

**Flygtningenævnets baggrundsmateriale**

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| Land:                              | Syrien                                  |
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# SYRIA

## Provisions in force

### ► Penal Code (1949).

#### Unnatural sexual intercourse

##### Article 520.

Any unnatural sexual intercourse shall be punished with a term of imprisonment of up to three years.

#### Indecency

##### Article 517.

Punish crimes against public decency in any of the ways mentioned in paragraph 1 of Article 208 [*any act carried out in a public or open area where one could possibly see, intentionally or accidentally, the act*] with imprisonment of three months to three years.

## Human rights situation

Following the civil war that started in 2011, Syria has become a dangerous place, with frequently complex responses to consensual same-sex sexual activity.<sup>1</sup> Persecution of LGBT people has occurred even prior, with multiple raids carried out in 2010 on private gay parties,<sup>2</sup> that resulted in the arrest of more than 25 men. The plight of LGBT people in Syria prior to the 'Arab Spring' was described in a news report as "the weakest link in the region", with honour killings and the absence of any advocacy movement.<sup>3</sup>

A submission to the 2016 UPR noted that "LGBT identified individuals are persecuted and stigmatized socially and legally, where they are denied equal opportunities to education and work through the denial of employment in public services and sometimes in private establishments. They are also persecuted by the law through security trailing and detention, where many men have been beaten, tortured, and raped – individually and in groups – at checkpoints due to their sexual orientation".<sup>4</sup>

In 2014, in a report of the independent international commission of inquiry submitted to the UN Human Rights Council, it was reported that "men were tortured and raped on the grounds of their sexual orientation at government checkpoints in Damascus".<sup>5</sup> The report cited two cases: in 2011, six [perceived] 'homosexual' men were beaten viciously with electric cables by security agents and threatened with rape; in October 2012, a man was stopped by security because his partner's brother was a member of the FSA. The man was taken to a rural area, where cigarettes were stubbed on his body and he was gang raped.

In 2015, the UN Security Council discussed violence against LGBTI people committed by the Islamic State (ISIS).<sup>6</sup> A gay Syrian refugee, addressed the Council in person and highlighted the struggles faced by LGBT people in the country. He had been detained in 2012 at a government checkpoint and mocked by soldiers for being gay.

In 2015, a news report described the plight of LGBT people in the country, where many who were

<sup>1</sup> Counter Extremism Project, *ISIS's Persecution of Gay People* (2017); "The secret, hypocritical gay world of Islamic State", *The Express Tribune*, 11 December 2016.

<sup>2</sup> Christopher Brocklebank, "Syrian authorities crack down on gay men", *Pink News*, 23 June 2010.

<sup>3</sup> Ahmed Danny Ramadan, "The Dark Closet", *Foreign Policy*, 14 June 2011.

<sup>4</sup> AWASUR, *PHRO Joint Submission* (2016).

<sup>5</sup> *Report of the independent international commission of inquiry on the Syrian Arab Republic*, A/HRC/25/65, 12 February 2014.

<sup>6</sup> Lucy Westcott, "Gay refugee addresses UN Security Council in historic meeting on LGBT rights", *Newsweek*, 25 August 2015.

assumed or perceived to be gay being abducted, tortured and killed by different factions in the ongoing civil war:<sup>7</sup> government, ISIS and al-Nusra (the Syrian branch of al-Qaeda). Methods of torture are gruesome and aimed at inflicting the maximum amount of pain and suffering on the victims.

A 2017 report by the UNHCR also reported sexual violence against LGBT people, where four out of seven refugees reported being sexually violated while in detention.<sup>8</sup> In addition, many continue to face persecution, exploitation and discrimination in their countries of asylum, such as Lebanon and Jordan.

In 2017, it was reported that a group of international volunteers have formed an LGBT military unit known as “The Queer Insurrection and Liberation Army” (TQILA), as part of the International Revolutionary People’s Guerrilla Forces (IRPGF), an anarchist group taking part in the fight against Isis.<sup>9</sup> This has however been criticised by a postcolonial scholar-activist for reifying the imperialist narrative of the “war on terror”.<sup>10</sup> In 2018, a news report on a gay Syrian refugee in Canada mentioned attempts by ISIS to “change” LGBT people.<sup>11</sup>

## National Human Rights Institution

Syria does not have a National Human Rights Institution in accordance with the Paris Principles.

## UN voting record

In 2011, 2014 and 2016, Syria was not a member of the Human Rights Council and, therefore, did not participate in the vote for the adoption of any of the SOGI resolutions.<sup>12</sup>

At the session of Third Committee of the UN General Assembly held in November 2016, Syria voted against the LAC amendment to remove Operative Paragraph 2,<sup>13</sup> and in favour of the African oral amendment to block the IE SOGI at the UNGA Plenary Session on 19 December 2016. Additionally, Syria voted in favour of the amendment which tried to block financial resources allocated to the IE SOGI.

## International advocacy and supervision

### Universal Periodic Review

In its 1<sup>st</sup> cycle UPR, in 2011, Amnesty International was the only NGO that made a submission about the repeal of Article 520.<sup>14</sup> No States made recommendations on this issue, and there is no reference to SOGI in the concluding documents from the first cycle.<sup>15</sup>

Only two civil society submissions were made to Syria’s 2<sup>nd</sup> UPR in November 2016, including this observation by MADRE: “Women and girls can be killed because of mere suspicion of an affair or romantic liaison, a false accusation, or for being raped or sexually assaulted. Victims of “honor” killings also include LGBT individuals.”<sup>16</sup> In its preliminary Interactive Dialogue to date (March 2017), the Syrian delegation has made no mention of the multiple societal and official attacks and persecution of sexual or gender minorities in its responses.<sup>17</sup>

Syria’s 3<sup>rd</sup> UPR will take place in October 2021.

<sup>7</sup> “It can’t get any worse than being gay in Syria today”, *The Sydney Morning Herald*, 15 October 2015.

<sup>8</sup> Sarah Chynoweth, *Sexual Violence against Men and Boys in the Syria Crisis* (2017), p 27 - 32.

<sup>9</sup> Benjamin Kentish, “‘The Queer Insurrection’: Coalition forces fighting Isis in Syria form first LGBT unit”, *The Independent UK*, 25 July 2017.

<sup>10</sup> Razan Ghazzawi, “Decolonising Syria’s so-called ‘queer liberation’”, *Al Jazeera*, 5 August 2017.

<sup>11</sup> “‘I was reborn here’: Gay Syrian refugee says Canada has welcomed him”, *CBC News*, 21 December 2018.

<sup>12</sup> Human Rights Council, *Resolution 17/19: Human rights, sexual orientation and gender identity*, A/HRC/RES/17/19, 14 July 2011; Human Rights Council, *Resolution 27/32: Human rights, sexual orientation and gender identity*, A/HRC/RES/27/32, 2 October 2014; Human Rights Council, *Resolution 32/2: Protection against violence and discrimination based on sexual orientation and gender identity*, A/HRC/RES/32/2, 15 July 2016.

<sup>13</sup> Operative Paragraph 2 was an attempt by the Africa Group to defer consideration and action on HRC Resolution 32/2 under the pretext that further consultations were needed to determine the legal basis upon which the IE SOGI would operate on. For more information, see: Out Right, ISHR, ILGA and ARC International, *Defending the independent expert on protection against violence and discrimination based on sexual orientation and gender identity at the 71st Session of the United Nations General Assembly* (2017), 4.

<sup>14</sup> Amnesty International, *Syria: Amnesty International submission to the UN Universal Periodic Review 12th session of the UPR Working Group, October 2011* (2011).

<sup>15</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, A/HRC/19/11, 24 January 2012.

<sup>16</sup> Human Rights and Gender Justice (HRGJ) Clinic, City University of New York School of Law et al., *Human Rights Violations Against Women and Girls in Syria* (2016), para. 10.

<sup>17</sup> *Report of the Working Group on the Universal Periodic Review: Syrian Arab Republic*, A/HRC/34/5, 27 December 2016.