



**International Covenant on  
Civil and Political Rights**

Distr.: General  
30 May 2022  
English  
Original: Arabic  
Arabic, English, French and  
Spanish only

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**Human Rights Committee**

**Fourth periodic report submitted by the Syrian  
Arab Republic under article 40 of the Covenant,  
due in 2009\* \*\***

[Date received: 29 December 2021]

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

\*\* The previous report of the State party was issued under document symbol [CCPR/C/SYR/2004/3](#).



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## A. Introduction

1. The Syrian Arab Republic hereby submits its fourth periodic report at the end of 2021, following the submission of its previous report in 2004, in accordance with article 40 (1) of the International Covenant on Civil and Political Rights. It has been subjected in the intervening period to a continuous terrorist war, unilateral coercive measures, the presence of foreign occupying forces on its territory, as well as an economic war, all of which have had an impact on civil, political, economic, social and cultural rights.

2. The report reviews Syrian obligations in the area of civil and political rights as well as the measures taken and the progress achieved in ensuring that the people of the Syrian Arab Republic enjoy the rights enshrined in the Covenant. It provides an overview of amendments to the legislation and changes in judicial and administrative practices aimed at ensuring compliance with the provisions of the Covenant since the Government submitted its third periodic report in 2004 in document [CCPR/C/SYR/2004/3](#) and at providing a response to the concluding observations contained in document [CCPR/CO/84/SYR](#).

## B. Report preparation process

3. The stages of preparation of the report were as follows:

(a) **The preliminary stage:** A National Committee was established pursuant to Prime Ministerial Decision No. 853 of 3 June 2021 to prepare the country's comprehensive report on the implementation of the provisions of the International Covenant on Civil and Political Rights. It was chaired by the Deputy Minister of Foreign Affairs and Expatriates, and its members included representatives of the People's Assembly, the Ministry of Justice, the Ministry of Foreign Affairs and Emigrants, the Ministry of the Interior, the Ministry of Higher Education and Scientific Research, the Ministry of Local Administration and the Environment, the Ministry of Social Affairs and Labour, the Planning and International Cooperation Commission, and the Bar Association.

(b) **The information gathering stage:** The members of the National Committee took all necessary action to obtain the information required for the report, and they held several meetings to review the information acquired. The information gathering process continued until the date of submission of the report in order to ensure that the information was up to date.

(c) **The drafting stage:** A small-scale committee was established to draft the report. It took the necessary steps to incorporate the available information on the various topics addressed in the report. As soon as the drafting was concluded, the subcommittee forwarded the draft to the National Committee.

## C. Methodology of the report

4. Representatives of diverse governmental sectors, the People's Assembly and the Bar Association were involved in the preparatory process. The Committee communicated with the ministries and competent authorities involved in implementing the recommendations, and collected information on the action taken, the progress achieved and the challenges faced. The draft report was composed of three parts. The first contained a response to concluding observations that did not fall within the scope of a specific article of the Covenant. The second provided information on the promotion and protection of human rights enshrined in the articles of the Convention. It described the measures taken to comply with each article, presented the indicators of implementation wherever possible, and responded to the concluding observations when they fell within the scope of a particular article. The third and final part of the report concerned the challenges to implementation posed by the difficult circumstances that the country has been experiencing for years and highlighted the main challenges.

## **Part I**

### **Response to the concluding observations**

5. The following is the response of the Syrian Arab Republic to recommendations that did not fall within the scope of the articles of the Covenant:

#### **Recommendation 5 concerning the establishment of a national human rights institution**

6. The Syrian Arab Republic began several years ago to consider the establishment of a national human rights institution and developed a preliminary structural project. However, the prevailing conditions in the country led to an adjustment of national priorities in order to focus on combating terrorism, maintaining security and stability, confronting the negative impact of unilateral coercive measures, and addressing the economic and social impact of the coronavirus disease (COVID-19) pandemic. As a result of these predicaments, the establishment of the institution was postponed pending an improvement in the situation.

7. There are three committees responsible for the protection of human rights in the People's Assembly: the Public Freedoms and Human Rights Committee; the Social Affairs Committee on the Rights of Women, the Family and Children; and the Media Committee on the Independence and Freedom of the Press, Printing, Publication and Advertising. The Bar Association also plays a role in defending rights and cooperating with the judiciary in order to promote justice and defend the rights of clients, in accordance with the provisions of the Law Regulating the Legal Profession.

#### **Recommendation 20 concerning publication of the third periodic report and the concluding observations and circulation of the third periodic report among non-governmental organizations (NGOs) operating in the country**

8. The Syrian Arab Republic pursues a standard policy of publication of national reports and of concluding observations issued by treaty bodies. It circulates them among governmental agencies and other relevant parties, including civil society, with a view to promoting an active response and the establishment of national committees to monitor implementation and prepare the subsequent report. The wide dissemination of the third national report contributed to the involvement of national entities in preparing the current report. The decision to establish the National Committee to prepare the current report stipulated that the Committee shall monitor the implementation of the International Covenant on Civil and Political Rights and the concluding observations. Similar measures were adopted following the discussion of the fifth national report on implementation of the Convention on the Rights of the Child.

#### **Recommendation 21 that the State party should seek technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities or agencies dealing with human rights**

9. The Syrian Government cooperated with relevant United Nations bodies with a view to benefiting from United Nations capacity-building and training expertise in preparing national reports on human rights issues. For example, a training workshop was held in cooperation with OHCHR at the request of the Syrian Government in order to train the national team that had been assigned the task of preparing the third national report to the Universal Periodic Review mechanism in 2020–2021. Syria also participated in a virtual course on the preparation and submission of reports and on monitoring the implementation of recommendations in the field of human rights, which was organized in July 2021 by the

United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region in cooperation with the OHCHR Regional Office.

**Recommendation 22 concerning the submission of information within one year on the follow-up given to the Committee's recommendations in paragraphs 6, 8, 9 and 12**

10. The recommendation was implemented through the submission of a response in document [CCPR/CO/84/SYR/Add.1](#), dated 15 September 2006, entitled: Comments by the Syrian Government on the concluding observations.

**Part II**  
**Information concerning the implementation of the articles of the Covenant**

11. This part describes the legislative, institutional, administrative and procedural measures taken by the State with a view to implementing the provisions of the Covenant. It contains specific information on articles 1 to 27, in the order of the articles and in accordance with their provisions, as well as responses to the Committee's concluding observations on the previous report.

**Article 1**  
**Right to self-determination**

12. The Syrian Arab Republic has been and still is one of the foremost countries calling for people's right of self-determination, and it has stood by peoples who have endeavoured to achieve self-determination by legitimate means and in accordance with United Nations resolutions concerning that right. At the national level, the Syrian Arab Republic continues, in line with its constitutional and legal obligations, to discharge its duties and responsibilities to defend its sovereignty and territorial integrity, to protect the security of its citizens, and to remain steadfast in its determination to honour the will of all categories and components of its people and to maintain the strength of its army, relying on a range of basic principles that enshrine independence, sovereignty, the rule of the people based on elections, pluralism of politics and political parties, and the protection of national unity, cultural diversity, public freedoms and human rights. The Constitution states that the army and armed forces are a national institution responsible for defending the security of the homeland and its territorial integrity, and that they serve the interests of the people and protect their objectives and national security.

13. Article 1 of the Constitution states that the Syrian Arab Republic is a fully sovereign and indivisible democratic State, that no part of its territory may be relinquished, that it is part of the Arab homeland and that the people of Syria are part of the Arab nation. Article 2 states that sovereignty is an attribute of the people and that no individual or group may claim sovereignty. It adds that sovereignty is based on the principle of the rule of the people, by the people and for the people, and that the people shall exercise their sovereignty in accordance with the procedures and limits prescribed in the Constitution. In line with these constitutional principles and the people's right to self-determination, the citizens of the Syrian Arab Republic approved a new national Constitution in a popular referendum held on 26 February 2012 by 89.4 per cent. A total of 57.4 per cent of Syrian citizens at home and abroad participated in the vote. The approval of the Constitution was a natural response to changes and adjustments. It constitutes a guide that regulates the State's movements towards the future, controls the evolution of its institutions and serves as a source for its legislation.

14. The Constitution guarantees citizens' right to participate in political, economic, social and cultural life (art. 34) and the right to stand for election, to vote and to participate in referendums. The political system of the State is based on the principle of political pluralism and the democratic exercise of power through the ballot box (art. 8 (1)). These constitutional

entitlements were respected in due course, for instance in the presidential elections in 2014 and 2021, the elections to the People's Assembly for two terms in 2016 and 2020, and the elections to local councils, the most recent of which was in 2019. The right to vote has thus been guaranteed to all citizens, in accordance with the General Elections Act.

15. It is no longer a secret that many countries, especially Western States, have displayed scant respect for and commitment to international law and the provisions of the Charter of the United Nations. Their attempts to impose their systems and values on other countries and to expand their global hegemony have undermined global stability, security and peace. They have also threatened the right to self-determination of many peoples around the world, including the Syrian people, who have been subjected since 2011 to serious attempts by a group of hostile countries to fragment and destabilize the Syrian State and to undermine the right of the Syrian people to determine their political status and to seek to achieve economic, social and cultural development. Syrian wealth, natural resources and historical and cultural possessions have also been stolen and plundered in order to serve the countries' political agendas in Syria and the Arab region. All available means have been used to achieve that goal, particularly military, political, media-related and economic means. For instance, a terrorist war has been waged by using and supporting terrorist groups, most of which have been placed on the Security Council list of terrorist organizations. They include in their ranks tens of thousands of foreign terrorists of more than 100 nationalities. The groups have been supported from abroad, financially and logistically, with equipment and weapons, and borders have been opened to allow them to pass through, especially from northern Syria. The groups have subjected Syrians to egregious human rights violations and crimes against humanity. Syria is also exposed to aggression by the so-called "international coalition" led by the United States of America, to aggression by Türkiye, which has occupied part of its territory, and to continuous aggression by Israel, which occupies the Syrian Arab Golan Heights. These aggressive forces have blatantly and continuously robbed and looted Syrian resources, particularly oil, wheat, water and other basic resources.

16. In compliance with the provisions of the Constitution and its duty to protect its citizens, the Syrian State has mounted resistance to the terrorist war on several fronts, and has sought to restore security and stability in the Syrian territory, primarily through the Syrian Arab Army's response to terrorism and its fight to protect Syrians and liberate the territory controlled by the terrorist groups. It has also sought to liberate the territory occupied by colonial powers, to contain the repercussions of war and aggression, and to guarantee the sovereignty and independence of Syria in accordance with international law and the Charter of the United Nations. In addition, it has responded, to the best of its ability, to the needs of those affected by the war, undertaking construction and reconstruction projects. The repercussions of the terrorist war on Syria and the unilateral coercive measures imposed by Western countries, particularly the United States of America, have affected all vital sectors and have evolved, as a result of their continuous expansion and extremism, into an economic siege and a terrorist war, which is being waged against Syria and its people by the countries concerned in order to destabilize the political system. Their devastating impact has also undermined the State's ability to address the catastrophic repercussions on the lives of Syrian nationals, especially since the outbreak of the COVID-19 pandemic. It should be noted that the identical messages concerning the political and humanitarian situation sent by Syria almost every week to the Secretary-General of the United Nations and the President of the Security Council have highlighted the Government's position regarding the contents of relevant United Nations reports, most of which have unfortunately been politicized. They describe the Syrian Government's efforts to confront terrorism, to respond to the needs of its citizens and to cooperate in that context with international organizations. The messages also describe the measures taken, including those pertaining to civil and political rights. Notwithstanding these major challenges and obstacles, Syria has remained committed to the provisions of the International Covenant and has continued to contribute, at the international level, to the promotion of human rights, peoples' right to self-determination and peoples' right to dispose of their natural wealth and resources. It has supported relevant General Assembly resolutions, such as resolution 1514 (XV) of 14 December 1960 and subsequent resolutions on the same subject, in line with its commitment to defend the principles of international law and the Charter of the United Nations. Action to defend the right of peoples to self-determination and to confront and resist all forms of colonialism, foreign occupation

and racist regimes constitutes a basic principle of Syrian policy. It is also enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

17. The Israeli occupation of the Syrian Arab Golan since 5 June 1967 constitutes a blatant assault on the right of the Syrian people in the occupied Golan to self-determination. It also impedes Syrian citizens in the occupied Golan from exercising all their rights and freely disposing of their natural resources. The occupation constitutes an obstacle to the Syrian State's implementation of the provisions of the Covenant throughout its territory. In addition, the illegal presence of American and Turkish foreign forces on Syrian soil for many years constitutes an assault on national sovereignty and an impediment to the Syrian State's full implementation of the provisions of the Covenant throughout its territory.

## **Article 2**

### **Requirement to respect, protect and guarantee rights without discrimination, and to provide an effective remedy**

18. The Constitution of the Syrian Arab Republic guarantees the protection of human rights and public freedoms. Article 33 stipulates that citizens shall be equal in terms of rights and duties, without discrimination on grounds of gender, origin, language, religion or creed. Citizenship shall be a fundamental principle that involves rights and duties that every citizen enjoys and exercises in accordance with the law. Freedom shall be a sacred right, and the State shall guarantee the personal freedom of citizens and shall preserve their dignity and security. The State shall guarantee the principle of equality of opportunity for citizens. Accordingly, the Criminal Code provides for the prosecution of human rights violations and any attack on personal freedom, the sanctity of private life, or other public rights and freedoms guaranteed by the Constitution. Every citizen has the right to litigate, to lodge an appeal and to present a defence in court.

19. The Syrian Government has taken vigorous and high-quality action to enact legislation aimed at implementing a comprehensive national reform programme, notwithstanding the crisis that has beset the country since 2011. For instance, it terminated the state of emergency, abolished the Supreme State Security Court, abolished the Economic Security Court and enacted a series of laws guaranteeing the rights enshrined in the Covenant, including the following:

- The Political Parties Act promulgated by Legislative Decree No. 100 of 2011, which permitted the licensing of political parties in Syria; the number of licensed parties totalled 22 on the date of preparation of the report;
- The Act on the Organization of Demonstrations promulgated by Legislative Decree No. 54 of 2011;
- The General Elections Act No. 5 of 2014;
- The Media Act promulgated by Legislative Decree No. 108 of 2011;
- The Civil Status Act No. 13 of 2021.

20. With regard to the right to an effective remedy, article 24 (4) of the Constitution states that the right to litigation, to lodge an appeal and to present a defence in court is protected by law. The Constitution prohibits the immunization of any administrative act or decision from judicial review. Any person who has been sentenced by a final ruling and whose sentence has been enforced shall have the right, if the ruling is proved to have been unjustified, to demand compensation from the State for the damage incurred (art. 53). The State guarantees legal assistance to persons who are unable to afford it, in accordance with the law. Accordingly, the Legal Assistance Act was amended by Act No. 29 of 2013, which exempts litigants from having to pay fees or insurance charges should they be materially unable to do so.

21. Notwithstanding the prevailing circumstances and the targeting of the judiciary by armed terrorist groups throughout the Syrian Arab Republic, the judiciary has continued to fulfil its duty to protect human rights.

22. With regard to the enforcement of judgments handed down on behalf of complainants, article 138 (2) of the Constitution stipulates that failure to implement judicial rulings or obstruction of their implementation constitutes a crime punishable in accordance with the provisions of the law. Syrian law guarantees the implementation of judgments handed down by the judiciary through a variety of departments responsible for enforcement. The Criminal Code contains provisions that criminalize the failure to implement judicial rulings. For example, article 361 stipulates that any official who uses his authority or influence, directly or indirectly, to obstruct or delay the implementation of laws or regulations, the collection of fees or taxes, or the implementation of a judicial decision, a judicial warrant, or any order issued by a competent authority shall be punishable with a term of imprisonment of between three months and two years. Article 364 stipulates that any official or member of the law enforcement personnel or any commander of a position or squad who fails to respond to a legal request issued by a judicial or administrative authority shall be punishable with a term of imprisonment of between one month and one year. Article 369 stipulates that anyone who violently attacks or resists an official engaged in the implementation of laws or regulations, the collection of fees or taxes, or the implementation of a judicial decision, a judicial warrant or any order issued by a competent authority shall be punishable with a term of imprisonment of at least two years if he is armed, and with a term of imprisonment of between six months and two years if he is unarmed. If there are two or more perpetrators, the penalty is doubled.

### **Article 3**

#### **Requirement to ensure the equal right of men and women to the enjoyment of all civil and political rights**

##### **Response to recommendation No. 16, according to which laws should be reviewed in order to ensure equality between men and women in matters of personal status and to eliminate any discrimination against women in the Criminal Code**

23. The Syrian Arab Republic attaches great importance to issues concerning women and to their protection. It has reviewed discriminatory laws in recent years and amended many of them in the context of its continuous reassessment of its legislation and the provisions of the Syrian Criminal Code, particularly concerning so-called “honour crimes” and the Personal Status Act. The most notable measures are listed below:

- A comprehensive review of the Personal Status Act was undertaken and two amendments to the Act were promulgated, the first by Act No. 4 of 2019 and the second by Act No. 20 of 2019. About 75 articles of the Act were amended with a view to eliminating all discriminatory provisions and guaranteeing equality between men and women. The age of marriage for boys and girls was raised to 18 years. A number of provisions concerning divorce, custody and guardianship were amended. The provision concerning mandatory bequests was expanded in addition to the provisions concerning dowries, alimony and inheritance. Women were also permitted to impose restrictions on the marriage contract in order to guarantee their rights.
- Act No. 1 of 2011 amended article 489 of the Criminal Code with a view to prescribing harsher penalties for crimes of sexual violence in general and for crimes perpetrated against persons under 15 years of age in particular.
- Act No. 2 of 2020 repealed article 548 of the Criminal Code, which had granted mitigating circumstances to perpetrators of so-called “honour crimes”. They are now punishable with the penalty prescribed for the crime of murder.
- The National Plan for Gender Equality was drafted in late 2020. It serves as a tool for coordinating policies and procedures related to gender equality in the Government and among its partners, and provides for measures to ensure that all stakeholders assume responsibility for their respective roles.
- The National Development Programme for Post-War Syria, the Syria 2030 Strategy, attaches great importance to issues pertaining to women and girls in terms of its vision



and strategic objectives, which are reflected in programmes such as social empowerment, training and rehabilitation of rural women.

**Response to recommendation No. 17, according to which appropriate steps should be taken to achieve balanced representation of women in public life**

24. Article 23 of the Constitution of the Syrian Arab Republic stipulates that the State shall provide women with every possible opportunity to participate effectively and fully in political, economic, social and cultural life, and the State shall take steps to remove restrictions that prevent their development and their participation in the building of society. Article 26 states that citizens shall be equal in assuming the functions of public service. Women are playing an increasingly prominent role in decision-making positions through their participation in the political, economic, social and cultural fields and in the areas of health, education and labour. A woman has held the post of Vice-President of the Republic since 2006 and a woman was elected to the post of Speaker of the People's Assembly in 2016, setting a precedent among Arab parliaments. Women account for 11.2 per cent of the members of the People's Assembly and they chair two of its committees. A woman has served as a member of the Constitutional Court since 2012 and a woman has served as Public Prosecutor of the Republic. Women have also held the posts of minister, deputy minister and director-general, and have served as judges of the Court of Cassation and of all civil, criminal and administrative courts. They have chaired a grass-roots organization, a professional union and a political party, and have held the office of vice-president of a university, dean of a faculty and offices in the diplomatic corps.

25. Women have been represented in official delegations to international conferences, in the national dialogue meetings held in Geneva and Sochi, in national reconciliation committees and in related civil society initiatives. Women accounted for about 7.2 per cent of the membership of local administrative councils, 44.3 per cent of civil service employees, and 10 per cent of members of the Government in 2021. Women account for about 20 per cent of the judiciary and their number is increasing. A total of 66 judges joined the Judicial Institute in 2021, including 37 female judges, who therefore constituted a majority of 57 per cent. The proportion of women in the Ministry of Higher Education was 55 per cent and the proportion of women lawyers was 36.4 per cent.

26. The National Strategy for the Support and Empowerment of Women, which was adopted in 2018, is a national mechanism that seeks to highlight national measures and coordinate plans to enhance the status of women in Syria and to consolidate the pillars of justice and equity. The national authorities allocate the necessary funds for the implementation of the programmes in their annual budget.

27. In line with the commitment of the Syrian Arab Republic to the implementation of article 3 of the Covenant, the Constitution states in article 19 that society shall be based on solidarity, symbiosis and respect for the principles of social justice, freedom, equality and preservation of the human dignity of every individual. Article 33 (3) states that citizens shall be equal in terms of rights and duties and that there shall be no discrimination on grounds of gender, origin, language, religion or creed. The principle of the equal participation of men and women in political life and in the enjoyment of political rights is perceptible in a number of areas, including the following:

**(a) Equality in terms of the right to stand for election and to vote**

28. Syria was one of the first countries to guarantee women the right to stand for election and to vote in 1949, and women have played an active role in political and parliamentary life. Successive constitutions have recognized women's right to stand for election and to vote on an equal basis with men. Article 34 of the Constitution of 2012 stipulates that every citizen shall have the right to participate in political, economic, social and cultural life, and that this shall be regulated by law. The Constitution and the General Elections Act make no distinction between men and women in terms of candidacy and election. Article 33 (3) of the Constitution stipulates that citizens shall be equal in terms of rights and duties and that there shall be no discrimination on grounds of gender, origin, language, religion or creed. Article 59 of the Constitution stipulates that voters shall be citizens who have reached the age of 18 years and who meet the conditions laid down in the General Elections Act. The General

Elections Act defines voters as all citizens who enjoy electoral rights and candidates as all citizens who wish to stand for election. None of the provisions make any distinction between men and women.

29. The Political Parties Act and the General Elections Act confirm women's right to participate in political life, given that citizens are equal in terms of rights and duties. Women's representation in licensed political parties currently stands at over 30 per cent and two women hold the office of secretary-general of a party. Women's representation in the leadership of political parties is, on average, 25 per cent. The parties' internal regulations confirm the empowerment of women, their participation in political life and their assumption of leadership positions at various party levels.

30. Syria promotes women's active involvement in addressing issues relating to security and peace. It organized a conference in 2014 entitled "Women's role in ending war and bringing about peace", which was attended by 600 women. It resulted in the election of a committee of women representing all spectrums of Syrian society and civil society to participate in relevant international and regional forums.

**(b) Equality in assuming the functions of public service**

31. Article 26 of the Constitution stipulates that public service is a duty and an honour, the purpose of which is to serve the public interest and the people. It adds that citizens shall be equal in assuming the functions of public service. The Basic Act on State Employees (No. 51 of 2004) provides for equality between male and female citizens in terms of appointment to a public office, salaries, promotion and bonuses. Article 119 of the Labour Code No. 17 of 2010 stipulates that all provisions governing workers' employment shall be applicable to women employees, without discrimination, for work of the same kind. Similarly, Social Insurance Act No. 92 of 1959 provides for equal insurance benefits for women and men.

**(c) Equality in occupying posts**

32. In addition to what was stated in response to recommendation 17, we wish to provide the following data concerning women's participation in positions at all levels:

- In the judiciary: Two of the seven members of the Supreme Judicial Council are women. On 25 March 2021, 326 of the country's 1,777 judges were women. In addition, women occupy judicial posts in the Council of State, since Decree No. 34 of 2020 stipulates that 5 of the 15 judges appointed to the Council shall be women.
- **In the Government:** The proportion of women members of successive governments may not be less than 10 per cent. For example, three women hold the office of minister in the 2021 Government (Minister of Culture, Minister of Administrative Development and Minister of State). In addition, the Central Oversight and Inspection Commission, which is the highest oversight and inspection body in Syria, has been chaired by a woman since 2017. Two women hold the position of adviser in the Office of the President of the Republic. There are 67 women and 177 men in the diplomatic corps.
- **In local councils:** Women are represented at all levels of local administrative bodies.
- **In trade unions:** The General Federation of Trade Unions issued a decision aimed at increasing the participation of working women in all trade union activities and events, including internal and external delegations, to at least 25 per cent.

## **Article 4**

### **States of emergency**

#### **Response to recommendation No. 6 concerning states of emergency**

33. The state of emergency in the Syrian Arab Republic was terminated by Decree No. 161 of 21 April 2011, which was accompanied by the promulgation of Legislative Decree No. 53 of 21 April 2011, which abolished the Supreme State Security Court and referred

pending cases to the competent ordinary courts, in accordance with the rules and procedures laid down in the Code of Criminal Procedure.

34. Legislative Decree No. 56 of 2011 was issued following the termination of the state of emergency. It provided for the establishment of a Judicial Committee to be chaired by the Vice-President of the Court of Cassation. Its members would be two high-ranking judges of the Court of Cassation nominated by the Supreme Judicial Council and two high-ranking judges nominated by the Special Council. Article 3 specified the tasks of the Judicial Committee, namely to issue rulings on requests to review legal situations arising from orders and decisions, announced prior to 21 April 2011, to seize movable and immovable property in order to enforce the state of emergency. The Legislative Decree confirmed that the Committee's rulings in that regard would be conclusive.

## **Article 5**

### **Prohibition of any restriction upon or derogation from the rights and freedoms recognized in the Covenant**

35. The Constitution of the Syrian Arab Republic stipulates that the rule of law shall be the basis of governance in the State and that human rights and public freedoms may not be violated. Accordingly, it is not permissible to restrict or derogate from the rights and freedoms recognized in the Covenant. A chapter of the Constitution highlights protected rights and freedoms and sets forth a range of basic principles that enshrine independence, sovereignty, the rule of the people based on elections, pluralism of politics and political parties, and protection of national unity, cultural diversity, public freedoms, human rights, social justice, equality, as well as equality of opportunity and citizenship. The vigorous national action taken on behalf of society and citizens with a view to preserving their dignity reflects the civilized status of the nation and the prestige of the State. These matters have already been addressed in our response to articles 2 and 4.

## **Article 6**

### **Right to life**

#### **Response to recommendation No. 7 concerning limitation of the cases in which the death penalty can be imposed**

36. The Syrian Arab Republic guarantees the right to life. While the severe penalties imposed for any violation include the death penalty, it is imposed 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, such as murder, rape, kidnapping, multiple murders or victims, especially children and women, drug smuggling, trafficking and other serious crimes that are strictly defined by law. The imposition of the death penalty is subject to a number of restrictions and safeguards. A death sentence may not be executed until all ordinary and special avenues of appeal have been exhausted, and steps have been taken to obtain the opinion of the Amnesty Committee and the approval of the President of the Republic, who may replace it with a commuted sentence (art. 43 of the Criminal Code). In addition, persons sentenced to death can benefit from amnesty laws that replace the death penalty with life imprisonment. A total of 20 general amnesty laws were issued between 2011 and 2020. In addition to the above-mentioned restrictions, the law stipulates that the death penalty shall be executed in accordance with the existing legal framework and under judicial supervision. Anyone who violates these restrictions and regulations shall be liable to prosecution. The law also stipulates that the death penalty shall not be imposed on persons under the age of 18 years or on pregnant women.

## Article 7 Prohibition of torture or cruel, inhuman or degrading treatment or punishment

### Response to recommendation No. 9 on taking firm measures to stop the use of incommunicado detention and on eradicating all forms of torture

37. The Constitution prohibits all acts of torture or degrading treatment. Article 53 stipulates that: “No one may be tortured or subjected to degrading treatment, and the law shall prescribe the penalty for persons who commit such acts.” No one may be investigated or arrested save pursuant to an order or decision issued by the competent judicial authority, or if the person was arrested in flagrante delicto or for the purpose of being presented to the judicial authorities on the charge of committing a major or minor offence. All persons who are arrested must be informed of the grounds for their arrest and of their rights, and continuous detention by an administrative authority is not permissible without an order from the competent judicial authority.

38. The Syrian Criminal Code criminalizes torture and prescribes severe penalties for persons who use force to extract a confession to an offence or information pertaining thereto. Article 391 of the Code prescribes a term of imprisonment of up to three years in such cases. Article 116 of the Military Criminal Code criminalizes acts of force of all kinds. The Code of Criminal Procedure entrusts the Public Prosecution Service with the task of supervising prisons and places of detention. Pursuant to article 422 of the Code of Criminal Procedure, the well-being of persons held in centres of detention and prisons must be verified by the investigating judge and the justice of the peace once a month and by the presidents of criminal courts at least once every three months. Article 424 requires anyone who learns of the detention of a person in a place other than those designated by the Government for imprisonment or detention to inform the public prosecutor, his deputy, the investigating judge or a justice of the peace.

39. No provisions under Syrian law grant immunity for offences involving acts of torture committed by any party. Whenever such cases are detected, they are dealt with in accordance with the law, regardless of who the perpetrators may be. Members of the police force are held accountable if violent acts are committed during the investigation. The following table shows the number of police officers who have been held accountable for perpetrating violent acts during investigations or in prisons or detention centres during the past five years.

<i>Year</i>	<i>Number of persons held accountable</i>	<i>Referred to court</i>	<i>Disciplinary penalties</i>
2016	27	14	13
2017	21	13	8
2018	16	4	12
2019	13	5	7
2020	1	1	0

40. The following table shows the number of officers who have been held accountable for perpetrating violent acts in prisons and pretrial detention centres.

<i>Year</i>	<i>Number of persons held accountable</i>	<i>Referred to court</i>	<i>Disciplinary penalties</i>
2016	6	4	2
2017	7	5	2
2018	3	3	0
2019	1	0	1
2020	1	0	1

41. A number of circulars have been issued by the Ministry of Justice and the Ministry of the Interior with a view to providing the above-mentioned judicial safeguards. The judicial authorities are taking the necessary action and imposing criminal penalties on any public officials who are responsible for infringements.

## **Article 8**

### **Prohibition of slavery, the slave trade and forced or compulsory labour**

42. The Action to Combat Trafficking in Persons Act promulgated by Legislative Decree No. 3 of 2010 punishes all forms of trafficking in persons. A Department for Combating Trafficking in Persons was established in the Ministry of the Interior, and a National Plan to Combat Trafficking in Persons is developed every two years. The most recent plan for 2020–2021 was approved by the Prime Minister in 2020. The Plan comprises the following four core areas of action to combat trafficking in persons:

(a) Prevention: The aim is to formulate policies designed to impede crimes of trafficking in persons, to raise awareness, to curtail trafficking in human organs and to enhance national capacities.

(b) Protection: The aim is to protect and identify victims.

(c) Prosecution: The aim is to guarantee prosecution, investigation and indictment procedures and to coordinate action to combat trafficking.

(d) The aim is to build partnerships and to promote local, regional and international cooperation.

43. The following table contains statistics on human trafficking crimes compiled by the Department for Combating Trafficking in Persons in Syria:

<i>Year</i>	<i>Exploitation of prostitution</i>	<i>Trafficking in human organs (sale of kidneys)</i>	<i>Smuggling of girls for prostitution</i>
2010	4	2	-
2011	53	19	-
2012	75	1	2
2013	34	4	2
2014	86	7	7
2015	55	3	5
2016	96	-	20
2017	110	3	7
2018	298	4	19
2019	234	2	2
2020	43	1	20
2021	13	-	9

44. With regard to labour regulations, article 40 of the Syrian Constitution stipulates that work shall be a right and duty for every citizen. The State shall endeavour to provide work for all citizens, and the law shall regulate labour, the applicable conditions and workers' rights. Every worker shall be entitled to a fair wage that corresponds to the nature and value of the work done. It should not be less than the minimum wage required for an adequate standard of living and for changes in living conditions. The State shall guarantee workers' social security and health. Labour Code No. 17 of 2010 introduced strict regulations governing working hours and wages. Article 205 provided for the establishment of a special court to hear cases concerning labour disputes and workers' rights. The Ministry of Social Affairs and Labour is responsible for monitoring compliance with the Code. Trade unions and professional associations also play a supervisory role aimed at guaranteeing and defending the rights of workers. With a view to safeguarding the rights of Syrian workers

employed abroad, the Government of the Syrian Arab Republic signs bilateral agreements concerning labour and the workforce with countries' governments.

## **Article 9**

### **Right to liberty and security of person**

45. Article 33 (1) of the Constitution of the Syrian Arab Republic stipulates that freedom shall be a sacred right, and the State shall guarantee the personal freedom of citizens and shall preserve their dignity and security. Article 51 stipulates that punishment shall be personal and there shall be no crime and no punishment without a provision of the law. Every defendant shall be presumed innocent until convicted by a final court ruling in a fair trial. The right to litigation, to lodge an appeal and to present a defence in court shall be protected by law, and the State shall guarantee legal assistance to persons who are unable to afford it, in accordance with the law. In addition, article 53 of the Constitution stipulates that no one may be investigated or arrested save pursuant to an order or decision issued by the competent judicial authority based on charges of committing a major or minor offence. No one may be tortured or subjected to degrading treatment, and the law shall prescribe the penalty for persons who commit such acts. All persons who are arrested must be informed of the grounds for their arrest and of their rights, and continuous detention by an administrative authority is not permissible without an order from the competent judicial authority. The Constitution stipulates that any person who has been sentenced by a final ruling and whose sentence has been enforced shall have the right, if the ruling is proved to have been unjustified, to demand compensation from the State for the damage incurred.

46. Legislative Decree No. 55 of 2011 contained an amendment to article 17 (3) of the Code of Criminal Procedure, which stipulates that the period of detention of suspects shall not exceed seven days. The period may be renewed by the public prosecutor, based on the data contained in each case file, provided that the total period does not exceed 60 days.

### **Response to recommendation No. 8 concerning the provision of a particularized account of Lebanese and Syrian nationals, and the establishment of an independent and credible commission of inquiry into all disappearances**

47. The Syrian Government established a Syrian-Lebanese Committee in 2005 to address the issue of Syrian and Lebanese missing persons in the two countries. The Committee took concrete steps to investigate the situation at a number of meetings held from 3 October 2005 to 29 April 2006. As a result of this action, the Syrian side received a response from the Lebanese side concerning 1,088 missing Syrians. In addition, the Lebanese side received a response concerning 724 Lebanese missing persons in Syria. In accordance with the regulations provided by the Lebanese party, the Committee took a number of concrete steps that demonstrated its effectiveness in addressing the issue of missing persons. The steps taken were reflected in jointly compiled records of the meetings, which demonstrate the seriousness and high quality of the procedures undertaken.

## **Article 10**

### **Humane treatment of persons deprived of their liberty**

48. The Prison Code of the Syrian Arab Republic provides for the segregation of persons in pretrial detention from convicted inmates. Detainees are also segregated in terms of the offence committed and in terms of their age and health status. Juveniles are detained in separate wings from adults and are prevented from mingling with other inmates. The Prison Code prohibits the joint detention of juveniles and adults, and this provision has been confirmed by periodic instructions and decisions issued by the Minister of the Interior.

49. With regard to treatment within the penitentiary system, coordinated action is taken by relevant ministries, such as the Ministry of Social Affairs and Labour and the Ministry of Culture, to develop reform and rehabilitation programmes for inmates in order to promote their education, training and rehabilitation. Inmates attend training courses in diverse areas: literacy, computer skills, various crafts (carpentry, hairdressing, footwear), sewing,

electronics and decorative design. Exhibitions are organized within and outside prisons in order to display and sell inmates' products. The following table shows the number of beneficiaries of the training courses:

<i>Year</i>	<i>Computer skills</i>	<i>Language</i>	<i>Music</i>	<i>Literacy</i>	<i>Arabic calligraphy</i>	<i>Drawing</i>
2016	714	862	122	299	106	-
2017	563	818	165	283	225	-
2018	418	687	133	224	147	10
2019	460	453	76	221	47	20
2020	299	443	76	251	111	26

50. The penitentiary system guarantees the right to education for inmates. They can pursue their education at all levels, including at university level. A Syrian Virtual University centre was recently opened to enable inmates to pursue their university studies in prison via the Internet. The following table shows the number of inmates who have obtained certificates:

<i>Year</i>	<i>Certificates</i>		
	<i>Intermediate</i>	<i>Secondary</i>	<i>Tertiary</i>
2016	59	84	1
2017	87	112	8
2018	74	135	8
2019	85	120	15
2020	73	82	1

51. The penitentiary system and relevant laws impose health-care regulations for all inmates. They are guaranteed the right to health care and food, to communicate with their families and to be kept informed of their legal situation. Prisons provide medical services to all inmates. The medical service divisions that exist in all central prisons are equipped with the necessary medical facilities. Inmates are referred, in case of need, to hospitals located elsewhere and all medical services are provided free of charge. Since the outbreak of the COVID-19 pandemic, greater attention has been paid to inmates' health. All areas frequented by inmates are sterilized and disinfected, and preventive and precautionary measures have been taken to protect them from COVID-19.

52. The Syrian Government has facilitated the access of humanitarian and civil society organizations to prisons. During the period from 2016 until early 2021, the International Committee of the Red Cross conducted 164 visits to prisons in Damascus, Aleppo, Homs, Latakia, Suwayda', Hama and Tartous. The Syrian Arab Red Crescent conducted seven visits and civil society organizations conducted about 15 visits.

53. With regard to restorative juvenile justice, Juveniles Act No. 18 of 1974, as amended by Act No. 51 of 1979 and Act No. 52 of 2003, regulates all matters relating to juveniles in conflict with the law. The aim is to facilitate their educational, social and vocational rehabilitation in juvenile reform institutions through reform measures on behalf of juveniles who have reached the age of 15. The legislature has adopted a child-related criminal justice policy that is based on the assumption that children are victims requiring rehabilitation and reform. Accordingly, it ensures that judgments handed down against juveniles are enforced in juvenile reform institutions in order to prevent them from mingling with adult criminals. Separate wings are also allocated to juveniles. The Act stipulates that the trial of a juvenile shall be conducted in camera and that the juvenile may be exempted from attending the sessions. However, the judgment must be handed down at a public session.

54. The new Children's Rights Act stipulates that juvenile detainees shall be separated from adults, that juveniles in pretrial custody shall be separated from convicted juveniles, and that the juvenile's age and the measure imposed shall be taken into account for purposes of separation. Article 50 stipulates that an appropriate environment shall be established in

reform institutions so that juveniles can engage in activities and participate in programmes that help them to remain in good health, to develop their capacities, to maintain self-respect and to enhance their sense of responsibility. Juveniles are provided with free legal services at all stages, including regular consultations and procedures for the submission of complaints and requests, while ensuring confidentiality and privacy.

### **Article 11**

#### **Imprisonment for inability to fulfil a contractual obligation**

55. Syrian law does not endorse the principle of imposing a penalty for failure to fulfil a civil contractual obligation. Debtors are bound to fulfil an obligation in financial rather than in personal terms, and the penalty for breaching an obligation is compensation rather than imprisonment. On the other hand, some laws define, in exhaustive terms, cases in which terms of imprisonment may be prescribed on the basis of the cases and regulations specified in article 439 of the Code of Civil Procedure No. 1 of 2016. These cases cannot be expanded in terms of interpretation or analogy because imprisonment in such cases constitutes an exception to the basic principle concerning debtors' financial rather than personal obligations. For instance, compensation for damage inflicted becomes a criminal offence in the event of refusal to pay compensation. There are also a number of personal status cases, such as various types of alimony due from a husband as well as dowries, the aim being to protect a basic and sacred right of the family, which must be protected from all forms of aggression in order to preserve a fundamental component of society. The Code stipulates that the term of imprisonment shall be proportional to the amount due, ranging from 20 days to a maximum of 1 year. The term of imprisonment ends once the obligation has been fulfilled, either by the debtor or by another person, even if the latter has no benefit to be gained therefrom. It should be noted that imprisonment in the aforementioned cases does not constitute a penalty but rather a temporary measure designed to compel persons to fulfil their obligations.

### **Article 12**

#### **Liberty of movement and residence**

56. Article 38 (3) of the Syrian Constitution stipulates that all citizens shall have the right to liberty of movement or to leave the territory of the State unless they are prohibited from doing so by a decision issued by the competent court or the Public Prosecution Service, or by the laws governing public health and safety. Citizens are not prevented by law from entering the country even if their identification documents have expired or have been lost, provided that the civil status records confirm that they are Syrian or of Syrian origin.

### **Article 13**

#### **Expulsion of a foreign national**

57. It is not permissible under Syrian law to deport a person who is legally resident in Syria and who abides by the laws and regulations in force. However, if foreigners are convicted of a criminal offence, the law permits their deportation from Syrian territory pursuant to a specific paragraph of the judgment. If they are convicted of a minor offence, they may not be deported save in legally specified cases. Foreigners may be deported for life or for a period ranging from 3 to 15 years. Act No. 2 of 2014 specifies the procedures governing the entry, departure and residence of foreigners in Syria. The Minister of the Interior issues a decision, based on the requirements of security and public interest, concerning cases and procedures for deportation from Syria, including the implementation procedure and the procedure for challenging the decision. Foreigners or Arabs who have been deported are permitted to return to Syria when the grounds for their deportation no longer exist.



## **Article 14**

### **Equality before the courts**

58. Article 50 of the Constitution stipulates that the law shall be the basis for governance in the State. The law protects the right to litigate, to lodge an appeal and to present a defence in court. It also guarantees the independence of the judiciary, and the Supreme Judicial Council ensures that the necessary safeguards for the independence of the judiciary are provided. Article 51 (3) stipulates that the State shall guarantee legal assistance to persons who are unable to afford it, in accordance with the law. The principle of equality before the courts is a right enjoyed by all citizens on an equal footing, without discrimination on grounds of origin, gender, colour, creed or personal opinions. This principle is not incompatible with the judge's freedom to impose an appropriate penalty based on the diverse circumstances of each case or the circumstances of the accused, and it is not incompatible with the existence of different courts for different types of disputes.

59. All persons have the right, when facing a decision regarding criminal charges filed against them or regarding their rights and obligations in a civil lawsuit, to have their case heard in a fair and public manner by a competent, independent and impartial court established by law. In line with the provisions of the Constitution, Syrian laws enshrine the principle of equality before the courts, and all citizens can exercise the right to litigation on an equal footing before the same courts, without any discrimination or distinction on grounds of origin, gender, colour, creed or personal opinions. With regard to public hearings before the courts, the Code of Civil Procedure and the Code of Criminal Procedure both provide for public proceedings and trials, except in cases specified by law. Accordingly, in camera proceedings are permissible for reasons related to the maintenance of public order or morals. The law permits the president of the court to exempt juveniles from attending the trial (arts. 190–278 of the Code of Criminal Procedure) and it stipulates that judgments shall be handed down at a public session.

60. The Syrian Constitution guarantees the right of every person accused of a crime to be presumed innocent until proven guilty according to law. Article 51 (2) stipulates that every defendant shall be presumed innocent until convicted by a final court ruling in a fair trial. The defendant must also be provided with judicial safeguards at all stages of the legal proceedings. Article 53 (3) stipulates that all persons who are arrested must be informed of the grounds for their arrest and of their rights, and continuous detention by an administrative authority is not permissible without an order from the competent judicial authority. The Code of Criminal Procedure includes all the provisions set forth in article 14 (3) of the Covenant. Thus, article 69 stipulates that defendants shall be informed of the charges against them and shall be requested to respond thereto. Article 108 stipulates that the arrest warrant shall clearly specify the offence for which it has been issued, the type of offence and the legal article entailing its prosecution. Article 109 stipulates that the defendant shall be notified of the summons and the arrest warrant and be provided with a copy thereof. Article 303 stipulates that if the accused or any of the witnesses is unable to speak the Arabic language, the president of the court shall appoint a sworn interpreter, not less than 18 years of age, who is capable of providing a correct and reliable translation, failing which the proceedings shall be null and void. The presence of a lawyer before criminal courts is mandatory by law. Article 274 stipulates that the president of the court shall ask defendants at the beginning of the proceedings whether they have chosen a lawyer to defend them and, if they have not done so, the president or his deputy shall immediately appoint a lawyer on their behalf, failing which the subsequent proceedings shall be null and void, even if the court appoints a lawyer on their behalf during the trial. Article 281 stipulates that a lawyer shall be present in juvenile courts for cases involving major and minor offences. The public prosecutor is required to clarify the grounds for the charge and to read out the list of witnesses for the prosecution, the civil plaintiff and the defendant. After listening to the witnesses for the public prosecutor and the civil plaintiff, the court shall listen to the witnesses for the accused (art. 291). The defendant is entitled to call any witnesses he may choose, and no one may object to the process of listening to the witnesses who are called to testify, except on grounds of kinship (art. 292). It is not permissible to interrupt witnesses during their testimony. Defendants or their representatives are entitled, after its performance, to put any questions that they see fit to witnesses, through the president of the court, and to make any comments that they deem

appropriate, in the interests of the defence, against witnesses and their testimony (art. 289). Defendants are permitted by law to present any oral or written arguments that they see fit and any documents that they deem necessary for their defence. While defendants are entitled to make statements freely, they may not be heard as witnesses against themselves. Accordingly, they may not be required to take an oath during interrogation, since such an oath would have a coercive impact on their freedom of speech.

61. The procedures undertaken in the case of juveniles must be appropriately adapted to their age and conducive to their rehabilitation. The new Children's Rights Act comprises a range of principles designed to promote restorative justice. It focuses on the legal provisions, procedures and measures applicable to children who are in conflict with the law. Restorative justice guarantees children's rights and safety and is designed to reform and rehabilitate them and to reintegrate them into society.

62. The Syrian legislature has adopted the principle of litigation at different levels in order to guarantee the right of accused persons to lodge an appeal so that the judgments handed down against them are reviewed by a court at a higher level. The Code of Criminal Procedure stipulates that all judgments in criminal cases shall be issued by courts of first instance and that an appeal may be lodged with a higher court (an appeal court). An appeal may also be lodged against the judgment of the appeal court with the Court of Cassation. An appeal may also be lodged with the Court of Cassation against judgments handed down by a criminal court. In addition, an appeal against judgments handed down by civil courts may be lodged with an appeal court or the Court of Cassation, in accordance with the provisions of the Civil Code and the Code of Civil Procedure. Article 367 of the Code of Criminal Procedure stipulates that a retrial may be requested in cases concerning major and minor offences, regardless of the court that conducted the proceedings and imposed the penalty, in the circumstances specified by the article.

63. Article 53 (4) of the Constitution stipulates that any person who has been sentenced by a final ruling and whose sentence has been enforced shall have the right, if the ruling is proved to have been unjustified, to demand compensation from the State for the damage incurred. The principle of compensation is also enshrined in article 138 of the Criminal Code and article 4 of the Code of Criminal Procedure. Every victim of a crime is entitled to institute legal proceedings to claim compensation for the damage incurred. Articles 367 to 378 of the Code of Criminal Procedure address the issue of compensation in retrial cases concerning major and minor offences. Article 375 concerning retrials stipulates that if convicted persons claim compensation for the damage caused by a previous judgment, the court may award compensation as part of its verdict of acquittal. Compensation may be claimed at all stages of the retrial proceedings. Article 376 stipulates that the State shall pay the compensation awarded by the court and may collect it from the persons who provided grounds for the original verdict. The compensation shall include legal fees and expenses.

64. No one may be retried or subjected to an additional penalty for an offence in respect of which he or she has already been convicted or acquitted by a final judgment, in accordance with the Criminal Code and the Code of Criminal Procedure. The Syrian legislature has ruled that persons may not be prosecuted twice for the same offence, if they have already been convicted or acquitted pursuant to a final judgment. Article 181 of the Syrian Criminal Code stipulates that a single act may be prosecuted only once. When persons have been tried for an act and have been convicted or acquitted, they may not be tried a second time for the same offence (Syrian Court of Cassation, 1982).

**Response to recommendation No. 10 concerning the Supreme State Security Court and the need to grant accused persons the right to appeal against decisions of the Court**

65. References to the Supreme State Security Court and its functions and procedures are no longer relevant, since the Court was abolished in 2011 by Legislative Decree No. 53, which referred pending cases to the competent ordinary courts, in accordance with the rules and procedures laid down in the Code of Criminal Procedure.

## **Article 15**

### **Convicting persons of criminal offences**

66. The Constitution of the Syrian Arab Republic enshrines the principle of the rule of law by providing for basic guarantees pertaining to criminal justice, the legality of criminal legislation and the treatment of defendants. Article 51 stipulates that punishment shall be personal and there shall be no crime and no punishment without a provision of the law. Article 52 stipulates that legal provisions shall apply only to acts that take place subsequent to the date of their entry into force and shall not have retroactive effect. These guarantees are enshrined in the Criminal Code, article 1 of which stipulates that: No penalty or precautionary or corrective measure shall be imposed for an offence that was not legally designated as such at the time of its commission. The acts that constitute the offence and that constitute acts of a participant or accomplice prior to the legal designation of the offence shall not be attributed to the defendant.

67. Article 3 of the Code stipulates that any law that amends the criminalization of an act in a manner that benefits the defendant shall be applied to acts committed prior to its entry into force, unless a final judgment has already been handed down. Article 4 stipulates that any law that amends the right to prosecute shall be applied to previous offences if the defendant stands to benefit therefrom. If the new law establishes a time limit for exercising the right to prosecute, the time limit shall be applicable only from the date on which the law enters into force. If the law amends a previous time limit, the period specified in the previous law shall be maintained, provided that it does not exceed the period specified by the new law from the date of its entry into force. Article 5 stipulates that if the law amends the statute of limitations for an offence, the term applicable under the previous law shall be applied, provided that it does not exceed the term specified in the new law from the date of its entry into force. With regard to penalties, article 6 of the Code stipulates that no penalty shall be imposed that was not prescribed at the time of commission of the offence. Article 8 stipulates that any new law that abolishes or reduces a penalty shall be applicable to offences committed prior to its entry into force, unless a final judgment regarding the offences has been handed down. On the other hand, article 9 stipulates that any new law that imposes harsher penalties shall not be applicable to offences committed prior to its entry into force. Article 10 stipulates that any new law that amends the procedure for executing a penalty in a manner that changes its nature shall not be applicable to acts committed prior to its entry into force, unless the defendant or convicted person stands to benefit therefrom.

## **Article 16**

### **Recognition as a person before the law**

68. Successive laws governing civil status, the most recent of which was Act No. 13 of 2021, regulate all matters relating to civil status and recognize the legal personality of Syrian citizens from their date of birth and their acquisition of a name, surname, domicile, nationality and family status. As soon as citizens are registered in the civil registry, they are assigned a national number, which is unique and permanent. All public authorities are required to use the number and to certify it in all the citizen's procedures, records and documents. Pursuant to Act No. 13 of 2021, the Syrian Arab Republic has established a Single Syrian Secretariat, which is a database containing all available data concerning the State's citizens and specifying where their civil events are registered. Citizens are listed in a single register and identified by their national number. The database also records events of non-Syrians in the State's territory. The Act confirms that civil registry centres may be established throughout the territory of the State.

69. The civil registry system is based on the following procedures:

- Mandatory registration of all events relating to citizens' civil status or address;
- Entry of records, events and evidence of identity verification, storage and extraction of relevant data, and issuance of documents, based on the content of the Single Syrian Secretariat;

- Preservation of the confidentiality of the civil register and of the data and information that it contains, and ensuring that it is accessed solely by specialized employees within the limits of their competence and functions; if the records and documents must be reviewed in the event of a forgery lawsuit, the review of the site in which the records are stored must be undertaken by the competent court or whoever it delegates for the purpose.

## **Article 17**

### **Right to privacy and non-interference with private life**

70. The Syrian Constitution guarantees the protection of private life and stipulates that homes shall not be entered into or inspected save by an order of the competent judicial authority in cases prescribed by law. It also stipulates that the confidentiality of postal correspondence, telecommunications and other categories of communication shall be guaranteed by law. It states that any assault on individual freedom, the inviolability of private life or any other rights and public freedoms shall be considered a crime punishable by law. In addition, no one may be investigated or arrested save pursuant to an order or decision issued by the competent judicial authority.

71. Article 360 of the Syrian Criminal Code prescribes penalties for public officials who, in that capacity, enter any person's home or its outbuildings in circumstances other than those provided for by law and without respecting the legal regulations. Article 86 of the Code of Criminal Procedure stipulates that homes may not be entered into and searched unless the persons whose home is to be entered into and searched is suspected of committing, aiding and abetting, or participating in a criminal offence, of possessing items relating to the offence or of concealing an accused person. A magistrate's entry into a person's home without respecting the above-mentioned conditions shall be deemed to constitute an arbitrary act in respect of which a complaint may be lodged with the courts. Any contravention of these legal principles constitutes a punishable violation of the inviolability of homes, in accordance with the provisions of articles 557 and 558 of the Criminal Code.

72. Other laws providing for the protection of private life include Legislative Decree No. 108 of 2011 containing the Media Act, the Communications Act No. 18 of 2010, and Legislative Decree No. 17 of 2012 containing the Act on the Regulation of Network Communication and on Combating Cybercrime. Article 1 of the Media Act defines the right to privacy as "individuals' right to protection of their personal and family secrets, their correspondence, their reputation, the inviolability of their home and private property, and their right to prevent any infiltration or disclosure without their consent". Article 13 prohibits the media from intruding into individuals' private lives. The Act on combating cybercrime provides for the prosecution of anyone who disseminates through the Internet information that violates the privacy of any person without his or her consent, even if the information is true. It also provides for the prosecution of any deliberate and unlawful interception or capturing of information circulated on the Web or the Internet.

## **Article 18**

### **Freedom of thought, conscience and religion**

73. The 2012 Constitution of the Syrian Arab Republic enshrines this right. Article 3 stipulates that the State shall respect all religions and guarantee the freedom to perform all rituals, provided that they do not disrupt public order. It adds that the personal status of religious communities shall be safeguarded and respected. In addition, article 42 stipulates that freedom of belief shall be safeguarded in accordance with the law. Every citizen shall have the right to freely and openly express his or her views orally, in writing or by any other means of expression.

74. Article 462 of the Criminal Code prescribes penalties for persons who denigrate religious rituals that are performed in public or who express contempt for any such rituals. Article 463 prescribes penalties for persons who disrupt or use acts of violence or threats to impede the performance of any religious rites, ceremonies or associated observances. It also

prescribes penalties for persons who destroy, damage, deface, desecrate or defile a place of religious worship, a religious symbol or any other object that is venerated by the members of a religious community or a group of people. The Syrian legislature has guaranteed freedom of belief and freedom to practise religious rites by enacting a Personal Status Act on behalf of Muslims and another Personal Status Act on behalf of non-Muslims and other sects present in Syria. It promotes respect for the laws and compliance with their provisions by establishing special courts to consider disputes arising from their implementation.

75. With regard to article 18 (4) of the Covenant concerning respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions, article 15 of the Children's Rights Act stipulates that every child shall have the right to live in a harmonious family environment and that every child shall have the right to custody, protection, education and care from his or her parents, society and the State. Article 16 of the Act stipulates that the State shall guarantee the protection of motherhood and childhood, shall provide mothers and children with special care, and shall take steps to create suitable conditions for the upbringing of children in an environment that guarantees respect for freedom, human dignity, and moral, social and national values. Article 17 of the Act states that the family is the most appropriate natural environment for children and stipulates that the State shall provide it with support for the performance of its duties. Responsibility for children's upbringing and care lies with their parents and subsequently with those who take their place.

#### **Response to recommendation No. 11 concerning conscientious objection to military service**

76. Article 46 of the Constitution of the Syrian Arab Republic stipulates that compulsory military service shall be a sacred duty and shall be regulated by law. In addition, defence of the territorial integrity of the homeland and safeguarding of State secrets shall be the duty of every citizen. Such action is strictly regulated by the laws governing public service without discrimination. Protection of the homeland requires all citizens to participate in its defence, especially since Syria is at war with Israel, which has occupied the Syrian Golan since 1967. In addition, Turkish and American forces are occupying parts of its territory and it has been subjected to a terrorist war since 2011. The Covenant contains no provision that restricts the State's right to self-defence.

### **Article 19 Freedom of opinion and expression**

#### **Response to recommendations Nos. 13 and 14 concerning the revision of legislation to ensure that any limitations on the right to freedom of opinion and expression and the regulations governing the media are in compliance with article 19 of the Covenant**

77. Article 42 of the Constitution of the Syrian Arab Republic guarantees freedom of belief and stipulates that all citizens shall have to right to freely and openly express their views orally, in writing or by any other means of expression. In line with this article, a number of laws, including those listed below, were enacted to safeguard freedom of opinion, expression, belief and political orientation:

- The new Media Act promulgated by Legislative Decree No. 108 of 2011;
- The Political Parties Act No. 100 (2011);
- The Organization of the Ministry of Culture Act No. 7 of 2018;
- The Protection of Copyright and Related Rights Act promulgated by Legislative Decree No. 62 of 16 September 2013;
- Act No. 8 of 19 February 2006 establishing the General Book Authority;
- The Artists Association Act No. 40 of 2019.

78. With regard to freedom of opinion and expression, article 43 of the Constitution guarantees the freedom and independence of the press, printing, publishing and the media. The promulgation of the new Media Act marked a qualitative leap in the promotion of

freedom of opinion and expression, where exercised consciously and responsibly (art. 4/1). This single Act regulates all media (audiovisual, print and electronic) and sets out strict measures to protect the freedom of media professions and all forms of media. It affirms that citizens have the right to obtain information related to public affairs (art. 3/2), that the privacy, dignity and rights of individuals must be respected (art. 4/3), and that the media in all its forms is independent and must be allowed to promote its messages freely and without restriction, except where provided for by the Constitution and article 2 of the Act. The Act also protects the freedom of media workers and their right to obtain and use information, to search for information of any kind and to obtain it from any party, and to publish all information once its accuracy has been verified (art. 9/1). The Act prohibits any party from imposing restrictions that prevent media professionals from having equal opportunity to obtain information (art. 9/3). Media output must not be subject to censorship (art. 6). Any attack on media persons in the course of their work is treated as an attack on public servants (art. 11). There are 237 licensed publications, which includes newspapers, magazines and publications by licensed political parties. There are 19 licensed private radio stations across all the governorates of Syria. Websites in Syria are not subject to licensing requirements; thousands of websites are in operation, of which 87 are accredited by the Ministry of Information.

79. The Act regulating the Ministry of Culture affirms the intellectual freedom of citizens, without discrimination on the basis of sex, race or any other factor, as provided for in articles 19–26 of the International Covenant on Civil and Political Rights. The Act promotes the establishment of various cultural associations and provides for support to help them carry out their activities. It also provides for the development of plans to encourage investment in the culture sector and for the creation of an appropriate climate for the involvement of the private sector in conducting cultural activities and providing cultural services to citizens. The Act also contains provisions to ensure the fulfilment by the Syrian Arab Republic of its cultural obligations pursuant to the Arab, regional and international instruments in force in the country. The Act encourages research, investigation, compilation, translation, publishing and creativity across culture and the arts. It seeks to promote the arts and encourages participation in cultural and artistic events, in addition to protecting copyright and related rights, strengthening communication with external cultural and artistic institutions, providing opportunities to benefit from experiences and activities at such institutions, permitting global cultural, intellectual and artistic leaders to visit Syria, allowing for joint cultural events to be held, authorizing the formation of cultural clubs and forums and promoting the role of cultural and artistic groups. In addition, the Ministry of Culture provides support to the Union of Figurative Artists and the Union of Arab Writers in order to expand freedom of expression and disseminate, receive and impart the ideas of artists and writers to others, whether in print, in art form or by any other means of their choosing.

80. Article 19 (3) of the Media Act prohibits the publication of the following types of content only:

- (1) Content that could compromise national unity or security, offend religious sentiment or beliefs or incite sectarian strife;
- (2) Content inciting crimes, acts of violence, terrorism, hatred or racism;
- (3) News and information related to the army and the armed forces, except for information issued and authorized for publication by the army and the armed forces;
- (4) Content for which publication is prohibited by the General Criminal Code, by any other legislation in force or by the courts.

81. The Media Act prohibits media professionals from infringing individuals' privacy. Criticizing or disseminating information about persons who undertake public duties or perform public services is not considered an infringement of personal privacy, on the provision that the media content is relevant to those persons' work and is in the public interest.

82. With regard to freedom of thought and expression, Act No. 7 of 4 March 2018 sets out the operational system and mandate of the Ministry of Culture, the role of which is to promote the intellectual freedom of citizens without discrimination on the basis of sex, race or any other factor. The Ministry has a number of responsibilities, notably to:

- Disseminate knowledge and culture among the public, facilitate the enjoyment of popular culture, diversify the means of creating culture while expanding its scope and enriching it with modern innovations, and ensure that the benefits of such innovations are enjoyed as widely as possible;
- Encourage, revive and protect the arts and literature, discover literary and artistic talents and provide income, work and support for literary and artistic professionals;
- Encourage the establishment of various cultural associations and help them carry out their activities;
- Develop plans that encourage investment in the culture sector, and help create an appropriate climate for the involvement of the private sector in conducting cultural activities and providing cultural services to citizens.

83. A special law on the protection of copyright and related rights was promulgated in the form of Legislative Decree No. 62 of 16 September 2013, as part of efforts to protect intellectual freedom and creativity. The law ensures that authors' rights over their innovative literary, scientific or artistic productions are protected, whatever the type, importance, method of expression or purpose of the production.

84. In accordance with article 9 of the Constitution of the Syrian Arab Republic, which protects the cultural diversity of all components of Syrian society as part of national heritage, and in response to the obligations of the Syrian Arab Republic pursuant to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, the Ministry of Culture has prepared a bill that aims to protect the nation's intangible cultural heritage and to preserve the oral traditions and forms of expression of communities, groups and individuals. This includes language as a means of expressing heritage, the performing arts and traditions, social practices, rituals and ceremonies, knowledge and practices related to nature and the universe, and skills associated with traditional crafts. The bill has been adopted by the Government and is currently being discussed within the People's Assembly with a view to its promulgation.

## **Article 20**

### **Prohibition of advocacy of national or racial hatred**

85. Article 19 of the Syrian Constitution affirms that society in the Syrian Arab Republic is based on solidarity, symbiosis and respect for the principles of social justice, freedom, equality and preservation of the human dignity of every individual. Article 47 stipulates that the State shall guarantee the protection of national unity and that citizens have a duty to preserve such unity. Accordingly, war propaganda and advocacy of national, racial or religious hatred are prohibited and are severely punishable by law, on the grounds that they constitute incitement to discrimination, hostility and violence and pose a threat to security and stability.

86. The Criminal Code outlaws all forms of advocacy aimed at inciting sectarian strife (art. 307) and all attacks aimed at provoking civil war or sectarian conflict (art. 298). The Act on combating cybercrime criminalizes acts of propaganda and incitement to commit crimes. The Media Act prohibits the media from publishing any content that would undermine national unity or security. On that basis, all actions related to terrorism are punishable under Syrian law, regardless of whether they are carried out by the original perpetrator, an accomplice, an intervener, an instigator or an unknown person, on the grounds that such actions are based on violence and on exclusionary and racist thought that incites hatred and rejection of others.

87. The Syrian Arab Republic has always proactively participated in international and regional efforts to combat nationalist hatred, racism and terrorism in all its forms. Work needs to be done at the regional and international levels to develop an international legal system to regulate the media, with a view to preventing media discourse that incites violence or hatred, strengthening international cooperation in the exchange of information and experiences with regard to combating terrorism, placing pressure on State sponsors of terrorism to withdraw all such support, and cutting off the sources of financial assistance and weaponry for

terrorism. National Governments have a fundamental duty to combat terrorism and the violent extremism that leads to terrorism, both within a framework of national sovereignty and within the framework of collective action provided by the United Nations system – a framework which contributes to the promotion of sustainable peace and security.

## **Article 21**

### **Right of peaceful assembly**

#### **In response to recommendation 15 on guaranteeing the exercise of the right to peaceful assembly**

88. Article 44 of the Constitution of the Syrian Arab Republic guarantees citizens the right to meet, demonstrate peacefully and hold strikes. The law regulates the exercise of these rights. Article 2 of Legislative Decree No. 54 of 2011 regulating the right to peaceful demonstration stipulates that citizens have a fundamental human right to peaceful demonstration 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 the right to demonstrate peacefully, and to enable the public authorities to protect public and private assets and property, ensure the continued functioning of public facilities and maintain public order. Article 3 of the Decree stipulates that citizens, political parties, grass-roots organizations, trade unions and licensed civil society organizations are entitled to hold peaceful demonstrations. Article 5 (b) provides that, if a request for authorization to demonstrate is not answered within a week of receipt, authorization shall be considered to have been granted, and if permission is not granted, justification must be provided. Article 5 (c) provides that the applicant can appeal the decision before the Administrative Court of Justice. The numbers of applications received since the Decree was adopted are shown below:

<i>Year</i>	<i>Number of applications</i>	<i>Number approved</i>	<i>Number rejected</i>	<i>Number appealed</i>
2011	267	228	39	0
2012	130	104	26	0
2013	35	24	11	0
2014	22	18	4	0
2015	16	14	2	0
2016	24	13	11	0
2017	24	14	10	0
2018	15	6	9	0
2019	6	1	5	3
2020	4	3	1	0

## **Article 22**

### **Freedom of association and freedom to form trade unions**

89. Article 45 of the Constitution guarantees freedom of association and freedom to form trade unions at the national level for legitimate purposes and through peaceful means, in line with the terms and conditions established by law. Article 10 stipulates that grass-roots organizations, trade unions and associations are bodies of citizens established in order to develop society and achieve the interests of their members. The State guarantees the independence of such entities, the exercise of popular control over them and their right to participate in various sectors and councils specified by law, in areas relevant to their objectives and in accordance with the terms and conditions set out by law.

90. Trade unionism in Syria dates back to 1935, when unions for liberal professions and trades were formed. The General Federation of Trade Unions (a non-governmental trade union organization with legal personality) was established the same year. There are no conditions or barriers to joining a trade union, and members have absolute freedom to leave



a union. There are 170 unions in Syria across 14 governorates, represented by 2,640 grass-roots committees, composed of trade union members. There are eight professional associations in Syria, representing professional workers from across all sectors. Syria has been a member of the International Labour Organization (ILO) since 1947 and has ratified a number of ILO conventions, including the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Syria regularly participates in ILO conferences.

91. The Private Associations and Institutions Act No. 93 of 1958 regulates non-governmental associations and organizations and envisages support to help them serve and develop society in line with the Sustainable Development Goals, which these organizations are key to achieving. There are 1,692 licensed associations in Syria, which are split between the charitable and development sectors.

**In response to recommendation 12 on taking urgent steps to amend all legislation restricting the activities of organizations**

92. Act No. 93 of 1958 and its amendments regulate the mechanism for establishing, registering, managing and licensing associations (or NGOs). The law places no restrictions on the establishment of associations unless they are created for a purpose that is contrary to public safety, national security, public order, health, public morals or the protection of the rights of others. The law does not place any restrictions on the licensing of organizations for the defence of human rights, in accordance with the standard classification system for NGOs. There are currently 1,692 licensed associations and civil society institutions in Syria, operating across a variety of areas. For example, there are 50 associations working in areas related to the protection of human rights, including the Association of Jurists, which promotes respect for human rights and has branches in several governorates. Trade unions defend the rights of their members, and the Bar Association plays an important role in defending human rights. Work is under way on a new bill on NGOs.

93. Legislative Decree No. 100, containing the Political Parties Act, was issued in 2011. The Act regulates the formation and operation of political parties in the Syrian Arab Republic, with the aim of contributing to the political organization and representation of citizens and developing awareness in order to revitalize political life, citizen participation in politics and the formation of leaders capable of assuming public responsibilities (art. 3). The Act stipulates that political parties must not be established on the basis of religion, sect, tribe or region or on the basis of discrimination on the grounds of race, sex or colour. In affirmation of this right, the 2012 Constitution stipulates that the political system of the State is based on the principle of political pluralism, that power must be exercised democratically by ballot, and that licensed political parties and electoral groupings can contribute to national political life and must respect the principles of national sovereignty and democracy. There are 22 political parties in Syria, of which 12 are new parties licensed between 2011 and 2021 in accordance with the Political Parties Act. A further 10 are parties within the National Progressive Front.

**Article 23**  
**The family in society**

94. Society in the Syrian Arab Republic is founded on solidarity, unity and respect for the principles of social justice, freedom, equality and the human dignity of each individual. The Constitution, which states that the family is the nucleus of society, protects the family as a unit and strengthens family bonds by setting out the State's responsibility to protect and encourage marriage, remove the physical and social obstacles to marriage, protect motherhood and childhood, care for children and young people and provide suitable conditions for them to develop their talents (arts. 19–20).

95. The Personal Status Act regulates issues of marriage, divorce, descent, custody, wills and inheritance. Act No. 4 of 2019 amending the Personal Status Act promotes the rights of women, especially with regard to the right to marry. Article 1 of the Act stipulates that marriage is a contract between a man and a woman, both of whom must be legally eligible to

marry, drawn up with the aim of binding them together for the purpose of sharing their lives and producing children. Article 5 provides that the marriage contract must be presented by one of the contractors and accepted by the other, and stipulates that the age of consent for marriage is 18 years for both males and females.

96. The new Children's Rights Act also affirms that the family is the nucleus of society. The family consists of a father, a mother and children and is the optimal environment for a child, and the State has a duty to support it in carrying out its duties (art. 17). The State also has a duty to protect, and provide special care to, children and mothers. It must provide the conditions necessary to raise children in an environment that ensures respect for freedom, human dignity and moral, social and national values (art. 16).

## **Article 24**

### **Protection measures for children and the right to be registered and to acquire a nationality**

97. The Syrian Arab Republic pays special attention to the rights of the child. On 15 August 2021, the Children's Rights Act No. 21 was adopted in order to strengthen the legal system protecting children's rights in the country, guide legislative policy on child protection and serve as a reference document for the executive branch. The Act, which is based on internationally accepted principles relating to children's rights, prioritizes the best interests of the child in all decisions and procedures affecting the child, regardless of the entity issuing or implementing the decision or procedure (art. 2). The Act affirms that every child has the right to live, survive and flourish (art. 3) as well as the right to enjoy public rights and freedoms and receive protection and care without discrimination on the basis of sex, origin, race, colour, language, religion or on any other factor (art. 6). All children have the right to a name, which must be registered at birth in accordance with the Civil Status Act and which must not undermine their dignity (art. 4). Children have the right to nationality in accordance with the law (art. 5). All children have the right to express their views freely on matters affecting them, according to the child's age and level of maturity (art. 8). The State must do everything in its means to promote a culture of family care and behavioural education in various areas of child-rearing, especially in public, private and domestic educational and care institutions (art. 11).

98. The law guarantees children's right to enjoy public rights and freedoms, receive protection and care, exercise all legitimate rights, express their opinions, join organizations, associations and clubs suited to their level of development, and receive education. The law establishes the principle of protecting children from all forms of violence, abuse and neglect, including family neglect. Children have the right to protection against all forms of violence, especially physical, spiritual, sexual and moral abuse, and against exploitation, neglect, negligence, homelessness, traffic hazards and dangerous practices.

99. Government authorities have adopted a number of decisions and procedures to facilitate the registration of personal status events, both inside and outside Syria. Among these, it has adopted Act No. 25 of 2015 on birth registration, and the Ministry of Foreign Affairs and Emigrants has issued circulars to Syrian diplomatic missions regarding the registration of civil status events and the granting of passports to citizens living abroad.

## **Article 25**

### **Participation in the conduct of public affairs and the right to vote**

100. The Syrian Arab Republic has established basic criteria concerning the exercise of political rights by citizens and the administration of public affairs. The Constitution guarantees equality between citizens and the right to participate in political life. It stipulates that public service is a duty and an honour, undertaken in order to serve the public interest and the people. It also states that all citizens have an equal right to hold public office. It sets out the conditions whereby such office is conferred and the rights and duties it entails (art. 26), and it states that all citizens are equal in those rights and duties, without discrimination on the basis of sex, origin, language, religion or faith. The State must guarantee the principle

of equal opportunities for citizens (art. 33), and every citizen has the right to contribute to political, economic, social and cultural life, as governed by law (art. 34). Citizens have a right and a duty to participate in elections and referendums, the exercise of which is regulated by law (art. 49).

101. The Constitution affirms that sovereignty belongs to the people; it cannot be claimed by any individual or group, and it is based on the principle of government by the people, for the people (art. 2). The political system of the State is based on the principle of political pluralism. Power is democratically exercised by ballot. Licensed political parties and electoral groupings can contribute to national political life and must respect the principles of national sovereignty and democracy (art. 8.1). The Constitution stipulates that members of the People's Assembly shall be elected by universal, secret, direct and fair ballot, in accordance with the provisions of the General Elections Act. The Act guarantees the freedom of voters to select their representatives, protects the integrity of elections and ensures the right of candidates to monitor election processes, and it sets out penalties for contravening the will of the voters.

102. The Syrian Arab Republic has prioritized efforts to ensure that all groups and segments of society are represented in government, as evidenced by the formation of the People's Assembly and local councils. Article 19 of the General Elections Act groups representatives of the People's Assembly and of local councils into two categories: representatives of workers and rural labourers, and representatives of all other groups. Representatives of workers and rural labourers must hold at least 50 per cent of seats in the People's Assembly, while representatives of rural labourers, workers, tradespeople and small earners must hold at least 60 per cent of seats on local councils. Under the Constitution, democratically elected councils at both national and local level are institutions through which citizens can play a role in exercising sovereignty, building the State and leading the community (art. 12). As stated in the Constitution, the Syrian Arab Republic consists of administrative units, the number, boundaries, jurisdictions, legal personality and financial and administrative independence of which is set out in article 130 of the Constitution. The organization of local administration units is based on the principle of decentralized power and responsibility. The law sets out the relationship between these units and the central authority, in addition to their jurisdictions, sources of financial revenues and oversight mechanisms. It also sets out the procedures for the appointment or election of the presidents of local administrative units, in addition to the competences of the presidents and of department heads within the units. All local administration units have elected councils, the members of which are elected by universal, secret, direct and fair ballot (art. 131).

103. General Elections Act No. 5 of 2014 regulates general elections. Article 2 sets out the objectives of the Act:

- (1) To regulate elections for the position of President of the Republic;
- (2) To regulate elections for membership of the People's Assembly;
- (3) To regulate elections for membership of local governing councils;
- (4) To regulate popular referendums;
- (5) To guarantee voters' right to choose their representatives freely; to protect the integrity of electoral processes; to uphold the right of candidates to monitor election processes; and to punish persons who contravene the will of the people;
- (6) To determine and enforce controls on the financing of electoral processes;
- (7) To regulate electoral promotional materials.

104. The law affirms that all citizens have a right and duty to participate in elections and referendums held in accordance with the conditions set out by law, regardless of their religion, opinions or political affiliations. The right to vote in an election or referendum is exercised via universal, secret, direct and fair ballot, freely and individually. This right cannot be exercised by proxy (art. 3). All citizens over the age of 18 are entitled to vote in elections and referendums, unless they are deprived of or suspended from that right in accordance with the law.

105. To ensure the integrity and independence of elections, the law has provided for the formation of the Supreme Judicial Committee for Elections. This body, which is based in Damascus, is responsible for managing elections and referendums, overseeing all aspects of elections to the People's Assembly and local governing councils and taking all necessary measures to ensure the free exercise and integrity of elections. The Committee, which is fully independent, has seven members, who are appointed by the Supreme Judicial Council from among the auxiliary or reserve judges of the Court of Cassation. The Committee is formed by decree from the Supreme Judicial Court, which sets out the salaries to be paid to the members of the Committee. Members cannot be dismissed, and if any seat on the Committee becomes vacant for any reason, it shall be filled by the most senior reserve judge. The Committee exercises its functions and competences with complete independence, impartiality and transparency. No party is permitted to interfere in its affairs or functions or to limit its powers.

106. Since the adoption of the 2012 Constitution, three rounds of legislative elections have been held:

- First round: Decree No. 113 of 2012 set 7 May 2012 as the date for the election of members to the People's Assembly for the first legislative round, under the supervision of the Supreme Judicial Committee for Elections and its provincial subcommittees. There was a voter turnout of 51.26 per cent, with a total of 5,186,957 votes cast.
- Second round: Decree No. 63 of 2016 set 13 April 2016 as the date for the election of members to the People's Assembly for the second legislative round, under the supervision of the Supreme Judicial Committee for Elections and its provincial subcommittees. There was a turnout of 57.56 per cent, with a total of 5.85.444 votes.
- Third round: Decree No. 76 of 2020 set 13 April 2020 as the date for the election of members to the People's Assembly for the third legislative cycle, under the supervision of the Supreme Judicial Committee for Elections and its provincial subcommittees. A total of 1,656 candidates – including 200 women – stood for election to the 250-seat People's Assembly. There was a voter turnout of 33.17 per cent. More than 6.20000 votes were cast.

107. The Local Administration Act, published in Legislative Decree No. 107 of 2011, regulates all matters relating to local administration and citizens' participation in the decentralized management of local affairs. The Act expanded the powers of local councils – traditionally focused on providing services – to encompass development activities in order to support local development. Local councils have jurisdiction over the legal and operational centres created by the Act and over institutional entities such as urban observatories, community support centres and the areas allocated to administrative units to boost their revenues. The objective of the Act was to increase the efficiency and effectiveness of local councils, provide better services, and create economic and development opportunities to reduce the development gap between Syrian regions. To support the decentralization of powers and responsibilities, the Act provided for a national administrative decentralization plan, under which jurisdiction over various areas was transferred from the central authority (represented by government ministries, departments, institutions, public companies, public bodies and associated entities) to the local authorities (represented by the councils of administrative units, their executive offices and their associated agencies).

108. Pursuant to the Act, local councils at all levels are responsible for all matters of direct interest to citizens living in these administrative units. Within the framework of the State public policy, local councils are not only a tool for the performance of public services, but also an essential element in production and development processes. Local councils are responsible for managing local administrative affairs and overseeing all work to support the sustainable and balanced economic, social, cultural and urban development of the governorates, across the areas of planning, industry, agriculture, the economy and trade, education, culture, heritage, tourism, transport, irrigation, drinking water and sanitation, electricity, health, social affairs and labour, services and facilities, quarries and mineral resources, disaster and fire management, traffic management and organization, driving test centres, the environment, sports and youth, and joint projects between administrative units.

Grass-roots organizations have the right to monitor and criticize local councils and their executive offices and agencies.

109. The Local Administration Act entitles all citizens to monitor and criticize executive offices and agencies. Citizens have the right to question their local council representatives during public meetings held by the council or to report a representative to the council, which must investigate the charges against the representative and, if proven, the council can remove the representative from office. Public oversight of local councils helps to ensure the councils and their executive offices, committees and organs implement all publicly announced programmes and decisions.

110. Following the adoption of the Local Administration Act, contained in Legislative Decree No. 107 of 2011, the first round of local council elections was held on 12 December 2011, pursuant to Decree No. 391 of 5 November 2011. The second round of local council elections took place on 16 September 2018, pursuant to Decree No. 214 of 24 June 2018. Voter participation was as follows:

<i>Year</i>	<i>Number of administrative units, governorates, cities, towns, municipalities</i>	<i>Number of candidates</i>	<i>Number of votes cast</i>	<i>Number of local councillors elected</i>	<i>Percentage of women elected to local councils</i>
2018	1 444	55 181	4 342 524	18 428	1 094

## **Article 26**

### **Equality before the law**

111. The Constitution of the Syrian Arab Republic affirms that citizens have equal rights and duties, without discrimination on the basis of gender, origin, language, religion or faith, and that society in the Syrian Arab Republic is based on solidarity, unity and respect for the principles of social justice, freedom, equality and the human dignity of each individual.

112. All citizens have an equal right to apply for public posts, provided that they meet the legal requirements and have the educational qualifications and practical experience required by the post. These conditions are general and abstract, granting all persons equal opportunity to apply for such positions. Syrian law provides for equality with regard to wages, bonuses and promotion. This is the backbone of employment rights in the country, providing employees with the means necessary to live and ensuring justice and equality for all. The salary system in Syria is general in nature and applies to all grades and jobs. There are no exceptions or special treatment. Salaries vary according to the functional and professional specifications of each job level.

113. The Constitution guarantees equality before the law in education, without discrimination. Educational policy in Syria is based on constitutional principles, which provide for mandatory basic education. These principles are applied through the laws on basic, secondary and university education, which include the following provisions:

- Full equality in admission requirements throughout all levels of education;
- Full equality in teaching, examinations, degrees, grants, awards and privileges;
- Full equality in access to research tools, libraries and laboratories;
- Full equality in the selection of faculty members for promotion, awards and privileges.

## **Article 27**

### **Freedom of ethnic, religious and linguistic minorities**

114. Throughout the ages, the various components of Syrian society have been a source of the country's wealth and distinctive identity and a key factor in the establishment of various civilizations over thousands of years. No ethnic, racial or religious group, no matter how

small, is seen as a minority, and there are therefore no grounds for discrimination, exclusion, restriction or preference on the basis of race, colour, descent, national origin, ethnicity or gender that could prevent any group from exercising their human rights and fundamental freedoms. This principle, established in the Constitution, ensures the freedom of cultural diversity for all components of Syrian society. The Constitution reaffirms that the diverse nature of the origins of Syrian society is part of the country's national heritage, and it promotes national unity within a framework of territorial integrity. The State respects all religions and guarantees the freedom to perform all religious rites that do not disturb public order. The Constitution protects the personal status of members of religious communities. It stipulates that no political activity may be conducted, or political parties or groupings created, on the basis of religious, sectarian, tribal, regional, factional or professional factors or on the basis of discrimination on the grounds of gender, origin, race or colour.

#### **In response to recommendation 18 concerning the Kurdish minority**

115. In Syria, nothing in law or practice prevents the Kurdish community from using the Kurdish language among themselves or from enjoying their culture. The Syrian State respects all Kurdish holidays, events and rites, especially Nowruz on 21 March, during which official events are held in public places and cultural centres, with media coverage. As a component of Syrian society, the Kurds are not restricted in their use of artistic heritage.

116. The Syrian Arab Republic has a unified national educational curriculum for all schools across all governorates, which is based on national standards and is overseen by national institutions. Only educational systems overseen by the Ministry of Education may be applied, in accordance with the relevant regulations and laws. There are no restrictions on the teaching of regional languages, such as Syriac, Chaldean, Assyrian, Circassian, Aramaic and Armenian, to groups that so request, as required for the purpose of enriching education, preserving the language as part of the country's linguistic heritage and offering language teaching not covered by the general education system to specific groups, on the provision that such subjects are not included in national examinations and have been approved by the government authorities.

#### **In response to recommendation 19 on the so-called statelessness of the Kurds**

117. Kurds in Syria are part of the Syrian people and are treated equally, as Syrian citizens. All Kurds registered as foreigners in Al-Hasakah Governorate are entitled to Syrian nationality pursuant to Legislative Decree No. 49 of 2011. In total, 126,501 persons have claimed Syrian nationality under the Decree, and 87,986 persons of eligible age have received identification cards. As of 2015, 15,339 children had obtained Syrian nationality pursuant to the Decree.

118. The crisis experienced 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 pupils, to take preparatory and secondary school examinations.

### **Part III Challenges**

119. Since 2011, the Syrian Arab Republic has been experiencing both a systematic terrorist war and foreign occupation of part of its territory, which have had disastrous

consequences for human rights in the country. The situation has been exacerbated by the imposition of unilateral coercive measures by Western States. These measures, which have been repeatedly tightened and extended, have developed into a suffocating economic blockade, targeting Syrian citizens and their right to life, to a decent standard of living, to health, to education and to development in all forms. The measures pose an additional challenge and have severely limited the State's ability to fulfil its duties and protect its citizens. The most serious challenges facing Syria are as follows:

- The continuing war against terrorism and the foreign support for armed terrorist groups; the open borders and the impossibility of controlling them, especially the border with Türkiye; and the presence of United States occupying forces and their proxies in the form of armed separatist groups. All these things have drained the capabilities and resources of the State.
- The theft of the country's natural wealth and resources (primarily oil, gas, water, wheat and antiquities) by the Israeli, United States and Turkish occupiers of Syrian territory, thereby depriving Syrian citizens of these assets; in addition, the systematic destruction of public and private property and the serious damage to the environment.
- The continued imposition of unilateral coercive measures against the Syrian people and the disastrous effects that those measures are having, especially the so-called Caesar Act, which extends sanctions to anyone – State or individual – who has dealings with the Syrian State. All of this has impeded the provision of funding required to implement national plans across all sectors, especially plans for reconstruction and for the supply of basic necessities to ensure a decent life for Syrian citizens.
- The protection granted by Member States of the Security Council to the Israeli occupier, which encourages it to continue and persist in its violations, and their obstruction of any attempts to hold the occupier accountable and put an end to the occupation, in line with international instruments.

120. In conclusion, the Syrian Arab Republic reaffirms its respect for its international obligations to protect human rights, especially those set out in the International Covenant on Civil and Political Rights, and to ensure that those rights can be exercised in practice. The country is willing to cooperate seriously in that regard, while maintaining its sovereignty, independence and territorial integrity and ensuring non-interference in its internal affairs. This depends on the credibility, independence and effectiveness of the international community's efforts to combat terrorism and to lift the unilateral coercive measures, which are having a serious impact on human rights in the Syrian Arab Republic.