

Review of the January 2013 Home Office *Syrian Arab Republic Operational Guidance Note (OGN)* on behalf of the Independent Advisory Group on Country Information (IAGCI)

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Background to the authors

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As specialist Country of Origin Information (COI) researchers, Elizabeth and Stephanie have over six years experience of conducting COI research for individual asylum and human rights claims and for UK Country Guidance cases. Asylum Research Consultancy (ARC) was set up in October 2010 in order to provide a case-specific COI research service (following the closure of the Immigration Advisory Service) and to undertake research, advocacy and training to improve the quality of refugee status determination, and in particular, the production and use of COI. ARC also undertakes thematic COI research for UNHCR, and has been commissioned to provide research to improve the quality of refugee decision making for a number of NGOs. ARC further produces a free bi-monthly COI Update which provides notification of new UK Country Guidance cases, new Home Office COI publications and developments in the top refugee-producing countries including Syria, which can be viewed with other recent publications and projects on ARC's [website](#).

Scope of the review

It is understood that the scope of this review is to focus exclusively on the COI contained within the document, and not pass judgment on the policy guidance provided and to consider:

1. To what extent do OGNs refer to the most up to date information produced by the COI service?
2. To what extent do OGNs give an indication of the range of relevant material that should be considered by officials?

1. To what extent do OGNs refer to the most up to date information produced by the COI Service?

At the time of conducting this review (December 2013), the most recent OGN on Syria is dated January 2013. It therefore pre-dates the Country of Origin Information (COI) Report on Syria produced by the Home Office in September 2013 by 9 months. That is, the current OGN does not refer to the most up to date information produced by the COI Service, although it should be noted that it does on occasion cite the previous COI Report of August 2012.

As a general point, it is welcomed that when the Syria OGN cites the COI Report, that the original source, title and date is generally provided. It is suggested that this is always provided in order to enable users to more easily undertake source assessments.

2. To what extent do OGNs give an indication of the range of relevant material that should be considered by officials?

Given that the current Syria OGN is almost a year old, it cannot capture the current situation in Syria. This is clearly more relevant to those main categories of claim of the OGN directly affected by the conflict. As it is understood that the Syria OGN is soon to be updated, this review has not attempted to assess whether, at the time of publication of the OGN, it gave an indication of the range of relevant material that should be considered by officials. Rather than conduct a historical exercise, it was proposed that it would be more useful to identify those issues not currently addressed in the OGN which it is suggested should be considered by officials. Recommended sources on these issues have been provided in ARC's Review of the September 2013 Home Office COI Report on Syria. As a general point, it is recommended to include UNHCR's most recent protection considerations for each main category of claim in the OGN:

- UN High Commissioner for Refugees (UNHCR), [*International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II*](#), 22 October 2013, *Risk profiles*

The OGN does not attempt to address all of the issues as have been set out in the COI Service report on Syria (for example there is no section on treatment of religious minorities, journalists, human rights activists or the LGBTI community). This question has therefore been addressed only with respect to the main category of claims currently included in the OGN. However, due to the changing nature of the Syrian conflict it is considered that two new categories of claims may have become of relevance, which are suggested at the end of this review.

2.3 Actors of protection

This section does not currently address the range of human rights violations committed in the current conflict with impunity by both the security agencies and the armed forces. There is no mention of massacres, hostage-taking, enforced disappearance or sexual violence. The abuses of the *Shabbiha* in the current conflict are not reported on.

With regards to access to a fair trial, the OGN currently does not include information on the creation of Anti-Terrorism courts, lawyers being directly targeted, or parallel justice systems being set up by armed opposition groups.

2.4 Internal relocation

This section does not include any information on persons attempting to flee being targeted by government snipers, sieges/blockades nor does it address the situation for IDPs.

3.6 General security and humanitarian situation

This section does not make clear that the conflict became categorised as an internal armed conflict under international humanitarian law in July 2012 according to the International Committee of the Red Cross and the UN. It does not capture the range of violations committed in the current conflict concerning the treatment of civilians and hors de combat fighters and the violations concerning the conduct of hostilities as documented in the Independent International Commission of Inquiry reports to have been committed by both government forces and affiliated militia and by anti-government armed opposition groups. The use of chemical weapons against civilians is also not addressed.

The humanitarian situation is only briefly addressed; limited information is included on the use of blockades/sieges in the conflict, access to healthcare or food insecurity.

3.7 Kurds

The OGN does not mention the two major Kurdish alliances: The Kurdish Supreme Council and the Syrian Kurdish National Council (KNC). No information is currently included on the Democratic Union Party (PYD) and its armed wing the People's Protection Committees/Popular Protection Units (YPG) which have been involved in fighting in Kurdish areas both with the Syria regime, Islamists and with the Free Syria Army.

3.8 Political Opposition to the Government

This section does not currently report on the mass arrest campaigns, enforced disappearances and extra-judicial executions carried out by the Syria security forces against perceived opponents, including protestors and family members of alleged armed opposition group members. Information on the main political opposition groups, the treatment of political activists and perceived political opponents in detention since the outbreak of the internal armed conflict is also not currently included.

3.9 Affiliation to the Muslim Brotherhood

No information is included on the Muslim Brotherhood's link to armed opposition groups and the creation of its own militia.

3.10 Forced Military Conscription

No information is currently included on forced recruitment by security forces occurring at checkpoints in the current conflict. Neither is information on the previous deaths of Kurdish conscripts included.

3.11 Returning failed asylum seekers

It is considered that this section of the OGN provides adequate material on the range of issues to be considered in relation to the treatment of refused asylum seekers.

3.12 Women

This section fails to include information on the ineffectiveness of the state in providing protection against gender-based violence as most violations against women are seen as belonging to the 'private sphere'.

This section also does not currently report on the increased use of sexual violence against women during the armed conflict, which some commentators have referred to as potentially reaching the 'rape as a weapon of war' threshold, by both armed opposition groups and government forces. In addition, no information is included on the targeted use of kidnapping by both armed opposition groups and government forces, or the use of arbitrary arrests and detention by government forces of women, who may be political activists, perceived political opponents or family members of such persons.

3.13. Prison Conditions

No information is currently included on deaths in detention, which in some cases are due to torture, the increased use of summary executions in detention as a result of the conflict or medical personnel being involved in government torture practices at unofficial sites of detention.

4.3 Minors claiming in their own right

No COI is included in this section despite the extensive human rights abuses committed against minors as set out in the COI Report on Syria.

Recommended additional main categories of claims

Given the changing nature of the armed conflict in Syria the following two additional categories of claims are recommended to be considered for inclusion:

- Fear of armed opposition groups: This might be due to their imposition of Sharia law in the areas they control and/or it might be due to the fear of enforced disappearances, kidnappings and extrajudicial killings against perceived pro-government supporters or collaborators – these are reported to include political activists, journalists and politicians.
- Forced recruitment by armed opposition groups: Increasingly it is reported that armed opposition groups are forcing civilians, including children, to support their armed activities.