



International Covenant on Civil and Political Rights

Distr.: General
5 April 2023

Original: English
Arabic, English, French and
Spanish only

Human Rights Committee

List of issues in relation to the fourth periodic report of the Syrian Arab Republic*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide further information on any significant developments in the legal and institutional framework, since the adoption of the previous concluding observations,¹ to address the alleged systemic human rights violations and abuses within the context of the armed conflict, guarantee the effective promotion and protection of human rights, including measures aimed at ending impunity for human rights violations, and address and ensure accountability for human rights violations in territories where the State party does not exercise effective control.

2. Please clarify the status of the Covenant in the internal legal system and whether its provisions can be directly invoked before and/or applied by the national courts, and indicate whether the State party has considered ratifying the Optional Protocol to the Covenant, which establishes an individual complaint mechanism. With reference to the previous concluding observations (para. 2)² and the information provided by the State party,³ please report on any concrete plans or steps taken to establish a national human rights institution that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Anti-corruption measures (arts. 2 and 25)

3. Please provide information on the measures taken to prevent and combat corruption effectively, including statistical information on the number of investigations, prosecutions and convictions in cases of corruption during the reporting period and, in particular, information about cases involving officials at all levels of government, civil servants, including in detention facilities, and the judiciary. Please describe the mechanisms and measures in place to ensure transparency in the use of international humanitarian aid.

Fight against impunity and accountability for alleged human rights violations (arts. 2, 6, 7, 14 and 25)

4. Please indicate all the measures taken that are aimed at ending impunity for human rights violations, in particular with respect to gross and massive human rights violations committed by both government forces and non-State armed groups within the context of the armed conflict that has shaken the country since 2011: violations such as alleged cases of war crimes and crimes against humanity, including but not limited to, forced starvation of civilians, cases of arbitrary deprivation of liberty, enforced disappearances, extrajudicial and secret killings, such as in the city of Daraa, the sexual slavery of women, torture and rape.

* Adopted by the Committee at its 137th session (27 February–24 March 2023).

¹ CCPR/CO/84/SYR.

² Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/CO/84/SYR.

³ CCPR/C/SYR/4, paras. 6 and 7.



Please also provide information on the efforts made to prosecute perpetrators and to guarantee the establishment of the truth and the right to reparation for victims and their families.

Non-discrimination (arts. 2, 26 and 27)

5. Please report on the legislative and other measures taken to prevent and combat discrimination, in particular against non-Arab migrant workers and their families, internally displaced persons, lesbian, gay, bisexual, transgender and intersex persons and those belonging to minorities, especially Kurds and Yazidis. In the light of the information provided by the State party,⁴ please provide information on the steps taken to ensure that all members of the Kurdish minority enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language, in accordance with article 27 of the Covenant.

State of emergency (art. 4)

6. With reference to the previous concluding observations (para. 6), and in the light of legislative decree No. 161/2011, issued on 21 April 2011, effectively ending the state of emergency imposed in the State party since 1963, please provide information on any existing legislation applicable to states of war or emergency, including in response to natural catastrophes, such as the earthquake in February 2023, and indicate whether such legislation specifically prohibits derogation from any of the rights listed in article 4 (2) of the Covenant. Please specify whether any mechanisms are in place for the oversight of measures and restrictions imposed during states of emergency.

Counter-terrorism measures (arts. 9, 14, 15 and 17)

7. Please provide information on any initiative to revise the vague definition of terrorism contained in legislative decree No. 19/2012, including clarifying the acts that constitute the elements of the crimes of “terrorist act”, “terrorist organization”, “terrorism financing” and “promoting terrorist acts”, and on the measures taken to ensure that the counter-terrorism court ensures fair trial procedures and is in full conformity with the Covenant. Also, please provide specific information on: (a) the number of persons who have been detained and prosecuted by the counter-terrorism court and the sentences imposed in the past eight years; and (b) the number of persons who have been released following the issuance of legislative decree No. 7 (2022) of 30 April 2022 granting amnesty for terrorism-related crimes, excluding those causing death.

Gender equality (arts. 2, 3, 25 and 26)

8. With reference to the previous concluding observations (paras. 16 and 17) and the information provided by the State party,⁵ please update the Committee on the measures taken to ensure, in law and in practice, equality between men and women and to improve women’s participation in political, economic and social life, including regarding the status and measures of the national plan for gender equality drafted in late 2020. In particular, please report on: (a) measures taken to repeal all provisions of the Penal Code, the Personal Status Law, the Nationality Law and other relevant legislation, regulations and directives which discriminate on the basis of gender; (b) measures taken to end traditional discriminatory practices and stereotypical attitudes about the roles of women and men in the family and society, especially through the national plan for gender equality; and (c) steps taken to ensure the meaningful participation of women in conflict resolution efforts. In that respect, please indicate whether the State party plans to amend its Electoral Law (decree No. 101/2011) and its Political Parties Law (decree No. 100/2011) in order to incorporate quotas of at least 30 per cent for women’s representation in the People’s Assembly and the provincial councils.

⁴ CCPR/C/SYR/4, paras. 117 and 118.

⁵ CCPR/C/SYR/4, paras. 23–32.

Violence against women, including domestic violence (arts. 2, 3, 6, 7, 14, 17 and 26)

9. In the light of the information provided by the State party,⁶ please report on any additional steps taken to prevent all forms of violence against women, including against women from minorities, internally displaced women and women in detention. In that regard, please report on the measures taken to: (a) criminalize all forms of violence against women, including domestic violence, sexual violence and rape, including marital rape; (b) facilitate and encourage the reporting of cases of violence against and of the disappearance of women, and ensure that all acts of violence against women are investigated and the perpetrators of those acts are prosecuted and punished appropriately, in particular that penalties for so-called honour crimes are not mitigated based on provisions 192 and 242 of the Penal Code No.148 of 1949; (c) provide women victims of sexual and gender-based violence with adequate medical, social and psychological services; and (d) raise awareness among the police, the judiciary, prosecutors, social workers, medical personnel, community representatives, including religious communities, women and men about the gravity of domestic violence and its detrimental impact on victims' lives. Please also provide disaggregated data on the number of complaints received in relation to acts of violence against women, investigations carried out, prosecutions conducted, judgments handed down and measures of redress granted to victims.

Right to life and protection of civilian populations (art. 6)

10. With respect to the ongoing armed conflict in the country and bearing in mind the Committee's general comment No. 36 (2019) on the right to life, please indicate the measures taken to: (a) protect civilians against death and injuries in conflict areas; (b) protect the population against "secret killings", such as in the city of Daraa; (c) guarantee effective access to humanitarian aid to civilians; (d) prevent the intrusion of the armed conflict into their daily lives; (e) ensure that allegations of human rights violations, such as arbitrary arrest and detention, enforced disappearances, summary and extrajudicial killings, forced starvation of civilians and torture and ill-treatment perpetrated by any party to the conflict since 2011, are investigated in a transparent, timely, effective and independent manner; (f) guarantee that perpetrators of those violations are brought to justice; and (g) provide victims with adequate reparations, including rehabilitation. In that respect, please provide disaggregated data on the number of complaints received, investigations carried out, prosecutions conducted, sanctions imposed and the reparations granted to victims. Furthermore, please provide information on the actions taken to establish an official register for recording the number of victims of civilian casualties in the context of the armed conflict.

11. With reference to the Committee's general comment No. 36 (2019) and its previous concluding observations (para. 7), please provide information on the steps taken to revise the current legislation to ensure that the death penalty is authorized only for the most serious crimes, is never mandatory and that pardon or commutation of the sentence is available in all cases, regardless of the crime committed. In that regard, please provide statistical information during the reporting period, disaggregated by sex, age and ethnic origin, on the number of death sentences imposed; the number of executions carried out and for which offences; the number of death penalty cases in which a pardon or commutation was granted; and the number of persons on death row. Also, please indicate whether there are any plans to accede to the second Optional Protocol to the Covenant aiming at the abolition of the death penalty, to introduce a moratorium on the death penalty and to commute all death sentences to terms of imprisonment.

Enforced disappearances (arts. 2, 3, 6, 7, 9 and 16)

12. In the light of the Committee's previous concluding observations (para. 12) and reports of increased patterns of disappearances, torture, acts of cruel, inhuman or degrading treatment or punishment and arbitrary detention by law enforcement personnel since the beginning of the conflict, please describe the measures taken to prevent and investigate enforced disappearances in the country, including any steps taken to establish an independent mechanism to clarify the fate and whereabouts of missing persons. Furthermore, in view of

⁶ CCPR/C/SYR/4, paras. 23–32.

the information provided by the State party⁷ regarding the investigations into the cases of missing Lebanese and Syrian persons in Lebanon and the Syrian Arab Republic, please provide additional information and data regarding the final results of the investigations, including the number of disappeared persons who have been located and, if found to be deceased, whether the remains have been returned to their families, and the actions taken by the State party to investigate and prosecute those responsible and provide families with effective remedies.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 10)

13. With reference to the Committee's previous concluding observations, please provide information on the measures taken, in particular in relation to the new anti-torture law No. 16, issued in March 2022, and its retroactive application, to: (a) prevent and combat the use of torture and cruel, inhuman or degrading treatment or punishment, such as forced starvation and sexual violence, including in conditions that amount to sexual slavery, in places of detention; (b) ensure prompt, thorough and impartial investigations by an independent mechanism into all allegations of torture and ill-treatment; (c) prosecute and punish perpetrators; (d) consider evidence elicited through torture or other ill-treatment as inadmissible in court; and (e) provide effective remedies and rehabilitation to the victims and their families. In that respect, please provide disaggregated data on the number of complaints received, investigations carried out, prosecutions conducted and sanctions imposed, and the reparations granted to the victims. Also please provide information on the use of solitary confinement as a disciplinary punishment of detainees and on the maximum number of consecutive days that it has been applied.

Liberty and security of person and treatment of persons deprived of their liberty (arts. 9 and 10)

14. Please respond to the information that has come to the Committee's attention regarding the existence of secret detention centres controlled by the Syrian intelligence services. Please also respond to the reports of widespread arbitrary detention and inform the Committee of all the measures that have been adopted to prevent such acts in law and in practice, especially those guaranteeing the rights of all detained persons to have access to defence counsel from the outset of their detention; to be informed of their rights; to be promptly brought before a judge; to have access to independent medical examinations or an independent doctor; to inform a relative; and to guarantee that persons subjected to illegal and/or arbitrary detention are able to report such violations and are afforded effective judicial redress and compensation. Please indicate the steps that have been taken to ensure that the legally prescribed maximum duration of police custody following arrest and pretrial detention is not exceeded in practice. Furthermore, please provide information on the steps taken by the State party to guarantee that all persons detained are duly registered immediately after their detention.

15. Please provide information on the steps taken to reduce overcrowding and to improve detention conditions, in particular in Saydnaya prison, including in police cells, and to ensure the independent monitoring of all places of detention, including those controlled by the intelligence services. In that regard, please provide statistics on the number of persons deprived of liberty in the State party, including in immigration detention facilities, disaggregated by age, sex and nationality, indicating the number of persons in pretrial detention, the number of persons who have died in places of detention, the causes of death and the investigations conducted into those deaths and their outcomes. Please respond to reports of the high prevalence of death from disease in detention facilities and provide further information on the measures taken to prevent the spread of infectious diseases, such as the coronavirus disease (COVID-19), in places of detention, including the potential release of detainees and the measures taken to improve sanitary conditions.

⁷ CCPR/C/SYR/4, para. 47.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8, 24 and 26)

16. With reference to the information provided by the State party,⁸ please update the Committee on the specific measures implemented and the steps taken within the scope of decree No. 3 of 2010 on the prevention and combating of trafficking in persons, including those of the National Committee to Combat Trafficking in Persons, to prevent and eradicate all forms of human trafficking. Please provide further information on any activities carried out through the national plan to combat trafficking in persons, including any training activities for law enforcement officials, to ensure that all reports of human trafficking are investigated and that perpetrators are prosecuted and punished appropriately. Please provide information on any mechanisms that have been established to ensure that victims of trafficking are correctly identified, are treated as such, are guaranteed protection and have access to all the necessary support.

Right to privacy and freedom of movement and internally displaced persons (arts. 3, 9, 12, 17, 24, 26 and 27)

17. Please provide information on the so-called security clearance and the obligation of individuals to obtain such clearance from the security services in order to participate in certain aspects of everyday life, including applying for a job, renting or buying a house or registering a marriage, as well as being able to enter, leave or move freely within Government-controlled areas, and the compatibility of the so-called security clearance with the Covenant. Please provide information on the measures taken to protect the right to freedom of movement, including by: (a) describing the efforts of the State party to guarantee the safe and dignified return of refugees to the Syrian Arab Republic and addressing the situation of all internally displaced persons within the country, especially the provision of protection and durable solutions to such persons, including persons displaced by the armed conflict and natural disasters; (b) describing the measures taken to address the needs of such persons, in particular for persons housed in camps, including protection from conflict-related violence, access to documentation, adequate accommodation, medical services and humanitarian assistance; (c) reporting on the investigations carried out on violations against internally displaced persons, including the widespread looting of their properties; and (d) reporting on the measures taken to prevent the spread of COVID-19 and other infectious diseases among such persons. Please provide statistical data on internally displaced persons, including Palestinian refugees who have fled the State party due to the armed conflict.

Treatment of aliens, including refugees, asylum seekers and stateless persons (arts. 2, 3, 7, 13, 14, 16, 23, 25 and 26)

18. Please provide information on the measures taken to protect refugees, asylum-seekers and stateless persons, including statistical data, disaggregated by age, sex and country of origin, on the number of refugees, asylum-seekers and stateless persons in the State party; the existing legal and administrative framework regulating asylum in the State party; and the measures taken to allow unregistered members of the Kurdish minority to acquire nationality by application. Also, please provide further information and statistics for the entire reporting period on Syrian Kurds who have been granted Syrian citizenship in accordance with decree No. 49/2011, including information on the measures taken to promote and encourage the application for citizenship of eligible persons.

Access to justice, independence of the judiciary and right to a fair trial (arts. 2 and 14)

19. Bearing in mind the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, please provide information on the fair trial guarantees in the military court system, especially in relation to civilians, including journalists, being tried before military instead of civilian courts. Also, please explain the mandate of the military courts, including the field military courts, and whether detainees are given the opportunity to challenge the legal basis of their detention before those courts.

⁸ CCPR/C/SYR/4, paras. 42–44.

20. Please describe the measures taken to guarantee the independence of the judiciary, especially in relation to the procedures and criteria used to appoint judges at all levels, including to the Supreme Constitutional Court, and to subject them to disciplinary measures, such as suspension or dismissal. Also, please provide information on the efforts taken to review the Syrian constitution of 2012 in order to guarantee that the Supreme Judicial Council is a fully independent body.

Right to freedom of conscience (art. 18)

21. With reference to the previous concluding observations (para. 11), please provide information on all amendments to the regulations on mandatory military service during the reporting period, as well as statistical data on persons who were detained for the purpose of forcible conscription. Also, please provide information on the implementation of decrees on amnesty for deserters and draft evaders, including the number of persons who have been covered by these amnesties and on which grounds.

Freedom of expression (arts. 19 and 20)

22. With reference to the Committee's previous concluding observations (paras. 12–14) and the information provided by the State party,⁹ please respond to reports of: (a) continued censorship of and restrictions on local print and broadcast media, including through the revocation of licences, strict punishment for reporters who do not reveal their sources and the close monitoring by the Ministry of Information of all radio and television broadcasts and entertainment programmes; and (b) attacks against and harassment, intimidation, arbitrary arrests and detention, enforced disappearances and extrajudicial killings of activists, journalists and media professionals for exercising their right to freedom of expression, including online. In that regard, please provide information on the measures taken to protect journalists, human rights defenders, humanitarian workers, bloggers and media professionals, including women activists, against violence and harassment, including threats and intimidation, as well as abductions and assassinations. Please include statistical data on the number of investigations and prosecutions of such matters carried out during the reporting period.

23. In view of the information provided by the State party,¹⁰ please report on the measures taken to ensure the independence of the media in the country both in law and in practice. Please provide information on the efforts made to decriminalize defamation and to ensure that harsh penalties, including imprisonment, for such cases are not applied. Please report on the measures taken to ensure that any limitations on the right to freedom of opinion and expression in the national legislation, including legislative decree No. 20 of 2022, the Penal Code No. 148 of 1949, amended on 28 March 2022, the media law promulgated by legislative decree No. 108 of 2011 and the counter-terrorism law No. 19 of 2012, are in strict compliance with the Covenant.

Right of peaceful assembly (arts. 6, 7, 9 and 21)

24. Bearing in mind the Committee's general comment No. 37 (2020) and in view of the Committee's previous concluding observations (para. 15) and the information provided by the State party,¹¹ please provide information on the measures taken to promote and protect the right to peaceful assembly for all, including what steps are being taken to prevent the excessive use of force for the dispersal of assemblies, and to review the State party's regulations on the use of force and peaceful assembly to ensure that they are in compliance with the Covenant, including amending legislative decree No. 54 of 2011 on the peaceful assembly of citizens, to ensure strict compliance with article 21 of the Covenant. In that regard, please provide data on the number of investigations into the excessive use of force against protesters and associated deaths, arbitrary detention and mistreatment of protesters during the reporting period and the results of those investigations. Please provide further information on the grounds for denials of applications for holding public events, including

⁹ CCPR/C/SYR/4, paras. 77–84.

¹⁰ CCPR/C/SYR/4, paras. 77–84.

¹¹ CCPR/C/SYR/4, para. 88.

protests; the number of cases where denials have been appealed; and the number of rejected appeals and on what grounds.

Freedom of association (art. 22)

25. With reference to the previous concluding observations (para. 12) and the information provided by the State party,¹² please indicate the measures taken to remove any restrictions on the registration of non-governmental human rights organizations and to guarantee their free operation in the State party. In that context, please report on any efforts made to ensure that any limitations in the national legislation on the right to freedom of association, especially in the Private Associations and Institutions Act No. 93 of 1958 and legislative decree No. 100 containing the Political Parties Act issued in 2011, are in strict compliance with the Covenant. Please provide information on the number of applications for licences by non-governmental human rights organizations from the Ministry of Social Affairs that have been refused since the ratification of the Covenant and on what grounds.

Rights of the child (arts. 8, 23, 24 and 26)

26. With reference to the information provided by the State party,¹³ please report on the specific measures implemented within the context of the Children's Rights Act No. 21 to protect children during the armed conflict in the country, especially those housed in internal displacement camps, and the steps taken to address their basic needs, in particular with regard to access to education, hygiene and food. Please indicate the measures that have been taken to support the repatriation of children born to foreign nationals in camps and to ensure that all children born in the State party, including children born out of wedlock and children of migrants, refugees and asylum-seekers, irrespective of the legal status and origin of their parents, are registered at birth, including in rural areas and among those most affected by the conflict. Please describe the measures taken to fully implement Law No. 11 of 2013 prohibiting the recruitment and involvement of children in hostilities, and the measures taken to investigate, prosecute and sanction the perpetrators in cases of child recruitment and to reintegrate children who have been recruited.

Participation in public affairs (arts. 25 and 26)

27. In the light of the information provided by the State party,¹⁴ and with regard to the State party's past elections, including the presidential election in 2021 and the parliamentary elections in 2020, please respond to reports of: (a) a lack of a safe and neutral environment for campaigning and voter participation; (b) fraud, ballot stuffing and political interference; and (c) voter intimidation and coercion. Please describe all the measures taken to ensure the holding of free, reliable and transparent elections, including the procedures and concrete activities carried out by the Supreme Judicial Committee for Elections to ensure adequate election oversight.

¹² CCPR/C/SYR/4, paras. 89–91.

¹³ CCPR/C/SYR/4, paras. 97–99.

¹⁴ CCPR/C/SYR/4, paras. 100–110.