

## **Joint submission on the on Economic, Social and Cultural Rights**

### **Coalition of NGOs for UPR-Syria**

#### **Introduction**

The economic and social rights violations are usually connected to the policies that the governments implement to face the development challenges and poverty. Due to the security conditions in Syria these challenges dramatically increased.

This report is proposed by 5 allied civil society organizations in order to contribute to the second session of the universal periodic review of Syria.

In 1969 Syria has consented to the International Covenant of Economic, Social and Cultural Rights in 1966. Syria has also consented to the Common Article 3 of the 1949 Geneva four conventions. In addition, Syria, in 2009, has consented to the Convention on the Rights of Persons with Disabilities of 2006.

Article 32 of the Syria constitution states that “the state must protect ruins, archeological and heritage sites, as well as objects of artistic, historic and cultural value.” The second article of the Ruins Resolution issued along with the legislative decree 222 in 26.10.1963 prescribes that the Syrian government is obligated to protect the ruins. Article 25 of the Syrian constitution also assures the importance of education, health and social services. The state must achieve balanced development across the country. Article 14 emphasizes the protection of natural resources.

Despite the ratification of the International Covenant on Economic, Social and Cultural Rights and some of International Conventions and including these roles in its constitution, and the approval to recommendations about accounting security and military bodies the Syrian government - de facto – maintained the 1950 Military Procedures law and the 1969 State Security law until now. Moreover and in 2011 the Syrian government amended the Penal Code to add special protection to police and security forces for the transgressions they commit in action. This led these forces to interfere directly in forming unions and local organizations and even certain government positions, which negatively affected the economic, social and cultural rights.

#### **The Right To Health**

1. In 2015 the Syrian government forces has increased targeting the health sector institutions, staff and equipment that they have become priority targets for Syrian government forces attacks in an escalation to its violent policy since 2011, The Syrian government forces has also blocked

health aid supplies to besieged areas, according to Human Rights Council preventing health care is a weapon that the Syrian government uses.

**2.** The Systematic targeting of health sector by Syrian government forces and their allies has resulted in severe attrition in health facilities in Syria. According to statistics issued by the Coalition Health and Medical Organizations in 2015, the number of doctors killed by Syrian government attacks on health facilities reached 254 in addition to 687 of health staff between early 2011 and November 2015. The Syrian Institute for Justice and Accountability has also documented the killing of 31 members of the health care staff due to air strikes that hit Aleppo from 15.12.2013 to 28.2.2016.

The Syrian Human Rights Committee has documented the death of the nurse Islam Ammar Abu Rashed under torture in Falastin Security Branch in Damascus after being detained by Syrian government forces in 2013. The Syrian Human Rights Committee has also documented – in 28.04.2015 the bombing of Aisha babies and delivery hospital in the city of Deirezzour which led to the destruction of the hospital and depriving large number of beneficiaries from its services.

The Syrian Red Crescent has documented the death of the volunteer Hanan Muhamad Hasan in 26.06.2015 while bombing Daraa Mahata area by Syrian government forces. The Syrian government air force has also bombed Aisha General Hospital in Manbij in 20.07.2015, this hospital is the only hospital which offer services for free, that led to temporary suspension and depriving large number of civilians from receiving health care services specially women and children.

The Health Department of Free Aleppo has documented the bombing of Soria Alkhayriya Hospital for women and children by Russian air force in the city of Azaz which of course led to depriving women in Azaz city from accessing basic medical services including delivery.

According to the Syrian Institute for Justice and Accountability statistics, 89 health facilities has been targeted by air strikes since using barrel bombs in Aleppo from 15.12.2013 to 28.02.2016.

**3.** This direct and systematic targeting to health facilities and staff in Syria caused fleeing 90% of Doctors outside Syria according to a statistics by The Coalition of Health and Medical Organizations. The Syrian Human Rights Committee documentation shows clear targeting to ambulances by targeting 43 ambulances in 2015 in addition to 32 fire engines and civil defense vehicles. The Syrian government forces and their allies have been the principal responsible to the majority of the violations against health sector facilities in 2015 that they committed 97% of the total attacks against health facilities, staff and individuals documented by The Syrian Human Rights Committee in 2015.

**4.** Documentation of The Syrian Human Rights Committee has proved that 88% of the medical staff victims in Syria have been killed by direct air strikes against health facilities in Syria or targeting them while performing medical and humanitarian duty in field. The rest of victims has been killed under torture or direct shooting.

**5.** As the Syrian government is responsible for providing health care services all over Syria, it carries the can of preventing women and children from accessing and receiving health care basic services, lack of health awareness, epidemics and medical care deterioration.

6. According to HNO: Humanitarian Need Overview there is more than 25000 injuries per month all over Syria. 24% of the residence can not access health basic services. Approximately 300,000 pregnant women need health support, 600,000 suffer from severe mental disorder. 1.5 million people with special needs suffer from difficulty to access basic services.

There are enormous risks of deaths due to difficulty in providing medicine for chronic diseases (more than 600,000 patient depend on insulin are unable to have it, more than 4,000 need weekly dialysis). Nearly 1 million child under 5 have not received any routine vaccine, 330% of public hospitals work partially and 26% are out of service since July 2015.

Only 45% of the total health staff before the conflict still work in Syria. Lack of basic services, Potable water and basic sterilizing led to epidemics increase as diarrhea, typhoid and hepatitis in addition to other diseases that can be avoided by vaccines.

### **The Right To Food**

1. The right to access food is a human right by the virtue of Article 11 of The International Covenant of Economic, Social and Cultural Rights that guarantee basic level for living for every human concerning food and shelter, where food security indicates availability of both physical and economic conditions for every human to have sufficient and necessary food.

2. Notwithstanding its consent to The International Covenant of Economic, social and Cultural Rights, the Common Humanitarian Fund studies which took place in late 2015 indicate that 1 out of 3 persons in Syria are unable to access basic food needs. Approximately 86,000 babies between 6-59 months suffer from severe malnourishment, more than 3.16 million children under 5 and pregnant or fostering mothers are threatened by malnourishment, 1 out of 4 children are threatened by mental disorders due to malnourishment.

The Humanitarian Needs Assessment HNO report issued in 2016 reveals that nearly 1 out of 3 Syrian families are in debt due to increasing food prices as the basic food prices in 2015 tripled to the ordinary price before the conflict. Families supported by women, children or elders are more exposed to risks of social violence, recruiting children and elders, in addition to children labor risks and dropping school.

3. Based on UN estimations, 4.6 million people in Syria live in places that are hard to reach.

486, 700 of them live in firmly besieged areas which are inaccessible for humanitarian aid.

In 2015 only 10% of a total of 113 pleas for approval to deliver humanitarian aid to besieged areas were approved, few of those were not achieved as the Syrian government did not give final approval. The high commissioner for human rights has declared in February 2016 that using hunger as a weapon is a war crime.

4. According to Doctors Without Borders (MSF), hunger was the reason for the death of at least 23 persons in 2015 in the twon of Madaya alone. In 20<sup>th</sup> of December 2015 Syria Relief Network has issued a report about the humanitarian situation in Madaya and Baqin areas which are besieged by Syrian government forces, this report refers to sever lack of medical and food supplies which led to chronic diseases spread and an increase in death rate due to hunger and lack of health care. In addition to poisoning cases due to eating from garbage or harmful weeds.

Activists mentioned more than 25 syncope cases per day and one or two deaths from the front line (people with special needs, elders, chronic disease).

**5.** According to UN studies, 70 workers in humanitarian field since 2011, 21 of them are members of the UN, 38 SARC members, 7 Palestinian Red Crescent members, 4 INGOs members, 24 UNRWA members, 2 UNHCR members, 1 detainee UNDP member.

**6.** The continuous shelling of markets, bakeries, and agricultural infra-structure has been constant threat to the food security and livelihood.

As reported by The Syrian Institute for Justice and Accountability, since the beginning of using barrel bombs in 15.12.2013 until the end of February 2016 111 popular markets have been bombed by air force in Aleppo alone.

Doctors without Borders has reported that 70 people have been killed and 550 injured after bombing a market in Douma in Rural Damascus in the 6<sup>th</sup> of November 2015.

According to Syria Relief Network, The popular market in Bezne (Rural Damascus) was shelled by air force in 22 December in 2015, the market was totally destroyed, most of the people who were present were killed as well as the residence in neighboring hoses, more than 25 casualties 4 children and more than 40 injured documented by Inqath Rouh group.

**7.** The chaos and conflict have led to depletion of livestock, the ability to maintain the small remained livestock has become difficult because of shelling the pastures and the increasing prices of fodder and fertilizers. FAO studies issued in 2010 indicate that the amount of livestock in Syria has decreased 30% regarding cows, sheep and goats, 40% regarding poultry.

HNO has declared that veterinary services lack of vaccines, in 2015 only 22.8% of livestock which lead to risks of food poisoning and deaths. The decrease in crops reached 75% due to shelling agricultural lands by Syrian government forces, most of agricultural lands need to be cultivated but it is difficult under the current circumstances. 1576 lands have been shelled by air force between 15.12.2013 and 28.02.2016 according to The Syria Institute for Justice and Accountability.

**8.** Moreover, the Syrian society face a severe crisis concerning food security sector specially the availability of bread (the basic food in the middle east) a study published by Assistance Coordination Unit in late 2015 that 145 bakeries is out of service in Aleppo, Hama and Idleb due to the lack of flour, fuel and operational expenses let alone the security conditions and the damages in equipment and infra-structure. As reported by the Syrian Institute for Justice and Accountability since late 2013 to March 2016, 23 bakeries were bombed by air force in Aleppo alone.

**9.** The conflict has largely affected the drainage system, studies presented by Reach in 2015 that approximately 67% of drainage system was destroyed that are considered the primary source of water (in 23% of the areas surveyed) in Aleppo, Raqqa, Daraa and Latakia.

## **The Right To Education**

**1.** Article 37 of the constitution emphasizes the right to education; the number of documented attacks targeting schools is at its highest in Syria history. Between 2011 and late 2014, 8428 attacks on schools have been documented in 25 countries 52% of them in Syria alone (4382) attacks. In Aleppo at least 40% of schools have been bombed. According to statistics by The Syrian Institute for Justice and Accountability, 120 education facilities have been targeted by air strikes in Aleppo since the beginning of using barrel bombs in 15.12.2013 to 28.02.2016.

Targeting schools resulted in killing approximately 160 students, the most prominent example is the bombing of (Ain Jalout) school in 30.04.2014 in Aleppo where 33 students were killed and more than 40 injured.

53 schools supported by Save the Children Organization were targeted in Aleppo, Idleb and Hama. 119 documented incidents of direct targeting of official schools by air force in Aleppo in 2011-2016.

**2.** Targeting education facilities was not exclusive for areas out of Syrian government control, as many humanitarian rights institutions supported by eye-witnesses have documented the bombing of the University of Aleppo by air force in 15.01.2013 within the area under Syrian government control which led to at least 77 deaths.

**3.** Throughout the last 5 years more than 5.7 million child and teenager (in or out school) in addition to education staff need education support. More than 2 million child inside Syria surceased education in addition to 400,000 child at risk of surceasing education. The conflict has led also to dramatic increase in the rates of dropping schools especially in besieged and difficult to reach areas. Previous studies in 2011 refer to approximately 100% rate of students enrolled in compulsory education level, this rate has gradually decreased to 50%, while 17% in besieged and insecure areas. The enrolment in primary education ratio decreased from 97% in 2011 to less than 10% in 2016. Studies also reveal the increasing rates of early marriages, child labor and recruiting due to difficulty in accessing schools, the lack of basic services, water and drainage system in schools and the absence of curriculum.

**4.** According to the Syrian Institute for Justice and Accountability, 182 archeological sites and 143 place of worship were targeted by air strikes between 15.12.2013 and 28.02.2016 in Aleppo alone.

## **Recommendations**

- Inserting terms and principles of International Conventions that Syria consented upon to the national legislation.
- Adapting Syrian legislations to terms of International Conventions Syria has consented upon.
- Applying commitments to the International Conventions that Syria has consented upon.
- Implementing the Common Article 3 of 1949 Geneva Convention.
- Authenticating the 1998 Rome Statute of ICC which Syria has consented to in 2000.
- Authenticating the 2008 optional protocol to the International Covenant of Economic, social and Cultural Rights.
- Authenticating the second additional protocol to Geneva conventions.
- Authenticating the 1951 Refugee Convention.
- Authenticating the 1954 Stateless Convention.
- Realizing legislative and administrative procedures to guarantee the economic, social and cultural rights for stateless and refugees.
- Authenticating the 1960 UNESCO Convention against Discrimination in Education.
- Authenticating its 1967 protocol.
- Adjusting the 1958 Resolution 93 and its protocols, which is considered to be a barrier in the face of civil society, contra to its aim to ensure ending censorship and security restrictions imposed on establishing institutions and organizations.
- Adjusting the peaceful protesting law issued by legislative decree 54 in 2011 to ensure the right to protest, cancelling all restrictions and clarifying it especially in regards to permit, protection and the methods used to dissolve undeclared protests.
- Releasing all detainees of opinion and protestors, journalists and activists.
- Reinforcing accountability and prosecuting every individual responsible for human rights violations and compensating victims. Canceling the two legislative decrees 14\1969 and 69\2008 that grant immunity to police and security forces for the crimes they commit which is considered a clear violation of the international legal commitments in investigating murders outside the judiciary, torture and other violations.
- Releasing all detainees by the virtue of Resolution 2139 issued by Security Council.
- Canceling Article 6 of the legislative decree 109\1968 which states that the field courts judgments are final and unappealable whatsoever.
- Commitment to terms (A-D) of the Common Article 3 of Geneva Conventions related to adjudication, executing punishments without persecuting in legally formed courts.
- Abolishing the Higher State Security Court which is considered to be out of range, exceptional and terrorism courts.
- Removing security check-points and pulling out all the foreign troops in check-points.
- Cooperating with human rights methods established by Human Rights Council and allowing the Higher Commissioner to access Syrian soil.

- Achieving the commitments of the 1925 Geneva protocol that Syria has consented upon in 1968, which prohibits the use of toxic gas or bacteriological in war.
- Inserting the juridical definitions in the human rights agreements to the national legislation.
- Realizing Security Council resolutions especially the ones related to humanitarian aid.
- Allowing the access of organizations, humanitarian bodies, medical staff, ambulances and workers in humanitarian field.
- Facilitating the accessibility of humanitarian aid without any restrictions, especially to the areas affected by the conflict.
- Breaking the sieges over all besieged areas.
- The contribution of all social bodies in making decisions.
- Derestricting internet websites.
- Providing basic social services for the people especially (health and education).
- Allowing international journalists accessing Syrian soil and exercising their career freely.
- Ceasing immediately the compulsory evacuation of residential areas.
- Allowing the investigation committee for Syria which was formed by the Security Council.
- Ceasing the targeting the medical staff, Red Crescent and civil defense members.
- Ceasing targeting health facilities.
- Ceasing targeting education facilities and infra-structure.
- Maintaining the 1949 Geneva Convention and the 1993 Inter-Parliamentary Union agreement which include humanitarian law that protects workers in health sector.
- Syrian government must respect and realize the articles of Resolution 2139 of the Security Council in session 7116.
- Authenticating the Second Protocol of the 2009 Hague Convention for the Protection of Cultural Property during armed conflicts.
- Working on issuing international resolution by Security Council that criminalizes trading Syrian cultural property, on the order of Resolution 1483 that criminalizes trading Iraqi cultural property.
- Improving the health system by designing a health policy that prioritizes the protection of people who need health services and maintaining the right to obtain sufficient information concerning health sector.