



# International Covenant on Civil and Political Rights

Distr.: General  
2 February 2024  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

---

## Human Rights Committee

141st session

1 July–2 August 2024

Consideration of reports submitted by States parties  
under article 40 of the Covenant

## Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report\*

[Date received: 8 January 2024]

---

\* The present document is being issued without formal editing.



## **Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report to the Human Rights Committee**

### **I. Introduction**

1. The Syrian Arab Republic hereby submits its reply to the list of issues in relation to its fourth periodic report, which covers the period from its previous report in 2004 until the end of 2021 and which was submitted to the Human Rights Committee as document [CCPR/C/SYR/4](#). Syria remains determined to fulfil its treaty obligations and to cooperate constructively with the treaty bodies, in particular the Human Rights Committee.

2. The replies to the list of issues, which have been issued as [CCPR/C/SYR/Q/4](#), are given below. The replies serve to complement the information contained in the fourth periodic report which was submitted to the Committee and which will be referenced in certain paragraphs. Additional information and clarifications will be provided during the course of the interactive constructive dialogue when the report is being reviewed by the Committee.

### **II. Replies to the list of issues**

#### **A. Reply to paragraph 1 of the list of issues**

3. In accordance with its own constitutional and legal obligations, the Syrian Arab Republic continues to discharge its duty and responsibility to defend its sovereignty, its territorial unity and integrity, the security of its citizens and the functioning of its institutions. The Syrian Arab Republic has witnessed significant developments in its legal and institutional framework over past years, thanks to the adoption by the Government of a series of measures to strengthen that framework. These include the following:

- The timely fulfilment of constitutional obligations, such as the 2021 presidential elections, two rounds of elections for the People's Assembly (2016 and 2020) and local administrative council elections in 2019.
- The promulgation of Act No. 7 of 2014, which replaced Legislative Decree No. 35 of 2012 promulgating the Act regulating the Constitutional Court, its composition and jurisdiction.
- The ongoing roll-out of a national administrative reform programme, which was launched in 2017 and finalized in 2021.
- The re-establishment of the High Commission for Relief in 2017, while improving its operations and increasing its efficiency to respond to the needs of people affected by the crisis, the war against terrorism and the unilateral coercive measures.
- The re-establishment of the reconstruction committee.
- The re-establishment and promotion of the national committee for international humanitarian law.
- The formation of a team in the Office of the President to oversee the strategy to address the effects of the coronavirus disease (COVID-19) pandemic.
- The creation of national committees for the purpose of protecting fundamental human rights in the sectors of education, health, access to water and sanitation, and food.
- The enactment of decrees and amendment of laws to facilitate the dignified return of Syrian refugees, by facilitating the issuance of civil status documents in their places of residence around the world.
- The Syrian Government is pursuing reconciliation and rapprochement, in which regard 22 amnesty decrees were issued between 2011 and 2023 to the advantage of a large number of detainees, convicted prisoners and fugitives.

4. The Syrian Arab Republic remains determined to promote and protect human rights effectively, at all times and in all circumstances, to which end it has developed an overarching protective framework in the form of an integrated legal system. During the years of the war against terrorism, a number of laws have been enacted, most notably the following:

- The Prevention of Torture Act No. 16 of 2022, which criminalizes anyone who intentionally commits, participates in or incites torture. The penalty is more severe if the act of torture is committed by, under the supervision or with the consent of a public official with the intention of extracting a confession to a crime or of obtaining information, or if the act of torture was perpetrated by a group with a view to achieving personal, material or political goals or for revenge or reprisal.
- Legislative Decree No. 32 of 2023 under which the operation of military field courts was terminated.
- Legislative Decree No. 20 of 2013 under which abduction in various forms is criminalized.
- Act No. 11 of 2013, which includes provisions for the addition of a new article to the Criminal Code penalizing anyone who recruits children under the age of 18 with the intention of involving them in combat operations or similar acts.
- Act No. 13 of 2021, which promulgates the new Civil Status Act, replacing the Civil Status Act promulgated by Legislative Decree No. 26 of 2007, as amended.

5. The Syrian Arab Republic has applied strict measures to ensure accountability for illegal practices in the course of military operations. Military personnel who have committed offences are referred to the military judiciary where they are interrogated and held liable for their actions, in line with the Military Criminal Code and the ordinary Criminal Code. Some sentences have been handed down while other cases are still pending before the military courts and the ordinary courts. Any complaint lodged against army or armed forces personnel is dealt with according to current law. A military committee of inquiry, created by the Ministry of Defence, the Ministry of the Interior and other competent security agencies – which was first constituted in 2011 and since re-established on several occasions – has the task of investigating citizens' complaints against members of the army, the security forces and the police. The committee continues to receive, process and resolve complaints and, if any act that contravenes the law is shown to have taken place, it refers the matter to the competent court which applies criminal law in line with the nature of the offence.

6. As concerns violations in territories where the State does not exercise control, the Syrian Arab Republic is making every effort to protect its citizens throughout the country – even in areas controlled by armed terrorist groups and separatist militias – in accordance with its obligation to protect citizens and provide them with humanitarian and legal assistance. For this reason, the Government has granted the United Nations permission (which has been extended on several occasions and remains in force) to deliver cross-border humanitarian aid to Syrian civilians via three crossing points – Bab al-Hawa, Bab al-Salama and Al-Ra'i. The Government has also worked to secure safe corridors to remove civilians from areas under terrorist control and has provided them with temporary shelters equipped with all necessary supplies such as food, water and medicine. In addition to this, the Government has worked with the United Nations Children's Fund (UNICEF) and other specialized United Nations bodies to evacuate students from areas under terrorist control to safe areas where they can take their exams and pursue their education. Furthermore, the authorities have worked to provide personal documents to persons who have lost their papers, to register civil status events, to assist persons who do not wish to remain in the shelters to resettle in other parts of Syria and to receive complaints about attacks against civilians. The Syrian Arab Republic is adamant that the first step towards protecting and assisting civilians in those areas is to put an end to the illegal presence of foreign forces on Syrian territory and to block support for terrorist groups, foreign terrorist fighters and separatist militias. In fact, the areas where they are present have become fertile ground for human rights violations and the absence of the rule of law. Thus, the extension of the authority of the Syrian State is key to ending violations and restoring the rule of law in those areas in the north-west and north-east of the country.

## B. Reply to paragraph 2 of the list of issues

7. In answer to the question about the status of the Covenant in the internal legal system and whether its provisions can be directly invoked before and/or applied by the national courts, it should be noted that international treaties ratified by the Syrian Arab Republic are part of domestic legislation. In fact, accession to and ratification of an international instrument presupposes, in the first place, that it does not conflict with national legislation and, if any conflict does emerge, that the international instrument takes precedence, as per article 25 of the Civil Code and article 311 of the Code of Civil Procedure. As to whether the Covenant is applicable by the national courts, the judiciary in the Syrian Arab Republic is an independent authority entrusted by the Constitution with the application and interpretation of the law. Any treaty ratified by the Syrian Arab Republic becomes part of the national legal system, and the application of that treaty in any case that comes before the courts is regulated by the law that governs the operation of the courts, depending upon the nature of the case in question.

8. The ratification of the Optional Protocol to the Covenant, which establishes an individual complaint mechanism, is being examined in the light of the State's own national interests and sovereignty. The possibility of acceding to new treaties or protocols is currently being reviewed. Moreover, complaints mechanisms are already available under national law, which have no restrictions other than those envisaged in law.

9. On the subject of action taken to establish a national human rights institution, the Government already indicated its views on that matter in paragraph 6 of the periodic report. A national committee is currently developing an integrated framework for a national human rights institution that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

## C. Reply to paragraph 3 of the list of issues

10. The Syrian Arab Republic makes great efforts to prevent and combat corruption and, to that end, has a number of regulatory bodies such as the Central Oversight and Inspection Commission, the Central Financial Oversight Agency and the competent judicial authorities, foremost among them judges responsible for investigating financial irregularities. The Government has an administrative reform programme that envisages numerous structural and institutional changes to promote the administrative effectiveness and capacity of national institutions. Government policies focus on administrative reform, greater integrity in public service, a more robust legislative and regulatory environment for judicial and oversight activities, the provision of support so that such activities can take place, the strengthening of anti-corruption mechanisms and greater transparency. A national anti-corruption strategy was launched in 2019 and special committees were formed to implement the strategy and to oversee that implementation. The following table shows statistics regarding the number of functionaries and government officials investigated by the Central Oversight and Inspection Commission, and the amounts recovered.

Year	Administrative proceedings	Disciplinary sanctions	Referrals to disciplinary body	Referrals to court	Sums recovered
2017	275	383	84	278	774 904 955 Syrian pounds (LS)
2018	349	421	42	249	LS 7 404 663 004 (\$1 887 653)
2019	369	571	39	412	LS 4 178 938 004 (\$258 595 dollars)
2020	380	473	40	273	LS 101 884 652 998
2021	328	593	27	307	LS 53 980 262 216 (\$44 578)

## D. Reply to paragraph 4 of the list of issues

11. With reference to measures aimed at ending impunity for human rights violations, in addition to the legislation mentioned above in paragraph 3, notably the Prevention of Torture

Act, the Syrian Arab Republic has applied strict measures to ensure accountability for illegal practices in the course of military operations. Military personnel who have committed offences are referred to the military judiciary where they are interrogated and held liable for their actions, in line with the Military Criminal Code and the ordinary Criminal Code. Some sentences have been handed down while other cases are still pending before the military and the ordinary courts. Any complaint lodged against army or armed forces personnel is dealt with according to current law. A military committee of inquiry, created by the Ministry of Defence, the Ministry of the Interior and other competent security agencies – which was first constituted in 2011 then re-established on 3 October 2016 under Administrative Order No. 11768 – has the task of investigating citizens' complaints against members of the army, the security forces and the police. The committee continues to receive, process and resolve complaints and, if any act that contravenes the law is shown to have taken place, it refers the matter to the competent court which applies criminal law in line with the nature of the offence. Up to 2023, the committee has dealt with more than 400 complaints, a number of which have been duly referred to the courts.

12. The Syrian Arab Republic wishes to express its reservation about the wording of paragraph 4, which presupposes an equality between government forces and what it calls "non-State armed groups". In fact, the latter are armed terrorist groups who have used their crimes as a tool in their war against the Syrian State and people. This supposed equality is, in fact, inaccurate both legally and factually, and is underpinned by false allegations and unfounded information that are being propagated by parties who are hostile to Syria and who have political goals and dimensions that lie outside the jurisdiction and objectives of the Committee.

#### **E. Reply to paragraph 5 of the list of issues**

13. The Constitution of the Syrian Arab Republic protects human rights and the right to equality by affirming that citizens are to have the same rights and the same duties and that there is to be no discrimination between them on grounds of sex, origin, language, religion or belief. Discrimination is also prohibited under national legislation, such as the Labour Code (Act No. 17 of 2020), which upholds the principle of equality and forbids discrimination. Article 2 of the Code states: "It is prohibited, in the application of the present Code, to breach or infringe the principle of equal opportunity and equal treatment, for any reason and, in particular, in order to discriminate against workers on grounds of race, colour, sex, marital status, belief, political opinions, trade union membership, nationality, descent, clothing or dress style, without infringing individual liberty. This applies to recruitment, the organization of work, vocational training, wages, promotion, eligibility for social benefits, disciplinary measures and dismissal. All action, conduct or measures by an employer that are inconsistent with the provisions of the above paragraph are to be deemed null and void. Under the present Code, workers who have suffered harm as a consequence thereof have the right to bring a case before the competent court to claim compensation for the material and moral damages they have sustained."

14. As explained in paragraphs 117 and 118 of the periodic report, Syrian Kurds are part of the Syrian people and are treated on an equal footing with other Syrian citizens in all fields. Domestic labour legislation does not discriminate between Syrian citizens, and the Kurdish population has the same rights and duties as all other citizens, without discrimination.

15. The laws and administrative procedures that regulate the labour market stipulate that migrant workers should be registered for social insurance and health insurance. The provisions of Social Insurance Act No. 92 of 1959, as amended, are applicable to all workers who are subject to the Labour Code, irrespective of the number of workers in a particular establishment and of their nationality or ethnicity (art. 2 (1) (b) of the Act). Under the Act, employers are required to register their non-Syrian workers with the General Institution for Social Insurance and Labour by depositing a copy of the contract of employment with the nearest office of the Institution, within three months of the signing of the contract.

16. Legislative Decree No. 65 of 2013, as amended, regulates the recruitment and employment of non-Syrian domestic workers. Under the Decree, non-Syrian domestic

workers are to be recruited through a bureau licensed by the Ministry of Social Affairs and Labour, having first obtained the required approval from the Ministry's Immigration and Passports Department. The Decree also stipulates conditions of employment, defines workers' rights and duties, sets penalties to be applied against employers and bureau managers if they violate any of the workers' rights and places an obligation on employers to register their workers for social insurance and to ensure that they are able to exercise all the rights envisaged in labour legislation.

#### **F. Reply to paragraph 6 of the list of issues**

17. Decree No. 161 dated 21 April 2011 lifted the state of emergency in the Syrian Arab Republic. Following the issuance of that Decree, exceptional laws are now no longer applicable but only ordinary laws under the Constitution. Article 41 of the Constitution stipulates: "The State is to show solidarity with society in shouldering the burdens resulting from natural disasters." According to article 22: "The State is to guarantee protection for citizens and their families during states of emergency." As for article 103: "The President of the Republic can declare or lift states of emergency by decree." Under article 114 of the Constitution, "if a grave and imminent danger threatens national unity or the integrity and independence of the nation, or hinders State institutions from carrying out their constitutional functions", the President of the Republic "may take the prompt action required, under those circumstances, to confront the danger". There exists no law or decree that restricts the rights envisaged in article 4 of the International Covenant on Civil and Political Rights.

18. On the basis of those provisions, a number of areas that had suffered significant damage as a result of the earthquake were declared disaster zones, without having to have recourse to article 4 of the International Covenant on Civil and Political Rights. This meant that a state of emergency was not declared and, hence, that ordinary laws continued to be applied. In such cases, the applicable law is the Civil Defence Act No. 39 of 2003, article 2 of which states that the purpose of the Act is to protect people and public and private property and facilities, to guarantee transport and communications of all kinds and to ensure the continued functioning of public utilities, in both peace and war, obviating and confronting the dangers that arise as a result of acts of war or widespread disasters and raising the morale of citizens. Under article 5 of the Act, a council is to be formed, headed by the Prime Minister and with members drawn from the competent ministries. The task of the council, according to article 6, is to draft public policy in matters relating to civil defence, to approve civil defence plans and projects, and to monitor their implementation. The council is also, inter alia, to stipulate the role of the various authorities in civil defence activities and to develop a mobilization plan for service and training in civil defence units.

19. The Government has issued several pieces of legislations to address the fallout from the earthquake. These include Legislative Decree No. 3 of 2023 which envisages special exemptions for earthquake victims from taxes, fees, service allowances, local-level costs, and licence fees on the reconstruction or refurbishment (total or partial) of their facilities, shops, homes or buildings, up to 31 December 2024. Another significant piece of legislation is Legislative Decree No. 7 of 2023 which envisages the creation of the National Fund to Support Earthquake Victims. Operating in accordance with approved standards, the Fund aims to provide victims with financial support and assistance to overcome the physical, material or moral losses they may have suffered.

20. The Council of Ministers has approved a national plan of action to deal with the short-, medium- and long-term repercussions and effects of the earthquake on families, housing, services and development. The plan also aims to meet the needs of persons affected by the quake and envisages mechanisms to restore economic and social activity in the affected areas, thanks to special programmes and within specific time frames, and it seeks to direct the full capabilities of the State to achieve that goal.

## **G. Reply to paragraph 7 of the list of issues**

21. With regard to counter-terrorism measures and the revision of the definition contained in Legislative Decree No. 19 of 2012, it is important to note that the Syrian Arab Republic has acceded to 11 international treaties intended to combat terrorism and the financing of terrorism. It enacted Legislative Decree No. 19 of 2012 to combat terrorism and Act No. 22 of 2012 regarding the establishment of a special court for cases involving terrorism, and it submitted its counter-terrorism report to the relevant United Nations body in June 2021. In the light of those provisions, a number of measures have been taken to counteract the activity of terrorist organizations on national territory, denying them a safe haven, ensuring that they are unable to undertake financial transactions to finance terrorist activities and freezing their assets.

22. The criminal elements and forms of acts of terrorism are clearly defined in Syrian law, just as they are defined in the legislation of many other States and in Security Council resolutions. A terrorist act, then, is any act that aims to create a state of panic among people, breach public security or damage fundamental State infrastructure by use of weapons; ammunition; explosives; inflammable, toxic or incendiary materials; epidemiological or microbial agents of any kind; or any tool that serves the same purpose. At the same time, terrorist financing is defined as any direct or indirect collection or supply of funds, weapons, ammunition, explosives, means of communication, information, etc. with the intention that they should be used by an individual terrorist or a terrorist organization to carry out an act of terrorism.

## **H. Reply to paragraph 8 of the list of issues**

23. Measures have been taken to ensure equality between men and women in law and in practice, and to increase women's involvement in political, economic and social life. In addition to the information provided in paragraphs 23–32 of the periodic report, Syria has acted to abolish discriminatory articles in the Criminal Code, the Personal Status Act, the Nationality Act and other legislation. A national committee formed to study provisions in Syrian legislation that discriminate against women has completed its task and referred the matter to the Ministry of Justice for consideration by another committee charged with amending the Criminal Code.

24. Steps have also been taken to end traditional discriminatory practices and stereotypical attitudes. Notably, Act No. 24 of 2018 seeks to curb harmful practices by preventing marriages that have not been endorsed by the courts, thus reducing the incidence of child marriage and ensuring that persons who promote such practices are punished. The Syrian Commission for Family Affairs and Population has conducted a research project into early marriages during the crisis, producing a body of practical and methodological recommendations that have been translated into a programme of work to reduce the phenomenon of child marriage and address its effects. Special programmes, seminars and discussions intended to highlight and draw attention to the economic, social and health issues affecting women, to empower them and to change stereotypical attitudes about their role have been produced and disseminated via print and audiovisual media and across social media platforms. In addition to this, several workshops have been held to build the capacity of media professionals in the field of gender and a training manual on gender-based violence has been prepared for them. At the same time, discussions have been organized concerning the content and purpose of the relevant international treaties. Over past decades, Syrian soap operas have been presenting and exploring positive current and future roles for women, while workshops, courses and seminars are held each year involving government bodies, civil society organizations and media professionals as well as United Nations agencies and foreign non-governmental organizations (NGOs).

25. As for the steps taken to ensure the meaningful participation of women in conflict resolution efforts, Syria is determined to promote the active involvement of women in issues of security and peace. To that end, in 2014, it organized a conference dedicated to “the role of women in ending war and establishing peace” in which 600 women took part. One outcome of the conference was the election of a committee of women representing all strata

of Syrian civil society to speak on behalf of Syrian women in the relevant international and regional forums. A workshop was held in 2017 to promote the political and social empowerment of Syrian women and was attended by 150 women from government agencies and civil society. A national plan for the empowerment of women and the enhancement of their role in various fields is in the process of being developed.

26. For its part, the National Reconciliation Commission is also keen to ensure that women play an active role in the reconciliation process, and women have, in fact, been involved in 33 civil society committees in various governorates, which played a role in promoting the return of inhabitants and families to areas liberated from terrorists and in creating safe conditions for the protection of women. Women have also taken part, directly and indirectly, in negotiations and have achieved positive results.

## **I. Reply to paragraph 9 of the list of issues**

27. A request was made to report on any additional steps taken to prevent and criminalize all forms of violence against women. In that connection, article 54 of the Constitution states: “Any attack on personal freedom, the sanctity of private life or other public rights and freedoms guaranteed by the Constitution is a crime punishable by law.” Several amendments have been introduced into the Criminal Code, including the following:

- Article 489 of the Code was amended by Act No. 11 of 2011 to increase the penalty for sexual violence in general and, in particular, for cases where the victim is under the age of 15.
- Article 508 of the Code was abrogated and replaced with the following text: “If a valid contract of marriage is concluded between the perpetrator of an offence and his victim, the perpetrator is to benefit from mitigating circumstances, provided that the penalty for the offence is not less than 2 years’ imprisonment.”
- Article 548 of the Code was abrogated and replaced with the following text: “A person who comes across his wife, or a descendant or sister in an act of flagrant adultery is to benefit from mitigating circumstances and to face a penalty of between 5 and 7 years’ imprisonment.”

28. Legislative Decree No. 3 of 2010 to combat human trafficking has led to greater protection for women and children against trafficking, which is one of the worst forms of violence. Under the law, which treats such women and children as victims, an anti-human trafficking division has been created and a national committee set up which develops plans in cooperation with other stakeholders.

29. An integrated draft law is being developed which criminalizes domestic violence and envisages appropriate penalties, whatever form such violence might take, be it physical, psychological, economic or sexual violence. The final steps towards the enactment of the bill are currently being completed.

30. Action has been taken to facilitate and encourage the reporting of cases of violence against women, notably via the launch of a free 24-hour hotline by the family protection unit of the Syrian Commission for Family Affairs and Population. The hotline can be used to report cases of violence against women and children, to provide legal advice and psychosocial support and to refer cases to the protection unit’s own safe house.

31. With a view to providing female victims of sexual and gender-based violence with adequate medical, social and psychological services, the family protection unit of the Syrian Commission for Family Affairs and Population takes in women and child victims of violence and provides them with an integrated raft of services (shelter, security, psychosocial support and legal advice). It also seeks to empower women through return to education or vocational training. The family protection unit also gives the women and child victims access to medical clinics where they are diagnosed, treated and medicated until their recovery, free of charge. An integrated case management system for social services has been rolled out to provide appropriate and systematic assistance in cases of severe social need, and a related training manual has been drafted.

32. A number of workshops have been held in Damascus and other governorates to raise awareness about violence against women and about the services provided by the family protection unit. The workshops were aimed at police officers, lawyers and court prosecutors, as well as at social workers in NGOs and officials in government agencies that deal with cases of violence against women. Messages explaining the concept of violence, the harm it does and the penalties perpetrators can face have been disseminated via the media and social media.

#### **J. Reply to paragraph 10 of the list of issues**

33. In fulfilment of its national and constitutional duty, Syria is particularly attentive to the protection of civilians, especially in areas that have seen military confrontations with armed terrorist groups. The State makes every effort to protect civilians, guarantee their fundamental rights and meet their basic needs. In fact, it has made the protection of civilians the primary focus of its ongoing efforts to combat terrorism, taking all necessary steps to ensure their safety and security. Ever since the beginning of the terrorist war against Syria, the Syrian Arab Army has been given orders and instructions to protect civilians during combat operations, especially women and children. Moreover, the Army has duly adhered to the norms of international humanitarian law by taking the necessary precautions and applying the principles of proportionality and distinction during its operations against armed terrorist groups in places where civilians are present, especially when terrorists use civilians as human shields.

34. The Syrian Arab Republic has facilitated access to humanitarian aid, without discrimination, across all areas of Syria, including areas classified by the United Nations as being difficult to access or blockaded by armed terrorist groups. Foremost among those groups are the terrorist organizations Da'esh, the Nusra Front and Hay'at Tahrir al-Sham, which are all on the Security Council list, as well as other groups associated with them. In coordination with the Syrian Arab Red Crescent and civil society groups, the Government has facilitated the humanitarian work of international governmental organizations and NGOs in order to ensure the delivery of aid to Syrian civilians in need. At the same time, the Government has highlighted the importance of preventing such aid from falling into the hands of terrorist groups. In the same way, the Syrian Arab Republic has taken urgent and effective measures to ensure the immediate delivery of humanitarian support and assistance to persons affected by the earthquake of 6 February 2023, and it has allowed the United Nations to use border and line crossings to carry out relief work and deliver aid to Syrian civilians in areas in north-western Syria that are under the control of terrorist organizations.

35. As concerns the request to ensure that allegations of human rights violations are investigated in a transparent, timely, effective and independent manner, it should be noted that all violations are penalized under national criminal laws and that the courts deal firmly with any such cases. All attacks on personal freedom or the sanctity of private life are criminalized under the law and attract severe penalties, depending upon the circumstances. Citizens have the right of recourse to the law, just as they have the right to defence, review and appeal before the courts in all matters that fall under the Criminal Code or under special criminal laws.

#### **K. Reply to paragraph 11 of the list of issues**

36. A reply concerning the issue of the death penalty was given in paragraph 36 of the periodic report, which explains how it is carried out only in the narrowest of circumstances and in rare cases for the most serious crimes that provoke a public outcry and reveal the dangerous character of the offender. The death penalty is surrounded by numerous restrictions and safeguards, and the sentence is not carried out until all ordinary and special avenues of appeal have been exhausted, until the Amnesty Committee has been canvassed for its opinion and until approval has been granted by the President of the Republic, who may commute the sentence (art. 43 of the Criminal Code). In addition, persons sentenced to death can benefit from general amnesty laws that replace the death penalty with life imprisonment; a total of 20 such laws were issued between 2011 and 2020. In addition to the

above-mentioned restrictions, the death penalty is to be carried out within the framework of the law and under judicial supervision, and anyone who violates those restrictions and regulations is liable to prosecution. The law also stipulates that the death penalty is not to be imposed on persons under the age of 18 or on pregnant women. Statistics show that 19 death sentences were handed down in 2017 of which only 3 were carried out while the other condemned persons all benefited from an amnesty. In 2018, 18 death sentences were handed down and only 6 were carried out and, in 2019, 3 death sentences were handed down, all of which were covered by an amnesty.

## **L. Reply to paragraph 12 of the list of issues**

37. As concerns enforced disappearances, it should be noted that the term “enforced disappearance” does not exist in Syrian law. Nonetheless, the law does penalize abduction and deprivation of liberty, which are internationally classified as enforced disappearance. Under Legislative Decree No. 20 of 2013, anyone who abducts another thereby depriving that person of liberty with the intention of achieving political, material or sectarian ends, of reprisal and revenge or of demanding ransom is liable to life imprisonment with hard labour. If the abduction leads to the death or permanent disability of the victim, or if the victim is sexually assaulted, the perpetrator is liable to the death penalty. The penalty also extends to anyone who seeks to practise extortion in any form against the victim, the victim’s spouse or any of the victim’s direct or indirect antecedents or descendants. The Decree has contributed to curbing this offence as the number of court cases where convictions were handed down for abduction and deprivation of liberty went from 40 in 2017, 84 in 2018, 88 in 2019 to 16 in 2020.

38. The Ministry of Justice, the Ministry of the Interior and the Ministry of National Reconciliation all receive enquiries about detainees from citizens, who are duly informed of the reasons for the arrest, the place of detention and the court to which the detainee has been referred. The Ministry of Foreign Affairs and Migrants receives lists from the International Committee of the Red Cross (ICRC) containing the names of detained and missing persons, which it answers periodically, providing the information available. It should be noted that the names of detainees in prison are made public and that they have the right to contact and receive visits from their families.

39. The periodic report contains information regarding investigations into cases of missing Lebanese and Syrian persons in Lebanon and the Syrian Arab Republic.

## **M. Reply to paragraph 13 of the list of issues**

40. Article 1 of the Prevention of Torture Act No. 16 of 2022 defines torture as any act or omission that results in the deliberate infliction of severe pain or suffering, whether physical or mental, on a person with the intention of obtaining, from that person or from another person, information or a confession, punishing the person for an act committed, or intimidating or coercing the person to perform an act. Torture also subsists when such pain or suffering is inflicted on a person on the basis of discrimination of any kind, or when it is expressly or implicitly instigated or approved by an official or person acting in an official capacity. It also includes acts committed by a person or group with a view to achieving personal, material or political goals or for revenge or reprisal. The law sets forth penalties for persons responsible for acts of torture. A penalty of 6 years’ imprisonment is envisaged if an act of torture is committed by, under the supervision or with the consent of a public official with the intention of extracting a confession to a crime or of obtaining information. That penalty goes up to a minimum of 8 years’ imprisonment if the act of torture was perpetrated by a group with a view to achieving personal, material or political goals or for revenge or reprisal. A minimum penalty of 10 years’ imprisonment is envisaged if the act of torture is committed against a public official in the course of carrying out his duties. If an act of torture is committed against a child or a person with a disability, or if it results in a permanent disability, the perpetrator is liable to life imprisonment. Lastly, the death penalty is envisaged for acts of torture that result in the victim’s death or when the purpose or method of the act of torture involves rape or sexual assault.

41. The Act also stipulates that no consideration is to be given to a confession or information shown to have been obtained as a result of torture, except as evidence against the person who committed the torture. It is prohibited for any institution or authority to order torture and, in the enforcement of the Act, any orders in that regard are not to be considered as a justification for torture. The courts are to award appropriate compensation by way of redress for the material and moral damage and losses suffered by torture victims.

42. Article 7 of the Act stipulates that steps are to be taken to guarantee the right to file complaints or reports of torture, to protect the complainant or the party filing the report, to maintain confidentiality and to protect witnesses, experts and members of their families.

#### **N. Reply to paragraphs 14 and 15 of the list of issues**

43. As concerns the information that has come to the Committee's attention and the reports of unknown provenance, the Syrian Arab Republic again wishes to express its reservation concerning allegations underpinned by false allegations and unfounded information that are being propagated by parties who are hostile to Syria and who have political goals and dimensions. This is, in fact, a failed attempt to undermine the efforts the State is making to maintain peace and stability in its own territory, and it constitutes a violation of the State's sovereign right to enforce its legislation, protect its citizens, meet their needs and ensure justice under the shadow of the enormous challenges posed by years of battling terrorism and suffering unilateral coercive measures which violate the rights of all Syrian citizens. The Committee should strive for accuracy and objectivity when relaying information and reports from such sources, and not merely accept them, in order to preserve a spirit of constructive dialogue and thus achieve the purpose of the reporting mechanism, which is to assist States parties in the optimal application of Covenant.

44. Issues related to the organization of prisons inside Syria have already been covered in the periodic report, which made it clear that there are no secret detention centres. The claims made in the fabricated reports used by the Committee are based merely on lies and are entirely at variance with reality, particularly in regard to detention, which is duly regulated by the law. In fact, Syrian laws contain clear provisions governing procedures for detection, prosecution and trial. Article 17 of the Code of Criminal Procedure, which concerns the length of detention, was amended by Legislative Decree No. 55 of 2011. The amended text, which sets an upper limit on the length of time a person may be held in police custody, reads as follows: "The police and officials charged with investigating crimes that affect the security and stability of the State, as set forth in the Criminal Code, may not detain persons for more than seven days. That period may be renewed by the public prosecutor, based on the information contained in each casenote, provided that the total period does not exceed 60 days." In other words, the maximum length of time a person may be held in police custody is 60 days, following which the detention order is to be submitted to the competent court, for it to issue a judicial warrant if it deems that to be necessary. All procedures related to the holding of detained persons in prison are governed by the prison regulations under which no person may be admitted without a judicial warrant or being recorded in the prison register. Detained persons have the right to communicate with their relatives and to engage the services of a defence lawyer, in addition to other rights envisaged in Syrian law. The regulations and laws that regulate prisons include rules for the welfare of all inmates who, indeed, are guaranteed the right to health, to food, to communicate with their families and to follow the course of their legal proceedings, as well as the right to education and to pursue academic qualifications all the way up to university level. The Syrian Virtual University has recently opened a website to facilitate online university education inside prisons.

45. The Government has facilitated prison visits by certain humanitarian organizations and civil society groups. Foremost among these is ICRC which has been making repeated visits to Syrian prisons every year since 2016. Each visit is followed by a discussion of prison conditions, basic requirements and fundamental safeguards for inmates, with a view to improving their situation.

46. In order to reduce overcrowding inside prisons, the Syrian Government has acted to accelerate proceedings and expedite the delivery of verdicts in cases before the courts, as

well as to release persons held in connection with ordinary offences. It has also issued amnesty decrees – 21 to date – the most recent of which was Legislative Decree No. 7 of 2022 which extends a general amnesty for all terrorist offences committed before 30 April 2022. The Decree suspends all proceedings and prosecutions against the persons covered by its provisions, except for those who committed offences leading to loss of life. Large number of detainees and convicted prisoners were also released under Legislative Decree No. 36 of 2023, which extends a general amnesty for all offences committed before 16 November 2023.

## **O. Reply to paragraph 16 of the list of issues**

47. Ever since the Anti-Human Trafficking Act was promulgated under Legislative Decree No. 3 of 2010, the Syrian Arab Republic has been determinedly drafting and updating successive national plans to combat that phenomenon, most recently a plan covering the period 2023–2026. That plan seeks to take account of the grim aftermath and catastrophic impact of the war, which has left the Syrian people vulnerable to exploitation – including sexual exploitation, organ trafficking and other forms of human trafficking – particularly in camps in the counties where they have sought refuge.

48. The national committee to combat trafficking in persons is developing comprehensive national policies to prevent human trafficking, protect and assist victims and prosecute offenders. Its purpose is to prevent and criminalize trafficking in persons in all its forms, to which end it also pursues national and international partnerships. The committee has a national plan with four main areas of focus:

- (a) Prevention and raising community awareness
- (b) Protecting and assisting victims and reintegrating them into society
- (c) Prosecution and punishment
- (d) Promotion of international cooperation and partnerships.

49. Training courses to help people identify the offence and understand ways to combat it have been held for officials in the Ministry of Information, the Ministry of Endowments, the Ministry of Justice (including the Higher Judicial Institute), the Ministry of Health (including the Authority for Forensic Medicine), the Ministry of Social Affairs and Civil Society and the Ministry of the Interior (including all officials from non-commissioned officers up).

## **P. Reply to paragraph 17 of the list of issues**

50. Security clearance is a procedure that is used only in certain transactions which, since they relate to the rights and property of citizens, require prior verification. Its purpose is to verify the identity of prospective sellers or buyers and thus ensure that certain persons do not exploit the identity of another to transfer property illegally, which would infringe the rights of the rightful owners. The other operations mentioned in the list of issues – such as renting a house, registering a marriage, moving about freely, etc. – do not require prior approval. A request was also made to describe the efforts being made to guarantee the safe and dignified return of refugees to the Syrian Arab Republic and to address the situation of all internally displaced persons within the country. In that connection, it should be noted that the return of Syrian refugees and displaced persons to their homeland is one of the Government's main goals, to which end it has made great efforts over recent years to restore security and stability throughout the country and to establish State authority and enforce the law. With that end in view, the Government has embraced an approach of settlement and reconciliation and has issued a raft of amnesty decrees, laws and administrative procedures that are intended to remove any impediments to return. Under Decree No. 46 of 2018, the Government has formed a coordinating body for the return of displaced Syrians, which has the task of coordinating with other stakeholders – locally, in the Arab world and globally – to ensure optimal conditions for simplifying and facilitating the return of displaced persons to their homeland. The coordinating body also strives to provide decent livelihoods, in accordance with the means available. The United Nations and States around the world were invited to an

international conference on the return of refugees, which was hosted in Damascus in 2020. The outcomes of the conference underlined the need to promote the safe and voluntary return of Syrian refugees, to rebuild infrastructure and to help Syria to carry out reconstruction and demining operations. The Government has pledged that it will strive to provide a decent standard of living for refugees who wish to return. At the same time, in order to give effect to the outcomes of the conference, a reception centre for Syrian refugees and displaced persons has been set up in Damascus, and a number of meetings have been held to follow up on the outcomes. For its part, the Ministry of the Interior has issued guidelines to facilitate the return of persons who left the country illegally and to regularize their status within 72 hours, whatever their legal situation might be. As stated earlier, a total of 22 amnesty decrees and laws have been enacted, and they also serve to encourage the return of refugees. In addition, the Government has taken other decisions to facilitate and simplify procedures for the return of refugees. They include:

- Granting returnees who have not done their military or reserve service six months to settle their situation.
- Allowing border posts to issue documentation to persons who have lost their own travel documents.
- Facilitating the return of children born abroad who are accompanied by their parents, on the basis of birth certificates issued by the country in which they had been residing.
- Allowing holders of expired Syrian passports to enter the country, once checks have been carried out.
- On 10 October 2023, during the seventy-fourth session of the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Geneva, Syria made a declaration of its intention to continue to cooperate and coordinate with UNHCR, in order to ensure that the basic concerns of refugees are effectively addressed within a framework of full respect for the sovereignty, unity and territorial integrity of the Syrian Arab Republic, and non-interference in its internal affairs. Syria highlighted the fact that conditions conducive to the safe, voluntary and sustainable return of refugees require greater international support for humanitarian and early recovery programmes, which are essential to address the physical, economic and social obstacles to return. The declaration also envisaged – thanks to ongoing coordination and cooperation between the Ministry of Foreign Affairs and Migrants and UNHCR – increased efforts to strengthen channels of communication and consultation between the Ministry and UNHCR, greater humanitarian access and a more flexible and predictable UNHCR presence, particularly in the key areas of return and at border points. It also envisaged empowering refugees and internally displaced persons to make free and informed decisions about returning at a time and to a place of their choosing. The channels of communication and consultation are to be used to examine reported cases involving voluntary, dignified and safe returns. Syria has also declared that, in accordance with its own statutes and laws, returnees are not subjected to any kind of discrimination for having fled their former habitual places of residence, for having sought refuge abroad or for having remained or resided in an area formerly or currently under the effective control of a non-State group. Returning Syrian refugees have the same rights and duties under the Constitution and the law as any other Syrian citizens, without discrimination of any kind, and their lives, freedom and human dignity are protected from any and all forms of discriminatory treatment or of violations of rights envisaged in the Constitution and the law.
- There is ongoing cooperation with organizations involved in the return of refugees, including NGOs, in order to continue to ensure the voluntary return of refugees and internally displaced persons.

## **Q. Reply to paragraph 18 of the list of issues**

51. The war against Syria has so affected the refugees residing in the country as to force them to seek out other countries to which to move. This includes Iraqis who came into Syria

after 2003, as well as Palestine refugees residing in Syria who were treated on an equal footing with Syrians vis-à-vis rights and duties. According to data from the General Commission for Palestinian Arab Refugees, a total of 176,189 Palestine refugees have been displaced as a consequence of attacks by armed terrorist gangs against their camps in Syria. They left camps such as Yarmouk in Damascus, Ayn al-Tall and Handarat in Aleppo and the refugee camp in Dara'a and there are now no precise statistics about their current numbers or whereabouts.

52. As concerns the request for information about Syrian Kurds, the measures taken to implement Legislative Decree 49 of 2011 are explained in paragraphs 117 and 118 of the periodic report. It should also be stressed that Syrian Kurds are part of the Syrian people and are treated on an equal footing with other Syrian citizens. Legislative Decree 49 of 2011 aims to grant Syrian Arab nationality to Kurdish foreigners in Hasakah. So far, 126,501 persons have availed themselves of that Decree while 87,986 persons, having met the necessary age requirement, have obtained an identity card. As of 2015, a total of 15,339 children had obtained Syrian Arab nationality under the Decree. The war in the Syrian Arab Republic has limited the application of Legislative Decree No. 49 of 2011, as many eligible persons have refrained from applying for citizenship for fear of the so-called Kurdish separatist autonomous government. Since late 2015, Kurdish separatist groups supported by the United States of America have taken advantage of the conditions created by the ongoing terrorist war to seize areas in north-eastern Syria and forcibly exert control over Syrian citizens in the region. They have plundered the nation's wealth, especially oil and wheat, in order to achieve their separatist agenda. They have also taken over State-run schools and imposed a curriculum conducted entirely in Kurdish, thereby undermining the quality and stability of the education system and causing severe suffering for Arab pupils and their families in what is predominantly an Arab region. Nevertheless, the Syrian Government has continued to provide all necessary facilities to enable students from areas under separatist control, including Syrian-Kurdish students, to take preparatory and secondary school examinations.

## **R. Reply to paragraph 19 of the list of issues**

53. Legal proceedings before the military courts are surrounded by all the safeguards envisaged under national law, the International Covenant on Civil and Political Rights and other relevant international instruments. The Military Criminal Code and Code of Procedure promulgated by Legislative Decree No. 61 of 1950, as amended, both enjoin compliance with the judicial safeguards envisaged for proceedings before ordinary criminal courts. Notably, these include the right to a defence before the military judiciary and access to investigative records at all stages of the proceedings. One condition for the validity of proceedings before military courts is that they should be held in public, under penalty of nullity, while rulings and sentences issued by military investigating judges and military courts are subject to appeal before the Court of Cassation.

54. The jurisdiction of military courts is effectively limited to dealing exclusively with military crimes committed by military personnel; crimes committed inside military camps or institutions, or at army facilities; crimes that directly affect the Army and its interests; crimes involving the publication of material that impinges on the reputation or morale of the Army (art. 123 of the Military Criminal Code and Code of Procedure); and crimes committed by customs officials during clashes that may occur in the course of their duties. The military courts conduct trials against military personnel and journalists do not fall under their jurisdiction in matters relating to their journalistic activities.

55. Act No. 29 of 2023 was issued to amend article 50 of the Military Criminal Code and Code of Procedure. It stipulates that civilians covered by the provisions of article are to be tried before the ordinary courts and not the military courts, unless the offence in question is related to a public function. For its part, Legislative Decree No. 32 of 2023 abrogates Legislative Decree No. 109 of 1968, as amended, which concerns military field courts. Under the new Decree, military field courts are abolished, and all cases currently pending before such courts are referred to the military courts for the proceedings to continue there, in accordance with the Military Criminal Code and Code of Procedure promulgated by Legislative Decree No. 61 of 1950, as amended.

## **S. Reply to paragraph 20 of the list of issues**

56. The work of the judiciary and the operation of the courts as well as the appointment of judges and their rights, duties, immunity, promotion, salaries, seniority and discipline are all regulated by the Judiciary Act promulgated by Legislative Decree No. 98 of 1961, as amended. The Act also covers auxiliary judges and stipulates the supreme authority responsible for overseeing the operation of the judicial system.

57. At the pinnacle of the judicial hierarchy is the Supreme Judicial Council, which is led by the President of the Republic who is deputized by the Minister of Justice. The membership of the Council includes the president and two most senior vice-presidents of the Court of Cassation, the Assistant Minister of Justice, the Prosecutor General and the head of the Judicial Inspection Department. If the Assistant Minister of Justice or the head of the Judicial Inspection Department are absent, the head of the Legislation Department makes up the quorum and, in the absence of one of the other members, the quorum is made up by the most senior counsellor of the Court of Cassation. The Supreme Judicial Council sits in camera and issues its rulings by majority. Under the Judiciary Act, the appointment of judges and their promotion, transfer, discipline, dismissal, retirement, semi-retirement and the acceptance of their resignation is to be endorsed by a decree signed by the Minister of Justice. Court judges and judges in the Public Prosecution Service are appointed by decree of the Minister of Justice acting on a ruling of the Supreme Judicial Council.

58. The Supreme Judicial Council has numerous functions that serve to guarantee the independence and oversight of the judiciary. These include: issuing rulings to appoint, promote, discipline or dismiss judges, acting on a proposal of the Minister of Justice, the President of the Supreme Judicial Council or three of its members; sending judges into retirement or semi-retirement, accepting their resignation and all other matters related to the functions of judges; proposing bills relating to the judiciary, the immunity of judges and procedures for their appointment, promotion, transfer, discipline, dismissal and seniority. As concerns oversight and accountability, the Judicial Inspection Department monitors any errors that judges may commit and refers them to the Supreme Judicial Council to undergo the proceedings envisaged in the Judiciary Act.

59. The selection of judges takes place via a multi-stage competitive process that follows specific standards of precision and transparency. Once candidates have passed all the tests, they spend two years at the Higher Judicial Institute and, having passed the Institute's examinations, can be appointed as judges.

60. The nature of the Supreme Constitutional Court is defined in Act No. 7 of 2014 which states that the Court is to be an independent judicial body and stipulates how it is to be composed, what jurisdiction it has, what proceedings are to take place before it and the rights and duties of its members. The Act also delineates members' immunities, notably that of not being liable to dismissal save in cases envisioned in the Act itself. The Supreme Constitutional Court has 11 members, one of whom is the president who is appointed by decree of the President of the Republic for a period of four years, renewable. The Court's mandate covers several areas, including that of overseeing the constitutionality of laws, legislative decrees, statutes and regulations; expressing its opinion vis-à-vis the constitutionality of draft laws and legislative decrees and the legality of other decrees, at the request of the President of the Republic; expressing its opinion vis-à-vis the constitutionality of proposed laws, at the request of the Speaker of the People's Assembly; overseeing presidential elections and the procedures for such elections; examining and ruling on appeals concerning the validity of the election of members of the People's Assembly; and trying the President of the Republic in cases of high treason.

## **T. Reply to paragraph 21 of the list of issues**

61. Compulsory military service is a sacred duty under the Syrian Constitution, and it is carefully regulated by law, without discrimination. Military service in Syria is governed by Legislative Decree No. 30 of 2007 which has been amended on several occasions to reflect the needs of the country and its people. The most recent amendment, embodied in Legislative

Decree No. 37 of 2023, allows persons aged 40 and more who have been called up to serve in the reserve but have not yet been conscripted to pay a cash indemnity as a substitute for statutory reserve duty. Legislative Decree No. 31 of 2020 enables persons already definitively conscripted for compulsory service and those residing outside Syrian territory in an Arab or foreign State to regularize their situation through payment of a cash indemnity. For its part, Legislative Decree No. 1 of 2013 amends Legislative Decree No. 18 of 2003 concerning the duration of voluntary service for officers and non-commissioned officers, while Legislative Decree No. 35 of 2011 reduces the duration of compulsory service.

62. All amnesty decrees cover desertion (both within the country and abroad) and failure to perform compulsory military or reserve service. Moreover, the amendments made to the Military Service Act, promulgated by Legislative Decree No. 30 of 2007, open the way to a number of exemptions that candidates for military service can obtain. This is in addition to the ongoing and repeated exonerations issued by the Ministry of Defence, which defaulters can use to regularize their position before returning to their units to complete their service.

#### **U. Reply to paragraphs 22 and 23 of the list of issues**

63. Under the Media Act No. 108 of 2011, all media of any form are independent, can deliver their message freely and are subject to no restrictions save those envisioned in the Constitution and the law. The work of the media is underpinned by certain basic principles: freedom of expression and other fundamental freedoms enshrined in the Constitution of the Syrian Arab Republic, the Universal Declaration of Human Rights and other relevant international treaties to which the Syrian Arab Republic is a party; citizens' right to be informed about public affairs; the national values of Syrian society; and the responsibility to disseminate knowledge, express the interests of the people and protect national identity. According to article 6 of the Act, the operation of the media is not to be subject to prior censorship. Article 7 states that the freedom of the media is to be protected by the law and no opinion published by a media operative may be adduced as a reason for infringing upon that freedom, save within the limits of the law. Moreover, no one has the right to demand that the media disclose its sources, except via the courts sitting in closed session.

64. The mechanism for licensing media outlets is set forth in the Act, each having its own particular conditions depending upon whether it is a print, audiovisual or online outlet, a news agency or a media services company. The requirements for issuing or revoking licences for each of these entities are clearly set forth. The Act also allows professional online media outlets to be set up by means of a document of accreditation and sets forth the conditions whereby such accreditation can be revoked: either at the request of the owner of the outlet, via a ruling issued by the competent court or in the event of a violation of any of the accreditation conditions. Nonetheless, more than 2,000 online media outlets, unaccredited by the Ministry of Information, operate in Syria without facing any legal proceedings or rulings to close down.

65. There is no truth in the allegations concerning attacks and harassment against journalists and media professionals. In fact, both they and their work are surrounded by numerous safeguards. Notably, the law considers any attack against journalists while they are performing their duties as tantamount to an attack against a public official (art. 11 of the Media Act). Under the Act, moreover, it is not permissible to search media workers or their offices, or to arrest or interrogate them, without informing the Ministry or a branch of the Federation of Journalists, which can then delegate a person to accompany the journalist in question as it sees fit. The Act does not allow journalists to be arrested for reasons related to their work but only admits the imposition of fines for illegal acts journalists may commit while discharging their duties. It should be noted that, since the submission of the country's fourth periodic report under the International Covenant on Civil and Political Rights, no journalist or media figure has been detained for investigation or prosecution.

## V. Reply to paragraph 24 of the list of issues

66. Legislative Decree No. 54 of 2011 regulating the right to peaceful demonstration stipulates that citizens have a fundamental human right to demonstrate peacefully, as guaranteed by the Constitution of the Syrian Arab Republic. The aim of the Decree is to reconcile the security and safety of citizens with the exercise of that right, and to enable the authorities to protect public and private assets and property, ensure the continued functioning of public facilities and maintain public order. The Decree stipulates that citizens, political parties, social organizations, trade unions and licensed civil society organizations are entitled to hold demonstrations in accordance with the Constitution and the law, provided they do not obstruct the regular functioning of public utilities.

67. The instructions for the implementation of the Decree explain how to deal with demonstrations and give representatives of the Ministry of the Interior the right to order the group organizing the demonstration to break up or disperse if something happens that affects security or public order or that violates one of the conditions of authorization. If the demonstration does not disperse and the limitations imposed by the authorization are transcended, if riotous or criminal acts take place, or if actions are committed that would disturb public order or hinder the authorities in the discharge of their duties, then representatives of the Ministry of the Interior have the right to intervene to disperse the demonstrators. First, they must caution the demonstrators, at least twice, ordering them to disperse. If that does not succeed then they must again caution the demonstrators, at least twice, ordering them to disperse and telling them that riot dispersal measures will be taken. If the demonstrators fail to take heed, law enforcement and security forces have the right to intervene to disperse them by force, which is to be employed gradually and within the limits required to break up the demonstration, without resorting to excessive force. The use of any kind of weapons is prohibited.

68. The instructions for the implementation of the Decree also specify the grounds for refusing an authorization, notably if a demonstration might give rise to chaos or danger, cause serious damage to public or private property or lead to significant disruption of community life, or if its purpose is to intimidate others and constrain them not to perform an action they have a right to perform or to perform an action they have no right to perform. Other grounds for refusing an authorization might be if, in the area proposed for the demonstration, there are insufficient law enforcement officials to control the demonstrators, or if the purpose of the gathering is to violate public morals or provoke sectarian, ethnic, or racial strife, or if more than one request for a demonstration is submitted for the same area on the same date. The group organizing the demonstration may lodge an appeal with the administrative courts against any decision to refuse an authorization. Sitting in chambers, the court must issue a ruling on the appeal within a period of one week. A certified copy of the ruling is to be sent to the Ministry of the Interior's "committee for considering applications to hold demonstrations", which must implement the court's decision.

## W. Reply to paragraph 25 of the list of issues

69. The Syrian Arab Republic is a pioneer when it comes to community work, particularly as concerns the formation of civil society associations and NGOs, a number of which were established in Syria as far back as the nineteenth century, such as the Islamic Orphanage in Aleppo in 1820 and the Drop of Milk Society in Damascus in 1922. The main objective of all such groups is to provide services to the most vulnerable categories of people and – for human rights organizations – to defend the rights of the people they represent.

70. The Syrian Arab Republic provides a supportive legislative environment for the activity of NGOs, thanks to the Private Associations and Institutions Act No. 93 of 1958, which envisages flexible and simple conditions for the proclamation of new civil society associations and NGOs operating in different areas to serve the needs of society. In fact, the proclamation of a new association or organization requires only that a certain number of persons wish to establish such a body. A total of 2,237 NGOs had been proclaimed as of 23 October 2023, of which 43 can be classified as human rights organizations.

71. As part of a project to improve the operational environment for NGOs, a new online platform called “Tasharuk” has been launched. It provides a wide range of information, enhances the roles of NGOs and constitutes a portal via which they can publicize their activities, programmes and projects. At a subsequent date, the platform will provide simplified online services for NGOs following a process – that is currently ongoing in cooperation with NGOs themselves – to examine the administrative and regulatory challenges they face. The idea is to remove those challenges and provide a simpler and more flexible procedural environment. Within the framework of cooperation with NGOs, a community affairs consultation project (“Shaml”) has been launched. Implemented as part of the strategic participatory approach, the project aims to build partnerships and bridges of communication and dialogue with NGOs, and to involve them effectively in planning and formulating policies for the sector.

## **X. Reply to paragraph 26 of the list of issues**

72. Several measures have been taken under the Children’s Rights Act No. 21 of 2021, including the formation of a national committee for the rights of the child, which brings together representatives from ministries involved in child protection and representatives from civil society associations and children’s organizations. The committee began by drafting the implementing regulations for the Children’s Rights Act, which were subsequently issued as a decree of the Minister of Social Affairs and Labour. A template for those implementing regulations has been developed, and action has been taken to prepare a national child protection plan which has a defined set of goals, sub-goals and associated activities. In addition, a national strategy for early childhood development in the Syrian Arab Republic has been rolled out and a template developed for its implementation.

73. Act No. 13 of 2021 promulgating the new Civil Status Act – which replaces the Civil Status Act promulgated by Legislative Decree No. 26 of 2007, as amended – includes a body of provisions regulating birth registration. For its part, Legislative Decree No. 17 of 2022, which amends article 28 of Act No. 13 of 2021, includes provisions to regulate the birth registration of illegitimate children. Legislative Decree No. 2 of 2023 concerns the welfare and affairs of children of unknown parentage, aiming to ensure that such children are able to enjoy all their rights on an equal footing with their peers. It provides them with legal protection and social welfare within a humane environment that seeks to compensate them for the loss they have suffered and to ensure that they are able to learn and develop to become an integral part of society. The Decree envisages the establishment of a public body – the “Life Melody Houses” – which is responsible for the care of such children and acts as the social authority for all matters relating to children of unknown parentage throughout the territory of the Syrian Arab Republic. The Decree envisages alternative care via a process of “attachment” whereby children can live within an alternative environment where they are protected, nurtured and educated. The Life Melody Houses seek to provide alternative care options tailored to the needs of children of unknown parentage, ensuring they are cared for within the Houses or placed in a foster family or a care institution that attends to their welfare, schooling and protection. A request was made to report on foreign nationals in camps in the north-east of the Syrian Arab Republic. In fact, the only solution to the violations against children in the camps and detention centres in the north-east of the country is for States to take responsibility for their own citizens and to repatriate them in a manner consistent with international law, including the principles relating to respect for the sovereignty, unity and territorial integrity of States.

## **Y. Reply to paragraph 27 of the list of issues**

74. To speak of the absence of a safe electoral environment and to allege malpractices, as stated in this paragraph of the list of issues, simply reaffirms the lack of impartiality and objectivity of some of the sources the Committee used to prepare its questions. It also shows how those sources have sought to distort the efforts made by the Syrian Arab Republic to implement the provisions of its own Constitution and how they continue to malign Syrian State institutions, particularly its constitutional and judicial institutions. In addition to the

information already provided in the periodic report (paras. 100–110), it should be stressed that all matters relating to the electoral process are precisely defined in the 2012 Constitution and the General Elections Act No. 5 of 2014. The relevant provisions cover candidacy and voting, the freedom of voters to choose their representatives, the integrity of the election itself, the right of candidates to review the electoral process, penalties for persons interfering with the election, rules governing the financing of electoral campaigns and rules governing the use of electoral propaganda and the media. The Act further stipulates that the election process is to take place under judicial supervision, in the form of the Supreme Judicial Committee for Elections, which is an independent body, and subcommittees at the governorate level. Those bodies are entrusted with the task of upholding legal safeguards for the proper conduct of the electoral process at all stages. The Act also allows candidates' representatives to be present at polling stations to oversee the electoral process and to challenge any unlawful practices.

75. Under the Act, furthermore, the media can cover elections from the start until the announcement of the results, and deterrent penalties are envisaged for anyone who acts to disrupt electoral processes. On a separate front, the Act identifies the Supreme Constitutional Court as the body responsible for supervising elections for the President of the Republic and for examining any appeals that candidates may make regarding the validity of presidential elections or elections for members of the People's Assembly. The purpose of all these provisions is to create a safe and neutral environment for elections, held under the supervision of independent constitutional and judicial authorities. The presidential elections of 2014 and 2021 were attended by parliamentarians from several Arab and foreign States.

76. As concerns the formation of the Supreme Judicial Committee for Elections, its subcommittees and operational mechanism, in addition to the information already provided in the periodic report (para. 105), the formation of the Committee, its functions and the safeguards for its members are all set forth in article 8 of the General Elections Act No. 5 of 2014, as follows:

- A judicial body called the Supreme Judicial Committee for Elections is to be established, with its headquarters in Damascus, to administer elections and referendums. It has full jurisdiction to supervise elections for members of the People's Assembly and local administrative councils, and is to take all measures necessary to ensure that such elections take place freely, safely and fairly. In its operations, the Committee is to be independent from any other body.
- The Committee is to be composed of seven members who are to be appointed by the Supreme Judicial Council from among the counsellors of the Court of Cassation, along with seven reserve members. The formation of the Committee and the remuneration of its members is to be established by decree.
- The members of the Committee may not be dismissed. If, for any reason, a place falls vacant it is to be filled by the most senior of the reserve judges.
- The Committee is to exercise its functions and mandate with complete independence, impartiality and transparency. No other body may interfere in its affairs and functions or limit its jurisdiction.
- According to article 10 of the Act, the Supreme Judicial Committee for Elections shall:
  - (a) Administer the process for electing the President of the Republic, under the supervision of the Supreme Constitutional Court.
  - (b) Fully supervise elections for members of the People's Assembly and local administrative councils, and take all measures necessary to ensure that such elections take place freely, safely and fairly and that they are duly monitored.
  - (c) Fully supervise referendums and their associated procedures.
  - (d) Appoint members to the subcommittees, determine where the subcommittees' headquarters are to be and supervise their operation.

---

- (e) Appoint members to the candidacy committees for elections to the People’s Assembly, determine where the committees’ headquarters are to be and supervise their operation.
- (f) Supervise the count of the ballots.
- (g) Announce the final results of elections to the People’s Assembly.
- Article 10 of the Act addresses the operation of the judicial subcommittees, as follows:
  - For any election or referendum, a three-person judicial subcommittee is to be formed in each governorate, by decree of the Supreme Judicial Committee for Elections. The members are to have the rank of appeal court judges, and the subcommittee is to be headed by the most senior of them. More than one subcommittee may be formed per governorate.
  - The decree to form a subcommittee is also to include three reserve judges of the same rank, any of whom can replace a subcommittee member in the event of the latter’s absence.
  - The subcommittees are bound by the decrees issued by the Supreme Judicial Committee and work under the Committee’s supervision and in accordance with its directives.
- According to article 12 of the Act, the subcommittees shall:
  - (a) Designate polling stations at least seven days before the day of the election or referendum, in coordination with the administrative head.
  - (b) Directly supervise the work of candidacy committees for elections to the People’s Assembly and local administrative councils, and the work of committees at the polling stations.
  - (c) Accept the withdrawal of candidates from elections to the People’s Assembly or local administrative councils.
  - (d) Issue certification to allow candidates’ representatives to monitor the electoral process.
  - (e) Supervise the count of the ballots received from polling stations within their electoral district.
  - (f) Rule on appeals regarding decrees issued by candidacy committees and polling station committees.
  - (g) The subcommittee may, if necessary, close or transfer a polling station then hold a re-election in a location of its choosing.
  - (h) Supervise recounts on contested ballot boxes in the presence of candidates, their representatives and the media, and make a record thereof.
  - (i) Announce the final results of local administrative council elections.