



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE

SYRIAN ARAB REPUBLIC

1. The Committee considered the third periodic report of the Syrian Arab Republic (CCPR/C/SYR/2004/3) at its 2291st and 2292nd meetings, held on 18 July 2005, and adopted the following concluding observations at its 2308th meeting, held on 28 July 2005.

A. INTRODUCTION

2. The Committee welcomes the timely submission of the third periodic report by the Syrian Arab Republic, which contains detailed information on Syrian legislation in the area of civil and political rights. The Committee encourages the State party to increase its efforts to include in its reports more detailed information, including statistical data, on the implementation of the Covenant in practice.

B. POSITIVE ASPECTS

3. The Committee welcomes the accession by the State Party to other international human rights instruments in the reporting period, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination Against Women and the two Optional Protocols to the Convention on the Rights of the Child.

C. PRINCIPAL SUBJECTS OF CONCERN AND RECOMMENDATIONS

4. The Committee notes with concern that the recommendations it has addressed to the Syrian Arab Republic in 2001 have not been fully taken into consideration and regrets that most subjects of concern remain. The Committee regrets that the information provided was not sufficiently precise.

The State party should examine all recommendations addressed to it by the Committee and take all necessary steps to ensure that its legislation and its implementation ensure the effective enjoyment of all Covenant rights in the State party.

5. While welcoming the establishment of the National Committee for International Humanitarian Law, the Committee notes that it is not fully independent. Noting the delegation's statement about current plans to establish an independent institution for human rights, the Committee wishes to stress the complementary role of such an institution to governmental institutions and non governmental organisations dealing with human rights. (article 2)

The State party is encouraged to establish a national human rights institution which complies with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).

6. The Committee notes with concern that the state of emergency declared some forty years ago is still in force and provides for many derogations in law or practice from the rights guaranteed under articles 9, 14, 19 and 22, among others, of the Covenant, without any convincing explanations being given as to the relevance of these derogations to the conflict with Israel and as to the necessity of these derogations to meet the exigencies of the situation claimed to have been created by the conflict. The Committee has further noted that the State party has not fulfilled its obligation to notify other States parties of the derogations it has made and of the reasons for these derogations as required by article 4 (3) of the Covenant. In this regard, the Committee has noted the statement of the delegation that the Baath Party Congress in June 2005 has resolved that emergency provisions would be limited to activities which threaten state security. The Committee, however, remains concerned at the absence of any indication that the resolution has been made into law. (article 4)

The State party, guided by the Committee's General Comment number 29 on States of Emergency (Article 4) (CCPR/C/21/Rev.1/Add.11), should ensure firstly that the measures it has taken, in law and practice, to derogate from Covenant rights are strictly required by the exigencies of the situation, secondly, that the rights provided for in article 4 (2) of the Covenant are made non-derogable in law and practice, and thirdly that States parties are duly informed, as required by article 4 (3) of the Covenant, of the provisions from which it has derogated and the reasons therefor, including the termination of any particular derogation.

7. The Committee remains concerned that the nature and number of the offences carrying the death penalty in the State party are not consistent with the requirement of the Covenant that this form of punishment must be limited to the most serious crimes. The Committee is deeply concerned at the de facto reinstitution of death sentences and executions in 2002. The Committee has noted the written replies given by the delegation and notes the insufficient information relating to the number of persons whose death sentences have been commuted, and the number of persons awaiting execution. (article 6)

The State party should limit the cases in which the death penalty is imposed, in line with the Committee's previous recommendation that the State party should bring its legislation into conformity with article 6, paragraph 2, which provides that a sentence of death may be imposed only for the most serious crimes, and should give precise information to explain the particular reasons for the death sentences imposed and executed.

8. The Committee welcomes the information provided by the delegation on the agreement of 5 May 2005 between the Prime Minister of Lebanon and the President of Syria to establish a committee which would meet periodically to further investigate the facts concerning disappearances of Syrian and Lebanese nationals in Syria and Lebanon. The Committee remains concerned, however, that sufficient information was not provided about concrete steps taken to establish such a committee in Syria as well as its envisaged composition and independence. (articles 2, 6, 7, 9)

The State party should give a particularized account of Lebanese nationals and Syrian nationals, as well as other persons, who were taken into custody or transferred into custody in Syria, and who have not heretofore been accounted for. The State party should also take immediate steps to establish an independent and credible commission of inquiry into all disappearances in line with the recommendations the Committee made in 2001.

9. While noting the information provided by the State party on measures taken against some law enforcement personnel for acts of ill-treatment of prisoners, the Committee remains deeply concerned at continuing reports of torture and cruel, inhuman or degrading treatment or punishment. The Committee is also concerned that these practices are facilitated by resort to prolonged incommunicado detention, especially in cases of concern to the Supreme State Security Court, and by the security or intelligence services. (articles 2, 7, 9 and 10).

The State party should take firm measures to stop the use of incommunicado detention and eradicate all forms of torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials, and ensure prompt, thorough, and impartial investigations by an independent mechanism into all allegations of torture and ill-treatment, prosecute and punish perpetrators, and provide effective remedies and rehabilitation to the victims.

10. The Committee notes the statement by the delegation regarding the establishment of a committee to revise legislation governing the Supreme State Security Court. The Committee reiterates its previous concern that the procedures of this court are incompatible with article 14 of the Covenant (article 14).

The State party should take urgent measures to ensure that all rights and guarantees provided under article 14 of the Covenant are respected in the composition, functions and procedures of the Supreme State Security Court and in particular that accused persons are granted the right to appeal against decisions of the Court.

11. The Committee takes note of the information provided by the delegation whereby Syria does not recognize the right to conscientious objection to military service but that it permits some who do not wish to complete such service to pay a certain sum in order not to carry out such service. (article 18)

The State party should respect the right to conscientious objection to military service, and establish, if it so wishes, an alternative civil service of a non-punitive nature.

12. The Committee is concerned at the obstacles imposed on the registration and free operation of non-governmental human rights organizations in the State party and the intimidation, harassment and arrest of human rights defenders. It also continues to be deeply concerned about the continuing detention of several human rights defenders and the refusal to register certain human rights organizations. (articles 9, 14, 19, 21 and 22)

The State party should immediately release all persons detained because of their activities in the field of human rights and end all harassment and intimidation of human rights defenders. Furthermore, the State party should take urgent steps to amend all legislation that restricts the activities of these organizations, in particular state of emergency legislation which must not be used as an excuse to suppress activities aimed at the promotion and protection of human rights. The State party should ensure that its law and practice allow these organizations to operate freely.

13. The Committee is concerned at the extensive limitations on the right to freedom of opinion and expression in practice, which go beyond the limitations permissible under article 19(3). Furthermore, the Committee is concerned at allegations that the Government has blocked access to some Internet sites used by human rights defenders or political activists. (article 19)

The State party should revise its legislation to ensure that any limitations on the right to freedom of opinion and expression are in strict compliance with article 19 of the Covenant.

14. While welcoming the statement by the delegation that the Publications Act of 2001 is in the process of being appropriately revised, the Committee is concerned at its nature and application. The Committee has also noted in this regard the information provided by the delegation that a new law for audio-visual media is being prepared. (article 19)

The State party should ensure that all legislation governing audio-visual and print media and the licensing regime are in full compliance with the requirements of article 19, and that any limitations on the content of publications and media broadcasts may be restricted only within the strict limits permissible under article 19(3).

15. The Committee regrets that no statistical information was provided on the exercise in practice of the right to freedom of assembly. While noting the view held by the delegation that protests such as the peaceful demonstration on 25 June 2003 outside of UNICEF headquarters in Damascus had not received the required permit, the Committee is concerned that the laws and regulations and their application prevent the exercise of the right to peaceful assembly. (article 21)

The State party should take all necessary measures to guarantee the exercise in practice of the right to peaceful assembly and should provide statistical information on the number and grounds of denials of applications, the number of cases where denials have been subject to appeal, the number of rejection of appeals and on what grounds.

16. The Committee reiterates its previous concern that, despite article 25 of the Constitution, discrimination against women continues to exist in law and practice in matters related to marriage, divorce and inheritance, and that the penal code contains provisions discriminating against women, including providing lesser penalties for crimes committed by men in the name of honour. It notes the statement by the delegation that a commission is currently considering amendments to the personal status laws and that the provisions of the Penal Code with regard to honour crimes are currently being revised. (article 3, 6 and 26)

The State party should review its laws in order to ensure equality between men and women in matters of personal status, and to eliminate any discrimination against women in the penal code.

17. While noting the statement by the delegation that a national strategy for women has been initiated, the Committee notes that the participation of women in public life remains low. (article 3)

The State party should take appropriate steps towards achieving a balanced representation of women in public life.

18. The Committee notes the information provided by the State party and the delegation's statement as to the absence of any discrimination on grounds of race, colour, descent, or national or ethnic origin in the State party. However, the Committee remains concerned at discrimination against Kurds and that the practical enjoyment by the Kurdish population of their Covenant rights is not fully guaranteed. (articles 26 and 27)

The State party should ensure that all members of the Kurdish minority enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language in accordance with article 27 of the Covenant.

19. The Committee has noted the information provided by the State party with regard to the stateless Kurds. The Committee remains concerned at the situation of the large number of Kurds treated as aliens or unregistered persons and the discrimination experienced by them. The Committee reminds the State party that the Covenant is applicable to all individuals subject to its jurisdiction. (articles 2 (1), 24, 26 and 27)

The State party should take urgent steps to remedy the situation of statelessness of Kurds in Syria and to protect and promote the rights of non-citizen Kurds. The Committee further urges the State party to allow Kurdish children born in Syria to acquire Syrian nationality.

D. DISSEMINATION OF INFORMATION ABOUT THE COVENANT

20. The State party should publish and widely disseminate the present examination of its third periodic report by the Committee and the present concluding observations, to the general public as well as the judicial, legislative and administrative authorities, and it should circulate the fourth periodic report for the attention of the non-governmental organizations operating in the country.
21. The Committee suggests that the State party seek to benefit from the technical cooperation of the OHCHR and other UN entities or agencies dealing with human rights.
22. In accordance with rule 70, paragraph 5, of the Committee's rules of procedure, the State party should submit within one year information on the follow-up given to the Committee's recommendations in paragraphs 6, 8, 9 and 12 above. The Committee requests the State party to include in its next periodic report information concerning the remainder of its recommendations, to be presented by 1 August 2009.