**Submission to the Special Rapporteur on the Right to Adequate Housing on**

**Protecting the Right to Adequate Housing During and After Violent Conflict**

The Syrian Initiative to Combat Sexual and Gender-based Violence (Initiative) is a

locally driven project supported by and hosted at American University Washington College of Law working towards a Syrian society in which people affected by SGBV are supported and able to speak out without fear of retaliation. This report was prepared by the Initiative’s Strategic Litigation Team (SLT), a group of Syrian lawyers and human rights activists who engage with domestic and international human rights mechanisms to keep the harm suffered by the affected people in the consciousness of the international community and raise awareness of legal issues that have emerged during the conflict.

This report focuses on the economic, political, practical, and legal challenges in preventing and responding to domicide in the Syrian Arab Republic (Syria). The Initiative’s SLT studied local legal provisions and reviewed news articles and reports of human rights and international organizations as cited in the hyperlinks. Translation of all sources was performed by bilingual legal experts and supported by native English-speaking attorneys at the Initiative.

1. **Introduction**

Now in its 12th year, the armed conflict in Syria has had a devastating humanitarian and socio-economic impact on the country. According to the [UNHCR](https://www.unhcr.org/uk/syria-emergency.html), 6.7 million Syrians are internally displaced, and a similar number of Syrians have fled the country. By 2017, about one third of all [homes](https://www.worldbank.org/en/country/syria/publication/the-toll-of-war-the-economic-and-social-consequences-of-the-conflict-in-syria) have been either partially or totally destroyed. A more recent estimate does not exist, but this number is most likely to be higher now as significant shelling campaigns have taken place since then, including the Syrian armed forces’ bombardments of [Eastern Ghouta](https://arabcenterdc.org/resource/hell-on-earth-the-world-forsakes-syrias-eastern-ghouta/) in 2017 and 2018 and [Idlib and Aleppo](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_44_61_AdvanceUneditedVersionFINAL_0.pdf) in 2020. A 2019 United Nations (UN) report states that while buildings in all provinces have sustained damage due to aerial bombing and street fighting, [Aleppo city and Eastern Ghouta](https://reliefweb.int/sites/reliefweb.int/files/resources/reach_thematic_assessment_syrian_cities_damage_atlas_march_2019_reduced_file_size_1.pdf?fbclid=IwAR3swXLn9ja8e1OW0y2WcoKurMiUNu5gXPovGwrNBDslqKD0eUbxddQyIe4) are Syria’s most severely damaged residential areas. Other civilian infrastructure has also suffered enormous destruction. It is estimated that at the end of 2019, only 64% of the [hospitals](https://reliefweb.int/report/syrian-arab-republic/syria-anniversary-press-release-6-march-2020) and 52% of the primary healthcare centers were fully operational, and only 60% of the [schools](https://huda-charity.org/donations/restoration-of-a-damaged-school/) continued operating. In light of this large-scale destruction of homes and civilian infrastructure, the UN has estimated the cost of reconstruction at [USD 250 billion](https://news.un.org/en/story/2017/11/637402-no-preconditions-accepted-syrian-parties-un-envoy-says-ahead-geneva-talks), which would amount to four times Syria’s pre-war [GDP](https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=SY). The Syrian government expects the reconstruction costs to be even higher – as much as [USD 400 billion](https://en.qantara.de/content/reconstruction-in-syria-frustrating-assads-plans-for-a-new-state). Regardless of the exact reconstruction costs, it is evident that the extent of destruction of homes and civilian infrastructure is enormous and presents significant challenges. This report outlines the most relevant challenges in preventing further destruction and responding to the current situation.

1. **Issues Related to the Prevention of Domicide**

Military tensions are still ongoing in Syria, creating the risk of further destruction of homes. With the intensity of violence varying throughout the conflict, Syria witnessed a peak in 2016 and 2017 when Kurdish militias and the US-led Coalition against ISIS launched a large-scale attack against ISIS and Turkey consolidated its power in the north. While Syria has seen a gradual de-escalation of violence since 2017, there is no guarantee that the situation on the ground will remain quiet. In fact, high intensity military confrontations have erupted on several occasions since then. The [Astana](https://www.euronews.com/2021/12/21/astana-peace-process-17th-round-of-talks-on-syria-begin-in-kazakhstan) peace negotiations initiated by the guarantor states, Russia, Turkey, and Iran, have brought only slow progress towards a political solution to the conflict. And the [constitutional committee](https://specialenvoysyria.unmissions.org/constitutional-committee-0), which the UN established in 2019 to draft Syria’s new constitution, has not yet started any substantive [work](https://news.un.org/en/story/2021/09/1101512). To prevent further military operations that could lead to domicide, the Syrian government, non-state armed groups, and international community must establish procedures to demilitarize the conflict and advance the political process. This will ensure that the warring parties do not resort to violence in the future, inflicting harm on civilians and destroying their homes.

1. **Issues Related to the Response to Domicide**

Syria faces myriad challenges in responding to domicide. Due to the conflict, the country is witnessing the worst economic crisis in its recent history, affecting both private households and state institutions. 80% of the population lives below the [poverty line](https://www.icrcnewsroom.org/story/en/1920/syria-economic-crisis-compounds-conflict-misery-as-millions-face-deeper-poverty-hunger/0/eyJpdiI6IjZZTWNYdDROVFV6cmd2QVlVUldzT0E9PSIsInZhbHVlIjoiK2xyRnpSbGZ2djFnXC9EZGkrUWFoa1E9PSIsIm1hYyI6IjJkMWE2ZDY3YjNmMzIwNDY0OTc4NGI5YzJlN2Y4Yjc5ODE2OTdmNWQzNjA1MGEzYzQ4MWFmNmFhM2U2OTg5MDUifQ%3D%3D) of USD 1.9 per day, 12.4 million Syrians are [food insecure](https://www.wfp.org/countries/syrian-arab-republic), and [inflation](https://www.mei.edu/publications/war-hunger-scares-me-more-war-cannons-inflation-soars-syrias-economy-spirals-downward) is soaring. Syria has also become increasingly dependent on [imports](https://www.inss.org.il/publication/syria-economy/), as the conflict has affected its agricultural and industrial sectors. Combined with continuous military expenses and a [devalued](https://apnews.com/article/lebanon-financial-markets-poverty-bashar-assad-syria-ae6759bd97b4c406bff645b5184d9557) Syrian Pound, this situation has depleted the state’s treasury. The international [sanctions](https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/syria-unintended-consequences-aita-12-20.pdf) further weaken the economy by limiting Syria’s access to foreign currency and making foreign investments contingent upon a political solution. This renders it difficult for Syria to reconstruct the damaged and destroyed buildings. However, even if the sanctions were lifted and the state’s finances improved, it is unclear whether Syria would effectively use its financial resources for reconstruction. [Corruption](https://www.transparency.org/en/countries/syria) is rampant in Syrian government institutions, and foreign corporations would be hesitant to invest under the current government.

Even if the Syrian government initiated reconstruction in areas under its control, many Syrians cannot access their property in practice. For security reasons, they are unable to return to their homes. Those who have been internally or externally displaced are often [wanted](https://euaa.europa.eu/sites/default/files/publications/2021_06_EASO_Syria_Situation_returnees_from_abroad.pdf) and risk being arrested upon their return. If Syrians are able to return, they face numerous challenges in reclaiming their properties. Many [lack](https://paxforpeace.nl/media/download/legal-obstacles-policy-brief-pax.pdf) documents proving their property rights; they either lost them during the conflict or never possessed them because they resided in informal properties. In numerous areas, real estate registries have been [destroyed](https://www.arabnews.com/node/1324746/middle-east), which makes it impossible for Syrians to recover their documentation. Additionally, the Syrian military has [closed off](https://www.alaraby.co.uk/society/%D8%A7%D9%84%D8%AD%D8%AC%D8%B1-%D8%A7%D9%84%D8%A3%D8%B3%D9%88%D8%AF-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D9%8A%D8%B9%D8%B1%D9%82%D9%84-%D8%B9%D9%88%D8%AF%D8%A9-%D8%A7%D9%84%D8%A3%D9%87%D8%A7%D9%84%D9%8A-%D9%88%D8%B3%D8%B7-%D9%86%D9%87%D8%A8-%D9%85%D8%AA%D9%88%D8%A7%D8%B5%D9%84) certain residential areas, prohibiting civilians to enter without security permits. These [permits](https://www.hrw.org/news/2018/10/16/syria-residents-blocked-returning) are difficult to get, and if a person obtains such a permit, they are merely allowed to visit, not reside in, the property. They need an additional permit to renovate the property, which they often only obtain under the [condition](http://www.pministry.gov.sy/contents/13440/%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-/3/-%D9%84%D8%B9%D8%A7%D9%85-2018-%D8%A7%D9%84%D8%AE%D8%A7%D8%B5-%D8%A8%D8%A5%D8%B2%D8%A7%D9%84%D8%A9-%D8%A3%D9%86%D9%82%D8%A7%D8%B6-%D8%A7%D9%84%D8%A3%D8%A8%D9%86%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%AA%D8%B6%D8%B1%D8%B1%D8%A9-%D9%86%D8%AA%D9%8A%D8%AC%D8%A9-%D8%A3%D8%B3%D8%A8%D8%A7%D8%A8-%D8%B7%D8%A8%D9%8A%D8%B9%D9%8A%D8%A9-%D8%A3%D9%88-%D8%BA%D9%8A%D8%B1-%D8%B7%D8%A8%D9%8A%D8%B9%D9%8A%D8%A9-%D8%A3%D9%88-%D9%84%D8%AE%D8%B6%D9%88%D8%B9%D9%87%D8%A7-%D9%84%D9%84%D9%82%D9%88%D8%A7%D9%86%D9%8A%D9%86-%D8%A7%D9%84%D8%AA%D9%8A-%D8%AA%D9%82%D8%B6%D9%8A-%D8%A8%D9%87%D8%AF%D9%85%D9%87%D8%A7#:~:text=%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%B1%D9%82%D9%85%20%2F3%2F%20%D9%84%D8%B9%D8%A7%D9%85%202018%20%D8%A7%D9%84%D8%AE%D8%A7%D8%B5%20%D8%A8%D8%A5%D8%B2%D8%A7%D9%84%D8%A9%20%D8%A3%D9%86%D9%82%D8%A7%D8%B6,%D8%AC%D9%84%D8%B3%D8%AA%D9%87%20%) that they remove rubble from the street.

Syrians who are able to access their property face numerous challenges in exercising their property rights. The Initiative is aware of cases where state security officials have forged court orders or bribed judges to issue court orders that transfer the ownership rights of absent civilians to them. As a result, returning Syrians find their homes occupied and their ownership rights nullified. The Syrian government has also issued a series of laws that makes it [difficult](https://syriadirect.org/power-of-attorney-the-assad-regimes-hidden-weapon-to-deprive-displaced-syrians-of-their-property-rights/) for Syrians to return to their properties. These laws, such as [Law No. 66 of 2012](https://parliament.gov.sy/arabic/index.php?node=5588&cat=4300&) and [Law No. 10 of 2018](http://www.pministry.gov.sy/contents/13502/%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-/10/-%D9%84%D8%B9%D8%A7%D9%85-2018-), rezone entire residential areas and establish new schemes of construction that do [not justly compensate](https://crlgg.org/en/4692-2/) former residents.