken by the individual
- public expression of support for SDF/YPG or condemnation of ISIL's actions
- etc.

Nexus: (imputed) political opinion.

In relation to persecution by SNA, also potential nexus: race/nationality

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS


5. Persons perceived to be opposing the SDF/YPG

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (who is in control of the area of origin of the applicant, if the applicant was located in any of the IDP camps)
- the nature of activities and degree of involvement in activities perceived by SDF/YPG as opposition
- (perceived) affiliation with ISIL (see separate profile '3. Persons with perceived links to ISIL') or Turkish-backed forces (see also '1.1. Members of anti-government armed groups')
- being known to the Kurdish authorities (e.g. previous arrest)
- etc.

Nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to some sub-categories of this profile, such as ISIL members and members of the SNA.

 Read more in the COMMON ANALYSIS


6. Persons fearing forced or child recruitment by Kurdish forces

Risk analysis: Not all individuals from Kurdish-controlled areas would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender
- falling within an exception ground
- ethno-religious background
- age
- being in an IDP situation
- etc.

Potential nexus in the case of forced recruitment: While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.

Potential nexus in the case of child recruitment: The individual circumstances of the applicant need to be taken into account.


 Read more in the COMMON ANALYSIS

7.1. Members of the Government of Syria and Baath party officials

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

Nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS


7.2. Members of government armed forces and pro-government armed groups

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

With regard to the risk associated with leaving Syria, in addition to considerations related to 'The implications of leaving Syria' see '2.2. Military deserters and defectors'.

Nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.


 Read more in the COMMON ANALYSIS

7.3. Civilians perceived to be supporting the government

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (depending on the presence and activity of anti-government armed groups)
- level of (perceived) support or collaboration
- etc.

Nexus: (imputed) political opinion.

 Read more in the COMMON ANALYSIS

8. Journalists, other media professionals and citizen journalists


Risk analysis for journalists who are seen as critical by the actor in control of the particular area: Well-founded fear of persecution would in general be substantiated.

Risk analysis for other journalists: Not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- topic they report on
- regional aspects (reach of the actors they report on)
- visibility
- etc.

Nexus: (imputed) political opinion.

In relation to persecution by extremist groups, such as HTS, also potential nexus: religion.

 Read more in the COMMON ANALYSIS

9. Human rights activists


Risk analysis for human rights activists perceived as critical of the actor in control of the particular area: well-founded fear would in general be substantiated.

Risk analysis for other human rights activists: Not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- topic they work on
- regional specifics
- visibility
- etc.

Nexus: (imputed) political opinion.

In relation to persecution by extremist groups, such as HTS, also potential nexus: religion.

 Read more in the COMMON ANALYSIS

10. Doctors, other medical personnel and civil defence volunteers


Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances, could include:

- regional specifics (the risk is higher in areas affected by armed confrontations)
- perceived support for anti-government armed groups
- nature of activities (e.g. members of the White Helmets would generally be at higher risk)
- etc.

Potential nexus: (imputed) political opinion

In relation to risks such as kidnapping for ransom: generally, no nexus

* Some medical personnel may have been involved in excludable acts, such as discriminating practices with regard to treatment of wounded or aiding and abetting torture.


 Read more in the COMMON ANALYSIS

11.1. Sunni Arabs

Risk analysis: Being a Sunni Arab in itself would normally not lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, it would be related to circumstances falling under other profiles included in this guidance, such as ‘1. Persons perceived to be opposing the government’ and ‘3. Persons with perceived links to ISIL’. The individual assessment should also take into account risk-impacting circumstances, such as the regional specifics (e.g. living in areas controlled by extremist groups).

Potential nexus: (Imputed) political opinion.

In case of persecution by extremist groups, also: religion.

 Read more in the COMMON ANALYSIS


11.2. Kurds

Risk analysis for Kurds from areas under the control of the SNA: well-founded fear would in general be substantiated.

Risk analysis for other Kurds: Not all individuals would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- statelessness
- identity document
- area of origin and/or residency
- etc.

Potential nexus: race, nationality (statelessness) and/or (imputed) political opinion.

 Read more in the COMMON ANALYSIS

11.3. Druze

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (presence of extremist groups)
- perceived support for anti-government armed groups
- etc.

Potential nexus: race and/or religion and in some cases (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

11.4. Alawites

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (presence of anti-government and extremist groups)
- perceived opposition to the GoS
- etc.

Potential nexus: (imputed) political opinion.

In case of persecution by extremist groups, also: religion.

[→ Read more in the COMMON ANALYSIS](#)

11.5. Christians

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include regional specifics (e.g. Christians in areas where opposition armed groups or ISIL operate are at higher risk, lower risk in the GoS-controlled areas and in Kurdish-controlled areas where ISIL has no operational capacity), etc.

Nexus: religion and/or (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

11.6. Yazidis

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- regional specifics (presence and activity of extremist groups)
- gender
- etc.

Nexus: race/nationality and/or religion.

[→ Read more in the COMMON ANALYSIS](#)

11.7. Palestinians

For Palestinians who availed themselves of protection or assistance by


UNRWA: Refugee status is to be granted ipso de facto in accordance with Article 12(1)(a) QD.

For Palestinians who did not avail themselves of protection or assistance by UNRWA:

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of habitual residence
- identity documents
- (perceived) involvement with a party in the conflict
- etc.

Nexus: (imputed) political opinion and/or nationality.

 Read more in the COMMON ANALYSIS

12. Women


The different forms of violence against women in Syria are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

12.1. Violence against women and girls: overview

Risk analysis: Not all women and girls face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- perception of traditional gender roles in the family
- poor socio-economic situation
- social status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, such as widows, divorced or separated women, displaced women and girls, women and girls with disabilities, female heads of households)
- area of origin or residence (e.g. in relation to presence of extremist groups)
- lack of documentation (e.g. death certificates of husbands)
- etc.


Potential nexus: (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

 Read more in the COMMON ANALYSIS

12.2. Women perceived to be associated with anti-government armed groups

See the profiles:

- ‘1. Persons perceived to be opposing the government’
- ‘3. Persons with perceived links to ISIL’

 Read more in the COMMON ANALYSIS


12.3. Forced and child marriage

Risk analysis: Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to forced/child marriage. Risk-impacting circumstances could include:

- young age

- personal status
- area of origin and residence
- ethnicity
- religion
- perception of traditional gender roles in the family
- poor socio-economic situation of the family
- living in IDP situation
- etc.

Potential nexus: membership of a particular social group (e.g. in relation to refusal to enter into a forced or child marriage).


 Read more in the COMMON ANALYSIS

12.4. Women perceived to have violated family honour

Risk analysis: Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violation of family honour. Risk-impacting circumstances could include:

- age
- personal status
- area of origin and residence
- perception of traditional gender roles in the family or community
- situation of the family
- etc.

Potential nexus: membership of a particular social group (e.g. women who have previously been subjected to sexual violence).


 Read more in the COMMON ANALYSIS

12.5. Single women and female-headed households

Risk analysis: Not all women and girls under this sub-profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- personal status
- area of origin and residence
- perception of traditional gender roles in the family or community
- economic situation
- availability of civil documentation
- education
- etc.

Potential nexus: membership of a particular social group (e.g. divorced women or widows).

 Read more in the COMMON ANALYSIS

13. Children


The section on children addresses certain child-specific circumstances of increased vulnerability and risks that children in Syria may be exposed to:

13.1. Violence against children: overview

Risk analysis: Not all children face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- family members perceived to be involved with the opposition or anti-government armed groups (see '1. Persons perceived to be opposing the government', '3. Persons with perceived links to ISIL')
- poor socio-economic situation (e.g. residing in IDP camps)
- social status (the risk of sexual violence and exploitation is higher for separated and unaccompanied children and for children in female-headed households)
- area of origin or residence
- lack of documentation
- religion
- etc.

Potential nexus: (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

 Read more in the COMMON ANALYSIS


13.2. Child recruitment

Risk analysis: Not all children face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. Risk-impacting circumstances could include:

- poor socio-economic situation (for example, residing in IDP camps)
- social status
- area of origin or residence
- ethnicity
- etc.

Potential nexus: The individual circumstances of the applicant need to be taken into account.

* See also '6. Persons fearing forced or child recruitment by the Kurdish forces'.

 Read more in the COMMON ANALYSIS


13.3. Child labour

Risk analysis: Not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour. Risk-impacting circumstances could include:

- age
- gender


- poor socio-economic status of the child and his or her family (e.g. being a member of a female-headed household)
- being in an IDP situation
- region of origin or residence
- etc.

Potential nexus: The risk of child labour as such may not generally imply a nexus to a reason for persecution. However, the individual circumstances of the applicant need to be taken into account.

 Read more in the COMMON ANALYSIS

13.4. Child marriage

See the section on '12.3. Forced and child marriage' under the profile 'Women'.


 Read more in the COMMON ANALYSIS

13.5. Access to education

Risk analysis: Not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to education. Risk-impacting circumstances could include:

- identification documents
- gender (girls are at a higher risk)
- perception of traditional gender roles in the family
- poor socio-economic situation of the child and the family
- IDP situation
- area of origin and residence
- etc.

Potential nexus: The individual circumstances of the child should be taken into account. For example, in the case of denied identity documentation due to origin from an opposition-held territory, (imputed) political opinion may apply.


 Read more in the COMMON ANALYSIS

13.6. Lack of documentation

Risk analysis: Not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to documentation. Risk-impacting circumstances could include:

- deceased or missing fathers
- being born out of wedlock or as a result of sexual violence
- area of origin and residence
- gender
- poor socio-economic situation of the child and the family
- IDP situation
- member of a female-headed household
- etc.


Potential nexus: The individual circumstances of the child should be taken into account. For example, in the case of children born as a result of sexual violence, persecution may be for reasons of membership of a particular social group.

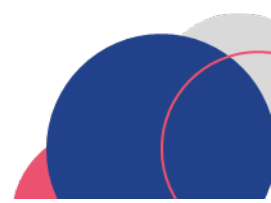
 Read more in the COMMON ANALYSIS

14. LGBTI

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Nexus: membership of a particular social group.

 Read more in the COMMON ANALYSIS



III. Subsidiary protection

The contents of this section include:

[Article 15\(a\) QD](#): death penalty or execution

[Article 15\(b\) QD](#): torture or inhuman or degrading treatment or punishment

[Article 15\(c\) QD](#): serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Article 15(a) QD

Death penalty or execution

The death penalty is envisaged under the Syrian Penal Law and can be imposed for the following crimes: aggravated murder, military offenses, terrorism-related offenses, drug trafficking, treasonous acts, arson resulting in death, gang robbery resulting in death, as well as other offenses not resulting to death, such as subjecting a person to torture or barbaric treatment during commission of a gang-robbery; attempting a crime punishable by the death penalty; and being convicted for the second time for a felony punishable by forced labour for life.

In addition, the Counter-Terrorism Law No.19 was adopted in 2012. It defines terrorism broadly and envisages harsh punishment, including the death penalty. The Military Field Courts, which try civilians and military personnel for 'crimes committed during wartime or during military operations' can also impose the death penalty upon approval by the President of Syria. There are reports that that death penalties and executions were extensively implemented in Syria's prisons. However, no official figures have been disclosed by the GoS. An amnesty decree was issued by President Bashar al-Assad in September 2019 reducing death penalty to life imprisonment. However, there is no available information regarding the implementation of the decree.

In Kurdish-controlled areas, a legal code based on the 'Social Contract' is applied by the Kurdish authorities. According to it, the death penalty has been abolished.

Extremist groups such as HTS and ISIL have carried out public executions, beheadings and crucifixions for transgressing the moral codes of the Sharia law in areas under their control, killing hundreds of civilians. They also reportedly subjected women, girls, and minorities to illegal executions for breach of the imposed codes and for 'dishonouring' their families.

Some profiles of applicants from Syria may be at risk of death penalty or execution. In such cases there could be nexus to a Convention ground (see for example the profiles [1. Persons perceived to be opposing the government](#), [2.2. Military deserters and defectors](#), [3. Persons with perceived links to ISIL](#)).

In cases where there is no nexus to a reason for persecution under the definition of a refugee, the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Please note that [exclusion](#) considerations could be relevant.



Read more in the COMMON ANALYSIS

Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

In the cases of applicants for whom torture or inhuman or degrading treatment or punishment may be a real risk, there would often be a nexus to a reason for persecution under the definition of a refugee, and such individuals would, therefore, qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground and the applicant would not qualify for refugee status, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of a third party, in particular the intentional deprivation of the applicant of appropriate healthcare.¹⁵

However, there are reports that in parts of the country, the actors in the conflict have deliberately targeted civilian infrastructure, including healthcare facilities. In such cases, the application of [Article 15\(b\) QD](#) may be considered where refugee status has not been found to apply.

- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Prison and detention centres in Syria have been reported as harsh and, in many instances, life-threatening, due to food shortages, gross overcrowding, physical and psychological abuse, and inadequate sanitary conditions and medical care. Reports mention that prisoners and detainees face the risk of ill-treatment and even execution, while deaths in custody resulting from torture or other ill-treatment have been documented. Various methods of torture have been reported, including physical violence, sexual torture, psychological torture, health neglect and detention conditions, forced labour, torture in military hospitals and separation. Children are not separated from adults and are held in the same prisons, suffering from the same types of torture.

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under [Article 15\(b\) QD](#) can occur.

Where there is no nexus to a reason for persecution, such treatment may qualify under [Article 15\(b\) QD](#).

Please note that [exclusion](#) considerations could be relevant.

¹⁵ CJEU, *M'Bodj*, paras. 35-36. Recent jurisprudence of the CJEU, furthermore, addresses the case of an applicant who has been tortured by the authorities of his country of origin and who no longer faces a risk of being tortured if returned to that country, but whose physical and psychological health could, if so returned, seriously deteriorate, leading to a serious risk of him committing suicide on account of the trauma resulting from the torture. In this case, the CJEU considers that Article 15(b) QD is applicable if there is a real risk of the applicant being intentionally deprived, in his or her country of origin, of appropriate care for the physical and mental after-effects of that torture (CJEU, *MP v Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018, para. 59).



Read more in the COMMON ANALYSIS

Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

The necessary elements in order to apply [Article 15\(c\) QD](#) are:



Figure 4. Article 15(c) QD: elements of the assessment.

In order to apply [Article 15\(c\) QD](#), the above elements should be established cumulatively.



Read more in the COMMON ANALYSIS

The following is a summary of the relevant conclusions concerning the situation in Syria:

- a. **Armed conflict:** As of 2020, there are multiple overlapping non-international (internal) and international armed conflicts taking place in Syria:
- The government of Syria is involved in a non-international armed conflict with various anti-GoS armed groups, most notably HTS, the SNA and ISIL.
 - The US-led coalition against ISIL is in an international armed conflict with Syria, due to its military intervention in Syria without the consent of the GoS.
 - Syria is also in an international armed conflict with Turkey, who has carried out military operations against ISIL and Kurdish armed groups in Syria, and controls parts of northern Syria with the help of anti-government armed groups. Military confrontations between Syrian and Turkish armed forces took place during the conflict, most recently in March 2020.
 - Turkey is also engaged in a non-international conflict in Syria with YPG forces.
 - Syria is involved in an international armed conflict with Israel, who has been conducting airstrike on Iranian targets in Syria without the consent of the GoS.



Read more in the COMMON ANALYSIS


- b. **Civilian:** [Article 15\(c\) QD](#) applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity.

The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- Syrian Armed Forces
- Pro-government militias
- SDF and Asayish
- SNA
- HTS and other anti-government armed groups
- ISIL and its predecessor groups

It should be noted that actively taking part in hostilities is not limited to openly carrying arms, but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her.

 Read more in the COMMON ANALYSIS

- c. **Indiscriminate violence:** Indiscriminate violence takes place to a different degree in different parts of the territory of Syria. The map below summarises and illustrates the assessment of indiscriminate violence per governorate in Syria. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (primarily, 1 January 2019 - 29 February 2020). Up-to-date country of origin information should always inform the individual assessment.

Syria: Level of indiscriminate violence

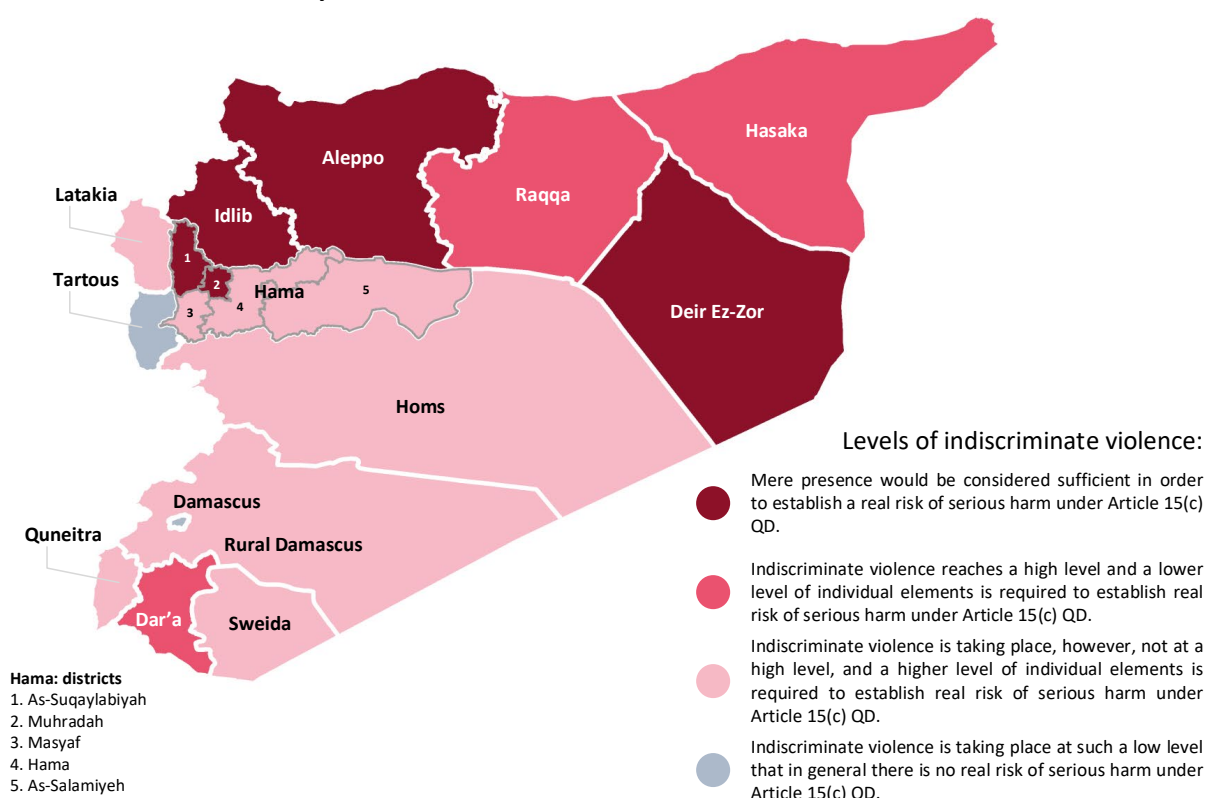


Figure 5. Level of indiscriminate violence in situations of armed conflict in Syria (based on data as of 29 February 2020).

For the purposes of the guidance note, the governorates of Syria are categorised as follows:

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant territory, would **solely on account of his or her presence** there, face a real risk of being subjected to the serious threat referred to in [Article 15\(c\) QD](#).

This includes the governorates of *Aleppo*, *Deir Ez-Zor*, *Idlib*, and the districts of *As-Suqaylabiyah* and *Muhradah* in the governorate of Hama.

Territories where 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#), however, indiscriminate violence reaches a high level, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

This includes the governorates of *Dar'a*, *Hasaka*, and *Raqqa*.

Territories where indiscriminate violence is taking place, however not at a high level and, accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

This includes the governorates of *Homs*, *Latakia*, *Quneitra*, *Rural Damascus*, and *Sweida*, and the districts of *Hama*, *Masyaf* and *As-Salamiyeh* in the governorate of Hama.

Territories where indiscriminate violence is taking place at such a low level that **in general there is no real risk for a civilian** to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

This includes the governorates of *Damascus* and *Tartous*.



Read more in the COMMON ANALYSIS

- d. **Serious and individual threat:** Certain applicants may be considered at enhanced risk of indiscriminate violence, including its direct and indirect consequences due to, inter alia: geographical proximity to areas which are targeted by violence, age, gender, health condition and disabilities, lack of a social network, etc.

Profiles at enhanced risk of indiscriminate violence could include, for example:

- Civilians who lack the knowledge or the capacity to properly assess a situation and therefore expose themselves to risks related to indiscriminate violence (e.g. children - depending on their environment, family background, parents or guardians, and level of maturity; mentally disabled persons; IDPs who may enter areas without knowing the local risks).
- Civilians who are less able to avoid risks of indiscriminate violence such as by way of seeking temporary shelter from fighting or attacks (e.g. persons with disabilities or serious illnesses; elderly; those in an extremely dire economic situation; agricultural workers who plough the land).

- Civilians who may be substantially and materially affected by violence because of their geographical proximity to a possible target (e.g. those living in proximity to known targets, such as local markets, schools, medical facilities, IDP camps in areas controlled by anti-government armed groups).



Read more in the COMMON ANALYSIS

- e. **Threat to life or person:** The risk of harm as per Article 15(c) QD is formulated as a 'threat to a civilian's life or person' rather than as a (threat of) a specific act of violence. Some of the commonly reported types of harm to civilians' life or person in Syria include killing, injury, abduction, child recruitment, explosive remnants of war, etc.



Read more in the COMMON ANALYSIS

- f. **Nexus:** The nexus 'by reason of' refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian's life or person) and includes:

- Harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, *and*
- Harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is a demonstrable link with the indiscriminate violence, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid, limited access to healthcare facilities.



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IV. Actors of protection

Article 7 QD stipulates that protection can only be provided by:

a. the State;

b. parties or organisations controlling the State or a substantial part of the territory of the State;

provided they are **willing and able** to offer protection, which must be:

effective and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection, prosecution and punishment** of acts constituting persecution or serious harm,

and when the applicant has **access to such protection**.

The State

The Government of Syria

Assad and Baath Party leaders dominate all branches of government as an authoritarian regime.

Despite the government's ability to recapture the majority of Syria's territory, the conflict significantly affected the State's role, reach and institutional capacity in government-held areas. The government lacks the forces to secure the areas it retakes, but also pursues punitive policies against local populations. At the same time, the GoS reportedly managed to maintain State institutions and economic entities functional to a certain degree, despite the economic pressure.

The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent and is subjected to political influence, intimidation and abuse, lacks adherence to legal procedures and suffers from widespread corruption. The right to a fair trial is enshrined in the Constitution but is not respected in practice. Other serious deficiencies in the judicial system were also reported, such as very slow procedures, pre-trial detention exceeding the sentence for the crime, judges with no legal training. In the World Bank's 2018 indicator for rule of law, Syria scored 0.96 out of 100.

Corruption was also reportedly a widespread problem in the police forces. The police were reported to take part in arbitrary home raids and warrants were rarely issued or presented by the police when operating arrests.

In general, the GoS would not be considered an actor of protection meeting the criteria under Article 7 QD. However, in very exceptional cases, it might be established that the GoS is willing and able to provide protection that is effective and non-temporary.



Read more in the COMMON ANALYSIS

Parties or organisations controlling the State or a substantial part of the territory of the State

Northern and Eastern Syria Autonomous Administration

In the Kurdish-controlled territories in northeast Syria, Kurdish forces have introduced self-governing sub-regional security and governance institutions. They also introduced and operate their own justice system in

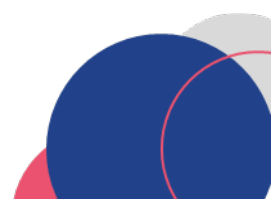
the areas under their control. The Kurdish justice system is not recognised internationally or by the Syrian government and reportedly lacks fair trial standards. Moreover, the lack of due process and reported human rights violations by the Kurdish security forces would not qualify such a justice mechanism as a legitimate form of protection.

Therefore, it can be concluded that the Northern and Eastern Syria Autonomous Administration in the Kurdish-controlled areas in Syria do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.



Read more in the COMMON ANALYSIS

Where no actor of protection meeting the requirements of [Article 7 QD](#) can be identified in the home area of the applicant, the assessment may proceed with examination of the availability of [internal protection alternative](#).



V. Internal protection alternative

The required elements in order to apply [Article 8 QD](#) are:

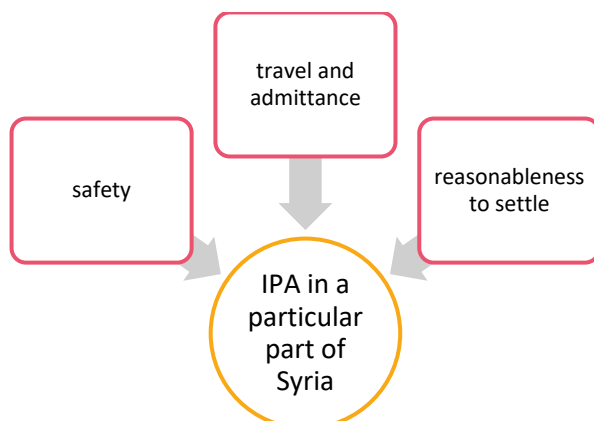


Figure 6. Internal protection alternative: elements of the assessment.

In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Syria, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements to indicate that IPA should not be applied to him or her.



Read more in the COMMON ANALYSIS

Part of the country

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case. Existing ties with the place, such as previous experience and/or availability of a support network could, for example, be taken into account when focusing on a particular part of the country.

For the purposes of this document, the analysis focuses on the possibility of applying IPA with regard to Damascus City - the capital and the most important economic centre in Syria.



Read more in the COMMON ANALYSIS

Safety

The criterion of safety would be satisfied where there is no well-founded fear of persecution or real risk of serious harm, or where protection is available.

Absence of persecution or serious harm

The assessment should take into account:

► general security situation

The general security situation in Damascus City should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#). Looking at the indicators in this regard, it can be concluded that indiscriminate violence is taking place in the governorate of Damascus, at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

► actor of persecution or serious harm and their reach

In case where the person fears persecution or serious harm by State actors, internal protection in Damascus would in general not be considered safe.

With regard to persecution or serious harm by SDF, YPG, ISIL, HTS or other anti-GoS armed groups, it should be noted that these groups are active within certain regions and their operational capacity in Damascus City is currently limited. Therefore, the criterion of safety may be considered satisfied in most cases. However, particular consideration should be given to the individual circumstances of the applicant and whether or not they are perceived by the actor as a priority target.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Syria and the actor of persecution or serious harm can be the Syrian society at large (e.g. for [14. LGBTI](#) and [12. Women](#)), IPA would in general not be safe. It should also be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.¹⁶

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the family or community (e.g. forced marriage, honour crime), taking into account the lack of State protection and their vulnerability to potential new forms of persecution or serious harm, IPA would in general not be safe.

See also [I. Actors of persecution or serious harm](#).

► whether or not the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm

The profile of the applicant could make him or her a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace him/her in Damascus City.

► other risk-enhancing circumstances

The information under the section [II. Refugee status](#) should be used to assist in this assessment.

Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered. However, in light of the analysis in the chapter [IV. Actors of protection](#), the possibility to consider the criterion of safety satisfied in relation to availability of protection would be limited to very exceptional cases.

The requirement of **safety** may be satisfied in Damascus City, depending on the profile and the individual circumstances of the applicant. For those who have a well-founded fear of persecution by the GoS and/or by society at large, IPA in Damascus will generally not meet the criterion of safety.



Read more in the COMMON ANALYSIS

Travel and admittance

In case the criterion of 'safety' is satisfied, as a next step, case officers have to establish whether an applicant can:

¹⁶ CJEU, X, Y and Z, paras. 70-76; CJEU, Y and Z, para. 80.

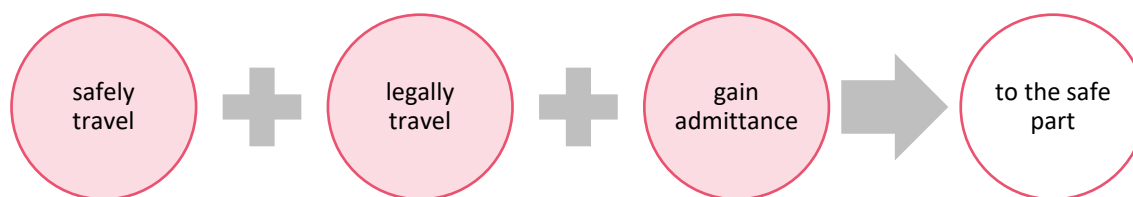


Figure 7. Travel and admittance as requirements for IPA.

It should be noted that in the context of Syria and in particular the security measures related to State actors, the three requirements should be read in conjunction.

- ✓ **Safely travel:** When assessing the requirement of safety of travel, the presence of permanent and potential temporary checkpoints should be taken into account. Passing through checkpoints requires identification documents.

Treatment at checkpoints was reported to include arbitrary arrests, extrajudicial detentions, torture and forced disappearances. Profiles at particular risk of arrest at checkpoints tend to be those who return to Syria without security permission or reconciliation in place prior to traveling, individuals who work or carry out activities believed to oppose the government, men of military age, and those with family members who were forcibly displaced to Idlib or Aleppo. Particular attention should also be given in the case of women, as the insecurity has affected them disproportionately and restrictions on them have intensified.

- ✓ **Legally travel:** According to the Syrian Constitution, Syrians enjoy freedom of movement, travel and residence inside Syria unless restricted by a 'judicial decision or by the implementation of laws'.

- ✓ **Gain admittance to:** As from the beginning of 2019, the Syrian Ministry of the Interior announced that it would no longer require a security clearance as a prerequisite for registering a lease with municipalities, but that a lease would be registered at the municipality and the data then forwarded to the security authorities, so that the security authorities could only raise objections afterwards. This has reportedly been implemented in Damascus. However, all Syrians returning to the jurisdiction of the government of Syria are forced to interact directly with the security sector - including giving extensive background information that may incriminate them or their family members, with no guarantees about how information will be used.

For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA in Damascus City should proceed with an assessment of the **requirements of safety and legality of travel and of gaining admittance**.

The profile and individual circumstances of the applicant should be taken into account in this regard. For individuals who would return to Syria without identity documents or without security permission or reconciliation in place prior to traveling, these requirements would not be satisfied.



Read more in the COMMON ANALYSIS

Reasonableness to settle

According to [Article 8 QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence and to the availability of basic healthcare.

General situation

The following elements should be examined based on available country of origin information:

- the situation with regard to food security;
- the availability of basic infrastructure and services, such as:
 - shelter and housing;
 - basic healthcare;
 - hygiene, including water and sanitation;
- the availability of basic subsistence that ensures access to food, hygiene and shelter, such as through employment, existing financial means, support by a network or humanitarian aid.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

The general circumstances prevailing in Damascus assessed in relation to the factors above entail significant hardship. However, they do not preclude the reasonableness to settle in the city as such. The person's ability to navigate the above circumstances will mostly depend on access to financial means and in exceptional cases, the reasonableness requirement may be satisfied. The assessment should take into account the individual circumstances of the applicant.



Read more in the COMMON ANALYSIS

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- civil documentation
- gender
- age
- support network
- professional and educational background and financial means
- ethnoreligious and linguistic background
- state of health
- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact when determining to what extent it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.



Read more in the COMMON ANALYSIS

Conclusions on reasonableness

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in Damascus City and the individual circumstances of such applicants, as outlined in the sections above.

For those applicants who meet the 'safety' and 'travel and admittance' requirements under [Article 8\(1\) QD](#), the availability of IPA in Damascus City will depend on the assessment of the **reasonableness to settle** there.

Based on the general situation in the capital city, and taking into account the applicable individual circumstances, internal protection in Damascus City may be a reasonable alternative only in exceptional cases, in particular for some adult applicants who have educational and professional background facilitating their access to employment, or a support network who is able to assist them in accessing basic subsistence, or those who otherwise have sufficient financial means. In this regard, the rapidly evolving economic situation and food insecurity, as well as the impact of covid-19 on those and on the healthcare system in Damascus, should also be considered.

VI. Exclusion

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

| Grounds for exclusion | | | |
|-----------------------|---|---|------------------------------|
| Refugee status | ▪ | a crime against peace, a war crime, or a crime against humanity | Subsidiary protection |
| | ▪ | a serious non-political crime outside the country of refuge prior to his or her admission as a refugee | |
| | ▪ | acts contrary to the principles and purposes of the United Nations | |
| | ▪ | a crime against peace, a war crime, or a crime against humanity | |
| | ▪ | a serious crime | |
| | ▪ | acts contrary to the principles and purposes of the United Nations | |
| | ▪ | constituting a danger to the community or to the security of the Member State in which the applicant is present | |
| | ▪ | other crime(s) (under certain circumstances) | |

It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant, while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to his or her application.



Read more in the COMMON ANALYSIS

In the context of Syria, various circumstances may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. While the focus in this chapter is primarily on the recent events, it should be highlighted that applicants can be excluded from international protection for acts committed in the more distant past (e.g. during the Syrian Occupation of Lebanon (1976-2005) or in the context of the Muslim Brotherhood Uprising in Syria (1979-1982), or based on their involvement in other excludable acts of the Syrian regime). In the context of the different conflicts since 2011, most actors have been widely reported to engage in actions which may lead to exclusion.



Read more in the COMMON ANALYSIS

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Syria.

a. Crime against peace, war crime, crime against humanity

It can be noted that the ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Syria.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Muslim Brotherhood uprising, could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Violations of international humanitarian law by different parties in the current and in past conflicts in Syria could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Some acts in the current conflicts, such as extrajudicial killings, torture and forced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of the SAA, the GoS intelligence- and security services and associated armed groups (e.g. NDF), as well as anti-government armed groups (e.g. FSA, ISIL, Jabhat al-Nusra/HTS, SNA), Kurdish political actors (PYD) and security forces (SDF, YPG, Asayish) can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

In terms of qualifying the relevant acts as war crimes, the following classification of some of the conflicts taking place in Syria may be relevant:

- non-international armed conflict between GoS and various anti-GoS armed groups, most notably HTS, SNA and ISIL;
- international armed conflict between the US-led coalition against ISIL and GoS (due to its military intervention in Syria without the consent of the GoS);
- international armed conflict between Syria and Turkey, as the GoS has not accepted Turkish presence on its territory. Military confrontations between Syrian and Turkish armed forces also took place during the conflict;
- international armed conflict between Syria and Israel, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS;
- non-international armed conflict between Turkey and the YPG forces.

b. Serious (non-political) crime

Criminal activity in Syria is widely reported including kidnappings, assassinations, gun smuggling, drug smuggling, human trafficking and robberies. Such serious (non-political) crimes would trigger the application of [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#).

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

c. Acts contrary to the purposes and principles of the United Nations

(Former) membership in terrorist groups such as ISIL and Jabhat al-Nusra/HTS could trigger relevant considerations and require an examination of the applicant’s activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#). The application of

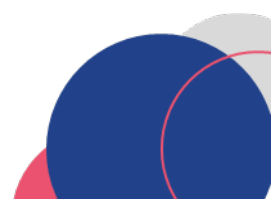
exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

d. Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground [under Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.



Common analysis: Syria

General remarks, including the implications of leaving Syria

The Syrian armed conflict began in 2011 as a civil uprising against the government of President Bashar al-Assad, inspired by the Arab Spring protests across the Middle East. Since 2012, the conflict became increasingly violent and developed in a full-scale civil war, as armed opposition groups confronted Syrian government forces and began seizing key territories. The rise of Islamist groups and subsequent infighting marked another phase in the conflict that culminated in 2014, with the Islamic State of Iraq and the Levant (ISIL) conquering large areas in the eastern part of the country and further into Iraq, and establishing the so-called 'Islamic State caliphate'. The creation of the 'caliphate' prompted the military intervention of an international US-led coalition against ISIL. Since late 2015, military interventions of other external actors in support of Assad marked the comeback of the Syrian government, which gradually recaptured most territories and consolidated its control. By the end of 2018, the conflict was viewed as having shifted decisively in Assad's favour. [\[Actors, 1.1\]](#)

During the course of the war, Syria became the scene for a series of intersecting conflicts involving many internal and international actors [\[Actors, 1.1\]](#). Three main campaigns have driven the conflict in Syria: violence between the Syrian government and opposition forces; the efforts of a US-led coalition to defeat ISIL; and the military operations against Syrian Kurds by Turkish forces [\[Security 2020, 1.4\]](#). Complex alliances, shifting allegiances, rivalries and conflicting interests between the actors involved continue to affect the balance of power and to foster uncertainty [\[Actors, 1.1\]](#).

Hundreds of thousands of civilians have been killed, with most international experts estimating the number around 500 000 since the beginning of the conflict [\[Security 2020, 1.6.3\]](#). The conflict has also caused the biggest displacement crisis in the world. Over 5.5 million Syrians live as refugees in the region and more than six million are displaced within the country [\[Security 2020, 1.6.5\]](#).

The significant impact on the civilian population in the country has been the result of deliberate targeting by multiple actors, as well as risks associated with indiscriminate violence.

The individual assessment of international protection needs should also take into account the presence and activity of [different actors](#) in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. Moreover, the assessment should account for the dynamically changing security situation in the country.

It should also be noted that in some cases, where international protection needs would be established, exclusion considerations may be relevant.

»»» The implications of leaving Syria

It is inherent in the situation of applicants for international protection that they have left their country of origin. In the context of Syria, and in particular of targeting by the government of Syria (GoS), this in itself could have implications for the treatment of an individual upon return.¹⁷ This section is to be read in conjunction with the other sections of this country guidance, and in particular those concerning different profiles under [II. Refugee status, Article 15\(b\) QD](#), [IV. Actors of protection](#) and [V. Internal protection alternative](#).

¹⁷ This section uses the terms 'return' and 'returnee' in their usual meaning in everyday language, and not in accordance with Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive).

Given the Syrian forces' territorial gains over the past years, the government is trying to foster the image of stability and is now calling on refugees to return. This contravenes the Syrian government's earlier approach on return, which perceived the mass exodus as a means of gaining a more homogenous society and ensuring subservience from the civilian population [IDPs and returnees, 3.1]. In August 2018, the GoS announced that Syrians who had left the country illegally during the war would not encounter problems because of illegal exit, whilst until then illegal exit was punishable with imprisonment and fines [Targeting, 1.3.6].

Over 5.5 million Syrian refugees are registered in neighbouring countries. Over 75 000 verified Syrian refugees had spontaneously returned to Syria between January and September 2019, but actual numbers may be higher. As of 31 October 2019, over 200 000 self-organised refugee returns have been documented. [Targeting, 1.3.1]

Neighbouring countries such as Lebanon and Turkey have also increased pressure on Syrian refugees to return. Economic and political challenges facing both countries are additional push factors to return refugees to Syria. Turkey has been providing support for integration and voluntary return of Syrians since 2016. Whereas the government of Turkey stated in September 2019 that around 350 000 Syrians have 'voluntarily' returned to Syria, several sources have reported that forced returns and deportations were taking place. Some deportees reported that they were arrested and imprisoned by Islamist groups on the Syrian side of the border [Targeting, 1.3.2, 1.3.3]. The Turkish military offensive in October 2019, 'Operation Peace Spring', partly aimed to establish 'safe zones' in which up to two million Syrian refugees could be returned. The majority of Turkey's 3.6 million Syrian refugees are Sunni Arabs, originating from areas outside the Kurdish-dominated areas of the north-east, and a population movement of this magnitude raises concerns of an altering effect on the demographic balance in the area. [IDPs and returnees, 3.1]

Lebanon also facilitates voluntary returns. Furthermore, Syrians who entered Lebanon irregularly can be legally deported to Syria since 24 April 2019. There is no monitoring whether or not returns are voluntary. There have been reports of Syrian refugees who were forced to sign voluntary return forms and deported from Lebanon, even while they expressed fear of torture or persecution if returned. At least three returnees were reportedly detained upon arrival in Syria [Targeting, 1.3.3].

The government of Jordan had not taken measures to facilitate large-scale voluntary returns as of October 2019 [Targeting, 1.3.4].

For persons who wish to return to Syria after having left illegally, such as via an unofficial border crossing, 'sorting out of affairs' or legalising one's status (*taswiyat al-wada*) are the terms the GoS uses to describe the process of reconciling with the government as an individual, either as a result of the different reconciliation agreements or through individual agreements [Recaptured areas, 2.5].

Syrians wishing to return to their place of origin in GoS-retaken areas, are requested to gain security approval by going through a 'security clearance' involving interrogation by Syrian security forces. This 'clearance' implies providing extensive information on any involvement they had with the political opposition. The GoS guarantees 'forgiveness' to returnees when they tell the truth. However, in many cases this does not work out as promised. About three quarters of Syrians returning to GoS-held areas had been harassed, conscripted into the military despite promises they would be exempted, or arrested. [Targeting, 1.3.5]

Returnees at the border may be detained for a short period - between one hour and several days. Even among the 'voluntary returnees', persons who had evaded military conscription or who (or family members of whom) had connections with an armed opposition group, or who are part of an NGO inside or outside Syria, or are travelling back and forth to Syria from abroad, may face issues such as extortion, forced conscription, arrest, detention, torture and death in custody [Targeting,

1.3.6]. Disappearances and arrests on return to Syria, including at the airport in Damascus, have been reported. The Syrian Network for Human Rights (SNHR) noted that since 2014, they documented at least 1 916 arrests of Syrian refugees who returned to Syria; of these, 1 132 were released and 784 remained detained, of whom 638 were ‘forcibly disappeared’. SNHR documented 15 cases of returnees who were reportedly killed due to torture. Cases of arrests and forced disappearances of refugees who had settled their cases with security services through consulates or committees for reconciliation were also reported. [\[Damascus, 2.3; IDPs and returnees, 3.5\]](#)

Returnees face a lack of rule of law, widespread human rights violations and poor economic prospects. State guarantees as part of reconciliation agreements are not fulfilled, for both individuals and communities. Returnees have been arrested, detained, harassed or conscripted after they had completed the reconciliation process and received protection papers. Furthermore, the control of Syrian security sector over society is strengthening. The Syrian military and security services arrest and detain individuals to gather intelligence, to punish those considered to be disloyal, and to extract payments from families for the release of the detained. [\[Targeting, 1.3.6\]](#)

Returnees also experience many difficulties to gain access to the properties that they held before fleeing the country, due to lack of documentation and identification. Looting, expropriations and damage of properties are major housing-related concerns for Syrians. Returnees to recaptured parts of Rural Damascus, Dar’a, Homs and Aleppo were also asked to pay fees for water, electricity, phone, municipal and real estate taxes during the period they fled. [\[Targeting, 1.3.6\]](#)

According to some sources, there were no consequences known of having applied for asylum abroad and the sources had no information that such applicants were punished on return. [\[Targeting, 1.3.6\]](#)

The fact of having left Syria in itself would not normally lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, this would be related to circumstances falling under other profiles included in this guidance, and in particular [Persons perceived to be opposing the government](#). However, in some cases, returnees could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. arrest, torture) and a nexus to a reason for persecution may be substantiated. In cases where no nexus can be substantiated, the implications of having left Syria may be a relevant consideration with regard to subsidiary protection. They should also be taken into account when assessing the willingness of the GoS to provide protection in the meaning of [Article 7 QD](#) and in the assessment of IPA.

I. Actors of persecution or serious harm

This chapter looks into the topic of ‘actors of persecution or serious harm’. It focuses on the main actors in Syria, their areas of presence and control, the violations they have reportedly committed, and, where applicable, their structure and organisation.

The contents of this chapter include:

[Preliminary remarks](#)

[Overview: areas of control](#)

[1.1. The Government of Syria and associated armed groups](#)

[1.2. Syrian Democratic Forces and Asayish](#)

[1.3. Anti-government armed groups](#)

[1.4. Islamic State of Iraq and the Levant \(ISIL\)](#)

[1.5. Other non-State actors](#)

Preliminary remarks

[Article 6 QD](#) defines ‘actors of persecution or serious harm’ as follows.

Article 6 of the Qualification Directive Actors of persecution or serious harm

Actors of persecution or serious harm include:

- a) the State;
- b) parties or organisations controlling the State or a substantial part of the territory of the State;
- c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)). For example, it cannot simply be the result of general shortcomings in the health system of the country of origin.¹⁸

The notion of ‘**State**’ within the meaning of [Article 6\(a\) QD](#) should be broadly interpreted. It encompasses any organ exercising legislative, executive, judicial or any other function(s) and acting at any level, be it central, federal, regional, provincial or local. It could, for example, include the civil service, armed forces, security and police forces, etc. In some cases, private entities may also be given State powers and therefore be considered a State actor of persecution or serious harm.

‘**Parties or organisations controlling the State or a substantial part of the territory of the State**’ can refer to two possible scenarios:

- Parties or organisations amounting to de facto State actors because they exercise elements of governmental authority; or
- Parties or organisations controlling a substantial part of the State’s territory in the context of an armed conflict.

¹⁸ CJEU, *Mohamed M'Bodj v État belge*, C-542/13, judgment of 18 December 2014, paras. 35-36.

Non-State actors against whom protection is not effectively provided are also recognised as actors of persecution or serious harm in the meaning of [Article 6 QD](#). Non-State actors could, for example, include individuals and groups, such as clans and tribes, guerrillas and paramilitaries, militias, extremist religious groups, terrorists, criminals, political parties and family members, including members of the extended family, etc.

Overview: areas of control

In Syria, a wide range of different groups and individuals can be considered as actors of persecution or serious harm. This includes a multitude of internal and international actors pursuing their own interests and goals. The conflict in Syria has become increasingly international in character, drawing the involvement of countries such as the United States, Russia, Turkey, Iran, Israel and others [[Actors](#), 1.2; [Security 2020](#), 1.1-1.3].

The following subsections highlight the main actors of persecution or serious harm in Syria in a non-exhaustive manner. Their areas of control and activity are outlined below.

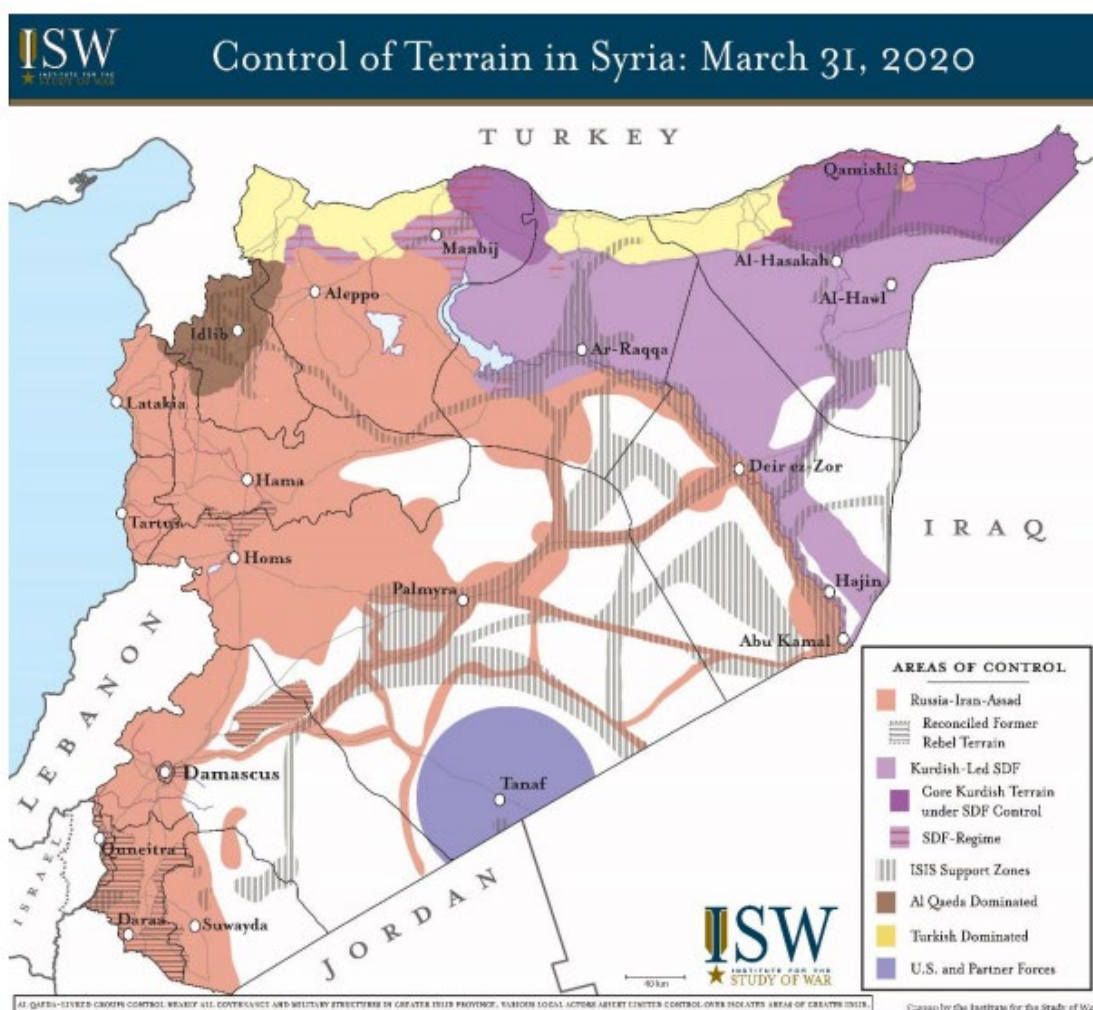


Figure 8. © ISW, Control of terrain in Syria, 31 March 2020.

- The **GoS** controlled most of the country, including the major cities of Damascus, Aleppo, Homs and Hama, and nearly all governorates' capitals [[Security 2020](#), 1.5.1].
- In the north-east, Kurdish-led **Syrian Democratic Forces (SDF)** controlled most of the territory that was previously under ISIL control in Syria, including most of Raqqqa and Hasaka governorates, part

of Deir Ez-Zor governorate north-east of the Euphrates, and parts of Aleppo governorate around Manbij and Kobane, and the area around Tal Rifaat [Security 2020, 1.5.3].

- Turkish-backed armed groups operating under the umbrella of the **Syrian National Army (SNA)** controlled areas in northern Aleppo, in the context of 'Operation Euphrates Shield' (the area between Azaz, Al-Bab, and Jarablus) and 'Operation Olive Branch' (Afrin district). The Turkish-led offensive of October 2019 into Kurdish-controlled areas, dubbed 'Operation Peace Spring', also led to the creation of a so-called 'safe zone' extending to a depth of 32 km inside Syria, between the towns of Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate) [Security 2020, 1.5.2].
- In the northwest, an area incorporating parts of Idlib governorate, northern Hama, northern Latakia and western Aleppo governorates is regarded as the last remaining stronghold of anti-GoS armed groups, with **Hay'at Tahrir al-Sham (HTS)** considered the most important and powerful actor in the area. In 2019, GoS escalated the military operations in the area, which continued through the first two months of 2020 [Security 2020, 1.4.4, 1.5.4].
- **ISIL** holds no territory in Syria. Following their territorial defeat, hostilities have largely decreased. However, ISIL attacks reportedly continue, especially in areas where it previously held territory [Security 2020, 1.5.3].
- The Tanf border crossing, close to the tri-border area between Syria, Iraq and Jordan, has been controlled by US and allied forces from the **Global Coalition Against Daesh** since 2016 [Security 2020, 1.5.5].

1. The Government of Syria and associated armed groups

As of March 2020, GoS controlled most of the country, including the major cities of Damascus, Aleppo, Homs and Hama, and nearly all the governorates' capitals. GoS has regained control of the majority of territory from opposition forces, including opposition strongholds like Aleppo City, Dar'a governorate, Eastern Ghouta, southern Damascus, Homs governorate and territories in Hama governorate. The rebel-held Idlib area, which includes neighbouring areas in north-western Aleppo, northern Hama and Latakia governorates, is regarded as the main remaining obstacle GoS faces in regaining territorial control of Syria [Security 2020, 1.5.1].

The conflict has significantly affected the State's role, reach and institutional capacity in government-held areas. In areas nominally under the government's control, its authority was reported to be 'dispersed, fragmented, and outsourced to multiple groups in the form of pro-regime paramilitaries, foreign powers and local militias'. This has also created overlapping structures that undermined centralised control by the government. Such areas include, for example, Dar'a, Homs, Hama, Aleppo, Deir Ez-Zor, Quneitra, Eastern Ghouta [Actors, 2.1, 2.3.4; Security 2020, 1.5.1].

Syrian State actors include, for example, members of the Syrian Armed Forces, the police and other authorities. Some militias - mainly backed by Iran - are also considered State actors.

The **Syrian Armed Forces** consist of the **Syrian Arab Army (SAA)**, the navy, the air force, the **intelligence services** and the **National Defence Forces (NDF)**. Bashar al-Assad acts as commander in chief of the Syrian Armed Forces [Actors, 2.3.1, Security 2020, 1.4.1]. A number of laws empower the security apparatus and allow its members to act with impunity [Actors, 2.2.5].

The **Fifth Corps** was initially an association of militias, which was then incorporated into the official military structure in 2016. It is a special army branch that Russian forces actively helped to establish and that recruits from other parts of the population than the regular SAA branches. It consists of individuals who

have already completed their military service, civil servants, former militia members and, notably, former rebels. [Targeting, 1.2.1; Recaptured areas, 2.7.1.1]

Four main **intelligence services** (Air Force Intelligence, Military intelligence Department, General Intelligence Directorate and Political Security Directorate) are operating in Syria, all with a central branch in Damascus and regional branches across the country. The services operate outside the law with no defined boundaries between their areas of jurisdiction and with overlapping responsibilities. Since the outbreak of the conflict, the regime has relied on the intelligence services to maintain control of the country and to focus on opponents of the regime. Each intelligence agency runs its own prison and interrogation facility, with some controlling more than one facility [Actors, 2.3.2].

The **police force** consists of four separate divisions: emergency police, traffic police, neighbourhood police and riot police. Police commands are present in each governorate and while they report to the Ministry of Interior, they can receive orders from branches of the intelligence agencies, for example with regard to arrests and detentions. There have also been frequent instances where police acted as informers on anti-government activity and political dissidence in support of the services [Actors, 2.3.3].

Various **pro-government militias**, both local and foreign, are operating in Syria alongside the regular armed forces. Such militias played a key role in the survival of Assad's government and were involved in many military offensives and local security enforcement throughout the conflict. Experts made a distinction between **local militias**, such as the **NDF**, and **non-Syrian militias** made up of foreign fighters, mainly backed by Iran. [Actors, 2.3.4]

After the beginning of the civil war, the pro-government militias were at first organised as '**popular committees**' from local communities, controlled or loyal to the regime, to defend their towns and neighbourhoods against opposition forces. They comprised mainly of Shia and Alawite individuals. The regime also relied on a network of criminal gangs of Alawites linked with the Assad family, described by the opposition as **shabiha**, who were mobilised and armed to suppress the early protests. By 2012, the government consolidated these militias under its control and incorporated them under an umbrella network set up with Iran's assistance, called the **NDF**. The NDF were reported to be 'quite inclusive of all the groups that are willing to fight on the side of Syrian government', including Sunnis from Damascus and Aleppo, 'mercenaries, crime lords, and unemployed citizens'. They have become auxiliary security institutions, which operate their own prisons and investigation commissions. [Actors, 2.3.4]

Other examples of Syrian pro-government militias include the **Tiger Forces**, serving as the army of the Air Force Intelligence and militias of wealthy and powerful Alawite businessmen with close links to the Assad government, such as the **al-Bustan militias** and **Suqor al Sahara**. [Actors, 2.3.4]

The **Local Defence Forces (LDF)**, established by Iran, include local militias that operated outside of official military structures but have been formally integrated in the Syrian armed forces in 2017. [Actors, 2.3.4]

Apart from Syrian pro-government militias, **Shia foreign fighters** were mobilised by Iran and sent to fight on the side of the Assad government. The most prominent groups included the Lebanese Hezbollah, the Afghan Fatemiyoun Brigade, the Pakistani Zeinabiyoun Brigade, as well as various Iraqi Shia militias that are members of the Iraqi Popular Mobilisation Forces, and fighters from Yemen. [Actors, 2.3.4]

Palestinian militias such as the Popular Front for the Liberation of Palestine - General Command, the SAA-affiliated Palestinian Liberation Army and the Liwa al-Quds also supported the government military in the conflict. [Actors, 2.3.4]

Syrian State actors including associated armed groups have committed a wide range of human rights violations since the beginning of the conflict. Numerous sources report on extrajudicial executions by the GoS, including its intelligence services. Arbitrary detention and forced disappearances by government forces and pro-government militias have also been continuously reported. Detainees have been kept in


detention without charges for longer periods than the legal limit set by law or indefinitely. [Actors, 2.2.3, 2.3.2-2.3.4, 2.4]

Government forces, in particular the intelligence services, use torture during interrogations in order to obtain confessions or to gather information. Most of the victims were men but torture of women and children also occurred. It is documented that a high number of people have died under torture inflicted by GoS forces. [Actors, 2.2.2, 2.2.3, 2.2.6, 2.3.2, 2.4]

In recaptured areas, the GoS pursues punitive policies against local populations. Detained civilians from these areas were also being held incommunicado and denied access to a lawyer. There were also reports of rape of and sexual violence against women, girls and occasionally men during ground operations, raids and in detention, considered to amount to war crimes and crimes against humanity. [Actors, 2.1, 2.2.6, 2.4]

Pro-government militias are also involved in a number of criminal activities, such as extortion of companies, stealing, looting and smuggling of guns and drugs [Actors, 2.3.4].

Impunity was reportedly pervasive and there were no functional civil remedies for human rights violations [Actors, 2.1.4].

 For further information on human rights violations committed by the GoS and associated armed groups and their relevance as potential exclusion grounds, see [VI. Exclusion](#).

2. Syrian Democratic Forces and Asayish

The **Syrian Democratic Forces (SDF)** is a Kurdish-led multi-ethnic force comprising of Kurds, Arabs and other ethnic groups. It was created in 2015 to support the US-led coalition in the war against ISIL. It is considered being a 'broad spectrum security apparatus that conducts counterinsurgency operations, (local) patrols, checkpoint operations, detention operations and clearance patrols'. The Kurdish forces have been US's main 'ground force partner' in the fight against ISIL and were supplied by them with training and military equipment. As of November 2019, the SDF continue to retain significant security roles in northeast Syria, but the situation is subject to rapid changes. [Actors, 3.1.2, Security 2020, 1.4.3]

SDF was neither in alliance with the Syrian opposition nor with the government, but it was nevertheless largely dependent on the GoS, which funded certain State institutions in the area and paid salaries to State employees [Targeting, 3].

The SDF is dominated by the **Kurdish People's Protection Units (Yekîneyên Parastina Gel, YPG)**, who helped to establish the SDF in October 2015 and who provide its core fighting forces and largely ensure its leadership [Actors, 3.2.1]. The **YPG** were established in 2012 as the military wing of the **Kurdish Democratic Union Party (PYD)** - a Syrian branch of the Kurdistan Workers' Party (PKK). There are two groups: the **YPG** and the **Women's Protection Units (Yekîneyên Parastina Jinê, YPJ)** [Actors, 3.2.1].

YPG and YPJ are reportedly 'responsible for defence and security, including protecting the 'external borders' with Iraq, Turkey and the rest of Syria'. Various sources estimate SDF's strength to be around 40 000 to 60 000 fighters, of which estimated 20 000 to 30 000 fighters are from YPG [Actors, 3.1.2, 3.2.1].

As of February 2020, in north-east Syria, SDF controlled most of Raqqa and Hasaka governorates, part of Deir Ez-Zor governorate north-east of the Euphrates, and parts of Aleppo governorate around Manbij and Kobane, and the area around Tal Rifaat [Security 2020, 1.5.3].

The **Asayish** are the Kurdish internal security forces and fulfil various security roles that range from police to counterterrorism. The Asayish is comprised of six branches: traffic police, counter-terror forces, women's Asayish, checkpoint security, general security and anti-organised crime. The counter-terrorism forces deal with security situation that involve kidnappings, terrorism, suicide attacks, capturing fugitives and intelligence. They also provide support to SDF/YPG operations. Asayish reportedly has command


centres in each canton of the Kurdish-controlled region, some of which operate independently from each other. Mid-2017, Asayish estimates put their strength between 10 000 and 12 000 members. There are also 30 000 police officers operating in Kurdish-controlled areas in northeast Syria [Actors, 3.2.2, Security 2020, 1.4.3].

There is information on corruption, extortion and abuses of power at the hands of SDF personnel. Several sources noted that the PYD and the affiliated Asayish engaged in arbitrary detentions, forced disappearances and torture of political opponents such as the Kurdish National Council (KNC), arrests of journalists, members of human rights organisations, and individuals who refused to cooperate with Kurdish groups. [Actors, 3.2.3, 3.3]

Local sources noted that SDF/YPG has arbitrarily detained and indiscriminately killed civilians during anti-ISIL raids. Arbitrary arrests and forced disappearances of persons perceived to be affiliated with ISIL or armed opposition groups have also been reported. Moreover, it was reported that thousands of women, men and children continued to be unlawfully interned or detained, some of them held in deplorable conditions in makeshift camps unfit to meet their basic needs. [Actors, 3.3]

There have also been accounts of marginalisation of Arabs in governance matters and temporary closures of schools that refused to adopt the Kurdish curriculum [Actors, 3.3]. In Deir Ez-Zor governorate, Arab residents complained about the lack of services, discrimination, forcible conscription and a failure to release prisoners [Actors, 3.2.3].

The recruitment and use of 313 children by YPG/YPJ in the period from January to December 2018 has also been verified [Actors, 3.3].

 For further information on human rights violations committed by the SDF and the Asayish and their relevance as potential exclusion grounds, see [VI. Exclusion](#).

3. Anti-government armed groups

A number of anti-government armed groups operate in Syria. The most significant groups, in particular those active in the north of the country, are listed in this section.

The **Syrian National Army (SNA)** is a Turkey-backed armed umbrella group based in northern Aleppo governorate. By the end of 2017, Turkey had incorporated various armed groups that fought alongside them in the 'Euphrates Shield' operation into the SNA, under the formal supervision of the so-called Syrian Interim Government's Ministry of Defence. The most prominent factions of the SNA included:

- The Sultan Murad Brigade: Arab-Turkmen group from Aleppo;
- The Moutassem Brigade: formerly US-backed rebels;
- *Ahrar al-Sharqiya*: Islamist faction from eastern Syria;
- *al-Jabha al-Shamiya* (the Levant Front): Islamists from Aleppo and Azaz.

The factions with the closest relationship with Turkey are named after Ottoman sultans, such as the Sultan Suleyman Shah Brigade and the Sultan Murad Division, and were responsible for the protection of areas of Afrin that border Turkey. In the region of Afrin, the SNA has reportedly consolidated its armed presence and established a formal security framework, with operation and coordination centres. It was reported that more than 50 armed groups were present in northern Aleppo governorate, mostly in Afrin and Azaz districts. These groups included 'Ahrar al-Sham, Amshad brigade, Faylaq al-Sham, Jaish al-Nukhba, Jaish al-Sharqiya, Jabhat al-Shamiya, Nour al-Din al-Zinki and Sumina Shah brigade, among others'. Although united under the SNA banner, the constituent groups are in practice unaccountable to other actors except Turkey, they compete with each other and are often unpopular with the local population. The UN has

reported clashes between armed groups that operate under the SNA umbrella, as well as splitting of the region into areas of influence between different factions.

The SNA, together with Turkish armed forces, was reported to be in control of the so called 'safe zone' established between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate) following the Turkish-led incursion into northeast Syria in October 2019. As of March 2020, in northern Aleppo governorate, SNA factions backed by Turkey controlled an area between the cities of Afrin, Azaz, Al-Bab and Jarabulus.

[[Actors](#), 4.3, 5.1, 5.2; [Security 2020](#), 1.4.2]

At the beginning of October 2019, as Turkey was preparing to launch an offensive against Kurdish-controlled areas in north-eastern Syria, the SNA incorporated the **National Liberation Front (NLF)** into its ranks.

The NLF is also a Turkish-backed alliance of opposition-armed groups, formed and active in the Idlib area in 2018. The group uses the brand of the Free Syrian Army (FSA) - the umbrella armed group formed by the anti-government opposition in 2011. It is made up of moderate but also Islamist factions. The main factions include:

- *Feilaaq al-Sham*: considered the main actor in the NLF and Turkey's closest rebel partner, founded by the members of the Muslim Brotherhood;
- *Ahrar al-Sham*: Salafi armed group that controls local communities in southern Idlib and the northern Hama countryside;
- The Free Idlib Army: alliance of formerly Western-supported factions;
- *Jaysh al-Ahrar*: *Ahrar al-Sham* splinter group;
- *Harakat Nour al-Din al-Zinki*, an Islamist faction that is based near Aleppo and has repeatedly changed sides between rival insurgent groups.

NLF lost control over territory in Idlib after clashes with HTS and subsequently, following an agreement between the groups, ceded the civil administration and surrounding areas in Idlib to HTS. Following the clashes, some NLF fighters evacuated the Idlib area towards the Turkish-backed rebel-controlled Afrin in Aleppo governorate. Since the agreement, the two groups have fought together against the GoS offensive into the Idlib area.

The union of SNA and NLF brought together more than 40 armed opposition groups which are reported to be under the 'near-total control of Turkey's Ministry of Defence and National Intelligence Organisation (MIT)'. Estimations of the total strength of the combined forces vary between around 35 000 fighters and 80 000 fighters.

[[Actors](#), 4.3, 5.1, [Security 2020](#), 1.4.2, 1.4.5]

There were documented kidnappings, abductions, torture, extortion and assassinations of civilians by armed groups operating under the SNA. Looting, theft and expropriation of Kurdish properties by SNA factions in the aftermath of the capture of Afrin was also reported. Turkish forces and the affiliated SNA were reportedly responsible for indiscriminate attacks on residential areas, summary killings and unlawful attacks that killed and injured civilians, among others. The SNA-branded group *Ahrar al-Sharqiya* has been most frequently named as the perpetrator of summary killings and human rights abuses during the October 2019 offensive [[Actors](#), 5.2]. In addition, SNA-affiliated groups, including *Ahrar al-Sham*, *Jaysh al-Islam*, *Harakat Nour al-Din al-Zinki*, are reported to conduct child recruitment [[Targeting](#), 12.1].

Hayat Tahrir al-Sham or Organisation for the Liberation of the Levant (HTS) is described as the most important and powerful actor in the Idlib area, the armed opposition's main stronghold.

HTS was formed in 2017 as a coalition of Islamist Sunni anti-government armed groups, through the merger of **Jabhat al-Nusra** with other smaller factions, including *Jabhat Ansar al-Din*, *Harakat Nour al-Din al-Zinki*, *Liwa al-Haqq* and *Jaysh al-Sunna*. Its primary objective is to establish Islamic rule in Syria through overthrowing the Assad government and ousting Iranian militias. HTS's precursor organisation - *Jabhat al-Nusra*, was formed in Syria in 2011 as an Al Qaeda affiliate within the armed opposition to the GoS. The US, UN, EU and Turkey have designated HTS as a terrorist organisation, affiliated with Al Qaeda. HTS's strength is evaluated to be between 12 000 and 20 000 fighters, among them 3 000 to 4 000 foreigners.


HTS controlled over 90 % of Idlib governorate, alongside adjacent parts of northern Hama and western Aleppo governorates. During 2019, the GoS forces increased their military offensive against the armed opposition groups in the Idlib area. This offensive eroded the military and political control of HTS.

HTS has created several civilian bodies in the territory under their control, including a governance body responsible for civilian functions - the Syrian Salvation Government, a court system that applies Sharia law, and an extensive prison system.

It was reported that HTS frequently commit serious human rights abuses, including harassment, assassinations, kidnapping, and torture, as well as unlawful detention of civilians. Civilians have also been extorted and kidnapped for ransom. The group has conducted formal military campaigns, assassinations, hostage takings, and 'lone wolf' operations, including suicide bombings. Members of religious minorities have been forced to convert to Islam and adopt Sunni customs. The UN reported the recruitment and use of 187 children by HTS in the period from January to December 2018.

[[Actors](#), 4.1; [Security 2020](#), 1.4.4]

Apart from HTS, other armed groups operate in the Idlib area. They are predominantly Islamist groups, relate differently to Turkey, and are said to 'have an ambiguous or symbiotic relationship' with HTS. These Islamist groups include **Hurras al-Din** (HAD), an Al Qaeda-linked group that split from HTS in 2018; the **Turkistan Islamic Party** (TIP), a Uighur-Chinese-dominated jihadist militant faction; and smaller Islamist groups, including **Ansar al-Tawhid**, a splinter of *Jabhat al-Nusra* [[Actors](#), 4.2; [Security 2020](#), 1.4.5].

 For further information on human rights violations committed by various anti-government armed groups and their relevance as potential exclusion grounds, see [VI. Exclusion](#).

4. Islamic State of Iraq and the Levant (ISIL)

[Main COI references: [Actors](#), 6; [Security 2020](#), 1.4.6, [Targeting](#), 6.2]

The **Islamic State of Iraq and the Levant (ISIL)**, also known as ISIS, IS and Daesh, was originally created by the wing of Al Qaeda in Iraq and smaller Iraqi Sunni insurgent groups. It is a UN- and EU-designated terrorist organisation aiming to establish a global, Islamic caliphate and fostering violent conflict between Muslims and non-Muslims. After ISIL's territorial control in Syria was reduced to a small area located in the eastern part of the country with the capturing of Baghouz in March 2019, ISIL's territorial control and governance in Syria ceased to exist completely. However, ISIL is reported to be forming cells across Syria and evolving into a covert network.


The Kurdish-controlled areas in northeast Syria comprise of most of the territory that was previously under ISIL's control in Syria. These areas are viewed as 'the main theatre for [ISIL]'s insurgency'. In Raqqa and

Hasaka governorates, ISIL is thought to operate sophisticated clandestine networks, capable of carrying out more complex attacks [Actors, 6.2]. Deir Ez-Zor governorate, parts of Raqqa governorate, and Homs governorate near Palmyra were identified as the areas where ISIL displayed the strongest insurgent capabilities. ISIL activity was also reported in southern Syria (Dar'a) and in the Idlib area. According to some sources, ISIL also maintained a presence in Badia desert in central Syria.

Estimations of ISIL's strength vary, putting the number of ISIL members in Iraq and Syria between 14 000 and 18 000. Detained ISIL fighters and their families in northeast Syria number more than 100 000, including around 2 000 foreign ISIL fighters.

Since the establishment of its so called 'caliphate' in Syria and Iraq, ISIL has killed hundreds of civilians, carrying out public executions, beheadings and crucifixions. Religious minorities in Syria, such as Shias, Ismailis, Alawites and Christians, as well as Sunni Muslims who did not adhere to the group's religious laws, were specifically targeted. For example, in July 2018, an ISIL attack on the Druze community in Sweida governorate reportedly led to the bombing, shooting, and stabbing of more than 300 Druze to death and to the abduction of 20 Druze women and 16 children.

As ISIL lost its territorial control it began to shift its strategy 'from open, semi-conventional combat to guerrilla warfare', conducting asymmetric campaigns against security forces of actors considered to be its enemies. ISIL targeted SDF, Syrian government forces and affiliated armed groups, local governance officials, village elders, people perceived as informants against ISIL, as well as US-led coalition forces, and civilians. The attacks include roadside bombs, drive-by shootings and assassinations, as well as larger scale attacks. ISIL's tactics have also included assassinations and burning of crops fields in northern Syria. In the Idlib area, ISIL has targeted armed groups with bombings and assassinations. ISIL sleeper cells and suicide bombers were reportedly active in the Kurdish-controlled areas, attempting to liberate former ISIL fighters or their family members from prisons or displacement camps.

 For further information on human rights violations committed by ISIL and their relevance as potential exclusion grounds, see [VI. Exclusion](#).

5. Other non-State actors

Human rights violations, which could amount to persecution or serious harm, are also committed by other non-State actors, such as family members or criminal gangs.

Some examples include domestic violence and 'honour' violence by family members, as well as other forms of gender-specific violence including sexual violence, violence against LGBTI individuals, etc. See the profiles of [LGBTI](#) and [Women](#), etc.

II. Refugee status

This chapter provides a brief outline and general considerations with regard to the assessment of applications for international protection in relation to the elements of the refugee definition ([Article 2\(d\) QD](#)). Furthermore, it proceeds with the analysis of information concerning 14 particular profiles of applicants for international protection in relation to qualification for refugee status. For each profile, and in some cases the relevant sub-profiles, it provides: COI summary, risk analysis (including findings whether the treatment the profile risks would amount to persecution and assessment of the level of risk), and conclusions with regard to the potential nexus to a reason for persecution.

The contents of this chapter include:

[Preliminary remarks](#)

[Analysis of particular profiles with regard to qualification for refugee status](#)

[1. Persons perceived to be opposing the government](#)

[2. Persons who evaded or deserted military service](#)

[3. Persons with perceived links to ISIL](#)

[4. Members of and persons perceived to be collaborating with the SDF and YPG](#)

[5. Persons perceived to be opposing the SDF/YPG](#)

[6. Persons fearing forced or child recruitment by Kurdish forces](#)

[7. Persons associated with the Government of Syria](#)

[8. Journalists, other media professionals and citizen journalists](#)

[9. Human rights activists](#)

[10. Doctors, other medical personnel and civil defence volunteers](#)

[11. Ethno-religious groups](#)

[11.1. Sunni Arabs](#)

[11.2. Kurds](#)

[11.3. Druze](#)

[11.4. Alawites](#)

[11.5. Christians](#)

[11.6. Yazidis](#)

[11.7. Palestinians](#)

[12. Women](#)

[13. Children](#)

[14. LGBTI](#)

Preliminary remarks

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:

Article 2(d) of the Qualification Directive Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

According to [Article 9\(1\) QD](#):

Article 9(1) of the Qualification Directive

Acts of persecution

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

- a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

In order for a person to qualify as a refugee, there must be a connection (nexus) between one or more of the specific reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group), on the one hand, and the acts of persecution under [Article 9\(1\) QD](#) or the absence of protection against such acts ([Article 9\(3\) QD](#)), on the other.

The applicability of the respective reason(s) should be assessed in relation to [Article 10 QD](#).

Common analysis regarding specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area¹⁹ of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant's actions (whether or not they are perceived negatively and/or whether or not individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals, network);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)). On the other hand, it should be noted that in order to establish well-founded fear of persecution there is no requirement of past persecution or threats. The risk assessment should be forward-looking.

A well-founded fear of being persecuted may also be based on events which have taken place and/or on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin ([Article 5 QD](#)).

¹⁹ Protection needs are firstly assessed with regard to the applicant's home area in the country of origin. The 'home area' in the country of origin is identified on the basis of the strength of the applicant's connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.

Once the required level of persecution as well as nexus have been established in relation to the home area of the applicant, the availability of protection in accordance with [Article 7 QD](#) should be explored (see the chapter [IV. Actors of protection](#)). Where such protection is not available, the examination may continue with consideration of the applicability of internal protection alternative under [Article 8 QD](#), if applicable according to national legislation and practice (see the chapter [V. Internal protection alternative](#)).

In some cases, where the applicant would otherwise qualify for refugee status, exclusion grounds would be applicable. In the context of Syria, various actors have been reported to commit excludable acts and such considerations may be particularly relevant (see the chapter [VI. Exclusion](#)). The sections below make specific references to the relevance of exclusion considerations for certain profiles.

Where the applicant does not qualify for refugee status, in particular where the requirement of nexus is not satisfied, the examination should proceed in order to determine his or her eligibility for subsidiary protection (see the chapter [III. Subsidiary protection](#)).

For further general guidance on qualification as a refugee, see '[EASO Practical Guide: Qualification for international protection](#)'.

Analysis of particular profiles with regard to qualification for refugee status

This chapter refers to some of the profiles of applicants from Syria, encountered in the caseload of EU Member States. **It represents a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs.**

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be **examined individually**. The non-exhaustive lists of examples with regard to sub-profiles at a differentiated risk and to circumstances, which would normally increase or decrease the risk, are to be taken into account in light of all circumstances in the individual case.

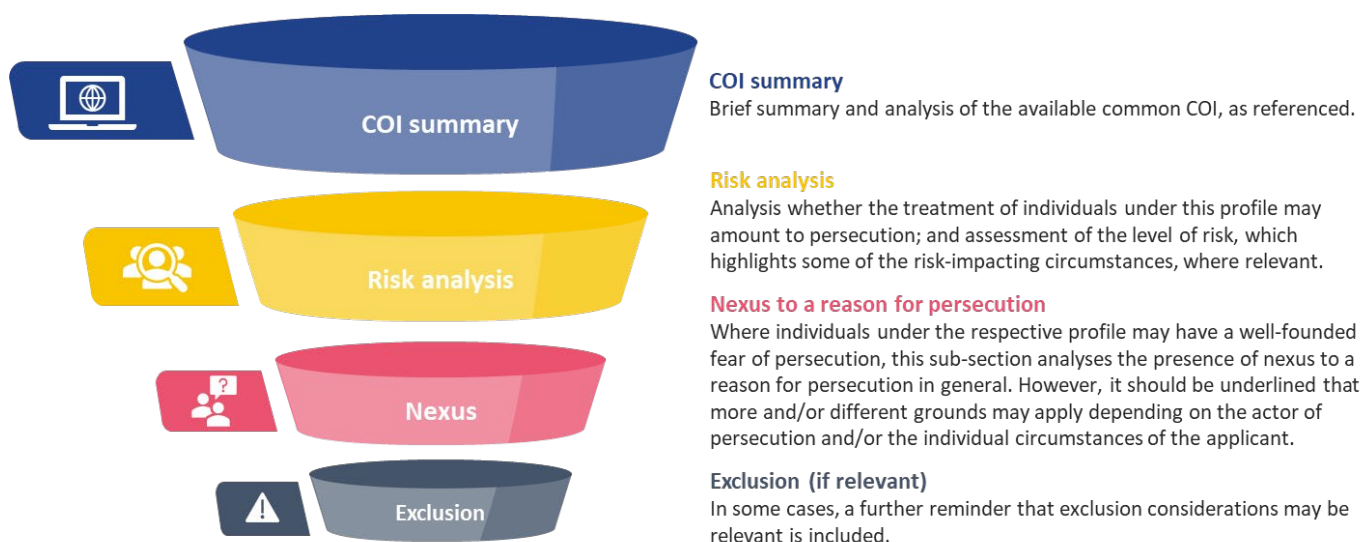
In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their **past belonging to such a profile**.

Family members, merely due to their relation to the refugee, may be at risk of persecution in such a manner that could be the basis for refugee status. It should also be noted that individuals belonging to the family of a person qualifying for international protection could have their own protection needs.

The individual applicant could fall under **more than one profile** included in this common analysis. The protection needs associated with all such circumstances should be fully examined.

The considerations under each profile should, furthermore, be viewed without prejudice to the credibility assessment of the applicant's claims. This common analysis deals solely with issues of risk analysis and qualification.

For each profile, the sections below provide:



When analysing the protection needs of the individual applicant, [the implications of leaving Syria](#) should also be given due consideration.

1. Persons perceived to be opposing the government

This profile refers to different groups viewed by the government as opposition, such as members of anti-government groups, political opposition activists and protesters, and civilians originating from areas associated with opposition to the government. For information about other profiles, which may be relevant see [Persons who evaded or deserted military service](#); [Journalists, other media professionals and citizen journalists](#); [Human rights activists](#); and [Doctors, other medical professionals and civil defence volunteers](#).

COI summary: overview

[Main COI references: [Targeting](#), 1.1, 1.2.3; [Actors](#), 2.4]

Government forces harshly repressed the anti-government protests that erupted in 2011 and the ensuing military uprising. Throughout the conflict, the GoS has used systematic torture, unlawful detentions and disappearances, starvation and medical deprivation sieges, as well as mass casualty weapons, including chemical weapons, against civilians. Civilians perceived to be either supporting the opposition or insufficiently loyal to GoS were arbitrarily arrested and detained. In particular, individuals perceived to be opposition supporters were most likely to be detained arbitrarily by government forces and its allied militias. [[Targeting](#), 1, 1.2.3]

GoS is reported to view as political dissent the activities of wide categories of individuals, including peaceful protesters, activists and critics of the government, professionals such as humanitarian workers, doctors, lawyers, journalists, bloggers and online activists, as well as draft evaders and defected soldiers. Individuals living in opposition-controlled areas, those in recaptured areas, returnees from abroad, relatives of suspected armed groups members and those who have been in contact with family members or friends residing in opposition-controlled areas, have also been targeted. [[Targeting](#), 1]

Active combat has ended in many areas of Syria, but security services continue to abuse the rights of perceived opponents of the government. The priority of GoS is to eliminate remaining structures of resistance and discourage future rebellion, leading to arrests of civilians as well as former opposition fighters in reconciled areas taken by GoS. [[Targeting](#), 1.2.1]

Syrians ended up wanted by the government and arbitrarily detained for a wide variety of reasons and sometimes for no reason at all. A checkpoint officer's mood, as well as having a similar name with a person that in fact opposes the government, could lead to an arrest. However, GoS also specifically targeted persons perceived to be opposing the government. [[Targeting](#), 1.1.3]

More than 100 000 people have been detained, abducted or gone missing during Syria's civil war, largely at the hands of the GoS. GoS forces arrested civilians perceived to be supporting the opposition or deemed insufficiently loyal to the government, including peaceful demonstrators, human rights activists, residents in opposition-held areas and relatives of suspected armed opposition fighters. Thousands of detainees are being held without trial, some since the outbreak of the conflict in 2011. Intelligence services were reported to commit systematic rights abuses. They created a wide network of informants and used phone surveillance to ensure that the government kept a close watch of the most mundane of Syrians' everyday life and to restrict criticism of Assad and his government. [[Targeting](#), 1.1.1]

Government forces, especially the intelligence branches, are reported to torture perceived opponents. Most of the victims were men between the ages of 18 and 60, but torture of women and children was also reported. Extrajudicial executions by the intelligence branches were also reported. The massive and systematised torture and killing of detainees in Syria's state prisons over the course of the conflict is widely documented. [[Targeting](#), 1.1.2, 1.1.4]

1.1. Members of anti-government armed groups

There are multiple anti-government armed groups active in Syria (see [Anti-government armed groups](#)). This profile addresses members of anti-government armed groups, including current and former (reconciled) members, and their targeting by the GoS.

For targeting of members of these groups by other armed actors, see [Persons perceived to be opposing the SDF/YPG](#) and [Members of and persons perceived to be collaborating with the SDF and YPG](#).

COI summary

The government's security forces, the police, the army, pro-government militias and the different branches of the intelligence service carried out extensive arrest campaigns during the first years of the civil war. Already in 2012, it was estimated that tens of thousands of people had been arrested on the grounds of alleged affiliation to or support for anti-government groups. Those who were arrested were subjected to systematic torture in one of the intelligence services' many detention centres. They were detained for days or months, often without being brought before a judge and without being told what they were accused of. In most cases, the detainees' families were not informed of their whereabouts. Detainees were held in crowded cells and without sufficient food. [\[Security 2019, 4.3\]](#)

GoS has entered into so-called reconciliation agreements with different actors in most of the areas the GoS forces have recaptured from various anti-government groups in the last few years. The reconciliation agreements vary to a great extent. They may range from opposition fighters remaining involved in security and governance roles in their areas up to cases of virtual opposition surrender involving (forced) evacuations of fighters or even whole populations. In several places, armed rebel groups have switched sides in the conflict as part of a reconciliation agreement. [\[Targeting, 1.2.1\]](#)

Applications from individuals who wished to surrender are also possible. The formal process known as 'resolving status' typically involves interrogation about previous opposition activities (such as participating in protests, relief work in rebel-held areas or fighting with rebels), many of which fall under the GoS's expansive definition of 'terrorism'. Additionally, it involves a pledge to abstain from these actions in the future. Thereafter, the individual receives a clearance paper and the security agencies supposedly remove him or her from their list of wanted persons. [\[Recaptured areas, 2.5.1\]](#)

However, the reconciliation agreements have been broken often. In particular, former activists, opposition commanders and persons who have been affiliated to an armed rebel group have been arrested despite the reconciliation agreements [\[Targeting, 1.2.1\]](#). Furthermore, civilians and former opposition fighters who signed reconciliation agreements with GoS and who took up positions in local administration or military forces have been killed by unknown perpetrators in what appeared to be targeted killings [\[Recaptured areas, 3.2.2.1\]](#).

In Dar'a governorate, many former rebels chose to stay unlike in other parts of Syria. Reconciled fighters and civilians joined the pro-GoS forces in order to avoid being perceived as opposition affiliates or terrorists. [\[Recaptured areas, 3.2.2.1\]](#)

In Homs, a significant number of reconciled combatants were incorporated into the Fifth Corps, 4th Brigade. They were deployed in the desert around Palmyra with minimal training and equipment and were reported to have suffered severe losses. [\[Security 2020, 2.6.2.1\]](#)

The GoS is also recruiting 'thousands' of reconciled fighters in the areas taken under their control in 2017-2018, including the governorate of Quneitra. Since early 2019, the fighters have reportedly been transferred to the northern countryside of Hama and Idlib. [\[Security 2020, 2.13.3\]](#)

In Rural Damascus, reports from May 2019 noted that intelligence branches were arbitrarily detaining, disappearing, and harassing people in areas retaken from the anti-government groups, among them Eastern Ghouta. Those targeted included former armed and political opposition leaders and former anti-government fighters who had all signed reconciliation agreements with the GoS. [\[Security 2020, 2.11.3.2\]](#)

In summer 2019, reports were received that the Palestine Branch of the military intelligence service had arrested three former rebel commanders in Damascus, who had signed reconciliation agreements with GoS. Other unarmed members of the opposition and their family members had reportedly also been arrested, even though they had all signed reconciliation agreements [Recaptured areas, 3.1.6.1]. It was also reported that the secret police has conducted a campaign of arrests against former opposition figures in southern Syria [Targeting, 1.2.1; Recaptured areas, 3.2.2.1].

Some groups and individuals are denied or do not enter into the reconciliation agreements. This applies to individuals that have 'Syrian blood on their hands' as well as those that are considered by GoS to be affiliated with terrorist groups like ISIL or HTS. Another condition of the reconciliation process is that it 'shall not overturn criminal sentences that are unrelated to current events in Syria, or which are related to the rights of other Syrian civilians'. Those who refuse the reconciliation agreement with GoS, as was the case for around 10 000 persons from Dar'a and Quneitra governorates, were evacuated to areas under the armed opposition's control in Idlib and northern Aleppo governorates [Recaptured areas, 2.5.3]. It was reported that the GoS considers the fighters who chose passage to Idlib over the 'reconciliation deals' to be 'irreconcilable', suggesting that it will entertain no such bargain in case Idlib is recaptured [Security 2020, 2.1.3].

There are reports of reconciliation agreements not being observed by the government, for both individuals and communities. There are many reports of returnees having been arrested, detained, harassed or conscripted after they had completed the reconciliation process and received protection papers [Targeting, 1.3.6].


Risk analysis

Actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. assassination, torture, arbitrary arrest).

For members of anti-government armed groups, well-founded fear of persecution would in general be substantiated. In case of reconciliation agreement, well-founded fear of persecution would also be substantiated in general, as those are often broken in practice and the reconciled fighters may furthermore face a risk of targeting by other actors.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion.

 Exclusion considerations could be relevant to this profile (see the chapter [VI. Exclusion](#)).

1.2. Political activists, opposition party members and protesters seen as opposing the government

This sub-profile refers to individuals who would be seen by the government as opposing it, in particular to (perceived) political activists, protesters and opposition party members.

COI summary

Political activism in Syria had been kept in check by the government for decades. Although a 2011 decree allowed for the registration of independent political parties, in practice the government enforced it selectively, permitting only pro-government groups to form official parties. Members of political parties, which are known to support the calls for overthrowing the Assad government, are considered enemies of the state. Most of the members of the political opposition to the Assad government have either fled Syria, were killed or are in prison. [Targeting, 1.2.2]

GoS is reported to view as political dissent the activities of wide categories of individuals, including peaceful protesters, activists and critics of the government, professionals such as humanitarian workers, doctors, lawyers, journalists, bloggers and online activists, as well as draft evaders and defected soldiers.

Government forces harshly repressed the anti-government protests that erupted in 2011 and the ensuing military uprising [Targeting, 1].

Since the beginning of the conflict, the targeting of political activists and protesters who sided with the opposition has been a key element in the GoS's counterinsurgency strategy. Opposition protests in government-held areas are often met with gunfire, mass arrests, and torture and killing of those detained. The GoS forces conduct regular raids to detain political and civil activists [Targeting, 1.2.2]. There are also reports that persons believed to have been involved in opposition-related activities, including protesters, are on the 'wanted lists' [Targeting, 1.1.3, 1.3.6].

Targeting of political activists opposing GoS can also occur through other parties than the government forces or its allied militias [Targeting, 1.2.2].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. detention, torture, killing).

For individuals considered by the government as opposing it, such as political activists and opposition party members, well-founded fear of persecution would in general be substantiated.

In the case of past participation in a protest, if the individual stayed in areas under the control of the government for a certain period of time and did not face any repercussions, an individual assessment of whether or not they may be likely to be seen as opposing the government should take place. The individual assessment should take into account risk-impacting circumstances, such as: regional aspects (who is in control in the home area of the applicant), the nature of their activities and degree of involvement, leadership role, etc. The sole fact of participation in a protest in the past may not be sufficient to establish a well-founded fear of persecution.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion.

1.3. Civilians originating from areas associated with opposition to the government

This profile refers to civilians from areas associated with opposition to the government, in particular (former) opposition-held areas in Dar'a, Rural Damascus, Idlib, Latakia, Aleppo, Hama, Homs, Quneitra. It addresses the situation of civilians from recaptured areas as well as, briefly, areas which continue to be under the control of anti-government armed groups.

COI summary

The government's territorial gains over the course of the Syrian conflict were followed by continued arbitrary arrests and detention [Targeting, 1.2.3]. Arbitrary arrests and forced disappearances of alleged opposition supporters took place in recaptured areas [See e.g. [Recaptured areas](#), 3.1.5.1; [Security 2020](#), 2.9.3.6, 2.11.3.2, 2.12.3.2].

GoS treats individuals from former opposition-held areas with a heavy degree of suspicion. The intelligence agencies created a wide network of informants and used phone surveillance to ensure that the government kept a close watch of the most mundane aspects of Syrians' everyday life and restricted criticism of Assad and his government [Targeting, 1.1.1]. The scrutiny of individuals from former opposition-held areas is the highest in Damascus, given the concentration of security personnel in the city as well as the importance of the capital to the government. The GoS also restricted the access of civilians that wished to return to Damascus and Rural Damascus and unlawfully demolished houses of residents [Targeting, 1.2.3].

Furthermore, civilians were arrested for communicating with their relatives or friends in rebel-held territory or abroad and they were prevented from establishing further contact [Targeting, 1.1.1]. GoS also punished family members of alleged opposition supporters by applying a number of laws that violate their individual

property rights. Women with familial ties to opposition fighters were reportedly detained for intelligence-gathering purposes or retribution [[Targeting](#), 1.2.3].

There are also reports of deliberate targeting of civilians in areas held by opposition groups. Starting in February 2019, ground offensives and airstrikes on areas controlled by anti-government armed groups escalated significantly, with reports pointing to the deliberate targeting of civilian infrastructure, including hospitals, schools, markets, mosques, residential areas, agricultural resources. [[Security 2020](#), 1.6.1.2, 2.1.3]

Risk analysis

Some actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary detention, forced disappearance).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional aspects (who is in control in the area, whether it was considered an opposition stronghold, etc.), and level of (perceived) support or collaboration with anti-government forces, familial ties or other connection to (suspected) members of anti-government armed groups and/or political opposition members, (perceived) support for the government, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion.

2. Persons who evaded or deserted military service

This profile addresses the topic of military service in Syria, and in particular the situation of draft evaders, military deserters and defectors. For more information on the structure of the Syrian Armed Forces, see [The Government of Syria and associated armed groups](#).

COI summary: overview

[Main COI reference: [Targeting](#), 2]

Male citizens between the age of 18 and 42 are obliged by law to perform their military service. Registered Palestinians residing in Syria are also subject to conscription and usually serve in the ranks of the SAA-affiliated Palestinian Liberation Army. While the law prescribes an age limit of 42 years for conscription, in practice the age limit for military service and reserve duty has been increased and men in their late 40s and early 50s have also been forced to sign up. The age limit is less dependent on the universal draft than on the government's mobilising efforts and local developments. Therefore, the Syrian authorities are usually following younger people between the age of 18 and 27 more closely, while older people tend to avoid the recruitment more easily. [[Targeting](#), 2.1]

The law permits exemptions from military service categories of individuals as described below. However, the process for obtaining an exemption was assessed to include more limitations and more variation on case-by-case basis [[Targeting](#), 2.2]. In practice, the exemptions are not consistently applied. There are also reports that returnees have been conscripted despite promises that they would be exempted [[Targeting](#), 1.3.5]. The following are possible exemptions and deferrals according to the law:

- **Students:** Students at universities may, under certain conditions, be exempted from military service, although a 2017 change in law has made it more difficult for university students to continue deferring their conscription. Amendments made to the Military Service Law in July 2019 by Legislative Decree No.12 introduced more restrictions on the age limits allowed to start different levels of education, as well as the number of study years during which students are permitted to request exemption from

military service. Persons who have reached the age of 27 are usually not given deferrals by the military police. Students applying for a deferral from military service face more scrutiny than before, while students without proper documentation are conscripted immediately. [\[Targeting, 2.2.1\]](#)

- **Government employees:** Government employees, particularly those working in Damascus and in the government ministries, are normally not recruited for military service. Those government employees who were in fact recruited to the Syrian army usually consisted of reservists who have been called to reserve duty to resume their former tasks. In November 2017, a new directive from the Prime Minister which applied to state employees instructed public institutions to ‘terminate the employment of those avoiding mandatory military service or reserve duty’. The directive was followed by an unknown number of dismissals. [\[Targeting, 2.2.2\]](#)
- **Medical cases:** Reliable information concerning medical reasons for exemption from military service is difficult to obtain. However, there are reports that even old and obese men, who in the past would have been exempted relatively easily, were conscripted if required by the authorities. It was also noted as probable that a person would not be given an exemption unless his medical condition was very clearly visible. A source also pointed out that in some cases it was possible for an individual to get an exemption based on medical grounds if a bribe was paid. [\[Targeting, 2.2.3\]](#)
- **Only sons:** The only male child of his parents can be exempted from military service. The exemption is also applicable if the parents of the only son are divorced, or if one or both parents are deceased. In addition, an only son will be exempted if he has half-brothers or has become an only male child as a result of the death of one or more of his brothers. Legislative Decree No 33, issued on 6 August 2014, which amends a number of articles of Legislative Decree No 30 of 2007 on the mandatory military service law, altered the number of sons per family who may postpone military service, with the numbers becoming as follows: ‘1 may postpone if 2-4 brothers were performing mandatory, voluntary, or reserve military service, 2 if there were 5-8 brothers in the military service, and 3 if there were 9 or more brothers in the service’. Before the amendments, only one son could postpone. A family’s only son can still benefit from the exemption regulation, but the GoS has been tightening controls on this. Instead of renewing the exemption every two years, the person concerned is obliged to renew it every single year until his mother reaches the age when she is not expected to be able to give birth to another child (approximately by the age of 50, according to the source). [\[Targeting, 2.2.4\]](#)
- **Paying an exception fee and risk of conscription even after paying the fee:** According to Law 30/2007, Syrian young men, including registered Palestinians from Syria, can pay a fee (*‘Badal al-Naqdi’*) to get an exemption from compulsory military service and they are not to be called up again. Since 2007, this decree has been amended several times, latest in 2014 and 2017. The exemption fee applies to a male living abroad for no less than four years. The fee was USD 5 000 before the war and rose to approximately USD 8 000 later. Not only persons who left the country legally, but also those who left illegally can be exempted from their military service obligations. The deadline for paying the fee is three months after receiving the call for conscription. However, such arrangements are being implemented differently on a case-by-case basis and they in no way constitute a guarantee against forced conscription. The only real exemption was given to either someone beyond the military service age or to someone who completed military service already. Although, in both cases being called up (again) during the conflict remains an eventuality. The use of exemption fee is often linked with corruption, bribery and discretionary application. [\[Targeting, 2.2.5\]](#)

According to Law No 35/2011, which amended the military conscription Law No 30 of 2007, military service lasts between 18 to 21 months. However, since the outbreak of the conflict, most conscripts have not been discharged even after their compulsory military service has been fulfilled and had to continue their service. Only a few of the earliest classes of conscripts, which had been in service since early 2011, were being demobilised [\[Targeting, 2.1\]](#).

In recaptured areas, the part of the population that chose to stay in an area covered by a reconciliation agreement, underwent a 'sorting out of affairs' or legalising one's status (*'taswiyat al-wada'*). This process primarily concerns two things: firstly, if they have been part of an armed group that has fought GoS, authorities must clarify whether they would be allowed to stay, and, if so, on what terms; secondly, men of conscription age must serve in the military, and those called up for service in the reserve force must complete it [[Recaptured areas](#), 2.5]. In the areas in the south, where reconciliation agreements were signed, local agreements included a conscription 'grace period' of six months to take care of practical matters before starting one's period of military service [[Recaptured areas](#), 2.7]. Those who did not report voluntarily risked being arrested and forcibly enlisted. There were reports that the GoS resumed conscription earlier than the grace period prescribed by the terms of the agreements, in some cases within weeks of reasserting control over reconciled areas [[IDPs and returnees](#), 3.4.4; [Security 2020](#), 2.11.3.2; [Targeting](#), 1.2.3]. Conscription campaigns and arrests of persons suspected of draft evasion were reported, for example, in Rural Damascus and Dar'a [[Security 2020](#), 2.11.3.2; [Recaptured areas](#), 3.2.2.1].

According to a study documenting the security situation of returnees and others living in areas covered by reconciliation agreements, conscripted persons are 'almost inevitably sent to the most dangerous frontlines' [[Targeting](#), 2].

Dar'a is one of the places in Syria where Russia has had the strongest influence on the reconciliation agreement, and among the places where many former rebels chose to stay, unlike in other parts of Syria. Civilians of military age were required to perform their military service either in the army, in intelligence services or in the NDF. By enlisting in the Fourth Division, men were promised to remain inside Dar'a governorate and to not be sent to fight elsewhere. Hundreds of reconciled fighters and civilians joined the Fourth Division and other government-affiliated forces, notably the Fifth Corps, to avoid drafting by the SAA. In December 2018, sources reported that the government had begun to incorporate several militias into the official military structures. If fully implemented, joining a militia may no longer allow an individual to avoid military conscription, nor for him to avoid deployment to distant frontlines. Several sources also reported arrest campaigns in Dar'a, including of individuals who signed reconciliation agreements with GoS. Many of these campaigns were mainly focused on persons wanted for draft evasion [[Targeting](#), 2.1; [Recaptured areas](#), 3.2.2.1].

In Homs governorate, a significant number of reconciled combatants were also incorporated into the Fifth Corps, 4th Brigade. They were deployed in the desert around Palmyra with minimal training and equipment, where they reportedly suffered severe losses [[Security 2020](#), 2.6.2.1].

In Qamishli, Hasaka governorate, where the GoS retains partial control on the ground, it has conducted conscription campaigns. The SDF has been unwilling to cooperate in this regard and as of November 2019, had the ability to prevent the Syrian Government from exercising these activities on the ground in northern Syria. After the agreement between the SDF and GoS in mid-October 2019 that saw GoS troops deployed in previously Kurdish-controlled areas, it was reported that Syrian Kurds from the area fled to Iraq out of fear of being conscripted in the SAA. [[Targeting](#), 2.1]

There are also reports of family members of those evading military service and deserters facing retaliation by GoS in the form of intimidation and arrest [[Targeting](#), 1.3.6, 2].

Military service in Syria may trigger exclusion considerations. In terms of what excludable acts military service may involve, see [The Government of Syria and associated armed groups](#) under [VI. Exclusion](#).

2.1. Draft evaders

This profile refers to men who have refused or evaded conscription, including those who have not yet been confronted with conscription.

COI summary

It is reported that conscription intake remains relatively the same, even though the situation in Syria has stabilised to a certain degree. Mass conscription drives and arrests in Damascus, in core areas of the Syrian Coast and in Homs and Hama governorates are still going on. Conscription activity in reconciled areas, such as northern Homs governorate or southern Syria also took place, primarily because former opposition populations in these areas have largely been recruited into other pro-GoS units such as the Fifth Corps or the wide array of pro-GoS paramilitary groups rather than conscripted into the SAA. [Targeting, 2.1]

GoS is reported to view as political dissent the activities of wide categories of individuals, including draft evaders. Draft evaders were also among the categories included in the so called 'wanted lists' [Targeting, 1., 1.3.6]

According to the Syrian Military Penal Code (Articles 98, 99), draft evaders are punished with one to six months imprisonment in peacetime, after which they have to complete their military service in full. In wartime, draft evasion is a criminal offense, punishable by up to 5 years in prison and individuals have to complete their military service. In practice, draft evaders are usually sent directly to the military. [Targeting, 2.3.1]

Amnesty laws have been issued on several occasions since the Syria's crisis began in March 2011 to grant draft evaders or deserters amnesty from prosecution. However, military service would still have to be completed. Legislative Decree No 18 issued in October 2018, granted a general amnesty to certain individuals in Syria or abroad, accused of deserting or avoiding military service. The amnesty had to be taken up within four months for those residing within the country, or six months for those living abroad. Those who fought on the side of the armed opposition or dissented against GoS were excluded from the amnesty. On 28 October 2018, the Ministry of Defence issued a circular that provided for the implementation of the amnesty and forbade the arrest of reservists who had evaded military service, stating that the names of reservists who were wanted for active service would be removed from the list. Those reservists could still be called up again in the event of war or a state of emergency. [Targeting, 2.4]

In November 2018, sources assessed that very few individuals would be interested in using the amnesty law, the main reasons being that it did not pardon them for fulfilling the military service. Other sources also mentioned that GoS has not respected prior amnesties and reconciliation agreements, fuelling distrust among Syrians. [Targeting, 2.4]

Despite the October 2018 amnesty law, the GoS issued new lists of persons called for emergency military service, which contained 400 000 names, including a large number of youths whose names had just been removed from the list by virtue of the amnesty measure. [Targeting, 2.4]

The grace period of four to six months granted by the amnesty expired on 9 April 2019. Information on whether the amnesty was renewed could not be found. [Targeting, 2.4]

Risk analysis²⁰

In accordance with [Article 9\(2\)\(e\) QD](#), 'acts of persecution [as qualified in paragraph 1] can, inter alia, take the form of: prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2)'. In the case of the ongoing armed conflict in Syria, where various excludable acts have reportedly been committed by the Syrian Armed Forces, this is found to apply [see the chapter [VI. Exclusion](#)] and well-founded fear of persecution would in general be substantiated. In exceptional cases, where it is clearly established that the role in which the applicant would be deployed

²⁰ See also CJEU, *Andre Lawrence Shepherd v Bundesrepublik Deutschland*, C-472/13, judgment of 26 February 2015 (Shepherd). It can also be noted that a relevant case is currently pending at the CJEU, *EZ v Federal Republic of Germany, represented by the Bundesamt für Migration und Flüchtlinge*, C-238/19 (Request for a preliminary ruling from the Verwaltungsgericht Hannover (Administrative Court, Hanover, Germany)).

would exclude participating in excludable acts, additional factors may be required to substantiate a well-founded fear of persecution.

Taking into account the absence of a procedure for obtaining, or recognition of, the status of conscientious objector and the absence of alternative service in Syria, in the case of individuals considered to be conscientious objectors, well-founded fear of persecution would also in general be substantiated. The individual assessment whether someone is a conscientious objector should look into whether the opposition to military service is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person's conscience or his deeply and genuinely held religious or other beliefs, constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance.

Other actions to which draft evaders could be exposed may also be of such severe nature that they would amount to persecution (e.g. arbitrary arrest along with other forms of mistreatment such as physical violence, the risks associated with the treatment in detention facilities, including torture).

In the case of draft evaders, a well-founded fear of persecution would in general be substantiated. While certain exemptions from military service are envisaged in law, their application in practice lacks predictability.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion.

2.2. Military deserters and defectors

This profile refers to men who have left military service (duty or post) without permission. In accordance with the terms of the Syrian Military Penal Code, a 'fugitive military person or military-equivalent person' is considered: any military person or equivalent person who is absent from his squad or detachment without permission for a certain period qualified by the law; and any military person who travelled alone from one place to another or from point-to-point and his vacation has ended and he has not returned within a certain time period from the date fixed for his arrival or return. The applicable durations of absence depend on whether the offence takes place in peace or war time, the duration of service, and whether the person crosses an international border.²¹

COI summary

According to the Military Penal Code (Articles 100, 101), desertion is punishable by one to five years imprisonment in peacetime and can result in a prison sentence double up in wartime. [Targeting, 2.3.2]

Those who have left the country following desertion can be punished with a penalty of up to 15 years imprisonment in wartime. Desertion to the enemy is punishable by life imprisonment or the death penalty. Deserters are punished more severely than draft evaders. [Targeting, 2.3.2]

Reporting for the period between mid-July 2018 and mid-January 2019, the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) assessed that conscript deserters were among the groups most likely to be detained arbitrarily by the GoS forces. In previous years, deserters were often punished in the same way as those who actively joined the opposition. In targeted campaigns, the government systematically arrested defectors and military personnel suspected of sympathising with the opposition. According to a 2015 report, the Syrian government arrested defectors and had them forcefully disappeared. [Targeting, 2.3.2]

²¹ Article 100, Syria: Law No. 61 of 1950, as amended (Military Penal Code) [Syrian Arab Republic], 16 February 2017, unofficial translation by UNHCR, available at <https://www.refworld.org/docid/58a5e1b34.html>.

Amnesty laws were issued on several occasions since Syria's crisis began in March 2011 to grant draft evaders or deserters amnesty from prosecution. Legislative Decree No 18 issued in October 2018, granted a general amnesty to certain individuals in Syria or abroad, accused of deserting or avoiding military service. However, the amnesty did not exempt the person to whom it was granted from military service. The amnesty had to be taken up within four months for those residing within the country, or six months for those living abroad. Those who fought on the side of the armed opposition or dissented against GoS were excluded from the amnesty. [\[Targeting, 2.4\]](#)

In November 2018, sources assessed that very few individuals would be interested in using the amnesty law, the main reasons being that it did not pardon them for fulfilling the military service. Other sources also mentioned that GoS has not respected prior amnesties and reconciliation agreements, fuelling distrust among Syrians. [\[Targeting, 2.4\]](#)

Despite the October 2018 amnesty law, the GoS issued new lists of persons called for emergency military service, which contained 400 000 names, including a large number of youths whose names had just been removed from the list by virtue of the amnesty measure. [\[Targeting, 2.4\]](#)

The grace period of four to six months granted by the amnesty expired on 9 April 2019. Information on whether the amnesty was renewed could not be found. [\[Targeting, 2.4\]](#)

In the recaptured areas, for defectors or other non-civilians who meet the conditions, the reconciliation process starts immediately. They are given 30 days to clarify their status (instead of the 'grace period' of six months applied to others), before being sent back to the same unit or another unit to continue their service [\[Recaptured areas, 2.7\]](#).

Risk analysis ²²

Military deserters and defectors could be exposed to other acts which are of such severe nature that they would amount to persecution (e.g. forced disappearance, death penalty).

Moreover, in accordance with [Article 9\(2\)\(e\) QD](#), 'acts of persecution [as qualified in paragraph 1] can, inter alia, take the form of: prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2)'. In the case of the ongoing armed conflict in Syria, where various excludable acts have reportedly been committed by the Syrian Armed Forces, this is found to apply [see the chapter [VI. Exclusion](#)] and well-founded fear of persecution would in general be substantiated. In exceptional cases, where it is clearly established that the role in which the applicant would be deployed would exclude participating in excludable acts, additional factors may be required to substantiate a well-founded fear of persecution.


Taking into account the absence of a procedure for obtaining, or recognition of, the status of conscientious objector and the absence of alternative service in Syria, in the case of individuals considered to be conscientious objectors, well-founded fear of persecution would also in general be substantiated. The individual assessment whether someone is a conscientious objector should look into whether the opposition to military service is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person's conscience or his deeply and genuinely held religious or other beliefs, constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance.

In the case of military deserters and defectors, a well-founded fear of persecution would in general be substantiated.

²² See also CJEU, *Shepherd*.

Nexus to a reason for persecution

Available information indicates that in the case of defectors persecution is for reasons of (imputed) political opinion. In the case of military deserters, persecution may also be for reasons of (imputed) political opinion.

 Exclusion considerations could be relevant to this profile (see the chapter [VI. Exclusion](#)).

3. Persons with perceived links to ISIL

This profile refers to (perceived) members of ISIL, individuals with familial links to ISIL, as well as civilians who resided in territories controlled by ISIL.

COI summary

ISIL is a UN- and EU-designated terrorist organisation. The group began capturing territory in Syria in 2013, which attracted an international US-led coalition military response. Since September 2014, the US-led Global Coalition Against Daesh has carried out military operations against ISIL and other targets in Syria [[Actors](#), 1.2.2]. By August 2017, the coalition conducted over 11 000 airstrikes against ISIL targets in Syria. Turkey has conducted ground operations against ISIL since 2016. GoS forces also fought against ISIL, reclaiming territories such as Palmyra, while Russia claimed airstrikes on ISIL targets. Detained ISIL fighters and their families in north-east Syria number more than 100 000. [[Security 2020](#), 1.4.6]

The Kurdish-controlled areas in northeast Syria comprise most of the territory that was previously under ISIL control in Syria and which sources considered ‘the main theatre for ISIS’s insurgency’. [[Targeting](#), 6.2]

SDF/YPG arbitrarily detained and indiscriminately killed civilians during anti-ISIL raids. SDF was responsible for raids, arrests and forced disappearances. IDPs settled in Raqqa, Hasaka and Deir Ez-Zor governorates were particularly targeted by SDF, whom it accused of ISIL affiliation. The informal detention centres for ISIL fighters and affiliates were reported to be severely overcrowded and lacking adequate medical care. Thousands of wives and children of ISIL fighters were also held in makeshift camps where the living conditions were reported to be deplorable [[Targeting](#), 3.2]. The Al Hol camp in Hasaka governorate hosts more than 66 000 persons, around 96 % of whom are women and children. Because of their familial links to ISIL, they have reportedly suffered discrimination at the hands of SDF forces, as well as harassment, denial of healthcare, restricted movement due to security considerations, and looting. [[Security 2020](#), 2.7.3.3]

In 2015, the YPG established the terrorism court - known as the ‘People’s Court’ - to prosecute ISIL fighters and affiliates. The court has judges and prosecutors lacking judicial training, who often come from different professional backgrounds, such as architects, construction workers, bakers or auto mechanics.

The Kurdish authorities were reported to have tried thousands of Syrian ISIL suspects in flawed proceedings. The Kurdish People’s Court tried and sentenced 7 000 ISIL suspects and other 6 000 were awaiting trial. The Kurdish authorities’ approach to prosecution of ISIL fighters was described as uneven, with some fighters being freed or given light sentences, while other wait years for a trial. Defence lawyers for cases of ISIL fighters were reportedly not available due to fears of retaliation from ISIL cells. Kurdish authorities handed out reduced sentences to ISIL members who have surrendered to them or released them as part of reconciliation deals brokered with tribal leaders. [[Actors](#), 3.1.4]

SDF regularly claims to arrest ISIL affiliates, but it has been accused of arresting civil activists involved in the uprising against the Assad government. There were several incidents of arrests of local activists and humanitarian workers in Raqqa governorate under the accusation of ISIL affiliation. [[Targeting](#), 3.2]

YPG forces were reported to be engaged in razing of villages, confiscation of property and forced displacements of people in retaliation for perceived affiliation or sympathies to ISIL or other armed groups during anti-ISIL operations in Hasaka and Raqqa governorates carried out in 2015. [[Targeting](#), 3.2]

Those considered to be affiliated with terrorist groups such as ISIL can be denied entering in reconciliation agreements with the **GoS** [[Recaptured areas](#), 2.5.3]. However, GoS has on several occasions struck deals with the group and participated in the evacuation of its members. In May 2018, ISIL soldiers and their families were evacuated from Yarmouk Camp and Hajar al-Aswad in Damascus to areas that were then under ISIL control in the desert in Badia [[Recaptured areas](#), 2.5.3.1].

The Syrian Penal Code envisages the death penalty for terrorism-related offences, including terrorist acts and the financing of terrorist acts, regardless of whether such acts result in death or not. However, little information is available about death sentences passed and there is no information on executions. [[Actors](#), 2.2.3]

Risk analysis


In itself, the prosecution of the criminal acts of the insurgents and their targeting in accordance with the rules of international humanitarian law do not amount to persecution. However, certain acts to which persons with perceived links to ISIL could be exposed could be of such severe nature that they would amount to persecution (e.g. forced disappearance, death penalty, killing).

For perceived members of ISIL and those perceived to have familial links to ISIL members well-founded fear of persecution would in general be substantiated.

In the case of civilians who resided in territories controlled by ISIL, not all individuals would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the perceived level of support for ISIL.

Nexus to a reason for persecution

Available information indicates that, persecution of this profile is for reasons of (imputed) political opinion.

 Exclusion considerations could be relevant to this profile (see the chapter [VI. Exclusion](#)).

4. Members of and persons perceived to be collaborating with the SDF and YPG

This profile refers to members of the SDF and the YPG, as well as to other individuals perceived to be collaborating with them.

See also the profile [11.2. Kurds](#).

COI summary

The COI summary focuses on targeting of such individuals by the SNA and by ISIL.

a. Targeting by the SNA

[Main COI reference: [Targeting](#), 6.1]

The UN and other human rights organisations documented kidnappings, abductions, torture, extortion and assassinations of civilians at the hands of armed groups operating under the SNA umbrella. Looting, theft and expropriation of Kurdish properties by SNA factions, such as in the aftermath of the capture of Afrin and in the areas of al-Bab, Jarablus and Azaz, were also reported. Armed groups and criminal gangs in Afrin abducted civilians of Kurdish origin, wealthy individuals including doctors, businesspersons and merchants for economic, political and security reasons. Perceived supporters of the Kurdish administration were regularly arrested, detained, tortured and extorted by armed groups. Those suspected of affiliation with Kurdish authorities were reportedly arrested and asked to pay fines of USD 400 for their release. Abductions were carried out primarily at checkpoints or at the victim's home during the night.

In April 2019, the Syrian Observatory for Human Rights (SOHR) reported on the arrest of the president and members of the Kurdish National Council in Afrin, as well as 2 600 Kurdish citizens. At the time of reporting, around 1 100 were still in detention while the rest were released upon paying a ransom that in some cases reached 10 million Syrian pounds (approximately EUR 17 600). In October 2019, Hevrin Khalaf, a Kurdish female politician who was secretary general of the Kurdish Future Syria Party, was summarily killed by members of SNA.

IDPs who returned to Afrin found their properties confiscated or destroyed and some homes redistributed to Sunni Arab IDPs. Returnees were precluded from living in the area due to their real or perceived affiliation to YPG, while killings of returnees have been also reported. The CoI noted that it ‘finds that there are reasonable grounds to believe that members of the armed groups in Afrin continued to commit war crimes of hostage-taking, cruel treatment and torture’.

During the Turkish-led incursion into the north-east Syria in October 2019, Turkish forces and affiliated armed groups including SNA reportedly committed attacks on residential areas, summary killings and unlawful attacks that have killed and injured civilians, and targeted civilian infrastructure, such as the main water station in Hasaka governorate [Security 2020, 2.7.3].

UN sources also reported that armed groups supported by Turkey carried out arbitrary arrests for the purpose of ransom to punish people for requesting to recover stolen property, or for alleged affiliation to the PYD or YPG [Security 2020, 2.7.3]. Moreover, arrests by SNA-affiliated armed groups of Arab men who had previously served the SDF, have been reported.

In and around the so called ‘safe zone’ established by SNA and the Turkish armed forces between Tall Abyad (Raqqqa governorate) and Ras al Ain (Hasaka governorate), sources indicate that persons of Kurdish ethnicity - especially those affiliated to, or with attributed affiliation to, SDF/YPG or any part of the Kurdish forces, have been at risk of denied returns, arbitrarily arrested or had their property confiscated [Security 2020, 2.7.3].

b. Targeting by ISIL

[Targeting, 6.2]

ISIL continued to conduct small-scale operations, like ambushes, assassinations, and IED attacks against GoS forces and SDF and their civilian affiliates in the Middle Euphrates River Valley and Hasaka governorate [Security 2020, 2.7.3].

Attacks such as roadside bombs, drive-by shootings and assassinations of local SDF collaborators by ISIL have been documented in Kurdish-controlled areas that were previously under the ISIL control. Arab men who joined the SDF were also targeted. ISIL also maintained a steady low-level violence in Deir Ez-Zor’s eastern countryside, including roadside bombs, assassinations and drive-by shootings. Lists of SDF recruits and civilian employees were posted by ISIL on several mosques in the city of Deir Ez-Zor demanding that they ‘repent’ [Targeting, 6.2].

Assassinations of governance officials, village elders, people perceived as informants against ISIL, collaborators with the SDF, as well as attacks on local security forces, were reported. ISIL were also reported to target political and military figures associated with the SDF, members of the SDF security apparatus and prisons where ISIL detainees were held [Targeting, 6.2].

In February 2020, the UN Security Council noted an increase in attacks targeting the international counter-ISIL coalition and local non-State armed groups in Deir Ez-Zor and Hasaka governorates [Security 2020, 2.7.3]. An increase in ISIL attacks aimed at SDF military targets, such as headquarters, vehicles, and fighters, was also reported in Raqqqa governorate [Security 2020, 2.8.3.1].

Risk analysis


The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, abduction, killing).

For members of and persons perceived to be collaborating with SDF/YPG in areas where the SNA operates, a well-founded fear of persecution would in general be substantiated.

In Kurdish-controlled areas that were previously under the ISIL control, the threat posed by ISIL to individuals under this profile has decreased compared to previous years. Nevertheless, ISIL continues to be capable of attacks in those areas and members of and persons perceived to be collaborating with the SDF/YPG are viewed by ISIL as a priority target. Not all individuals under this sub-profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (areas where ISIL continues to operate), visibility of the applicant, position within the community, nature of activities undertaken by the individual, public expression of support for SDF/YPG or condemnation of ISIL's actions, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion. In the case of persecution by SNA, it may also be for reasons of race/nationality.

 Exclusion considerations could be relevant to this profile (see the chapter [VI. Exclusion](#)).

5. Persons perceived to be opposing the SDF/YPG

This profile refers to different groups perceived by the SDF/YPG as opposing them. It includes, in particular, political opponents, persons with (perceived) links to ISIL (see also [Persons with perceived links to ISIL](#)), and persons associated with Turkey and/or the SNA. In addition, it addresses the situation of Arabs and Christians in Kurdish-controlled areas.

COI summary

[Main COI reference: [Targeting](#), 3]

Different profiles of individuals can be considered by the SDF/YPG as opposition:

a. Political opponents and supporters of opposition parties

[Main COI reference: [Targeting](#), 3.1]

PYD is viewed as the dominant political actor in the Kurdish-controlled areas, where it exercises ultimate control. Most of the Kurdish opposition is united under the umbrella group of the Kurdish National Council (KNC).

With the establishment of PYD-run administration, many opposition parties are said to have gone into exile or have been suppressed by the PYD. PYD and the affiliated Asayish engaged in arbitrary detentions, forced disappearances and torture of political opponents, such as the members and leaders of KNC. Burning of KNC offices and blocking of political activities was also reported. In the months preceding the 2017 local elections in northeast Syria, Kurdish authorities launched a campaign of arrests of 'illegal' and unpermitted political parties, resulting in the closure of nearly all opposition party offices. In January 2019, the PYD-run administration allowed 'unlicensed' political parties to open new local offices. Due to the Turkish military offensive in October 2019, talks about a deal between the PYD and KNC have emerged.

Activists, journalists, members of human rights organisations, members of civil society who opposed their policies, individuals who refused to cooperate with Kurdish groups, civilians supporting competing political

parties, and individuals perceived to be insufficiently loyal, had been arbitrarily arrested [See also [Journalists, other media professionals and citizen journalists](#) and [Human rights activists](#)]. Civilians were reportedly also targeted under the charge of cooperating with opposition factions.

b. **Persons with (perceived) links to ISIL**

[Main COI reference: [Targeting](#), 3.1]

The treatment of individuals with perceived links to ISIL, including by the SDF/YPG, is addressed in a separate profile [Persons with perceived links to ISIL](#).

It should also be noted that, while the SDF regularly claims to arrest ISIL affiliates, some of those arrested were reportedly civil activists, including activists involved in the uprising against the Assad government, and humanitarian workers.

c. **Arabs and Christians in areas controlled by SDF**

[Main COI reference: [Targeting](#), 3.3]

Arabs have claimed to be marginalised in the governance of the areas where they constitute a majority, with decision-making ultimately resting in the hands of the Kurds. This imbalance of power has led to unrest in Arab tribal areas, resulting in protests in the governorates of Deir Ez-Zor, Hasaka and Raqqqa. Main complaints were lack of services, discrimination, forced conscription, failure to release prisoners, deterioration of living conditions, and arbitrary arrests of civilians under the accusation of having links with ISIL or Turkey. Arab fighters that refused to join SDF claimed that they have been subjected to harassment, arbitrary arrests, and confiscations of weapons and cars. Corruption, extortion and abuses of power at the hands of SDF personnel was also reported.

Concerning the situation of Sunni Arabs in Syria in general, see the profile [11.1. Sunni Arabs](#).

In 2018, disputes between the PYD-led Kurdish administration and **Christian** communities over the school curriculum led to the temporary closure of schools in the cities of Qamishli, Hasaka and Al-Malikiyeh. Christian activists complained in protest that the 'mandated curriculum denied them their own unique ethnoreligious identities' and that it aimed to promote Kurdish nationalism. Teachers who refused to fully implement the PYD curriculum were arrested. During relevant protests, demonstrators were also arrested or disappeared by PYD forces.

Concerning the situation of Christians in Syria in general, see the profile [11.5. Christians](#).

d. **Persons associated with Turkey and/or the SNA**

[Main COI reference: [Targeting](#), 3.4]

Since the capture of Afrin by Turkish forces and affiliated armed groups in March 2018, YPG and other armed groups engaged in a low-level insurgency. They reportedly conducted IED attacks, roadside ambushes, kidnappings and executions against the Turkey-backed groups that control the area and suspected collaborators, including (perceived) informants for Turkish authorities or members of the Turkish-supported civil administration of Afrin. Relatives of members of the FSA were also arrested for interrogation. In the wake of the Kurdish forces' withdrawal from the areas captured by Turkey and SNA in the October 2019 offensive, there were also unconfirmed reports of SDF forces killing civilians for perceived relations with the SNA.

Risk analysis


Actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. forced disappearance, torture, arbitrary arrest). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination could amount

to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (who is in control of the area of origin of the applicant, if the applicant was located in any of the IDP camps), the nature of activities and degree of involvement in activities perceived by SDF/YPG as opposition, (perceived) affiliation with ISIL (see separate profile [Persons with perceived links to ISIL](#)) or Turkish-backed forces (see also [1.1. Members of anti-government armed groups](#)), being known to the Kurdish authorities (e.g. previous arrest), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion.

 Exclusion considerations could be relevant to some sub-categories of this profile, such as ISIL members and members of the SNA (see the chapter on [VI. Exclusion](#)).

6. Persons fearing forced or child recruitment by Kurdish forces

This profile refers to the topic of recruitment under the 'Duty of Self-Defence' and the topic of child recruitment by Kurdish forces.

COI summary

a. 'Duty of Self-Defence' and forced recruitment

[Main COI reference: [Targeting](#), 3.3, 4.1, 4.2]

Compulsory recruitment was first introduced by the Kurdish Administration on 14 July 2014 on the basis of the Law on Mandatory Self-Defence Duty. All amendments and previous versions of the Law became null and void after the General Council (*Majlis al-'Am*) agreed on 35 Articles regarding the 'Duty of Self-Defence' in June 2019. Geographically, the law is confined to the areas of northern and eastern Syria under the control of the Kurdish-led Autonomous Administration.

'Conscription' is mandatory for all male residents, both Syrian nationals and stateless Kurds, living in the territories under the Autonomous Administration, after reaching 18 years. Syrians from other parts of the country who have resided in the area longer than five years are obliged to join as well. One source indicated that men who served in the SAA also had to complete the service under the 'Duty of Self-Defence' in the Kurdish areas. Men serve in the YPG, while women can join the YPJ on a voluntary basis.

According to one report, while under the Kurdish Administration law, members of ethnic and religious minorities are obliged to serve, the law was not enforced, and they rather joined on a voluntary basis. In 2017, there were reports that recruitment policies in Arab areas, such as Manbij and Taqba, were halted after the intervention of tribal leaders.

The 'Duty of Self-Defence' has to be completed by the age of 40 years and it usually lasts six months. However, during May 2018 to May 2019, it lasted 12 months. In the case of conscientious objection to join the Kurdish forces or arrest because of refusal to join, the 'Duty of Self-Defence' would be 15 months as a punitive measure. Late enlistees are obliged to serve for an additional month.

Deferrals can be granted by the Self-Defence Duty Department for: students, recent returnees to Syria, and persons with siblings younger than 18 years and a passed away or handicapped father. Exceptions to the 'Duty of Self-Defence' include medical reasons, disabilities, family members of martyrs holding a proving certificate thereof, or only sons. There is conflicting information as to whether the payment of a fee can exempt an individual from the 'Duty of Self-Defence', however according to Article 10 (2019) the payment

of guaranty (*kafāla*) does not exempt from the mandatory service. Lists of people wanted for service in the YPG were issued in 2015.

SDF and YPG use forced recruitment in addition to the 'conscription' system, in order to supplement their numbers. There were documented cases of arbitrary arrest for recruitment despite applicable postponements for education or medical reasons. Arrests of men of 18 years old and above, who attempted to avoid forced recruitment, were reported. The individuals recruited received basic training and were subsequently sent to the frontlines.

There were also reports that the SDF was asking returning families to volunteer one man per family to join YPG, which deterred some families from returning to their homes. Some families chose to move from the areas under SDF in order to avoid reprisals, including arrest, for not accepting recruitment. IDPs in Mabrouka camp alleged that SDF forces were targeting certain families for forced recruitment and that families without sons were reportedly made to pay USD 300 to SDF soldiers. Different sources stated that members of the Arab communities in areas under SDF control were also subjected to forced recruitment by the SDF. Arab fighters that refused to join SDF claimed that they have been subjected to harassment, arbitrary arrests, and confiscations of weapons and cars.

b. Child recruitment

[Main COI reference: [Targeting](#), 4.3]

The recruitment and use of child soldiers by the YPG had been documented since 2014. In the period from January to December 2018, the UN verified the recruitment and use of 313 children, both boys and girls, by SDF forces.

IDP camps were a source for recruiting children, in some occasions without the permission of their families. Parents usually had no contact with their children once they were recruited and only found out from authorities that their children were in training. In July 2018, SDF declared an end to using child soldiers and released 56 underage boys to their families in December 2018. This was followed by the adoption by the SDF of an UN action plan to end the recruitment and use of children in conflict in June 2019. However, during the course of 2019, conscription of children was still documented.

Risk analysis

SDF/YPG are non-State armed forces, therefore, non-voluntary recruitment by SDF/YPG, even if imposed under the 'Duty of Self-Defence', is considered as forced recruitment. Forced recruitment and child recruitment are of such severe nature that they would amount to persecution.

Not all individuals from Kurdish-controlled areas would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender, falling within an exception ground, ethno-religious background, age, being in an IDP situation, etc.

Nexus to a reason for persecution

While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion. In the case of child recruitment, the individual circumstances of the applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

7. Persons associated with the Government of Syria

This profile refers to members of the GoS and Baath party officials, members of government armed forces and pro-government armed groups and to civilians perceived to be supporting the government. The section focuses on targeting by non-State actors. The consequences of leaving Syria and return are addressed under the section [The implications of leaving Syria](#).

COI summary: overview

[Main COI reference: [Targeting](#), 5]

The Idlib area in northwestern Syria is viewed as the armed opposition's last stronghold. The opposition-controlled area is generally referred to as Idlib, but it also includes neighbouring areas in northwestern Aleppo, northern Hama and Latakia governorates. As of January 2020, the GoS offensive on the Idlib area is ongoing, resulting thus far in the capture of significant territories and massive displacement.

HTS is described as the most important and powerful actor in the Idlib area, but they also have a presence in southern Syria. Their primary objective is aimed at establishing Islamic rule in Syria through overthrowing the Assad government and ousting Iranian militias. They might be behind or are at least deeply involved in the insurgent violence in southern Syria and Damascus, whether in facilitating attacks or creating false groups to mask their return to insurgency in southern Syria.

Other significant opposition armed groups that are present and active in the Idlib area operate under the umbrella of the NLF. Smaller predominantly Islamist armed opposition groups that operate in the area include HAD, TIP and Ansar al-Tawhid.

In southern Syria, armed groups such as Popular Resistance and Saraya Qasioun and unknown perpetrators carried out IED-explosions, assassinations and kidnapping of individuals, including members of GoS and affiliated armed groups, as well as reconciled fighters, commanders and facilitators.

While ISIL's territorial control in Syria ceased to exist after the capture of Baghouz in March 2019, sources maintained that the group remains a serious threat in Syria. In 2019, ISIL was reported to be forming cells across Syria, and an increase in the number of ISIL attacks in areas controlled by the Syrian government has been reported.

7.1. Members of the Government of Syria and Baath party officials

COI summary

[Main COI reference: [Targeting](#), 5.1]

There is little information available regarding the targeting of members of the government and the Baath Party in the rebel-held areas and other parts of Syria.

One source made reference to former Baath Party members as potential targets by the armed groups in Idlib. Another source reported that HTS conducted security operations which allegedly targeted ISIL members, Kurdish agents, as well as individuals 'working for the Syrian government'. The newly established local resistance group Saraya Qasioun, which operates in Rural Damascus and Dar'a governorates, claimed attacks on personnel of GoS, the Baath Party and affiliated armed groups in April 2019.

As mentioned before, despite the wide presence of the SAA and government security apparatuses in the western region of Dar'a, the region witnesses unclaimed guerrilla attacks, IED explosions, assassinations and kidnappings of former rebels, government officials, Syrian army soldiers and security apparatus members. Reports further state that assassinations of the Syrian government agents and militia members increased in Dar'a governorate. It is not clear whether those agents were civilians or held official status. The newly emerged Southern Companies (Siraya Janoubiya) targeted a Baath office in eastern Dar'a with an

explosion, threatening to target government facilities if they did not ‘stay away from civilians’. [[Security 2020, 2.12.2.3](#)]


Risk analysis

Actions to which individuals under this profile could be exposed could be of such severe nature that they would amount to persecution (e.g. assassination, kidnapping). However, risks associated with the conduct of war, faced by the security apparatus and militias, are inherent to their position and are not considered to amount to persecution.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

Nexus to a reason for persecution

According to available information persecution of this profile is for reasons of (imputed) political opinion.

 Exclusion considerations could be relevant to this profile (see the chapter [VI. Exclusion](#)).

7.2. Members of government armed forces and pro-government armed groups

COI summary

[Main COI reference: [Targeting, 5.2](#)]

In Dar’a, GoS armed forces and affiliated groups were attacked on multiple occasions. Attacks included detonating bombs, mines, booby-trapped cars and the use of light and medium weapons, and also unclaimed guerrilla attacks, IED explosions, assassinations and kidnappings. SOHR registered 171 casualties from the attacks between June 2019 and January 2020, the majority of which were members of the GoS armed forces and affiliated groups (91), former opposition fighters reconciled with GoS (29) and civilians (28).

The Popular Resistance armed group claimed responsibility for the assassination of several reconciled opposition fighters and reconciliation facilitators. A significant part of attacks that took place during 2019 in southern Syria were part of an organised armed insurgency against the GoS that was re-emerging in the area.

In areas controlled by the government, ISIL claimed attacks in Dar’a and launched larger-scale attacks against Syrian security forces from the Badia desert in central Syria.

ISIL attacks on GoS forces were recorded in the desert areas of Homs and Deir Ez-Zor governorates. In Syria’s central desert, along the M20 highway that runs between Palmyra and Deir Ez-Zor, GoS soldiers and affiliated militiamen were reported to be killed almost daily in ISIL attacks carried along the highway [[Security 2020, 1.4.6](#)].

Risk analysis


Certain risks for members of armed forces are inherent to their military status and the ongoing civil war and those would not amount to persecution or serious harm. However, actions outside the conduct of war could be of such severe nature that they would amount to persecution (e.g. assassination and kidnapping).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular the regional specifics (depending on the presence and activity of anti-government armed groups).

With regard to the risk associated with leaving Syria, in addition to considerations related to [the implications of leaving Syria](#), see [2.2. Military deserters and defectors](#).

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion.

 Exclusion considerations could be relevant to this profile (see the chapter [VI. Exclusion](#)).

7.3. Civilians perceived to be supporting the government

COI summary

[Main COI reference: [Targeting](#), 5.3]

Civilians perceived to be collaborating or supporting the government or (pro-)government armed forces and/or to oppose anti-government armed groups are targeted by several groups, mainly HTS and ISIL.

In areas where **HTS** is operating, individuals were targeted for affiliation with the Syrian government and HTS carried out operations to arrest persons suspected of being in contact with the regime. HTS targeted civilians who opposed the group's policies and practices, as well as activists and public figures, with the aim to intimidate the society in areas under its control. The HTS considered civilians opposing it as agents, infiltrators, or 'frogs' (a Syrian opposition moniker for someone in surreptitious contact with the GoS and prepared to "jump" to the other side) [[Targeting](#), 5.2]. Civilians are unlawfully detained, kidnapped, tortured and executed for expressing political dissent or because they are suspected government and pro-government informants, i.e. people suspected of communicating with the GoS and the Russians. This includes civilians who are in favour of reconciliation with the government. HTS also cracked down on populations that were seen as supportive of the FSA and the values of the original Syrian Revolution. [[Targeting](#), 5.3.1]

While **ISIL** ceased to control territory in Syria, it still maintained presence in government-held territories such as Homs and Dar'a governorates, and a latent presence in Idlib governorate. ISIL claimed low-level attacks targeting in particular reconciled opposition group leaders, as well as local security forces and pro-GoS paramilitary groups. There also are several reports of ISIL attacks in which civilians were killed, including women and children. ISIL-claimed attacks are hard to dissociate from the ongoing insurgency in southern Syria - the emergence of groups such as the Popular Resistance in Dar'a and Saraya Qasiyoun as well as the latent Al Qaeda presence in the south. [[Targeting](#), 5.3.2]

With regards to targeting civilians who fall under this profile outside of the areas of control of armed groups, it was reported that **rebel groups** in Idlib governorate continued to kill Syrian soldiers as well as civilians in neighbouring areas of Latakia, Hama and Aleppo. [[Targeting](#), 5.3.1]

Risk analysis

Actions to which individuals under this profile could be exposed could be of such severe nature that they would amount to persecution (e.g. detention, torture, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (depending on the presence and activity of anti-government armed groups) and level of (perceived) support or collaboration, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion.

8. Journalists, other media professionals and citizen journalists

This profile refers to journalists, other media professionals and bloggers and their situation in relation to potential targeting by different actors in Syria.

COI summary

[Main COI reference: [Targeting](#), 7]

Journalists were targeted by all the parties involved in the conflict in Syria and faced physical danger in the whole country. There were reports of threats, abductions, imprisonments, torture and killings of journalists. Their safety was jeopardised because of direct targeting and/or as a result of the violence while covering the fighting, including 'double-tap' attacks. Freedom of press was reported to be restricted, journalists faced censorship and very few of the new Syrian media that were created by citizen journalists have survived. Even though in 2018 and 2019 there was a decrease of human rights violations against journalists, Syria continued to rank as one of the two deadliest countries worldwide for the media.

a. Targeting by government forces and affiliated armed groups

[[Targeting](#), 7.2]

The GoS has been the main actor committing violations against media and media personnel. As SNHR noted in a May 2019 report, 'the Syrian regime and its security services became even more lethally brutal and oppressive towards any independent press and media covering events in the country'. SNHR further stated that 'violations were multiple, intensive, widespread and clear'. Local journalists were targeted because of their collaboration with international journalists and media outlets. Journalists were targeted by snipers, arrested, detained without trial, tortured and forcibly disappeared. The GoS also attempted to discredit them, by undermining the credibility of their reports and statements.

GoS arrested most of the citizen journalists in the areas with which it had entered into settlement processes, while other journalists in Dar'a had to evacuate after they refused reconciliation with GoS, in fear of being targeted by government forces.

Citizen journalists and media workers were also in danger in areas that are not under the control of GoS, since they are part of the civilian population that was targeted by 'double-tap' aerial and artillery bombings.

Journalists that were loyal to the GoS were also targeted, as a result of a struggle for power centres that formed within the regime over the course of the war.

See also [Persons perceived to be opposing the government](#).

b. Targeting by the SDF/YPG

[[Targeting](#), 7.5]

SDF suppressed the freedom of press, particularly when opposing the SDF's policies. Intimidation, and a large number of arrests, forced disappearances and torture of citizen journalists criticising the regime of the SDF was documented.

There were reports concerning the second half of 2017 that journalist and activists that reported on human rights violations committed by SDF were subjected to intimidation and arbitrary arrests in Raqqa, Tall Abyad and Tabqa.

See also [Persons perceived to be opposing the SDF/YPG](#).

c. Targeting by the SNA

[[Targeting](#), 7.4]

FSA-affiliated groups, after taking over an area, repeatedly proceeded to arbitrary arrests and detentions of different individuals, including journalists. One source also reported that citizen journalists were harassed, extorted, intimidated, detained and tortured by armed opposition groups.

d. Targeting by HTS

[[Targeting](#), 7.3]

There is less reporting out of Idlib governorate because the former proliferation of free activist media outlets has been increasingly clamped down on by HTS. HTS arbitrarily arrested, kidnapped, imprisoned and tortured journalists, when perceived to be violating the Islamic law (Sharia) or to oppose or criticise its rule. Citizen journalists were also killed, as they were perceived as a threat to its ideology and policies.

e. Targeting by ISIL

[[Targeting](#), 7.6]

ISIL seized thousands of individuals, including journalists, whose fate remains unknown. Citizen journalists were also pursued, arrested, threatened with torture and death, terrorised and forced to promote ISIL ideology and propaganda. Reports on this were published in 2019, however, without specifying the time in which the events took place. Other sources indicated that in 2018 ISIL was no longer among the actors targeting the media and media personnel in Syria [see also [Targeting](#), 7.1].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, arbitrary arrest, detention without trial, kidnapping, torture, forced disappearance).

In the case of journalists who are seen as critical by the actor in control of the particular area, well-founded fear of persecution would in general be substantiated.

In the case of other journalists, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the topic they report on, regional aspects (reach of the actors they report on), visibility, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion. In the case of persecution by extremist groups such as the HTS it may also be for reasons of religion.

9. Human rights activists

This profile refers to human rights activists, i.e. persons who individually or with others act to promote or protect human rights. For guidance on political opposition activists, see [1.2. Political activists, opposition party members and protesters seen as opposing the government](#). See also the profile on [Journalists, other media professionals and citizen journalists](#).

COI summary

[Main COI reference: [Targeting](#), 8]

Human rights defenders in Syria have been facing an increased risk of targeting after 2011, including reports of arbitrary arrests and detention, abductions, forced disappearance, prosecution, death threats, restriction of movement, defamation, as well as other forms of intimidation and harassment.

Different actors may be responsible for the targeting of human rights activists in Syria:

a. Targeting by government forces and affiliated armed groups

[Targeting, 8.1]

Since the start of the conflict in 2011, the four main intelligence agencies were responsible for most arrests and detentions of persons perceived to oppose the government, including peaceful demonstrators, human rights activists, and political dissidents and their families. [Targeting, 1.1.1]

According to the CoI, covering the period from 11 July 2018 to 10 January 2019, activists were amongst the most likely individuals to be arbitrarily detained in Syria by the GoS forces in areas under their control.

[Targeting, 8.1] In some cases, human rights activists are seen as political opponents, especially if they criticise the GoS. Arbitrary arrests, torture and extrajudicial killing of civilians, human rights defenders and humanitarian workers are also documented. [Targeting, 1.1.1]

In August 2019, after recapturing the Dar'a governorate from armed groups, government forces requested civilians to sign an oath of loyalty as part of the government-imposed 'reconciliation' process. In reconciled areas, civilians are required to report the contact details of human rights activists. In other areas recaptured by the government and in cities like Douma, Dar'a and the northern part of Homs, the GoS proceeded to carry out arbitrary arrests and detentions. One of the main groups targeted were human rights activists. The GoS monitored the phones of activists and sources reported that 'they might be regularly taken in for questioning'.

Human rights activists were amongst those detained without access to a fair public trial. After the government forces ceased the siege of Eastern Ghouta, the security forces forcibly disappeared many of the individuals they had detained, activists included. These activists were also tortured or subjected to other forms of ill-treatment.

It is reported that human rights activists are included in the 'wanted lists', along with others seen by the GoS as involved in opposition-related activities [Targeting, 1.3.6].

See also [Persons perceived to be opposing the government](#).

b. Targeting by the SDF/YPG

[Targeting, 8.4]

In September 2019, at least seven forced disappearances or arbitrary arrests of civilians including human rights activists were reported. Those individuals were perceived as critical towards the SDF in the areas under their control. The activists were intimidated and arrested for reporting on alleged violations committed by the SDF and their allies in Raqqa city, Tall Abyad and Tabqa. There were cases of the SDF arresting and detaining relatives of activists in order to obtain information about the location of activists and to pressure them to come out of hiding. The SDF, after claiming areas in the governorates of Raqqa and Deir Ez-Zor, targeted activists amongst other groups. The activists were subjected to beatings and deprived of food and access to healthcare.

See also [Persons perceived to be opposing the SDF/YPG](#).

c. Targeting by the SNA

[Targeting, 8.5]

The FSA-affiliated armed groups displayed patterns of arbitrary arrests, kidnappings, detention and beatings in the areas under their control, targeting also activists. In February 2018, the Turkish air force launched an attack against a convoy of vehicles allegedly carrying weapons, terrorists and ammunition, resulting in at least one fatality and twelve injuries. The convoy appeared to have carried activists, nurses, a doctor and demonstrators.

Activists were also targeted by the pro-Turkey armed group Sultan Murad. The activists were arbitrarily detained, and some were tortured and subjected to other forms of ill-treatment by members of this armed group.

d. Targeting by HTS

[Targeting, 8.2]

Since September 2018, there is an escalation of violations in the north of Syria, particularly in Idlib, where the group was conducting raids in villages, targeting and arresting local activists among other individuals. There were at least 184 incidents of abductions and arbitrary arrests in the period of September until mid-October 2018 in Aleppo and Idlib. Activists who were perceived to violate the group's interpretation of the Islamic law (Sharia) were regularly kidnapped, detained arbitrarily, tortured and mistreated. In November 2019, HTS arrested a 'civilian activist' at the checkpoint of al-Bayda, amongst arrests of other individuals that opposed the group in the areas under its control.

e. Targeting by ISIL

[Targeting, 8.3]

During the period July 2017 to January 2018, across the governorates of Raqqa, Deir Ez-Zor, and Hama, ISIL detained and tortured, among other civilians, activists who were accused of reporting on alleged violations the group had committed. In the time ISIL controlled territory, the group 'took into custody' at least 8 000 people in Syria, including activists. There are many documented cases of individuals, including activists, who had disagreements with local ISIL members, were detained by ISIL and whose whereabouts remain unknown.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, arbitrary arrest, detention, kidnapping, torture, forced disappearance).

In the case of human rights activists perceived as critical of the actor in control of the particular area, well-founded fear would in general be substantiated.

In the case of other human rights activists, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the topic they work on, regional specifics, visibility, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion. In the case of persecution by extremist groups such as the HTS it may also be for reasons of religion.

10. Doctors, other medical personnel and civil defence volunteers

This profile refers to doctors and medical personnel in all parts of Syria. It also refers to members of the White Helmets, also known as Syria Civil Defence, a humanitarian organisation providing support to civilians in Syria, especially after airstrikes, attacks and clashes.

COI summary

[Main COI reference: [Targeting, 9](#)]

Different actors have been reported to target individuals falling within the scope of this profile. The COI summary is structured by actor:

a. Targeting by government forces and affiliated armed groups

[Targeting, 9.1]

Pro-government forces systematically target healthcare infrastructure in opposition-held areas to deprive both civilians and belligerents of medical treatment. From March 2011 through August 2019, a US-based NGO documented and mapped 583 attacks on at least 350 health facilities; more than 90 % of these attacks were attributed to GoS forces. The source further reported that 912 medical personnel were killed in military attacks in the same period.

The GoS and its allies have been accused of carrying out deliberate and systematic attacks on hospitals and other medical facilities in Idlib and Hama [Targeting 9.1]. An UN investigation on seven specific incidents involving facilities on the UN deconfliction list concluded that it is 'highly probable' that the GoS or its allies carried out the airstrikes on four civilian facilities, including three hospitals in Idlib and Hama provinces, although it noted that the evidence was not sufficient to reach a conclusive finding. The board also found that it is 'plausible' that damage done to another hospital in Hama was attributable to GoS and its allies [Security 2020, Annex II].

It was also reported that in Eastern Ghouta, where the security presence is very high, there are routinely arrests of medical personnel and others suspected of affiliation with the opposition. [Targeting, 1.2.3]

The members of the White Helmets are also targeted. Arrests of members of the group were, for example, reported in Douma [Recaptured areas, 3.1.5.1]. The GoS considers the White Helmets as a terrorist organisation, because the group helps the opposition and anti-government armed groups. The group itself denies this, emphasising that it is impartial. However, it works only in the rebel-held parts of the country. Members of the group are usually evacuated to Idlib. In July 2018, there were a few hundred persons of this group, including family members, evacuated from the Golan Heights to Jordan by the Israeli military. [Recaptured areas, 2.5.3.3]

b. Targeting by non-state armed groups

[Targeting, 9.2]

The same NGO reported that anti-government armed groups were responsible for 24 attacks on medical facilities. Furthermore, ISIL attacked 10 medical facilities since the start of the conflict in 2011.

Several reports pointed out that medical personnel were arbitrarily arrested and mistreated by non-state armed groups. Attacks, killings and kidnappings of were also reported by different actors, including SNA, HTS, Turkish-backed militias and ISIL. Incidents reported in 2019 included several kidnappings of doctors, especially in Afrin and Idlib. In January 2019, ISIL had raided makeshift hospitals and dispensaries and abducted some of the wounded, doctors and paramedics.

There were also reports of incidents or attacks, which could have been indiscriminate or unintended when being carried out in connection with other military activity.

c. Targeting by unspecified armed actors

[Targeting, 9.3]

The same NGO reported around 20 attacks on medical facilities by unknown actors since the start of the conflict in 2011.

According to reports from November 2018, at least 12 doctors, as well as pharmacists and administrative health personnel were abducted in Idlib by gangs and unnamed militias during the year. In 2018, kidnapping for ransom in Idlib had increased, and another source reported 10 such cases involving 'armed

gangs' recorded in northwest Syria in 2018. According to the source, doctors became targeted because they are well-known, comparatively well-paid and inclined to express views that put them at odds with their kidnappers.

In June 2018, doctors and pharmacists in Idlib suspended their work for three days in protest against violations committed against the medical sector in the province.

Risk analysis


The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, kidnapping, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (the risk is higher in areas affected by armed confrontations), perceived support for anti-government armed groups, the nature of activities (e.g. members of the White Helmets would generally be at higher risk), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion, in particular when they are targeted by the GoS.

In cases where the well-founded fear is related to risks such as kidnapping for ransom, nexus to a reason for persecution would generally not be substantiated. However, individual circumstances always need to be taken into account.

 Note that some medical personnel may have been involved in excludable acts, such as discriminating practices with regard to treatment of wounded or aiding and abetting torture (see the chapter [VI. Exclusion](#)).

11. Ethno-religious groups

This section addresses the situation of certain ethno-religious groups.

The contents of this section include:

- [11.1. Sunni Arabs](#)
- [11.2. Kurds](#)
- [11.3. Druze](#)
- [11.4. Alawites](#)
- [11.5. Christians](#)
- [11.6. Yazidis](#)
- [11.7. Palestinians](#)

11.1. Sunni Arabs

COI summary

[Main COI reference: [Targeting](#), 10.3]

There are different estimations regarding the ethnic and religious composition of the Syrian society; however, all sources observe that Sunnis constitute the majority of Syria's population (around 65 % - 75 %) [[Targeting](#), 10.1]. Sunni Muslims reside throughout the country. There is a huge diversity among the

members of the Sunni Arab community in Syria and they cannot be perceived as a unified group. Sunni Arabs vary according to their political affiliation, practice and identity, as well as regional and tribal loyalties.

According to various sources, even though the Assad government forged strategic ties with prominent Sunni families and religious authorities, the majority of high-ranking officers in Syrian Army and the security apparatus were Alawites. This led to a sense of injustice among Sunni Arabs, especially in areas where Sunnis and Alawites lived in close proximity. As the conflict ensued, the percentage of Alawites in the military increased as a result of Sunnis' defections and sectarianism. Conditions for Sunni conscripts in the SAA were reportedly worse than those of the Alawite minority. Sunni soldiers were kept near the front lines for months, were poorly paid and insufficiently supplied [[Actors, 2.3.1](#)]. As a result, Sunni Arabs suffered most casualties in the Syrian war.

The fact that some members of the opposition movement identified themselves as Sunni Arabs gave a sectarian dimension to the GoS' targeting of opposition. Sunni Muslims who were perceived to support the opposition forces received harsh treatment by the GoS, which resulted in significant casualties. The use of foreign Shia militias in Syria against Sunni opposition further exacerbated sectarian divisions.

Moreover, Sunni Arabs faced discrimination compared to ethno-religious minorities. According to a report, Sunni-populated areas in Damascus lacked essential services, such as electricity and water, while Shia-inhabited neighbourhoods did not face any of these issues. Furthermore, Sunnis were warned by the GoS against any communication with any foreign adherents of Sunni Islam as it was perceived as an act of political opposition or military activity, while such communication was not banned for other ethno-religious groups.

Reports also state that the government blocked attempts of displaced Sunni civilians to return to their homes, especially in Damascus and Homs.

Apart from the GoS, extremist groups like ISIL, HTS and Jaysh al-Islam who identified themselves as Sunni Arab, targeted Sunnis Muslims who did not adhere to the group's interpretation of the Sharia. These groups killed hundreds of civilians, carrying out public executions, beheadings and crucifixions as a punishment for religious offences such as blasphemy, apostasy or cursing God.

Regarding the treatment of Arabs by SDF/YPG, see [Persons perceived to be opposing the SDF/YPG](#).

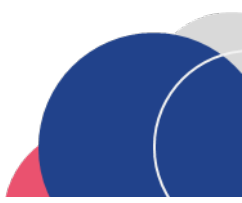
Risk analysis

The acts to which Sunni Arabs perceived to be affiliated with ISIL or to support anti-government armed groups could be exposed to are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, death penalty, torture). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Being a Sunni Arab in itself would normally not lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, it would be related to circumstances falling under other profiles included in this guidance, such as [Persons perceived to be opposing the government](#) and [Persons with perceived links to ISIL](#). The individual assessment should also take into account risk-impacting circumstances, such as the regional specifics (e.g. living in areas controlled by extremist groups).

Nexus to a reason for persecution

Available information indicates that where well-founded fear of persecution is substantiated, it may be for reasons of (imputed) political opinion. In the case of persecution by extremist groups, it may also be for reasons of religion.



11.2. Kurds

COI summary

[Main COI reference: [Targeting](#), 10.4]

According to estimates, in terms of ethnic groups, around 15 % of the population of Syria are Kurdish.

Prior to March 2011, there were estimated 517 000 stateless Kurds in Syria. There were two categories of stateless Kurds, the *ajanib* (foreigners) and the *maktumeen* (concealed, which were not included in the registries). Stateless Kurds, due to the lack of citizenship and identity documents, faced numerous restrictions, such as limited access to education, healthcare, livelihoods, freedom of movement, property ownership, participation in the judicial and political systems, registration of businesses, marriages and children. In April 2011, the majority of the *ajanib* were naturalised and more than half of the *maktumeen* obtained Syrian nationality. Even though *ajanib* Kurds who obtained Syrian nationality were called to serve in the SAA, the government could not access them for conscription, as they were settled in SDF-controlled areas.

There were no reported security incidents that specifically targeted Kurds who were settled in Damascus. They were able to obtain employment in various sectors and some public positions were restricted specifically for Kurds, with the exception of stateless Kurds who could not work in the public sector.

Kurds also inhabit areas which came under the control of Turkey and the affiliated SNA: the area between Azaz, Al-Bab and Jarabulus since 2016; Afrin district since 2018; and the so-called safe zone between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate) following Operation Peace Spring in October 2019 [[Security 2020](#), 1.5.2]. Kidnappings, abductions, arrests, torture, extortion and assassinations of civilians of Kurdish origin by armed groups operating under the SNA have been documented by the UN and human rights organisations. Confiscation, looting and destruction of property of Kurdish civilians in the Afrin district by Turkish-backed armed groups were also reported [[Targeting](#) 6.1; [Actors](#), 5.2]. Reports note the FSA resettled Sunni Muslim IDPs who came from Eastern Ghouta in seized or demolished property belonging to Kurds in Afrin. Civilians, particularly ethnic Kurds from Afrin, were also reportedly discriminated by the de facto authorities. In and around the so called 'safe zone' established by SNA and the Turkish armed forces between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate), sources indicate that persons of Kurdish ethnicity, especially those affiliated to, or with attributed affiliation to, SDF/YPG or any part of the Kurdish forces, can be at risk of denied returns, arbitrarily arrested or had their property confiscated [[Security 2020](#), 2.7.3]. In Tall Abyad, the Turkish-backed rebel group SNA has reportedly committed executions and looting of property in the newly seized areas of the northeast [[Security 2020](#), 2.8.2.3]. UN sources also reported that armed groups supported by Turkey carried out arbitrary arrests for the purpose of ransom to punish people for requesting to recover stolen property, or for alleged affiliation to the PYD or YPG [[Security 2020](#), 2.7.3].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. militia violence, illegal detention, kidnapping, killing, disappearance). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

For Kurds from areas under the control of the SNA, well-founded fear would in general be substantiated.

In the case of other Kurds, not all individuals would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: statelessness, identity document, area of origin and/or residency, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race, nationality (statelessness) and/or (imputed) political opinion.

11.3. Druze*COI summary*

[Main COI reference: [Targeting](#), 10.5]

According to various sources 3-4 % of Syrians are Druze. The Druze reside mainly in the Sweida governorate. They are described as an ethnicity that exists both as a tribe and a religious sect. The majority of the Druze remained neutral in the Syrian conflict although a source noted that there were groups of Druze who either supported the GoS or the opposition.

The Druze population in Sweida has been treated with 'caution' by the GoS as a 'politically sensitive minority', and large-scale mass arrests and bombings have largely been avoided in Sweida [[Security 2020](#), 2.14.1]. The neutrality of the Druze during the conflict contributed to the cessation of compulsory and reserve recruitment by the government forces. However, 50 000 individuals were reportedly wanted for the military service and a large number of them joined local militias instead. Since mid-2018, the GoS and its allies were increasingly pressuring Sweida to resolve the issue of the Druze youths absconding from their military service. Following the July 2018 ISIL attacks in Sweida, the GoS temporarily stopped putting pressure on Sweida concerning this matter [[Security 2020](#), 2.14.2].

The Druze were targeted by the ISIL with an attack that resulted in the death of 300 people and the kidnapping of 20 women and 16 children, who were released later following negotiations, ransom and exchange of prisoners, while two died in captivity and 1 person was executed [[Actors](#), 6.4; [Security 2020](#), 2.14.2]. The Druze were also persecuted by Jabhat al-Nusra, forcing large groups of Druze to flee from Jabal Al-Summaq in the Idlib governorate. Another source reported that the Druze of Qalb Lawza in Idlib were forced to convert to Islam by HTS.

According to other sources, religious minorities such as Druze are treated fairly well by both the authorities and the opposition groups and were not subjected to any interrogation or checks at the checkpoints in Damascus.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, kidnapping).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: regional specifics (presence of extremist groups), perceived support for anti-government armed groups, etc.

Nexus to a reason for persecution

Where well-founded fear of persecution could be substantiated, available information indicates that it may be for reasons of race and/or religion and in some cases of (imputed) political opinion.

11.4. Alawites*COI summary*

[Main COI reference: [Targeting](#), 10.6]

It is estimated that Alawites make up between 10 % and 13 % of Syria's population (around 1.1 million persons). They reside in the coastal side of Syria, but they are also located in Homs and Hama governorates, as well as in the city of Damascus. The Alawite community has close connection with the Assad regime. The president's family and large parts of the informal power structure around him are Alawites [Security 2019, 1.1]. They hold key regime positions, dominate the police and the army and have high-ranking positions in elite military and militia units. They have higher chances of obtaining employment in the public sector compared to other groups such as Christians, Sunni Arabs or Kurds. Generally, Alawites were seen by the GoS as loyal.

According to sources, almost every Alawite family was affected by the war. Many Alawites died during the war which led many young Alawites to hide and avoid conscription. In some villages and towns, 60 % - 70 % of the Alawite young males were either killed or wounded during the war, especially in Latakia and Tartous governorates.

Alawite opposition activists were targeted by the government forces for arbitrary arrest, torture, detention and killing.

Moreover, the Alawite community is targeted by different non-state actors. Alawi shrines and other sacred places and monuments were destroyed by Islamist groups. Throughout the conflict, Alawite civilians were executed by anti-government armed groups. In February 2018, the anti-GoS group Ahrar Al-Sham launched mortars on a predominantly Alawite populated neighbourhood of Damascus, which resulted in the death of at least seven civilians.

In the Kurdish-controlled areas in north-east Syria, sources indicate that Alawites are at risk of being treated as adversaries, based on their political affiliation with the Syrian government rather than their religious affiliation.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, torture).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: regional specifics (presence of anti-government and extremist groups), perceived opposition to the GoS, etc.

Nexus to a reason for persecution

Where well-founded fear of persecution could be substantiated, available information indicates that it may be for reasons of (imputed) political opinion. In the case of persecution by extremist groups, it may also be for reasons of religion.

11.5. Christians

COI summary

[Main COI reference: [Targeting](#), 10.7]

According to estimations, 10 % of the Syrian population are Christians. Christians live in and around the cities of Damascus, Aleppo, Homs, Hama, Latakia and in Hasaka governorate. Prior to the conflict, Christians in Syria numbered around two million people. The number dropped down to 450 000, with many of them migrating to Europe and to the United States. The Christians that stayed in Syria during the conflict were reported to be heavily concentrated in government-controlled areas or in the northeast.

Christians are targeted by various actors. According to a SNHR report, a total of 124 attacks against Christian churches were documented between March 2011 and September 2019 (75 by the GoS forces, 33 by the opposition armed groups, 10 by ISIL, 2 by HTS and 4 by other parties).

In 2015, ISIL launched a massive attack in Hasaka, which led to 9 000 Assyrian Christians fleeing. The fate of 25 Christians, including that of five religious leaders, abducted by ISIL earlier, is still unknown. In July 2019, ISIL claimed responsibility for suicide attacks in a church, killing 12 people in Qamishli and for the death of a pastor in Deir Ez-Zor governorate in November 2019.

HTS seized the properties of Christians, especially of those who fled their homes. Two towns in Hama governorate have been targeted by rebel groups, which resulted in the death of 20 civilians, a predominantly Christian town was attacked with missiles by groups affiliated to Al Qaeda in Idlib, and a Christian neighbourhood in Damascus was bombarded by rebel groups, which resulted in deaths of civilians.

In Kurdish-controlled areas, ethno-religious minorities were generally able to enjoy religious freedom and safety, according to the USCIRF citing representatives of religious and ethnic minorities living in the region. The only reported point of dispute with regard to the Christians was school curriculum, which resulted in the closure of Christian schools after their refusal to teach courses according to the Kurdish curriculum. For further information, see [Persons perceived to be opposing the SDF/YPG](#).

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, kidnapping). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: regional specifics (e.g. Christians in areas where opposition armed groups or ISIL operate are at higher risk, lower risk in the GoS-controlled areas and in Kurdish-controlled areas where ISIL has no operational capacity), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of religion and/or (imputed) political opinion.

11.6. Yazidis

COI summary

[Main COI reference: [Targeting](#), 10.8]

The Yazidi minority consisted of around 550 000 people mainly present in Iraq, but with a substantial number residing in northern Syria, mostly around Hasaka and Aleppo and in the Jabal Sim'an and Afrin valley. Following ISIL attacks on Yazidis in Iraq, the majority of Syrian Yazidis were estimated to have fled.

In 2014, thousands of Yazidi women were abducted by ISIL in Iraq and brought to Syria to be sold as sex slaves, solely for their religious belief. Many of them are considered to have been found dead in mass graves after the SDF offensive in the last ISIL-held territory in Syria. In March 2019, a large number of Yazidi women were found and taken to Al-Hol camp by the SDF, together with ISIL families. Many of these women had to conceal their ethnic and religious identities fearing retaliation by ISIL supporters. In April 2019, the

Yazidi Supreme Spiritual Council issued a declaration accepting Yazidi women survivors into their community, but excluding children born to ISIL fighters as a result of rape.

Different sources stated that in Afrin region, Aleppo governorate, the Yazidi minority was targeted by local actors. FSA forces reportedly rounded up Yazidis and forced them to convert to Islam and demolished their places of worship.

Following the Turkish-led incursion in northeast Syria in October 2019, many Yazidi villages were deserted, forcing more than 50 000 Yazidis to leave. Yazidi community leaders condemned the bad treatment of minorities including Yazidis at the hands of radical groups allied with Turkey, alleging that various temples and religious sites were destroyed in Afrin and thousands of Yazidis were displaced.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. forced conversion, physical assault, sexual abuse, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: regional specifics (presence and activity of extremist groups), gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of race/nationality and/or religion.

11.7. Palestinians

COI summary

[Main COI reference: [Targeting](#), 11]

As of January 2018, 552 000 Palestinians were registered with UNRWA in Syria, of whom an estimated 438 000 remained in Syria.

85 % of Palestinian refugees in Syria are those that fled to the country in or before 1956 and their descendants. They have the same rights as Syrian citizens in terms of residence, freedom of movement, work, trade and access to civil service positions and public services. However, they do not have the right to vote, hold public office, own agricultural land or more than one house per person. Those who fled in 1948 are required to perform compulsory military service in the Palestinian Liberation Army, a Palestinian unit within the Syrian Armed Forces. Palestinians who fled to Syria after 1956 and their descendants were registered with UNRWA in other countries or the occupied Palestinian Territories and are treated as Arab foreigners. They have a 10-year renewable residence permit, and have to apply for a work permit, without having the right to work in the public sector. They have free access to public health and education

[\[Targeting, 11.1\]](#).

UNRWA provides services in nine official and three unofficial Palestinian refugee camps in Syria. Operations in Syria include mainly cash and food assistance, education and healthcare services. UNRWA does not administer or police the refugee camps, as this is the responsibility of the GoS. While UNRWA has continued to deliver cash assistance, and provide education and healthcare services in most camps in Syria throughout the conflict, in November 2019 the organisation stated that it 'continues to face a financial crisis that is affecting its ability to deliver essential services, including humanitarian assistance to Palestine refugees in Syria'. Only 27.3 % of the 2019 financial requirements for Syria were covered, which has resulted in the agency scaling down its operations, especially with regard to providing cash assistance, livelihood, and mental health and psychosocial services [\[Targeting, 11.2\]](#).

Since the outbreak of hostilities, a number of Palestinian organisations and individuals came to support different parties to the conflict. Palestinian refugee camps have been affected by hostilities and conflict-related displacement, albeit to varying degrees. Around 60 % of Palestinians were displaced at least once since the onset of the conflict. According to UNOCHA, Palestinian refugees in Syria were still vulnerable to displacement, loss of property and the destruction of their neighbourhoods in 2019. More than 180 000 were estimated to have had their homes severely damaged or destroyed, as was the case with Yarmouk, Dar'a and Ein el Tal camps that were hosting 30 % of the Palestinian population [Targeting, 11.2]. Yarmouk camp in Damascus, which housed almost 160 000 UNRWA-registered Palestinians refugees prior to the conflict, was the scene of heavy fighting and siege during the conflict. In 2019, all of UNRWA's buildings in Yarmouk camp remained damaged and between 40 % and 60 % of the camp were completely destroyed [Targeting, 11.2; Recaptured areas, 3.1.8.1].

Various organisations report abductions, arrests and detention of Palestinian refugees (including women, girls, returnees and individuals who had signed reconciliation agreements) by the GoS forces, as well as torture of Palestinians in government prisons, often for unknown reasons [Targeting, 11.3].

As of June 2019, a total of 1 300 Palestinian refugees have returned from Lebanon and Jordan. Palestinian refugees face legal and socio-economic obstacles to returning, as well as entry restrictions, notably in Yarmouk area where former residents are not allowed to rebuild or settle [Targeting, 11.4].

Article 12(1)(a) QD [Article 1D Geneva Convention] analysis

Article 1D of the 1951 Geneva Convention states that

'the Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention'.

The provisions of Article 1D are reflected in Article 12(1)(a) QD, which applies to Palestinian refugees who have actually availed themselves of UNRWA protection or assistance. Where such protection or assistance has ceased for a reason beyond the applicant's control and independent of his volition, forcing him or her to leave the UNRWA area of operation or preventing him to re-avail himself of such protection or assistance, the applicant should be granted refugee status automatically.²³

In general, UNRWA protection or assistance is not available to Palestinian refugees in Syria at a level which would guarantee that the *'living conditions in that area will be commensurate with the mission entrusted to that agency'*.²⁴ Moreover, there can be practical, legal and safety barriers as well as security threats preventing Palestinians refugees from accessing the UNRWA areas of operation in Syria, and thus from re-availing themselves of its protection or assistance.

Based on this, it is found that the protection or assistance from UNRWA in all of Syria can be considered to have ceased in the meaning of Article 12(1)(a) QD. Therefore, Palestinians who previously had availed themselves of the protection or assistance of UNRWA in Syria are to be granted ipso facto refugee status.

For Palestinians who have not availed themselves of UNRWA protection or assistance in Syria, the assessment should proceed with risk analysis and analysis of nexus to a reason for persecution.

²³ CJEU, *Bolbol v Bevándorlási és Állampolgársági Hivatal*, C-31/09, judgment of 17 June 2010; CJEU, *Mostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal*, C-364/11, judgment of 19 December 2012 (El Kott);

²⁴ CJEU, *El Kott*, paras. 63-65 and ruling.

Risk analysis (for those outside the scope of Article 1D of the Geneva Convention)

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. militia violence, illegal detention, abduction, torture, killing, disappearance). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of habitual residence, identity documents, (perceived) involvement with a party in the conflict, etc.

Nexus to a reason for persecution (for those outside the scope of Article 1(D) of the Geneva Convention)

Available information indicates that persecution of this profile is for reasons of (imputed) political opinion and/or nationality (statelessness).

12. Women

The section on women addresses the following topics:

The contents of this section include:

[COI summary: overview](#)

[12.1. Violence against women and girls: overview](#)

[12.2. Women perceived to be associated with anti-government armed groups](#)

[12.3. Forced and child marriage](#)

[12.4. Women perceived to have violated family honour](#)

[12.5. Single women and female-headed households](#)

COI summary: overview

Before the 2011 uprising, Syrian women had a relatively long history of emancipation and a relatively advanced status with regard to the rights of women, compared to other countries in the region. The Syrian constitution provides for equality between men and women; however, a number of laws are discriminating women, such as criminal, family, religious, personal status, labour, nationality, inheritance, retirement, and social security laws [[Situation of women](#), 1.2.3].

Moreover, the authoritarian political system and the prevailing patriarchal values in Syrian society relegated women to a secondary position in society, including in their families, with the notion that 'the most appropriate sphere for women' was the sphere of home and family. Kurdish women are considered to have often experienced more liberal cultural norms held by Kurdish communities generally and promoted by political parties, but their situation was reportedly largely dependent on family and individual beliefs and customs, and adherence to traditional social norms was more common in more heavily religious or traditional communities [[Situation of women](#), 1.2.2, 1.2.3, 2.2].

During the conflict in Syria, the fundamental rights of Syrian women deteriorated severely in almost every aspect of their lives, including their security, as well as their social, economic and health-related situation [[Situation of women](#), 1.2.3].

It should be noted that the different forms of violence against women in Syria are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

12.1. Violence against women and girls: overview

COI summary

Sexual and gender-based violence have been prevalent in Syria for decades, in both public and private spheres, and the armed conflict reportedly exacerbated the situation. Throughout the conflict, Syrian women and girls have been subjected to different types of violations, such as extrajudicial killings, arbitrary arrests, torture, executions, forced disappearances, sexual violence, forced displacement, siege warfare, and denial of healthcare and basic services [[Targeting](#), 1.1.2; [Situation of women](#), 1.1.2 - 1.1.4].

Widows and divorced women as well as girls are considered to be at particular risk of sexual violence, forced marriage, exploitation and negative coping mechanisms. Other factors, such as poverty, displacement, being the head of a household, or being of young age and outside parental supervision also exposed women and girls to the risk of sexual exploitation in exchange for money, work or access to humanitarian assistance. Movement restrictions for women and girls are also in place in all Syrian governorates and are related to the risk of sexual violence and to harmful gender and social norms. Such restrictions are either self-imposed or imposed on women and girls by their family members or wider community [[Situation of women](#), 1.1.1 - 1.1.3].

Sexual violence, domestic violence, and early and/or forced marriage are considered to be the most common forms of violence against women, taking place all over Syria, including in areas under the control of the Kurdish-led SDF and in areas controlled by the Turkey-backed forces [[Situation of women](#), 1.1.3].

Effective protection of women against violence is limited, with enforcement being either weak or non-existent. For example, it is reported that although the law criminalises rape and sexual assault of women, men and children, the GoS does not enforce the law effectively. Moreover, Syrian law reduces or suspends punishment in the cases where the perpetrator marries the victim. There are also limited to no mechanisms available for women to file complaints. The absence of law enforcement, including judicial redress mechanisms, allows perpetrators to act with impunity. In addition, the general lawlessness has led to the corrosion of existing social protection mechanisms among Syrian communities. In areas controlled by non-State armed groups, formal justice systems are either non-existent or reportedly distrusted by women and girls [[Situation of women](#), 1.1.3, 1.2.4].

Socio-cultural factors such as shame and stigma may also prevent women and girls from seeking justice against sexual violence. The experience of sexual violence may also lead to ostracism from the family and/or community, threats of divorce by the husbands, including separation from their children or even to 'honour' killings carried out by family members, particularly in more conservative areas. For unmarried women and girls, the prospects of a future marriage can also be ruined. Sources note the lack of services for survivors of sexual and gender-based violence and the few opportunities to overcome the stigma and alienation, which exacerbate the situation of victims of sexual violence. Abortion is illegal under the Syrian Penal code, which places women and girls who have become pregnant as a result of rape in 'an unenviable situation'. Under particular circumstances the penalties stated in the law might be reduced, for example if abortion is 'performed by the woman to save her honour or another person performs the abortion to save the honour of a descendant or a relative to the second degree' [[Situation of women](#), 1.1.4].

Domestic violence is common in Syria and often normalised and ingrained in culture and/or in social norms. Family violence is often closely linked with domestic violence, with violence perpetrated by other family members, such as in-laws and in particular the husband's brothers. The law does not specifically prohibit domestic violence and stipulates that 'men may discipline their female relatives in a form permitted by general custom'. Spousal rape is excluded as a punishable offence under the legal definition of rape. Due to the conflict, an increasing number of women have been forced to work outside the house and to contribute to the family's income. This change of traditional gender roles might have contributed to an increase of domestic violence and marital rape, with men perceiving the change in family dynamics as a threat. It is reported that a limited number of shelters and services for survivors of domestic violence operated in Syria.

Those were available only in Damascus and might no longer be in operation due to the conflict [[Situation of women](#), 1.1.3].

Sexual and gender-based violence has been a persistent issue since the beginning of the uprising in 2011. Multiple forms of sexual and gender-based violence were documented in every Syrian governorate and women have been targeted by GoS forces as well as by members of other armed factions, including non-State armed groups. However, it is reported that the use of sexual violence has been considerably more common among GoS forces and associated pro-government armed groups and that the GoS has used sexual violence as a 'strategic weapon of war'. GoS forces and pro-government militias have carried out multiple acts of sexual violence, including during abductions in the context of ground operations, house raids, at checkpoints, and during arrest and detention [[Situation of women](#), 1.1.2].

In the so-called Idlib enclave, vulnerable groups such as women bear the brunt of the ongoing hostilities. The jihadist coalition HTS has been responsible for the repressive social norms and policies against female residents of the enclave, resulting in further violations including executions, corporal punishments, restrictions of freedom of movement, of dress, on work, education and on access to healthcare. Cases of rape and other forms of sexual violence targeting women perpetrated by members of non-State armed groups have also been documented, reportedly connected to social phenomena such as exploitation, sectarianism and revenge. It is reported that abduction for the purposes of sexual violence is one of the main forms of sexual violence. Rape is also associated with the harmful traditional practices of forced marriage and 'honour' killings (see [12.3. Forced and child marriage](#) and [12.4. Women perceived to have violated family honour](#)) [[Situation of women](#), 2.1].

The most prominent types of sexual violence among the SDF included harassment during searches and verbal sexual violence. Members of the SDF have also committed acts of sexual violence within the detention centres and camps managed and administered by them. Moreover, it has been reported that individuals in the Al Hol camp, in particular women and children, have suffered discrimination, including harassment, denial of healthcare, restricted movement due to security considerations, and looting at the hands of SDF forces, due to their familial links to ISIL. Insecurity and violence in the camp were reported to increase, with ISIL sympathisers inside the camp having established a female morality police to 'monitor adherence to dress codes and enforce punishments on women perceived to be "infidels"'. Instances of assassinations of women inside the camp and stabbing of at least one SDF guard were reported in September 2019 [[Situation of women](#), 2.2, [Security 2020](#), 2.7.3.3].

In areas controlled by Turkey-backed armed groups, the situation of women is defined by similar types of social and cultural factors as those in other parts of Syria. Moreover, in those areas dominated by extremist groups, women have been affected by the imposition of strict dress codes and restrictions of their freedom of movement. Other violations by armed groups such as harassment, especially at checkpoints, and abductions for ransom have also been reported [[Situation of women](#), 2.3].

In areas formerly under the influence of ISIL, no new cases of arrests or abductions carried out by ISIL have been reported in 2019, but it was stated that most women and girls abducted and sexually enslaved by ISIL were forcibly disappeared after the terrorist organisation's downfall [[Situation of women](#), 2.3].

Risk analysis

Acts of violence against women and girls could be of such severe nature that they would amount to persecution (sexual assault, abduction, forced disappearance, killing).

Not all women and girls face the level of risk required to establish well-founded fear of persecution in relation to these forms of violence. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: perception of traditional gender roles in the family, poor socio-economic situation, social status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, such as widows, divorced or separated women, displaced women and girls,

women and girls with disabilities, female heads of households), area of origin or residence (e.g. in relation to presence of extremist groups), lack of documentation (e.g. death certificates of husbands), etc.

Nexus to a reason for persecution

Available information indicates that violence against women may be for reasons of (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

12.2. Women perceived to be associated with anti-government armed groups

COI summary

[Main COI reference: [Targeting](#), 1; [Situation of women](#), 1.1.2, 2.4]

GoS is reported to view as political dissent the activities of wide categories of individuals, including relatives of suspected armed group members, who have also been targeted by them. Moreover, a large number of female relatives of men perceived to be opposition supporters, or suspected of belonging to armed groups, were arbitrarily detained by GoS forces and experienced sexual violence in detention. There is also information that women originating from opposition-held areas have been arrested when visiting government-held areas.

See the profile [1. Persons perceived to be opposing the government](#).

ISIL family members have been transferred to Al-Hol camp from ISIL's former stronghold in Baghuz. Around 11 000 ISIL family members were separated from other residents and, according to many of them, denied access to food and medical care.

The Al Hol camp hosts more than 66 000 persons, around 96 % of whom are women and children. Because of their familial links to ISIL, they have reportedly suffered discrimination at the hands of SDF forces, including harassment, denial of healthcare, restricted movement due to security considerations, and looting. Because of the dire humanitarian conditions, at least 390 displaced people have died of pneumonia, dehydration or malnutrition, either on the way to the camp or after their arrival. [[Security 2020](#), 2.7.3.3]

See the profile [3. Persons with perceived links to ISIL](#).

12.3. Forced and child marriage

COI summary

[Main COI reference: [Situation of women](#), 1.1.3]

Forced and child marriages are harmful traditional practices intertwined in culture and tradition and associated with the belief that women need protection by men. For women and girls, it is not generally possible to make an autonomous decision whom and when to marry, and 'honour' violence can be a consequence of such decisions (See [12.4. Women perceived to have violated family honour](#)).

Early marriages were reportedly fairly common before the outbreak of the civil war. However, a huge increase in the share of marriages among female minors have been reported since then (from 7 % to around 30 % between 2011 and 2015, not including a supposedly high number of unreported cases), as one of the negative coping mechanisms to alleviate the financial burden for families caused by the conflict. It was also stated that child marriage might be a response to the fact that women, and girls in particular, face sexual harassment and threats of abduction and sexual violence, and child marriage is considered to provide protection for them.

Girls are reportedly being married younger. They have been married to combatants, foreign fighters and family members, with some married to adolescent boys and others to adult men much older than their brides. Abduction of women and girls as well as rape (where victims are forced to marry perpetrators) are also associated to forced marriage. Widows and divorced women are considered to be at particular risk of gender-based violence including the risk of forced marriage. Many of these women were reportedly re-married, for example to family members, such as the brother of a deceased husband, in order to increase their protection and to safeguard their honour.

Many early and/or forced marriages were reported to end in divorce, with the young women (possibly with children) stigmatised, because divorce is not socially accepted regardless of the underlying reason for it. This can contribute to further risk of gender-based violence, with the women possibly becoming isolated and/or ostracised by their family and community and/or sexually exploited to meet daily needs.

In February 2019, the Syrian People's Assembly approved amendments to tens of articles of the Personal Status Law. The amendments raised the age of marriage from 17 to 18 for both men and women, entitled women to marry without their guardian's approval if they are 18 years old, and provided women with the right to invalidate a marriage if imposed by her guardian without her overt consent. However, different religious minorities such as Druze and various Christian sects follow their own laws of personal status, which, for example, permit child marriage. State protection is also not considered to be available due to the general weak rule of law in Syria [[Situation of women](#), 1.2.3].

Risk analysis

Forced and child marriage amount to persecution. They could, furthermore, be linked to other forms of violence, such as abductions, domestic violence, sexual abuse/exploitation. Refusing to enter into a forced or child marriage can lead to honour-based violence.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to forced or child marriage. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: young age, personal status, area of origin and residence, ethnicity, religion, perception of traditional gender roles in the family, poor socio-economic situation of the family, living in IDP situation, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, refusal to enter into forced or child marriage may result in honour-based violence for reasons of membership of a particular social group in relation to a common background which cannot be changed (refusal to marry) and/or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry) and the distinct identity of such women and girls in Syria (as they would be considered as violating the honour of the family).

12.4. Women perceived to have violated family honour

COI summary

In Syria's patriarchal culture, the honour of a family is closely connected to the honour of women and girls in the family. This concept of honour is based on notions of female virginity before marriage and sexual fidelity while in wedlock. Rape and/or other forms of sexual abuse targeting women and girls is seen as bringing shame to the family and to the wider community. Therefore, survivors of sexual violence may face repercussions as described under [12.1. Violence against women and girls: overview](#). In addition, girls may be forced to marry the perpetrator or another man in an arrangement to cover up the 'dishonour' (see [12.3. Forced and child marriage](#)). [[Situation of women](#), 1.1.4, 1.2.2]

There is also a widespread assumption that women detainees have experienced sexual violence, which can be perceived by the family and the community as a stain on the victim's dignity and honour. This stigma can reportedly lead to social isolation, rejection from employment, divorce, disownment by the family and even 'honour' killing. [\[Situation of women, 1.2.10\]](#)

Generally speaking, most cases of 'honour' killings are connected to sexual violence (but not necessarily rape) and are committed by family members of the victim. 'Honour' killings can be a reaction to street harassment or assault, to assumed sexual violence during abduction and even to an autonomous decision made by a girl concerning whom and when to marry. So-called 'honour' killings are also shared through social media to demonstrate the cleansing of the family's 'shame'. It was reported that 'honour' killings have increased after the outbreak of the war because of increases in both sexual violence and general lawlessness, while some sources suggested that the social acceptance of the practice has decreased. [\[Situation of women, 1.1.3\]](#)

'Honour' is still a mitigating factor in Syria's criminal law, setting the minimum sentence for the crime to two years in prison. In addition, Article 242 of the Penal Code allows a judge to reduce the punishment for both men and women in the case when a murder is committed in rage and provoked by an illegal act of the victim, with extra-marital affairs being illegal in Syria. [\[Situation of women, 1.1.3\]](#)

Risk analysis

'Honour' killings amount to persecution. When the repercussions of a perceived violation of family honour would normally not reach the level of persecution in themselves, such as rejection from employment, divorce, and disownment by the family, the individual assessment of whether or not they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violation of family honour. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, personal status, area of origin and residence, perception of traditional gender roles in the family or community, situation of the family, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, women who have previously been subjected to sexual violence may be at risk of 'honour' crimes for reasons of membership in a particular social group, based on their common background which cannot be changed and their distinct identity, because they are perceived as being different by the surrounding society, due to the stigmatisation related to being a survivor of sexual violence.

12.5. Single women and female-headed households

COI summary

The number of female-headed households has been rapidly increasing as a result of the widespread and systematic arrests and disappearances of men and boys above the age of 15 years. The World Bank pointed out that between 2009 and 2015, the share of female-headed households increased from 4.4 % to 12-17 %, other estimations suggested that women are the decision-makers and breadwinners in almost one third of Syrian households [\[Situation of women, 1.2.1\]](#).

The traditional gender norms in Syria confined the roles and responsibilities of Syrian women predominantly to their homes. The increasing number of female-headed households has led to women adopting new roles in addition to their customary roles as mothers and caregivers. This subjected them to

stressful and complex living conditions that are difficult to cope with. Additional challenges include the need to provide for their families, for example by taking up work in the public sphere. In addition, women might face difficulties finding livelihood options deemed suitable for them according to the prevailing cultural and social norms. Other factors can further put burden on women and might expose them to risks of human rights violations. For example, the lack of civil registration with regard to divorce, custody, property rights and criminal matters, as well as movement restrictions imposed on women and girls. In addition, the lack of civil documentation can stop women from enjoying their legal and/or traditional rights provided by their marriage contracts and block the access to other rights and services, including humanitarian aid [[Situation of women](#), 1.2.6, 1.2.7].

Widows and divorced women and girls can be distinguished as a subcategory of female-headed households, which is highly stigmatised by the Syrian society. A report stated that widows and divorced women and girls were at particular risk of sexual violence, emotional and verbal abuse, forced marriage, polygamy and serial temporary marriages, movement restrictions, economic violence and exploitation, among others. Female heads of households are in particular at increased risk of sexual and gender-based violence due to a lack of a male protector and face these heightened risks irrespective of the geographical area [[Situation of women](#), 1.2.10].

Risk analysis

The individual assessment of whether or not discrimination of single women and female-headed households could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. It further enhances the risk for such women to be exposed to acts such as sexual violence and forced marriage, which would amount to persecution (see the sections [12.1. Violence against women and girls: overview](#) and [12.3. Forced and child marriage](#)).

Not all women and girls under this sub-profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: personal status, area of origin and residence, perception of traditional gender roles in the family or community, economic situation, availability of civil documentation, education, etc.

Nexus to a reason for persecution

Available information indicates that, where well-founded fear of persecution could be substantiated, this may be for reasons of membership of a particular social group (e.g. divorced women or widows, due to their common background which cannot be changed and distinct identity in Syria, in relation to stigmatisation by society).

13. Children

In the following subsections, the focus is on certain child-specific circumstances of increased vulnerability and risks that children in Syria may be exposed to.

The contents of this section include:

- [13.1. Violence against children: overview](#)
- [13.2. Child recruitment](#)
- [13.3. Child labour](#)
- [13.4. Child marriage](#)
- [13.5. Access to education](#)
- [13.6. Lack of documentation](#)

13.1. Violence against children: overview

COI summary

In a report by the UN Human Rights Council covering the period from September 2011 to the end of October 2019, it was stated that 'children's right to life has been blatantly denied by all parties to the conflict', further noting that a very large number of children were killed, maimed and injured. Another report from June 2019 stated that throughout 2018 air strikes, barrel bombs and cluster munitions have resulted in 1 854 child casualties [[Targeting](#), 12].

Sexual violence against children perpetrated by different parties to the conflict has been a persistent issue throughout the conflict. Government forces used child rape as a weapon of war and were systematically abusing the children of opposition figures in GoS prisons, at checkpoints and during house raids, with impunity. Children were detained with adults and exposed to exploitation, torture, violence, including sexual violence perpetrated by prison guards, torturers and other prisoners [[Situation of women](#), 2.4; [Actors](#), 2.2.6, 2.4].

Other examples of violence against children include the internment of thousands of wives and children of ISIL fighters in makeshift camps under deplorable living conditions in areas under SDF control. There were also reports of abductions of women and girls by different actors and motivated by various reasons, including organ trafficking, with children being especially affected [[Situation of women](#), 1.1.3; [Actors](#), 3.3].

According to researchers, domestic violence was common in Syria even before the civil war and not criminalised in Syrian's legislation. The changes in the traditional ways of family life and gender roles might have resulted in further violence against women and children, without effective legal protection mechanisms. A lack of services to support survivors of domestic violence is also reported [[Situation of women](#), 1.1.3].

Generally, effective protection against violence is limited and enforcement is either weak or non-existent (see profile of women, in particular under subsection [12.1. Violence against women and girls: overview](#)).

Risk analysis

Acts of violence against children could be of such severe nature that they would amount to persecution (sexual assault, abduction, torture, killing).

Not all children face the level of risk required to establish well-founded fear of persecution in relation to these forms of violence. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: family members perceived to be involved with the opposition or anti-government armed groups (see [1. Persons perceived to be opposing the government](#), [3. Persons with perceived links to ISIL](#)), poor socio-economic situation (e.g. residing in IDP camps), social status (the risk of sexual violence and exploitation is higher for separated and unaccompanied children and for children in female-headed households), area of origin or residence, lack of documentation, religion, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion (e.g. in case of perceived link to an anti-government armed group), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (see examples below).

13.2. Child recruitment

COI summary

[Main COI reference: [Targeting](#), 12.1]

A report covering the period from September 2011 to the end of October 2019 stated that children, most frequently boys, have been used in hostilities by parties to the conflict for combat roles, to act as spies or informants, or to serve at checkpoints. Both State forces, including NDF and pro-government militias, and non-State armed groups are reported to recruit minors to their forces. During the reporting period January to December 2018, the UN verified that a total of 806 children were recruited, of which 670 were boys and 136 were girls.

Regarding SAA, one source indicated that they are not aware of child recruitment, but there has always been a problem with youths, particularly those close but not quite of eligible age for conscription. Government-affiliated armed groups are said to have had minors among their ranks, albeit ostensibly on a voluntary basis.

The non-State groups reported to recruit children include Ahrar al Sham, groups affiliated with the FSA, ISIL, Army of Islam, HTS, YPG, and Nur al-Din al-Zanki.

As long as ISIL held territory in Syria, it conducted child recruitment at a wider scale and in a different mode than other armed groups. ISIL claimed to have used 1 350 primary and secondary schools for recruitment purposes and subjected students to its ideological curriculum. ISIL was also conducting kidnappings, partly from orphanages, schools and family homes.

The prevalence of child recruitment was reportedly highest in opposition groups, particularly the SNA, with a source suggesting the explanation that they are often based on a more local level built on a framework that started as village militias. With the HTS and its affiliates, less child recruitment has been seen, although it has been visible in some other affiliated groups, such as TIP and other ethnic-specific Al Qaeda affiliates in northwest Syria, where fighting has become a communal activity.

See also the subsection 'Child recruitment' under [6. Persons fearing forced or child recruitment by Kurdish forces](#).

Risk analysis

Child recruitment is of such severe nature that it would amount to persecution.

Not all children face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: poor socio-economic situation (for example, residing in IDP camps), social status, area of origin or residence, ethnicity, etc.

Nexus to a reason for persecution

The individual circumstances of the applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

13.3. Child labour

COI summary

[Main COI reference: [Targeting](#), 12.2; [Situation of women](#), 1.1.3]

Child labour is taking place in Syria but information on the extent of it is not available. However, a report indicated a 'high occurrence' of child labour that prevented school attendance.

The World Food Program (WFP) reported in 2019 that child labour was a major coping strategy among female-headed households in conflict-affected areas but did not specify how widespread it was. A report from August 2019 also noted that child labour was generally used as a negative coping mechanism to alleviate financial constraints.

In particular, child labour has been reported in families as coping strategy to meet basic needs in Rukban IDP camp on the border to Jordan. It was also stated that in northwest Syria households experiencing multiple displacement became exposed to an increased threat of resorting to child labour. A report also indicated that child labour was occurring in communities across northern Idlib, likely exposing children there to abuse and exploitation. Boys are reportedly at greater risk of becoming subject to labouring than girls. On the other hand, young girls are forced to resort to negative coping mechanisms such as prostitution or survival sex, because they are in need of money and goods.

Working outside of their homes and not residing together with their family also exposes children to exploitation by gangs, or to joining gangs, to smoking and drug abuse, and to health hazards stemming from handling dangerous equipment. Spending most of their day outside their home, many working children returned home alone after dark, further exposing them to harassment, including sexual harassment.

Risk analysis

Not all forms of child labour would amount to persecution. An assessment should be made in light of the nature and conditions of the work and the age of the child. Work that is likely to harm the health, safety or morals of children could be considered to reach the severity of persecution.²⁵ The impact of child labour on access to education should also be taken into account (see the subsection [13.5. Access to education](#)). Other risks, such as involvement in criminal activities should also be considered.

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, gender, poor socio-economic status of the child and his or her family (for example being a member of a female-headed household), being in an IDP situation, region of origin or residence, etc.

Nexus to a reason for persecution

The risk of child labour as such may not generally imply a nexus to a reason for persecution. However, the individual circumstances of the applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

13.4. Child marriage

See the section on [12.3. Forced and child marriage](#) under the profile [Women](#).

13.5. Access to education

COI summary

[Main COI reference: [Targeting](#), 12.3; [Damascus](#), 3.6]

Article 29 of the Constitution of the Syrian Arab Republic stipulates that education is ‘a right guaranteed by the state, and it is free at all levels’ and that it ‘shall be compulsory until the end of basic education state’. Education is mandatory up to the 9th grade (between the ages of 6 and 15), which comprises 6 years of primary school and 3 years of lower level secondary school.

The GoS is the main provider of education in most areas of Syria, with the support of international NGOs and UN agencies in some areas. In some areas of the northeast of Syria, the ‘self-administration’ provides

²⁵ International Labour Organization (ILO), Minimum Age Convention, C138, 26 June 1973, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138; Worst Forms of Child Labour Convention, C182, 17 June 1999, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

most education, such as in Raqqa and parts of Deir Ez-Zor, Aleppo, and Hasaka. Schools providing primary and secondary education, including UNRWA and private schools, are under the supervision of the Syrian Ministry of Education. Public primary and secondary school is free and one source reported that ‘no child is denied access based on his or her area of origin or ethnic background’.

The conflict caused a decline in access to education. For example, sources stated that IDP children would be facing problems in accessing education, and the same was reported for children living in northern Idlib. In arrival locations, absorption capacity was overstretched for both IDP and host communities. Moreover, Syrian girls and women were denied access to education because of the harmful attitudes and customs (e.g. child marriage) exacerbated by the conflict. Movement restrictions have also affected the access to education for girls in Syria. [\[Situation of women, 1.2.8\]](#)

UNOCHA reported on the increase in the number of children engaged in child labour and child marriage, due to dropping out of school. It assessed that 2.1 million children were out of school and that another 1.3 million children were at risk of dropping out and that one in three schools were damaged or destroyed.

Moreover, sources indicated that ‘around 40 % of educational facilities have been damaged, destroyed or occupied (used as shelters for the displaced or confiscated by conflict parties). For example, a total of 94 schools were used as shelters by IDPs due to violence in Idlib. Schools were also used for military purposes, such as ammunition storages and as military bases and detention centres. They were repeatedly attacked by armed actors, including GoS forces, non-State armed groups and terrorist organisations, leading to scores of child casualties.

In 2018, a total of 113 attacks on schools in Syria have been reported. Of these attacks, 60 were attributed to the GoS air force, 24 were attributed to government ground forces, 12 to pro-government militias, 2 to ISIL, 2 to YPG/YPJ, 1 to HTS, and 12 to unidentified elements.

UNOCHA reported in September 2019 that in northwest Syria alone, 59 individual schools were damaged by the violence since late April 2019, and that less than a half of the 650 000 school-aged children in that part of the country could be accommodated in the remaining functioning schools. The report further stated that only half of the approximately 1 200 schools in that part of the country were functional. Another report also noted that in Idlib over 300 000 children, approximately half of the school-aged population there, was impacted by the conflict.

In southern Idlib and northern Hama, another 47 schools were also damaged or otherwise affected as the result of airstrikes and shelling since the beginning of May 2019. Other schools were affected by hostilities in northeast Syria. The UN verified two incidents that took place in October and November 2019 in which schools in Raqqa governorate were damaged by rockets and crossfire, respectively. UNICEF reported that a school in northeast Syria came under attack in October 2019, during the Turkish-led incursion.

Risk analysis

The general deficiencies in the educational system as a consequence of the ongoing conflict cannot as such be considered persecution, as they are not the result of a third party’s deliberate actions.²⁶ However, in the case of deliberate restrictions on access to education, it should be assessed whether it amounts to persecution.

The denial of documentation, which also may hinder access to basic education, may be linked to originating from a (former) opposition-held territory (see also [13.6. Lack of documentation](#)).

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to education. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: identification documents, gender (girls are at a higher risk),

²⁶ CJEU, *M'Bodj*, paras. 35-36.

perception of traditional gender roles in the family, poor socio-economic situation of the child and the family, IDP situation, area of origin and residence, etc.

Nexus to a reason for persecution

Where well-founded fear of persecution is substantiated, the individual circumstances of the child should be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated. For example, in the case of denied identity documentation due to origin from an opposition-held territory, (imputed) political opinion may apply.

13.6. Lack of documentation

COI summary

[Main COI reference: [Targeting](#), 12.4]

The lack of identity documentation equates to a lack of legal status of the child and impedes access to all services, including healthcare, education and humanitarian assistance.

The UN Committee on the Rights of the Child remarked in January 2019 that the lack of identity documentation was particularly critical in the areas out of the control of the GoS, where 25 % of adolescents did not have identity cards and a quarter of new-borns had not been registered since the beginning of the conflict.

The lack of documentation varies drastically across governorates. Whereas more than 8 out of 10 residents lack some official document in Idlib, almost the entire population in the governorates of Sweida and Homs was able to obtain the desired documentation (about 99 %). In Damascus governorate, around 5 % of the host community respondents surveyed indicated they or a family member were lacking official GoS-issued documentation. Lack of access to civil documentation was grave for the populations of Latakia, Tartous, and Raqqa (about 75 % for all three governorates) [[Damascus](#), 2.5].

In 2017, sources indicated that outside of GoS-controlled areas, civil status offices have either stopped functioning or they operated outside the control of the government.

In recaptured areas, the GoS has not given priority to re-establishing the civil registration system. It was also reported that GoS has not devoted any special resources to recording births in opposition-held areas or transferring registrations from opposition governance bodies. The government's policy was generally to reject opposition education records and civil registration records. Individuals were thus forced to redo everything through the government. Many individuals from former opposition-held areas are thus left in legal limbo.

Syrians living in opposition-held areas might obtain birth documents at the central civil registry office in Damascus, but they would be confronted with various obstacles such as having to cross the front line, with the associated risks involved: the risk of being arrested by pro-government forces after having entered a government-controlled area; men of conscription age running the specific risk of being arrested at government check points for evading military service; and women risking to become sexually assaulted at checkpoints. According to another source, Syrians in opposition-held areas may choose to give a third person in GoS-controlled area authorisation to apply and obtain a birth certificate, or use 'intermediaries' to obtain a birth certificate illegally 'by means of bribery and a smuggling network'.

The Organisation for Economic Co-operation and Development (OECD) noted that 'although women have the same rights as men to register the births of their children, nationality is only transferred from the father and mothers therefore must struggle to register the births of their infants'. For children born out of wedlock, to parents in inter-faith marriages and those born as a result of sexual violence, the UN Committee on the Rights of the Child noted that they encountered difficulties in obtaining birth certificates.

Risk analysis

The lack of documentation as consequence of the ongoing conflict cannot as such be considered persecution, as it is not the result of a third party's deliberate actions. However, deliberate restrictions on access to documentation may amount to persecution.

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to deliberate restrictions on access to documentation. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: deceased or missing fathers, being born out of wedlock or as a result of sexual violence, area of origin and residence, gender, poor socio-economic situation of the child and the family, IDP situation, member of a female-headed household, etc.

Nexus to a reason for persecution

Where well-founded fear of persecution can be substantiated, the individual circumstances of the child should be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated. For example, in the case of children born as a result of sexual violence, persecution may be for reasons of membership of a particular social group due to their common background that cannot be changed and the distinct identity of such children, implying being seen as illegitimate, in Syria.

14. LGBTI

This section addressed the situation of lesbian, gay, bisexual, trans and intersex individuals in Syria.

COI summary

[Main COI reference: [Targeting](#), 13]

The Syrian legislation makes same-sex activities punishable by law, as stipulated in the Penal Code of 1949 in Book Two under 'morality and public morals'. Article 520 states: 'any sexual intercourse against the order of nature can be punished with up to three years of imprisonment'. Article 517 of the Penal Code states that also violations of public decency as defined under Article 208 of the Syrian Penal Code are punishable with imprisonment from three months to three years. The legal status of same-sex activity between women is unclear.

Recent reliable information on the enforcement of laws regarding LGBTI persons is available but limited. It is noted that there were no reports of prosecutions of same-sexual conduct in 2018. However, in previous years police used legal charges to prosecute LGBTI persons, for example based on drug abuse or abusing social values. Syrian authorities and others can also use one's sexual orientation to blackmail, harass, and eventually abuse members of the LGBTI-community.

In 2018, it was reported that the GoS allowed an intersex person to register a new gender status on official documents.

Anti-discrimination laws have not been established and hence there is no legal protection of LGBTI people in Syria.

Sources indicate that targeting of LGBTI individuals by authorities took place before the civil war and ensued during the conflict. With regard to the latter, documented serious human rights violations against LGBTI individuals at the hands of GoS security forces and non-State armed groups included cases of summary execution, arbitrary detention, torture, rape and other forms of sexual violence, as well as harassment, discrimination and exploitation. Information on the frequency of such incidents is not available. It is also reported that ISIL and HTS regularly detained, tortured and killed LGBTI individuals in the territories they controlled, abductions of persons assumed or perceived as gay have also been documented.

Incidents also include threats, harassment and violence against transgender persons at the hands of family members, LGBTI individuals being victims of 'honour' killings and homosexual men and women being forced into heterosexual marriages.

Denial of equal opportunities to education and employment, as well as societal stigmatisation were also mentioned as problems for LGBTI individuals. Generally, the societal attitude towards LGBTI individuals is reported to be dismissive.

Risk analysis

The acts to which (perceived) LGBTI-individuals could be exposed are of such severe nature that they would amount to persecution (e.g. abduction, torture, arbitrary detention, (sexual) violence, killing).

For individuals under this profile, well-founded fear of persecution would in general be substantiated.

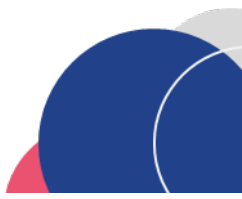
It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution.²⁷

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is for reasons of membership of a particular social group based on a shared characteristic which is so fundamental to their identity that they should not be forced to renounce it; and based on a distinct identity of LGBTI persons in Syria, because they are perceived as being different by the surrounding society.²⁸

²⁷ CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C201/12 judgment of 7 November 2013, paras. 70-76.

²⁸ CJEU, *X, Y and Z*, paras. 45-49.



III. Subsidiary protection

This chapter addresses the EU-regulated status of subsidiary protection and the situations in which, where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with [Article 15 QD](#) (see also [Article 10\(2\) APD](#)).

The contents of this chapter include:

Under the section [Article 15\(a\) QD](#), the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the ‘death penalty or execution’ in Syria.

The section on [Article 15\(b\) QD](#) looks into the risk of ‘torture or inhuman or degrading treatment or punishment’ in relation to particular circumstances in Syria.

Under the section [Article 15\(c\) QD](#), the analysis expands further and covers the different elements of the provision, looking into: ‘armed conflict’, ‘qualification of a person as a ‘civilian’’, ‘indiscriminate violence’, ‘serious and individual threat’ (where further individualisation elements are discussed), ‘qualification of the harm as ‘threat to life or person’’, and the interpretation of the nexus ‘by reasons of’. The sub-section on ‘indiscriminate violence’ includes an [assessment of the situation in each governorate](#) in Syria.

Article 15(a) QD

As noted in the chapter [II. Refugee status](#), some profiles of applicants from Syria may be at risk of death penalty or execution (e.g. [1. Persons perceived to be opposing the government](#), [2.2. Military deserters and defectors](#), [3. Persons with perceived links to ISIL](#)). In such cases, there could be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground (for example, in case of offences related to drug trafficking), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Under [Article 15\(a\) QD](#), serious harm consists of the death penalty or execution:

- The **death penalty** is as such, and under any circumstances, considered as a serious harm under [Article 15\(a\) QD](#). The sentence does not need to have already been imposed. The mere existence of a real risk that on return a death penalty may be imposed on the applicant could be considered sufficient to substantiate the need of subsidiary protection.
- As the addition of the term ‘**execution**’ suggests, [Article 15\(a\) QD](#) also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, but an element of intentional and formalised punishment needs to be present.

The death penalty is envisaged under the Syrian Penal Law and can be imposed for the following crimes: aggravated murder, military offenses, terrorism-related offenses, drug trafficking, treasonous acts, arson resulting in death, gang robbery resulting in death, as well as other offenses not resulting to death, such as subjecting a person to torture or barbaric treatment during commission of a gang-robbery; attempting a crime punishable by the death penalty; and being convicted for the second time for a felony punishable by forced labour for life [[Actors](#), 2.2.3].

The acts of terrorism were broadly defined in the Counter-Terrorism Law No. 19, which was adopted by the Syrian government in 2012. The Counter-Terrorism Court was established to enforce the aforementioned law. The Counter-Terrorism Court is reported to impose harsh sentences, including 10 to 20 years of hard labour, or the death penalty [[Actors](#), 2.2.2].


Military Field Courts were set up by Decree 25/2/1966 in order to try civilians and military personnel for 'crimes committed during wartime or during military operations'. The Military Field Courts do not apply the Syrian Criminal Code in their rulings and the punishments they impose include life imprisonment and the death penalty. The President of Syria is responsible for approval of death sentences issued by the Military Field Courts, having also the possibility of reducing a sentence, replacing it with another penalty or cancelling the case [\[Actors, 2.2.2\]](#).

Various organisations and former detainees report that death penalties and executions were extensively implemented in Syria's prisons. No official information regarding the death penalties imposed or the number of executions that have been carried out have been disclosed by the authorities of the GoS. An amnesty decree was issued by President Bashar al-Assad on 15 September 2019 reducing death penalty to life imprisonment although there is no available information regarding the implementation of the decree [\[Actors, 2.2.3\]](#).

In Kurdish-controlled areas, a legal code based on the 'Social Contract' is applied by the Kurdish authorities. According to Article 26 of the Social Contract, the death penalty has been abolished [\[Actors, 3.1.4\]](#).

Extremist groups such as HTS and ISIL have carried out public executions, beheadings and crucifixions for transgressing the moral codes of the Sharia law in areas under their control, killing hundreds of civilians. They also reportedly subjected women, girls, and minorities to illegal executions for breach of the imposed codes and for 'dishonouring' their families [\[Actors, 4.1.4, 6.4\]](#).

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under [Article 15\(a\) QD](#) shall be granted, unless the applicant is to be excluded in accordance with [Article 17 QD](#).

 In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds under [Article 17 QD](#). Therefore, although the criteria of [Article 15\(a\) QD](#) would be met, exclusion considerations should be examined. See the chapter [VI. Exclusion](#).

Article 15(b) QD

As noted in the chapter [II. Refugee status](#), some profiles of applicants from Syria may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.

Under [Article 15\(b\) QD](#), serious harm consists of torture or inhuman or degrading treatment or punishment of an applicant in the country of origin.

[Article 15\(b\) QD](#) corresponds in general to [Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify under [Article 15\(b\) QD](#).

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- ▶ According to relevant international instruments, such as the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#), ‘torture’ is understood as:
 - ✓ an intentional act
 - ✓ that inflicts severe pain or suffering, whether physical or mental
 - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- ▶ ‘Inhuman’ refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).
- ▶ ‘Degrading’ refers to treatment or punishment which arouses in the victim feelings of fear, anguish and inferiority capable of humiliating or debasing them.

The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of

inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of a third party, in particular the intentional deprivation of the applicant of appropriate healthcare.²⁹

However, there are reports that in parts of the country, the actors in the conflict have deliberately targeted civilian infrastructure, including healthcare facilities [see for example [Damascus](#), 3.5; [Security 2020](#), 1.6.1.2, 2.1.3, 2.2.3.7, etc.]. In such cases, the application of [Article 15\(b\) QD](#) may be considered where refugee status has not been found to apply.

- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Prison and detention centres have been reported as harsh and, in many instances, life-threatening, due to food shortages, gross overcrowding, physical and psychological abuse, and inadequate sanitary conditions and medical care. Reports mention that prisoners and detainees face the risk of ill-treatment and even execution, while deaths in custody resulting from torture or other ill-treatment have been documented. Various methods of torture have been reported, including physical violence, sexual torture, psychological torture, health neglect and detention conditions, forced labour, torture in military hospitals and separation. Children are not separated from adults and are held in the same prisons, suffering from the same types of torture [[Actors](#), 2.2.6, 2.3.3, 2.4].

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under [Article 15\(b\) QD](#) can occur. Where there is no nexus to a reason for persecution, such treatment may qualify under [Article 15\(b\) QD](#).

[The implications of leaving Syria](#) should also be given due consideration.

❗ In some cases, those at risk of torture or inhuman or degrading treatment or punishment (for example, because of mistreatment in prisons) may also have committed or contributed to excludable acts as defined in [Article 17 QD](#). Therefore, although the criteria of [Article 15\(b\) QD](#) would be met, exclusion considerations should be examined. See the chapter [VI. Exclusion](#).

²⁹ CJEU, *M'Bodj*, paras. 35-36. Recent jurisprudence of the CJEU, furthermore, addresses the case of an applicant who has been tortured by the authorities of his country of origin and who no longer faces a risk of being tortured if returned to that country, but whose physical and psychological health could, if so returned, seriously deteriorate, leading to a serious risk of him committing suicide on account of the trauma resulting from the torture. In this case, the CJEU considers that Article 15(b) QD is applicable if there is a real risk of the applicant being intentionally deprived, in his or her country of origin, of appropriate care for the physical and mental after-effects of that torture (CJEU, *MP v Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018, para. 59).

Article 15(c) QD

This section focuses on the application of the provision of [Article 15\(c\) QD](#). Under [Article 2\(f\) QD](#) in conjunction with [Article 15\(c\) QD](#), subsidiary protection is granted where ‘*substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm*’ defined as ‘*serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict*’. Each element of the provision is addressed in a separate subsection.

The contents of this section include:

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[Armed conflict \(international or internal\)](#)

[Qualification of a person as a ‘civilian’](#)

[Indiscriminate violence](#)

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- ⊙ [Damascus](#)
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[Serious and individual threat](#)

[Qualification of the harm as a ‘threat to \(a civilian’s\) life or person’](#)

[Nexus/‘by reason of’](#)

Preliminary remarks

Reference period

The following assessment is primarily based on the EASO COI report on the security situation in Syria [Security 2020](#). The general reference period for this chapter is **1 January 2019 - 29 February 2020**, along with some additional information included in the COI report during its finalisation in the beginning of April 2020. Background information regarding the conflict in Syria is also taken into account.

This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation in a given territory should always be assessed in light of the most up-to-date COI available.

Legal framework

[Article 15\(c\) QD](#) defines the third type of harm that constitutes a ground for qualification for subsidiary protection. It covers a more general risk of harm and the protection needs which may arise from armed conflict situations.

Under [Article 15\(c\) QD](#), serious harm consists of **serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

In addition to the applicable EU legal instruments, this analysis builds on the most relevant European case law. Two judgments of the CJEU and one judgment of the ECtHR have been taken into account in particular:

- [CJEU, *Diakité* judgment](#):³⁰ The judgment is of particular importance for the interpretation of relevant concepts, and in particular of ‘internal armed conflict’.
- [CJEU, *Elgafaji* judgment](#):³¹ The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the ‘sliding scale’. In this judgment, the CJEU further discusses the ‘serious harm’ under the provision of [Article 15\(c\) QD](#) in comparison to the other grounds for granting subsidiary protection and considers the relation between [Article 15\(c\) QD](#) and the ECHR, in particular [Article 3 ECHR](#).
- [ECtHR, *Sufi and Elmi* judgment](#):³² It should be noted that ECtHR jurisprudence on [Article 3 ECHR](#) is not of direct applicability when discussing the scope and elements of [Article 15\(c\) QD](#). However, the elements outlined in *Sufi and Elmi* with regard to the assessment of the security situation in a country and the degree of generalised violence were consulted in order to design the [indicators of indiscriminate violence](#) for the purposes of this common analysis.

The elements to examine under [Article 15\(c\) QD](#) are:

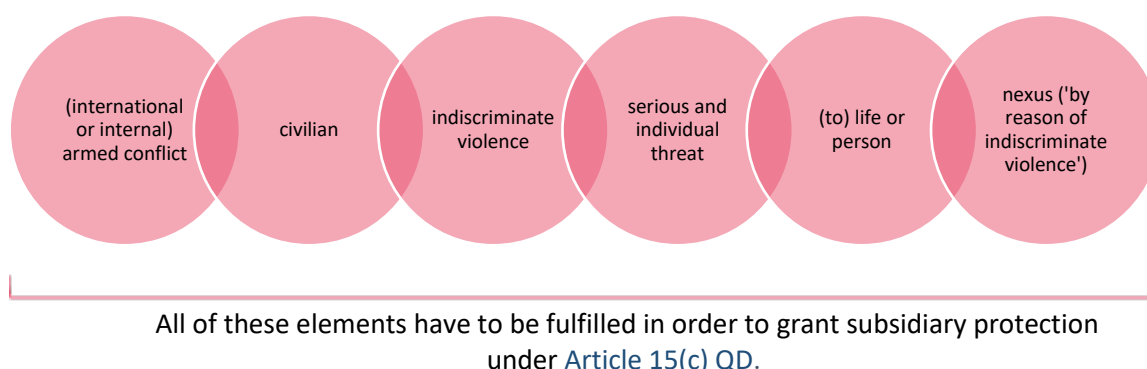


Figure 9. Elements of the legal provision of Article 15(c) QD.

Common analysis and assessment of the factual preconditions for the possible application of [Article 15\(c\) QD](#) with regard to the situation in Syria is provided in the sub-sections below.

³⁰ CJEU, *Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014, Fourth Chamber.

³¹ CJEU, *Elgafaji v Staatssecretaris van Justitie*, C-465/07, judgment of 17 February 2009, Grand Chamber.

³² ECtHR, *Sufi and Elmi v United Kingdom*, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011.

Armed conflict (international or internal)

A definition of an international or an internal armed conflict within the meaning of [Article 15\(c\) QD](#) is not provided by the QD itself. In *Diakité*, the CJEU interprets the concept of ‘internal armed conflict’ under [Article 15\(c\) QD](#) and concludes that it must be given an interpretation, which is autonomous from international humanitarian law:

...internal armed conflict exists, for the purposes of applying that provision, if a State’s armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as ‘armed conflict not of an international character’ under international humanitarian law;³³

In *Diakité*, the CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,

nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict.³⁴

Furthermore, in the context of [Article 15\(c\) QD](#), differentiation between ‘international’ or ‘internal’ armed conflict is not necessary, as the provision is equally applicable in situations of international and internal armed conflict.

It should also be noted that an armed conflict can be taking place only in parts of the territory.

As of 2020, there are multiple overlapping non-international (internal) and international armed conflicts taking place in Syria:

- The government of Syria is involved in a non-international armed conflict with various anti-GoS armed groups, most notably HTS, the SNA and ISIL.
- The US-led coalition against ISIL is in an international armed conflict with Syria, due to its military intervention in Syria without the consent of the GoS.
- Syria is also in an international armed conflict with Turkey, who has carried out military operations against ISIL and Kurdish armed groups in Syria, and controls parts of northern Syria with the help of anti-government armed groups. Military confrontations between Syrian and Turkish armed forces took place during the conflict, most recently in March 2020.
- Turkey is also engaged in a non-international conflict in Syria with YPG forces.
- Syria is involved in an international armed conflict with Israel, who has been conducting airstrike on Iranian targets in Syria without the consent of the GoS.

[Security 2020, 1.1, 1.3]

The section [Assessment by governorate](#) provides further guidance with regard to the armed conflicts taking place on the territory of Syria.

³³ CJEU, *Diakité*, para 35.

³⁴ *ibid.*

Qualification of a person as a ‘civilian’

Being a civilian is a prerequisite in order to be able to benefit from protection under [Article 15\(c\) QD](#). The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of [Article 15\(c\) QD](#) to former combatants who have genuinely and permanently renounced armed activity.

The Qualification Directive itself does not provide a definition of the term ‘civilian’. In light of the interpretative guidance given by CJEU in *Diakité*, the term should be read by reference to its usual meaning in everyday language, whilst taking into account the context in which it occurs and the purposes of the rules of which it is a part. Therefore, the term ‘civilian’ could be considered to refer to a person who is not a member of any of the parties in the conflict and is not taking part in the hostilities, including those who are no longer taking part in hostilities.

In the context of Syria, applications by persons falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- **Syrian Armed Forces:** military and security forces, including the SAA, the navy, the air force, the police force with its four separate divisions (emergency police, traffic police, neighbourhood police and riot police), the intelligence services, and the NDF.
- **Pro-government militias:** local and foreign militias that are operating alongside the regular Syrian armed forces. Local militias have been consolidated under an umbrella network called the NDF and are now belonging to the Syrian Armed Forces, other examples of pro-government militias include the LDF, the Tiger Forces, militias of wealthy and powerful Alawite businessmen, such as the al-Bustan militias and Suquor al Sahara. Foreign militias, mainly backed by Iran, include the Lebanese Hezbollah, the Afghan Fatemiyoun Brigade, the Pakistani Zeinabiyoun Brigade, various Iraqi Shia militias that are members of the Iraqi Popular Mobilisation Forces, and fighters from Yemen.
- **SDF and Asayish:** Kurdish-led multi-ethnic force that supported the US-led coalition in the war against ISIL, dominated by the YPG with the Asayish as internal security forces.
- **SNA:** A collection of Turkish-backed armed opposition groups, being hostile towards the GoS and the SDF. The most prominent factions include the Sultan Murad Brigade, the Moutassem Brigade, Ahrar al-Sharqia and al-Jabha al-Shamiya. In October 2019, the group merged with the NLF - a Turkey-backed alliance of opposition groups that is present in the Idlib area and includes moderate as well as Islamist factions.
- **Other anti-government armed groups, particularly those based in the Idlib area:** HTS is described as the most important and powerful actor in the area. The group is comprised of several armed factions including Jabhat Fatah al-Sham (also known as Jabhat al-Nusrah and previously as the Al-Nusrah Front), Ansar al-Sham and Ajnad al-Sham. Beside the NLF (see above), the Al Qaeda affiliate HAD, TIP, and Ansar al-Tawhid, among others are also present in the area.
- **ISIL and its predecessor groups**

[[Actors](#), 2.3, 2.3.4, 3.2, 4.1 - 4-3, 5.1, 6; [Security 2020](#), 1.4]

See also the chapter [I. Actors of persecution or serious harm](#).

It should be noted that actively taking part in hostilities is not limited to openly carrying arms, but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her. For example, the assessment should take into account whether the person had voluntarily taken part in the armed conflict; those who willingly joined the armed groups are unlikely to be considered civilians.

In case of doubt regarding the civilian status of a person, a protection-oriented approach should be taken, which is also in line with international humanitarian law, and the person should be considered a civilian.

 Exclusion considerations may also apply (see the chapter [VI. Exclusion](#) below).

Indiscriminate violence

‘Indiscriminate violence’ refers to the source of the specific type of serious harm defined in [Article 15\(c\) QD](#). The CJEU in *Elgafaji* notes that the term ‘indiscriminate’ implies that the violence,

*may extend to people irrespective of their personal circumstances.*³⁵

Some acts of violence may be indiscriminate by their nature, for example: (suicide) bombings, attacks and armed confrontations in areas that are inhabited or frequented by civilians (e.g. marketplaces, public roads, healthcare facilities).

Based on *Elgafaji*, in situations where indiscriminate violence is taking place, the following differentiation can be made with regard to its level:³⁶

I. territories where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

In this category, ‘mere presence’ would exceptionally be considered sufficient and no further individual elements would need to be substantiated.

II. territories where indiscriminate violence takes place, however it does not reach such a high level, and with regard to which **additional individual elements would have to be substantiated**.

Within this category, the level of indiscriminate violence may vary from territories where it is of such a low level that in general there would be no real risk for a civilian to be personally affected, to territories where the degree of indiscriminate violence is high and a lower level of individual elements would be required to establish a real risk of serious harm under Article 15(c) QD.

Figure 10. Levels of indiscriminate violence on the basis of CJEU, *Elgafaji*.

³⁵ CJEU, *Elgafaji*, para.34.

³⁶ CJEU, *Elgafaji*, para.43.

With regard to the second category, *Elgafaji* provides guidance on how the serious and individual threat has to be assessed, an approach commonly referred to as the ‘sliding scale’:

*(...) the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.*³⁷

Risk-impacting elements related to the personal circumstances of the applicant should, therefore, be taken into account. See sub-section on [Serious and individual threat](#).

The graph below illustrates the further differentiated standard scale applied in country guidance documents with regard to the levels of indiscriminate violence and the respective degree of individual elements required in order to find that a real risk of serious harm under [Article 15\(c\) QD](#) is substantiated for the applicant:

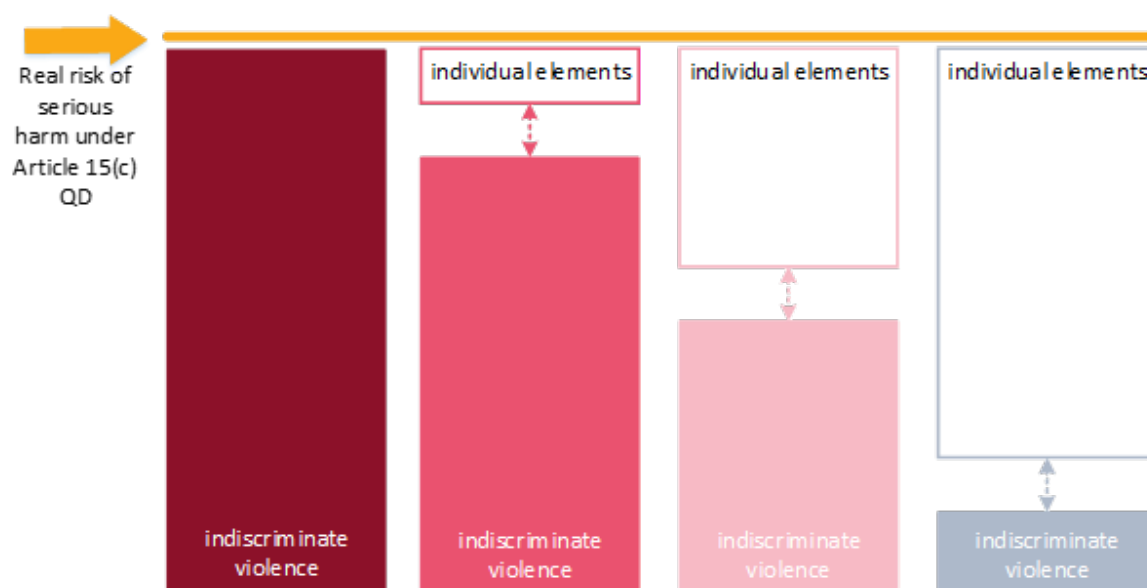


Figure 11. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.

The different levels of indiscriminate violence can be described as follows:

I. Territories where ‘mere presence’ would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

II. Territories where real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to his or her personal circumstances (based on a ‘sliding scale’).

³⁷ CJEU, *Elgafaji*, para.39.

Territories where ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#), however, indiscriminate violence reaches a high level, and, accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

Territories where indiscriminate violence is taking place, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

Territories where indiscriminate violence is taking place at such a low level that **in general there is no real risk for a civilian** to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#).

It should be noted that in armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according the refugee definition. Therefore, refugee status may be granted as noted in the section above (see, for example, the profiles [1. Persons perceived to be opposing the government](#), [4. Members of and persons perceived to be collaborating with the SDF and YPG](#), [11. Ethno-religious groups](#)). Such targeted violence, furthermore, would not be considered ‘indiscriminate’.

Indicators of indiscriminate violence

The common analysis below regarding the degree of indiscriminate violence taking place in the different governorates of Syria combines quantitative and qualitative elements in a holistic and inclusive assessment.

The indicators applied are formulated in reference to the ECtHR judgment in *Sufi and Elmi*:

*(...) first, whether the parties to the conflict were either employing methods and tactics of warfare which increased the risk of civilian casualties or directly targeting civilians; secondly, whether the use of such methods and/or tactics was widespread among the parties to the conflict; thirdly, whether the fighting was localised or widespread; and finally, the number of civilians killed, injured and displaced as a result of the fighting.*³⁸

These indicators were further developed and adapted in order to be applied as a general approach to assessing the element of ‘indiscriminate violence’, irrespective of the country of origin in question. The security situation in the respective territories is assessed by taking into account the following elements:

○ Presence of actors in the conflict

This indicator looks into the presence of actors in the conflict in the respective governorate and their relations. Seen in conjunction with the methods and tactics known to be used by the different actors, this is considered an indication of the risk civilians may face in the respective area.

³⁸ ECtHR, *Sufi and Elmi*, para.241.

○ Nature of methods and tactics

Some methods and tactics used in an armed conflict are by their nature more indiscriminate than others and create a more substantial risk for civilians. Therefore, information on these is particularly relevant in the assessment of risk under [Article 15\(c\) QD](#).

The methods and tactics used in the armed conflicts ongoing in Syria differ according to the actors involved. However, throughout the conflict different actors have been reported to engage in indiscriminate attacks involving airstrikes, use of explosive devices, but also ground engagements, etc., which significantly impact the civilian population. Some actors, including the GoS, have also been reported to deliberately target civilians and civilian objects. The use of prohibited weapons of war has also been largely documented, in particular by the GoS [[Security 2020](#), 1.6.1; [Security 2019](#), 4]. Explosive remnants of war are also widespread in Syria. According to UNOCHA, 10.2 million persons live in 1 980 communities reporting explosive hazards [[Security 2020](#), 1.6.1.3; [Security 2019](#), 4.4].

○ Number of incidents

The number of security incidents is an important indicator, pointing to the intensity of hostilities in a certain area. In relation to this indicator, data collected by the Armed Conflict Location & Event Data Project (ACLED) is consistently presented per governorate.

ACLED collects data on several types of violent incidents in Syria: battles, violence against civilians, explosions/remote violence, riots, protests, strategic developments. Each incident is coded with the time and place, type of violent incident, the parties involved, and the number of fatalities. The COI summaries per governorate focus in particular on the number of incidents coded as follows:

- ✓ **Battles:** violent clashes between at least two armed groups.
Battles can occur between armed and organised State, non-State, and external groups, and in any combination therein. Sub-events of battles are armed clashes, government regains territory and non-State actor overtakes territory.
- ✓ **Explosions/remote violence:** events where an explosion, bomb or other explosive device was used to engage in conflict.
They include one-sided violent events in which the tool for engaging in conflict creates asymmetry by taking away the ability of the target to engage or defend themselves and their location. These include air/drone strikes, suicide bombs, shelling/artillery/missile attack, remote explosive/landmine/IED, grenade, chemical weapon.
- ✓ **Violence against civilians:** violent events where an organised armed group deliberately inflicts violence upon unarmed non-combatants.
It includes violent attacks on unarmed civilians such as sexual violence, attacks, abduction/forced disappearance.

For further information on the data, see [Security 2020](#), 1.6.2.

In order to provide an indication of the relative intensity of incidents, the number of security incidents is furthermore presented as a weekly average for the reporting period of 2019, as well as the first two months of 2020.

○ Geographical scope

This element looks into how widespread the violence is within the area. Where such information is available, the analysis highlights the districts which are particularly affected by indiscriminate violence and/or the districts which are relatively less affected.

Where the conflict severity varies within an area, the place of origin of the applicant could constitute an important element to consider in the assessment. The higher the level of indiscriminate violence in the respective place, the less additional individual elements would be required in order to apply [Article 15\(c\) QD](#).

○ Civilian casualties

This is considered a key indicator when assessing (the level of) indiscriminate violence in the context of [Article 15\(c\) QD](#).

In Syria, many international monitoring groups have stopped providing detailed estimates of the number of fatalities because of the complexity of the situation and the lack of access to first-hand information. There are several Syrian organisations that still attempt to collect such information, however, the figures they provide vary due to differences in methods, ground presence, and access to information. For the purposes of the governorate-level COI summaries, the number of civilian fatalities reported by Violations Documentation Center in Syria (VDC) and SNHR are provided systematically. For further information on the choice of sources, see [Security 2020, Sources](#), p.9.

Data on injured civilians, which would also be relevant to take into account under the indicator ‘civilian casualties’ is not systematically available and, therefore, has not been included in the sub-sections.

The reported number of civilian fatalities is further weighted by the number of inhabitants in the governorate and presented as ‘number of civilian fatalities per 100 000 inhabitants’. It should be noted that the latest population figures refer to 2016, however, and this can only serve as an indication of the threat on civilian life.

○ Displacement

Under this indicator, the COI summaries per governorate provide information about recent IDP movements from and to the governorate, as well as information on returns where available.

In addition to the indicators above, some examples of further impact of the armed conflicts on the life of civilians are mentioned and taken into account in the assessment.

None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach has been applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. Concerns with regard to underreporting should be underlined.

Indiscriminate violence in Syria

The map below summarises and illustrates the assessment of indiscriminate violence per governorate:

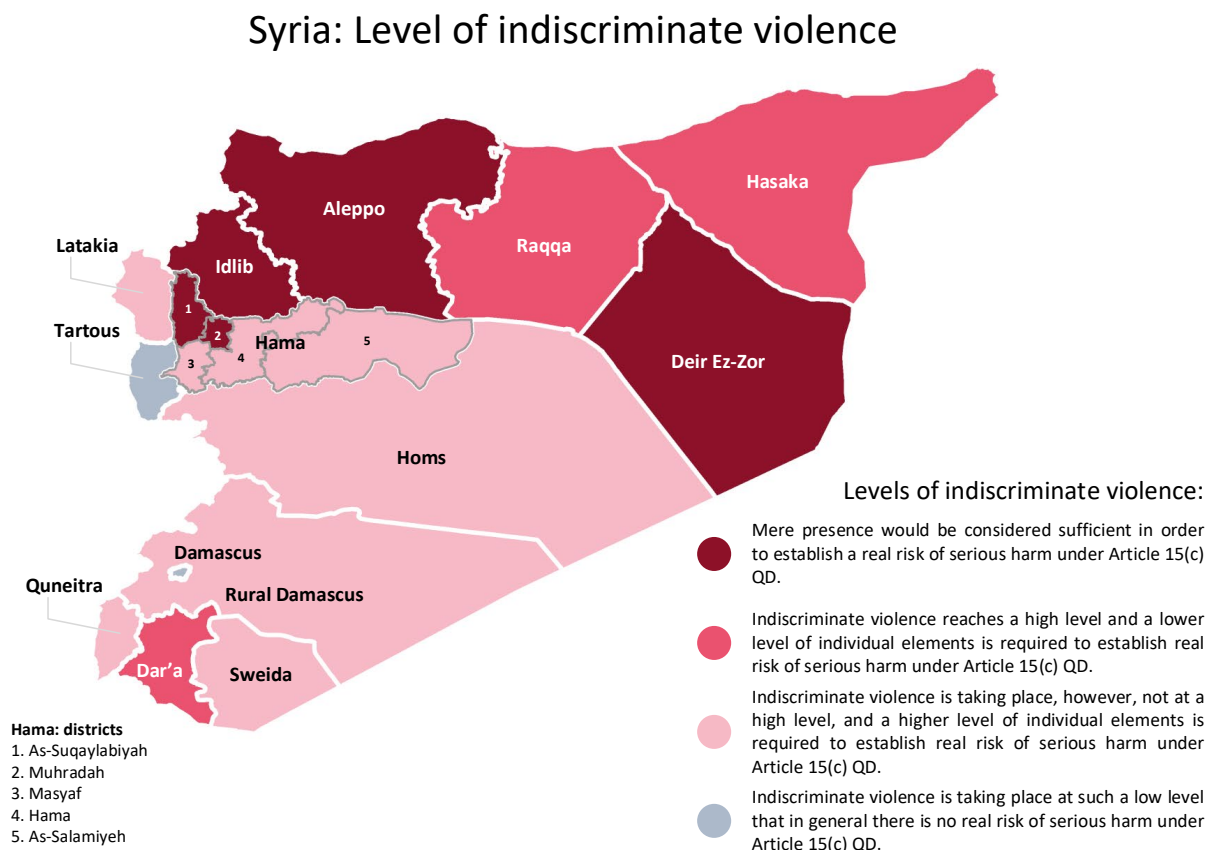


Figure 12. Level of indiscriminate violence in situations of armed conflict in Syria (based on data as of 29 February 2020).

Assessment by governorate

📍 Aleppo

[Main COI reference: [Security 2020, 2.2](#)]

The governorate of Aleppo is located in the north of Syria, bordering Idlib governorate to the west, Hama governorate to the south and Raqqqa governorate to the east. In the north it shares a 221-kilometre long border with Turkey. The governorate is divided in eight districts: Jebel Saman (where the capital city Aleppo is located), Afrin, A'zaz, Al-Bab, Menbij [Manbij], Jarablus, Ain Al-Arab [Kobane], and As-Safira. Population estimates for 2016 issued by the Syrian Central Bureau of Statistics indicated that Aleppo governorate had 3 734 000 inhabitants. Before the war, Aleppo city was the commercial and industrial capital of the country, with a population of around 2.5 million people.

Control over different parts of Aleppo governorate fluctuated between GoS and anti-government armed groups, with international actors also playing a pivotal role. Between 2012 and 2016, the city of Aleppo remained divided between the GoS-controlled west and the areas in the east, controlled by anti-government armed groups. In December 2016, after a prolonged siege and with the military assistance of Russia, eastern Aleppo was recaptured by the GoS. In the northern part of Aleppo, in early 2014, Kurds established control in the districts of Kobane and Afrin. After the advances of ISIL in Aleppo governorate, SDF and GoS, respectively backed by US and Russia, joined forces and managed to reclaim control of some

parts of the area. Meanwhile, following two offensives in 2016 and 2018, Turkish troops and affiliated forces occupied other previously ISIL-held areas in the governorate.

As of March 2020, multitude of actors controlled different parts of the governorate. The southern part of Aleppo governorate, including the city of Aleppo, was under the control of pro-GoS forces. The SDF forces were in control of the areas around the cities of Manbij and Kobane. They also controlled the Tal Rifaat area, with some sources indicating joint control with the GoS. Turkey-backed armed groups controlled the area between the cities of Afrin, Azaz, Al-Bab and Jarabulus in northern Aleppo governorate. HTS and affiliated anti-GoS groups maintained their foothold in western Aleppo governorate. ISIL had a presence in the governorate, in particular in Manbij, and still claimed attacks in 2019.

In GoS-controlled areas, pro-government militias had been involved in kidnappings and street fighting among themselves. The clashes escalated into exchanges of machine gun fire and the use of rocket-propelled grenades (RPGs), resulting in civilian casualties. The presence of explosive hazards in the governorate has also led to injuries and deaths. During 2019, the conflict between GoS and HTS took the form of ground-based strikes, missile attacks, bombardments and airstrikes, leading to civilians' deaths as well as significant damage to infrastructure. The attacks of HTS were described by the CoI as 'indiscriminate, indirect artillery fire into densely populated civilian areas, with no apparent legitimate military objective'. During the first months of 2020, violence had further intensified, with shelling affecting several neighbourhoods in the city of Aleppo. In rural western Aleppo, fierce fighting is resulting in increased levels of suffering for the local population.

In Afrin district and in other areas under the control of Turkish-backed armed groups, the security conditions are considered dire. Tactics of suppression, confiscation and expulsion of the area's Kurdish population have led to an insurgency campaign against the Turkish presence by the YPG, with the use of IED attacks, roadside ambushes, kidnappings and executions. The use of vehicle-borne improvised explosive device (VBIED) attacks, machine gun fire and mortars by armed groups operating in the area, was also documented. Factions of the SNA have split the areas under their control into geographic zones of influence. Competition over local resources and diverse regional background of the constituent factions were considered to be the main sources of tension between the SNA. Clashes and asymmetric attacks between factions have been frequently reported, with Turkey generally acting as the mediator. Civilians were regularly caught in the crossfire of rival factions or insurgent activity and casualties were recorded.

In areas under Kurdish control, armed clashes between Turkey and allied armed groups on one side and YPG on the other side were reported during 2019. Bombardments on YPG positions, shelling, artillery fire and frontline clashes were reported.

From March through mid-October 2019, ISIL claimed to have conducted 9 insurgent attacks in Aleppo governorate [Security 2020, 1.4.6]; the group was reportedly involved in 'hit and run' attacks, suicide vest attacks and car bombs, resulting in civilian deaths.

ACLED recorded 2 370 security incidents (average of 46 security incidents per week) in Aleppo governorate in 2019, the majority of which coded as explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 861, amounting to an average of 103 security incidents per week.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the districts of Jebel Saman, A'zaz and Afrin.

In 2019, VDC recorded a total of 370 civilian fatalities and SNHR recorded a total of 359 civilian fatalities in the governorate, the third highest number of civilian fatalities recorded out of any province in Syria. Compared to the official figures for the population in the governorate as from 2016, this represents 10 civilian fatalities per 100 000 inhabitants.

In 2019, Aleppo ranked as the second governorate in terms of IDP movements in Syria after Idlib, registering around 438 000 IDP movements within or to the governorate, the majority of which came from Idlib. In terms of IDP returns for 2019, Aleppo had around 64 000 IDP return movements, the majority of which were recorded within the governorate.

Massive destruction of infrastructure in the governorate of Aleppo had been documented, with housing units and healthcare facilities being particularly affected. Regarding the city of Aleppo, infrastructure damage was most severe in eastern Aleppo city and the old city and most civilians were evacuated from in these areas. Residential reconstruction had been limited due to the lack of private and state funds. Electricity was supplied primarily by generators and only private hospitals were reported to operate. Access to functional water networks was limited, while the presence of explosive hazards has resulted in fires and restrictions in access to services and humanitarian aid. Children, farmers and construction workers were particularly vulnerable.

Looking at the indicators, and in particular the presence of multitude of actors and the volatile situation in relation to the parallel conflicts taking place, it can be concluded that in the governorate of **Aleppo**, the degree of indiscriminate violence reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to these districts, would, **solely on account of his or her presence** on their territory, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

◉ Damascus

[Main COI reference: [Security 2020](#), 2.10]

Damascus governorate, covering Syria's capital, is located in the south-western part of Syria and is completely surrounded by the Rural Damascus (Rif Damashq) governorate. The governorate is divided into 16 municipal districts: Barzeh, Qaboun, Jobar, Al-Shaghour, Al-Midan, Al-Qadam, Kafr Sousa, Dummar, al-Mazze, Rukn al-Din, Al-Salihyah, Al-Mouhajrin, Saroujah, Al-Qanawat, Old Damascus, and Al-Yarmouk camp, a refugee camp, set up in 1957 to house approximately 160 000 Palestinian refugees. The Syrian Central Bureau of Statistics estimated the population of Damascus at 2 011 000 in 2016.

The capital is considered vital to the government and to the interest of its allies. At the beginning of the uprising in March 2011, numerous incidents took place in conservative neighbourhoods. Fighting taking place in the surrounding governorate of Rural Damascus had also affected the situation in the Damascus governorate. Some of the city's suburbs witnessed recurrent skirmishes and battles and the city suffered from road closures, a proliferation of security checkpoints and an influx of thousands of IDPs.

Yarmouk became the centre of armed conflict; 140 000 Palestinian refugees and thousands of Syrians fled the area after FSA and Al Qaeda-aligned Jabhat al-Nusra captured Yarmouk in December 2012. In April 2015, ISIL conquered large parts of the camp, with the help of Jabhat al-Nusra. Since then, Yarmouk Camp has been home to ISIL, Jabhat al-Nusra (now known as HTS), FSA factions, local Palestinian factions, pro-government paramilitary fighters, and government troops, making it a microcosm of the broader conflict. After recapturing Yarmouk by the end of May 2018, the GoS 'reclaimed a final scrap of territory held by [ISIL] in southern Damascus, cementing total control over the capital for the first time in six years.'

As of March 2020, Damascus governorate was under the control of the GoS. A newly established local resistance group Saraya Qasioun, which operates in Rural Damascus, claimed attacks on personnel of GoS-affiliated forces in Damascus, although the reliability of the claim was questionable.

Since May 2018, when the GoS forces regained control over Damascus and most of Rural Damascus, there have been relatively few acts of violence in the city. A source indicated that the improvement in the

security situation is ‘mainly because the government retook control of the last opposition-held areas in Damascus governorate and due to the government’s clearing of armed rebels from Rural Damascus, including Eastern Ghouta’.

In 2019, only sporadic attacks have taken place on the city and governorate of Damascus. Illustrative incidents include a large explosion near a military intelligence office, claimed by an HTS ally and several car bombs and IED attacks directed against Government officials and allies of GoS. From March through mid-October 2019, ISIL claimed to have conducted 3 insurgent attacks in Damascus governorate [Security 2020, 1.4.6]. In February 2020, six explosions took place in Damascus city, all of them caused by car bombs. Israeli air strikes also hit Damascus and the governorate Rural Damascus, for example targeting the Mezzeh Airbase and a research facility in Jamraya. According to the Carter Center, from 2018 up to November 2019, the majority of Israeli air strikes targeted Iranian and Iranian-aligned actors (such as Hezbollah) in Syria.

ACLED recorded 38 security incidents (average of 0.7 security incidents per week) in Damascus governorate in 2019, the large majority of which coded as remote violence/violence against civilians. In the first two months of 2020, the number of security incidents in the governorate was 12, amounting to an average of 1.4 security incidents per week.

In 2019, VDC recorded a total of 24 civilian fatalities and SNHR recorded a total of 15 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents respectively 1.2 or 0.8 civilian fatalities per 100 000 inhabitants.

In 2019, Damascus had a relatively low number of IDP movements in Syria, registering 352 IDP movements to or within the governorate, of which 60 were IDP movements within the governorate. In 2018, about 625 000 long-term IDPs were also living in Damascus, with often poor access to basic services. Around 2 000 return movements were recorded to or within Damascus governorate in 2019, of which 445 were within the governorate, while the rest came mainly from Hasaka governorate. Return movements from Damascus governorate were recorded mainly to Tartous (around 1 100) and Latakia (around 900) governorates.

In 2019, the hostilities in Damascus have resulted in destruction of civilian property and infrastructure with most damaged parts in the southern (Yarmouk) and eastern districts, extending toward Eastern Ghouta. In particular, the districts Jobar and to a lesser extent Al Masani, on the edge of Damascus city, have been severely damaged, according to satellite images of April and September 2018. Checkpoints run by different GoS security and intelligence services also impact civilian life in Damascus governorate.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Damascus** at such a low level that **in general there is no real risk** for a civilian to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

📍 Dar’a

[Main COI references: [Security 2020](#), 2.12; [Recaptured areas](#), 3.2]

Dar’a governorate is located in southern Syria, bordering the governorates of Quneitra, Rural Damascus and Sweida. It also shares an international border with Jordan to its south. The governorate is divided into three districts: Dar’a, Izra’ and As Sanamayn. According to 2016 estimates by the Syrian Central Bureau of Statistics, the population of Dar’a governorate was approximately 845 000. The M5 motorway which runs through the governorate and connects Damascus to Jordan and to Aleppo, as well as its proximity to the

Golan Heights, give Dar'a its strategic importance. These characteristics have also traditionally made it one of the most militarised regions in Syria.

Dar'a city is where the first protests broke out in 2011. Large parts of Dar'a governorate were brought under control of mainly moderate rebel factions from 2012, with the GoS remaining in control of some parts of the territory. In 2017, Dar'a was designated as one of the 'de-escalation' zones by the US, Jordan and Russia. In June-July 2018, the GoS, through a combination of military campaigns and reconciliation agreements backed by the Russians, regained control of the governorate.

As of the beginning of 2020, sources indicate that Dar'a governorate is under the nominal control of the GoS. In practice, the region is subjected to a complex web of political control with multiple, overlapping, uncoordinated branches of the security and military. According to the UN, territories 'currently under the effective control' of GoS and its forces are those taken by military operations, including 80 % of eastern and northeastern rural Dar'a, areas of western rural Dar'a, and parts of Dar'a City, while 'the rest of Dar'a is under effective control of former non-State armed groups, including those that agreed to the "reconciliation deals"'.

In addition to Russia exerting great influence in Dar'a, Iran-backed groups and Hezbollah are also active in the southern and western parts of the governorate.

Since 2018, a number of new opposition armed groups have also emerged in Dar'a.

ISIL and an affiliated local group have a limited presence in Dar'a, with increased activity reported in the south. There are also reports of increased presence and recruitment efforts by other extremist groups in parts of the governorate.

Despite the GoS having officially re-established control, the security situation in Dar'a remains volatile, with overlapping presence of multiple, often competing security actors. Dissatisfaction with the implementation of reconciliation deals also contributes to ongoing tensions.

The security situation in Dar'a gradually deteriorated in the second half of 2019, and further escalated in early 2020. Reports mainly point to assassinations of GoS collaborators and former rebel commanders who have reconciled, attacks on checkpoints and asymmetric attacks, frequently committed by unidentified perpetrators. Heavy clashes have taken place between GoS and opposition armed groups, notably in March 2020, when the Syrian army launched an operation to secure greater control over As Sanamayn, which resulted in heavy shelling of the city and prompted retaliatory attacks and clashes in different areas of the governorate. IED, booby traps and unexploded remnants of war continue to injure and kill civilians and in particular children. From March through mid-October 2019, ISIL claimed to have conducted 8 insurgent attacks in Dar'a governorate [Security 2020, 1.4.6].

ACLED recorded 343 security incidents (average of 7 security incidents per week) in Dar'a governorate in 2019, the majority of which were coded as battles. In the first two months of 2020, the number of security incidents in the governorate was 83, amounting to an average of 10 security incidents per week.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the district of Dar'a.

In 2019, VDC recorded a total of 96 civilian fatalities and SNHR recorded a total of 97 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, these represent approximately 11 civilian fatalities per 100 000 inhabitants.

According to UNOCHA's data for 2019, there were about 90 000 spontaneous returns, mainly from within Dar'a, and 21 IDPs flowed out of the governorate during the year. A different source has pointed out that since the summer of 2019 and up to September 2019, 25 000 people have left Dar'a and Quneitra through smuggling networks reportedly due to fears of detention, conscription, and deterioration of public services.

The UN reported that there has been little improvement in the rehabilitation of Dar'a's infrastructure as of May 2019, noting that electricity and water remained unreliable and unevenly distributed, and that many civilians were unable to return due to the widespread destruction and damage to their homes, as well as problems of looting. Access to water, housing, education, and basic needs in the governorate was reported to be difficult for many residents. Reconstruction has mainly concentrated on the strategically important M5 motorway, while other road networks remained heavily damaged. The existence of multiple security checkpoints in Dar'a also significantly restricts the movement of civilians and high levels of lawlessness contribute to the general instability in the governorate.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#) in the governorate of Dar'a, however, **indiscriminate violence reaches a high level**, and, accordingly, a lower level of individual elements is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

🕒 Deir Ez-Zor

[Main COI reference: [Security 2020, 2.9](#)]

The governorate of Deir Ez-Zor is located in the east of Syria and is the second biggest governorate in terms of surface. It borders Iraq and the governorates of Hasaka, Raqqqa and Homs. The governorate is divided into three districts: Deir Ez-Zor, Al-Mayadin and Abu Kamal. The Syrian Central Bureau of Statistics estimated that the population of Deir Ez-Zor governorate was 1 124 000 in 2016. Deir Ez-Zor governorate is rich in natural resources such as oil and gas, and ranking first in the production of cotton and third in the production of wheat.

Since the beginning of the conflict in Syria, Deir Ez-Zor witnessed anti-government protests. The Arab tribes in Deir Ez-Zor showed a division of affiliation, as some factions joined the SDF, others were aligned with GoS forces, and the rest pledged allegiance to ISIL. By summer 2012, the FSA controlled more than three-quarters of Deir Ez-Zor city. In 2014, ISIL captured the FSA-held neighbourhoods and succeeded in capturing the province almost entirely. In 2017, Deir Ez-Zor city was recaptured by the SAA with the support of Russia and Iran, and ISIL lost its territorial control in the western part of Euphrates. On the eastern side of the river, the SDF engaged in fighting with ISIL, which ended with the recapturing of all ISIL-held areas in March 2019.

As of March 2020, the GoS controls the part of the governorate west of the Euphrates. The presence of the Islamic Revolutionary Guard Corps (IRGC) and Iranian-back militias, as well as of Russian forces, is also reported.

SDF controls the part of the governorate east of the Euphrates. The US also maintained a force of 500 to protect the oil fields.

Despite the loss of its last stronghold in Baghouz, ISIL maintained a steady low-level violence in Deir Ez-Zor's eastern countryside.

Before the recapturing of the ISIL-held areas by SDF, there was an intensification of military operations that affected civilians in Deir Ez-Zor governorate. Many civilians were killed and injured during air and ground-based strikes, in particular in east and southeast Deir Ez-Zor governorate. After the fall of Baghouz, ISIL was taking revenge on the people of Deir Ez-Zor, condemning them as 'guilty' of its defeat. ISIL attacks included roadside bombs and drive-by shooting and assassinations of local SDF collaborators. The attacks concentrated in a strip along the Euphrates River between the towns of al-Buseira and al-Tayyana Arab. From March through mid-October 2019, ISIL claimed to have conducted 321 insurgent attacks in Deir Ez-Zor

governorate [Security 2020, 1.4.6]. Reporting on the period between July 2019 and January 2020, the Col noted that ISIL increased its attacks against pro-GoS forces, especially around Mayadin and Albu Kamal. Various incidents of infighting and clashes between components of the Syrian Armed forces and Iran-backed militias have also been reported.

ACLED recorded 1 029 security incidents (average of 20 security incidents per week) in Deir Ez-Zor governorate in 2019, the large majority of which coded as battles and explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 136, amounting to an average of 16 security incidents per week.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the district of Deir Ez-Zor.

In 2019, VDC recorded a total of 249 civilian fatalities and SNHR recorded a total of 549 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents approximately 22 or 49 civilian fatalities per 100 000 inhabitants.

According to the UNOCHA, around 57 000 displacement movements were recorded during 2019 from Deir Ez-Zor governorate, the vast majority towards Hasaka governorate. For the same period, around 52 000 IDP movements were recorded to or within Deir Ez-Zor governorate, of which around 49 000 were within the governorate while the rest came mainly from Raqqa governorate. Around 79 000 return movements were recorded to or within Deir Ez-Zor governorate in 2019, of which 41 000 were within the governorate, while the rest returned mainly from Damascus and Hasaka governorates.

Following the defeat of ISIL and the capturing of the group's former territory of control by GoS forces and the SDF, there have been reports on increasing tension between the residents of those areas and the forces controlling them. Deir Ez-Zor governorate suffered major infrastructure damages, with approximately 23 % of its buildings damaged or destroyed. With regards to water supply, 30 % of the households in several governorates including Deir Ez-Zor relied entirely on water provided by trucks. The governorate faced many damages in roads and bridges and only a few of them have been cleared of rubble. Only 5 % of the governorate's schools were operational, facing shortages in personnel and lacking doors, windows and water tanks. The healthcare system suffered a shortage in personnel and medications in the GoS-controlled areas, however the situation seemed to be better in SDF-held areas. The contamination of explosive remnants posed a daily risk for civilians, including children, in Deir Ez-Zor governorate. A state of lawlessness, and an increase of killings and kidnappings, was also reported in several areas of the governorate.

Looking at the indicators, it can be concluded that the degree of indiscriminate violence in **Deir Ez-Zor** reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of his or her presence on its territory**, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

📍 Hama

[Main COI reference: [Security 2020, 2.3.](#)]

Hama governorate is in central Syria and has internal borders with the governorates of Latakia and Tartous to the west, Homs to the south and with Aleppo, Idlib and Raqqa to the north. It comprises five districts: Hama, Misayaf, Muhardah, As-Suqaylbiyah, and As-Salamiyeh. The Syrian Central Bureau of Statistics estimated the population of Hama governorate in 2016 to be 1 976 000. The estimated population of Hama City was 922 000 in 2020.

In May 2017, Russia, Iran and Turkey signed an agreement, which called for the cessation of hostilities between rebel groups and GoS-affiliated forces in four areas. Northern Hama fell under Zone 1, together with Idlib province, northeast Latakia, and west Aleppo province. Throughout the conflict, Hama city witnessed limited fighting. The city came under the control of the government forces in 2014, while the opposition captured the northern and eastern countryside.

As of March 2020, most of Hama governorate was under the control of the GoS and only a narrow strip extending along the northern Hama border with Idlib governorate, stretching from Qa'urah in the east to Qarfus in the west, was still controlled by opposition factions. Different units of the SAA are present in Hama, as well as a large concentration of pro-government militias. There is also Russian military presence in Hama, mostly providing air-support to the fighting GoS troops. Iranian-backed forces are also present in the areas of Misyaf, az-Zawiya, Ma'rin Mount, Shalyout village, Qomhana, and Salamiyeh. Recruitment offices for recruiting into militias affiliated with the IRGC were also reported.

HTS and affiliated armed groups (Jaysh Izza, Katibat Al-Tawhid wal Jihad, TIP and Ansar Al-Din) were reported to retain control and carry military activities in northern Hama. NLF was also reported to be present, however HTS seized key areas in northern Hama from NLF in the wake of renewed infighting between the two groups.

ISIL or affiliated fighters continue to affect the security environment in areas formerly controlled by the group, which include Hama Desert. Steady, low-level activity by ISIL continued.

There were several Israeli airstrikes during 2019 that targeted positions in Hama governorate, such as on Misyaf and Hama airfield.

In military confrontations between GoS and anti-GoS armed groups during 2019, GoS forces reportedly used banned cluster munitions and incendiary weapons in the attacks, along with large air-dropped explosive weapons with wide-area effects, including 'barrel bombs', in populated civilian areas. Attacks by anti-GoS armed groups, in particular HTS and Jaysh al-Izza, on government-held areas were also reported. The CoI noted that between February and July 2019, HTS and Jaysh al-Izza 'launched a barrage of rockets towards government-held areas in the countryside surrounding Aleppo and Hama, in attacks that terrorized, killed and maimed scores of civilians'. There were also reports of infighting between pro-GoS forces as well as between anti-GoS armed groups. Several incidents of attacks on healthcare facilities and schools were reported in the governorate. There were also incidents of casualties related to remnants of war.

ACLED recorded 5 119 security incidents (average of 98 security incidents per week) in Hama governorate in 2019, the large majority of which coded as explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 172, amounting to an average of 20 incidents per week.

During 2019, security incidents occurred in all districts of the governorate, with the vast majority being recorded in the districts of As-Suqaylabiyah (3 142) and Muhradah (1 330), followed by Hama district (562).

In 2019, VDC recorded a total of 390 civilian fatalities and SNHR recorded a total of 301 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, these represent respectively 20 or 15 civilian fatalities per 100 000 inhabitants.

In 2019, around 194 000 were displaced from Hama governorate, 2 000 of whom were displaced within the governorate. The relative stability of the city of Hama resulted in a significant trend of inward migration and settlement in Hama. In July 2019, the bombing and shelling of Syria's southern Idlib and northern Hama governorates forced more than 450 000 people to flee north towards the Turkish border. During 2019, there were around 25 000 return movements in Hama, of which 18 000 were returns within the governorate and the rest returned mainly from Idlib governorate.

Ground-based and air strikes launched in Hama reportedly resulted in the destruction and damage of civilian infrastructure, such as local markets, homes, settlements for IDPs, as well as crops and agricultural equipment. Attacks also resulted in the closing of healthcare and educational facilities. With regards to the infrastructure damage incurred by military activities in Hama city, a report from March 2017 stated that 6 % of the city's housing asset was damaged. The damage was concentrated in one particular neighbourhood, Sabil, which underwent complete demolition in 2012.

Looking at the indicators, it can be concluded that in the districts of **As-Suqaylabiyah** and **Muhradah** the degree of indiscriminate violence reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to these districts, would, **solely on account of his or her presence** on their territory, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

In the districts of **Hama**, **Masyaf** and **As-Salamiyeh** indiscriminate violence is taking place, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

◉ Hasaka

[Main COI reference: [Security 2020, 2.7](#)]

The governorate of Hasaka is located in the northeast end of Syria, bordering Turkey to the north, Iraq to the east and the governorates of Raqqqa and Deir Ez-Zor to the west and southwest respectively. The governorate is divided into four districts: Hasaka, Ras al-Ain, Qamishli and al-Malikiya. Population estimates for 2016 by the Syrian Central Bureau of Statistics indicated that Hasaka governorate had 1 621 000 inhabitants. Its capital city Hasaka is located in the middle of the governorate, on the intersection of the Khabour river and the road from al-Qamishli towards Deir Ez-Zor. The economy of Hasaka is based on agriculture, and some of Syria's most important oil fields are situated in the governorate, which has drawn the interest of both internal and external actors.

Following the retreat of GoS forces from large parts of northeast Syria in 2012, the Kurdish forces were able to take over Syria's northeast and established the Autonomous Administration of North and East Syria, creating their own institutions and security forces. Since 2014, the PYD and its armed wing, the YPG, has become the most essential political and military force on the ground in the US-led coalition campaign against ISIL in Syria.

In October 2019, Turkey launched its 'Operation Peace Spring' in order to oust the SDF/YPG from the Syrian side of the border and to establish a 'safe zone' for resettlement of Syrian refugees. Following the Turkish-led incursion into northeast Syria in October 2019, the SNA together with Turkish armed forces was reported to be in control of the so called 'safe zone' established between Tall Abyad (Raqqqa governorate) and Ras al Ain (Hasaka governorate). On 14 October, the SDF concluded a military agreement with Damascus/Russia, authorising the return of some SAA troops to areas near the Turkish border earlier controlled by the SDF/YPG, in order to confront the SNA presence.

Since the end of October 2019, there has been a ceasefire over the area based on a memorandum of understanding between Russia and Turkey. However, this ceasefire has not been respected at all times and there have been combats between SAA units and Turkish forces and Turkish-backed SNA units.

The SDF/YPG is still the main force on the ground in northeast Syria. It retains control of vast territory, well-functioning military forces, oil resources and governance structures. The GoS maintained a limited security presence in northeast Syria, which included the cities of Qamishli and Hasaka in the governorate.

The Turkish incursion into northeast Syria led to an escalation of military violence, which greatly affected civilians in the region. The fighting following Turkey's/SNA's offensive in the area was marked by indiscriminate attacks targeting residential areas. Airstrikes, artillery fire, arbitrary arrests, killings and seizure of property were reported, endangering civilian lives. In 2020, it was reported that Turkish-backed militias targeted villages in rural Hasaka.

Moreover, the Turkish incursion raised the threat of an ISIL resurgence in the area. ISIL small-scale operations in the area increased, including ambushes, assassinations, and IED attacks against GoS forces and SDF and their civilian affiliates in the Middle Euphrates River Valley and Hasaka governorate. From March through mid-October 2019, ISIL claimed to have conducted 100 insurgent attacks in Hasaka governorate [Security 2020, 1.4.6].

ACLED recorded 893 security incidents (average of 17 security incidents per week) in Hasaka governorate in 2019, the large majority of which coded as battles and explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 165, amounting to an average of 20 security incidents per week. The number of security incidents remained steady for the first part of 2019, with a significant spike in security incidents registered in October and November 2019.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the districts of Hasaka and Ras Al Ain.

In 2019, VDC recorded a total of 178 civilian fatalities and SNHR recorded a total of 173 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents 11 civilian fatalities per 100 000 inhabitants.

According to the UNOCHA, around 13 000 displacement movements were recorded during 2019 from Hasaka governorate, the vast majority towards Deir Ez-Zor governorate. For the same period around 55 000 IDP movements were recorded to or within Hasaka governorate, of which around 33 000 were within the governorate, while the rest came mainly from Deir Ez-Zor governorate. Around 137 000 return movements were recorded to or within Hasaka governorate, of which 76 000 were within the governorate, while the rest returned mainly from Deir Ez-Zor, and some from Raqqa governorate. In January 2020, Hasaka governorate recorded the third largest IDP movement across Syria in the first month of the year (approximately 4 900 IDPs) and the second largest return movement (approximately 4 800 returnees).

The escalation of military violence since the fall of 2019 has resulted in the destruction of essential civilian infrastructure. The main water station supplying Hasaka province was damaged, exposing thousands of people to the risk of not having safe drinking water. Drinking water supplies to Hasaka city and the surrounding areas in its countryside have also reportedly been interrupted by Turkish forces stationed in Allouk water purification station in Ras al Ain after that.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#) in the governorate of **Hasaka**, however, **indiscriminate violence reaches a high level**, and, accordingly, a lower level of individual elements is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

Homs

[Main COI reference: [Security 2020](#), 1.5.1, 2.6]

The governorate of Homs is located in central Syria and has borders with Iraq to the east and Lebanon to the west. The Syrian E-Government website stated that Homs governorate shares an international border with Jordan to the east as well. It has internal borders with Deir Ez-Zor, Raqqa, Hama, Tartous, and Rural Damascus governorates. The governorate is divided in six districts: Homs (where its capital Homs is also located), Al-Qusayr, Tal Kalakh, Ar-Rastan, Al-Maghrim and Palmyra. Homs governorate had 1 573 000 residents according to the official population estimates published by the Syrian Central Bureau of Statistics for 2016. Natural resources facilities are situated in the governorate.

Early in the conflict, violence in Homs had a sectarian character. Shia residents of Homs City were forcefully displaced, and neighbourhoods started to become either purely Sunni or purely made up of other sects. The GoS forces applied a 'kneel or starve' strategy accompanied by indiscriminate attacks against neighbourhoods held by anti-government groups, up until May 2014. The recapture of Homs city by GoS, in May 2017 and the military operation by SAA in northern rural Homs in April 2018 led to the mass evacuation of rebels and their families from the governorate. Those who chose to stay in the area had to reconcile with the GoS. A significant number of reconciled combatants were incorporated in the SAA forces.

As of March 2020, Homs governorate was under the control of the GoS forces, except for Al-Tanf region and some small ISIL pockets scattered in the Syrian Desert. The presence of SAA, GoS security apparatus, pro-government militias and anti-government armed groups was reported in the region. Iranian and Iranian-backed forces were deployed in proximity to strategically important posts. Russian Military Police also held a limited presence in northern rural Homs, with an insignificant role as of July 2019. The US had established a military base in Al-Tanf in 2016, which was used as a launching point for operations against ISIL and to train Syrian anti-jihadist opposition groups.

In 2019, numerous incidents involving ISIL and the SAA and pro-government forces have been reported, mainly in the eastern parts of the governorate. Such incidents included ambushes and IED attacks. From March through mid-October 2019, ISIL claimed to have conducted 32 insurgent attacks in Homs governorate [[Security 2020](#), 1.4.6]. There were also reports of clashes between GoS forces and pro-government militias for economic interests and conflicting agendas. As these clashes reportedly escalated, machine guns and RPGs were used, causing injuries among civilians. Moreover, during 2019, Israeli airstrikes took place, allegedly resulting civilian casualties. Sources also reported several deaths among civilians caused by landmines and explosive remnants of war.

ACLED recorded 69 security incidents (average of 1 security incident per week) in Homs governorate in 2019, the large majority of which coded as battles and explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 10, amounting to an average of 1 security incident per week.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the districts of Tadmor and Homs.

In 2019, VDC recorded a total of 105 civilian fatalities and SNHR recorded a total of 70 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents respectively 7 or 4 civilian fatalities per 100 000 inhabitants.

Homs city suffered a high impact of displacement as approximately 468 000 out of 806 000 people were displaced by November 2013. In 2019, 13 000 IDP movements to or within the governorate were recorded. With regard to returnees, 44 000 return movements to or within the governorate were recorded. There are reports that mainly pro-GoS citizens were allowed to return, while IDPs who returned to Homs were requested by the government to pay for non-existent services, such as electricity and municipal fees, for all periods when these areas were out of its control, or when the returnees were out of the area.

Homs governorate is one of the most impacted amongst all governorates, both in terms of damage to infrastructure, and strains on areas receiving IDPs. Massive destruction of housing units, severe damages to road networks, insufficient quantities of potable water, disruptions to sewerage services and long power cuts were reported. Additionally, sources reported attacks that targeted natural resources facilities. In northern rural Homs, the state of lawlessness and the arbitrary use of State power have created a climate of fear. In June 2019, graffiti appeared calling for the people to continue the revolution against the government. There was also information on the seizing of weapons and munitions in the Homs countryside. The incidents of kidnapping, looting, and extortion had increased in Al-Rastan city, and civilians had cited increasingly frequent harassment, theft and tariff charges at checkpoints, used by pro-GoS forces for monitoring and conscripting civilians.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Homs**, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

◉ Idlib

[Main COI reference: [Security 2020](#), 2.1]

The governorate of Idlib is located in northwest Syria. It borders the governorates of Hama, Aleppo and Latakia, as well as Turkey. The governorate is divided into five districts: Idlib, Ariha, Jirs-Ash-Shugur, Harim and Al Mara. The Syrian Central Bureau of Statistics estimated the population of Idlib governorate in 2016 to be 1 445 000. Its capital city Idlib is located on the strategic road between Aleppo and Damascus governorates.

Idlib was among the first governorates to join the 2011 uprising against the Assad government and has been described as a stronghold of Islamist and jihadists militants among opposition groups. Control over Idlib city fluctuated for several years between the GoS forces and anti-government armed groups, until in 2015 anti-government armed groups managed to gain full control.

Idlib became the refuge for Syrian fleeing the GoS forces, including activists and fighters from areas recaptured by the SAA. Rebels, their families and others who had worked for the opposition were given an opportunity to evacuate to Idlib as part of local reconciliation agreements. Some were also evacuated to the area against their will.

Following an agreement between Russia, Iran and Turkey in May 2017, Idlib governorate became part of a 'de-escalation' area, which stipulated the cessation of hostilities and improved humanitarian access. However, GoS forces continued military operations in the area, recapturing half of the de-escalation area by mid-2018. In September 2018, a deal between Russia and Turkey reached at Sochi, created a demilitarised zone in parts of Idlib province. However, by April 2019, the Sochi agreement collapsed following military escalation by GoS, supported by Russia. As of January 2020, half of the governorate remained under the control of anti-government armed groups.

The HTS is the dominant actor in the Idlib area. In the beginning of 2019, the group seized large areas of the governorate following clashes with rival armed groups, and by August 2019 it controlled over 90 % of Idlib governorate, alongside adjacent parts of northern Hama and western Aleppo governorates. A number of other anti-GoS armed groups also operate in the Idlib area (e.g. NLF, TIP, HAD, Ansar al-Tawhid). They are predominantly Islamist groups, who have an ambiguous or symbiotic relationship with HTS. Some of them are backed by Turkey, such as the NLF, an alliance of opposition-armed groups which merged with the SNA in October 2019.

Turkey has 12 military observation points around the Idlib de-escalation zone which were set up after the 2018 deal. In the beginning of 2020, several of these posts have come under fire from GoS forces or were surrounded. Several Turkish military personnel were killed following SAA military operations in Idlib, prompting Turkish retaliatory attacks. Turkish observation points in Idlib were reinforced with armoured personnel carriers and tanks of the Turkish Armed Forces. By mid-February 2020, Turkey was reported to have massed 30 000 troops and armour on the Syrian border and to have sent 5 000 troops to Idlib. Additionally, it has set up military posts in the vicinity of Idlib city.

ISIL was also reported to have a latent presence in Idlib, where the ISIL leader Abu Bakr al-Baghdadi reportedly died in 2019 following a raid by US Special Forces in the village of Barisha.

It is reported that military operations of the GoS in Idlib have been reinforced by Russian, Iranian and Hezbollah forces.

Starting in February 2019, ground offensives and airstrikes on areas controlled by anti-government armed groups escalated significantly, with reports pointing to the deliberate targeting of civilian infrastructure, including hospitals, schools, markets, mosques, residential areas, agricultural resources. As of February 2020, hostilities increased, with frontlines shifting rapidly. A ceasefire negotiated by Russia and Turkey resulted in joint patrolling of a security corridor south and north of the M4 highway, however, as of mid-March 2020, there were already claims by Russian officials that anti-government militants were not complying with the ceasefire.

ACLED recorded 6 447 security incidents (average of 124 security incidents per week) in Idlib governorate in 2019, the large majority of which coded as explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 1 014, amounting to an average of 121 security incidents per week.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the district of Al Ma'ra.

In 2019, VDC recorded a total of 1 051 civilian fatalities and SNHR recorded a total of 1 506 civilian fatalities in the governorate, the highest number of civilian fatalities recorded out of any province in Syria. Compared to the official figures for the population in the governorate as from 2016, this represents respectively 73 or 104 civilian fatalities per 100 000 inhabitants.

In 2019, Idlib had the highest number of IDP movements in Syria, registering 1 096 000 IDP movements to or within the governorate, of which 950 000 were IDP movements within the governorate. Most IDP movements from Idlib during 2019 were to Aleppo governorate (around 285 000). Displacement continued in 2020. In February 2020, UNOCHA representatives stated that almost 700 000 civilians have been forcibly displaced in Idlib over the past 10 weeks, the largest number of IDPs during such a short time period since the conflict in Syria started.

In 2019, the hostilities in Idlib have resulted in the destruction of entire towns and villages, major damage to civilian infrastructure, the hindering of humanitarian aid, increase in food prices, shelter shortage and severely limited access to basic services. In January 2020, UNOCHA assessed that around 2.7 million people in northwest Syria are in urgent need of humanitarian assistance, including food, shelter, water and sanitation, health and winterisation assistance [see also [Security 2020](#), 1.6.4].

Looking at the indicators, it can be concluded that the degree of indiscriminate violence in **Idlib** reaches such a high level, that substantial grounds are shown for believing that a civilian, returned to the governorate, would, **solely on account of his or her presence on its territory**, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

Latakia

[Main COI reference: [Security 2020](#), 2.4.]

Latakia governorate is situated in the northwest of the country and borders the Mediterranean Sea to the west, Tartous to the south, Hama to the east, and Idlib to the northeast. It also shares an international border with Turkey to the north. Latakia is divided into four administrative districts: Latakia, Al-Haffa, Al-Qardaha, and Jablah. Population estimates for 2016 by the Syrian Central Bureau of Statistics indicated that Latakia governorate had 1 453 000 inhabitants. In March 2019, it was reported that the GoS reached an agreement with Iran to permit Iran to manage Latakia Port, the main port in Syria.

Most of Latakia governorate had been under government control since the start of the conflict and the governorate has been a stronghold for the Alawites and the Assad family. Since 2013, the GoS managed to isolate rebel strongholds to the mountain areas in the northeast of Latakia. According to the Institute for the Study of War (ISW) 'the largely Alawite and Christian populations, the GoS' reliable security apparatus, and the presence of paramilitary forces supporting the GoS forces there, as reasons for the relative stability of the governorate'.

The SAA and various pro-GoS militias were operating in the governorate. The Russian air force had acquired its own airbase and landing strip at Hmeimim, from where it conducts expeditionary operations to support the GoS. The Iranian paramilitary, the IRGC, is also present in the governorate.

Rebel forces had kept a foothold in northeast Latakia for nearly the entire length of the civil war in Syria, creating a frontline in the northeast mountains. Areas in Latakia near the border to Idlib were dominated by the jihadist group HTS.

As of January 2020, all of Latakia was under pro-government control except a strip along the Turkish border and the border to Idlib governorate which was under the control of Al Qaeda-linked groups.

The conflict focused in the area of Jabal Kabani in Al Haffa, where airstrikes, barrel bomb drops, and intensive artillery shelling were reported. In December 2019, there were reports of battles between government forces and the jihadist groups HTS and TIP near Kabani, and the territory in the Zuweiqat Mountains had been captured and recaptured by the belligerents after several days of battling. In January 2020, sources noted that the fighting for Kabani had gone on for eight months. Reported incidents in the governorate also included a car bomb attack in a crowded square in Latakia City in January 2019.

ACLED recorded 560 security incidents (average of 11 security incidents per week) in Latakia governorate in 2019, the large majority of which were coded as explosions/remote violence. In the first two months of 2020, the number of security incidents in the governorate was 31, amounting to an average of 4 security incidents per week.

During 2019, security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the northern part of Latakia and the eastern part of Al-Hafa.

In 2019, VDC recorded a total of 7 civilian fatalities and SNHR recorded a total of 11 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, these represent respectively less than 1 or 1 civilian fatality per 100 000 inhabitants.

In 2019, around 17 000 IDP movements were recorded to or within Latakia governorate, 8 000 of which were within the governorate, while the rest came mainly from Hama, Aleppo, Homs and Damascus governorates. Around 1 300 displacement movements were recorded during 2019 from Latakia governorate to Tartous governorate. In July 2019, the third largest movement was recorded in Latakia governorate with a total of 3 358 individuals tracked from Hama governorate. Around 2 000 return movements were recorded from Latakia governorate in 2019, there were no reported returns to or within Latakia during the year.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Latakia**, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

◉ Quneitra

[Main COI reference: [Security 2020](#), 2.13]

The governorate of Quneitra is located in southern Syria, bordering the governorates of Dar'a and Rural Damascus, as well as Lebanon, Jordan and the Israeli-controlled Golan Heights. The governorate is divided into two districts: Quneitra and Al-Fiq, and has an estimated population 81 000 as of 2016, according to the Syrian Central Bureau of Statistics. The city of Quneitra remained abandoned after it was destroyed by Israel in 1974.

In summer 2013, hostilities intensified in the governorate of Quneitra, with anti-government armed groups progressively seizing strategic points in the area and GoS forces continuing aerial bombardments, including on densely populated areas. In May 2017, parts of Quneitra which were controlled by anti-government armed groups were included in the 'four zones of de-escalation', as agreed between Russia, Iran and Turkey [see also [Recaptured areas](#), 2.3]. The US, Russia and Jordan brokered a ceasefire, which was followed by a brief decrease of violence in the second half of 2017. In 2018, the conflict escalated again, as the GoS forces, backed by a Russian air campaign, started pushing into Quneitra after a month-long offensive. Under a deal agreed between anti-government armed groups and pro-government forces in July 2018, rebels, their families and other civilians were evacuated from Quneitra to Idlib governorate.

By mid-August 2018, the GoS had recaptured the parts of the governorate formerly held by rebels and ISIL. The governorate of Quneitra remained under the control of the GoS, however, the security situation is still considered 'fragile' and it is reported that the lack of respect for the reconciliation agreements is a significant factor of current fear and tension among the population.

There are reports of growing presence of pro-Iranian forces in Quneitra. Russian military police is also deployed in the governorate. There are reports of ' sleeper cells of ' anti-government armed groups in the governorate and of sporadic attacks. Airstrikes by the Israeli forces against military and 'Iranian-backed' positions in Quneitra have also been reported in 2019 and 2020.

Security incidents reported in 2019-2020 include airstrikes by the Israeli forces, IED explosions, and targeted killings, in particular of former rebel faction members who had joined the GoS forces in a reconciliation process.

ACLED recorded 25 security incidents (average of 0.5 security incident per week) in Quneitra governorate in 2019, the majority of which coded as explosions/remote violence and battles. In the first two months of 2020, the number of security incidents in the governorate was 8, amounting to an average of 1 security incident per week.

In 2019, VDC recorded a total of 3 civilian fatalities and SNHR recorded a total of 5 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents respectively 4 or 6 civilian fatalities per 100 000 inhabitants.

From 2011 to 2018, the governorate of Quneitra experienced the second largest (after Idlib) proportionate influx of people, increasing its population density by 34 %. A sharp decline of IDP movements was documented in 2019, when only 39 IDP movements were recorded. With regards to returnees, 9 000 return movements were recorded in 2019, mainly from within the governorate and from Rural Damascus.

High levels of destruction of State and civilian infrastructure is reported in the governorate, leading to a lack of critical services, such as sanitation, healthcare, and drinking water. Several districts have no shops or bakeries and in some there are no functioning schools. A dire humanitarian situation and food insecurity were reported in Quneitra as of 2019 [see also [IDPs and returnees](#), 2.3; [Damascus](#), 3.2]. There are also reports of unexploded remnants of war found within the governorate.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Quneitra**, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

📍 Raqqa

[Main COI reference: [Security 2020](#), 2.8]

The governorate of Raqqa is located in the north-central part of Syria, bordering Turkey to the north, Aleppo governorate to the west, Hasaka and Deir Ez-Zor governorates to the east, and Hama and Homs governorates to the south. The governorate is divided into three districts: Ar-Raqqa, Al-Thawra and Tall Abyad. The Syrian Central Bureau of Statistics estimated the population of Raqqa governorate at 853 000 as of 2016. Raqqa governorate, together with Deir Ez-Zor, is Syria's main oil-producing region. Raqqa governorate is also Syria's main area producing irrigated 'strategic crops' (wheat, barley, cotton and yellow corn).

The first attack on Raqqa governorate was on 1 August 2012 by the opposition forces and Raqqa became the first governorate centre completely taken from the Syrian government's control. On 15 August 2013, fighting broke out between the armed opposition forces and the emerging ISIL, which led to the complete takeover of Raqqa city by ISIL at end of December 2013. On 29 June 2014, ISIL declared a 'caliphate' with its capital in Raqqa city. Towards the end of 2016, international coalition forces started offensives against ISIL in Raqqa and other places and on 17 October 2017, the last ISIL fighters in Raqqa surrendered and it came under SDF control. Between 2016 and 2017, ISIL worked together with local affiliated groups in its actions against the SDF and GoS military forces in Raqqa. Since 2017, SDF has been in control of Raqqa governorate, although ISIL-linked activity was still reported.

Following the Turkish-led incursion into northeast Syria in October 2019, the SNA together with Turkish armed forces was reported to be in control of the so called 'safe zone' established between Tall Abyad (Raqqa governorate) and Ras al Ain (Hasaka governorate). After an agreement was reached between Turkey and Russia on 23 October 2019, the SDF withdrew on 28 October 2019 from this area, giving way to Turkish-supported non-State armed groups. In December 2019, Russian troops moved into Raqqa, following an agreement with the SDF, to guarantee safety after the departure of the US forces. Russia, in collaboration with the GoS, also deployed forces to the Tabqa Dam on the Euphrates River west of Raqqa city.

As of March 2020, in northeast Syria the SDF controlled most of Raqqa governorate, and the GoS forces controlled the areas south of Raqqa and along the Euphrates river.

During the first months of 2019, ISIL carried out 'hit-and-run' attacks and suicide attacks and bombings. Between April and June 2019, it was reported that ISIL conducted assassinations and attacks on local elites in Raqqa governorate 'to prevent the establishment of capable security and governance structures'. From March through mid-October 2019, ISIL claimed to have conducted 98 insurgent attacks in Raqqa governorate [[Security 2020](#), 1.4.6].

The security situation along the northern border of Raqqa governorate rapidly changed in October 2019 when US forces were withdrawn, and Turkey launched an offensive called 'Operation Peace Spring' into the

Syrian border area. Since the start of the Turkish offensive, ground bombardments, summary killings and unlawful attacks have been reported, resulting in civilian casualties and displacement. On 14 October 2019, the SDF reached an agreement with the SAA to take control of long stretches of territory along the border with Turkey, in order to hold off a Turkish attack. Since the start of the Turkish offensive, Tall Abyad, which came under Turkish control, has been targeted by several heavy attacks, by car bombs and other explosive devices. By late November 2019, the so-called 'safe zone' between Tall Abyad and Ras al Ain had been secured by Turkey, and artillery shelling and air strikes had significantly decreased. Nevertheless, as the CoI reported, 'the area experienced frequent attacks, including sporadic artillery shelling, ground skirmishes, car bombs and the use of other improvised explosive devices'. Indiscriminate use of IED attacks on residential areas and local markets in areas under the control of Turkish-backed groups has also been reported. Incidents related to landmines and explosives were also reported.

ACLED recorded 482 security incidents (average of 9 security incidents per week) in Raqqa governorate in 2019, the large majority of which coded as explosions/remote violence and battles. In the first two months of 2020, the number of security incidents in the governorate was 105, amounting to an average of 13 security incidents per week. The number of security incidents had remained steady for the first part of 2019, registering a significant spike in security incidents in October - November 2019.

Most security incidents were recorded in Tall Abyad district, followed by Raqqa district.

In 2019, VDC recorded a total of 166 civilian fatalities and SNHR recorded a total of 199 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents respectively 19 or 23 civilian fatalities per 100 000 inhabitants.

According to the UNOCHA, around 10 000 displacement movements were recorded during 2019 from Raqqa governorate, towards Hasaka, Aleppo and Deir Ez-Zor governorates. For the same period, around 58 000 IDP movements were recorded to or within Raqqa governorate, of which around 52 000 were within the governorate, while the rest came from Hasaka, Deir Ez-Zor, Rural Damascus and Aleppo governorates. Around 12 000 return movements were recorded to or within Raqqa governorate, of which 8 000 were within the governorate, while the rest returned mainly from Aleppo and Hasaka governorates.

Raqqa governorate has been severely damaged by the fighting against ISIL. It had led to a large-scale destruction of hospitals, schools, and other critical civilian infrastructure. The public health system in Raqqa has been severely damaged and a limited number of schools are operating. The public water network, the sewage system and public electricity grid of certain cities in Raqqa governorate are either completely destroyed in or have malfunctions. Road network in the governorate is also heavily damaged.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#) in the governorate of **Raqqa**, however, **indiscriminate violence reaches a high level**, and, accordingly, a lower level of individual elements is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

📍 Rural Damascus

[Main COI references: [Security 2020](#), 2.11; [Recaptured areas](#), 3.1]

Rural Damascus [Rif Dimashq] is a largely agricultural governorate surrounding Damascus city. It has international borders with Iraq and Jordan to the east and Lebanon to the west. It borders Homs governorate to the north. To the south it borders Quneitra, Dar'a and Sweida governorates. According to ACLED, Rural Damascus is divided into nine districts: Al Qutayfah, An Nabk, At Tall, Az-Zabadani, Darayya, Douma, Qatana, Rural Damascus and Yabroud. Bordering Damascus city to the east is an area named

Eastern Ghouta. The Syrian Central Bureau of Statistics estimated the population of Rural Damascus at 2 957 000 in 2016.

In 2011, pockets of resistance to the government formed in five different areas of Rural Damascus. One of these areas was Eastern Ghouta. Various towns in Eastern Ghouta became key hubs for armed opposition groups. From early 2013, GoS forces laid siege to Eastern Ghouta and conducted numerous airstrikes in the area. In the same period, armed opposition groups based in the area launched rocket attacks on central Damascus. In August 2016 the GoS, with Russian military support, began its efforts to recapture the areas that had been taken over by opposition groups, starting with the Darayya area and then moving to areas near Khahn el Shih and Wadi Barida in 2017.

The southern neighbourhoods of Damascus and the Beit Jan area were recaptured in 2018, as well as Eastern Ghouta in April 2018. By then, cities in Western Ghouta, such as Darayya and Muadamiyat, had already signed reconciliation agreements, but with widely varying outcomes. As of March 2020, Rural Damascus governorate was under the control of the GoS.

In addition to GoS forces, Russian military police were posted in the governorate. In December 2019, it was reported that an armed group named Saraya Qasioun had attacked checkpoints, and that it was escalating its militant operations in Eastern Ghouta. As of February 2020, ISIL was still sustaining a support zone straddling the border with Sweida governorate, crossing Rural Damascus and continuing into Homs governorate.

With regard to the situation in Rural Damascus, information on significant developments in the war is limited. Available information refers to an insurgent attack in Khan el-Sheikh having been carried out by means of a VBIED in February 2020 and Israeli aerial attacks on targets near Damascus International Airport and in Rural Damascus.

ACLED recorded 204 security incidents (average of 4 security incidents per week) in Rural Damascus governorate in 2019, the large majority of which coded as violence against civilians. In the first two months of 2020, the number of security incidents in the governorate was 31, amounting to an average of 4 security incidents per week.

During 2019, security incidents occurred in most districts of the governorate, with the largest overall number being recorded in the districts of Duma and Rural Damascus.

In 2019, VDC recorded a total of 92 civilian fatalities and SNHR recorded a total of 53 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents respectively 3 or 2 civilian fatalities per 100 000 inhabitants.

In 2019, 36 000 IDP movements were recorded in Rural Damascus, of which around 32 000 were within the governorate. Most displacement movements recorded during 2019 from Rural Damascus governorate were to Homs governorate. Around 3 000 return movements were recorded to or within Rural Damascus governorate in 2019, of which 2 000 were within the governorate. Return movements from Rural Damascus governorate were recorded mainly to Homs (around 6 000), Tartous and Raqqqa governorates.

The hostilities in Rural Damascus and the GoS's efforts to recapture the area have resulted in a large number of buildings with surrounding neighbourhoods being destroyed or damaged. Damage on other infrastructure was also reported. The living conditions are described as dire, with widely unavailable basic services such as water, schools and hospitals, particularly in Eastern Ghouta. Explosive remnants were reportedly impacted at least 273 communities in Rural Damascus. Freedom of movement was restricted by a network of checkpoints across reconciled areas, including Eastern Ghouta. Extortion, lootings of movables and homes, confiscations of houses, and extrajudicial arrests of persons perceived by the regime to be in opposition to it were also reported.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Rural Damascus**, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

○ Sweida

[Main COI references: [Security 2020](#), 2.14]

The governorate of Sweida is located in the southern part of Syria. It borders Dar'a and Rural Damascus and has an international border with Jordan. It consists of three districts: As-Sweida, Shahba and Salkhad. The Syrian Central Bureau of Statistics estimated that the population in the governorate of Sweida in mid-2016 was 509 000. The governorate of Sweida is the most important home region of the Druze minority, which make up 91 % of its population.

During the revolution and the ensuing conflict, the governorate of Sweida has remained neutral. The Druze population in Sweida has been treated with 'caution' by the GoS as a 'politically sensitive minority', and large-scale mass arrests and bombings have largely been avoided in Sweida. Even though Sweida remained officially under government control during the conflict, most of the military and civil authority in the governorate is exercised by local political and military factions preoccupied with defending it from outside attackers.

ISIL's presence in the country reduced significantly in 2018. However, it was reported that ISIL was regrouping in the Badia desert near Sweida and remained able to carry out terrorist attacks against civilians in the governorate. On 25 July 2018, ISIL committed coordinated attacks in several villages in eastern rural Sweida and in the city of Sweida, resulting in the killing, injuring and kidnapping of civilians.

Since August 2018, the conflict progressively moved to the south and southeast part of the region, particularly in an area between the cities of Dar'a and Sweida. Attacks on government forces and pro-government militias by ISIL and other unknown perpetrators were reported, as well as clashes between government forces and ISIL. Reported incidents included IED attacks and suicide bombings, mainly carried out by ISIL, as well as assassinations and kidnappings by unidentified actors. Airstrikes by the Israeli forces were also reported.

ACLED recorded 74 security incidents (average of 1.4 security incidents per week) in Sweida governorate in 2019, the majority of which coded as battles and incidents of violence against civilians. In the first two months of 2020, the number of security incidents in the governorate was 4, amounting to an average of 0.5 security incident per week. Most of the security incidents occurred in Sweida district.

In 2019, VDC recorded a total of 4 civilian fatalities and SNHR recorded a total of 11 civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents less than 1 or 2 civilian fatalities per 100 000 inhabitants.

According to the UNOCHA, there were 362 IDPs arrivals to the governorate of Sweida in 2019. For the same period, there were no reports of IDP departures from the governorate or displacement within the governorate. In 2019, around 2 000 persons returned to or within the governorate of Sweida.

In terms of further impact on the civilian population, it has been reported that criminality is widespread in Sweida, including drug smuggling, armed robberies, looting, kidnapping and human trafficking.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Sweida**, however not at a high level and, accordingly, a **higher level of individual**

elements is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of [Article 15\(c\) QD](#).

⦿ Tartous

[Main COI reference: [Security 2020](#), 2.5.]

The governorate of Tartous borders the Mediterranean Sea to the west, the governorates of Hama and Homs to the east, Latakia to north and Lebanon to the south. The governorate is divided into five administrative districts: Banyas (Baniyas), Sheikh Badr, Dreikish, Safita, and Tartous. The Syrian Central Bureau of Statistics estimated the population of Tartous governorate at 1 114 000 as of 2016. Alawites constitute 80 % of the governorate's population, followed by Sunni Muslims and Christians (10 % each).

Tartous was one of the governorates, in which recruits were drawn primarily from communities loyal to the GoS. In October 2015, the 4th Corps of the SAA was established under a joint Russian-Syrian command - among current soldiers and volunteers, as well as incorporating local loyalist militias, mostly the NDF, from Latakia and Tartous.

Russian forces have a strategically located naval base in Tartous governorate. In the beginning of October 2016, Russia deployed S-300 surface-to-air-missiles to Russia's naval base at Tartous. Under the deal signed with the GoS on 18 January 2017, Russia started establishing a permanent military presence at naval and air bases in Syria' by expanding the Tartous naval facility and using the Hmeimim airbase 'indefinitely'. In June 2019, the port of Tartous was leased to Russia for 49 years.

Iranian militias were reported to be present on the coastal front in Latakia and Tartous as of 2018.

Since the beginning of the conflict in 2011, the governorate of Tartous has largely been controlled by GoS and experienced no major attacks. However, on 1 January 2017, several explosions were carried out by suicide bombers on the seaside promenade area in the city of Tartous, in which two persons, who were believed to belong to GoS forces, were killed. Tartous was the only Syrian governorate in which no pro-government combat deaths were registered in 2019.

ACLED recorded a total of 2 security incidents in Tartous governorate in 2019, of which 1 coded as explosions/remote violence and 1 as violence against civilians. In the first two months of 2020, ACLED did not record any security incidents in Tartous.

In 2019, VDC recorded a total of 2 civilian fatalities while SNHR did not record any civilian fatalities in the governorate. Compared to the official figures for the population in the governorate as from 2016, this represents less than 1 civilian fatality per 100 000 inhabitants.

During January to December 2019, UNOCHA recorded around 10 000 IDP movements to or within Tartous governorate, of which 3 000 were within the governorate and the rest came from Aleppo, Latakia, Hama and Damascus governorates. Around 1 000 IDP movements were recorded during the year from Tartous governorate to Latakia governorate. Tartous received no return IDP movements, while 3 000 IDPs left Tartous to return to other governorates, including about 2 400 returning to Homs.

There were no major damages due to the war in Tartous governorate. However, in 2020 the use of the ports of Tartous and Latakia for transit has practically ceased, although the conflict has not affected the ports directly.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Tartous** at such a low level that **in general there is no real risk** for a civilian to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#).

However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

Serious and individual threat

The CJEU in *Elgafaji* notes:

*While it is admittedly true that collective factors play a significant role in the application of Article 15(c) of the Directive, in that the person concerned belongs, like other people, to a circle of potential victims of indiscriminate violence in situations of international or internal armed conflict, it is nevertheless the case that that provision must be subject to a coherent interpretation in relation to the other two situations referred to in Article 15 of the Directive and must, therefore, be interpreted by close reference to that individualisation.*³⁹

However, the existence of a serious and individual threat to the life or person of an applicant for subsidiary protection is,

*(...) not subject to the condition that that applicant adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances.*⁴⁰

Furthermore,

*- the existence of such a threat can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict taking place (...) reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to that threat.*⁴¹

For territories where the indiscriminate violence does not reach such a high level, the more the applicant is able to show that he or she is specifically affected by reason of factors particular to his or her personal circumstances, the lower the level of indiscriminate violence required for him or her to be eligible for subsidiary protection.⁴² See [Indiscriminate violence](#).

Certain applicants may be considered at enhanced risk of indiscriminate violence, including its direct and indirect consequences due to, inter alia: geographical proximity to areas which are targeted by violence, age, gender, health condition and disabilities, lack of a social network, etc.

Profiles at enhanced risk of indiscriminate violence could include, for example:

- Civilians who lack the knowledge or the capacity to properly assess a situation and therefore expose themselves to risks related to indiscriminate violence (e.g. children - depending on their environment, family background, parents or guardians, and level of maturity; mentally disabled persons; IDPs who may enter areas without knowing the local risks). See [Security 2020](#), 1.6.1.3.

³⁹ CJEU, *Elgafaji*, para. 38.

⁴⁰ CJEU, *Elgafaji*, para. 43.

⁴¹ *ibid.*

⁴² CJEU, *Elgafaji*, para. 39.

- Civilians who are less able to avoid risks of indiscriminate violence such as by way of seeking temporary shelter from fighting or attacks (e.g. persons with disabilities or serious illnesses; elderly; those in an extremely dire economic situation; agricultural workers who plough the land). See [Security 2020](#), 1.6.1.3.
- Civilians who may be substantially and materially affected by violence because of their geographical proximity to a possible target (e.g. those living in proximity to known targets, such as local markets, schools, medical facilities, IDP camps in areas controlled by anti-government armed groups). See [Security 2020](#), 1.6.1; [Security 2019](#), 4.1.

This is a non-exhaustive list. It is also non-conclusive and individual elements would always need to be taken into account.

Qualification of the harm as a ‘threat to (a civilian’s) life or person’

Neither the QD, nor the CJEU in its jurisprudence, have defined the terms ‘threat to (a civilian’s) life or person’.

The CJEU has held that [Article 15\(c\) QD](#) has an additional scope to [Article 3 ECHR](#) and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR.⁴³

By comparing the provisions of [Article 15\(a\) and \(b\) QD](#), which indicate a particular type of harm, with the provision of [Article 15\(c\) QD](#), the CJEU further concludes that the harm under the latter,

*(...) covers a more general risk of harm. Reference is made, more generally, to a ‘threat ... to a civilian’s life or person’ rather than to specific acts of violence. Furthermore, that threat is inherent in a general situation of ‘international or internal armed conflict’.*⁴⁴

Some of the commonly reported types of harm to civilians’ life or person in Syria include killing, injury, abduction, child recruitment, explosive remnants of war, etc.

Nexus/‘by reason of’

Subsidiary protection under [Article 15\(c\) QD](#) is granted to any person in respect of whom substantial grounds have been shown for believing that he or she, if returned, would face a real risk of a serious and individual threat to his or her life or person **by reason of** indiscriminate violence.

The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person).

The interpretation of the causation ‘by reason of’ may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid, limited access to healthcare facilities.

⁴³ CJEU, *Elgafaji*, para. 28.

⁴⁴ CJEU, *Elgafaji*, paras. 33-34.

IV. Actors of protection

This chapter looks into the topic of protection against persecution or serious harm and analyses whether the relevant actors in Syria meet the requirements of [Article 7 QD](#).

Article 7(1)(2) of the Qualification Directive Actors of protection

1. Protection against persecution or serious harm can only be provided by:
 - a) The State; or
 - b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

The contents of this chapter include:

[The State](#): outlining and analysing the capacity of the government of Syria to provide protection in accordance with Article 7 QD;

[Parties or organisations, including international organisations](#): analysing whether the Northern and Eastern Syria Autonomous Administration could qualify as actors of protection under Article 7 QD.

The State

The term '**State**' ([Article 7\(1\)\(a\) QD](#)) encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it central, federal, regional, provincial or local. Sometimes, private entities may also be given State powers and made responsible for providing protection under the control of the State.

In order to qualify as an actor of protection, the State has to be **able and willing** to protect persons under its jurisdiction.

The protection in the country of origin has to meet three cumulative conditions. It has to be:

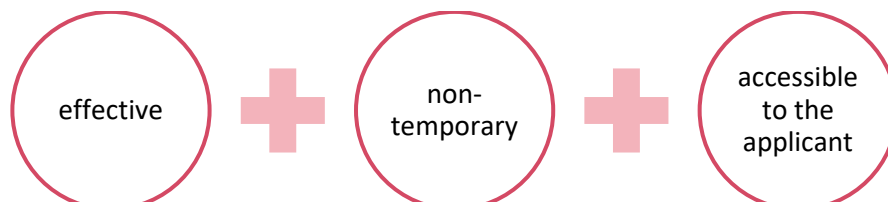


Figure 13. Requirements to the protection in the country of origin in accordance with Article 7 QD.

It should also be kept in mind that effective protection is presumed not to be available where the State or agents of the State are the actors of persecution or serious harm ([Recital 27 QD](#)).

As of September 2019, the Syrian government reportedly controlled most of the country, including the major cities of Damascus, Aleppo, Homs and Hama, and nearly all the provincial capitals. Three larger areas remained outside of the territorial control of the government: Idlib governorate and adjacent areas in western Aleppo governorate and northern Hama governorate; the northern and eastern parts of the country under the control of the Kurdish-dominated SDF; and a 55 km wide buffer zone around the Al Tanf border crossing with Iraq and near the Rukban refugee camp in Homs governorate [Actors, 2.1.1].

Despite the government's ability to recapture the majority of Syria's territory, the conflict significantly affected the State's role, reach and institutional capacity in government-held areas. The government lacks the forces to secure the areas it retakes, but also pursues punitive policies against local populations [Security 2020, 1.5.1; Actors, 2.1.1]. The provision and quality of State services such as health, education, and electricity were reported to vary in government-controlled areas depending on their perceived loyalty or hostility towards Assad's government. In areas with a history of resistance against the Assad's regime, the government was reportedly focusing more on restoring governance rather than providing services. Despite the economic pressure, the Syrian government reportedly managed to maintain State institutions and economic entities functional to a certain degree [Actors, 2.1.1].

Assad and Baath party leaders dominate all three branches of government as an authoritarian regime [Actors, 2.1.2]. The president is elected for a seven-year mandate at a time in elections that are tightly controlled without any genuine opposing candidates [Security 2019, 1.1]. President Bashar al-Assad has ruled Syria since he took over the presidency in 2000, following the rule of his father Hafez al-Assad who came into power in 1970. The last presidential elections were held in 2014 but were not considered free or fair. Assad is the supreme commander of the armed forces and leader of the ruling Baath Party [Actors, 2.1.2].

A set of formal state institutions, such as the parliament and government, exist under the president, but, according to Syria analyst Aron Lund, in practice, they lack independent power and are overshadowed by an informal network closely linked to the president, consisting of the heads of the various security services and a small group of politicians and wealthy businessmen [Security 2019, 1.1]. Syria's legislative body, the 250-member People's Council, is controlled by the Baath Party and other minor allies, such as the Syrian Social Nationalist Party, businessmen and tribal sheikhs. In practice, the People's Council is considered a 'rubber stamp' parliament, which does not play an important role in the Syrian political system [Actors, 2.1.3].

Syria's judicial system consists of civil, criminal, military, personal status courts, Terrorism Court, as well as a court of cassation, among others. The Syrian judicial system is described as being subservient to and corrupted by the President of the Republic, the Baath Party and organs of the multiple security services in Syria. The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent and is subjected to political influence, intimidation and abuse, lacks adherence to legal procedures and suffers from widespread corruption. The right to a fair trial is enshrined in the Constitution but is not respected in practice [Actors, 2.1.4]. Syria ranked 178/180 on Transparency International's corruption index for 2018. The country scored 1.5 on a 1-10 scale in the Bertelsmann Transformation Index (BTI)'s 2018 rule of law index, which is composed of four evaluated criteria (separation of powers, independent judiciary, prosecution of office abuse and civil rights). In the World Bank's 2018 indicator for rule of law, Syria scored 0.96 out of 100 [Actors, 2.2.5]. The legal procedures in Syrian courts are very slow, and a case could take years to be closed. Insufficient courts and lack of legal provisions for speeding up trials led to pre-trial detentions that sometimes exceeded the sentence for the crime [Actors, 2.2.4]. According to ILAC, appointed judges had no legal training despite the formal requirements. Despite reported increases, judges in Syria receive low wages, which encouraged corruption to the extent that a price for each type of law cases was established [Actors, 2.2.5].

A situation of lawlessness was reported in several governorates, such as Hama, Homs, Deir Ez-Zor, Dar'a, [Security 2020, 2.3.3, 2.6.3, 2.9.3.5, 2.12.3.2]. In addition, sources such as the UNPFA refer to the absence

of law enforcement, including police and judicial redress mechanisms, noting that perpetrators of violence face no accountability to deter their actions, and survivors face a lack of formal protection [Situation of women, 1.2.4]. Effective protection of women against violence is limited, with enforcement being either weak or non-existent. See also [12.1. Violence against women and girls: overview](#).

The rise of militias, warlords and war profiteers, coupled with heavy influence and dependence on foreign involvement, are factors that experts assessed could potentially pose significant threats to maintaining centralised control by the State. Competing economic interests of militias linked to smuggling, looting, and criminality have reportedly led to occasional clashes between army branches and militias. [Actors, 2.3.1]

Prison and detention centre conditions in Syria included small, overcrowded cells, spread of respiratory and dermatological diseases due to lack of medical treatment, starvation, lack of sanitary facilities and sleep deprivation. Children were held in prisons together with adults. Detainees in Syria face the risk of ill-treatment, and even execution [Actors, 2.2.6]. Syria is one of the countries that continued to apply the capital punishment. Death penalty continued to be in force for several offences. On 15 September 2019, President Assad issued an amnesty decree reducing the death penalty to life imprisonment for crimes and offences committed before 14 September 2019 and pardoned draft evaders if they turn themselves in with a three- to six-month delay. Information on the implementation of the decree could not be found [Actors, 2.2.3].

The **Syrian Armed Forces** consist of the SAA, the navy, the air force, the intelligence services and the NDF. Bashar al-Assad acts as the commander in chief of the SAA and the armed forces. Operational control of the forces was maintained by the Chief of Staff of the Syrian Armed Forces [Security 2020, 1.4.1; Actors, 2.3.1]. The war has affected the SAA. The army has decreased in size, the quality of the troops is low, and its combat capabilities remain limited. As a result of the conflict, the SAA has reportedly become even more corrupt and fragmented. Army officers received bribes from each person wanting to avoid reserve conscription or to facilitate people smuggling to Turkey or Lebanon to avoid military service or arrest by the government [Actors, 2.3.1].

Syria's security apparatus is composed of four main intelligence branches that are formally coordinated by the National Security Bureau, which is overseen by the President's office: Air Force Intelligence, Military Intelligence Department, General Intelligence Directorate, Political Security Directorate. Since the outbreak of the conflict, the regime has relied on the intelligence agencies to maintain control of the country and focus on opponents of the regime. The four main intelligence agencies were responsible for most arrests and detentions of persons perceived to oppose the government, including peaceful demonstrators, human rights activists, and political dissidents and their families. They also exercise absolute power over the humanitarian sector in Syria, in practice denying humanitarian access to populations perceived to be anti-government or politically problematic. Syrian intelligence agencies operate outside the law. The intelligence agencies were also reported to be corrupt and to engage in extortion. [Actors, 2.3.2].

The **police** force is formally under the control of the Ministry of the Interior and it consists of four separate divisions: emergency police, traffic police, neighbourhood police and the riot police. Corruption was reportedly a widespread problem in the police forces. The police were reported to take part in arbitrary home raids and warrants were rarely issued or presented by the police when operating arrests [Actors, 2.3.3].

There are various **pro-government militias**, both local and foreign, operating in Syria alongside the regular armed forces. Pro-government militias played a key role in the survival of Assad's government and have been involved in many military offensives and local security enforcement throughout the Syrian civil war. Pro-government militias are largely autonomous and free to exploit the population in areas they control. Violent clashes between pro-government militias for access to and control of territories, and for control of smuggling and extortion networks, have occurred throughout the conflict. Many have reportedly turned into a mafia known for stealing, looting, corruption, gun smuggling, drug smuggling, and committing violations against civilians [Actors, 2.3.4].

Tens of thousands of people have been detained, abducted or have gone missing during Syria's civil war, including peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents, as well as individuals detained in place of relatives wanted by the authorities. The government forces, especially the intelligence branches, used torture against perceived opponents, including women and children. Deaths of thousands of people in government custody have been reported in death registers issued by government authorities. Rape of and sexual violence against women, girls and occasionally men, committed by GoS forces and associated militias during ground operations, raids and in detention have also been reported. Sources have noted that government and allied forces continued to commit war crimes and other serious violations of international humanitarian law, including indiscriminate attacks and direct attacks on civilians and civilian objects [Actors, 2.4]. According to various reports, the government has targeted civilians not only with conventional, but also with chemical weapons [Security 2020, 1.6.1.2, 1.6.1.4; Actors, 2.4].

When assessing the availability of State protection for individual applicants, [the implications of leaving Syria](#) should also be taken into account.

In general, the GoS would not be considered an actor of protection meeting the criteria under [Article 7 QD](#). However, in very exceptional cases, it might be established that the GoS is willing and able to provide protection that is effective and non-temporary.

Parties or organisations, including international organisations

In the context of [Article 7 QD](#), it is necessary that the parties or organisations control the State or a substantial part of the territory of the State. In order to consider that parties or organisations control a region or a larger area within the territory of the State, it should be established that they exercise governmental functions. Furthermore, those parties or organisations have to be willing and able to provide protection against persecution or serious harm as defined in [Article 7\(2\) QD](#).

Many areas in Syria are influenced by insurgent groups and some groups, in particular HTS, are currently in (contested) control of some territory. However, the Kurdish forces in northeast Syria are the only actor which may be considered to control substantial parts of the territory and could, therefore, be subject to analysis under [Article 7 QD](#).

Northern and Eastern Syria Autonomous Administration

Kurdish-controlled areas of North and East Syria

Following the retreat of the GoS forces from the northeast Syria, the predominantly Kurdish inhabited area was left abandoned. This allowed the Kurds to gain greater autonomy in 2014. In January 2014, the PYD adopted the so-called 'Social Contract' as a 'provisional constitution' for the Autonomous Administration. The Social Contract foresaw a federal, decentralised system by which the Autonomous Region would remain a part of Syria, but with a regulated relationship with the central government in Damascus. The proclamation of a federal system in the Kurdish-controlled areas was rejected by the GoS, other Syrian opposition groups, the US and Turkey [Actors, 3.1.1].

As of February 2020, SDF controlled most of Raqqa and Hasaka governorates, part of Deir Ez-Zor governorate northeast of the Euphrates, and parts of Aleppo governorate around Manbij and Kobane, as well as the area around Tal Rifaat [Security 2020, 1.5.3]. There has not been a governance handover to the GoS following the agreement of October 2019 [Security 2020, 1.5.1].

The Northern and Eastern Syria Autonomous Administration is led by the Syrian Democratic Council (the political wing of the SDF), with the Movement for a Democratic Society (TEV-DEM) as the ruling coalition. The PYD is viewed as the dominant political actor in the Kurdish-controlled areas, where it exercises

ultimate control, making decisions for the entire region. PYD's system of governance is described by sources as authoritarian, and other political parties have been marginalised [Actors, 3.1.3].

The judicial system in the Kurdish-controlled areas consists of courts, legal committees and investigative authorities. Kurdish authorities apply in areas under their control a legal code based on the 'Social Contract'. It is described as a mix of Syrian criminal and civil law with laws concerning divorce, marriage, weapons ownership, and tax evasion drawn from EU law. However, certain standards for fair trial, such as the prohibition of arbitrary arrests, the right to judicial review and the right to a lawyer, are lacking. The Kurdish justice system is not recognised internationally or by the GoS. In 2015, the YPG established the terrorism court - known as the 'People's Court' - to prosecute ISIL fighters and affiliates. The death penalty has been abolished and the maximum sentence imposed by the terrorism court is a 'life sentence'. The People's Court has judges and prosecutors lacking judicial training, who often come from different professional backgrounds. Thousands of Syrian ISIL suspects were reportedly tried in flawed proceedings. Sources also note the lack of due process in detentions, issuing of arrest warrants by security forces affiliated with the PYD rather than prosecutors, and arbitrary arrests [Actors, 3.1.4.].

Protests against the Kurdish forces have been reported for lack of services, discrimination, forcible conscription, and a failure to release prisoners. Corruption, extortion and abuses of power at the hands of SDF personnel were also reported [Actors, 3.3].

It can be concluded that the Northern and Eastern Syria Autonomous Administration in the Kurdish-controlled areas in Syria do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

V. Internal protection alternative

This chapter looks into the topic of internal protection alternative. It analyses the situation in Syria in relation to the requirements of [Article 8 QD](#):

Article 8 of the Qualification Directive Internal protection

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:
 - (a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
 - (b) has access to protection against persecution or serious harm as defined in Article 7;

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.
2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

It should be noted that the provision of [Article 8 QD](#) is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of [Article 8 QD](#) and/or the concept of internal protection alternative (IPA) in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as ‘internal flight alternative’, ‘internal relocation’, etc.

The contents of this chapter include:

[Preliminary remarks](#)
[Part of the country](#)
[Safety](#)
[Travel and admittance](#)
[Reasonableness to settle](#)

Preliminary remarks

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in the home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.

The analysis of IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether or not IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements to indicate that IPA should not be applied to him or her.

This chapter is structured following the elements of the legal provision of [Article 8 QD](#):

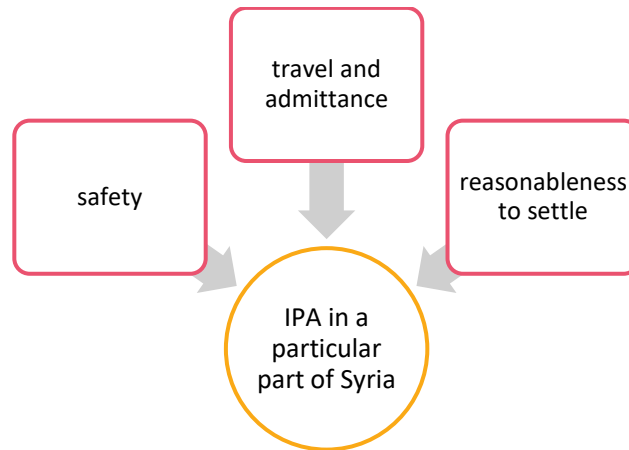


Figure 14. Internal protection alternative: elements of the assessment.

These criteria under [Article 8\(1\) QD](#) reflect ECtHR jurisprudence, for example in the case of *Salah Sheekh*.⁴⁵

In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Syria, as well as the individual circumstances of the applicant. [The implications of leaving Syria](#) should also be given due consideration.

This chapter analyses and provides guidance on the applicability of IPA only in relation to Damascus City. This is without prejudice to the possibility to apply IPA to other places in Syria.

Part of the country

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case. Existing ties with the place, such as previous experience and/or availability of a support network could, for example, be taken into account when focusing on a particular part of the country.

For the purposes of this document, the analysis focuses on the possibility of applying IPA with regard to Damascus City - the capital and the most important economic centre in Syria.

Safety

The criterion of safety would be satisfied where the following two aspects have been established:

- ✓ **absence of the initial persecution or serious harm**

⁴⁵ ECtHR, *Salah Sheekh v The Netherlands*, Application no. 1948/04, judgment of 11 January 2007, para. 141: 'The Court considers that as a precondition for relying on an internal flight alternative certain guarantees have to be in place: the person to be expelled must be able to travel to the area concerned, gain admittance and settle there, failing which an issue under Article 3 may arise, the more so if in the absence of such guarantees there is a possibility of the expellee ending up in a part of the country of origin where he or she may be subjected to ill-treatment.'

With regard to protection needs related to [refugee status](#), [Article 15\(a\) QD](#) and [Article 15\(b\) QD](#), this should be examined in light of the elements below. In the context of IPA concerning serious harm under [Article 15\(c\) QD](#), it should be established that in the area considered under IPA the applicant would not face a real risk of such serious harm by reason of indiscriminate violence.

✓ **no potential new forms of persecution or serious harm**

The case officer should also establish that there are no potential new forms of persecution or serious harm in the area where IPA is considered for the applicant.⁴⁶ The analysis under the chapters [II. Refugee status](#), [III. Subsidiary protection](#) and [The implications of leaving Syria](#) should be referred to in this regard.

These elements should be examined based on the general situation in the respective part of Syria and the individual position and personal circumstances of the applicant, including elements such as background, gender, age, etc. (see [Article 8\(2\) QD](#) in reference to [Article 4 QD](#)).

Absence of persecution or serious harm

When assessing the requirement of safety with regard to the applicability of IPA in individual cases of applicants from Syria, the following elements should be taken into account:

► **general security situation**

The general security situation in Damascus City should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#). Looking at the indicators in this regard, it can be concluded that indiscriminate violence is taking place in the governorate of Damascus, at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

► **actor of persecution or serious harm and their reach**

In case where the person fears persecution or serious harm by State actors, internal protection in Damascus would in general not be considered safe.

With regard to persecution or serious harm by SDF, YPG, ISIL, HTS or other anti-GoS armed groups, it should be noted that these groups are active within certain regions and their operational capacity in Damascus City is currently limited. Therefore, the criterion of safety may be considered satisfied in most cases. However, particular consideration should be given to the individual circumstances of the applicant and whether or not they are perceived by the actor as a priority target.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Syria and the actor of persecution or serious harm can be the Syrian society at large (e.g. for [14. LGBTI](#) and [12. Women](#)), IPA would in general not be safe. It should also be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.⁴⁷

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the family or community (e.g. forced marriage, honour crime), taking into account

⁴⁶ This can be further supported, by way of analogy, by the CJEU findings in the case of Abdulla, where the Court, interpreting Article 11(1)(e) QD on cessation, concluded that not only should the original circumstances which justified the person's fear no longer exist, but the person should also have no other reason to fear being 'persecuted', CJEU, *Abdulla and Others v Bundesrepublik Deutschland*, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, judgment of 2 March 2010, para. 76.

⁴⁷ CJEU, *X, Y and Z*, paras. 70-76; CJEU, *Y and Z*, para. 80.

the lack of State protection and their vulnerability to potential new forms of persecution or serious harm, IPA would in general not be safe.

See also [I. Actors of persecution or serious harm](#).

- ▶ **whether or not the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace him/her in Damascus City.

- ▶ **other risk-enhancing circumstances**

The information under the section [II. Refugee status](#) should be used to assist in this assessment.

Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered. However, in light of the analysis in the chapter [IV. Actors of protection](#), the possibility to consider the criterion of safety satisfied in relation to availability of protection would be limited to very exceptional cases.

The requirement of **safety** may be satisfied in Damascus City, depending on the profile and the individual circumstances of the applicant. For those who have a well-founded fear of persecution by the GoS and/or by society at large, IPA in Damascus will generally not meet the criterion of safety.

Travel and admittance

In case the criterion of 'safety' is satisfied, as a next step, it has to be established whether an applicant can:

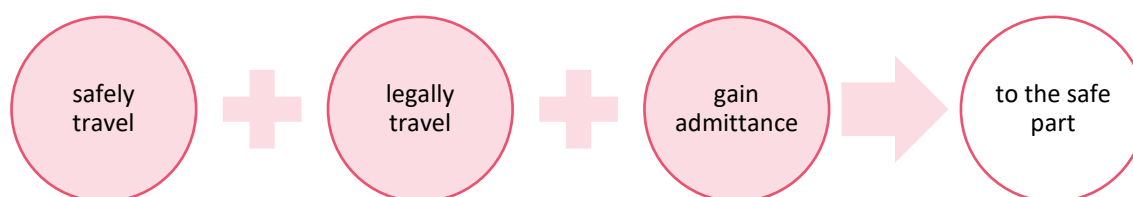


Figure 15. Travel and admittance as requirements for IPA.

The general situation and the individual circumstances of the applicant should be taken into account when assessing whether he or she can safely and legally travel and gain admittance to Damascus City.

It should be noted that in the context of Syria and in particular the security measures related to State actors, the three requirements should be read in conjunction.

- **Safely travel** - there should be a safe route, which the applicant can practically travel through without undue difficulty, so that he or she can access the area of IPA without serious risks.

Damascus International Airport is located 30 kilometres southeast of downtown Damascus (about 30 minutes by car from the City Centre). While the airport is identified as operational, most flights have been

suspended as of April 2019. Damascus International Airport is controlled by Air Force Intelligence services. Security corporation Gardaworld wrote in the end of November 2019 that the security situation at Damascus Airport had 'improved significantly' over the past 12 months, however, there was still an 'elevated risk' of collateral damage to aircrafts due to Israeli airstrikes on the Iranian presence there [Damascus, 2.2].

While the number of checkpoints in Damascus governorate is reported to be significantly reduced (by 90 %), checkpoints continue to operate on the road between the airport and Damascus City. Other checkpoints are concentrated around the central Old City and Mazzeh District; though they are mostly focused on entrances into Damascus, such as highways from Lebanon, at the airport, and on the M5 highway toward Homs. There are greater numbers of checkpoints in former opposition-held areas and still occasional 'flying checkpoints' by pro-government forces, mainly in areas such as Eastern Ghouta. Different forces control checkpoints in different areas of Damascus, particularly intelligence services, and especially Air Force Intelligence, as well as regular units like the 4th Armoured Division and the Republican Guard. [Damascus, 2.4]

Treatment at checkpoints was reported to include arbitrary arrests, extrajudicial detentions, torture and forced disappearances. In a survey with 350 returnees, published in June 2019, 75 % reported they were harassed at checkpoints, government offices, on the street, conscripted, or arrested [Damascus, 2.4]. Disappearances and arrests on return to Syria, including at the airport in Damascus, were reported. SNHR noted that since 2014, they documented at least 1 916 arrests of Syrian refugees who returned to Syria; of these, 1 132 were released and 784 remained detained, of whom 638 were 'forcibly disappeared'. SNHR documented 15 cases of returnees who were reportedly killed due to torture. Cases of arrests and forced disappearances of refugees who had settled their cases with security services through consulates or committees for reconciliation were also reported. [Damascus, 2.3; IDPs and returnees, 3.5]

'Wanted lists' were reported to include between 1.5 and 3 million names. Sources stated that each branch of Syria's security services had its own 'wanted lists' and they do not coordinate for clearing names. It was generally difficult for people to know their status with the GoS. While sources note that those with financial means and connections can find out if their name is on 'wanted lists', this potentially exposes them. It is also not a guarantee against difficulties, including the risk of arrest. [Damascus, 2.3]

Profiles at particular risk of arrest at checkpoints tend to be those who return to Syria without security permission or reconciliation in place prior to traveling, individuals who work or carry out activities believed to oppose the government, such as journalism, aid work, local councils, rescue workers, as well as men of military age, and those with family members who were forcibly displaced to Idlib or Aleppo. [Damascus, 2.4]

Passing through checkpoints requires identification documents. In addition to some permanent checkpoints, temporary checkpoints may also be established. Almost all checkpoints have the capacity to check a person's background and military service status. [Damascus, 2.4]

Since the GoS have retaken some of the areas of Damascus City in summer 2018, minorities such as Christians, Shia Muslims, Alawites and Druze are generally not subjected to interrogation or checks at the checkpoints in Damascus City, unless their name and place of residence on their ID card does not indicate that they are a minority. Other sources remarked that a person's political affiliation and perceived loyalty was of greater focus of government scrutiny than ethnicity. [Damascus, 2.4]

Insecurity is reported to have disproportionately affected women and intensified restrictions on them. They faced greater risks in access to livelihoods and security as their restricted mobility was further impacted by security and honour concerns in the conflict environment. [Damascus, 2.4]

☐ **Legally travel** - there should be no legal obstacles that prevent the applicant from travelling to the safe area.

According to the Syrian Constitution, Syrians enjoy freedom of movement, travel and residence inside Syria unless restricted by a 'judicial decision or by the implementation of laws'. Syrian citizens are also allowed to travel internationally, but the government denied access to passports and civil documentation based on political views, association with the opposition, or geographical location associated with the opposition. The GoS imposed exit visa requirements and was reported to closely monitor Damascus Airport and border crossings. [Damascus, 2.1]

A new Circular of the GoS from August 2018 provided that Syrians, who left the country illegally during the war, will not encounter problems due to illegal exit; while previously, under Law 14 of 2014, illegal exit was in principle punishable with imprisonment and fines. [Damascus, 2.1.]

☐ **Gain admittance** - the applicant should be allowed to access the safe area by the actor(s) who control it.

It had been previously indicated that Syrians returning to Syria cannot just settle in any place under government control and that establishing residence is only possible with the approval of authorities. However, at the beginning of 2019, the Syrian Ministry of the Interior announced that it would no longer require a security clearance as a prerequisite for registering a lease with municipalities, but that a lease would be registered at the municipality and the data then forwarded to the security authorities, so that the security authorities could only raise objections afterwards. This has reportedly been implemented in Damascus.

Sources note that persons who have left Syria illegally can return without facing problems if they legalise their status at a Syrian representation abroad prior to returning to Syria. However, Syrians who return must agree to sign loyalty pledges to the government, including providing extensive background information and signed statements to cooperate with authorities, or must enter reconciliation agreements. All Syrians returning to the jurisdiction of the GoS are forced to interact directly with the security sector - including giving extensive background information that may incriminate them or their family members, with no guarantees about how information will be used [Damascus, 2.1.].

For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA in Damascus City should proceed with an assessment of the **requirements of safety and legality of travel and of gaining admittance**.

The profile and individual circumstances of the applicant should be taken into account in this regard. For individuals who would return to Syria without identity documents or without security permission or reconciliation in place prior to traveling, these requirements would not be satisfied.

Reasonableness to settle

According to [Article 8\(1\) QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection. In case the criteria of safety and travel and admittance are met, the assessment of the availability of IPA in Damascus City should proceed with an analysis of its reasonableness in light of the general situation in the city and the individual circumstances of the applicant.

Neither the QD nor the case law of CJEU offer relevant criteria that may be relied upon when establishing whether it is reasonable for the person to settle in the IPA location. This common analysis follows a rights-based approach in light of relevant jurisprudence of the ECtHR.

While acknowledging that the ECtHR jurisprudence is in the context of a different legal regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under [Article 8 QD](#):

- The assessment should take into account the applicant's ability to cater for his most basic needs, such as food, hygiene and shelter, his or her vulnerability to ill-treatment and the prospect of his situation improving within a reasonable timeframe.⁴⁸
- Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by [Article 3 ECHR](#).⁴⁹

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence and to the availability of basic healthcare.

In the examination of the reasonableness of IPA, the following elements should be taken into account:

- the situation with regard to food security;
- the availability of basic infrastructure and services, such as:
 - shelter and housing;
 - basic healthcare;
 - hygiene, including water and sanitation;
- the availability of basic subsistence that ensures access to food, hygiene and shelter, such as through employment, existing financial means, support by a network or humanitarian aid.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

These criteria are assessed below in relation to the general situation in Damascus City.

General situation

Based on available COI, the general situation with regard to the elements mentioned above is assessed as follows:

Food security

[Main COI reference: [Damascus](#), 3.2]

Food insecurity is widespread across Syria due to high fuel and food prices, loss of livelihoods and reduced food production. However, the greatest difficulties are in non-government controlled areas of the country.

Food is widely available in Damascus, albeit at high prices. The driving factors for food insecurity in Damascus City are the high concentration of IDPs, limited employment opportunities and households with highly eroded livelihood coping strategies. Nevertheless, in general, there is no shortage of basic food items in Damascus City and all items can be found - at different qualities and prices.

People's income often does not match the expenses, because there has been a drastic increase in food prices due to a drop in the value of the Syrian pound. Low-income groups in the city can still afford to purchase basic food items but they have to prioritise and rationalise their food purchases. Many families have to rely on their extended family and networks, or financial support from friends or relatives abroad to afford to feed their families.

⁴⁸ ECtHR, *Sufi and Elmi*, para. 283.

⁴⁹ ECtHR, *A.A.M. v Sweden*, para.73.

Housing and shelter

[Main COI reference: [Damascus](#), 3.3]

The conflict in Syria has severely affected the housing sector. A significant share of residential units was partially damaged or fully destroyed, housing investment disrupted, quality of living space deteriorated and land and property rights severely challenged. The conflict has caused an increase in rural to urban migration. In areas with relative security and consistency of services there have been large influxes, which resulted in a significant concentration of population (IDPs and hosts) in urban areas. During the conflict years from 2011-2018, Damascus City became a principal area of refuge for rural populations. The city experienced a housing crisis due to increased costs, unemployment and shortages in basic services. Many IDPs fled to informal settlements in the city with high population density.

The World Bank's 2017 'Housing Deprivation Index' for Syria indicated that the national average of damaged or destroyed housing is 28 %. Damascus City ranked at around the same as the national average. Damage concentrated in the southern (Yarmouk) and eastern districts, extending towards Eastern Ghouta. In particular, the districts Jobar and to a lesser extent Al Masani, on the edge of Damascus City, have been severely damaged. [[Security 2020](#), 2.10.3.3]

Due to damage to housing stock and physical damages to housing infrastructure in conflict-affected areas, houses are not available for rent in most communities and only a minority can afford the rent despite living in dwellings that do not offer adequate protection from weather or are not served well by public services.

It was reported that the requirement of security clearance to rent property inside Damascus City has been lifted, however another source had noted that upon registration of the lease with the local authorities, officers from security divisions will visit the property as a new way of carrying out a security check.

Utilities, hygiene and sanitation

[Main COI reference: [Damascus](#), 3.4]

In 2019, electricity and cooking gas were being rationed in Damascus. In April-May 2019, the country experienced a fuel crisis, which also hit Damascus City. Under the smart card rationing system for gas introduced by the GoS, each family was eligible to receive one gas cylinder every 20 days. Wealthy areas, especially where government officials reside, had enough stock but higher prices. Other neighbourhoods experienced shortages and line-ups.

The Syrian population had difficulty in access to improved drinking water since the beginning of the conflict, in addition to rising costs for water. There is a water supply network all over the Governorate of Damascus and 80 % to 90 % of the city is fully served with drinking water and sanitation. However, in the slum areas of Damascus, such as Yarmouk, Jobar, Barzeh, Al-Balad, Qaboun, Hajar Al-Aswad and al-Qadam, water supply infrastructure has been damaged from past military operations. In these areas trucks, rather than piping, tend to provide water.

Basic healthcare

[Main COI reference: [Damascus](#), 3.5]

Article 22 of the 2012 Constitution of the Syrian Arab Republic states that:

- '1. The State shall guarantee every citizen and his family in cases of emergency, sickness, disability, orphanhood and old age;
2. The State shall protect the health of citizens and provide them with the means of prevention, treatment and medication'

Every Syrian national can access public primary services and hospitals in Damascus free of charge or at a very low charge that is affordable for low-income groups. Emergency care is also provided free of charge.

A range of medical services are offered by Primary Healthcare Centres (PHCs) in Syria: general clinical services and essential trauma care, child health clinic, nutrition management, communicable disease

diagnosis and treatment, sexually-transmitted diseases, maternal and newborn health, and mental healthcare. However, not all services were systematically available. For instance, essential newborn care was only available in 15 % of PHCs, tuberculosis treatment in 32 %, psychosocial support in 34 %, and antenatal care in 81 %.

52 out of the 61 PHCs in Damascus were reported as functional and one partially functional in the same period. There are also 15 public hospitals in Damascus, 14 of which functional and 1 partially functional as of the end of December 2018.

The nearest healthcare facility (either public or private) in Damascus can generally be accessed within an average five minutes of travel time by car. 12 public hospitals were defined as accessible (easy to access for patients and health staff) and two as hard-to-access (hard to reach, due to security situation or long distance). One of the hospitals in Damascus was partially damaged. Electricity generators were reported as being available in the hospitals 24 hours/day as of 2018. Still, the number and/or efficiency of electricity generators was insufficient in 27 % of the Damascus hospitals. One hospital reported limited water sources.

Some Damascus hospitals have extended their operational capacity and, as of December 2018, the number of available beds reached 3 311 (116 %) - the highest of all governorates. The estimated caseload of functional public hospitals of Damascus (outpatient consultations and emergency cases) from January to December 2018 was over 1.5 million cases. Damascus also has the highest proportion and availability of doctors in functional public hospitals.

However, healthcare facilities in the capital are overcrowded, often with patients from outside Damascus and, due to the high demand, the system is overstretched.

There were waiting lists to receive treatment at public hospitals and high prices at private hospitals. Advanced surgery at a private hospital can cost up to 6 000 USD. The cost of a full medical check-up at a private hospital is at least 120 USD and can be afforded by only 10 - 15 % of the inhabitants of Damascus.

In addition, the availability of pharmaceutical products as well as supplies of raw material and spare parts for medical equipment in the hospitals of Damascus has been negatively affected by the destruction of local pharmaceutical factories and sanctions imposed by the US and the EU. Pharmaceutical companies use third countries, e.g. Lebanon, the United Arab Emirates, Iran, Russia and China, to get the needed medicine. Some hospitals in Damascus reported shortages in supplies and long delivery times. However, medicines which are prescribed by primary healthcare physicians are available to a great extent in pharmacies and the price is not high. Medicines to treat chronic diseases are provided free of charge by PHCs and hospitals.

Basic subsistence and employment

[Main COI reference: [Damascus](#), 3.7]

The World Bank estimates that in the government-controlled regions approximately 2.4 million net jobs were lost from 2010 to 2015. Construction and industry were the sectors that suffered the greatest loss, followed by agriculture. However, Damascus City is one of the least affected Syrian governorates, similarly to Sweida, Tartous, and Latakia. Some economic activities in the capital were re-established since the stabilisation of the security situation. In 2018, Damascus City provided approximately 15 % of the total employment in Syria. Livelihoods in Damascus City are predominately based around business trading jobs, government office job, commercial activities, petty trading and remittances.

The capacity of the labour market in Damascus is smaller than the demand for jobs, particularly due to a high number of IDPs. University graduates in Damascus are mostly able to find employment, even if not in their field of study. Moreover, some space for a new workforce has opened because a large number of skilled labour has left the country during the conflict. Unskilled workers are reportedly also able to find a job in the city and manage a minimum standard of living, particularly if they received some vocational training. However, expenses are high in Damascus City and it is very difficult for low- and middle-income groups to make ends meet.

In addition, an increasing number of women find employment in traditionally male jobs. IDP women take part in employment increasingly due to the shortage of male workers caused by the conflict.

The salaries of government employees were between 30 000 SYP [52 EUR] and 40 000 SYP [about 69 EUR] as of mid-2019, while the average salary of employees in the private sector did not exceed 65 000 SYP [about 113 EUR]. In 2018, the highest civil servant salary in governmental institutions was 100 000 SYP [about 166 EUR] per month, while the estimate for the average monthly household expenditure in February 2019 was about 325 000 SYP [592 EUR].

Due to the conflict, the national poverty prevalence rates increased between 2010 to 2017, and more steeply after 2012. Damascus City's poverty rate is reflective of the national average: poverty was at about 23 % in 2010 and increased to nearly 60 % in 2012 and to about 90 % in 2016 and 2017 (93.7 % nationally). However, there is still a presence of middle class and wealthy Damascenes in the city. In 2019, poverty rates in Damascus City were higher in the suburban areas, mainly in the eastern periphery coinciding with the main locations of informal settlements and rural districts.

Secondary or multiple employment is often required to meet needs. Requesting support from charitable western organisations or reliance on aid from relatives abroad were other livelihood strategies.

The general circumstances prevailing in Damascus assessed in relation to the factors above entail significant hardship. However, they do not preclude the reasonableness to settle in the city as such. The person's ability to navigate the above circumstances will mostly depend on access to financial means and in exceptional cases, the reasonableness requirement may be satisfied. The assessment should take into account the individual circumstances of the applicant.

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable to settle in that part of the country should take into account the individual circumstances of the applicant.

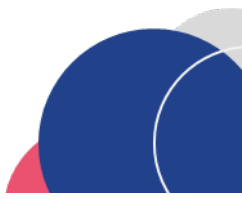
The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact in determining to what extent it would be reasonable for the applicant to settle in Damascus.

Please note that this is a non-exhaustive list:

- **Civil documentation** [Main COI reference: [Damascus, 2.5](#)]: As mentioned before, civil documentation is essential to meet the criterion of [travel and admittance](#). It is also required for freedom of movement in general, and the lack of civil documentation results in inability to register births, marriage, death, to access basic services such as healthcare and school registration, to claim property, and to access humanitarian aid.
- **Gender** [Main COI reference: [IDPs and returnees, 4.1](#)]: There have been initial findings that women refugees may be returning at a larger scale than men, which has been attributed to men's fear of conscription and the high death rates caused by the conflict. On the other hand, sources reported that many women living in Lebanon do not want to return because they would have to leave their husbands or sons behind or, when returning together, see them conscripted in the army.

It has been reported that IDP returnees and refugees returning to their place of origin generally face a number of challenges in obtaining basic information to bolster their decision. This lack of information affects women more than men, increasing their risk of exploitation and abuse.

The absence of civil registration and documentation has also proven to be particularly harmful to women and girls. The lack of civil documentation leads to lack of legal identity, without which



asserting claims during civil proceedings concerning various types of affairs such as divorce, custody, property ownership and criminal matters becomes problematic. In addition, the lack of civil documentation can also stop women from enjoying their legal and/or traditional rights provided by their marriage contracts and block the access to other rights and services, including humanitarian aid.

Displaced women and girls without male support or protection, specifically those living in camps and shelters, are more susceptible to violence than men and boys, including sexual violence, child marriage and movement restrictions. Women have also been coerced into marrying men at distribution centres, or distribution staff, for a short period of time - for sexual purposes - in order to receive assistance. Decline in international funding further reduces women's access to health services. Displacement and refugee life have negative consequences on women's mental health, often triggered by lack of food and livelihood opportunities, in addition to social burdens such as having to ensure care and education for their children. Women's access to mental health services is less in comparison to men.

- **Age** [Main COI references: [IDPs and returnees](#), 4.2; [Damascus](#), 3.6]: Young age as well as elderly age could significantly limit the applicant's access to means of subsistence such as through employment, making him or her dependent on other providers. Therefore, this element should be seen in conjunction with the available support by family or a broader support network. In the case of children, the best interests of the child shall be a primary consideration, for example, with regard to access to basic education.

In August 2019, UNICEF reported that 2.6 million children in Syria were displaced as a result of the conflict. The upheaval resulting from displacement has diminished the capacity of many host communities to absorb and provide services to large numbers of IDPs, including children's access to education. This has led to an increase in the level of children dropping out of school and increase in child labour and child marriages. According to the UNOCHA Humanitarian Needs Overview 2019, in the governorate of Damascus, more than 470 000 children were found to be in need.

- **Support network** [Main COI reference: [Damascus](#), 5]: Sources report that it is important for returnees to go back to their area of origin where they can rely on their social network and tribe and that those returning from abroad lack such a safety net if they go to an area where they do not originate from. As the socio-economic divisions have been exacerbated by the war, finding employment in Damascus is reported to be increasingly difficult without *wasta* - nepotism or clout.
- **Professional and educational background and financial means** [Main COI reference: [Damascus](#), 3.7]: The professional background of the applicant, their level of education and available financial means should be taken into account when assessing the reasonableness of IPA, and in particular the access of the applicant to means of basic subsistence. University graduates in Damascus are mostly able to find an employment, even if not in their field of study. Moreover, some space for a new workforce has opened because a large number of skilled labour has left the country during the conflict. Unskilled workers are reportedly also able to find a job. However, sources generally report that salaries are insufficient to meet needs and individuals often take up second employment. It has been noted that, although commodities are widely available from both local and imported sources across various district markets in Damascus, the 'vast majority' of the population cannot afford the high prices.
- **Ethnoreligious and linguistic background** [Main COI reference: [Damascus](#), 1.1]: While accurate and updated information on the ethno-religious composition of Damascus is not available, there are reports that there is presence of Alawites, Druze, Twelver Shia, Ismaili, and Christians. Many districts and neighbourhoods of Damascus and its environs are formed according to the ethnicity and/or religion of their inhabitants, with Kurds largely residing in the districts of Rukn al-Din and

Barzeh and poor informal settlements, for example in the Wadi al-Mashari neighbourhood in Dummar.

- **State of health** [Main COI reference: [Damascus, 3.5](#)]: The healthcare system in Damascus is overstretched with the demand from local population and patients from other governorates. Therefore, the health status of the applicant is an important consideration when assessing the reasonableness of IPA for those who require medical treatment, also taking into account that their state of health may affect their ability to work. For those with disabilities, access to basic subsistence such as through employment would be further limited.

These factors would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA. In some cases, more than one element of vulnerability would confirm a conclusion that IPA is not reasonable for the particular applicant (e.g. a family with a child with disabilities), while in other cases, they would balance each other (e.g. a woman with a university degree and connections which could assist her in finding employment in Damascus).

Conclusions on reasonableness

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in Damascus City, and the individual circumstances of such applicants, as outlined in the sections above.

For those applicants who meet the 'safety' and 'travel and admittance' requirements under [Article 8\(1\) QD](#), the availability of IPA in Damascus City will depend on the assessment of the **reasonableness to settle** there.

Based on the general situation in the capital city, and taking into account the applicable individual circumstances, internal protection in Damascus City may be a reasonable alternative only in exceptional cases, in particular for some adult applicants who have educational and professional background facilitating their access to employment, or a support network who is able to assist them in accessing basic subsistence, or those who otherwise have sufficient financial means. In this regard, the rapidly evolving economic situation and food insecurity, as well as the impact of covid-19 on those and on the healthcare system in Damascus, should also be considered.

VI. Exclusion

This chapter looks into the potential applicability of the exclusion grounds under [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#) in relation to acts committed by applicants from Syria.

The content of this chapter is structured as follows.

Following the [Preliminary remarks](#), this chapter provides general guidance on the applicability of the [Exclusion grounds](#).

It further outlines some of the factual circumstances in which exclusion may be relevant ([Relevant circumstances](#)).

Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances is included under [Guidance with regard to Syria](#).

For further general guidance on exclusion, see the [‘EASO Practical Guide: Exclusion’](#).

Preliminary remarks

Applying the exclusion grounds, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

This chapter focuses on the exclusion of applicants found not to deserve international protection in accordance with [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#).

If a person would otherwise qualify for refugee status, the following would constitute exclusion grounds, according to [Article 12\(2\) and \(3\) QD](#):

Article 12(2) and (3) of the Qualification Directive Exclusion (refugee status)

2. A third-country national or a stateless person is excluded from being a refugee where there are serious reasons for considering that:
 - (a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (b) (he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
 - (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.
3. Paragraph 2 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

If the person would otherwise be eligible for **subsidiary protection**, the exclusion grounds under [Article 12\(2\)\(a\) and \(c\) QD](#) would apply in the same way ([Article 17\(1\)\(a\) and \(c\) QD](#), respectively). The ground of

‘serious crime’ ([Article 17\(1\)\(b\) QD](#)), on the other hand, is broader than ‘serious non-political crime’ and has no geographical or temporal limitations. Furthermore, additional exclusion grounds are envisaged under [Article 17\(1\)\(d\) QD](#) and [Article 17\(3\) QD](#). [Article 17\(3\) QD](#) contains an optional provision and its applicability would depend on the transposition of this provision in national legislation.⁵⁰

Article 17 of the Qualification Directive Exclusion (subsidiary protection)

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:
 - (a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (b) he or she has committed a serious crime;
 - (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
 - (d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present.
2. Paragraph 1 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.
3. Member States may exclude a third-country national or a stateless person from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of paragraph 1 which would be punishable by imprisonment, had they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

It should be taken into account that an applicant could have committed multiple excludable acts, falling under different exclusion provisions. National practice may vary regarding whether one particular act should be qualified under more than one ground where the necessary elements are present.

It should be underlined that the determining authority has the burden of proof to establish:

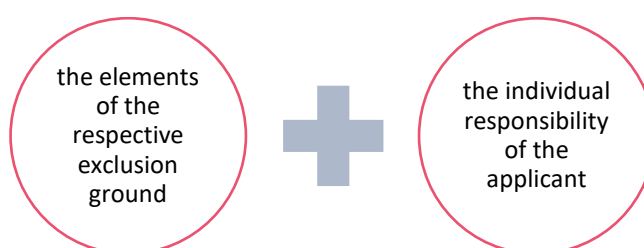


Figure 16. Elements in applying exclusion.

At the same time, the applicant has a duty to cooperate in establishing all facts and circumstances relevant to his or her application.

⁵⁰ Noting the optional nature of this exclusion ground, and its scope, which is not country-specific, no further analysis and guidance is provided on Article 17(3) QD.

Individual responsibility could be substantiated not only in case of direct commission of the excludable act (for the perpetrator), but also in other instances where the person substantially contributed to the commission of an excludable act. The assessment of individual responsibility is based on the nature and extent of the applicant's involvement in the excludable act(s), as well as his or her state of mind in relation to these act(s). Different **forms of conduct** may lead to a finding of individual responsibility (for example, direct commission, inducing others, aiding and abetting, command responsibility, etc.), where the relevant intent and knowledge are established.

The applicable standard of proof is 'serious reasons for considering', which requires clear and reliable evidence, but is not as high as the standard for criminal responsibility ('beyond reasonable doubt').

The fact that the applicant was or is associated with a group or regime responsible for excludable acts(s) does not relieve the determining authority from demonstrating his or her individual responsibility.

However, depending on the nature, scale of the group or regime, the voluntary association with it and the position, rank, standing and influence of the applicant within the group, there may be sufficient evidence for both the 'conduct' and the 'state of mind' requirements to be inferred. It remains necessary, however, that the decision-maker identify the relevant mode of individual responsibility and examine the facts in light of the respective criteria.

Furthermore, the examination should take into account **potential grounds negating the individual responsibility**, such as lack of mental capacity to comprehend and/or control one's conduct (e.g. due to age, mental disease or defect, involuntary intoxication), duress (e.g. in the context of forced recruitment), self-defence or defence of others (or property, in the case of war crimes), superior orders in specific circumstances (see [Article 33 of the Rome Statute](#)),⁵¹ etc.

Depending on national practice, the analysis may further proceed to take into account whether or not the possible exclusion of the applicant would meet the purposes of the exclusion clauses. Elements, such as the fact that an applicant has already served a sentence for the (otherwise) excludable act, or that the act is subject to an amnesty, could potentially be taken into account. The more egregious the excludable acts, the less relevant such aspects would be when taking the decision.

For further horizontal guidance on individual responsibility, see '[EASO Practical Guide: Exclusion](#)', p.29.⁵²

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

Exclusion grounds

a. Crime against peace, war crime, crime against humanity

[Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) refer to specific serious violations of international law, as defined in the relevant international instruments:

- ▶ **'Crime against peace'** is related to the planning, preparation, initiation, waging or participation in a common plan or conspiracy related to a war of aggression, which can only apply in relation to international armed conflict. Such a crime would usually be committed by individuals in a high position of authority, representing a State or a State-like entity. It can be noted that in practice this ground is rarely applied.
- ▶ **'War crimes'** are **serious violations of international humanitarian law**, committed against a protected person or object (civilians, combatants placed out of combat such as in detention or being wounded, or those who have put down their arms, or civilian and cultural objects), or through the use of unlawful

⁵¹ Rome Statute of the International Criminal Court, Article 33.

⁵² The 'EASO Practical Guide: Exclusion' is available in different languages at <https://www.easo.europa.eu/practical-tools>.

weapons or means of warfare.⁵³ War crimes can only be committed during an armed conflict qualified accordingly under international humanitarian law. The nature of the armed conflict (international or non-international) is decisive in order to define the elements of the particular war crime.⁵⁴

War crimes can be committed by combatants/fighters, as well as by civilians, as long as there is a sufficient link to the armed conflict. This means that the act needs to have been 'closely' related to the armed conflict.⁵⁵

Some relevant (non-exhaustive) examples of war crimes include:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture of persons taking no direct part in hostilities;
- committing outrages upon personal dignity, in particular humiliating and degrading treatment of persons taking no direct part in hostilities;
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- using unlawful means of warfare, such as prohibited chemical weapons and use of barrel bombings with indiscriminate effect;
- intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- killing or wounding treacherously a combatant adversary;
- discriminating practices by medical personnel with regard to treatment of wounded;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable;
- conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.

► **'Crimes against humanity'** are fundamentally inhumane acts, committed as part of a systematic or widespread attack against any civilian population.^{56,57} Inhumane acts, which could reach this threshold

⁵³ War crimes are listed, inter alia, under [Article 8 of the Rome Statute](#), under the 'Grave Breaches' provisions of the 1949 Geneva Convention and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Statute of the International Criminal Tribunal for Rwanda (ICTR).

⁵⁴ Note that the assessment under Article 12(2)(a) QD and Article 17(1)(a) QD refers to the relevant international instruments defining the terms. Therefore, the assessment of whether or not an armed conflict takes place, as well as its nature, is based on international humanitarian law and may differ from the assessment in the context of Article 15(c) QD as defined in the *Diakité* judgment of the CJEU.

⁵⁵ 'The armed conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator's ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed', ICTY (Appeals Chamber), *Prosecutor v Kunarac et al.*, IT-96-23 and IT-96-23/1-A, judgment of 12 June 2002, para. 58.

⁵⁶ Crimes against humanity are defined in international instruments, inter alia, [Article 7 of the Rome Statute](#).

⁵⁷ On 'widespread' and 'systematic', see for example, ICTY, *Prosecutor v Dusko Tadic aka "Dule" (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor v Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 580; ICTY, *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic (Appeal Judgment)*, IT-96-23 & IT-96-23/1-A, 12 June 2002, para.94; on 'civilian population' see ICTY, *Prosecutor v Dusko Tadic aka "Dule" (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor v Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 644.

when committed pursuant to or in furtherance of a State or organisational policy, include: murder, extermination, enslavement; deportation or forced transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognised as impermissible under international law; forced disappearance of persons; apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Crimes against humanity can be committed in peacetime as well as during an armed conflict. Even a single act could fall under this exclusion ground provided it forms part of a widespread or systematic attack against a civilian population and the act is committed by any person (including a civilian) who had knowledge of the attack and the link of the act to the attack. Some crimes against humanity would require an additional specific intent (e.g. persecution and genocide).

In order to establish whether a war crime or a crime against humanity has been committed, the case officer should consult the relevant international instruments.

b. Serious (non-political) crime

The commission of serious (non-political) crimes is a ground that could apply to applicants from all countries of origin, regardless of the general situation.

In order to determine whether the crime qualifies as **serious**, the following factors may be taken into account: the nature of the act, the actual harm inflicted, the form of procedure used to prosecute such a crime, the nature of the envisaged penalty, and whether most jurisdictions would consider it serious.

There is no requirement that the offence constitutes a crime (or a serious crime) in both the country of origin and the country of application. Therefore, certain acts could be criminalised in Syria, but not be considered serious crimes according to international standards and would therefore fall outside the scope of this provision (e.g. same sex relations). At the same time, acts that may not be considered serious crimes in Syria could be relevant exclusion grounds (e.g. marital rape, sexual relations with a minor in the context of child marriage).

In order for an act to qualify as a **non-political** crime, it should be considered to have a predominantly non-political motivation or be disproportionate to a claimed political objective. Particularly cruel actions may be considered serious non-political crimes, due to being disproportionate to an alleged political objective. Terrorist acts, which are characterised by their violence towards civilian populations even if committed with a purportedly political objective, fall to be regarded as serious non-political crimes within the meaning of point (b).⁵⁸

It should also be noted that State agents could be responsible for serious (non-political) crimes (e.g. in relation to death penalty and executions, and torture).

The exclusion ground for refugee status further stipulates that the act must have been committed **outside the country of refuge prior to the person's admission as a refugee**. This requirement does not apply to exclusion from subsidiary protection.

c. Acts contrary to the purposes and principles of the United Nations

The purposes and principles of the UN are set out in the [Preamble and Articles 1 and 2 of the UN Charter](#). In order to apply this exclusion provision, the acts must have an international dimension in the sense that they are capable of having a negative impact on international peace and security or the friendly relations

⁵⁸ See, for example, CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010, para. 81.

between States.⁵⁹ However, there is no requirement that the perpetrator hold a position of power in a State or a State-like entity in order to be excluded under this provision. Accordingly, this exclusion ground may apply to certain acts which constitute serious and sustained human rights violations and/or acts specifically designated by the international community as contrary to the purposes and principles of the UN (for example, terrorist acts in light of relevant UN Security Council and General Assembly resolutions).⁶⁰

Relevant jurisprudence of the CJEU, including the *B and D* case⁶¹ and the more recent *Lounani* case⁶², views acts constituting participation in the activities of a terrorist group under this provision. This could cover a wide range of conduct and cannot be confined to the actual perpetrators of terrorist acts. It could, for example, include recruitment, organisation, transportation or equipment of individuals, for the purpose of, inter alia, the planning or preparation of terrorist acts, etc.⁶³ It should be noted that the CJEU finds that the mere fact that a person was a member of an organisation implicated in terrorist acts does not automatically mean that the respective exclusion ground can be applied. It is not a prerequisite that an applicant for international protection has instigated a (particular) terrorist act or has otherwise participated in the commission of such an act. [Article 12\(2\)\(c\) QD](#) and [Article 17\(1\)\(c\) QD](#) can be applied only after undertaking, for each individual case, an assessment of the specific facts brought to the attention of the authorities with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for international protection, fall within the scope of that particular exclusion.⁶⁴

d. Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground ‘danger to the community or the security of the Member State’ under [Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member State or criminal activities of the applicant.

The application of this provision, in particular, would often require the involvement of other authorities, which may have access to relevant information.

Relevant circumstances

In the context of Syria, various circumstances may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. While the focus in this chapter is primarily on the recent events, it should be highlighted that applicants can be excluded from international protection for acts committed in the more distant past (e.g. during the Syrian Occupation of Lebanon (1976-2005) or in the context of the Muslim Brotherhood Uprising in Syria (1979-1982), or based on their involvement in other excludable acts of the Syrian regime). In the context of the different conflicts since 2011, most actors have been widely reported to engage in actions which may lead to exclusion.

The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

⁵⁹ CJEU, *Lounani*, para. 74; CJEU, *B and D*, para. 84.

⁶⁰ See, for example, the 2001 UN Security Council resolutions 1373 and 1377.

⁶¹ CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010.

⁶² CJEU, *Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani*, C-573/15, judgment of 31 January 2017.

⁶³ CJEU, *Lounani*, para. 69.

⁶⁴ CJEU, *Lounani*, paras. 70 and 72; *B and D*, paras. 87 and 94).

The Syrian intervention in the Lebanese civil war and presence in Lebanon (1976-2005)

[Security 2020, Annex II]

In June 1976, Syria intervened in the Lebanese civil war sending a force of 25 000 soldiers to Lebanon to prevent the defeat of its Maronite Christian allies. It maintained military presence in Lebanon for the next three decades and exerted significant influence on Lebanese politics. During its presence in Lebanon, Syria maintained up to 30 000 soldiers in the country. It had clashes with Israeli forces and various Lebanese factions. Syria lost thousands of soldiers. During Syria's military presence in Lebanon, excludable crimes such as forced disappearances and torture were carried out against Lebanese nationals, Palestinian refugees, and others by the Syrian military and intelligence branches. In 2005, following the assassination of the Lebanese premier Rafiq al-Hariri, who was a critic of the Syrian presence in Lebanon, Syrian forces withdrew from Lebanon under international pressure.

The Muslim Brotherhood Uprising in Syria (1979-1982) which comprised the Hama Massacre (February 1982)

[Security 2020, Annex II]

Islamist resistance to the Assad government grew in 1979-1981. After the Islamic Revolution in Iran, Muslim groups instigated uprisings and riots in Aleppo, Homs and Hama. The Muslim Brotherhood attempted to topple the Assad regime with targeted killings, guerrilla warfare and large-scale uprisings. Between 1979 and 1981, Muslim Brotherhood militants killed over 300 Assad supporters in Aleppo alone; Syrian forces responded by killing 2 000 members of the Muslim Brotherhood.

In February 1982, the Muslim Brotherhood attacks on the government and the uprising in the city of Hama were suppressed in a month-long siege by the army. Many civilians were killed. Special forces belonging to the intelligence services, in particular the 'Defence Brigades' (*Sirayat al-difa'*) commanded by Rif'at al-Assad, President Hafez al-Assad's brother, are reported to have carried out massive arrests of civilians, as well as torture and executions.

Current conflicts (2011-ongoing)

An overview of the most important actors who may have been involved in war crimes and crimes against humanity will be given below.

The Government of Syria and associated armed groups

The implication of the regime and the associated armed groups in acts which fall under the exclusion provision of [Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) has been noted repeatedly by the UN and other actors. More than 100 000 people have been detained, abducted or gone missing so far since the beginning of Syria's civil war in 2011, largely at the hands of the GoS's security forces, the police, the Army, pro-government militias and the different branches of the intelligence service [[Targeting](#), 1.1; [Security 2019](#), 4.3]. There are multiple reports of arbitrary detention and forced disappearances at the hand of government forces and pro-government militias [[Actors](#), 2.4]. Those who were arrested were subjected to systematic torture in one of the intelligence services' many detention centres [[Security 2019](#), 4.3]. Most of the victims were men between the ages of 18 and 60, but torture of women and children was also reported [[Actors](#), 2.4]. They were detained for days or months, often without being brought before a judge and without being told what they were accused of. In most cases, the detainees' families were not informed of their whereabouts. Detainees were held in crowded cells and without sufficient food. Many are assumed to have died while in detention as a result of torture, starvation or lack of adequate medical assistance [[Security 2019](#), 4.3]. Tens of thousands of people remain disappeared, most of them since 2011, including peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents, as well as individuals detained in place of relatives wanted by the authorities [[Actors](#), 2.4].

Throughout the conflict, government forces and associated armed groups have used a wide range of tactics to force opposition held areas into surrendering including sieges, blocking of humanitarian aid, denial of access to food and other basic services, and targeted attacks on medical facilities, schools and local markets. GoS attacks on opposition-held areas have been largely disproportionate, including attacks against protected objects and residential areas. The GoS used weapons such as cluster bombs that have indiscriminate effect, and prohibited weapons such as some chemical and incendiary weapons. The Assad regime has been reported to deliberately and repeatedly target civilians in Syria with both conventional and chemical weapons. Reports range from 32 to about 330 chemical attacks attributed to the Syrian government [Security 2020, 1.6.1.4, Annex II; Actors, 2.4] Sexual violence, including rape, of women, girls and occasionally men, committed by government forces and associated militias during ground operations, raids and in detention, was also reported. [Actors, 2.4]

Child recruitment by NDF and other pro-government militias was also reported [Targeting, 12.1].

Anti-government armed groups

Exclusion considerations could be relevant with regard to (former) members of all anti-government armed groups.

In 2017, for example, Syria was ranked fifth in the world with regard to deaths resulting from terrorist attacks, after Afghanistan, Iraq, Nigeria and Somalia. ISIL, a UN- and EU-designated terrorist organisation, was responsible for 63 % of the registered deaths resulting from terrorist attacks in Syria in 2017 [Actors, 6.1; Security 2019, 4.2].

Following the establishment of its so called 'caliphate' in Syria and Iraq, ISIL has killed hundreds of civilians, including women and children, and carried out public executions, beheadings and crucifixions.

Furthermore, ISIL carried out assassinations, suicide attacks, and abductions. Religious minorities in Syria, such as Shias, Ismailis, Alawites and Christians, as well as Sunni Muslims who did not adhere to ISIL's religious laws, were specifically targeted [Actors, 6.4; Targeting, 5.3.2; Security 2020, Annex II]. ISIL used civilians as human shield in its defence of Raqqa and other towns, and employed internationally banned landmines to hold off the advance of attacking forces [Security 2020, Annex II].

HTS, also a UN- and EU-designated terrorist organisation, was formed in 2017 as a coalition of Islamist Sunni anti-government armed groups, through the merger of Jabhat al-Nusra (also a UN-designated terrorist organisation since 2013) with other smaller factions [Actors, 4.1.1]. Attacks by HTS and affiliated armed groups on GoS positions were described as often indiscriminate in nature. These groups also terrorised, killed, and maimed dozens of civilians in the countryside of Aleppo, Hama, and elsewhere [Security 2020, 1.6.1.2]. The group has conducted formal military campaigns, assassinations, hostage takings, and 'lone wolf' operations, including suicide bombings. In areas where HTS is operating, civilians are unlawfully detained, kidnapped and tortured for expressing political dissent. It was reported that civilians, including humanitarian workers and media activists were targeted and received death threats for being critical of HTS, as well as extorted and used for ransom [Actors, 4.1.4].

Groups operating under the SNA (the former NLF) were involved in kidnappings, abductions, torture, extortion and assassinations of civilians. It was reported that Turkish forces and the affiliated SNA were responsible for indiscriminate attacks on residential areas, summary killings and unlawful attacks that killed and injured civilians, among others, during the offensive in northeast Syria. The SNA-branded group Ahrar al-Sharqiya has been most frequently named as the perpetrator of summary killings and human rights abuses during the October 2019 offensive [Actors, 5.2].

There were also reports of child recruitment by anti-government armed groups, such as Ahrar al Sham, groups affiliated with the FSA, ISIL, Army of Islam, HTS, and Nur al-Din al-Zanki [Targeting, 12.1].

Kurdish political actors (PYD) and security forces (SDF, YPG, Asayish)

The PYD and Asayish engaged in arbitrary detentions, forced disappearances and torture of political opponents such as the KNC, arrests of journalists, members of human rights organisations, individuals who

refused to cooperate with Kurdish groups or persons perceived to be affiliated with ISIL or armed opposition groups [Actors, 3.3]. During anti-ISIL operations in Hasaka and Raqqqa governorates, the YPG forces were reported to be engaged in razing of villages, confiscation of property and forced displacement of people in retaliation for perceived affiliation or sympathies to ISIL or other armed groups [Targeting, 3.2]. Thousands of women, men and children were reported to be unlawfully interned or detained in areas under the control of SDF, some of them held in deplorable conditions in makeshift camps unfit to meet their basic needs. The YPG/YPJ were also reported to recruit children [Actors, 3.3].

Criminal activity

Criminal activity in Syria is widely reported. Some of the crimes could trigger the consideration of exclusion, as they would qualify as serious (non-political) crimes and/or, depending on additional elements, as war crimes, crimes against humanity, or acts contrary to the purposes and principles of the UN.

Criminality is reported to be a main driver behind the activities of pro-government militias. Pro-government militias are largely autonomous and free to exploit the population in the areas they control. Many have reportedly turned into a mafia known for stealing, looting, corruption, gun smuggling, drug smuggling and committing violations against civilians. In GoS-held areas in Deir Ez-Zor governorate, which have been recaptured from ISIL, militias were reported to be in control and engaging in criminality and extortion of civilians. [Security 2020, 1.5.1]

In several governorates, a state of lawlessness was reported where people were victim of extortions, kidnappings, assassinations, looting, robberies, and human trafficking [Security 2020, 1.5.1, 2.3.3, 2.6.3, 2.9.3.5, 2.11.3, 2.12.3.1, 2.14.3].

The rise of militias, warlords and war profiteers, coupled with heavy influence and dependence on foreign involvement, are factors that experts assessed could potentially pose significant threats to maintaining centralised control by the State. Competing economic interests of militias linked to smuggling, looting, and criminality have reportedly led to occasional clashes between army branches and militias. [Actors, 2.3.1]

Looting, theft and expropriation of Kurdish properties by SNA factions in the aftermath of the capture of Afrin was also reported. [Actors, 5.2]

Violence against women and children (for example sexual violence, domestic violence, early/forced marriage) has been prevalent in Syria in both public and private spheres and could also potentially amount to a serious (non-political) crime. See also the profile [12. Women](#).

Guidance with regard to Syria

Article 12(2)(a) and Article 17(1)(a) QD

It can be noted that the ground 'crime against peace' is not likely to be of relevance in the cases of applicants from Syria.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Muslim Brotherhood uprising could also trigger the consideration of exclusion in relation to 'crimes against humanity'.

Violations of international humanitarian law by different parties in the current and in past conflicts in Syria could amount to war crimes, such as the deliberate and systematic attacks on hospitals, the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Some acts in the current conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both a war crimes and crimes against humanity.

According to COI, especially (former) members of the SAA, the GoS intelligence- and security services and associated armed groups (e.g. NDF), as well as anti-government armed groups (e.g. FSA, ISIL, Jabhat al-Nusra/HTS, SNA), Kurdish political actors (PYD), and security forces (SDF, YPG, Asayish) can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

In terms of qualifying the relevant acts as war crimes, the following classification of some of the conflicts taking place in Syria may be relevant:

- non-international armed conflict between GoS and various anti-GoS armed groups, most notably HTS, SNA and ISIL;
- international armed conflict between the US-led coalition against ISIL and GoS (due to its military intervention in Syria without the consent of the GoS);
- international armed conflict between Syria and Turkey, as the GoS has not accepted Turkish presence on its territory; military confrontations between Syrian and Turkish armed forces also took place during the conflict;
- international armed conflict between Syria and Israel, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS;
- non-international armed conflict between Turkey and the YPG forces.

[Security 2020, 1.1, Annex II]

Article 12(2)(b) and Article 17(1)(b) QD

Criminal activity in Syria is widely reported, including kidnappings, assassinations, gun smuggling, drug smuggling, human trafficking and robberies. Such serious (non-political) crimes would trigger the application of [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#).

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

Article 12(2)(c) and Article 17(1)(c) QD

(Former) membership in terrorist groups such as ISIL and Jabhat al-Nusra/HTS could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#). The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

Annex I. Abbreviations and glossary

| | |
|--|---|
| ACLED | Armed Conflict Location & Event Data Project |
| Ahrar al-Sham | Sunni Salafist Jihadist armed group active in Syria, particularly Idlib Province; historical 'partner' of Hay'at Tahrir al-Sham in Syria |
| AI | Amnesty International |
| Al-Yarmouk camp | Main refugee camp for Palestinians; located in Damascus |
| APD (Asylum Procedures Directive) | Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection |
| Baath Party (Syria) | Arab Socialist Baath Party; the ruling political party in Syria headed by Syrian President Bashar al-Assad |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CJEU | Court of Justice of the European Union |
| COI | Country of origin information |
| CoI | Independent International Commission of Inquiry on the Syrian Arab Republic |
| EASO | European Asylum Support Office |
| ECHR | Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950 |
| ECtHR | European Court of Human Rights |
| EU | European Union |
| FSA | Free Syrian Army |
| GoS | Government of Syria |
| HAD | Hurras al-Din |
| Hezbollah | Lebanese Hezbollah; Lebanese Shia Islamist armed militant group backed by Iran and active on behalf of Assad in Syria |
| HTS | Hay'at Tahrir al-Sham |
| ID | Identification documentation |
| IDP | Internally Displaced Person |
| IED | Improvised Explosive Device |
| ILAC | International Legal Assistance Consortium |
| IPA | International Protection Alternative |
| IRGC | Islamic Revolutionary Guard Corps |
| ISIL | Islamic State of Iraq and the Levant; also known as Islamic State of Iraq and Syria (ISIS), the Islamic State (IS), or Daesh |
| ISW | Institute for the Study of War |
| Jaysh al-Islam | Sunni Salafist Jihadist armed opposition group active in Eastern Ghouta outside Damascus; rival of Faylaq al-Rahman |
| KNC | Kurdish National Council |
| LDF | Local Defence Forces, <i>Quwat al Difa al Mahalli</i> |
| LGBTI | Lesbian, Gay, Bisexual, Trans, Intersex |

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|-------------------------------------|--|
| NDF | National Defence Forces, <i>Quwat al Difa al Watani</i> |
| NGO | Non-governmental organisation |
| NLF | National Liberation Front |
| PHC | Primary Healthcare Centre |
| PKK | Kurdistan Workers' Party (<i>Partiya Karkerên Kurdistanê</i>) |
| PYD | Democratic Union Party (Kurdish) |
| QD (Qualification Directive) | Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted |
| RPG | Rocket-propelled grenades |
| SAA | Syrian Arab Army |
| SDF | Syrian Democratic Forces |
| Shabiha | A pro-government militia |
| Sharia | The religious law of Islam, Islamic canonical law |
| SNA | Syrian National Army |
| SNHR | Syrian Network for Human Rights |
| SOHR | Syrian Observatory for Human Rights |
| Suqour al-Sahara | Desert Hawks; former irregular armed group supportive of Assad in Syria backed by wealthy Syrian Alawites |
| SYP | Syrian pound |
| Taswiyat al-Wad' | the process of regulating one's status |
| TEV-DEM | Movement for a Democratic Society (Tevgera Civaka Demokratîk) |
| TIP | Turkistan Islamic Party |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UNOCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| UNPFA | United Nations Population Fund |
| UNRWA | United Nations Relief and Works Agency for Palestine Refugees in the Near East |
| US | United States of America |
| USCIRF | United States Commission on International Religious Freedom |
| VBIED | Vehicle-borne improvised explosive device |
| VDC | Violations Documentation Center in Syria |
| Wasta | Networks of support based on patronage |
| YPG | Kurdish People's Protection Units |
| YPJ | Kurdish Women's Protection Units |

Annex II. COI references

EASO COI reports on Syria are available at <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

| Reference in this document | COI report |
|----------------------------|---|
| <u>Actors</u> | COI Report: Syria - Actors (December 2019) [EN] |
| <u>Damascus</u> | COI Report: Syria - Socio-economic situation: Damascus City (February 2020) [EN] |
| <u>IDPs and returnees</u> | COI Report: Syria - Internally displaced persons, returnees and internal mobility (April 2020) [EN] |
| <u>Recaptured areas</u> | COI Report: Syria - Exercise of authority in recaptured areas (January 2020) [EN] |
| <u>Security 2019</u> | COI Report: Syria - Security situation (November 2019) [EN] |
| <u>Security 2020</u> | COI Report: Syria - Security situation (May 2020) [EN] |
| <u>Situation of women</u> | COI Report: Syria - Situation of women (February 2020) [EN] |
| <u>Targeting</u> | COI Report: Syria - Targeting of individuals (March 2020) [EN] |

Annex III. Relevant case law

| Case law referenced in the common analysis | |
|--|---|
| Actors of persecution or serious harm | <ul style="list-style-type: none"> ■ CJEU, Mohamed M'Bodj v État belge, C-542/13, judgment of 18 December 2014, Grand Chamber (M'Bodj) |
| Persecution (military evasion/ desertion) | <ul style="list-style-type: none"> ■ CJEU, Andre Lawrence Shepherd v Bundesrepublik Deutschland, C-472/13, judgment of 26 February 2015, Second Chamber (Shepherd) <p>Note that on the topic of draft evasion, a relevant case is currently pending at the CJEU, EZ v Federal Republic of Germany, represented by the Bundesamt für Migration und Flüchtlinge, Case C-238/19 (Request for a preliminary ruling from the Verwaltungsgericht Hannover (Administrative Court, Hanover, Germany)).</p> |
| Reasons for persecution - religion | <ul style="list-style-type: none"> ■ CJEU, Bundesrepublik Deutschland v Y and Z, joined cases C-71/11 and C-99/11, judgment of 5 September 2012, Grand Chamber (Y and Z) |
| Reasons for persecution - membership of a particular social group | <ul style="list-style-type: none"> ■ CJEU, Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel, joined cases C-199/12 to C-201/12, judgment of 7 November 2013 (X, Y and Z) |
| Article 12(1)(a) QD | <ul style="list-style-type: none"> ■ CJEU, Mostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal, C-364/11, judgment of 19 December 2012 (El-Kott) ■ CJEU, Bolbol v Bevándorlási és Állampolgársági Hivatal, C-31/09, judgment of 17 June 2010 (Bolbol) |
| Article 15(b) QD | <ul style="list-style-type: none"> ■ CJEU, MP v Secretary of State for the Home Department, C-353/16, judgment of 24 April 2018 (MP) ■ CJEU, <i>M'Bodj</i> |
| Indiscriminate violence in relation to armed conflict (Article 15(c) QD) | <ul style="list-style-type: none"> ■ CJEU, Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides, C-285/12, judgment of 30 January 2014, Fourth Chamber (Diakité) ■ CJEU, Elgafaji v Staatssecretaris van Justitie, C-465/07, judgment of 17 February 2009, Grand Chamber (Elgafaji) ■ ECtHR, Sufi and Elmi v United Kingdom, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (Sufi and Elmi) |

| | |
|---------------------------------|--|
| Internal protection alternative | <ul style="list-style-type: none"> ■ CJEU, <i>X, Y and Z</i> ■ CJEU, <i>Y and Z</i> ■ CJEU, <i>Abdulla and Others v Bundesrepublik Deutschland</i>, Joined Cases C-175/08, C-176/08, C-178/08 and C-179/08, judgment of 2 March 2010 (<i>Abdulla</i>) ■ ECtHR, <i>A.A.M. v Sweden</i>, Application no. 68519/10, judgment of 3 April 2014 (<i>A.A.M v Sweden</i>) ■ ECtHR, <i>Salah Sheekh v the Netherlands</i>, Application no. 1948/04, judgment of 11 January 2007 (<i>Salah Sheekh</i>) ■ <i>Sufi and Elmi</i> |
| Exclusion | <ul style="list-style-type: none"> ■ CJEU, <i>Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani</i>, Case C-573/14, judgment of 31 January 2017, Grand Chamber (<i>Lounani</i>) ■ CJEU, <i>Bundesrepublik Deutschland v B and D</i>, Joined Cases C-57/09 and C-101/09, judgment of 9 November 2010 (<i>B and D</i>) ■ ICTY (Appeals Chamber), <i>Prosecutor v Kunarac et al.</i>, IT-96-23 and IT-96-23/1-A, judgment of 12 June 2002 ■ ICTY, <i>Prosecutor v Dusko Tadic aka "Dule" (Opinion and Judgment)</i>, IT-94-1-T, judgment of 7 May 1997 ■ ICTR, <i>The Prosecutor v Jean-Paul Akayesu (Trial Judgment)</i>, ICTR-96-4-T, judgment of 2 September 1998 |

For additional information on relevant case law see:

EASO Practical guides:

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- EASO Practical Guide: Qualification for international protection
- EASO Practical Guide: Exclusion
- EASO Guidance on membership of a particular social group

Judicial analyses:

Available at: <https://www.easo.europa.eu/courts-and-tribunals>

- Judicial analysis 'Qualification for International Protection (Directive 2011/95/EU)'
- Judicial analysis 'Article 15(c) Qualification Directive (2011/95/EU)'
- Judicial analysis 'Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)'

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