

I. BACKGROUND AND FRAMEWORK

A. Introduction

1. The decade-long war has largely destroyed Syria's economy and healthcare system, leaving the country in an extremely vulnerable position to face a crisis such as the COVID-19 pandemic. The unprecedented depreciation of the national currency has left many Syrians unable to afford basic necessities including food and essential medicine. Both the direct and wider effects of the conflict have had a particularly negative effect on vulnerable groups, including minorities, women, and internally displaced persons (IDPs). Since 2011, the violence has pushed over 5 million Syrians to flee the country, and over 6 million have been internally displaced.

2. In government-held territory, systematic human rights violations have persisted. The Syrian authorities continue to suppress any sign of dissent through arbitrary arrests and torture. Authorities also continued to unlawfully confiscate property and restrict access to areas of origin for returning Syrians, all while denying access to humanitarian aid especially for those internally displaced. In areas out of government's control, the conflict has led to the emergence of parallel governance structures in parts of the country. Armed groups opposed to the government have implemented their own legal codes, and the experience of civilians has varied from area to area, with human rights abuses widespread. Where armed groups with extremist orientations have taken control, religious minorities have witnessed a sharp deterioration in their rights.

B. Scope of International Obligations

3. Syria is party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International

Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), and the Convention on the Rights of Persons with Disabilities (CRPD).¹

4. In the previous UPR, the Syrian Arab Republic accepted the recommendation to accede to the International Convention for the Protection of All Persons from Enforced Disappearance and withdraw its reservations to articles 2 and 15 (4) of the Convention on the Elimination of All Forms of Discrimination against Women,² but has failed to implement this pledge. Syria has also failed to ratify the Optional Protocols to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture.³

C. Constitutional Framework

5. Amended in 2012, the Syrian Constitution provides some basic guarantees of freedom of religion or belief. Article 33(3) states that: ‘Citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed.’⁴ While there is no state religion, Article 3 stipulates that the President of the Republic must be Muslim and designates Islamic jurisprudence as ‘a major source of legislation’. The same article stipulates that: ‘The State shall respect all religions and ensure the freedom to perform all the rituals that do not prejudice public order.’⁵

¹ <https://indicators.ohchr.org/>.

² 109.7 (Sierra Leone)

³ 109.3 (Guatemala)

⁴ Constitution of Syria, 2012, Article 33(3).

⁵ *Ibid.*, Article 3

6. Despite Article 33(3), minorities such as Yazidis are not officially recognized as a religious group and are not able to apply their own personal status laws on an equal basis with other religious groups.⁶ Furthermore, Article 8(4) of the Constitution prohibits political activity or the formation of political parties or groupings on the basis of religion or sect.⁷ On this basis, affiliation with organizations that the government considers ‘Salafist’ is illegal, and membership in the Muslim Brotherhood is a crime punishable by death.⁸ The government has also banned Jehovah’s Witnesses, which it considers a ‘politically-motivated Zionist organization’.⁹ All religious groups must register with the government and obtain permits for any group meetings, except for worship.¹⁰

7. The preamble to the Syrian Constitution of 2012 emphasises the Arab identity of the Syrian nation stating that “The Syrian Arab Republic is proud of its Arab identity and the fact that its people are an integral part of the Arab nation. The Syrian Arab Republic embodies this belonging in its national and pan-Arab project and the work to support Arab cooperation in order to promote integration and achieve the unity of the Arab nation.” In practice, this focus on the Arab identity of the state disregards the diverse ethnic and religious composition of Syria.

II. HUMAN RIGHTS VIOLATIONS

D. Right to Equality and Non-Discrimination

Articles 2 and 7 UDHR; Articles 2 and 26 ICCPR; Article 2(2) ICESCR, Articles 2 and 5 ICERD; Article 2 CRC

⁶ Austin Holmes, A., ‘Syrian Yazidis under four regimes: Assad, Erdogan, ISIS and the YPG’, Occasional paper, Washington, DC, Wilson Center, July 2020.

⁷ Constitution of Syria, 2012, Article 8(4).

⁸ Law 49 of 1980, Article 1.

⁹ Immigration and Refugee Board of Canada, ‘Syrian Arab Republic: The treatment of Jehovah Witnesses and their right to practice their religion’, 21 October 2003.

¹⁰ Institute on Religion and Public Policy, ‘Religious freedom in Syria’, Washington DC, 2014.

8. While Article 33(3) of the Syrian Constitution of 2012 guarantees that citizens have equal rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed, marginalisation and discrimination of several segments of Syrian society have increased.

9. Syria has historically been a religiously diverse country with long traditions of religious and sectarian cooperation. The Syrian constitution declares the state shall respect all religions and shall ensure freedom to perform religious rituals as long as these “do not disturb the public order.” However, inter-religious tensions have increased since 2011. Although the Syrian conflict was primarily driven by political and socio-economic factors, sectarian violence and tensions have increased among different religious groups. These tensions were fuelled by actions of the Syrian government, including support for sectarian militias, as well as by the actions of extremist opposition groups, including ISIS and Hayat Tahrir al Sham (HTS) through targeting religious groups, and the use of sectarian rhetoric.¹¹ In addition, the government laid siege to largely Sunni opposition-held towns and neighbourhoods, subjecting civilian populations to shelling, chemical weapons attacks, and aerial bombardment. The use of siege tactics and the targeting of civilians and civilian infrastructure have continued against towns in Idlib Governorate and other areas.¹²

10. Many provisions of Syrian law are regarded as discriminatory on the ground of gender. These include laws related to the right of Syrian women to grant citizenship to their children, personal status laws, property laws, the penal code, and others. For instance, personal status matters, including marriage, divorce, child custody or inheritance, still discriminate against women and girls in Syria. The Muslim Personal Status Law No. 59 of 1953 (modified by

¹¹ Balanche, F. (2018). ‘Sectarianism in Syria’s Civil War’. *The Washington Institute for Near East Policy*

¹² <https://www.hrw.org/report/2020/10/15/targeting-life-idlib/syrian-and-russian-strikes-civilian-infrastructure>

Law No. 4 of 2019) still allows judges with discretionary powers to formalise early and child marriage (Article 18).¹³

11. While Syria expressed support for many of the recommendations made during the last UPR which focus on promoting gender equality and ending gender-based discrimination (recommendations 109.86, 109.88, 109.90, 109.91, 109.92, 109.14, 109.176, 109.85, 109.177, 109.178, 109.15, 190.179, 109.180, 109.181, 109.87, 109.89), no substantial changes have been implemented during the reporting period. Women continue to be negatively affected by the absence of amendments to nationality law putting women and girls and their children at risk of being stateless. In addition, the 2019 amendments of the personal status law, including laws related to marriage and divorce, fail to make a real change to the existing personal status law that does not recognise equal rights for women.¹⁴

12. Lack of basic civil documents impose a huge challenge for many Syrians. It does not only determine their access to essential services, such as health care, education, social benefits or humanitarian aid but it also can affect their freedom of movement and access to property. The gendered consequences of the lack of documentation are clear in the Syrian context. As a result of conflict deaths and the systematic arrests and disappearance of men and boys, the number of women-headed households has increased. In addition, and as a result of undocumented deaths of many men and boys, women have been left with no evidence of these deaths, which has resulted in limiting their access to rights of inheritance and custody. Furthermore, Syrian women have faced difficulties in registering their children since Syrian nationality is granted to the child through his or her Syrian father.¹⁵

¹³ https://www.urnammu.org/submission-to-the-united-nations-special-procedures-on-discrimination-and-violence-against-syrian-women-in-law-and-practice/#_ftn3

¹⁴ <https://syria.chathamhouse.org/research/new-amendments-to-personal-status-law-offer-small-gains-for-womens-rights>

¹⁵ Syrian Arab Republic, Legislative Decree No. 276, art. 3.

13. Refugees, internally displaced populations and those who reside in areas out of government control have been particularly harmed by the absence of civil official records. The conflict has left hundreds of thousands of internally displaced populations without valid documentation.¹⁶ In Northeast Syria, confiscations of identification documents of displaced people arriving in camps under the control of Syrian Democratic Forces (SDF) have been reported.¹⁷

14. Despite supporting the many recommendations in relation to unrestricted humanitarian aid to Syrians, the humanitarian situation of civilians, and particularly displaced persons residing in camps, continues to deteriorate. In 2019, Syrian authorities refused life-saving aid to the residents of the Rukban camp in east Syria, leaving many to face starvation.¹⁸ In addition, camps such as al-Hawl and Roj have been assigned as detention centres, in which many women and children have been forcibly detained in dire conditions without proper legal charges.¹⁹

E. Right to Freedom of Religion or Belief

Article 18 UDHR; Articles 18 and 27 ICCPR; Article 5(d)(vii) ICERD; Articles 14 and 30 CRC

15. Despite supporting recommendation 109.34 to ‘preserve peaceful coexistence of different religious faiths and cultural identities’, the government continues to detain and torture activists from minority backgrounds, in some instances referring to their minority status to

¹⁶ <https://www.unhcr.org/uk/news/latest/2017/4/58e7560b4/lack-documentation-poses-extra-risk-displaced-syrians.html>

¹⁷ <https://www.thenewhumanitarian.org/analysis/2020/07/30/syria-civil-documentation-crisis-rights>

¹⁸ <https://carnegieendowment.org/sada/79385>

¹⁹ Rights & Security International, *Europe’s Guantanamo: The indefinite detention of European women and children in North East Syria*, 2021

justify human rights violations.²⁰ This includes blackmail, death threats, and torture techniques including ‘shabh’, where the victim is suspended from the ceiling by the wrist(s) or ankle(s) and abused.²¹

16. More broadly, the proliferation of armed groups of a variety of ideological leanings has rendered minorities especially vulnerable to violations if they do not subscribe to the ideology of the armed group in control.²² Armed Islamist groups such as the one formerly known as Jabhat Al Nusra (now Hay’at Tahrir Al Sham) have targeted buildings with known minority communities, committing violations ranging from burning civilians alive, to forced displacement and rape.²³

17. The 2018 Turkish invasion of Afrin in North-West Syria, known as Operation Olive Branch, saw minority communities targeted by Turkish-backed Syrian National Army (SNA) factions.²⁴ Prior to the conflict, it was claimed that Afrin had approximately a 92 per cent ethnic Kurdish population of majority Sunni Muslims, as well as minority communities of Alevis, Yazidis, Syriac Christian and evangelical Christian communities.²⁵ Afrin was said to have been home to the largest Yazidi community in Syria.²⁶ Since the start of Operation Olive Branch, at least 17 Yazidi shrines have been reportedly damaged or destroyed.²⁷ Historic Alevi shrines, such as the Ali Dada shrine which dates back to 1636, and hundreds of graves were also destroyed by Turkish forces, in order to make room for a military base.²⁸

²⁰ Al-Kaisi, Y., Al-Najjar, Y., Puttick, M. ‘In the Name of Protection: Minorities and identity in the Syrian conflict’, Ceasefire Centre for Civilian Rights, June 2021.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Puttick, M. Bilikhodze, M. Al-Kaisi, Y., ‘Cultivating Chaos: Afrin after Operation Olive Branch’, Ceasefire Centre for Civilian Rights and YASA e.V. – Kurdish Centre for Studies & Legal Consultancy, July 2020, p.29.

²⁵ Rojava Information Center, Turkey’s Track Record: The Occupation of Afrin, November 2019, <https://rojvainformationcenter.com/storage/2019/11/Turkeys-track-record-The-occupation-of-Afrin.pdf>

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Syrians for Truth and Justice, ‘Syria: new visual evidence of bulldozing the “Ali Dada” historic shrine in Afrin’, 10 September 2019, <https://stjsy.org/en/syria-new-visual-evidence-of-bulldozing-the-ali-dada-historic-shrine-in-afrin/>

Another Alevi shrine, Af Ghiri, was looted and damaged in November 2018.²⁹

F. Right to an Adequate Standard of Living

Article 25 UDHR; Article 11 ICESCR; Article 2(2) ICERD; Article 27 CRC

18. Across the country, the devastating social and economic impact of the conflict is still growing.³⁰ Syrians lack access to the right to health, food, housing and education as a result of the conflict, imposition of sieges, the denial of access to humanitarian aid and the destruction of medical facilities. The deliberate targeting of medical facilities, hospitals, and medical workers by governments forces since the beginning of the conflict has devastated the health system in the country in general and north Syria in particular.³¹ This has left the country with very little resources to face a crisis such as the current global pandemic.

19. Official numbers of COVID-19 cases are low in government-held areas, but there have been real doubts as to the accuracy of these official statistics. The impact of COVID-19 in Syria has manifested in the overwhelmed hospitals that have been turning patients away, and severe shortages of personal protective equipment, which might have contributed to large numbers of deaths.³² The pandemic also exposed how existing discriminatory distribution of essential medical supplies contributes to deepen the health crisis.³³

20. Living in cramped situations, with little access to clean water, the approximately 2.7 million internally displaced people in north Syria are at a particular risk of COVID-19. In June 2021, the international aid agency World Vision warned of a surge in COVID-19 cases

²⁹ McKeever, A., 'Afrin: incidents of desecration and destruction of cultural sites', Bellingcat, 11 July 2019, <https://www.bellingcat.com/news/mena/2019/07/11/afrin-incidents-of-desecration-and-destruction-of-cultural-sites/>

³⁰ <https://www.worldbank.org/en/country/syria/overview>

³¹ <https://www.euro.who.int/en/health-topics/health-emergencies/syrian-crisis/attacks-on-syrias-health-care-personnel-and-facilities>

³² <https://www.csis.org/analysis/covid-19-compounding-10-years-health-crises-syria>

³³ <https://www.hrw.org/world-report/2021/country-chapters/syria>

in Northwest Syria, while the vaccination rollout has been extremely slow.³⁴ In addition, the temporary closure of health facilities as a result of coronavirus transmission among healthcare workers in Northeast Syria imposes an ongoing challenge to limited services available for local populations.³⁵ Furthermore, the COVID-19 cases and related mortality rates are believed to be underreported in densely populated areas including Damascus, Homs and Aleppo.³⁶

21. The impact of conflict continues to take a toll on the mental health of Syrians, particularly those who have become refugees or internally displaced persons.³⁷ It is estimated that only approximately 100 psychiatrists existed across the country prior to 2011; since then, access to mental health and psychiatric facilities in Syria has deteriorated.³⁸ Data on mental health and conflict suggests higher rates of mental health concerns tend to arise among women, especially those subjected to sexual and gender-based violence (SGBV).³⁹ The Syrian Arab Republic's failure to provide an adequate standard of living including basic mental health facilities during the conflict contravenes its commitment to recommendation 109.120 to 'Take measures to ensure respect for the basic rights of the people, such as their rights to food and safe drinking water, as well as welfare, such as health care, during times of conflict.'⁴⁰

22. The siege of Eastern Ghouta by Syrian state forces between 2013 and 2018 is an egregious example of how civilians were denied access to an adequate standard of living by

³⁴ <https://reliefweb.int/report/syrian-arab-republic/second-surge-covid-19-cases-northwest-syria-likely-cases-doubled-month>

³⁵ OCHA, WHO, SYRIA COVID-19 Humanitarian Update No. 26

³⁶ Estimating under-ascertainment of COVID-19 mortality: an analysis of novel data sources to provide insight into COVID-19 dynamics in Damascus, Syria <https://www.imperial.ac.uk/mrc-global-infectious-disease-analysis/covid-19/report-31-syria/>

³⁷ Day, L., 'Gender and mental health in the Syrian conflict', Action on Armed Violence, 16 October 2019.

³⁸ Bradford, A., 'In Syria's war, "mental health is the last priority"', Syria Deeply in HuffPost, 9 August 2017.

³⁹ Falb, K., Blackwell, A., Stennes, J., Hussein, M. and Annan, J., 'Depressive symptoms among women in Raqqa Governorate, Syria: Associations with intimate partner violence, food insecurity, and perceived needs', Global Mental Health, 6, E22, 2 October 2019.

⁴⁰ Thematic List of Recommendations, UPR of Syrian Arab Republic, 2016.

the Syrian Arab Republic, through sustained bombardment of civilian areas, including the use of chemical weapons, attacks on hospitals, forcible population transfers, and severe restrictions on food and other objects indispensable to the survival of the civilian population.

⁴¹ The result of five years of siege warfare ultimately reduced a population of formerly two million civilians to approximately 393,000 according to a February 2018 estimate.⁴²

G. Right to Peaceful Assembly and Protest

Articles 2 and 20 UDHR; Article 21 ICCPR; Articles 4(c) and 5 (ix) ICERD; Articles 15, 17(d) and 30 CRC

23. Despite supporting recommendation 109.167 to ‘immediately release human rights defenders and other prisoners of conscience, particularly those detained and imprisoned for participating in peaceful demonstrations since March 2011’,⁴³ human rights defenders and activists, organisers and peaceful protestors, including women and children, continue to be arbitrarily detained, tortured, and killed by the Syrian Arab Republic since its UPR cycle in 2016.⁴⁴ More recently, civilians that took to the streets in the city of Swaida on 15 June 2020 to peacefully protest economic living conditions were met with physical violence and arrest.⁴⁵ Syria’s continued arbitrary detention and targeting of non-violent civilian protestors and activists opposed to the Government is in direct contravention to recommendation 110.21 from the last UPR to ‘release all those who are arbitrarily detained and put an end to torture and other cruel, inhuman or degrading treatment of detainees, including those belonging to

⁴¹ Breaking Ghouta, Washington, DC, Atlantic Council, Digital Forensic Research Lab, September 2018.

⁴² *Ibid*, p.6

⁴³ Thematic List of Recommendations, UPR of Syrian Arab Republic, 2016.

⁴⁴ HRW, Syria: Events of 2020, World report, [World Report 2021: Syria | Human Rights Watch \(hrw.org\)](#) ; UN Human Rights Council, 46th session, ‘Report of the Independent International Commission of Inquiry on the Syrian Arab Republic’, 21 January 2021, [A/HRC/46/54 - E - A/HRC/46/54 -Desktop \(undocs.org\)](#) ;

Breaking Ghouta, Washington, DC, Atlantic Council, Digital Forensic Research Lab, September 2018,p.54

⁴⁵ HRW, ‘Syria: Protesters Describe Beatings, Arrests. Syrians Returned to Streets Over Economic Meltdown’, 28 June 2020, [Syria: Protesters Describe Beatings, Arrests | Human Rights Watch \(hrw.org\)](#)

the moderate opposition that started the non-violent protest against the Government.’⁴⁶

24. Human rights defenders, activists, organisers and peaceful protestors of Sunni background in particular continue to be systematically targeted and demonised by the state, whether via state security apparatuses, state-controlled media, or official rhetoric by the sitting President.⁴⁷ The use of sectarian language by interrogators and jailors to demonise Sunni communities and incite fear among minorities has been documented towards prisoners arbitrarily detained by the Syrian state security apparatus, including the Air Force Intelligence Directorate, Political Security Directorate and Military Intelligence.

F. Right to a Fair Trial

Article 10 UDHR; Article 14 ICCPR; Article 5(a) ICERD

25. Since passing Legislative Decree No. 55/2011, allowing suspects to be held for up to 60 days pending investigation and interrogation, Syria went on to pass Anti-Terrorism Law No. 19, and established the Anti-Terrorism Court in 2012.⁴⁸ In practice, charges brought under the Anti-Terrorism Law are frequently used to target human rights activists and deny them due process guarantees.⁴⁹ Activists detained under the law are often held for longer than 60 days without judicial review, denied the right to a lawyer, and convicted in trials that do not respect the presumption of innocence and depend on confessions extracted through torture.⁵⁰

⁴⁶ Thematic List of Recommendations, UPR of Syrian Arab Republic, 2016.

⁴⁷ Al-Kaisi, Y., Al-Najjar, Y., Puttick, M. ‘In the Name of Protection: Minorities and identity in the Syrian conflict’, Ceasefire Centre for Civilian Rights, June 2021.

⁴⁸ Submission by the United Nations (UN) High Commissioner for Refugees for the Office of the High Commissioner for Human Rights’ Compilation Report, Universal Periodic Review: 2nd Cycle, 26th Session, Syrian Arab Republic, 2016, <https://www.refworld.org/pdfid/57f504b24.pdf> 70 ;

HRW, ‘Syria: Counterterrorism court used to stifle dissent’, news release, 25 June 2013, <https://www.hrw.org/news/2013/06/25/syriacounterterrorism-court-used-stifle-dissent>

⁴⁹ *Ibid.*

⁵⁰ Syrian League for Citizenship, ‘Report on the civil and political rights in the context of a regular comprehensive review’, 2016.

26. In a recent Ceasefire report, 11 persons belonging to minorities shared their testimonies recounting arbitrary detention by various branches of the Syrian state including the Air Force Intelligence Directorate, Political Security Directorate and Military Intelligence Directorate between 2004 and 2019.⁵¹ The arbitrary detention of another 11 individuals in 2018, including aid workers and media activists, were documented in a Human Rights Watch report.⁵²

27. The arbitrary detention of activists and denial of the right to a fair trial contravenes supported recommendation 109.203 that ‘put[s] into place guarantees, in particular public hearings and the right to appeal, including in the framework of the fight against terrorism, to ensure the right to a fair trial’ from Syria’s last Universal Peer Review in 2016.⁵³

III. RECOMMENDATIONS

MRG and Ceasefire urge the Working Group to recommend the following to the Syrian Arab Republic:

28. Release all arbitrarily detained individuals including activists, human rights defenders, and peaceful civilian protestors.

29. Uphold protections and guarantees for Syrian detainees as mandated by the Syrian Constitution, the Code of Criminal Procedures, the International Covenant on Civil and Political Rights, and the Convention against Torture.

⁵¹ Al-Kaisi, Y., Al-Najjar, Y., Puttick, M. ‘In the Name of Protection: Minorities and identity in the Syrian conflict’, Ceasefire Centre for Civilian Rights, June 2021.

⁵² HRW, ‘Syria: Detention, Harassment in Retaken Areas’, 21 June 2019, [Syria: Detention, Harassment in Retaken Areas | Human Rights Watch \(hrw.org\)](#)

⁵³ Thematic List of Recommendations, UPR of Syrian Arab Republic, 2016.

30. Repeal laws that contribute to arbitrary detention, including Legislative Decree No. 55/2011 and Anti-Terrorism Law No. 19.

31. Uphold Article 53(2) of the Syrian Constitution that states ‘[n]o one may be tortured or treated in a humiliating manner’ and invite the UN Special Rapporteur on torture to visit the country.

32. Allow independent journalists, human rights monitors and observers into Syrian state detention units, including all branches of the General Intelligence Directorate, Political Security Directorate, Military Security Directorate, and Air Force Intelligence Directorate, where torture and sub-standard detention conditions have been reported.

33. Extend constitutional and legal recognition afforded to Muslims, Christians and other minorities to Yazidis, and end the discriminatory ban against Jehovah’s Witnesses.

34. End the use of sectarian language to characterize political opposition in official state discourse and prevent the dissemination of such content in the media.

35. Rehabilitate and provide socio-psycho support for woman and girls who have been victims of sexual and gender-based violence.

36. Abide at all times to Syria’s obligations under international humanitarian law, including:

- prohibiting all attacks targeting the civilian population or civilian objects and prohibiting indiscriminate attacks;

- ending the denial in besieged areas of objects indispensable to the survival of the civilian population and facilitating access to humanitarian assistance without restrictions, in particular to populations most affected including internally displaced persons.

