

Syrian Arabic Republic

I. Introduction

Syria is a relatively large country in the Middle East with a land area of 185,180 km² and a population of 19,498,000 in 2007. Seventy-four per cent of the population are Sunni Muslims, the others are Christians (10%) and minority Muslim groups (Alawites 11%, Druze and others sects 5%). There are very small numbers of Jews and Yazidis. Members of the Alawite minority are among the ruling elite, and most of the top army officers are Alawites. Ethnically, 90% of the population are Arab, 5% are Kurdish (though some estimates claim their number is much higher) and the remaining 5% comprise of Armenians, Assyrians and other Christian minorities. There are more than a million Iraqi refugees and stateless persons (mostly of Palestinian origin), making Syria the fourth largest recipient country in the world in 2007.¹ The capital city is Damascus, one of the oldest continuously inhabited cities in the world; the present population of the extended metropolitan area is 6,500,000 people.

The country has been governed by the secular Ba'ath Party since 1963, with the head of state always a member of the Assad family. Syrian relations with the West have worsened since the overthrow of the Ba'athist regime in Iraq in 2003 and U.S. President Bush's inclusion of Syria in "the axis of evil". Syria's relations with its Arab neighbours are also strained because of their support for Iran in the Iran-Iraq war of the 1980s and the presence of Syrian troops in Lebanon until 2005 (though their political and economic influence there is still strong). Syria has officially been in a state of emergency since 1963 due to the continuous state of war with Israel and it is widely claimed that Syria supports Israel's enemies, the militant organisations Hezbollah and Hamas.

The Gross Domestic Product (GDP) *per capita* is low for the region (US\$5,348 in 2005), higher only than that of Yemen and Iraq. Its Human Development Index (HDI)² is 0.716, placing it in the medium 107th place in the world, but in a worse position than its neighbours. Life expectancy at birth was 73 years and the literacy rate was 77% in 2007.

¹ <http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=syr>

² The HDI is a common measure of development used by the United Nations to rank countries. It incorporates measures of GDP per capita, life expectancy at birth and educational attainment.

Syria's population is very young (60% below the age of 20), unemployment runs very high and the country's oil fields have passed their point of maximum utilisation, which means that the Syrian economy is going to be facing very serious challenges in the near future.

II. Disadvantaged groups

Syria's authoritarian regime has a record of **harassing dissidents and human rights activists** and restricting their rights and freedoms. Prominent writers, like Michel Kilo and human rights lawyers, like Anwar al-Bunni, have been detained and questioned frequently. The London-based Syrian Human Rights Committee estimates that there are currently about 4,000 political prisoners in detention in Syria. Domestic human rights groups, like the Committee for the Defence of Democratic Liberties and Human Rights, are subject to constant meddling and arbitrary detention of its members. International organizations, including Amnesty International, are not permitted to work within the country. Many prisoners of conscience are members of the banned Muslim Brotherhood or the Communist Party.³ Law 49 of 1980 makes membership of the Muslim Brotherhood punishable by death.⁴ Many other offences carry capital punishment. Torture and ill-treatment of detainees, including youths, is widely reported, even though the state is party to the Convention against Torture. For instance, 26-year-old Mohammad Shafer Haysa reportedly died in April 2006 in an interrogation centre as a result of being tortured. A Kurdish man, Muhammad Mustafa, claimed he had been held in solitary confinement in a toilet after being arrested in 2003 and convicted in 2004 for trying to prepare a peaceful demonstration supporting Kurdish rights.⁵

Journalists have also been subject to harassment and have been prevented from expressing their opinions freely. Many of them have been subject to penalties and detention, such as the recent 2006 cases of the father and son Ali and Mohammed Abdallah, who were detained and tortured for criticising the state of the country's economy in an Emirati newspaper.⁶

³ <http://hrw.org/englishwr2k7/docs/2007/01/11/syria14722.htm>

⁴ For the text of Law 49, see <http://www.shrc.org/data.aspx/d4/254.aspx>

⁵ <http://web.amnesty.org/report2005/syr-summary-eng>

⁶ http://www.rsf.org/article.php3?id_article=20777

The Kurds, the largest ethnic minority, are subject to ill-treatment and discrimination. About 300,000 have been denationalised and denied citizenship rights. Some of them are foreign-born and have come to Syria from neighbouring countries, but most are Syrian-born Kurds who have no other citizenship and are currently classified as stateless.⁷ There has been a high level of violence against this minority; for example, 30 people were killed and hundreds injured at a peaceful demonstration dispersed by the security forces in 2004. Members of the Kurdish Workers Party are often detained and intimidated. The Kurdish-populated north and north-east regions of the country are significantly poorer and less developed than the rest, and receive less state investment.⁸ The regime also suppresses many forms of expression of Kurdish cultural identity. For instance, Kurds are not allowed to publicly celebrate their holidays. The 2001 press law requires owners and editors of all publications to be Arabs and prohibits all Kurdish-language publications.⁹

Syria is among many countries in the Middle East that operate Personal Status laws, which along with the penal code contain directly discriminatory provisions against **women**. Penal laws are based on Islamic Sharia, where 'honour' crimes are not treated in the same way as others. Suspending punishment for a rapist if he chooses to marry his victim is seen as right. A wife (or wives, as polygamy is allowed, but rarely practiced) is construed as a possession of her husband, in the same way as an unmarried woman is a possession of her male guardian. There are no laws against marital rape, the marriage age is lower for girls (17) and divorce and inheritance laws are also discriminatory. Punishment for adultery is more severe for women. Muslim women are not allowed to marry non-Muslim men. Women's participation in political and economic life is very limited.¹⁰ Abortion is illegal, except for cases of proven danger to a woman's life.¹¹ The nationality law prevents Syrian women from passing their citizenship to their children in the same way that Syrian men are entitled to do.

At the start of the Iraq war in 2003, Syria opened its borders to **refugees** from Iraq and provided to them support and access to public services. In 2006, however, domestic

⁷ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.304.Add.70.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.304.Add.70.En?Opendocument)

⁸ <http://web.amnesty.org/report2005/syr-summary-eng>

⁹ <http://www.freedomhouse.org/template.cfm?page=363&year=2007&country=7282>

¹⁰ [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.63.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.63.En?Opendocument)

¹¹ <http://www.womenonwaves.org/set-1020.245-en.html>

anti-immigration pressures hardened the Syrian government's position: Syria started to restrict new arrivals and deny health care to existing refugees.¹² Refugees also face difficulties in obtaining work permits and employment.

The Jews are the only religious community whose identity documents state their religion. They have to obtain permission from the security services before travelling abroad and are subject to other special government regulations. There are currently fewer than 100 Jews living in Syria. Another very small group, **Jehovah's Witnesses**, is banned on the grounds of being a "politically motivated Zionist organisation".¹³ Its members can only practice their faith in secret.

Homosexuality in Syria is illegal by virtue of article 520 of the Penal Code, which penalizes homosexual acts with three years' imprisonment. However, there is no information about the enforcement of this law and there are no known instances of prosecution. But social attitudes to people with a different sexual orientation are negative and discouraging to any public manifestation of different sexual orientation. It is therefore very likely that anyone with a different sexual orientation would face discrimination at multiple levels.

III. Law

1. International Law¹⁴

Syria is party to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women (without optional protocols), the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child (with optional protocols), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the two ILO conventions (C100 and C111) concerning the Elimination of

¹² <http://hrw.org/englishwr2k7/docs/2007/01/11/syria14722.htm>

¹³ <http://www.state.gov/p/nea/ci/80192.htm>

¹⁴ <http://www.ohchr.org/english/countries/sy/index.htm>

Discrimination in Respect of Employment and Occupation, the Convention on the Prevention and Punishment of the Crime of Genocide and the Four Geneva Conventions of 12 August 1949 and the 1977 Protocols.¹⁵

Syria is not state party to the UN Refugee Convention or its protocols, the Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, the Rome Statute of the International Criminal Court or the UNESCO Convention against Discrimination in Education.

2. Regional Agreements

The country is a member of the Organisation of Arab Petroleum Exporting Countries, the Arab League, and the Organisation of the Islamic Conference. It is signatory to the Cairo Declaration of Human Rights in Islam.

3. Constitution¹⁶

The Constitution's Preamble contains a long declaration of the Arab nature of the country, the special position of the Ba'athist party, its nationalist ideology and its struggle against Zionism and imperialism. Article 3 states that the state religion is Islam, that the President has to be a Muslim and that the main source of legislation is Islamic jurisprudence.

The following are constitutional provisions regarding equality and non-discrimination. Article 25 states that "(1) Freedom is a sacred right. The state protects the personal freedom of the citizens and safeguards their dignity and security. (2) The supremacy of law is a fundamental principle in the society and the state. (3) The citizens are equal before the law in their rights and duties. (4) The state insures the principle of equal opportunities for its citizens." Article 28 provides for freedom from torture and illegal detention and Article 35 provides for freedom of religion and faith. Article 45 declares that: "The state guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state removes the

¹⁵ For a summary of the reservations Syria has made, see <http://www.undp-pogar.org/countries/humanrights.asp?cid=19>

¹⁶ <http://www.servat.unibe.ch/law/icl/sy00000.html>

restrictions that prevent women's development and participation in building the socialist Arab society." Article 46 states that: "[t]he state insures every citizen and his family in cases of emergency, illness, disability, orphanhood, and old age." Article 131 provides the independence of the judiciary.

4. Domestic Legislation

The Syrian legal system draws on the Islamic tradition and French Civil Law. The constitution provides for an independent judiciary, but according to sources, the judiciary is corrupt, inefficient and susceptible to political influence.¹⁷

Family Law

The Syrian Law of Personal Status, adopted in 1953, covers matters of family law and, as pointed out above, is discriminatory against women. Article 305 states that the source of law is the most authoritative doctrine of the Hanafi school of Islam. For Sunni and Shi'a Muslims there are Shari'a courts, for the Druze there are *madhhabi* courts, and there are *ruhi* courts for Christians and Jews. Each of the three types of courts has its own courts of appeal, and the final stage for all three is the Family Section of the Court of Cassation in Damascus. Christians and Jews use mainly the Civil Code of 1949 and the Code of Civil Procedure of 1953.

Employing Women

Ministerial Regulation No. 1663 contains rules on the employment of women, including pregnant workers. Legislative Decree No. 32 of 1978 gives women the right to a children's allowance. Act No. 23 of 1978 regulates old-age pensions. Order No. 618 of 16 November 1960 defines occasions where women workers may be employed between the hours of 8pm and 7am as night workers. Legislative Decree No. 35 of 2002 establishes the amount of paid maternity leave that employers must grant, as well as conditions in the work place for nursing mothers.

Protecting Children

¹⁷ <http://www.state.gov/p/nea/ci/80192.htm>

There is an Order (No. 183 of 2001), which prohibits child labour and lists all the industries in which it is not allowed to employ youths under the age of 18. It contains no equality provisions.¹⁸ Decision No. 923 of 2001 prohibits any kind of employment to anyone under the age of 15.¹⁹ The ILO's Minimum Age Convention (1973) is ratified by Legislative Decree No. 23 of 2001. Decree No. 2174 of the same year promulgates the C144 Tripartite Consultation (International Labour Standards) Convention (1976).

Disability

On disabled workers, there is Law No. 34 of 2001 to ratify the Arab Labour Convention on the Rehabilitation of the Disabled (No.17), 1993.

IV. Realising the right to non-discrimination

The general human rights situation in Syria can be characterized as poor and deteriorating. The government is authoritarian and repressive, especially to those daring to criticize its actions. The three main opposition groups – Islamists, Kurds and secular liberals – signed the Damascus Declaration for Democratic and National Change in 2006, calling for the regime to accept democratic principles and liberalise the country. Many of the signatories were subsequently harassed and banned from travelling. Freedoms of expression, association, and assembly are restricted, especially when it comes to the media. All local broadcasting and publishing are monopolised by the state and foreign newspapers are subject to prior censorship and banned if material is deemed threatening or embarrassing to the state.²⁰ Many people, however, have easy access to satellite TV and a number of private TV channels.²¹ Emergency laws have been in place since 1963, placing almost unlimited power in the hands of the government.²² In view of the foregoing, the right to equality and non-discrimination is not thriving in Syria.

Another obstacle to the promotion of equality and non-discrimination is the poor state of the country's relations with the international community, not only the West but also its

¹⁸ <http://www.ilo.org/dyn/natlex/docs/SERIAL/71935/72700/F1512650361/SYR71935.pdf>

¹⁹ <http://www.ilo.org/dyn/natlex/docs/SERIAL/71933/72698/F952679697/SYR71933.pdf>

²⁰ http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0004/KW0105/

²¹ See a very good report on this issue by Article 19 at

<http://www.article19.org/pdfs/publications/syria-walls-of-silence.pdf>

²² <http://hrw.org/englishwr2k7/docs/2007/01/11/syria14722.htm>

neighbours in the Arab world. Effectively, Syria's only ally is Iran, similarly isolated. The assassination of former Lebanese Prime Minister Rafik Hariri in 2005 has led to enormous pressure on Syria to cooperate with an international investigation, in which the country's secret services are the prime suspect. On the third anniversary of Mr Hariri's assassination, in February 2008, a Special Tribunal was being set-up under the authority of the UN Security Council, to try those responsible for this and other recent political killings in Lebanon.²³

However, there are hopes that domestic and international pressures will change the current political situation, and the country will start to fulfil its obligations under international law. Syria is trying to improve its relations with the European Union and there are signs of civil society developing. The Arab Organization for Human Rights in Syria, the Committees for Defending Human Rights in Syria and the Syrian Human Rights Association have emerged in recent years. Also, in January 2006 the first training centre for human rights activists opened in Damascus as part of the European Union Initiative in Support of Democracy and Human Rights. However, the Syrian problem is part of the broader regional situation. Syria is formally at war with Israel and military spending is a very high proportion of GDP. The Golan Heights is Syrian territory, illegally occupied by Israel, and there are several UN resolutions demanding their return.²⁴ A resumption of the dialogue between the two states is essential to finding any lasting solution for a peaceful development of the region.

²³ <http://www.un.org/apps/news/story.asp?NewsID=25623&Cr=leban&Cr1=>

²⁴ http://ap.ohchr.org/documents/sdpage_e.aspx?b=1&c=179&t=11