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**SYRIAN ARAB REPUBLIC**

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## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people. As well as having ECOSOC consultative status with the United Nations (registered name 'Alliance Defending Freedom'), ADF International has accreditation with the European Commission and Parliament, and the Organization of American States. ADF International is also a participant in the FRA Fundamental Rights Platform.
2. This report highlights the situation of the right to freedom of thought, conscience, and religion in the Syrian Arab Republic (SAR), and SAR's shortcoming in promoting and defending this right.

## The Right to Freedom of Thought, Conscience, and Religion

### Background

3. Islam is the largest religion in SAR. Muslims account for 94% of the population, with 74% belonging to the Sunni denomination and 13% belonging to the Shia denomination. Christians comprise 4% of the population, and agnostics amount to 2% of the population.<sup>1</sup>
4. The Constitution of SAR protects the right to freedom of belief and expression in Article 42, which states, "Freedom of belief shall be protected in accordance with the law" and that "Every citizen shall have the right to freely and openly express his views whether in writing or orally or by all other means of expression." Additionally, Article 33(3) of the Constitution guarantees, "Citizens shall be equal in rights and duties without discrimination among them on the grounds of sex, origin, language, religion or creed."
5. While there is no established religion in SAR, religious minorities experience discrimination through legislation that favors Islamic beliefs. For example, regulations in SAR forbid Muslim women from marrying Christian men and Christian divorcees have no custody rights for their children.<sup>2</sup>
6. Furthermore, Article 3 of the Constitution states that "The religion of the President of the Republic is Islam," and that "Islamic jurisprudence shall be a major source of legislation."
7. The Yazidi ethnic and religious minority group is also a victim of discrimination in SAR. In February 2021, a civil status law ruled that the Yazidis would not be recognized as their own religious group and defined them as a sect under Islam.<sup>3</sup> This misclassification from the government forces Yazidis to appeal to Islamic Sharia courts for matters such as marriage, divorce, or family disputes. The failure of the SAR government to recognize the Yazidi belief system is a violation of one's

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<sup>1</sup> WORLD WATCH RESEARCH, *Syria: Country Dossier*, Dec. 2020, <https://www.opendoorsusa.org/wp-content/uploads/2016/09/Syria-WWL-2021-Country-dossier.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> TRT WORLD, *Syria lists Yazidis as a Muslim Sect. Outraged, They Say Otherwise*, 18 Feb. 2021, <https://www.trtworld.com/magazine/syria-lists-yazidis-as-a-muslim-sect-outraged-they-say-otherwise-44290>.

most basic human rights.<sup>4</sup>

8. Such examples of legal and societal discrimination contradict the Constitution of SAR's provision on the guarantee of non-discrimination on grounds of religion and deprives citizens of their human rights under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which SAR ratified in 1976.
9. Religious minorities in the SAR also face persecution because of their religion or belief. Apart from killings and execution, religious minorities are subject to torture, inhuman and degrading treatment, sexual violence, rape, abduction, forced marriage, and displacement.<sup>5</sup>
10. In September 2018, twelve people in the Christian Village of Mhardeh were killed when a Syrian rebel group bombed the village. Five of the victims were under the age of fifteen.<sup>6</sup>
11. In July 2019, a suicide car bombing attack killed twelve people near a church in the northeastern city of Qamishli.<sup>7</sup> In November 2019, the Islamic State claimed responsibility for two car bomb attacks that killed nine and wounded seventy-one Christians.<sup>8</sup> In the same month, a Catholic priest and three others were murdered by Daesh gunmen on their way to visit a nearby church.<sup>9</sup>
12. Christian businesses and places of worship have also been subjected to persecution. From 2011-2019, there were 124 documented attacks against Christian places of worship in the SAR.<sup>10</sup> Furthermore, as of January 2020, Hay'at Tahrir al-Sham (HTS) has seized the houses and businesses of up to 550 Christians who were forced to leave cities because of the war.<sup>11</sup>
13. Although a trend shows lessening pressure for Christians in the SAR in the past few years, persecution remains extreme, and the government has failed to protect religious minorities from atrocities, other crimes, and discrimination.<sup>12</sup>

## Freedom of Thought, Conscience, and Religion under International Law

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<sup>4</sup> THE NEW ARAB, *Outrage After Syrian Regime Imposes Sharia on Yazidis, Minority Targeted by Genocide Neighbouring in Iraq*, 17 Feb. 2021, <https://english.alaraby.co.uk/news/outrage-after-syrian-regime-imposes-sharia-yazidi-minority>.

<sup>5</sup> WORLD WATCH RESEARCH, *supra* note 1.

<sup>6</sup> WORLD WATCH MONITOR, *Syrian Village Bombed: Five Children Under 15- Three from Same Family- Among 12 Killed*, 11 Sep. 2018, <https://www.worldwatchmonitor.org/2018/09/syrian-village-bombed-five-children-under-15-three-from-same-family-among-12-killed/>.

<sup>7</sup> Sirwan Kajjo, *Syrian Christians Targeted Again by Islamic State*, VOA NEWS, 12 July 2019, <https://www.voanews.com/extremism-watch/syrian-christians-targeted-again-islamic-state>.

<sup>8</sup> Diana Chandler, *ISIS Kills 9, Injures 71 in Syrian Christian Attacks*, BAPTIST PRESS, 12 Nov. 2019, <https://www.baptistpress.com/resource-library/news/isis-kills-9-injures-71-in-syrian-christian-attacks/>.

<sup>9</sup> MIDDLE EAST CONCERN, *Syria: Calls for Prayer Following Murders of Christians*, 12 Nov. 2019, <https://www.meconcern.org/2019/11/12/syria-call-for-prayer-following-murders-of-christians/>.

<sup>10</sup> SYRIAN NETWORK FOR HUMAN RIGHTS, *Targeting Christian Places of Worship in Syria is a Threat to World Heritage*, 5 Sep. 2019, [https://sn4hr.org/wp-content/pdf/english/Targeting\\_Christian\\_Places\\_of\\_Worship\\_in\\_Syria\\_is\\_a\\_Threat\\_to\\_World\\_Heritage\\_en.pdf](https://sn4hr.org/wp-content/pdf/english/Targeting_Christian_Places_of_Worship_in_Syria_is_a_Threat_to_World_Heritage_en.pdf).

<sup>11</sup> Syrians for Truth and Justice, *HTS Confiscates No Less Than 550 Homes and Businesses Belonging to Christians in Idlib*, 14 Jan. 2020, <https://stj-sy.org/en/hts-confiscates-no-less-than-550-homes-and-businesses-belonging-to-christians-in-idlib/>.

<sup>12</sup> WORLD WATCH RESEARCH, *supra* note 1.

14. SAR is a party to the International Covenant on Civil and Political Rights (ICCPR). Article 18 of the ICCPR states, 'No one shall be subjected to coercion which would impair his freedom to have or to adopt a religion or belief of his choice,' and that 'freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'
15. Article 42 of the Constitution of SAR states, 'Freedom of belief shall be protected in accordance with the law.'
16. It is clear that the wording used in Article 42 of the Constitution is very narrow and incompatible with Article 18 of the ICCPR. Article 42 does not guarantee or protect freedom of religion but only freedom of belief and expression. "Freedom of belief" is a much narrower category and may be used to curtail the freedoms of thought, conscience, and religion, which are recognized under international law. Article 42 should be amended to meet the SAR's international obligation to protect freedom of thought, conscience, and religion.

## Recommendations

17. In light of the aforementioned, ADF International suggests the following recommendations be made to the Syrian Arab Republic:
  - a. Enhance the promotion and protection of the right to freedom of thought, conscience and religion, including the right to manifest such individually or in community with others in public or private, in worship, observance, practice and teaching, in compliance with SAR's obligations under the ICCPR, to which the SAR is a State party;
  - b. Amend its laws to provide that no religious groups are discriminated against, so that all religious groups may receive equal treatment under the law;
  - c. Officially recognize the Yazidi ethnic and religious minority group as its own belief system and amend the law that requires them to handle personal matters at Islamic Sharia courts;
  - d. Amend Article 42 to meet the SAR's international obligation to protect freedom of thought, conscience, and religion; and
  - e. Guarantee the full enjoyment of the right to freedom of religion and belief, including by strengthening measures aimed at protecting persons belonging to religious minorities from violence and persecution, including violence perpetrated by both domestic and foreign groups.

