**Syria**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The Housing Rights and Human Rights Brief is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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|  Revision  | Date | Author |
|  *1*  |  *28/04/16* | *BO* |
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**Summary**

Syria is governed by the Constitution of the Syrian Arab Republic enacted in 2012.[[1]](#footnote-1) The Constitution was born out of the unanimous adoption of resolution 2254 (2015) where foreign ministers and others gathered in New York for the third meeting of the International Syria Support Group.The Constitution of Syria 2012 references individuals’ standard of living, and provides that houses shall not be entered or inspected except by an order of the competent judicial authority in the cases by the law.

Syria has a Ministry of Housing and Urban Development. The on-going crisis in Syria is escalating and the number of people affected by the crisis is increasing daily. Cities and towns, including hospitals, schools, water and sanitation infrastructure have been targeted, while hundreds of thousands of homes have been damaged or destroyed. From 1 million people requiring humanitarian assistance in April 2012, the number has reached 13.5 million people.[[2]](#footnote-2)

Syria is a State Party to the International Covenant on Economic, Social and Cultural Rights, which provides for the right to an adequate standard of living, of which the right to adequate housing is a part of.

The UN Review Mechanisms have recognized the challenges facing the country and opportunities for the UN to assist in addressing them.

**National Legal Framework**

***Constitution[[3]](#footnote-3)***

Syria is governed by the Constitution of the Syrian Arab Republic which was enacted in 2012. The Constitution was born out of the unanimous adoption of resolution 2254 (2015) where foreign ministers and others gathered in New York for the third meeting of the International Syria Support Group. The Council reconfirmed its endorsement of the 30 June 2012 Geneva Communiqué, and endorsed the “Vienna Statements” in pursuit of the Communiqué’s implementation as the basis for a Syrian-led, Syrian-owned political transition to end the conflict. By further terms, the Council expressed support for free and fair elections, pursuant to the new constitution, to be held within 18 months and administered under United Nations supervision, “to the highest international standards” of transparency and accountability, with all Syrians — including members of the diaspora — eligible to participate.[[4]](#footnote-4)

The Constitution of Syria references individuals’ standard of living under its Article 13 (1). Under Article 36, it is provided that houses shall not be entered or inspected except by an order of the competent judicial authority in the cases by the law.

‘Article 13

(1) The national economy shall be based on the principle of developing public and private economic activity through economic and social plans aiming at increasing the national income, developing production, raising the individual’s living standards and creating jobs.’

‘Article 36

(1) The inviolability of private life shall be protected by the law;

(2) Houses shall not be entered or inspected except by an order of the competent judicial authority in the cases prescribed by law.’

**Government**

***Political System***

Syria is formally a unitary republic. The constitution adopted in 2012 effectively transformed Syria into a semi-presidential republic due to the constitutional right for the election of individuals who do not form part of the National Progressive Front.[[5]](#footnote-5) The President is Head of State and the Prime Minister is Head of Government.[[6]](#footnote-6) The legislature, the Peoples Council, is the body responsible for passing laws, approving government appropriations and debating policy.[[7]](#footnote-7) In the event of a vote of no confidence by a simple majority, the Prime Minister is required to tender the resignation of their government to the President.[[8]](#footnote-8)

The on-going crisis in Syria is escalating and the number of people affected by the crisis is increasing daily. Cities and towns, including hospitals, schools, water and sanitation infrastructure have been targeted, while hundreds of thousands of homes have been damaged or destroyed. From 1 million people requiring humanitarian assistance in April 2012, the number has reached 13.5 million people.[[9]](#footnote-9)

***Ministry of Housing and Urban Development[[10]](#footnote-10)***

The Ministry of Housing and Urban Development is created in the Syrian Arab Republic under the Legislative Decree No. / 45 / Date 06/23/2012.
The following institutions and organization is related to the Ministry:

* Regional Planning Commission.
* General commission of development and real estate investment
* General institution of housing
* General Cooperative residential Union
* Research Center of Housing Studies

The Department of Housing and Urban Development is working on updating the laws relating to housing and the development of mechanisms and tools to work. With respect to laws and regulations , work is done by the directorates of the ministry to amend some of the laws of housing in order to develop the work and make these laws are an integrated system in line with the economic development and investment . To achieve this end and in order to gain time and get the job done accurately and objectively been the formation of committees

**Judiciary**

The Syrian judicial system is composed of the civil and criminal courts, military courts, security courts, and religious courts, which adjudicate matters of personal status such as divorce and inheritance.[[11]](#footnote-11)

No decisions relating to housing could be sourced.

**International Conventions[[12]](#footnote-12)**

The Syria Arab Republic has ratified the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.[[13]](#footnote-13)

|  |  |  |  |
| --- | --- | --- | --- |
| Treaty Description | Treaty Name | Signature Date | Ratification Date, Accession(a), Succession(d) Date |
| International Covenant on Economic, Social and Cultural Rights | CESCR |   |  21 Apr 1969 a |
| International Covenant on Civil and Political Rights | CCPR |   |  21 Apr 1969 (a) |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |   | 28 Mar 2003 (a) |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |   | 21 Apr 1969 (a) |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | CAT |   | 19 Aug 2004 (a) |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families:  | CMW  |   | 02 Jun 2005 (a) |
| Convention on the Rights of the Child | CRC |  18 Sep 1990 |  18 Sep 1990 |
| Convention on the Rights of Persons with Disabilities | CRPD |  30 Mar 2007 |  10 Jul 2009 |

**UN Review and Agencies**

***Universal Periodic Review (2008-2011)[[14]](#footnote-14)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

First UPR 2011

Syria was reviewed in the first UPR cycle in the 12th Session in 2011.

*The National Report, 2011[[15]](#footnote-15)*

The Government is taking action to construct more housing of different kinds: housing for young people; workers’ housing; social housing; and housing cooperatives. It also seeks to ensure that housing projects are completed in record time to meet the growing needs of the population.

*Summary of Stakeholder Information[[16]](#footnote-16)*

Habitat International Coalition (HIC) noted that stateless Kurds are unable to own land, housing or businesses, which impedes their rights to an adequate standard of living[[17]](#endnote-1). It indicated that Decree No. 49 of 2008 relating to the restrictions on the use of land, has led both directly and indirectly to the deprivation of Kurdish citizens’ rights to adequate housing, property, and land as a source of livelihood and culture.[[18]](#endnote-2) HIC concluded that over more than half a century, various measures had cut down on the livelihood resources of Kurds and impoverished them further.[[19]](#endnote-3) According to Support Kurds in Syria (SKS), Kurds living in their homelands have suffered abuses of their land rights which have impacted on their ability to feed their families. SKS noted that stateless Kurds are majorly disadvantaged as a particular social group.

*Report of the Working Group[[20]](#footnote-17)*

‘Recommendation 100.23: Expedite its reforms such as measures to raise citizens’ living standards and duly take into account the aspirations of the people of Syria in the reform process (Thailand);’

Second UPR 2016

Syria will be reviewed in the second UPR cycle in the 26th Session in 2016.

***Committee on Economic, Social and Cultural Rights (Twenty-sixth (extraordinary) session***

***13-31 August 2001)[[21]](#footnote-18)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

The Committee urges the State party to provide detailed information about the housing situation in the Syrian Arab Republic, including the provision of social housing for lower income, disadvantaged and marginalized groups, the number of forced evictions and whether those evictions comply with the guidelines set out by the Committee in its general comment No. 7.

The Committee appreciates the State party’s efforts to improve the enjoyment of economic, social and cultural rights by its inhabitants. In particular, the Committee takes note of the State party’s goals and objectives in the context of the United Nations Development Assistance Framework (UNDAF), which aims at improving living standards by reducing socio-economic and regional disparities and strengthening institutional capacities to meet development challenges.

***United Nations Country Team (UNCT) - 2007[[22]](#footnote-19)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

Under the leadership of the UN RC/HC the UN Country Team (UNCT) and the HCT provide strategic and policy guidance to programming, as well as review progress against targets. An inter-sector working group comprising eight sector and two clusters provides operational guidance and support to the humanitarian operation in Syria led by the Office of the HC. The Humanitarian Country Team (HCT), composed of UN agencies and international NGOs operating in Syria.

***United Nations Development Assistance Framework (UNDAF) – 2007 - 2011***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work between 2014 and 2016.*

Cooperation, coordination and inclusion were the hallmarks of UNDAF preparation in Syria. Early in the planning process, the UN Country Team (UNCT) acknowledged that the UNDAF could only be valuable if it corresponded to Syria’s national priorities. To accomplish this, the UNCT reached out to all its partners – non-resident UN agencies, nongovernmental organizations and especially the Syrian Government – to make sure that their voices and expertise shape UN development interventions in the country from 2007 to 2011.

*UNDAF Outcome 1: A socioeconomic environment in place that enables sustainable growth, employment equality and protection of vulnerable groups.*

Representatives from the Syrian Government, nongovernmental organizations and the UN agencies held a three-day brainstorming in June 2005 and came up with five statements of shared goals, related broadly to economic growth, governance, basic social services, the environment and disaster management.

They also identified gender as a cross-cutting theme. These statements became the five UNDAF Outcomes. Since June 2005, these ideas have been fleshed out into the full UNDAF document, mainly through the work of Task Forces in which there was broad national participation. The essential elements of the UNDAF are set out in the table below.[[23]](#footnote-20)

‘Outcome 5.3: In the event of a disaster, an effective coordinated disaster response is conducted through timely and adequate assessment, relief, rehabilitation and recovery activities.’

‘5.3.2 Basic needs achieved, including food, shelter, water, sanitation and hygiene, and health, including reproductive health.’

**UN-Habitat[[24]](#footnote-21)**

UN-Habitat aims to provide technical support to the humanitarian response, in order to understand the complexities of these urban structures and make sure that approaches and solutions offered are relevant, comprehensive, well-coordinated and integrated across the urban sector and maximize the potential for positive outcomes through inclusion of the widest range of urban professionals and with the full engagement of local communities.

The regional refugee dimension of the crises is equally daunting and UN-Habitat is developing partnerships for engagement in Lebanon, Jordan and Iraq.

Within the context of providing well-coordinated, comprehensive and integrated urban response , UN-Habitat has joined with the other Syria emergency agencies to focus on:

* Development of strategic urban response plans
* Support on shelter strategy development
* Shelter and Housing damage assessments
* Shelter Response options
* Basic Services, prioritizing solid waste management and garbage removal
* Neighbourhood based integrated coordination

The inclusion of UN-Habitat in the humanitarian response will add a broad range of urban expertise and support a wide range of stakeholders with technical support, information and advice on complex urban issues.

**UN-Habitat Projects in Syria[[25]](#footnote-22)**

Shelter Support IDPs And Host Communities In 4 Affected Governorates

Outputs: Shelter options implemented for IDPs and host communities. Technical support to municipalities, including information management on shelter and neighbourhoods.

Target Beneficiaries: Total: 200,000 affected population, IDPs, Host communities, Children: 120,000; Women: 40,000 Geographical Locations: Aleppo, Rural Damascus,

Homs, Hama

Emergency Solid Waste Management And Public Services Support In 4 Affected Municipalities Outputs: Grants for solid waste management, drainage repairs, sewage system repairs, Training and capacity building for municipalities, Monitoring and outreach to communities.

Target Beneficiaries: 300,000 population, Children: 180,000; Women:120,000; Other group: 600 technical public and private service staff trained.

Community Grants To Address Priority Infrastructure And Basic Service Needs In 6 Cities

Outputs: 24 quick impact projects implemented in affected neighborhoods in 6 cities and capacity of local NGO partners strengthened to develop neighborhood action plans.

Target Beneficiaries: 120,000 IDPs and affected non displaced population with local coping options, guidelines and training, members trained, 120 local authority officials trained. Children: 72,000; Women: 24,000

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