

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



CCPR

Distr.
GENERAL

CCPR/C/1/Add. 31
12 July 1978
ENGLISH
ORIGINAL: FRENCH

HUMAN RIGHTS COMMITTEE
Fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1977

Addendum

SYRIAN ARAB REPUBLIC*

/6 July 1978/

The law currently in force in the Syrian Arab Republic is in keeping with the principles and guarantees laid down in the Constitution, which is itself fully compatible with the obligations flowing from the International Covenant on Civil and Political Rights.

As soon as an international convention, treaty or agreement is duly ratified and promulgated, it becomes part of Syrian legislation.

Article 71 of the Constitution provides as follows:

"The People's Council shall exercise the following powers:

...

5. To approve international treaties and agreements which concern State security, namely, peace and alliance treaties and all treaties which relate to the right of sovereignty or agreements which grant concessions to foreign companies or establishments as well as those treaties and agreements which burden the State Treasury with unanticipated expenditures in its budget or which run counter to the provisions of the laws in force or whose execution calls for the promulgation of new legislation."

* This document contains a supplementary report. The initial report submitted by the Syrian Arab Republic (CCPR/C/1/Add.1/Rev.1) was considered by the Committee at its 26th meeting on 18 August 1977 (CCPR/C/SR.26).

Article 104 states that:

"The President of the Republic concludes treaties and international agreements and abrogates them in accordance with the provisions of the Constitution."

Since the Constitution of the Syrian Arab Republic contains all the principles and obligations set forth in the Covenant, we shall merely mention the provisions obtaining with respect to the Constitution. Act No. 19 of 2 July 1973 authorized the Constitutional Court to ensure that the laws and regulations are in keeping with the Constitution.

Moreover, the Court of Cassation ruled, in its decisions Nos. 697/334 of 22 April 1974 and 376/1117 of 1 June 1977, that a judge is entitled to refuse to apply a law that is contrary to the Constitution.

No authority can depart from the provisions of the Constitution. However, since the Syrian Arab Republic is faced with continuing external aggression and threatened by a constant danger imperilling all fundamental human rights it is obliged to have a law making provision for a state of emergency to deal with that situation.

The laws in force, and particularly the Code of Procedure, are designed to safeguard the rights and obligations of all citizens and all individuals who are in the territory of the Syrian Arab Republic.

The right of appeal is readily accessible to everyone. Any individual can institute proceedings in a competent court against any person or against the public authorities of the State, or against bodies corporate or organizations and institutions, in order to assert a claim.

The courts are completely independent. The only authority governing the exercise of the functions of the judiciary is the authority of the law.

Court proceedings are public. Sentences may be challenged through recourse to a higher court, the highest being the Court of Cassation, which oversees the proper application of the laws. The costs of appeals are reasonable and within everyone's means. The costs of civil proceedings vary according to the nature of the proceedings and the court involved. Civil proceedings involving minor matters are free of charge. Needy persons with no income at all can obtain legal aid.

Criminal proceedings are free of charge since the procureur represents the Ministère public. The victim of an offence in a criminal case can file a civil suit for damages.

The bar association (ordre des avocats) has set a minimum fee for counsel ranging from 120 to 350 Syrian pounds, which is equivalent to 30 to 85 United States dollars. This set sum is paid in advance into the bar association fund. The share of the fee payable to counsel individually is decided between counsel and client in

/...

the light of the circumstances and the magnitude of the case and is paid at the end of the lawsuit.

Article 58 of the Penal Code*

This article provides that persons sentenced to a term of more than three months' imprisonment can, as a result of good conduct during the prison term, receive rewards from the prison administration which will vary according to their behaviour.

The right of peaceful assembly

The Constitution and legislation guarantee the right of peaceful assembly where the aims and objects of such meetings are legitimate and they do not conflict with these stated aims.

There are de facto limitations to this right when such meetings are used for terrorist or subversive ends or endanger general security to the extent that they can no longer be described as peaceful. Article 325 of the Penal Code, for example, provides that:

"Any person who attends a meeting not classified as private and causes a disturbance by shouting or chanting or by brandishing inflammatory signs or who instigates a demonstration disturbing public order shall be punishable by a fine and a term of imprisonment.

"A gathering shall be classified as non-private either by virtue of its aims and intent or the number of persons invited to participate, or by virtue of the place where it is held if the place in question is a public place or if the public has access thereto or if it is in view of the public."

The law also grants institutions, organizations, trade unions and private committees the right to form associations.

Article 1 of Act No. 93 of 1958 stipulates: "An association within the meaning of this Act shall be any gathering which is organized continuously over a specified or unspecified period and consists of individuals or bodies corporate and which is not organized for purposes of gain." Act No. 317 of 1956 on co-operatives grants consumers' and producers' co-operatives the right to form associations.

Act No. 86 of 1968 governs the right to form trade unions.

All professional organizations have their own statutes and law pertaining thereto.

* In the initial report (CCPR/C/1/Add.1/Rev.1, para. 6) the number of the article of the Penal Code needs to be amended.

/...

Freedom of expression

The press in the Syrian Arab Republic enjoys complete freedom. Article 1 of the General Law on Printed Matter stipulates that:

"Printing presses, bookshops and printed matter shall be free, whatever their category may be. This freedom can be restricted only within the framework of this Law."

In article 39, under the heading "restrictions" the Law states

"that it is prohibited to publish anything which is contrary to public morals or public order or which endangers the safety and freedom of citizens and judicial institutions, or anything affecting the security of the army, its operations and armaments. Any breach of these regulations shall be indictable."

Press censorship is imposed only in times when a state of emergency is declared or in certain specific cases prescribed by law.

In this connexion it should be noted that since 1963 specialized printed works have been published by the people's organizations concerned, by the workers' trade unions or professional organizations involved, or by other institutions concerned.

Full responsibility for these publications is assumed in toto by these organizations, and they are not subject to any restrictions whatsoever.

The right to life

The Syrian Arab Republic has taken the following measures to reduce infant mortality and improve the life expectancy of the population.

1. Nation-wide vaccination programme

The public health plans of the Ministry of Health call for the execution in 1978 of a programme for the vaccination of all children under the age of two years throughout the territory of the Syrian Arab Republic, without exception, to prevent such children's diseases as measles, whooping cough, diphtheria, tetanus, tuberculosis, poliomyelitis and smallpox.

Since the statistics show that these illnesses, against which immunization is effective, are the cause of 15 per cent of infant deaths, the Ministry of Health expects a reduction in infant mortality at the same rate by the time this programme has been carried out.

2. Maternal and child health services

The Ministry of Health is in the process of implementing an intensive programme for the establishment of health centres in disadvantaged rural areas. The main purpose of these centres is to provide special care for mother and child at all

/...

stages, and particularly during the prenatal period, and, later on, to infants and pre-school-age children. Training courses for nurses in public health and for auxiliary personnel will be given in all administrative districts of Syria.

3. Diarrhoea is the cause of 25 per cent of deaths among small babies below the age of 12 months.

The Ministry of Health has taken the following measures to remedy this problem:

- The establishment of rehydration centres in all urban and rural sectors, with a view to saving the lives of these infants;
- The establishment of laboratories specializing in the production of Glucose-Electrolyte, which is used for oral rehydration, so as to facilitate the widespread use of this product and facilitate its immediate acquisition by all physicians in case of need;
- The training of specialized health personnel to deal with the danger of diarrhoea in infants.

4. Malnutrition is considered a contributing factor to infant mortality in the case of diarrhoea or infectious diseases. The Ministry of Health has undertaken the following measures:

- The new programmes of the "maternal and child care centres" provide for free examinations for the purpose of studying infant growth on the basis of "weight and size charts". Any deficiency is noted, and advice on child feeding is given to the parents;
- These centres distribute free milk for infants below the age of 12 months suffering from malnutrition;
- Preparations are being made to produce protein-rich food in the near future for distribution at very low prices to children prone to malnutrition.

The Ministry of Health hopes that the free distribution of milk and protein-rich food will help effectively to remedy the problem of malnutrition.

5. In order to improve the life expectancy of the population, the State has started to set up environmental health services, which are already operating very satisfactorily, and to intensify programmes for the widespread distribution of drinking water.

By the end of 1975, 55 per cent of the population already had drinking water facilities and this figure will be increased to 82 per cent in 1980.

The State is busy installing modern drain-pipes in all villages and small towns. All these measures are designed to raise the life expectancy in the Syrian Arab Republic and the authorities concerned hope, over the next five years, to reduce the current infant mortality rate from 118 per thousand to 50 per thousand.
