



IN BRIEF



WHY GENDER MATTERS IN THE DISCUSSION ON RETURNS TO SYRIA

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UN Women is committed to ensuring equality between women and men as partners and beneficiaries of humanitarian action, and works in crises prevention, preparedness and response to reduce vulnerabilities, address risks, promote resilience and leverage women's leadership. This is done through supporting humanitarian actors and host governments to address gender equality and women's empowerment in their interventions, and to model and roll out gender responsive humanitarian programming. Since 2013, UN Women has been working with governments and partners under the Regional Refugee and Resilience Plan (3RP) to respond to the needs of those affected by the Syria crisis – both displaced Syrians and host community nationals. As the issue of refugee and IDP returns to Syria increasingly becomes a subject of international attention, UN Women calls for all discussions on this to be underpinned by a human rights-based approach that takes into account gender differential needs and impact.

The following gender analysis of issues of return to Syria summarizes the findings of an exploratory study¹ on the salient gender differences and gender inequalities surrounding refugee and IDP returns, from planning to re-integration inside Syria. Social, economic, and legal gender discrimination related to returns disproportionately impacts women and girls, while men and boys are also at risk of significant protection concerns. UN Women maintains

that **processes and conditions for return must be gender equitable, and voluntary**. The recommendations put forth identify considerations for gender responsive humanitarian action in terms of programmatic response, policy interventions, and necessary areas of research.

Returns to Syria: Gender Analysis

The Syria crisis has displaced 5.7 million refugees into surrounding countries, and over six million Syrians are internally displaced. While the large-scale fighting in much of the country has ceased, heightened levels of violence persist in certain areas, and the displaced continue to count on international protection and humanitarian assistance in host countries.

Despite continued hostilities in some parts of Syria, there have been over 143,254 self-organized refugee returns to Syria since 2015.² There were also 800,000 IDP returns in 2017 and 1.4 million IDP returns in 2018.³ The latest UNHCR regional intention survey from March 2019 shows that 5.9% of Syrian refugees intend to return within the next 12 months, and that 75.2% of Syrian refugees hope to return one day.⁴

2 UNHCR, "Operational Portal: Syria Regional Refugee Response," last modified January 31 2019, https://data2.unhcr.org/en/situations/syria_durable_solutions.

3 OCHA, "2019 Humanitarian Needs Overview: Syrian Arab Republic," February 2019, <https://www.humanitarianresponse.info/en/operations/whole-of-syria/document/2019-humanitarian-needs-overview-syrian-arab-republic>.

4 UNHCR, "Fifth Regional Survey on Syrian Refugees' Perceptions and Intentions on Returns to Syria - Egypt, Iraq, Lebanon, and Jordan," March 2019, <http://data2.unhcr.org/en/documents/details/68443>.

1 This policy brief is informed by primary and secondary research conducted by the UN Women Regional Office of Arab States, in consultation with UNHCR and other partners. Publication forthcoming.

The following is a synthesis of gender differences and gender inequalities in key protection areas related to refugee returns from Jordan, Lebanon, and Iraq. This gender analysis must be understood with an intersectional lens, recognizing that the gendered issues raised are significantly influenced by other factors such as socio-economic status, age, sexual orientation, area of origin, area of displacement, physical ability, religious or political affiliation, or otherwise.

Decision Making

Intra-household decision making power on returns can be unequal across gender lines. Although international protection standards affirm that the decision to return must be individual, heads of households, often male, may make the decision on behalf of entire families, even in the event of resistance from family members. In addition, intention surveys for returns tend to only observe decision-making trends from the head of household, who is generally male. Attention must be paid to potential involuntary return within intra-household dynamics, and any resulting negative coping mechanisms. Guaranteeing gender equity in the decision-making processes for return is essential to ensuring that the decision to return for all is voluntary.

Information Access

Syrian refugees report challenges in accessing accurate and up to date information on key issues that influence their decision to return (e.g. security, legal issues, return procedures). Initial evidence shows that women may often have even less information on return dynamics than men. This reflects wider trends of gender inequity throughout the Syria crisis whereby women have less access to social networks and social media, ownership of mobile phones, and lower literacy rates.⁵ Limited information on return issues puts refugees in positions to be exploited or abused, with higher risks for women and girls due to their gendered vulnerabilities.

Housing, Land, and Property (HLP) Rights

The legal framework in Syria puts women at a great disadvantage to accessing their HLP rights upon return, compared to men, given gendered differences in the law.⁶

Legally, women do not have equal access to inheritance rights and property rights, and customarily, women are less likely to have HLP registered in their name. In 2019, Syria's Personal Status Law No. 59 of 1953 was amended to grant women more rights, in matters such as inheritance, marriage, divorce and child custody.⁷ While this represents positive change, adherence to these amendments must be observed and further legal reform is necessary to reach gender equality under Syrian law.

Legal Identification and Civil Documentation: Processes and Possession

Gender discrimination in Syrian Nationality Law, through legislative decree 276 (1969), means that Syrian women cannot transfer their nationality to their children on an equal basis to men. As a result, Syrian women and girls with non-Syrian husbands could face additional challenges facilitating their families' return, in addition to securing their rights to and civil documentation for their children. In addition, there is evidence that Syrian IDP women are far less likely to physically possess their civil documents compared to men.⁸ There may be similar trends in refugee contexts, though further information is needed. Gender inequity in access to and possession of civil documents can impact the capacity, safety, and voluntariness of women returning.

Demographic Gender Differences in Return Movement

Initial regional trends suggest that female refugees may be returning at larger rates than male refugees, though further information is needed. Conscription laws in Syria are discouraging some male Syrian refugees from returning, and the high male death rates in the conflict have changed population demographics⁹ with increased Syrian female-headed households in Syria and across the region.¹⁰ Gender differences in return movements have important

⁵ UN Women, "Unpacking Gendered Realities in Displacement - Syrian Refugees (Lebanon, Jordan, Iraq)," 2018, <http://arabstates.unwomen.org/en/digital-library/publications/2018/12/unpacking-gendered-realities-in-displacement>.

⁶ UNDP, UN Women, UNFPA, ESCWA, "Gender Justice and the Law: Assessment of laws affecting gender equality in the Arab States region," 2018, <http://arabstates.unwomen.org/en/digital-library/publications/2018/12/gender-justice-and-the-law-in-the-arab-region>.

⁷ The Library of Congress: Global Legal Monitor, "Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law," 2019, <https://www.loc.gov/law/foreign-news/article/syria-womens-rights-in-light-of-new-amendments-to-syrian-personal-status-law/>.

⁸ UNHCR and NRC, "Displacement, housing land and property and access to civil documentation in the south of the Syrian Arab Republic," July 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/final_nrc_displacement_hlp_and_civil_doc_s_syria_23_07_2017_en.pdf.

⁹ OCHA, "The Impact of the Syria Crisis: A Breakdown by Gender and Age," March 2019.

¹⁰ 19% of Syrian refugee households in Lebanon are female-headed, increasing from previous years. UN Women, "Unpacking Gendered Realities of Displacement," 2018, <http://arabstates.unwomen.org/en/digital-library/publications/2018/12/the-status-of-syrian-refugee-women-in-lebanon>.

consequences for the humanitarian response inside Syria, such as the potential need to further increase services tailored to and targeted for women, especially in livelihoods, legal aid, housing, and GBV programming.

Gender Responsive Recommendations to Humanitarian Stakeholders on Returns (for Member States, UN actors and Civil Society)

POLICY AND ADVOCACY

Advocate for and support legislative measures/reforms in Syria that promote gender equitable access to civil documentation and rights to nationality.

- Assess strategic points of intervention at a local and national level for gender equitable legislative measures. These reforms will be essential to preventing statelessness for Syrian women, men, boys, and girls.

Advocate for and support housing, land, and property (HLP) rights/measures/reforms to be gender equitable in Syria.

- Access to shelter and housing are essential for returnees to Syria. The realization of HLP rights can enable critical autonomy, and support women's protection and empowerment.

SERVICE DELIVERY

Ensure gender equitable access to humanitarian assistance despite gendered restrictions on freedom of movement both in the returns process and early integration inside Syria.

- Understanding gendered differences amongst Syrian refugees and IDP's restricted freedom of movement is essential for guaranteeing access to diverse gender groups in the return process and early reintegration inside Syria.

Increase gender-based violence (GBV) programming both inside Syria, and in refugee host countries. - GBV is pervasive in the Syria crisis, impacting Syrians from all backgrounds, and programming should be tailored to meet their specific needs appropriately. The humanitarian sector must continue to allocate resources to prevent, mitigate and respond to GBV.

Ensure information access on return dynamics is gender equitable.

- Develop information dissemination strategies and approaches that can equitably reach men, women, boys, and girls and support informed decisions regardless of gender.

Ensure women participate in the development and formulation of refugee and return services.

- Refugees, including women and girls, must be involved in the decision-making processes for establishing the conditions for their return, including peace processes, formulation of political solutions, humanitarian, reconstruction and recovery assessment and planning.¹¹

Support processes that enable decision making for voluntary returns to be gender equitable.

- Develop resources for how to assess and respond to forced return within the household.

RESEARCH AND ANALYSIS

Support research and assessments that provide information on marginalized gender concerns on returns.

- Ensure that SADD (Sex and Age Disaggregated Data) is collected and analyzed.
- Further information is recommended in the following areas:
 - Gender Demographic Shifts: Are there significant shifts in gender demographics in Syria?
 - Female-Headed Households: What are the specific protection and assistance needs of refugee female-headed households who are planning, or undergoing returns?
 - Decision Making: How are Syrian women and girls making decisions related to return?
 - Gendered Protection Risks: What is the situation of Syrian children, namely girls, in early marriages regarding return? What are the specific protection gendered risks faced by people upon return, particularly marginalized groups such as LGBTQ+ persons and persons with disabilities?

¹¹ UN Women, "The Centrality of Gender Equality and Women's Empowerment for the Formulation of the Global Compact on Refugees," <https://www.unhcr.org/the-global-compact-on-refugees.html>.