



Submission to the Universal Periodic Review of the Syrian Arab Republic
Human Rights Watch

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Introduction

Since the Syrian Arab Republic's last Universal Periodic Review (Syria's UPR) in 2016, the Syrian government, with the support of its allies, Russia and Iran, has recaptured almost all areas in formerly held by anti-government groups. Government forces used a combination of unlawful tactics, including prohibited weapons, indiscriminate strikes, and restrictions on humanitarian aid, to force anti-government groups to surrender in these areas, resulting in mass displacement.

Despite a decrease in violence since the last review, human rights abuses in government-held territory continued unabated. Authorities brutally suppressed every sign of re-emerging dissent, including through arbitrary arrests and torture. Authorities also continued to unlawfully confiscate property and restrict access to areas of origin for returning Syrians.

With the unprecedented depreciation of the national currency, the imposition of further international sanctions, and crises in neighbouring countries, the Syrian economy went into freefall for much of 2020. For ordinary Syrians, this translated into an inability to procure food, essential drugs, and other basic necessities. As a result, around 12.4 million Syrians have become food insecure and over 80 percent of Syrians live below the poverty line. Discriminatory policies by the Syrian government, coupled with rampant corruption, have exacerbated the crises faced by people in areas under its control.

Since the last UPR in 2016, Syria has done very little to implement the recommendations it accepted, including those referring to 'immediately releasing human rights defenders and other prisoners of conscience, particularly those detained and imprisoned for participating in peaceful demonstrations,'; 'bringing in humanitarian assistance, including food and medical supplies, to all civilians in need, without discrimination,' and 'abolishing the use of illegal weapons.'

Arbitrary Detention, Disappearances, Torture and Extrajudicial Executions

Despite supporting recommendations for the release of those arbitrarily detained, stopping torture and mistreatment, and allowing independent monitors into detention facilities,¹ the Syrian government, primarily through its security apparatus² continues to violate fundamental rights.

Syrian security forces continue to arbitrarily detain, disappear, and mistreat people across the country, including returnees and individuals in retaken areas. According to the Syrian Network for Human Rights (SNHR), at least 100,000 Syrians remain forcibly disappeared.³ The network also estimates that nearly 15,000 have died due to torture since March 2011, the majority at the hands of Syrian government forces.⁴

In some cases, the Syrian government had updated civil registries to include death certificates for hundreds of individuals previously detained or disappeared by the government.⁵ The updates provided no specific details other than date and, occasionally, cause of death, and the government

¹ Recommendations by Brazil, Canada, Sweden and Austria among others in the UPR Review of the Syrian Arab Republic in 2016

³ Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Syria Chapter, <https://www.hrw.org/world-report/2021/country-chapters/syria>; Syrian Network for Human Rights, "The Ninth Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances; There Is No Political Solution without the Disappeared." August 30, 2020, https://sn4hr.org/wp-content/pdf/english/The_Ninth_Annual_Report_on_Enforced_Disappearance_in_Syria_on_the_International_Day_of_the_Victims_of_Enforced_Disappearances_en.pdf (accessed July 14, 2021).

⁴ Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Syria Chapter, <https://www.hrw.org/world-report/2021/country-chapters/syria>; Syrian Network for Human Rights, "The Tenth Annual Report on Torture in Syria on the International Day in Support of Victims of Torture," June 26, 2021, https://sn4hr.org/wp-content/pdf/english/The_Tenth_Annual_Report_on_Torture_in_Syria_on_the_International_Day_in_Support_of_Victims_of_Torture_en.pdf (accessed July 14, 2021).

⁵ Lewis Sanders IV, Emad Hassan. "In Syria, death notices for the missing bring unwelcome closure," *Deutsche Welle*, August 3, 2018, <https://www.dw.com/en/in-syria-death-notices-for-the-missing-bring-unwelcome-closure/a-44949688> (accessed July 14, 2021).

failed to provide the remains to the families. Meanwhile, the Syrian government continues to detain and mistreat individuals in areas under its control.

In February 2020, a prominent human rights activist—Mazen al-Hummada—returned to Syria.⁶ According to his relatives and lawyer, he was detained upon return to Damascus airport. His whereabouts remain unknown. In June 2020, Sweida residents began to organize mass gatherings to protest against the worsening economic conditions in the country. Syrian security forces and counter-protesters responded with brutal violence, quelling the protests, and arresting several anti-government activists.⁷ According to the UN Commission of Inquiry on Syria (COI), in 2020, at least 34 men, one woman, and 10 children were disappeared in Daraa, Homs, Quneitra, Rif Damascus, and Sweida governorates by government security forces, including the Military Intelligence Directorate and the Military Police.

UN member states at the Human Rights Council should urge the government of Syria to:

- Release all individuals currently deprived of their liberty for peacefully exercising their rights to freedom of expression, association, and assembly;
- Order the security services to cease detaining activists and banning them from traveling abroad merely for exercising their legitimate rights to freedom of expression and association;
- Regularly publish official lists of all individuals currently in Syrian detention centers;
- Regularly publish official lists of all detainees who died in Syrian government detention facilities and prisons, including in security branches operated by Syrian intelligence agencies;
- Immediately halt the practice of enforced disappearance, arbitrary arrest and detention, and the use of torture;
- Provide immediate and unhindered access for recognized international monitors of detention conditions to all detention facilities, official and unofficial, without prior notification;
- Provide detainees with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served, at regular intervals and make available drinking water to every detainee whenever he or she needs it, in accordance with the United Nations Standard Minimum Rules on the Treatment of Prisoners;
- Provide detainees with adequate sanitary installations and regular access to bathing facilities, at a minimum of one time per week, in accordance with the United Nations Standard Minimum Rules on the Treatment of Prisoners;

Humanitarian Aid, Access and Reconstruction Funding

While levels of violence have reduced significantly, an estimated 11.1 million people⁸ in Syria still require humanitarian aid. A decade of war beset by violations, including crimes against humanity, has decimated the country's infrastructure, with homes and schools destroyed, lack of clean water and sanitation, and most of the population unable to make ends meet.

⁶ Liz Sly, "He told the world about his brutal torture in Syria. Then, mysteriously, he went back.," *The Washington Post*, March 4, 2021, https://www.washingtonpost.com/world/interactive/2021/arab-spring-anniversary-syria-assad-mazen-hamada/?itid=ap_lizsly (accessed July 14, 2021).

⁷ "Syria: Protesters Describe Beatings, Arrests," Human Rights Watch news release, June 28, 2020, <https://www.hrw.org/news/2020/06/28/syria-protesters-describe-beatings-arrests>

⁸ UN OCHA, "About OCHA Syria," <https://www.unocha.org/syrian-arab-republic/about-ocha-syria> (accessed July 14, 2021).

Despite this, the Syrian government continued to impose severe restrictions on the delivery of humanitarian aid in government-held areas of Syria and elsewhere in the country.

The Syrian government enforced a legal and policy framework that enables it to co-opt millions of dollars of international funding earmarked for humanitarian aid and reconstruction. The government restricted humanitarian organizations' access to communities that needed or allegedly received aid, selectively approved aid projects to punish civilians in anti-government held areas, and required that humanitarian groups partner with security-vetted local actors. Based on past incidents, there is a continuing risk that aid be siphoned through the abusive state apparatus to punish civilian populations it perceived as opponents and be siphoned through the abusive state apparatus and used to underwrite human rights abuses.

Additionally, the Syrian government has impeded what is known as "cross-line" aid, supplies crossing from government-held parts of the country into non-government-held parts in the northwest and northeast, making the continued renewal of a UN-mandated cross-border mechanism necessary.⁹

UN member states at the Human Rights Council should urge the government of Syria to:

- Allow unimpeded humanitarian access to all areas under its control, including areas that were previously held by anti-government groups;
- Allow UN agencies and humanitarian organizations, including the OHCHR, to conduct independent and comprehensive pre- and post-programming assessments;
- Ensure that legal frameworks for investment, property, and rubble removal are amended to respect and further the rights of affected individuals, families, and communities;
- Improve crossline access, by allowing UN agencies to regularly deliver aid to areas not under the control of the Syrian government without interference or undue restrictions.

Economic, Social and Cultural Rights (the rights to housing, property, health and food)

Housing, Land and Property

Since the last review, the Syrian government continues to restrict access to residential buildings and to unlawfully demolish homes without adequate compensation, violating residents' property rights and right to housing.¹⁰ According to the UN Commission of Inquiry on Syria (COI), in the last review period, civilians were being prevented from returning to their houses in Qaboun, Jawbar, Yarmouk camp, and parts of Darayya.

In April 2018, the Syrian government passed Law No. 10 of 2018, which allows for creating redevelopment zones across Syria that will be designated for reconstruction.

The Syrian government is poised to confiscate and redevelop residents' property without due process or compensation under this new property law, which will create a major obstacle to returning home for displaced residents.¹¹

⁹ "Syria: Russian Veto Would Shut Down Last Aid Lifeline," Human Rights Watch news release, June 10, 2021, <https://www.hrw.org/news/2021/06/10/syria-russian-veto-would-shut-down-last-aid-lifeline>

¹⁰ "Syria: Residents Blocked From Returning," Human Rights Watch news release, October 16, 2018, <https://www.hrw.org/news/2018/10/16/syria-residents-blocked-returning>

¹¹ "Syria: Government Stealing Opponents' Land," Human Rights Watch news release, April 8, 2021, <https://www.hrw.org/news/2021/04/08/syria-government-stealing-opponents-land>

The Syrian government is also using Decree 66 of 2012 and its overbroad counterterrorism law to confiscate the property of anti-government individuals and their families, without due process or adequate compensation. Syrian authorities are also unlawfully confiscating the homes and lands of Syrians who fled Syrian-Russian military attacks in Idlib and Hama governorates. According to the Syrian Network for Human Rights, the authorities in Hama and Idlib seized at least 440,000 dunums (44,000 hectares) of agricultural land following the government takeover of the area from dissident groups.

Health

The decade-long war has decimated the country's economy and healthcare system, significantly complicating efforts to respond to and mitigate the Covid-19 outbreak, even in areas where active fighting has receded. Despite official numbers being low, doctors and nurses in government-held areas cast doubt upon the accuracy of these official statistics and estimate that hundreds of thousands have been infected with coronavirus. Overwhelmed hospitals turned patients away, and severe shortages of personal protective equipment contributed to large numbers of deaths.¹² The pandemic also exposed existing fissures in the country, including the discriminatory distribution of essential medical supplies.

Additionally, since 2011, the Syrian government has deliberately and indiscriminately attacked hundreds of hospitals and health clinics, including with prohibited weapons. Physicians for Human Rights (PHR) has documented 595 attacks on at least 350 health facilities over 10 years, the majority of which were perpetrated by the Syrian-Russian military alliance.¹³

Food

The Syrian government's failure to fairly and adequately address a bread crisis brought on by a decade of armed conflict is forcing millions of Syrians to go hungry. A deepening economic crisis, coupled with the significant destruction of infrastructure over a decade of conflict primarily by the Syrian government and its allies, have led to severe wheat shortages. Compounding the crisis, the Syrian government has allowed the discriminatory distribution of bread, alongside corruption and restrictions on how much subsidized bread people can buy that lead to people going hungry.¹⁴

As of February 2021, at least 12.4 million Syrians, out of an estimated population of around 16 million, were food insecure, according to the World Food Programme (WFP), an alarming increase of 3.1 million in one year. The UN Food and Agriculture Organization (FAO) and WFP estimate that 46 percent of Syrian households have cut down on their daily food rations, and 38 percent of adults have reduced their consumption to ensure that children have enough to eat.

UN member states at the Human Rights Council should urge the government of Syria to:

- Ensure that all aid and access to essential services, including food and medical supplies, healthcare and housing support, are facilitated and provided without discrimination;
- Revise limits on the amount of subsidized bread families can obtain so that they do not go hungry and provide additional support to families who are unable to afford basic food staples;
- Stop the abuses by the Syrian security services, including their discriminatory interference in bread and flour distribution;

¹² "Syria: Health Workers Lack Protection in Pandemic," Human Rights Watch news release, September 2, 2020, <https://www.hrw.org/news/2020/09/02/syria-health-workers-lack-protection-pandemic>

¹³ International Rescue Committee, "A Decade of Destruction: Attacks on health care in Syria," March 3, 2021, <https://www.rescue.org/sites/default/files/document/5648/adedecadeofdestructionattacksonealthcareinsyria.pdf> (accessed July 14, 2021).

¹⁴ "Syria: Bread Crisis Exposes Government Failure," Human Rights Watch news release, March 21, 2021, <https://www.hrw.org/news/2021/03/21/syria-bread-crisis-exposes-government-failure>

- Immediately cease all targeted or indiscriminate attacks on medical facilities and personnel, including with prohibited weapons;
- Revise and repeal all laws and decrees that act as obstacles to return in violation of international law, including Law No. 10, Decree 66, and the Counterterrorism Law of 2012;
- Revise and amend the counterterrorism law, and the laws and decrees subsequent to it, to remove any overbroad definitions of terrorism and incorporate due process and fair trial guarantees, including an open trial with a right to legal counsel and a full right to appeal;
- Ensure that the property rights of displaced people seeking to return are protected, and that the government does not expropriate or demolish their properties arbitrarily and without providing them with alternative and adequate compensation.

Target and Indiscriminate Attacks, including with prohibited weapons¹⁵

Since the last review, parties to the conflict continued to use unlawful weapons and deliberately and indiscriminately attack civilians and civilian infrastructure in contravention of international humanitarian law. The Syrian-Russian military alliance used internationally banned cluster munitions and chemical weapons in re-taking areas.

The Syrian-Russian military alliance launched hundreds of daily attacks since late 2016 to re-take areas in Syria from anti-government groups. Syrian and Russian forces used internationally banned cluster munitions, incendiary weapons, and explosive weapons with wide-area effect including improvised “barrel bombs.” The Syrian government regularly attacked protected civilian infrastructure, including schools, homes, markets and hospitals, destroying essential infrastructure and killing thousands of civilians.

The Syrian-Russian military alliance conducted at least 327 cluster munition attacks since July 2016. Evidence suggests the alliance used incendiary weapons in Ghouta and Daraa. Between 2013 and 2021, Human Rights Watch and seven other independent, international organizations investigated and confirmed at least 85 chemical weapons attacks – the majority perpetrated by Syrian government forces.¹⁶ The actual number of chemical attacks and cluster munition attacks is likely much higher.¹⁷

UN member states at the Human Rights Council should urge the government of Syria to:

- Abide by the laws of war, especially by immediately ending all deliberate, indiscriminate and disproportionate attacks against civilians;
- Cease all use of prohibited weapons, including cluster munitions, chemical weapons and explosive weapons with wide area effects in populated areas; and
- Investigate alleged violations of the laws of war and other abuses and discipline or prosecute as appropriate members of the state security forces responsible.

Violations of the Rights of People with Disabilities

The conflict in Syria has exacerbated stigma, resulting in extreme practices, including shackling and physical and verbal abuse of people with disabilities.

¹⁵ Human Rights Watch, “*Targeting Life in Idlib*”, October 20, 2020, <https://www.hrw.org/report/2020/10/15/targeting-life-idlib/syrian-and-russian-strikes-civilian-infrastructure>

¹⁶ “Syria: A Year On, Chemical Weapons Attacks Persist,” Human Rights Watch news release, April 4, 2018, <https://www.hrw.org/news/2018/04/04/syria-year-chemical-weapons-attacks-persist>

¹⁷ Tobias Schneider, Theresa Lütkefend, “Nowhere to Hide, The Logic of Chemical Weapons Use in Syria,” Global Public Policy Institute, February 2019, https://www.gppi.net/media/GPPI_Schneider_Luetkefend_2019_Nowhere_to_Hide_Web.pdf (accessed July 14, 2021); Syrian Archive, “Chemical Weapons Database,” <https://syrianarchive.org/en/datasets/chemical-weapons> (accessed July 14, 2021).

Two humanitarian workers operating in Syria told Human Rights Watch that chaining of children with disabilities was practiced before the war, but that it has increased since the war started.¹⁸ They attributed this to a lack of access to services and support. According to the White Helmets (Syrian Civil Defense), a volunteer organization, this horrific abuse is more frequent with children who have psychosocial disabilities and have lost their parents in the war.¹⁹ Extended families take them in but do not know how to support or care for them.

The UN special rapporteur on torture has noted that shackling “unequivocally amount(s) to torture even if committed by non-State actors under conditions in which the State knows or ought to know about them.”²⁰

UN member states at the Human Rights Council should urge the government of Syria to:

- Ban shackling in law and in policy;
- Ensure access to services and support that children with disabilities need;
- Facilitate rapid and unimpeded humanitarian assistance, including psychosocial support, to all civilians in need.

¹⁸ Human Rights Watch phone interview with a Child Protection Specialist at Hurras Network, April 22, 2021; Human Rights Watch phone interview with a Protection Coordinator at Violet Syria, April 22, 2021.

¹⁹ Human Rights Watch phone interview with representatives from the Civil Defense Syria, May 25, 2021.

²⁰ UNHRC, Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana, Session 31, A/HRC/31/57/Add.2, February 25, 2015, <https://undocs.org/en/A/HRC/31/57/> (accessed July 14, 2021).