



## POSITION PAPER

# **Housing, Land and Property: A practical barrier to voluntary, dignified and safe refugee return and a key tenant in the future of justice and accountability in Syria**

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## INTRODUCTION

Following the collapse of the Assad regime in Syria on 8th December 2024, Syrians have expressed renewed hope and optimism about their ability to return to and rebuild Syria after decades of war and destruction. A year on and Syria continues to be mired by uncertainties, instability, ongoing security and political fragmentation, structural and humanitarian challenges and limited and piecemeal steps towards national justice and accountability. While Syria has faced a significant number of gross human rights violations, Housing Land and Property (HLP) continues to remain a cross-cutting issue that spans other key issues such as reintegration and rehabilitation of refugee returns and will deeply shape how, where and when refugees return. Promoting long term security and durable solutions for Syrians especially Syrian refugees returning to Syria, requires ensuring that HLP is a key tenant of return plans, future plans for rehabilitation and development, as well as a key facet of transitional justice.

HLP is an especially complex challenge to address in Syria's post-war future. HLP violations were perpetrated by all actors in the conflict - often adopted as a tactic to punish and displace opponents, used as war spoils to reward loyalists, and used to whitewash evidence of gross human rights violations. In particular, Law No.10 (2018) and Law No.19 (2012) institutionalised property confiscation and land seizure and allowed the state to designate entire areas as "terrorism-affected" and to seize property from those unable to prove ownership or accused under board and politicised terrorism provisions. Ultimately, these laws were used to systematically dispossess Syrians of their properties and used as a tool against "terrorists" to punish opponents, rewards loyalists and reshape demographics. The complexities of localized war dynamics including sieges on populated areas and exchanges of control multiple times by multiple armed groups meant that civilians were often unable to secure access to basic HLP documentation, were displaced multiple times and subject to multiple layers of HLP violations.

Guaranteeing HLP rights in line with international and legal standards and practices in this transitionary phase is especially complex when past violations (including HLP violations) continue to shape the post-conflict context and risk future triggering or exacerbating tensions and violence. Many Syrians fled the conflict without the opportunity to collect and secure their property or land deeds or personal identification documents, while others lost these documents during displacement. In numerous cases, properties were registered in the names of missing or deceased relatives or to a male family member with the rightful inheritance or ownership to a female relative undermined by legal barriers. Moreover, many Syrians did not possess statutory documents attesting to their HLP rights as many properties were never formally registered in the state registry (either because such documents never existed or because properties were registered in the names of relatives). Barriers to access documentation is a common cross-cutting issue to reclaiming HLP rights as well as reclaiming other rights related to key legal documentation.

Currently, there are no comprehensive laws and structures in place to address widespread HLP abuses, no nationally agreed upon framework for transitional justice with special consideration to HLP violations, no national reconstruction plan that can begin to address proximate HLP challenges and issues such as the widespread lack of housing, ongoing displacements, high mine contamination and how these issues can all be used to ensure a formalized return plan with the new Syrian Interim Government in line with the international principles of safe, voluntary, informed and dignified return.

HLP issues are an imperative part of ensuring Syria can stabilize in a durable and safe manner. The ongoing fractured security environment defined by the same actors to the conflict - who are also perpetrators of human rights violations as well as HLP violations - also is a key variable in refugee returns. Further, those returning back to their communities, homes, land and property without proper support – including legal, humanitarian and other support – risks inadvertently creating more challenges in terms of local integration, security issues, with tensions over HLP further fuelling local tensions and violations such as secondary occupation and other social tensions.

The position paper is shaped by ACHR-led interviews with five Syrian refugees to understand how housing, land and property is a barrier to Syrian refugee return to Syria. For those considering returning, they cite a mix of practical factors such as loss of documentation, ongoing security threats, lack of essential services and basic living conditions, as deeply affecting their decisions to return or to remain outside of Syria. These issues lie in what justice, accountability and genuine possibility of return mean for Syrian refugees today.

### **BASIC LIVING CONDITIONS:**

In Syria, much of the infrastructure that enables basic living, including electricity, water and sanitation systems, schools, hospitals, and other essential facilities have been impacted during the conflict with entire neighbourhoods rendered uninhabitable due to widespread destruction and large parts of the country remain unsafe<sup>1</sup>. For instance, approximately 14 million Syrians - more than half the population - lack adequate access to essential water, sanitation, and hygiene services, making access to safe and clean water a daily struggle<sup>2</sup>. Moreover, the return to areas of origin that are heavily bombarded is economically and practically impossible for many refugees as even where access to housing, land and property is technically possible in terms of access, the cost of reconstruction of the infrastructure far exceeds individual refugees' financial capacity. According to the World Bank, the total cost for rebuilding Syria's damaged infrastructure is estimated at about 216 billion of dollars with damage to nearly one-third of Syria physical infrastructure accounting for 48% of total damage (52\$ billion), followed by residential building (33\$ billion)<sup>3</sup>. Further, the absence of services undermines any prospects for dignified and sustainable living. As one refugee explained: *"In southern rural Aleppo, we don't have running water. We have wells and tanks, but the tanks are empty. If you want to repair the wells today and fix your house, it would cost around twenty thousand dollars. And as for furniture, there's nothing left. We don't have even a hundred dollars. That's one of the reasons for not returning."*

The right to housing under international law – which means having secure tenure without the risk of eviction or having homes or lands arbitrarily taken away – also references the right to access appropriate services, schools and employment. Adequate housing as part of the right to an adequate standard of living was recognized in Article 25 of the 1948 'Universal Declaration of Human Rights' and in Article 11.1 of the 1966' International Covenant on Economic, Social and Cultural Rights'.<sup>4</sup> As such, HLP rights and the right to the basic needs and services are deeply interlinked and understood to be pre-requests to accessing other rights and are deeply tied to the humanitarian, early recovery, development priorities that will shape the countries future. Further, HLP issues are visible as both practical barriers to Syrian refugees returning to Syria (as well as the return of those displaced within Syria) and also represent are deeply interlinked with political justice and accountability needs and rights for Syrians beginning to rebuild their lives in a way that is safe and durable.

## SAFETY:

In addition, several conditions contribute to a broader environment of insecurity that directly affects refugees' sense of safety and their decision to return to their homes, land and properties and shape their ability to access and exercise their HLP rights. Governance and authority in Syria remains deeply fragmented with areas such as the northeast and the south under armed and political actors that have not fully acceded to the control of the new interim government and ongoing issues have caused further destruction and further displacements as seen by significant fighting in Suwayda - resulting in the deaths of an estimated 1,600 people and over 90,000 people displaced – and the Coastal massacres in March 2025 that resulted in the killing of over 1,400 civilians<sup>5</sup> and more than 21,000 people displaced including into Lebanon<sup>6</sup>.

Other areas continue to remain unstable for other forms of low-level violence including intercommunal tensions, and sectarian tensions.<sup>7</sup> Uneven rule of law and significant governance and security gaps pose other serious barriers to refugee returns. As the same refugee added: "*you never know what could happen - who has authority over you, who wants to harm you, who might take you. There's no security presence in the area.*"

Another refugee whose home used to stand in the center of Homs stated: "*Each time I went back, I stayed briefly at my sister's house in Homs to try to live there and assess whether returning was possible. But honestly, we couldn't continue. Every day there were gunshots from one side, problems from another, raids here, confrontations there. The area is still marked by deep social fractures, and people have not accepted one another after everything the war caused. Even neighbours we used to know had changed. There is fear, mistrust, and distance between communities. We lived every day on edge, never knowing when the situation might explode again.*"

The refugee also highlights a key and underexamined dynamic that poses several safety uncertainties which relate to community and local dynamics. Refugees who were forcibly displaced during the conflict are sometimes stigmatized, perceived as outsiders or politically affiliated, exposing them to social exclusion, various tensions including those related to HLP disputes<sup>8</sup>. As one interviewee explained: "*After the fall of the regime, the situation changed, but instead of finding relief, we were shocked to discover that people from our own town who are now aligned with the current authorities prevented us from returning. They claimed that we had 'fled' and that we no longer belonged here [in Syria]. Conflicts erupted between them and us.*"

The emotional connection related to HLP is also highly visible among Syrians, as it anchors identity and a sense of belonging after years of displacement and feeds directly into perspectives and feelings of safety. As one refugee expressed when speaking about the destruction of his home: "*It's a feeling hard to describe... it's the feeling of being driven out of the home where you grew up, a place that still carries the scent of my mother and my father.*"

As such, an array of security concerns undermines the ability of refugees to return to their housing, land and priorities and ensure that they can live and rebuild in an environment that is seen as safe. Ensuring that safety is a key pre-requisite to accessing HLP and ensuring HLP rights are upheld is not only important when considering formal and widespread return plans when Syria continues to remain unsafe but is also essential for implementers to consider when assessing humanitarian, development and peacebuilding nexus priorities.

## ACCESS TO DOCUMENTATION AND LEGAL CHALLENGES:

Approximately 70% of Syrians lack basic identification documents and have faced considerable obstacles to obtaining or renewing them<sup>9</sup>. Those who lost documentation reference the targeting, bombing, and burning of HLP administration office<sup>10</sup>, and the confiscation of such documents at checkpoints, which has further undermined owners' claims and created further barriers to restitution and return. Even refugees who still possess valid ownership papers face significant challenges in having them recognized by current Syrian authorities because of lengthy and unclear procedures that have been established since the fall of the Assad regime.

Syria's current housing, land, and property system is fragmented, highly politicized, shaped by laws and practices that had previously enabled large-scale HLP violations throughout the conflict.<sup>11</sup> Refugees consistently report that bureaucratic processes related to HLP are complex, time-consuming, costly, and unclear, often requiring legal expertise. A core challenge is the requirement to prove ownership through formal documentation. Women refugees are much less likely to register a property document in their name, denying many married women the advantages of joint ownership<sup>12</sup>. For widows and women-headed households in particular, inheritance issues and discriminatory practices, with rights often denied because of structural and social norms work as additional barriers and deeply shape return decisions. As one woman who lost her husband explained: *"The first house is registered in my father-in-law's name and became subject to inheritance issues. There was a property seizure order issued in my husband's name. I managed to have it lifted after the liberation, but only after enormous effort - hiring a lawyer and paying large sums of money. I worked on the paperwork myself for five months, facing many obstacles due to complicated procedures and inexperienced new employees. Some employees demanded bribes to lift the seizure. I was forced to pay because I needed to resolve my case. I filed an objection with the judge, who instructed me to go back and forth to the finance department to remove the seizure, but the employee there refused and claimed that what she was asking for was 'not a bribe, just help.' I am still following up through relatives to complete the remaining procedures and lift the seizure permanently, as some of the properties are tied to inheritance claims on my husband's side."*

Other refugees express how dysfunctional current HLP related procedures are: *"The worst part was the issue of ownership. We have the house documents. I tried to go to the municipality to get a plan, a land survey, or any document related to inheritance after my father and mother passed away. But the municipality was closed half the time, and the other half there were no staff, and people were too busy to respond. I couldn't complete any procedure, prove anything officially, or even know whether the state would recognize our house when reconstruction began. This was a major reason that made us leave and return to Lebanon"*

HLP challenges also vary significantly across regions and are further complicated in areas not fully under the control of the interim government. In some localities previously governed by other power holders, returnees have submitted claims to local legal registries, while in others, municipalities exercise limited authority to return properties to their owners. Further, since the fall of the Assad regime, special administrative committees have been established by the new interim government to resolve clear cases of unlawful property seizure outside the formal court system. Again, the scope of their mandates and effectiveness varies widely between regions as these committees are established through individual governorate decrees and the timing of their formation vary<sup>13</sup>.

For instance, a lawyer from noted that the effectiveness of committees is largely limited to straightforward cases where full legal documentation is possible with over 90% of HLP violations in Aleppo falling outside this category.<sup>14</sup> These localized mechanisms represent a basic level of restitution but remain uneven, ad hoc, and heavily dependent on local political dynamics rather than driven by a national laws or frameworks. A second level of complexity arises at the Court of First Instance<sup>15</sup>, where there are no competing claims, cases may be resolved relatively simply, and in some instances, properties confiscated under the former terrorism-related charges enacted by the former Assad regime have since been returned. However, many cases involve cases of altered buildings, fraud, forged deeds, or overlapping/competing claims. In such situations, proceedings are prolonged, particularly when witnesses are difficult to locate or when determining eligibility for compensation, especially if no individual is found culpable or if the act is deemed to have occurred in “good faith”.

Documentation is key to HLP restitution, and without legally recognized proof of housing, land and property rights, returning refugees risk to continue to face dispossession, violations of secondary occupation or even permanent loss of their homes. As stated, the ability to access HLP is also a key practical barrier to return to Syria and therefore, by extension, barriers and challenges accessing documentation that can provide access to HLP is also considered a barrier to refugee return and to accessing HLP rights. Promoting long term security and durable solutions means placing HLP documentation and restitution at the centre of return processes and ensuring that these issues and challenges are considered key tenants of justice and accountability for Syrians who have faced HLP violations.

## **JUSTICE AND ACCOUNTABILITY AND HOUSING LAND AND PROPERTY (HLP):**

The interim government has taken some positive steps, including the establishment of special committees on HLP, but these remain limited and fall far short of what Syria's transitional process requires to effectively address the breadth and complexity of HLP issues. For instance, at the national level, on 11 May 2025, the interim President issued Decree No. 16 that cancels seizure orders issued by security agencies between 2012 and 2024. However, the decree addressed only a narrow portion of the seizure decisions and does not review the full legal structure that enabled such seizures to occur. For instance, the decree does not include the cancellation of the seizures ordered by judicial bodies, such as the Anti-terrorism Court<sup>16</sup>.

Consequently, the new interim government has yet to successfully form a functioning national framework for restitution, compensation or accountability for HLP violations. There is still no clear and comprehensive legal framework that addresses war-related HLP violations nor an independent national institution, commission, or judicial mechanism mandated to review restitution or compensation claims in a fair, transparent, and effective manner. Refugees' participation to justice and accountability processes regarding their HLP rights also are non-existent. In all interviews, Syrian refugees consistently expressed the need and want to be included in discussions on restitution, compensation or accountability but they remain uncertain whether their rights will be accessible and recognized, whether back in Syria or from abroad, whether illegal seizures will be reversed, and whether perpetrators will be held accountable. As one refugee articulated the complexity of the multiple challenges ahead:

*“The state must conduct an official assessment of the damage: it must document the destroyed homes, the land that was not cultivated, the trees that were cut down, estimate the scale of the losses, and provide us with fair compensation, or at least help rebuild our homes. We also need security institutions that protect us from any attacks by armed groups operating under the cover of the state. When the state truly imposes its authority, then we will be able to return to our property, rebuild our homes, and resume our lives with fair financial compensation that helps us stand on our feet again.”*

In this context, a key justice and accountability need to fully and comprehensively address HLP violations is the establishment of a body – whether a specialized national committee, tribunals or other framework - dedicated to addressing HLP that can be linked to a formal, comprehensive and transparent transitional justice framework. The establishment of spaces for complex HLP disputes to be assessed and provided with restitution is not merely a legal question; in many post-conflict and transitional justice settings, effective mechanisms combine legal, technical, and social expertise. In the case of Syria, a committee with a clear mandate, sufficient authority, and procedural flexibility to assess HLP disputes based on a wide range of evidence can in theory be created and tied to national frameworks that address more broad forms of justice and accountability for victims of human rights abuses. Pending the establishment of such specialized bodies and committees, interim legislative and administrative measures are urgently needed to simplify procedures and enable individuals to obtain or reconstitute property records particularly heirs of persons who disappeared or killed. Finally, coordination with civil society organizations to resolve such cases at a local level would ensure that restitution processes are accessible, survivor-centred, and would provide displaced Syrians with trusted pathways to claim their rights, including women and undocumented people.

## **CONCLUSION:**

Conversations around housing land and property are often considered in humanitarian frameworks as emergency needs related to issues of shelter, displacements and refugee returns. In the context of human rights, addressing HLP and upholding HLP rights are discussed in terms of national justice and accountability. Further, in terms of peacebuilding and conflict prevention, HLP tensions are considered in terms of potential tension points and assessed in terms of social cohesion frameworks. The three conversations seldom are considered in tandem and assessed holistically and even less common is the integration of refugees' views, feelings and perspectives about how HLP shapes their decisions of return, idea of safety, and their justice and accountability rights and needs. Promoting long term security and durable solutions for Syrians, especially Syrian refugee returning to Syria, requires ensuring that HLP is a key tenant of return plans, future plans for rehabilitation and development, as well as a key facet of transitional justice.



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