



# General Assembly

Distr.: General  
2 September 2011  
English  
Original: Arabic

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## Human Rights Council

Working Group on the Universal Periodic Review

Twelfth session

Geneva, 3–4 October 2011

### **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\*, \*\***

### **Syrian Arab Republic**

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

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## Introduction

1. In recent months, the Syrian Arab Republic has been subjected to a series of criminal attacks against the nation and the people by armed terrorist groups. These attacks, which continue to the present time, have been accompanied by an unprecedented media campaign of lies and allegations targeting national security, stability and unity. The campaign has been supported by certain Western States that are bent on discrediting and weakening the Syrian Arab Republic and getting it to change its political position on the challenges facing the region. The groups involved have committed offences against the Syrian people, and acts of theft, murder and vandalism. They have also exploited peaceful demonstrations in order to create anarchy, strike a blow at national unity and destroy the social fabric of the nation. These groups have deliberately caused mayhem and murder and destroyed public and private property. They have stirred up religious and inter-confessional strife and exploited legitimate, peaceful and orderly calls for reform emanating from members of the nation. These terrorist acts have been accompanied by a concerted misinformation campaign that has been waged by Arab and international media. The campaign began with the fabrication of stories about events in the Syrian Arab Republic with advanced visual and communications technology being used to show fake footage, allegedly of events unfolding in the Syrian Arab Republic.

2. The Syrian Arab Republic, which took part in the founding of the United Nations, is guided by the purposes and principles of the Charter of the United Nations when determining its political stance and pursuing efforts to achieve economic, social and cultural development. It abides by the principles of international law, as international law provides a solid foundation for the observance of human rights.

3. The Israeli occupation of the Syrian Golan, since June 1967, is, however, a major obstacle to the enjoyment by Syrian citizens in the occupied Golan of their economic, political and social rights and the full exploitation of the Golan's natural resources.

4. Notwithstanding the events unfolding at present in the Syrian Arab Republic and the grief that the nation feels for the victims of terrorism, the Syrian Government decided to meet its responsibility for preparing its report for the universal periodic review exercise in conformity with paragraph 5 (c) of General Assembly resolution 60/251, establishing the Human Rights Council, and the guidelines set out in Human Rights Council resolution 5/1, concerning the structures and institutions of the Council. In this way, it can attest to the facts about the crisis and the challenges confronting the country, while providing information on the political, economic and social reforms introduced in several key decisions designed to meet the legitimate demands of the Syrian people.

5. The enclosed report shows just how committed the Syrian Arab Republic is to promoting and protecting human rights in universal human rights frameworks, in conformity with the Charter of the United Nations, the Universal Declaration of Human Rights and the international treaties to which the Syrian Arab Republic is a party.

6. With this report, the Syrian Arab Republic hopes to provide a comprehensive overview of the human rights situation in the country and a clear picture of tangible gains scored, of difficulties encountered and of future goals and aspirations.

## **I. Methodology and process followed for the preparation of the report**

7. In line with procedures for conducting the universal periodic review process and the rules, aims and principles set out by the Human Rights Council, a plan of action was devised for the preparation of this report, to include information on the State's compliance with international obligations, the practical steps taken to promote human rights, transparency in the conduct of work and cooperation with all stakeholders.

8. The plan of action entailed the following steps:

- A national committee was established to draft the report.
- Information about the universal periodic review mechanism and the functions of the national committee was disseminated to stakeholders in the legislature, the executive, the judiciary, governmental and non-governmental organizations and media organizations so as to involve all stakeholders, make it possible for them to contribute to the preparation of the report and make sure that all views were taken into account.
- The committee commissioned a study of data and information available on human rights. The data was analysed and included in the report in line with the standards and criteria established for the review exercise.
- The committee reviewed various reports submitted by the Syrian Arab Republic on subjects including civil and political rights and economic, social and cultural rights, together with reports submitted to United Nations committees or treaty bodies such as the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women.
- A workshop was held with relevant organizations to offer everyone the opportunity to provide feedback and comments on all the information in the report. The workshop took the form of an interactive dialogue between governmental organizations, relevant organizations and civil society actors.

## **II. Basic information about the Syrian Arab Republic**

### **Location**

9. The Syrian Arab Republic is on the eastern shores of the Mediterranean and is bounded by Turkey in the north, Iraq in the east, Palestine and Jordan in the south and Lebanon and the Mediterranean Sea in the west.

### **Surface area**

10. The surface area of the Syrian Arab Republic is 185,180 km<sup>2</sup>. On 5 June, Israel occupied 1,260 km<sup>2</sup> of territory in the Syrian Golan, which was partly liberated (around 60 km<sup>2</sup>) during the October 1973 war.

### **Administrative divisions**

11. The Syrian Arab Republic is divided into 14 governorates. Each governorate is made up of districts which, in turn, are divided into subdistricts comprising a number of villages.

### **Demography**

12. According to data taken from the civil register in 2010, the population of the Syrian Arab Republic is 24,501,049. The State hosts a citizenry made up of different ethnic and religious groupings which together form a cohesive whole and are given equal rights and equal responsibilities.

13. The demographic balance in the Syrian Arab Republic has been disturbed over time as a result of the mass displacement of many of the inhabitants of the occupied Syrian Golan in 1967, an influx of around half a million Palestine refugees following the Israeli occupation of the Palestinian Arab territories in 1948, and the arrival of over 1.3 million Iraqi refugees in the aftermath of the United States occupation of Iraq in 2003. Of this latter group, as stated in a report published by the Office of the United Nations High Commissioner for Refugees (UNHCR) in April 2011, 141,157 registered with the UNHCR bureau in the Syrian Arab Republic. The Syrian Arab Republic views the presence of these Iraqis in the country as a temporary arrangement and is determined to see the Palestine refugees return to their land, as envisaged in the relevant United Nations resolutions.

### **The economic system**

14. The Syrian Arab Republic embraced economic pluralism in 1970. Under this system, the public, private and mixed sectors all have a role to play in economic and social development. The Syrian Government constantly strives to promote this participative approach and to open the way for greater involvement of the private sector, given the increasingly important part that the sector plays in the development process.

15. The Syrian Arab Republic has gradually made the shift from a centrally-planned economy to a more open system that relies on market mechanisms but yet pays close attention to the social dimension. The State continuously strives to supply the necessary tools for this process both by updating, amending and enacting relevant legislation and by adopting administrative, institutional and human resources policies providing for the establishment of needed administrative and institutional structures, capacity-building and the simplification of bureaucratic processes.

16. The gradual introduction of a new economic system is helping to reduce poverty levels, increase living standards and eliminate regional disparities in development, notwithstanding the adverse impact that such a transition usually has on the economies of States. The Syrian Arab Republic achieved growth rates of 4.5 per cent in 2008 and 6 per cent in 2009. It was hoped that it would attain high growth rates in 2010–2011, but the regional and global situation created an additional break on growth and thus hampered the efforts of the Syrian Arab Republic to achieve the growth rates that it had hoped for.

## **III. Normative and institutional framework for the promotion and protection of human rights**

### **Constitution**

17. The Constitution of the Syrian Arab Republic, which was enacted on 13 March 1973, serves as the ultimate legal reference point for the regulation of the State and its institutions. Article 2 provides that the State is a republic in which sovereignty lies with the people and is exercised in accordance with the procedures set out in the Constitution. In the context of the reforms under way in the Syrian Arab Republic, a legal committee was formed to review the Constitution article by article and submit proposals on the establishment of a new and modern constitutional text that would recognize the principles of political pluralism, social justice, the rule of law, fundamental rights, women's

empowerment and advancement and the right to special care for young persons and children, and that would define the duties of citizens on the basis of equality for all.

18. The Constitution already includes several provisions on the promotion and protection of human rights, of which the following are some examples.

#### **Civil and political rights**

- Liberty is a sacred right. The State affords personal liberty to citizens and preserves their dignity and security. The rule of law is a fundamental principle in society and the State. Citizens are equal before the law in regard to rights and duties. The State recognizes the principle of equality of opportunity for citizens (art. 25).
- All citizens have the right to express their views freely and openly in the spoken or written word or by any other means and may contribute to oversight and constructive criticisms that help to safeguard the integrity of domestic and national systems. The State must guarantee freedom of the press, printing and publishing in accordance with the law (art. 38).
- All citizens have the right to freedom of peaceful assembly and protest in keeping with the principles enunciated in the Constitution. The law regulates the exercise of this right (art. 39).

#### **Economic, social and cultural rights**

- Every citizen has the right to participate in political, economic, social and cultural life. The law regulates the exercise of this right (art. 26).
- The State is required to afford women every opportunity to participate fully and effectively in political, social, cultural and economic life (art. 45).
- The family is the basic unit of society and is to be protected by the State (art. 44).
- The State must provide for every citizen and his or her family in the event of an emergency, illness, disability, orphanhood and old age. The State must protect citizens' health and provide citizens with access to preventive health services, treatment and medicines (art. 46).
- The State is the guarantor of the right to education. Education is free of charge at all stages and is compulsory at the primary stage. The State must take steps to extend compulsory education to include the other stages. It oversees and guides the delivery of education to make sure that education is linked to the needs of society and production requirements (art. 37).

19. The Syrian Constitution provides for a system based on the separation of powers. The subject of the powers of State is taken up in three sections of part III of the Constitution which refer, respectively, to legislative power, executive power and judicial power. The exercise of judicial power is bound up with the administration of justice, the realization of rights, the protection of public freedoms and the application of the law with a view to the attainment of these goals.

#### **Human rights mechanisms**

20. In addition to the work done by the judiciary as an effective mechanism for the protection of human rights in the Syrian Arab Republic, the following mechanisms have been established.

### **National Committee on International Humanitarian Law**

21. Established by Prime Ministerial Decision No. 2989 of 2 January 2004, the National Committee on International Humanitarian Law is responsible for overseeing and coordinating national efforts to promote full awareness of international humanitarian law and for harmonizing domestic legislation, identifying human rights violations and raising awareness of human rights.

### **The Syrian Commission for Family Affairs**

22. The Syrian Commission for Family Affairs was established by Act No. 42 of 20 December 2003. The Commission, which has legal personality and financial and administrative independence, reports to the Prime Minister. Its functions include: protecting families; promoting family cohesion; safeguarding family identity and family values; improving families' living standards from all points of view; strengthening the role of the family in the development process by promoting communication between families and governmental and other national institutions that are involved in family issues; cooperating with Arab and international organizations on family issues in order to meet development objectives; and proposing amendments to legislation on the family.

23. According to the law that regulates its work, the Syrian Commission for Family Affairs is the institution mainly responsible for monitoring and coordinating efforts to implement the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It does this in conjunction with other stakeholders (governmental bodies and institutions and civil society associations).

### **Department to Combat Human Trafficking**

24. In accordance with Legislative Decree No. 3 of 2010, the Ministry of the Interior issued Decree No. 505/S of 11 March 2010, establishing the Department to Combat Human Trafficking. The department's functions include making recommendations to the Ministry of the Interior on general policies and operational programmes to combat human trafficking and organizing and providing a reference database that can be used to find information, help with investigations and access data, statistics and so on.

### **International treaties**

25. International treaties are a key part of the human rights legislation in effect in the Syrian Arab Republic. The State has acceded to most of the international human rights treaties. Hence, there is no inconsistency between the relevant domestic laws and the provisions of the international treaties to which the State is a party. Moreover, as affirmed in article 25 of the Syrian Civil Code, should any provision in a domestic law be found to conflict with an international treaty to which the Syrian Arab Republic is a party, precedence will be given to the international treaty.

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

26. The fundamental rights and freedoms enumerated in the Constitution are promoted and protected under a range of domestic laws, some examples of which are cited below.

### **Civil and political rights**

27. Liberty is a sacred right that is safeguarded by the Constitution and the law. Articles 424 and 425 of the Code of Criminal Procedures state that no person may be detained without being charged in accordance with the procedures laid down by law, otherwise the

detention will be deemed unlawful and punishable by law. Article 555 of the Criminal Code prescribes a penalty of from 6 months to 2 years in prison for unlawful deprivation of liberty in any form. Articles 357 and 358 state that any public official who arrests or detains a person other than under the conditions provided for by law is liable to punishment. This offence is classified as a serious crime for which the penalty is a fixed term of hard labour. Any official who works in a prison (a governor or a guard) or in a correctional facility will face a penalty of from 1 to 3 years' imprisonment for admitting a prisoner without a court warrant or a court order or for keeping an inmate in prison for longer than the term specified in the sentence. Article 359 of the Code prescribes penalties for refusing to produce a detained person or a prisoner before a competent court or for delaying in doing so. These penalties apply to all the persons mentioned above, together with law enforcement officers and members of the ranks, and civil servants.

28. The Code of Criminal Procedures provides numerous legal safeguards to protect the interests of the accused. Article 37 of the Code states: "In the case of a witnessed crime, the public prosecutor shall order the arrest of each person present against whom there is compelling evidence indicating that they committed the crime." The public prosecutor must interview the arrested person without delay. Article 69 of the Code states that when accused persons are brought before an investigating judge the latter must verify their identity, tell them what the charges are, ask them to respond and inform them of their right not to respond without having a lawyer present. In cases involving serious crimes, a lawyer will be sent by the Bar Association or appointed by the judge to represent an accused person who does not engage legal counsel himself or herself.

29. The Syrian legislature has introduced measures to ensure that cases are heard promptly in the interests of defendants. Article 104 of the Code of Criminal Procedures states that accused persons brought in on a writ of summons must be examined by an investigating judge without delay. Those brought in on a warrant must be examined within 24 hours of being taken into custody. Once the 24-hour time limit expires, the custody officer must take the initiative of sending the accused to the Office of the Public Prosecutor, where an interview must be conducted without delay. If this is not possible, the Office must release the accused immediately. If a person is detained in custody for more than 24 hours without being questioned or presented to the Office of the Public Prosecutor, his or her detention will be deemed to be arbitrary and the official responsible for it will be prosecuted, under article 105 of the Code of Criminal Procedures, for the offence of unlawful deprivation of liberty.

30. Articles 115–117 and 122 of the Code were written to expedite proceedings in the interests of defendants. In that connection, articles 107–109 of the Code state that summonses to appear and produce and arrest warrants must include details of the offence, the classification of the offence and the applicable legal penalties. The person sought must be given a copy of these documents. Articles 303 and 306 of the Code state that the court must designate a sworn interpreter to interpret in court for any accused persons or witnesses who do not speak Arabic well or who are deaf or mute. Article 304 of the Code grants defendants the right to refuse interpretation, if they have good reasons for doing so.

31. Moreover, article 28, paragraph 4, of the Constitution states that the right of legal recourse is safeguarded by law. Consequently, any person who claims that he or she has been the victim of any type of offence (unlawful deprivation of liberty, arbitrary detention, etc.) is entitled to refer the matter to the competent court. Plaintiffs are awarded compensation in accordance with the rules set out in the Civil Code. The Ministry of the Interior has issued several circulars drawing attention to the importance of ensuring the promptness, precision and legality of procedures taken when making arrests and referring cases to the courts and of only taking such action as is provided for by law. The most recent such document was circular 1860/S of 7 October.

32. The Ministry of Justice and the Ministry of the Interior oversee a process of effective, constant, systematic and continuous monitoring of prisons and prison inspections; inspections can be carried out at any time. Articles 421–425 of the Code of Criminal Procedures set out the requirements for the implementation of this process.

33. In all States, including the Syrian Arab Republic, the task of maintaining law and order is assigned to different branches of the law enforcement services (public security – public health – public peace – public morals). Law enforcement procedures must be lawful (i.e. they must be consistent with legal norms and provisions and subject to judicial scrutiny) so as to ensure that there is a balance struck between power and liberty.

34. As for existing measures taken by the Syrian courts to promote and protect human rights, the courts are required to engage defence counsel to represent defendants who have committed a serious crime but cannot afford counsel or enlist the services of a lawyer. There are special provisions on legal assistance which provide, for example, for exemptions from fees and from the payment of court bail.

35. In the context of the current prison reform process, the Ministry of the Interior, in cooperation with other relevant ministries, prepared a bill on penal and correctional facilities which is due to be issued any time now. Every care was taken to draft a text that pays due regard to prisoners' human rights. The most important provisions of the bill provide for penal and correctional facilities to be divided up into the following categories, based on the nature of the offence committed: open facilities, semi-open facilities, and closed facilities. Under the bill, inmates in semi-open facilities may be given permits to spend time with their families and a cell must be set aside in closed facilities for regular spousal visits that are to be organized in accordance with the relevant regulations.

36. Under the Prisons Regulation, prisoners must be provided with rehabilitation, through access to education at all stages and literacy training. Prisons are equipped with libraries for use by inmates, and prisoners may be allowed to perform paid work. The Prisons Regulation describes the purpose of imprisonment as effecting the reform and social rehabilitation of prisoners. This process is carried out with the assistance of social workers who specialize in this area and who examine prisoners' social background and offer them appropriate assistance.

37. Many civil society associations provide welfare assistance to prisoners and their families, supplementing the efforts of the Government in this regard. These associations include those that were founded in 1961 in the governorates of Homs, Damascus, Aleppo, Latakia, Tartous, Hasakeh, Suwayda', Idlib, Dayr al-Zur, Raqqa and Dera'a. The associations were established to: investigate prisoners' educational background and psychological state; provide treatment for those suffering from mental and psychological disorders; offer appropriate health-care assistance (X-rays – glasses – false teeth – free medicines – assistance with certain surgical procedures – access to lawyers for free legal advice and assistance with parole procedures and to doctors medical treatment – opportunities to telephone relatives); and undertake action to improve the moral conduct, social situation and vocational prospects of prisoners while in prison. To this end, associations have introduced training courses to teach prisoners subjects such as computing, foreign languages, literacy, tailoring, barber's work, and so on. Assistance is given to students at all levels, who are supplied with financial support and in-kind contributions such as writing paper, books and so on. The associations also set up production workshops (cobbling – tailoring – carpentry – metalwork – electronics – mechanics – etc.) and supply all the necessary equipment.

38. Young persons over the age of 10 and under the age of 18 are tried by special courts known as juvenile courts. The hearings are conducted in camera and cases are dealt with fairly, promptly and objectively. The dignity of the child defendant is protected and

safeguarded throughout all court proceedings. Children are not punished; they are ordered to undergo reform measures that are carried out in juvenile reform institutions (Juveniles Act No. 18 of 1974, as amended; the most recent amendment was made under Legislative Decree No. 52 of 1 September 2003).

39. A number of associations are currently involved in the juvenile criminal justice systems in that they manage some juvenile institutions. The State bodies concerned are committed to giving a strong role to these associations, which contribute effectively to the development of society, the prevention of lesser and serious juvenile crimes and the rehabilitation of juvenile offenders.

40. Some associations, including the Family Law Association and the Women's General Union, disseminate information about the law, offer legal advice, produce defence case papers and provide procedural assistance to those who cannot afford to pay legal fees or know nothing about the law.

41. The Ministry of the Interior, in conjunction with the Geneva Institute for Human Rights, has organized training courses for police officers on international human rights mechanisms. These courses are a new departure for the Syrian Arab Republic.

42. A human rights syllabus is taught in relevant educational establishments – for example, at law faculties for first-year university students. The syllabus is also included in higher studies curricula and taught in both English and French. Officers of the internal security forces study the syllabus at the officer training institute and at other education centres.

43. On 21 April 2011, three decrees were issued: Legislative Decree No. 161, ending the state of emergency; Legislative Decree No. 53, abolishing the Supreme State Security Court established by Legislative Decree No. 47 of 28 March 1968. All cases pending before the court or with the public prosecutor's office at the court were referred, as in their current state, to the competent courts in accordance with the rules and procedures laid down in the Syrian Code of Criminal Procedures; and Legislative Decree No. 55 of 2011, amending article 17 of the Code of Criminal Procedures. Under the amended article 17, law officers and their deputies are given responsibility for detecting the commission of certain offences under the general Criminal Code (offences against State security and public order) and for gathering evidence and interviewing suspects. However, they may not hold a person in custody for more than 7 days. Depending on the circumstances of the case, this period may be extended by the Office of the Public Prosecutor, provided that it does not exceed 60 days in total.

44. Hence, a 7-day time limit has been set for detaining suspects in custody who have been accused of State security offences. Law officers are required to release these persons from custody as soon as they are presented in court. For other offences under Syrian law, the reference text is the Code of Criminal Procedures, which sets a 24-hour limit on detention without charge.

45. Freedom of expression in the Syrian Arab Republic is protected under the Constitution and the law. The law grants all citizens the right to express their views freely and openly in the spoken or written word or by any other means. Citizens may participate in making constructive criticisms. The exercise of this freedom is subject only to such restrictions as are provided for by law and are necessary for respect for the rights and liberties of others or for the protection of national security, public order, public health or public morals. These provisions are therefore consistent with article 19, paragraph 6, of the International Covenant on Civil and Political Rights.

46. Legislative Decree No. 50 of 2001 regulates the work of printing houses, bookshops and publishing firms and establishes the conditions and procedures for issuing them with

licences. The decree grants citizens the right to publish privately-owned newspapers. A total of 175 print media firms have been licensed in the Syrian Arab Republic, together with upwards of 625 publishing houses; they all operate in complete freedom. In addition, media correspondents are issued with work permits and all the Arab and foreign media have opened up offices in the country. There are more than 100 Arab and foreign correspondents working in the Syrian Arab Republic.

47. By Legislative Decree No. 10 of 2002 permission was granted for the establishment of private radio broadcasting stations in the capital, Damascus, and certain governorates such as Aleppo and Homs. These stations broadcast throughout the country. The first private broadcast went on air at the start of 2005. There are currently 18 private radio stations, which operate without any interference from any quarter.

48. In line with the principle of freedom of information, more than 700 Arab and foreign publications from all parts of the world are circulated nationwide every day; no customs duty is levied on these publications. Every citizen has the right to use the Internet and to create electronic newspapers without being subjected to any interference by the Government or the Ministry of Information.

49. By Legislative Decree No. 108 of 2011 a new media law was introduced. The law covers all print, broadcast and electronic media and was enacted to ensure transparency, media freedom, freedom of information and the protection of journalists. The law furthermore provided for the establishment of the National Media Council.

50. With regard to young persons and women, the Ministry of Information is carrying out a project, in cooperation with the United Nations Development Programme (UNDP), on empowering young journalists in achieving the Millennium Development Goals. The Ministry has helped young journalists to set up a network that they can use to share their output. The journalists monitor the network and maintain the designated website.

51. The right to peaceful assembly is afforded under the Syrian Constitution. The exercise of this right is regulated under legislative Decree No. 54 of 21 May 2011 in accordance with recognized international standards and the practice followed in most countries. The decree states that the right to peaceful protest is afforded to citizens as a fundamental human right recognized by the Syrian Constitution. Steps must be taken to balance the need to maintain national security and territorial integrity against citizens' enjoyment of this right and to allow the authorities to protect public and private property, keep public facilities in operation and maintain law and order. Freedom of assembly and the freedom to protest are only curbed when public gatherings and demonstrations turn into riots which disturb the peace, the law penalizes such gatherings (Syrian Criminal Code, art. 335). The Constitution states that all citizens have the same opportunities and equal rights and duties under the law (art. 25). Syrian law offers everyone in society protection from all forms of discrimination, even though there is no such discrimination. In order to forestall any acts of discrimination, the Syrian legislature has introduced penalties for performing any act or producing any piece of writing or speech with the aim of stirring up inter-confessional or racial strife or conflict (Syrian Criminal Code, art. 307). Article 308 of the Criminal Code prescribes penalties for belonging to an association founded to pursue the aims cited in article 307.

### **Economic, social and cultural rights**

52. The principles embodied in the Constitution concerning the exercise of citizens' economic, social and cultural rights are written into several laws and national plans. Thus, laws and procedures have been established: to protect families and their members; safeguard mothers, children and the rights of persons with disabilities and victims of trafficking; provided for young persons' welfare; and create the right conditions to ensure

that citizens can exercise the right to education and receive the highest standards of health care. Some examples are given hereunder.

53. With regard to children, the Government established a national child protection plan following the First National Conference on Children, which was held in Aleppo in February 2004, and the First National Forum on Child Protection, which was held in Damascus on 4 December 2004. The Government approved the plan on 2 October 2005 at a meeting that was chaired by the President of the Republic. The Syrian Commission for Family Affairs was entrusted with overseeing implementation of the plan by governmental and non-governmental organizations.

54. The National Strategy for the Welfare and Development of Young Children, 2007–2011 was adopted. A participative approach was taken to the development of a plan, which began with local action steps and culminated in a strategy formulation process involving a wider range of actors. Preparations are under way for the elaboration, under the supervision of the Syrian Commission for Family Affairs of the National Strategy for the Welfare and Development of Young Children, 2012–2015.

55. The Government is taking steps to eliminate child labour through the implementation of a range of laws and international treaties. The Labour Code prescribes penalties for families and employers who exploit children and deny them an education. A project to eliminate the worst forms of child labour is being implemented jointly by the Ministry of Social Affairs and Labour, the United Nations Children's Fund (UNICEF) and the International Labour Organization (ILO). A separate department has been set up to integrate child labour issues into national policies and to provide capacity-building support in regard to child labour issues to governmental organizations, workers and employers.

56. The Ministry of Social Affairs and Labour is preparing a document for a juvenile justice development project to be run in cooperation with UNDP and UNICEF. The aim is to review the legislation on juvenile offenders and assess conditions in reform institutions and the care services on offer.

57. The Ministry of Higher Education, in cooperation with the Syrian Commission for Family Affairs, held a national conference on the inclusion of children's rights principles in university curricula. It carried out the recommendations adopted at the conference on reviewing the curricula of relevant faculty departments to incorporate information on children's rights.

58. A diploma course on child protection was established at the Higher Institute for Population Studies and Research, which comes under the Ministry of Higher Education. Two sets of students have graduated with the diploma.

59. Training courses are organized for juvenile court judges. The judges are invited to take part in all activities pertaining to the administration of juvenile justice; some have enrolled in the diploma courses on child protection.

60. The Government of the Syrian Arab Republic is determined to create all the necessary conditions for the empowerment of women and the realization of gender equality. Hence, beginning with the ninth five-year plan, it has consistently included a separate item on women's welfare and empowerment in the five-year plans that shape its work and goals. The aim is to strengthen women's participation in political life and socio-economic development and to encourage women to become involved in political and public decision-making processes.

61. As a result of these efforts, women have reached the highest positions in the State; a woman took up the position of Deputy President of the Republic for Cultural Affairs in 2006 and a woman was appointed as a cultural adviser to the Office of the President in 2007. Moreover, a woman was appointed as an adviser on political and media affairs to the

Office of the President of the Syrian Arab Republic in 2008. The proportion of women who are members of the National Assembly continues to increase every time a new parliament is returned. In 1971, there were only four women in the first legislature, accounting for 2 per cent of the total membership of the National Assembly. When the ninth parliament was elected recently there were 31 women, accounting for 12.4 per cent of the members. In 1976, a woman was appointed for the first time to a ministerial post and in the period from 1976 to 1993 some 3 per cent of the members of the Government were women. That figure rose to 6 per cent between 1999 and 2009 and then 9 per cent in 2010, with the appointment of three women ministers. In the Government that was formed in 2011 three women hold important ministerial portfolios (Ministry of Tourism, Ministry of Housing and Construction, and Ministry of State for the Environment).

62. In the diplomatic ranks, the number of women in senior positions has increased. Fifteen per cent of ambassadors are women at the present time, as compared with 11 per cent in 2005. By 2007, some 35 per cent of those working in the diplomatic ranks were women, as against a figure of 30 per cent in 2004.

63. As for the judiciary, women began working as lawyers in 1952. They accounted for 12 per cent of the members of the profession in 1992, a figure that had risen to 19 per cent by 2002. Some 14.5 per cent of State attorneys are now women. According to Ministry of Justice statistics, there are 240 women judges in the Syrian Arab Republic, representing 15 per cent of the total number of judges (1,508) as of 2011.

64. In 2005, a national strategy on women's empowerment was established. The strategy envisaged measures to monitor and follow up on the implementation of the constitutional principles on the realization of gender equality and equality of opportunity for men and women and of measures to promote equal and wider participation by women in key positions in the legislature, the executive and the judiciary. Accordingly, Decision No. 26 of June 2004 was adopted, providing for the allocation of 2.5 per cent of investment funds granted to ministries and State authorities over the course of the tenth five-year plan (2006–2011) for the promotion of women's activities and of wider participation by women in the development process. As part of the follow-up to the implementation of this decision, women's empowerment units were set up in every institution and ministry responsible for tracking the implementation of the national strategy to promote women's participation. Population units were furthermore established at the Ministry of Information and the Ministry of Social Affairs and Labour to raise awareness of demographic, women's and development issues through workshops and training courses.

65. Economic and social policies on gender equality are included in plans, programmes and projects and provision is made for the realization of gender equity and equality in the formal and informal sectors. Efforts are envisaged to: increase women's participation in economic activities; strengthen the role of women in economic life and boost their economic rights; support women facing the challenges of economic globalization; give women a larger share of loans and of funding for small and medium-sized enterprises; and offer women services that will allow them to reconcile their family duties and their role in economic development.

66. The national "Women's empowerment and poverty alleviation" programme is carried out in conjunction with several ministries (the Ministry of Local Administration and the Environment, the Ministry of Social Affairs and Labour and the Ministry of Agriculture) to promote women's economic empowerment through the creation of income-generating enterprises and jobs. It is also designed to further women's social empowerment through literacy training and health education.

67. The law recognizes equality for men and women working in the public and the private sectors and the right, to which many women across the world aspire, to receive

equal pay for equal work. The Syrian Civil Code, the Labour Code, the Code of Commerce, as amended, the Basic Labour Act No. 50 of 6 December 2004, the Agricultural Relations Act, the Labour Act No. 17 of 2010, and various other laws and decisions deal with the different aspects of the economic empowerment of women. For example, women are entitled to apply for a pension, if they have reached the age of 55 and have worked for 15 years or if they have reached the age of 40 and already have 20 years of service. Women can bequeath their retirement pension and a woman who is insured and has her first child is now paid a benefit of 15 per cent of her average salary, rather than 11 per cent, if she leaves work within six months of having the child. Women have entered new areas of work such as in women's police forces and the military, for example. For the first child, a woman is given 120 days' maternity leave, as compared with 90 days for the second child and 75 days for the third. Mothers can take a one-hour break each day for breastfeeding and up to one year's leave without pay to care for a child. Women cannot be dismissed during maternity leave and workplace crèches and all necessary facilities are provided to assist working women and their children. Women employees are included in social assistance, solidarity and group funds so as to ensure that they and their families have access to health care and medical treatment. Banking facilities are made available for their business and industrial activities; and women have the right to own and to keep property in their own name and retain their nationality after marriage. Business women's associations have been established in chambers of industry and trade in every governorate in the Syrian Arab Republic. From time to time, these committees hold conferences, seminars and workshops in order to devise innovative and creative schemes for empowering women so that they can participate more actively in key production sectors and to discuss solutions for the problems that working women encounter. Programmes on women's economic and social empowerment and poverty alleviation have been established and implemented, with a special focus on rural women.

68. As for the rights of women living under foreign occupation and their participation in all areas of life, the Syrian Arab Republic is committed to providing women in the occupied Golan with everything that they need to improve their situation. It disburses grants to dozens of female students from the Golan who study in Syrian universities and higher education institutes and it provides these students with housing and a stipend. By Decree No. 42 of 2001, a decision was taken that the salaries of teachers and employees who had been dismissed by the occupation authorities would be paid for out of the coffers of the Syrian State. The Syrian Arab Republic works tirelessly to strengthen the links between the people of the Syrian homeland and the people of the occupied Golan. On the occasion of *Id al-Jala'* and Mother's Day, civil society and government organizations arrange meetings, where possible, with the people of the Golan. Syrian women in the occupied Syrian Golan suffer from the pain and adverse psychological, social and physical effects of an odious situation of occupation that has been foisted on them for more than 40 years and prevented them from participating in decision-making in all spheres of life.

69. As for young persons, a section of the tenth five-year plan is devoted to youth, sports and children. This ambitious plan provides the frame of reference for a development process based on a future vision for the nation until 2025 that envisages the creation of all the necessary conditions to allow Syrian society to flourish economically, socially and in the technological domain. This vision was elaborated and delineated with reference to existing policies and conditions and an analysis of current strengths and weaknesses. Account was also taken of potential opportunities and the future outlook for the region and the world.

70. The National Centre for Research on Youth carries out studies on young Syrians in all groups. It produces research on young people and their specific requirements and supplies institutions with studies and data that can be used to provide young people with training that they need to play their part in national life.

71. The Government is taking action to construct more housing of different kinds: housing for young people; workers' housing; social housing; and housing cooperatives. It also seeks to ensure that housing projects are completed in record time to meet the growing needs of the population.

72. Act No. 34 of 2004, concerning persons with disabilities, offers a range of benefits for persons with disabilities. In particular, the Act provided for the establishment of a central council for persons with disabilities in which members represent relevant government institutions, civil society associations and persons with disabilities. The idea was to make the issue of disability a societal issue and to ensure that persons with disabilities are involved in the design of relevant policies and programmes for all sectors of society. By Legislative Decree No. 12 of 10 February 2009, the Syrian Arab Republic ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. A national plan on disabilities was introduced. It provides for the implementation of numerous measures and activities to bring about a qualitative improvement in the economic and social situation of persons with disabilities. The five-year plan comprises several programmes on the application of policies to improve access for persons with disabilities to health, education, protection and opportunities for participation. These programmes entail: assistance for impoverished families with a family member who is quadriplegic; exemptions from customs duty on assistive devices imported for personal use; income tax deductions for employers who exceed the quotas set in existing laws and regulations for the employment of persons with disabilities – the amount of relief will be based on the minimum wage paid to each additional employee in this category; and the establishment of schools for the integration of persons with disabilities which thus ensure the right of these persons to education. The integration programme, which was designed essentially on the basis of international standards, is assessed each year; positive findings are shared with Syrian schools. A total of 1,083 students with disabilities have been integrated into 70 Ministry of Education schools at different stages, from kindergarten to the secondary stages. The students suffer from disabilities that include: sensory disabilities such as auditory and visual impairments and blindness; mental disabilities, including autism; motor disabilities, including infant paralysis or having a disabled limb, an amputated limb or congenital defects in a limb; and cerebral palsy. There are centres overseen by the Ministry of Social Affairs and Labour which offer care to persons with disabilities throughout the country and there are two centres providing physical rehabilitation for persons with disabilities.

73. Legislative Decree No. 3 of 2010, concerning human trafficking offences, contains provisions on the victims of human trafficking. The decree prescribes penalties for committing, participating in, instigating or being an accessory to a human trafficking offence or for failing to report such an offence or belonging to a criminal band whose objective or one of whose objectives is to traffic persons. The intention behind the decree is to prohibit and combat human trafficking, to offer women and child victims of this offence access to special care, to protect victims of human trafficking and safeguard their human rights and, lastly, to try and punish those who commit these offences and their associates. The decree provides for the establishment of a special department at the Ministry of the Interior to combat human trafficking. The Government set up two refuges for victims of human trafficking, the first in 2008 in Damascus and the second in Aleppo in 2009. The aim is to provide full care and social rehabilitation assistance for victims. Both centres are run by civil society associations operating under the scrutiny of the Ministry of Social Affairs and Labour. The Syrian Arab Republic hosted the First INTERPOL Global Conference on Trafficking in Human Beings, which was held in April 2010 and organized by the Ministry of the Interior.

74. Legislative Decree No. 26 of 2007 was issued to regulate recruitment and employment of non-Syrian child minders and domestic workers and to safeguard these

persons' rights. The Ministry of Social Affairs and Labour issued Decision No. 108 of 2009, concerning the regulation of the agencies that recruit and employ these workers.

75. On the subject of families, Decree No. 15, concerning microfinance, was adopted to allow the Syrian Central Bank to license social finance banks to provide microfinance services, including credit, deposit and insurance facilities, in order to help families to acquire property, accumulate assets and generate employment, thus increasing their income. Institutions and organizations (Mawred, the Syria Trust for Development, Fardous, etc.) conduct studies on and provide loans to impoverished families in the Syrian Arab Republic. Tens of thousands of families have benefited from these programmes.

76. The National Social Assistance Fund was set up to protect and provide for the poorest families by offering them regular or emergency assistance and assistance contingent upon their fulfilment of development-related goals in the areas inter alia of health and education. Among other things, recipients must make sure that their children do not drop out of education and must have their children immunized under established programmes. The intention is to empower these families in the economic, social, health and educational domains through programmes that are carried out by the Fund or institutions or under related empowerment schemes.

77. On the subject of health, the National Centre of Forensic Medicine deals inter alia with cases of domestic violence and tracks patterns of violence in society as a whole. It also provides forensic doctors with training on how to deal with such cases and offers medical assistance in cases identified by forensic medicine centres in the governorates.

78. The right to education is afforded to all citizens without distinction in the Syrian Arab Republic. Education is compulsory at the basic stage and is provided free of charge from the basic education stage until the end of university. The State does not impose fees for basic education. By Act No. 32 of 7 April 2002 education was made compulsory up to the end of the basic stage and primary and intermediate education were merged into a single stage – “basic education”. Basic education is compulsory and is provided free of charge. A regulation was issued in Decision No. 21231/443 of 21 July 2002 setting out the procedures for delivering basic education and the specific conditions associated with this stage. A reference framework is provided for the delivery of basic education and the adoption of action to overcome any impediments to the proper application of the relevant law. The decision was amended by Decision No. 3053/443 of 16 August 2004 on the basis of feedback from those working in the sector. Moreover, Legislative Decree No. 55 of 2004 was issued to regulate establishments that provide education at the pre-university stage.

79. The Ministry of Education oversees the application of the Compulsory Education Act, in cooperation and coordination with relevant institutions, with a view to the fulfilment of quantitative and qualitative targets. Under the Act, all children aged between 6 and 18 years must enrol in basic education schools. Given the difficulties that were encountered during the application of the national action plan with absorbing all children of school age in basic education schools, the Government came forward with solutions to deliver education to all children. Various initiatives were taken, notably under Decree No. 39 of 2008, concerning the remuneration of teachers in remote areas, and under other programmes such as the “Mixed age classes” and “Home learning for children in Syrian desert areas” programmes, together with the “Mobile schools” project (tents and caravans), and the “People’s Support Experiment”.

80. The Syrian Arab Republic has made great progress towards the attainment of health goals through a succession of five-year plans. In recent years, attention has focused on medicines and related problems. A clear policy on drugs has been formulated and adopted based on a number of core criteria: the adoption of a systematic approach to the use of first-line medicines; a clear policy on pharmaceuticals production that is founded, in particular,

on the principle of self-sufficiency; and sustained support for pharmaceuticals surveillance activities carried out by administrative departments, front-line institutions, laboratories and clinics. This policy has led to considerable successes being scored in the local manufacture of pharmaceuticals and the implementation of measures to assure the quality, equitable distribution and fair pricing of drugs.

81. Primary health care is a core element of the Ministry of Health strategy under which health units (health points and health centres, regional centres, specialist centres and general clinics) are established to provide free services to all local residents. The network of health centres and health points has been expanded based on need. Priority is given to rural and remote areas in the light of information taken from the health map. There are 1,770 health-centre units, which means that the national target set for 2010 (1,728 units) has been exceeded.

82. The priorities of the Ministry of Health include the delivery of free treatment — paid for by the State — for chronic diseases and certain communicable diseases, in addition to all hereditary diseases: these are the diseases that have the biggest impact on health in society and they include, for example, cancer, diabetes, multiple sclerosis, rheumatological diseases and AIDS, together with infectious diseases such as dysentery and hepatitis, which need constant monitoring. In this connection, the State offers a full range of vaccinations to children free of charge.

83. In addition to the Ministry of Health, other parts of the health service, particularly the teaching hospitals overseen by the Ministry of Higher Education, offer free care to all Syrian citizens. The medical services that the Government provides in the health education sector are numerous and varied. They focus on treating and caring for the health of citizens but also delivering educational services and conducting scientific research.

84. Turning to the subject of cultural rights, cultural centres across the country play a key role in the promotion of culture. They keep up with activities and events unfolding in the cultural arena in an attempt to bring people together who are looking for a cultural space which they can go to regularly. Indeed, the slogan of these centres is “Culture for All”. The quality of cultural output in the Syrian Arab Republic is very high compared to that in neighbouring Arab States and other parts of the region. The Syrian Arab Republic has the largest electronic culture network in the Arab world and 473 cultural centres nationwide.

### **Role of civil society**

85. The Syrian Arab Republic provides an environment in which civil society participation in national socio-economic development is encouraged, since civil society is viewed as a development partner of the Government. This is clearly reflected in the fact that a special section of the tenth five-year plan (2006–2010) is devoted to the civil society sector and the fact that the sector was actively involved in drafting the eleventh five-year plan (2011–2016). The number of civil society associations and institutions and trade unions and federations is somewhere between 1,500 and 1,600. A new law will be enacted to regulate the work of civil society organizations.

86. For several years now the Ministry of Social Affairs and Labour has taken an oversight role rather than one of providing care directly. Thus, it has delegated many of the tasks that it used to perform in regard to *kafalah* (alternative care for children) to associations and has established partnerships to provide health, social, educational, vocational, social reintegration and rehabilitation services to persons with disabilities. In practical terms, this has seen the Ministry conclude partnership contracts with certain associations on the management and running of social welfare facilities. There is continuous cooperation with civil associations to promote the participation and

empowerment of Syrian women and to deliver services to help give effect to human rights in all domains in line with the objectives set out in the tenth five-year plan on cooperation between the Government and civil society. The following are some of the major issues to which grass-roots organizations and civil society associations have made contributions.

- Various grass-roots organizations and associations pursue activities aimed at the social, economic, political and cultural empowerment of Syrian women.
- The General Women's Union and the Syrian Commission for Family Affairs have provided some 420 women from various governmental, grass-roots and private organizations with training on the mechanisms for achieving political empowerment. Support was provided by the United Nations Development Fund for Women (UNIFEM) and the training was held in all the governorates in 2006 with the aim of getting more women involved in the forthcoming elections (parliamentary and local government).
- The Syria Trust for Development has set up numerous empowerment projects and schemes to help citizens to play a full part in building and shaping the society in which they live.

## V. Achievements

87. The Syrian Arab Republic announced a succession of reforms intended to bring about comprehensive change and to ensure a better future for the Syrian people. One of the main reforms was the ending of the state of emergency. This step was taken notwithstanding the events unfolding in the nation, where armed criminal gangs have caused chaos, mayhem and violence on a scale that defies the imagination, and at times with international and regional support being lent in what amounts to flagrant interference in the country's internal affairs and a breach of international law, international norms and related treaties. In addition, the Government abolished the Supreme State Security Court and reform committees were set up and carried out their task of helping further to clarify the country's vision for development. Three legislative decrees were issued, establishing a general amnesty for all offences excluding serious crimes, espionage, terrorism and rape: Legislative Decree No. 34 of 7 March 2001; Legislative Decree No. 61 of 31 May 2011; and Legislative Decree No. 72 of 20 June 2011. In implementation of these decrees, 10,433 persons were released immediately from detention. This figure does not include the tens of thousands of people who had committed petty and major offences and who also benefited from the amnesty, nor does it include criminal cases that are still pending. Under the amnesty, penalties in this latter group of cases were halved, unless the court had already delivered a verdict. Moreover, a large number of people benefited in part from the introduction of the amnesty.

88. With the ending of the state of emergency, there is no longer any scope for the Syrian military courts to try offences against State security or public order. The Code of Criminal Procedures has become the only binding legal text with respect to pretrial detention and related procedures and mechanisms. According to the Code, suspects cannot be detained without charge for more than 24 hours under any circumstances. After this time, they must be presented to the relevant public prosecutor's office. At this point, they become subject to the jurisdiction of the courts. Although the Code does allow for extensions of the 24-hour time limit, it does specify that they are subject to the issuance of an order or authorization by the competent public prosecutor, depending on the nature of the investigation. This applies to offences under applicable Syrian law but not to the procedures and time limits for dealing with offences against State security and public order. As for the legal measures taken to implement the legislative decree on the abolition of the

Supreme State Security Court, cases that were before the court when it was abolished were referred to other courts in line with the rules on territorial jurisdiction set out in the Code of Criminal Procedures. The defendants being tried by the court were transferred to prisons in the jurisdiction of governorate-level courts; the defendants will be tried there in conformity with the relevant provisions of the Criminal Code and the Code of Criminal Procedures.

89. The Government has established several committees of leading experts, as described here below.

- A judicial committee was established pursuant to Decisions Nos. 905 of 31 March 2011 and 1421/L of 11 May 2011, both of which were issued by the Vice-President of the High Council of the Judiciary. The committee was asked to launch an immediate investigation into all fatalities or injuries sustained by civilians and military personnel and into all other related offences and to deal with complaints in that connection. The chief attorney, chief investigating judge and the most senior official in the prosecution service in each governorate serve as a sub-committee of the judicial committee. They carry out its work on the ground in the governorate and report back on the findings. The work of the committee was launched in a designated location in the city of Damascus and the sub-committees are all still working at the present time.
- On 17 May 2011 the Prime Minister issued Decision No. 6721, establishing a committee to formulate a comprehensive strategy on judicial reform, the amendment of laws, the development of regulations on judicial independence and the establishment of mechanisms to regulate judicial institutions and increase the number of courts and judges.
- A committee was given the task of developing a vision and scenarios in regard to the elimination of corruption, the identification of causes and ways of preventing corruption and of mechanisms to strengthen integrity and transparency. The committee completed its work and, further to one of its recommendations, an anti-corruption body was established by Decree No. 6090 of 5 May 2011.

90. The Office of the Prime Minister established an online site at the following address: [www.youropinion.gov.sy](http://www.youropinion.gov.sy). The idea is to provide information on all the laws and decrees issued by the President of the Republic and the Prime Minister. The principle being followed is that of working with the people to find winning and feasible solutions and involving people in responsible decision-making and implementation and in sharing and implementing their ideas. Decisions that are issued and implemented are discussed in depth and are evaluated continuously by citizens and other stakeholders.

91. Legislative Decree No. 108 of 2011 was enacted to protect and promote the exercise of freedom of expression and the freedom to develop one's own culture in a constructive way that benefits society as a whole. The decree introduced a new media law that is based on the general principles enunciated in the Syrian Constitution concerning freedom of expression, the right to have access to public information, the exercise of fundamental freedoms in line with cultural norms and national values, and the responsibility of the media for disseminating information and articulating the vital interests of the people. This law draws on the provisions of all the international treaties and covenants to which the State is a party and key professional ethics principles. Those principles include: respect for freedom of expression; open access to and the transparency of information; the right of journalists to obtain information; respect for personal privacy; respect for the dignity and rights of others; and the non-publication of material that in any way promotes violence, terrorism, xenophobia, religious intolerance and interfaith strife, and racism. The law also provides for the establishment of a national media council.

92. Peaceful demonstrations are regulated in the Syrian Arab Republic under Legislative Decree No. 54 of 21 April 2011, the provisions of which are consistent with those found in the relevant legislation of most countries. The decree recognizes the right to make a peaceful protest as a fundamental human right. It defines the procedures for authorizing peaceful protests and identifies the institutions responsible for giving such authorization. It also specifies which judicial body is competent to hear appeals against decisions to refuse permission to hold a peaceful protest and defines offences and penalties in connection with the staging of unlawful demonstrations or riots.

93. Under Legislative Decree No. 49 of 7 April 2011 provision was made to grant Syrian Arab citizenship to non-Syrian Kurds. Tens of thousands of Kurds were naturalized under a process that no other State has ever undertaken with regard to foreigners living in its territory. Throughout history, Syrian nationals of Kurdish origin have had access to the highest political, civilian and military positions, including that of head of the Government.

94. The Local Government Act introduced in Legislative Decree No. 107 of 2011 was enacted first and foremost to provide for: decentralization and the concentration of power and responsibilities in the hands of the people; development of local communities; and the delivery of assistance to promote balanced growth and equality of opportunity.

95. The Syrian President issued a legislative decree establishing a Syrian health insurance company called Sha'm Health Insurance to provide comprehensive health coverage for groups and individuals and all sectors of society.

96. Based on the idea that a comprehensive national dialogue among all layers of Syrian society is the best means of bringing about reform and development so as to achieve established goals and secure political, legislative, social and economic progress, a presidential decree was issued on 2 June 2011, providing for the establishment of a body to lay the groundwork for a national dialogue, identify mechanisms to make it work and set a timetable for the exercise. The National Dialogue Commission took part in consultations held from 10 to 12 June 2011 involving various political, intellectual and community activities. The discussions were attended by youth activists from different sectors of society and political movements, and the aim of the exercise was to study and discuss a number of matters with a view to the development of scenarios for and recommendations on a fruitful national dialogue. Discussions were held on the precise nature of the phase that the country is going through at the present time and political, economic and social remedies. The outlook for the future was discussed, as were issues concerning citizens' living standards. The participants made several recommendations, including the following:

- National dialogue is the only way for the country to end the crisis.
- It is necessary to promote and protect human rights values in accordance with constitutional and contemporary humanitarian norms. A high council for human rights should be established in the Syrian Arab Republic.
- All political prisoners must be released immediately, together with prisoners of conscience who have not committed any legally punishable offence.
- All those detained during the recent events should be released, if they have not already been convicted by the courts.

97. The consultation and the dialogues that are now being held in the governorates to discuss political, social and economic issues and the demands being made have opened the way for a national dialogue conference and emphasized the need to pursue talks with social partners, prominent individuals and all the Syrian political forces in the country and abroad with a view to the joint preparation of the national dialogue conference, which will be held once these talks are completed: dialogue is the only way to end the crisis.

98. During the consultation exercise, discussions were held on bills concerning political parties, elections and the media. Feedback and comments on three bills were duly taken into account in an effort to arrive at a national consensus on the texts. Following these discussions, the Government promptly approved the laws on elections and political parties set out in Legislative Decree No. 100 of 2011 (the Political Parties Act) and Legislative Decree No. 101 of 2011 (the Elections Act). These initiatives were taken as part of the follow-up to a comprehensive package of reforms spearheaded by the country's leadership and Government and introduced to boost the democratic system, strengthen public freedoms and involve all segments of society in the running of State institutions and nation building. A committee to review applications to form political parties was established by Presidential Decree No. 28 of 22 August 2011.

99. The Syrian leadership is forging ahead with reform. The sheer number of decrees, decisions and measures that have been adopted in a relatively short space of time in response to the demands of the Syrian people is but proof positive of the determination of President Bashar al-Assad and the Syrian leadership to quicken the pace of the national reform process that was instituted some years ago. All these measures will make the Syrian Arab Republic a country that enjoys political pluralism, democracy, human rights and a free press. Hence, the Syrian Arab Republic will become a model for the region and the world (see annex for a list of the decrees mentioned in the report).

## **VI. Challenges and voluntary efforts in the human rights domain**

### **Challenges**

100. Notwithstanding the intensive efforts of the State to improve the human rights situation over recent years, as reflected in the ongoing development of laws and measures to meet the objectives set out in national plans, to raise public awareness of human rights and to encourage the public to claim their rights, the Syrian Arab Republic, like other countries, needs to do more to promote human rights and ensure that citizens have the opportunity fully to exercise the fundamental rights and freedoms enshrined in international treaties.

101. As for the main challenges to development, there is no escaping the fact that the biggest obstacle is foreign occupation. It is because of the occupation that emergency measures remained in effect for several years. This situation has done nothing to create an ideal environment for the proper protection of the human rights of the people of the occupied Syrian Golan. If a decision has been taken to end the state of emergency, the Israeli occupation, foreign interference in the internal affairs of States and the imposition of unilateral sanctions have done nothing to preserve and harvest the fruits of sustained efforts by the State to promote human rights. The continuing occupation of a part of the territory of the State hampers efforts to further develop human rights, as resources are spent on defence requirements and defence budgets which should be used instead to meet social development needs, create the conditions for the promotion of human rights, close the gender gap and achieve social and economic progress.

102. Attention must be drawn to some of the challenges facing the people of the occupied Syrian Golan, namely, the occupation of part of the Syrian territory and grave violations of human rights by Israel, the occupying Power. Hence, despite the adoption of international laws, consisting in resolutions in which the United Nations and its specialized agencies have rejected the decision taken by the Israeli Knesset in 1981 to impose Israeli law on the occupied Syrian Golan and in Security Council resolution 497 (1981), in which the Council declared the Israeli annexation of Syrian Arab territory to be null and void, and numerous other resolutions in which the General Assembly and Human Rights Council declare the

decision of Israel to impose its laws and jurisdiction on the occupied Syrian Golan to be illegal and call on Israel to abide by General Assembly and Security Council resolutions, Israel committed yet another breach of international law on 9 December 2009. The Knesset decided to hold a referendum on a motion stating that any agreement that would lead to an Israeli withdrawal from the occupied Syrian Golan and East Jerusalem must be approved by more than 80 per cent of Israeli citizens. This is a flagrant violation of international law, which prohibits the seizure of the territory of others by force. It is also incompatible with Security Council resolution 497 (1981).

103. Moreover, in June 2011, Israel set about building a racist separation wall to the east of Majdal al-Shams in the occupied Syrian Golan. The wall that Israel has begun to build will cut off parts of the occupied Syrian Golan from the interior and sever the geographical links between the Golan and the Syrian homeland. Large tracts of land — estimated in the hundreds of dunums — that belong to Syrian Arab farmers were stolen from them by means of illegal expropriations carried out in the mid-1970s. The purpose of the construction of the separation wall in the occupied Syrian Golan is to create a new political and security situation on the ground. The wall will also have an extremely negative impact on the people of the occupied Syrian Golan, in that it will separate them physically from their Syrian homeland and sever their geographical connection with it. This initiative should be set against the backdrop of ongoing Israeli policies of aggression towards the people of the Golan, involving imprisonment, displacement, exorbitant fines, court trials and the dismissal of workers from their jobs.

104. As for the suffering inflicted on Syrian Arabs in Israeli prisons, nine Syrian Arabs of the occupied Golan are languishing in prison. In the annex to the report, details can be found of their names, dates of imprisonment and the length of their prison sentences. These people were incarcerated in Israeli prisons on trumped up charges and, along with their fellow Arabs in Israeli prisons in the occupied territories, live in harsh conditions that have been condemned by international human rights organizations. They are subjected to the worst forms of physical and psychological torture, consisting in their use in scientific experiments, and are held in prisons that are far from their homes. Moreover, the occupation authorities create problems and obstacles for relatives and family members who try to visit these prisoners. The Israeli security services deliberately subject Syrian Arab prisoners to exemplary punishment and psychological intimidation in an attempt to weaken their stance on political and national social issues. They subject them to harsh conditions of imprisonment and deliberate medical neglect. As a result, these prisoners have contracted many illnesses such as cancer, and have also had heart attacks. This entire state of affairs amounts to a breach of the declaration on human rights principles in armed conflict, the basic principles of the legal status of the combatants struggling against colonial and alien domination and racist regimes, which is considered an amendment to the four Geneva Conventions of 1949 and the Additional Protocols of 1977, and General Assembly resolution 3103 (XXVIII) of 1973, in which the Assembly describes occupation and continuing occupation as a crime and recognizes the inherent right of people under occupation to resist occupation by all means, and of the Convention against the Taking of Hostages signed at New York in 1979.

105. In what constitutes a grave violation of economic rights in the occupied Syrian Golan, the Israeli authorities have employed various methods to expropriate land, build new settlements and attract new settlers. These methods mainly involve the following: the expropriation of land belonging to displaced persons, which is then declared to be public property; the expansion of 28 new settlement projects to absorb 1,200 newly arrived Jewish families; the extension of the water pipe network; and the digging of new wells in the occupied Syrian Golan. The Israeli occupation authorities have furthermore adopted policies aimed at taking control of the water in the occupied Syrian Golan and depriving the Syrian Arab population of access to it by various means. The authorities exploit all of the

water in Banyas River and some of the water from Lake Tiberias which belongs to the Syrian Arab Republic. Israel uses it to store and distribute water in the River Jordan and River Yarmuk system. It also exploits all of the water in the Hamah River in the Syrian Arab Republic and has tried to change its very nature by putting crocodiles in it. The Israeli occupation authorities furthermore pursue a policy of imposing exorbitant taxes on Arab citizens in the occupied Syrian Golan to break down their resistance and their opposition to the occupation.

106. As for violations of cultural rights by the Israeli occupation authorities, Israeli archaeologists have been engaged to consolidate the occupation and launch an assault on Syrian Arab cultural property in the occupied Syrian Arab Golan by misrepresenting the established facts about the area. Israeli practices are furthermore designed to erase the Arab cultural identity of the people of the Golan, to impose Israeli teaching curricula and to distort the facts about the geography and history of the occupied Golan by wiping out the Arab names of villages, localities and streets and replacing them with Hebrew names.

107. With regard to the right to education, the few schools that there are in the occupied Syrian Golan are overcrowded and unfit to provide an education because of hygiene issues. The Israeli authorities provide no services worth mentioning, even though students pay exorbitant school fees. The occupation authorities refuse to issue Syrian Arab doctors and pharmacists who graduate elsewhere with licences to practise in the occupied Syrian Golan. As a result, these people are forced to emigrate in order to find work.

108. With regard to the right to health, the Israeli occupation authorities continue to impose high fees on the population of the occupied Syrian Golan for medical tests, treatment and health insurance premiums that exceed their modest incomes. The five occupied Arab villages in the Golan still suffer from a chronic shortage of health centres and clinics, as they do not have a hospital.

109. The situation of workers in the Golan is one facet of the general situation confronting Syrian Arab citizens who are weighed down by the Israeli occupation and attempts to control the land and crush people who reject the occupation. The Israeli occupation authorities harass Syrian workers and do not allow them to establish trade unions to protect their rights. Hence, these workers are denied trade union rights in breach of the International Labour Organization (ILO) conventions (Nos. 87 and 98) on trade union freedom and the right to organize.

110. Syrian women in the occupied Golan suffer from the painful situation and adverse psychological, social and physical effects that 40 years of occupation have created and the savage practices, crimes and acts of collective punishment that have been associated with the racist, Zionist occupation throughout its history. Syrian women and men in the occupied Golan live with the harsh reality of family separation, where one part of a family lives in the Syrian homeland and the other in the occupied zone. The occupation authorities forbid private visits between families on the banks of the Golan, with the result that people in the east of Majdal al-Shams have to use megaphones to communicate with their loved ones from behind a barbed wire fence erected by the occupation forces to keep people apart.

111. Even children are not spared from Israeli practices that are all-encompassing. Israel pays no heed to the rights of Syrian Arab children for which provision is made in the Convention on the Rights of the Child. The policy of occupation has led to the displacement of thousands of Syrians in the Golan, with these people being left without a home and stripped of their land. This situation has a knock-on effect on the lives and education of children.

112. The greatest threat to the population of the Middle East region and neighbouring States is the burial by Israel of nuclear material in the occupied territories. The deliberate Israeli practice of laying mines and burying nuclear waste in the occupied Syrian Golan is a

flagrant violation of article 55 of the First Additional Protocol to the Geneva Conventions of 1949, which states that care should be taken in warfare to protect the natural environment against widespread, long-term and severe damage, and that attacks against the natural environment by way of reprisals are prohibited.

113. The recent global financial, economic, climate and food crises have done much to frustrate the hopes for development that were raised by the measures introduced by the State and have had a negative impact on the lives of citizens. These crises have placed a heavy strain on the State budget and on efforts to implement and follow up on the measures and policies introduced to give effect to citizens' economic and social rights.

114. Limited resources, funding shortages and demographic growth have put a brake on the State's ability to deliver on its domestic commitments. At times, the State has difficulty achieving the results that it would wish to see because of unforeseen expenses that have led to resources being diverted with the result that it cannot deliver on its promises on the ground.

115. The Syrian Arab Republic hosts large numbers of refugees out of a desire to alleviate their suffering and safeguard their fundamental human rights. Indeed, refugees account for 12 per cent of the population. The Syrian Government does everything it can with the limited resources at its disposal to meet refugees' needs. Despite the tremendous efforts of the Syrian Arab Republic — both the Government and the people — to provide the refugees with help in a way that demonstrates respect for their dignity, pending their return to their native land, the burden is very heavy indeed and the nation does not have the capacity to bear it on its own. The Syrian Arab Republic is a developing country, where average per capita income does not exceed \$1,200 per annum. The costs to the Government of hosting Iraqi refugees is estimated at around \$2 million a year. Moreover, in 2010, the Syrian Arab Republic spent in the order of \$225,806,915 on assistance to Palestine refugees registered with the General Authority for Palestine Refugees.

116. In mid-March, a limited number of peaceful protests broke out in some parts of the country. As the demands made by the protestors were achievable at the time, the political leadership acceded to them promptly, taking the steps outlined above. It ended the state of emergency, abolished the Supreme State Security court, and enacted a new legislative decree which, for the first time in Syrian history, established in law recognition of the right to peaceful protest as a fundamental human right. Anti-corruption measures were introduced, together with measures to raise citizens' living standards. In order to promote the successful implementation of these reforms and establish a new governmental framework to oversee the process, the Government resigned and a new Government was formed. Changes were made in a number of government posts and some regional governors resigned. Moreover, additional measures were taken by the Government to boost the reform process. For example, by Decree No. 49 of 8 April 2011, more than 200,000 persons registered as foreigners in the Hasakeh register were granted Syrian Arab nationality.

117. In parallel with these measures, the President of the Republic received delegations representing ordinary people from virtually every governorate of the country, with whom he had an exchange of views and a discussion of their demands. Based on these exchanges, the President issued instructions that all the achievable demands that were made must be met. The Syrian Arab Republic engaged in a comprehensive national dialogue exercise that led to the formation of a high-level committee representing political parties and well-known individuals of independent standing to promote wider participation in decision-making and strengthen national dialogue.

118. While the State was working hard to meet the achievable demands of the people and carry out reforms as swiftly as possible, some extremist armed groups exploited the situation to undermine national security and stability. They launched an assault against

State security in order to serve an agenda designed not to bring about reform but rather to damage the country's image, weaken national sentiment and cast doubt on the credibility of national and domestic policies. To these ends, they created anarchy, destroyed public and private property and killed civilians and military personnel. Throughout this period, the forces of law and order exercised the utmost self-restraint and refrained from shooting on these groups in order to avoid killing innocent civilians. Many members of the security services, the military and the Armed Forces were killed by terrorist groups. This proves that these groups do have weapons and are using them against the forces of law and order in the Syrian Arab Republic. Moreover, some of these events were staged to damage the national economy and thus increase the political pressure on the State and citizens and destroy the national consensus on reform. It is clear that certain elements in the country and abroad were bent on exploiting the genuine demands of the people to stir up internal strife and undermine the nation's political and economic security and stability as well as national sovereignty.

119. Once it became clear that some groups that passed themselves off as members of the opposition — groups that did not want reform but wanted to see the nation torn apart and were prepared to use violence and terror to precipitate a crisis — it was natural that State institutions should have hastened to respond to the demands of the people to save them from these extremist terrorist groups and to restore order throughout the nation. This is exactly what happened in certain parts of the country. These groups destroyed and burned down government buildings and the security forces then discovered large caches of sophisticated weapons, including bombs, bullets and advanced communications equipment, that had been smuggled across the border. Those who were caught admitted their crimes and acknowledged that huge sums of money had been spent to carry them out. No State would accept such a situation or justify it in any way. These persons are being prosecuted in accordance with provisions of Syrian law that are consistent with international law and international human rights law and in keeping with the role of the State in protecting public and private property, a role which is no different from that of any other State facing the same kind of attacks. In a spirit of complete transparency, the Syrian Government received a delegation from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and a delegation from the International Committee of the Red Cross (ICRC) to discuss the general situation in the Syrian Arab Republic.

#### **Voluntary efforts in the human rights domain**

120. The Syrian Arab Republic has cooperated and continues to cooperate with the international community, including Governments, international organizations, grass-roots organizations and civil society, with a view to overcoming the obstacles and challenges to the enjoyment of a higher standard of human rights. These obstacles and challenges are: poverty; ignorance; extremism; injustice; racial discrimination; and foreign occupation. Efforts will continue to be made at the national and State levels to promote the rights of all without discrimination, selectivity or politicization.

121. The Syrian Arab Republic acknowledges its abiding commitment to the observance of international law and treaty norms and human rights instruments. It confirms its determination to follow up on the implementation of comprehensive reforms, not out of a need to yield to outside pressure, but rather because it is convinced of the importance of these reforms.

#### **Concluding remarks**

122. In conclusion, the Government of the Syrian Arab Republic looks forward to a fruitful dialogue and constructive cooperation with the members of the Human Rights

Council and partners in the universal periodic review. It is firmly of the view that interactive dialogue and constructive cooperation untainted by politicization serve to promote human rights in the context of the development process and the realization of social progress. The Syrian Arab Republic confirms that it is willing to cooperate with the Human Rights Council in the framework of the Council's mandate and in a process where politicization is avoided and respect is shown for the sovereignty, independence and freedom of the Syrian Arab Republic to make its own political choices in line with its national and international human-rights pledges and commitments. The Syrian Arab Republic asks the Human Rights Council and other partners to: support the State's efforts to achieve the shared goals of raising human rights standards to a level that ensures respect for dignity, without any politicization; and to grant the Syrian people living under Israeli occupation the assistance that they need to regain the rights that have been trampled upon by the Israeli occupation authorities; and to reveal the facts about the grave human rights violations being committed in the occupied territory and prosecute and punish the perpetrators. Indeed, there can be no stability in the region or the world so long as the Israeli State remains above the law and subject to no international control or accountability.

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