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**Summary prepared by the Office of the High Commissioner  
for Human Rights in accordance with paragraph 15 (c) of the  
annex to Human Rights Council resolution 5/1**

**Syrian Arab Republic\***

The present report is a summary of 24 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. The deadline for submissions by stakeholders was 31 March 2011.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Syrian Human Rights Organization noted that the Syrian Arab Republic (hereafter Syria) had ratified the Convention against Torture (CAT), but entered a reservation concerning the competence granted by its article 20 to the Committee monitoring compliance with the Convention. It also noted that Syria had not ratified the Optional Protocol to the Convention against Torture (OPCAT).<sup>2</sup> SWASIAH and Human Rights Watch (HRW) recommended that Syria ratify OPCAT<sup>3</sup> and the Convention for the Protection of All Persons from Enforced Disappearances.<sup>4</sup>

2. Arab NGO Network for Development and the Centre for Economic and Social Rights (JS3) called for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights<sup>5</sup> as well as the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.<sup>6</sup>

3. Karama recommended that Syria withdraw remaining reservations to the Convention for the Elimination of Discrimination against Women (CEDAW).<sup>7</sup>

### **B. Constitutional and legislative framework**

4. Joint Submission 2 (JS2) and National Human Rights Organization in Syria (NOHR-S) recommended that Syria integrate the principles and provisions of the international instruments that it has ratified into the national legislation and that it abolish laws which are in contradiction with human rights principles.<sup>8</sup>

5. NOHR-S noted that article 8 of the Constitution violated human rights norms insofar as it limited the leadership of Syrian society and the State to a segment of the people constituted in the ruling Baath party.<sup>9</sup>

6. NOHR-S further noted that the continued application of the state of emergency and the broad powers of the State Security Court violated basic legal norms and principles.<sup>10</sup> More broadly, it recommended that Syria harmonize its legislation with the provisions of international treaties it has ratified.

7. Alkarama (ALK) requested the Syrian Government to provide in national legislation appropriate penalties to punish the crime of torture.<sup>11</sup> SWASIAH and the Kurdish Human Rights Project (KHRP) noted that, while the prohibition of torture was enshrined in the Constitution, a definition of torture in line with article 1 of CAT was lacking in Syrian legislation.<sup>12</sup> While torture was recognized as a crime in article 391 of the Penal Code, the maximum penalty for this crime had been limited to 3 years of imprisonment.<sup>13</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

#### **1. Cooperation with treaty bodies**

8. Unrepresented Nations and Peoples Organisation (UNPO) asked Syria to implement the recommendations of the Committee against Torture, particularly the recommendations related to the treatment of refugees.<sup>14</sup>

9. According to a coalition of regional and human rights NGOs (JS1), Syria's cooperation with the Committee against Torture did not meet expectations. It stated that Syria limited its presentation to technical details and failed to provide the Committee with important information.<sup>15</sup> SWASIAH referred to observations by CAT noting that the initial report had been submitted with a delay of 5 years and that it lacked statistical and factual information concerning the implementation of the Convention.<sup>16</sup> It recommended that Syria implement the recommendations made by CAT.<sup>17</sup>

## 2. Cooperation with special procedures

10. Enough Silence Campaign (KAFASAMTAN) recommended that the Government allow the Working Group on Arbitrary Detention to visit the country and examine detention centres<sup>18</sup>.

11. JS3 noted that it is a positive development that Syria welcomed, in 2010, the visit of Special Rapporteurs on the right to food and on the right to health. However, it stated that it was critically important to translate all the recommendations received into comprehensive, concrete and effective action<sup>19</sup>.

## B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### 1. Equality and non-discrimination

12. Amnesty International (AI) noted that despite several legislative reforms which had improved respect for women's rights, discrimination against women remained entrenched in national legislation.<sup>20</sup> According to JS3 and NOHR-S, discrimination against women exists in matters related to marriage, divorce, inheritance and other forms of personal status law and in the Penal Code which contains discriminatory provisions.<sup>21</sup> Karama noted that the Personal Status Act discriminates against women in fields related to legal age of marriage, guardianship and consent to marriage, as well as the prohibition on Muslim women to marry non-Muslims, polygamy, rights concerning divorce and repudiation, limited child custody rights for the mother, and obligation for a wife to obey her husband in return for maintenance.<sup>22</sup>

13. The Society for Threatened Peoples (STP) stated that members of religious and ethnic minorities, in particular Kurds, continue to be victims of state repression in Syria<sup>23</sup> The International Commission of Jurists (ICJ) underscored the enduring identity-based discrimination against the Kurdish minority, based on the perception of them as a security threat.<sup>24</sup> HRW asked the Syrian Government to identify and remove discriminatory laws and policies on Kurds<sup>25</sup>.

14. The Kurdish Human Rights Project (KHRP) stated that explicit discrimination exists in relation to marriage laws applicable to stateless Kurds. Only marriages between women with *Ajanib* ("foreigners") status and men with Syrian nationality/citizenship are legally recognised. Conversely, marriages between women with Syrian nationality and men with *Ajanib* status will not be registered.<sup>26</sup>

15. AI recommended abolishing articles in the Penal Code which discriminate against individuals on the basis of their sexual orientation or identity.<sup>27</sup>

### 2. Right to life, liberty and security of the person

16. AI reported that death sentences continue to be imposed and that at least 17 people were executed in 2010,<sup>28</sup> and recommended that Syria impose an immediate moratorium on executions, as a first step toward abolition of the death penalty.<sup>29</sup> NOHR-S noted that no

measures had been taken towards the abolition of the death penalty, and that its scope of application had rather be broadened.<sup>30</sup> ALK stated that one of the most controversial laws, law No. 49 of 1980, envisages the death penalty for any person belonging to the Muslim Brotherhood.<sup>31</sup>

17. Freedom House and NOHR-S stated that security agencies enjoy unrestricted authority to arbitrarily detain people and sometimes conceal the location of detainees for indefinite periods of time.<sup>32</sup> ICJ recommended ending immediately the policy of *incommunicado*, secret and other arbitrary detentions and ensuring that the apprehension of suspects complies with international standards.<sup>33</sup> The Damascus Centre for Human Rights Studies (DCHRS) recommended that the Government immediately release all those arbitrarily arrested and detained without warrants or a referral to court, investigate all cases of arbitrary detention, hold those responsible accountable and compensate victims<sup>34</sup>.

18. ALK recommended to end the practice of secret detention, to place all places of detention under effective judicial supervision and to apply the international standards for the treatment of detainees.<sup>35</sup>

19. HRW noted that Syrian security services frequently refuse to disclose detainees' whereabouts for weeks and sometimes months, which amounts to forcible disappearance<sup>36</sup>. It also underlined that while many political detainees from the 1980s had been released pursuant to various amnesties, the fate of thousands of disappeared remained unknown. HRW recommended setting up an independent national commission for truth and justice that includes representatives of victims' families, independent civil society activists, and international organisations<sup>37</sup>. ICJ asked the Syrian Government to investigate every case of reported enforced disappearance in order to guarantee the rights of victims and their families to truth and to reparation, and ensure that those responsible for such disappearances are held to account<sup>38</sup>. DCHRS recommended to Syria to provide family members with information concerning the fate of those forcibly disappeared, to establish a truth and reconciliation commission that will investigate and document cases of disappearances, to prosecute those responsible for disappearances and to compensate the families of the victims<sup>39</sup>.

20. JSI stated that one of the most recent incidents of enforced disappearance concerned the unknown fate of dozens of detainees of Sednaya Military Prison. It noted that since the incident in July 2008, authorities had refused to provide any information on the whereabouts of prisoners and highlighted that reports circulating among the prison inmates indicate that many were killed and injured.<sup>40</sup> NOHR-S provided further examples of disappearances in recent years.<sup>41</sup>

21. Freedom House indicated that conditions in Syrian prisons and detention centres were very poor; and prisoners were subject to torture, overcrowding, abuse, and a lack of sanitation, hygiene, and medical care.<sup>42</sup>

22. JSI, SWASIAH and NOHR-S stated that torture was commonly and systematically used by various security agencies in Syria.<sup>43</sup> SWASIAH further noted that the judiciary did not protect victims from torture, but rather relied on confessions obtained under torture.<sup>44</sup> According to JSI, human rights NGOs in Syria have been monitoring and documenting the systematic use of torture, ill treatment, deaths in custody, *incommunicado* detention and the rising number of cases of enforced disappearances.<sup>45</sup> AI noted that allegations of abuse are almost never investigated and perpetrators are consequently not brought to justice.<sup>46</sup> ICJ recommended investigating the consistent reports of torture and ill-treatment of convicted prisoners and detainees, and bringing to justice military and civilian state officials and law enforcement officers who carried out or ordered such practices.<sup>47</sup> SWASIAH recommended that all incidents of torture be investigated and prosecuted in a transparent manner.<sup>48</sup>

23. Concerning violence against women, Karama noted that the Syrian Commission for Family Affairs had prepared a draft national plan on protection of women,<sup>49</sup> although almost all legislation and policies still awaited approval or action by the State.<sup>50</sup> It indicated that the definition of rape denies a rape victim protection under the law if the offender is the man to whom she is married<sup>51</sup>. Concerning honour killings, it estimated that 150 to 300 women are victims of honour killing in Syria each year and mentioned that Syria's Penal Code contains specific articles that reduce sentences for honour killings, citing attenuating circumstances.<sup>52</sup> Karama recommended to Syria to draft, approve, and enforce laws against domestic violence, to amend the Penal Code to criminalize marital rape and to remove mitigating factors from the punishment of honour-related crimes against women.<sup>53</sup>

24. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that the Penal Code permits parents and teachers to discipline children "as sanctioned by general custom".

### **3. Administration of justice, including impunity, and the rule of law**

25. ICJ noted that the state of emergency had undermined the rule of law<sup>54</sup> in Syria and the judicial system failed to administer justice and guarantee the rights of victims of human rights violations. Freedom House mentioned that hearings at the Supreme State Security Court continued to be secret and lawyers were not allowed to meet their clients in private.<sup>55</sup>

26. NOHR-S stated that the judiciary did not enjoy any independence but was subordinate to the executive power.<sup>56</sup>

27. AI recommended reforms of the justice system, in particular to ensure that all court procedures comply with international standards for fair trial.<sup>57</sup>

28. The International Bar Association Human Rights Institute (IBAHRI) reported that human rights defenders face substantial obstacles in carrying out their work and asked for access to all courts, including the Supreme State Security Court and military courts, for international observers.

29. Freedom House reported that exceptional laws protect perpetrators of crimes of torture and other violations.<sup>58</sup> According to ICJ, Syrian officials and law enforcement officers alleged to be responsible for committing serious human rights violations remain, under a sophisticated web of immunity laws and military decrees, unpunished and shielded from any legal proceedings against them.<sup>59</sup> JS1 stated that under Legislative Decree No. 69, no lawsuit may be filed before regular courts against members of the police, customs police or political security, including suits related to torture and assault of citizens, because such lawsuits require the prior permission of the army commander.<sup>60</sup> SWASIAH provided details of legislation providing for immunity from prosecution for crimes committed by members of the security and intelligence agencies while on duty and recommended the abolition of all such legislation.<sup>61</sup> AI recommended to the Government to abolish legislative provisions which grant state officials immunity from prosecution for offences they committed.<sup>62</sup>

30. ICJ indicated that the authorities had distorted the justice system through consistent and enduring political interference in judicial matters.<sup>63</sup> Freedom House stated that the ordinary courts were subject to the control of the executive branch, and the judiciary system lacked the minimum degree of autonomy and was under the absolute command of the security services.<sup>64</sup> According to IBAHRI, a few positive steps have been taken by the Government to improve judicial training and to eradicate corruption; however, problems of corruption and political influence persist.<sup>65</sup>

**4. Right to privacy, marriage and family life**

31. ARC International and ILGA (JS4) mentioned that according to the Penal Code of 1949, any “unnatural” sexual intercourse shall be punished with a term of imprisonment of up to three years.<sup>66</sup> JS4 called on Syria to bring its legislation into conformity with its commitment to equality and non-discrimination, and international human rights obligations, by repealing all provisions which may be applied to criminalise certain sexual activity between consenting adults.<sup>67</sup>

**5. Freedom of movement**

32. According to AI, Kurds who are stateless, along with their descendants, are not issued passports or other travel documents and so may not legally leave or enter Syria. AI recommended putting an end to all related discrimination against stateless Kurds, including in the field of freedom of movement<sup>68</sup>. KHRP reported that stateless Kurds in Syria were in effect trapped in Syria as they cannot obtain passports or other relevant travel documentation, noting that it was a criminal offence to leave Syria without proper documentation<sup>69</sup>.

33. NOHR-S indicated that article 33 of the Constitution provides for the right of citizens to travel unless a person is prohibited from doing so by a court decision, but observed that travel bans were frequently imposed by the security agencies without any court decision,<sup>70</sup> HRW noted that, since 2006, Syrian authorities had expanded the use of travel bans to punish activists and dissidents and recommended that the Government cease banning activists from travelling abroad<sup>71</sup>.

34. Freedom House indicated that the right to travel is guaranteed by Syrian laws unless based on judicial decisions to the contrary; however the Emergency Law grants to the Syrian police wide authorities to ban thousands of citizens from leaving Syria based on security orders. It recommended ending the practice of banning citizens from traveling<sup>72</sup>. JS2 also recommended to the Syrian authorities to abolish all the regulations related to people who are prevented from travelling outside Syria unless there is legal warrant<sup>73</sup>.

**6. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life**

35. According to the European Association of the Jehovah’s Christian Witnesses (TEAJCW), meetings by Jehova’s Witnesses for worship are prohibited. TEAJCW indicated that the government prohibits religious literature, communication with co-religionists outside Syria and employment in government offices and added that it is very difficult for Jehovah’s Witnesses to obtain a passport or to leave the country. It added that all Jehovah’s Witnesses and their homes are watched, and they are regularly called for interrogations<sup>74</sup>.

36. STP noted that Jews and Yezidis are denied freedom of religious practice and other basic rights.<sup>75</sup> According to KIS, Yezidis face the same discrimination as the rest of the Kurdish population, and in addition suffer from religious persecution. They are prevented from learning the basics of their religion in public schools.<sup>76</sup> KIS recommended that Syria recognise the religious rights of Yezidi Kurds and establish special courts for their religious status cases, such as marriage and divorce.<sup>77</sup>

37. According to JS1, Syrian authorities continue to systematically suppress freedom of opinion and expression through various legal, administrative, and security measures, including arbitrary detention.<sup>78</sup> According to AI, many peaceful critics of the authorities, including human rights defenders, political activists, bloggers and Kurdish minority rights activists, have been arrested and detained.<sup>79</sup> AI stated that dozens of human rights defenders and political activists had received prison sentences simply for peacefully expressing

opinions that differ from those of the authorities.<sup>80</sup> AI recommended that Syria release all prisoners of conscience and amend the legislation under which prisoners of conscience have been imprisoned so as to bring it in line with international human rights law.<sup>81</sup>

38. HRW noted that in February 2011, the Government lifted its ban on popular websites such as Facebook and YouTube but internet censorship of political websites remains pervasive. According to HRW, the authorities regularly prosecute journalists, bloggers, and citizens who dare criticize the authorities or the president. HRW reported that the majority of detained journalists and bloggers had been tried before the State Security Court. It recommended that the authorities release all those imprisoned or detained solely for exercising their right to free expression, online or otherwise, stop blocking websites for their content and introduce a new media law that would remove all prison penalties for defamation and libel.<sup>82</sup> NOHR-S similarly reported that the Government strictly controlled and censored internet publishing and had brought dozens of persons before the State Security Court due to their web publishing activities.<sup>83</sup>

39. Freedom House mentioned that independent journalists, bloggers, and human rights activists were subject to strict censorship and periodically called for investigation by the security forces. It added that official local media were under absolute control of security services and private media were subject to strict censorship and forced to comply with limitations imposed by the regime.<sup>84</sup> NOHR-S observed that the State had a monopoly on all media, and in particular the press.<sup>85</sup> Pen International (PEN) noted that in spite of the Presidential Act 31 of 1971, which regulates censorship of books and publications, there were no clear criteria for censorship in Syria, and the security forces imposed their own criteria. PEN stated that this had resulted in, substantial fear of persecution, which led writers and journalist to exercise self-censorship.<sup>86</sup> PEN recommended to the Government to amend all laws which restrict freedom of expression and are used to persecute writers and journalists, to abolish practices that allow for censorship and restrictions on freedom of expression and opinion, freedom of the press, freedom to create and to publish, and the right to be informed by all means including the internet.<sup>87</sup>

40. PEN noted that although the number of news media outlets, specifically radio stations, has increased in the past decade there is no room for media diversity. It also indicated that there are no private or independent newspapers except a few which are owned by the regime's supporters.<sup>88</sup>

41. According to Freedom House, security forces have the power to prevent and disrupt peaceful opposition demonstrations, arrest participants, and physically abuse them on site and while in custody.<sup>89</sup>

42. Freedom House also noted that Syrian authorities continued to refuse to license independent non-governmental organisations<sup>90</sup>. IBAHRI noted that, in spite of Article 39 of the Constitution which guarantees the right of citizens "to meet and demonstrate peacefully within the principles of the Constitution", the Government used emergency powers and legislation to prevent the creation of civil society organisations. According to IBAHRI, the Ministry of Social Affairs and Labour has broad powers to register, intervene in the operations and dissolve any association.<sup>91</sup> NOHR-S noted that its own application for registration had been repeatedly rejected.<sup>92</sup>

43. IBAHRI recommended to the Government to take measures to clarify registration requirements, including the process of registration, how registration will be officially recognised and with specific timeframes set. It added that there should be a requirement for written reasons to be provided to unsuccessful applicants and appeal made available by way of judicial review.<sup>93</sup>

44. JS1 noted that the Constitution permits private associations, but also grants the Government power to limit their activities. It added that, in practice, none of the local human rights organizations are licensed.<sup>94</sup>

45. JS1 noted that although freedom of assembly is stipulated in the Constitution, the Emergency Law impedes the exercise of such constitutional rights. It also mentioned that a permission of the Ministry of Interior is required for demonstrations or any gathering of more than three persons.<sup>95</sup> NOHR-S indicated that the emergency laws prohibited any meeting comprising more than five persons and considered such meetings crimes.<sup>96</sup>

46. Freedom House indicated that it is illegal to establish political parties independent from the National Progressive Front and that the Penal Code sentences political activists on the charge of "joining a secret society aimed at changing the structure of the state." Capital punishment is applied for those refusing to withdraw their membership in the Muslim Brotherhood.<sup>97</sup> NOHR-S noted that the only recognized party in Syria was the Socialist Arab Baath Party, that trade unions did not enjoy any degree of independence and that only charitable or housing associations were licensed, but not any organizations addressing broader citizens' issues, such as human rights organizations.<sup>98</sup>

47. KHRP stated that authorities used increased repression against assembly by Syrian Kurds; political associations are especially targeted.<sup>99</sup> According to KHRP, political activity outside the Baath Party or PNF is illegal and Kurdish political parties are viewed as a separatist threat and face persecution and arbitrary detention, and charges of belonging to 'illegal' organisations.<sup>100</sup>

## **7. Right to work and to just and favourable conditions of work**

48. JS3 reported that the Government's employment and labour policies had failed to tackle unemployment and obstacles to achieving the right to work for all citizens.<sup>101</sup> It underlined that beside high unemployment rates, significant regional and gender disparities for the full enjoyment of the right to work persist.<sup>102</sup> It recommended to the Government to ensure the full enforcement of the New Labour Law 2010 in order to eliminate gender discrimination in employment opportunities, wages and ensure the promotion of women's equality and empowerment, with emphasis on promoting enhanced economic opportunities for women and equality in the workplace.<sup>103</sup> NOHR-S reported that there were over 1 million unemployed in Syria.<sup>104</sup>

49. According to KHPP, stateless Kurds are precluded from working in certain professions requiring Syrian citizenship and often have to work in the informal sector on an illegal basis.<sup>105</sup> STP reported that people without Syrian nationality are no longer allowed to work in the private sector and that those who violate this rule may be sentenced to a fine or a prison sentence of six to twelve months.<sup>106</sup>

50. JS2 mentioned that the unions are not autonomous, that their internal systems contain articles that compel them to work under guidance of the ruling party and that the prime minister can dissolve any union or branch council in case it violates government policies.<sup>107</sup> JS3 noted that labour unions' activities are still obstructed by the limitations set by the State, which oversees the elections' process within the existent general federation of trade unions that operates under the single trade union system.<sup>108</sup>

## **8. Right to social security and to an adequate standard of living**

51. JS3 mentioned a significant gap in standard of living between rural and urban areas, sustained and chronic deprivation of economic resources in rural areas as well as a rural-urban migration pattern leading to urbanization of poverty.<sup>109</sup>



52. JS3 indicated that the structure of the labour market, comprised of a large number of jobs in the growing informal economy, left the majority of workers without basic social security protection. It underlined that the majority of these workers were women, who are often exposed to financial, economic, and social risks.<sup>110</sup>

53. According to JS3, despite positive health indicators, the lack of availability, accessibility and quality of health services among vulnerable groups remained a challenge particularly in rural areas where infrastructures and medical treatment remain inadequate. HIV/AIDS continued to be treated as a taboo subject, with under-reporting of the number of affected persons and a lack of an explicit strategy by the Government to confront the epidemic with adequate interventions and facilities.<sup>111</sup> JS2 noted that the majority of health services are covered by the public sector which suffers from administrative corruption.<sup>112</sup> KIS reported that stateless Kurds also suffer discrimination in health care and are denied admission to public or military hospitals<sup>113</sup>.

54. Habitat International Coalition (HIC) noted that stateless Kurds are unable to own land, housing or businesses, which impedes their rights to an adequate standard of living<sup>114</sup>. It indicated that Decree No. 49 of 2008 relating to the restrictions on the use of land, has led both directly and indirectly to the deprivation of Kurdish citizens' rights to adequate housing, property, and land as a source of livelihood and culture.<sup>115</sup> HIC concluded that over more than half a century, various measures had cut down on the livelihood resources of Kurds and impoverished them further.<sup>116</sup> According to Support Kurds in Syria (SKS), Kurds living in their homelands have suffered abuses of their land rights which have impacted on their ability to feed their families. SKS noted that stateless Kurds are majorly disadvantaged as a particular social group.<sup>117</sup>

## **9. Right to education and to participate in the cultural life of the community**

55. NOHR-S stated that school education was to a large extent focused on ideological goals rather than learning and noted that most activities pursued by cultural centres were subject to censorship by the authorities.<sup>118</sup>

56. STP stated that speaking Kurdish in public was severely punished; possession of Kurdish literature as well as cultural practices was forbidden and teaching in Kurdish was prohibited. Due to this language ban, the number of illiterate persons had increased among Kurds, and many people who do not speak Arabic had no access to education.<sup>119</sup>

57. KHRP noted that stateless Kurdish children faced problems to be registered at school as their parents often cannot obtain the required documents. Thus, access to education continued to be constrained throughout the child's development, with serious implications for subsequent employment.<sup>120</sup> KIS indicated that Kurdish students and workers continued to be subjected to arbitrary transfer or expulsion from governmental institutes, departments and institutions.<sup>121</sup>

58. KHRP stated that the Syrian authorities put pressure on Kurds to prevent them from celebrating the Nowruz Festival, the Kurdish New Year.<sup>122</sup> KIS recommended to Syria to lift the ban on Kurdish culture and heritage and to allow the Kurdish language to be taught in Syrian schools and universities.<sup>123</sup>

59. JS3 noted a significant disparity between different regions regarding completion of primary education. Gender disparities were also evident in education. JS3 recommended increasing and maintaining enrolment rates and ensuring access to education for excluded groups.<sup>124</sup>

## 10. Minorities and indigenous peoples

60. NOHR-S reported that Kurds were subject to discriminatory measures since 1962, when tens of thousands of Kurds in the Governorate of Hassake had been stripped of Syrian nationality.<sup>125</sup>

61. AI reported that although no reliable official records are available, it is estimated that between 200,000 and 360,000 of Kurds in Syria are denied the rights of nationals, in particular social and economic rights. It explained that since 1962, stateless Kurds had been divided into two official classifications: *Ajanib* (“foreigners”) and *Maktoumeen* (a reference to their unregistered status), who have even fewer rights than the *Ajanib*. Pursuant to Law No. 93 of 1962 and the census in the al-Hassaka province in the same year, about 120,000 Kurds who could not provide proof that they had lived in Syria since 1945 or earlier were stripped of their Syrian nationality or denied the right to claim it. AI noted that these stateless Kurds, along with their descendants, are not issued passports or other travel documents.<sup>126</sup> AI recommended to the Syrian authorities to amend legislation on nationality to find an expeditious solution to the stateless status of Syrian-born Kurds.<sup>127</sup>

62. HRW reported that stateless Kurds face a range of difficulties, from getting jobs and registering marriages to obtaining basic state services. HRW recommended to Syria to redress the status of all Kurds who were born in Syria but are stateless; to comply with its legal obligations on the rights of minorities, and to guarantee civil, political, economic, social and cultural rights of persons belonging to the Kurdish minority.<sup>128</sup>

63. STP stated that all measures taken against the Kurds constituted an attempt to assimilate them and wipe out their historical and cultural heritage and identity. It mentioned incidents in the army where soldiers of Kurdish origin had been abused and died under unexplained circumstances.<sup>129</sup> STP indicated that the denial of citizenship had far-reaching consequences for the people who are deprived of their civil rights: have no right to own property, no access to education, no right to enter into civil marriages, no right to participate actively or passively in elections, and no right to government employment.<sup>130</sup>

64. JS2 noted that there are also other national minorities such as Assyrians, Jerks, Gajan, Turkmen and others which are not recognized in the constitution and deprived of their national and cultural rights.<sup>131</sup>

## 11. Migrants, refugees and asylum-seekers

65. According to UNPO, as Syria is not party to the 1951 Convention relating to the Status of Refugees, refugees within the country are treated as guests, tourists, or illegal intruders. UNPO underlined that refugees were not legally permitted to work, and had few options for making a living. It indicated that the treatment inflicted on Ahwazi refugees, including harassment, arrest, imprisonment and illegal forced return to their country of origin, violated both national and international law. UNPO recommended to uphold obligations to adhere to the principle of non-refoulement, a basic principle of international law that is included in two international covenants signed by Syria (ICCPR and CAT), and cooperate fully with the UNHCR in its work to track, support and assist refugees.<sup>132</sup> SWASIAH made similar observations.<sup>133</sup>

66. JS3 indicated that several religious and ethnic minorities and other vulnerable groups, such as refugees and domestic migrant workers, were not able to enjoy economic and social rights to the same degree as the Syrian population generally.<sup>134</sup> JS3 reported that the majority of foreign female domestic workers face multiple levels of discrimination and are further made vulnerable by the unique characteristics of their sector of work.<sup>135</sup>

### III. Achievements, best practices, challenges and constraints

N/A

### IV. Key national priorities, initiatives and commitments

N/A

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (The asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

AI	Amnesty International, London, United Kingdom.*
ALK	Alkarama, Geneva, Switzerland.
DCHRS	Damascus Centre for Human Rights Studies, Damascus, Syria.
Freedom House	Freedom House, Washington, USA.*
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom.
HIC	Habitat International Coalition, Santiago, Chile.*
HRW	Human Rights Watch, Geneva, Switzerland.*
IBAHRI	International Bar Association – Human Rights Institute, London, United Kingdom.*
ICJ	International Commission of Jurists, Geneva, Switzerland.*
JS1	Joint Submission No 1: Cairo Institute for Human Rights Studies (CIHRS)*; Committees for the Defense of Democratic Freedoms and Human Rights in Syria; Damascus Center for Human Rights (DCHRS); Haitham Maleh Foundation for the Defense of Human Rights Defenders in Syria.
JS2	Joint Submission No 2: Syria Human Rights League Syrian Association for the Defense of Human Rights; National organization for Human Rights in Syria (NOHR-S); Damascus Center for Civil Studies and Rights (DCTRS); Arab Organization for Penal Reform in Syria.
JS3	Joint Submission No 3: Arab NGO Network for Development (ANND)*, Beirut, Lebanon; Centre for Economic and Social Rights (CESR)*, Madrid, Spain.
JS4	Joint Submission No 4: ARC International (ARC-I); International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA); ILGA-Europe.*
KAFA SAMTAN	Enough Silence Campaign.
KARAMA	Karama, Cairo, Egypt.
KHRP	Kurdish Human Rights Project, London, United Kingdom.
KIS	Kurdish in Syria.
NOHR-S	National Organization for Human Rights in Syria.
PEN	Pen International, London, United Kingdom*.
SWASIHA	Syrian Human Rights Organization.
SKS	Support Kurds in Syria, London, United Kingdom.

STP	Society for Threatened People, Gottingen, Germany.*
TEAJCW	The European Association of Jehovah's Christian Witnesses, London, United Kingdom.
UNPO	Unrepresented Nations and Peoples Organization, The Hague, The Netherlands.

- <sup>2</sup> SWASIAH, para. 2.  
<sup>3</sup> HRW, p. 4; SWASIAH, section V.  
<sup>4</sup> HRW, p. 6.  
<sup>5</sup> JS3, para. 11, p. 4.  
<sup>6</sup> JS3, para. 11, p. 4. See also UNPO, C.1, p. 4.  
<sup>7</sup> Karama, para. 1.3, p. 2.  
<sup>8</sup> JS2, para. 3.1, p. 8; NOHR-S, p. 8.  
<sup>9</sup> NOHR-S, p. 1.  
<sup>10</sup> NOHR-S, p. 2.  
<sup>11</sup> Alk, para. 5.3, p. 6.  
<sup>12</sup> SWASIAH, para. 5; KHRP, para. 18, p. 5. See also ALK, para. 4, p. 5.  
<sup>13</sup> SWASIAH, para. 6.  
<sup>14</sup> UNPO, para. C.5, p. 4.  
<sup>15</sup> JS1, para. II, p. 1.  
<sup>16</sup> SWASIAH, para. 4.  
<sup>17</sup> SWASIAH, section V.  
<sup>18</sup> KAFASAMTAN, para. 25, p. 5.  
<sup>19</sup> JS3, para. 1, p. 2.  
<sup>20</sup> AI, para. B, p. 2.  
<sup>21</sup> JS3, para. 5, p. 3; NOHR-S, p. 8.  
<sup>22</sup> Karama, para. 2.4, pp.4-5.  
<sup>23</sup> STP, p. 2.  
<sup>24</sup> ICJ, p. 1. See also KIS, para. 1, p. 1; HRW, p. 4 and AI, para. B, p. 2.  
<sup>25</sup> HRW, p. 5.  
<sup>26</sup> KHRP, para. 14, p. 4.  
<sup>27</sup> AI, para. D, p. 5.  
<sup>28</sup> AI, para. C, p. 4.  
<sup>29</sup> AI, para. D, p. 5.  
<sup>30</sup> NOHR-S, p. 3.  
<sup>31</sup> ALK, para. 2, p. 3.  
<sup>32</sup> ICJ, p. 5; NOHR-S, p. 4.  
<sup>33</sup> ICJ, p. 5.  
<sup>34</sup> DCHRS, para. VIII, p. 5.  
<sup>35</sup> ALK, p. 6.  
<sup>36</sup> HRW, p. 4.  
<sup>37</sup> HRW, p. 6.  
<sup>38</sup> ICJ, p. 5. See also ALK, para. 4, p. 5.  
<sup>39</sup> DCHRS, para. 22, p. 5. See also ALK, para. 5, p. 6.  
<sup>40</sup> JS1, para. III, p. 6. See also ICJ, para. 2, p. 2.  
<sup>41</sup> NOHR-S, p. 4.  
<sup>42</sup> Freedom House, para.7, p. 2. See also STP, para. 1, p. 1 and ALK, para. 4, p. 4.  
<sup>43</sup> JS1, para. I, p. 1.  
<sup>44</sup> JS1, para. II, p. 1, SWASIAH, paras. 7, 8 and section III, NOHR-S, p. 4.  
<sup>45</sup> JS1, para. II, p. 1.  
<sup>46</sup> AI, para. C, p. 4.  
<sup>47</sup> ICJ, para. 5, p. 5.  
<sup>48</sup> SWASIAH, section V.  
<sup>49</sup> Karama, para. 1.1, p. 1.  
<sup>50</sup> Karama, para. 1.2, p. 1.  
<sup>51</sup> Karama, para. 2.2, p. 3.  
<sup>52</sup> Karama, para. 2.3, p. 3.

- <sup>53</sup> Karama, para. 1.3, p. 2.  
<sup>54</sup> ICJ, p. 2.  
<sup>55</sup> Freedom House, para. 26, p. 4.  
<sup>56</sup> NOHR-S, p. 2.  
<sup>57</sup> AI, para. D, p. 5.  
<sup>58</sup> Freedom House, para. 9, p. 2.  
<sup>59</sup> ICJ, p. 3. See also HRW, p. 4 and JS1, para. II, p. 2.  
<sup>60</sup> JS1, para. II, p. 2.  
<sup>61</sup> SWASIAH, sections II and V.  
<sup>62</sup> AI, para. D, p. 4.  
<sup>63</sup> ICJ, p. 4.  
<sup>64</sup> FH, para. 23 and 24, p. 4.  
<sup>65</sup> IBAHRI, section C, p. 4.  
<sup>66</sup> JS4, p. 1.  
<sup>67</sup> JS4, p. 3.  
<sup>68</sup> AI, para. B and D, pp. 3–4.  
<sup>69</sup> KHRP, para. 15, p. 4.  
<sup>70</sup> NOHR-S, p. 5.  
<sup>71</sup> HRW, p. 2.  
<sup>72</sup> FH, paras. 18 and 27, pp. 3 and 5. See also JS1, para. V, p. 9.  
<sup>73</sup> JS2, para. 3, recommendation 18, p. 8.  
<sup>74</sup> TEAJCW, pp. 2–3.  
<sup>75</sup> STP, p. 2.  
<sup>76</sup> KIS, section V, p. 4.  
<sup>77</sup> KIS, section VI, p. 5.  
<sup>78</sup> JS1, section V, pp. 8–9.  
<sup>79</sup> AI, para. C, p. 3.  
<sup>80</sup> AI, para. C, pp. 3–4.  
<sup>81</sup> AI, para. D, p. 5.  
<sup>82</sup> HRW, pp. 2–3.  
<sup>83</sup> NOHR-S, p. 5.  
<sup>84</sup> Freedom House, para. 19, pp. 3 and 5.  
<sup>85</sup> NOHR-S, p. 5.  
<sup>86</sup> PEN, p. 4.  
<sup>87</sup> PEN, p. 5.  
<sup>88</sup> PEN, p. 3.  
<sup>89</sup> Freedom House, para. 12, p. 2.  
<sup>90</sup> Freedom House, para. 14, p. 3.  
<sup>91</sup> IBAHRI, para. 3.4, pp. 2–3.  
<sup>92</sup> NOHR-S, p. 1.  
<sup>93</sup> IBAHRI, p. 5.  
<sup>94</sup> JS1, para. IV, p. 7.  
<sup>95</sup> JS1, para. IV, p. 7.  
<sup>96</sup> NOHR-S, p. 2.  
<sup>97</sup> Freedom House, paras. 14 and 17, p. 3.  
<sup>98</sup> NOHR-S, p. 3.  
<sup>99</sup> KHRP, para. 16, p. 5.  
<sup>100</sup> KHRP, para. 19, p. 6.  
<sup>101</sup> JS3, paras. 32–48, pp. 7–9.  
<sup>102</sup> JS3, para. 33, p. 7.  
<sup>103</sup> JS3, para. 41, pp. 8–9.  
<sup>104</sup> NOHR-S, p. 6.  
<sup>105</sup> KHRP, paras. 11–12, p. 4.  
<sup>106</sup> STP, p. 2.  
<sup>107</sup> JS2, p. 3.  
<sup>108</sup> JS3, para. 35, p. 7.

- <sup>109</sup> JS3, para. 14, p. 4.  
<sup>110</sup> JS3, paras. 60 and 62, pp. 11–12.  
<sup>111</sup> JS3, paras. 50 and 53, p. 10.  
<sup>112</sup> JS2, p. 6.  
<sup>113</sup> KIS, paras. IV and VI, p. 3.  
<sup>114</sup> HIC, p. 2.  
<sup>115</sup> HIC, p. 3.  
<sup>116</sup> HIC, p. 4.  
<sup>117</sup> SKS, paras. 5–8, p. 3.  
<sup>118</sup> NOHR-S, p. 6.  
<sup>119</sup> STP, p. 3.  
<sup>120</sup> KHRP, para. 9, p. 3.  
<sup>121</sup> KIS, para. IV, p. 3.  
<sup>122</sup> KIS, para. IV, p. 3.  
<sup>123</sup> KIS, para. VI, p. 5.  
<sup>124</sup> JS3, section II, p. 6.  
<sup>125</sup> NOHR-S, p. 8.  
<sup>126</sup> AI, para. B, p. 3.  
<sup>127</sup> AI, para. D, p. 5.  
<sup>128</sup> HRW, pp. 4-5.  
<sup>129</sup> STP, p. 4.  
<sup>130</sup> STP, pp. 4-5.  
<sup>131</sup> JS2, p. 6.  
<sup>132</sup> UNPO, paras. 8, 9, 11, 13 and 14, pp. 2–4.  
<sup>133</sup> SWASIAH, section IV.  
<sup>134</sup> JS3, para.7, p. 3.  
<sup>135</sup> JS3, para.38, p. 8.
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