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Human Rights Committee

Concluding observations on the fourth periodic report of the Syrian Arab Republic*

1. The Committee considered the fourth periodic report of the Syrian Arab Republic¹ at its 4130th, 4131st and 4132nd meetings,² held in hybrid format on 11 and 12 July 2024. At its 4143rd meeting, held on 22 July 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of the Syrian Arab Republic and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

3. The Committee recognizes the severe effects of the ongoing armed conflict, the earthquake in 2023, the political, economic and social instabilities, including as a result of unilateral coercive measures, and the presence of foreign armed forces and non-State armed groups, some designated as terrorist entities by the United Nations, which have led to grave and severe violations of human rights by all parties to the conflict and constitute a serious obstacle to the implementation of the rights enshrined in the Covenant. The Committee notes the difficulty in ensuring individuals' rights in territories where the State party does not exercise effective control, including the occupied Syrian Golan. The Committee reminds the State party of the continuity of international human rights obligations and that the rights under the Covenant apply to all persons at all times, and that the State party bears the primary responsibility to protect individuals under its jurisdiction and should therefore take immediate measures to prevent further violence and human rights violations against them. The Committee also reminds the State party that, during any reconstruction efforts, it has the obligation to guarantee all rights set out in the Covenant to all individuals throughout the territory without discrimination, independently of where they live, and to promote a culture of tolerance, peace and reconciliation among all people and communities.

B. Positive aspects

4. The Committee welcomes the adoption of the following legislative measures:

* Adopted by the Committee at its 141st session (1–23 July 2024).

¹ [CCPR/C/SYR/4](#).

² See [CCPR/C/SR.4130](#), [CCPR/C/SR.4131](#) and [CCPR/C/SR.4132](#).

³ [CCPR/C/SYR/RQ/4](#).

⁴ [CCPR/C/SYR/Q/4](#).



- (a) Legislative Decree No. 32, under which the operation of military field courts was terminated, in 2023;
 - (b) The Prevention of Torture Act No. 16, which criminalizes anyone who intentionally commits, participates in or incites torture, in 2022;
 - (c) Act No. 24, amending articles of the Penal Code to prohibit marriage outside of the court to limit the number of early marriages, in 2018;
 - (d) Legislative Decree No. 20, under which abduction in various forms is criminalized, in 2013;
 - (e) Act No. 11, which includes provisions for the addition of a new article to the Penal Code penalizing anyone who recruits children under the age of 18 years with the intention of involving them in combat operations or similar acts, in 2013;
 - (f) Act No. 11, increasing the penalty for sexual violence, particularly for cases where the victim is under the age of 15 years, in 2011.
5. The Committee also welcomes the ratification by the State party of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 10 July 2009.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

6. The Committee takes note of the information provided by the State party that the Covenant is part of the domestic legal system and that the provisions of the Covenant are implemented by the national courts and national legislation. It is concerned, however, that gaps remain between the domestic legal framework and the Covenant and that no examples were provided of cases in which the provisions of the Covenant had been invoked or applied by the courts. The Committee regrets the lack of specific information provided during the dialogue regarding the steps taken to establish a national mechanism for reporting and follow-up and regarding the State party's intention to ratify the first Optional Protocol to the Covenant (art. 2).

7. The State party should strengthen its efforts to ensure the compatibility of its domestic law with the Covenant and to give full effect to the provisions of Covenant in its domestic legislation. It should also implement a thorough, accessible and regularly updated programme of specialized training on the Covenant for judges, prosecutors and lawyers to ensure that they apply and interpret it in conformity with the State party's obligations under the Covenant. In addition, the State party should consider establishing a national mechanism for reporting and follow-up and ensure its effective functioning, including by enabling further capacity-building support from the Office of the United Nations High Commissioner for Human Rights. It should also consider acceding to the first Optional Protocol to the Covenant.

National human rights institution

8. While the Committee takes note of the information provided by the State party in its report that a national committee is currently developing an integrated framework for a national human rights institution, it regrets the lack of information provided during the dialogue on any progress made towards establishing such an institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

9. The State party should establish an independent national human rights institution in accordance with the Paris Principles as a matter of priority and ensure the institution's ability to carry out its mandate effectively and independently.

Anti-corruption measures

10. The Committee welcomes the information provided on the efforts of the State party to prevent and combat corruption, including the investigations of public officials led by the

Central Oversight and Inspection Commission. It is concerned, however, about reports indicating that, owing to the economic crisis and the persistence of unilateral coercive measures, both government officials and non-State armed groups are resorting increasingly to extortion, detention, drug trafficking, including of Captagon, and other illicit activities to raise funds (arts. 2 and 25).

11. The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels. In particular, it should take all measures necessary to independently and impartially investigate and prosecute all cases of corruption, including by non-State armed groups, and, if a person is convicted, impose penalties commensurate with the seriousness of the offence. The State party should also provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption and implement training and awareness-raising campaigns to inform public officials, politicians, the business sector and the general public about the economic and social costs of corruption and the mechanisms in place to address it.

Protection of the Covenant rights and accountability for alleged human rights violations in the context of the armed conflict

12. While noting the information provided that the armed forces are trained to respect humanitarian law and to take every measure to protect civilians, especially women and children, during military and security operations, the Committee is deeply concerned by the continued arbitrary deprivation of life within the context of the armed conflict. In that context, the Committee is also gravely concerned about reports of alleged systemic human rights violations, such as torture, secret detentions, sexual violence and enforced disappearances, including in the areas where the State party exercises effective control. While noting the measures taken to ensure accountability for illegal practices in the course of military operations, the Committee is concerned about reports of impunity and a lack of significant progress in prosecuting and handing down sentences for alleged violations of the Covenant committed during the armed conflict in which the State party has been involved, such as those allegedly committed during the military operation Tadamon, which resulted in the execution of 280 civilians, including at least 12 children (arts. 2, 6, 7, 14, 24 and 25).

13. Recalling its general comment No. 36 (2018) on the right to life, the Committee calls upon the State party to continue and intensify its efforts to adopt all measures necessary to comply fully with its obligations to protect the right to life, to prevent violations of the rights enshrined in the Covenant and to give effect to the rights to truth, justice and full reparation for victims of the armed conflict. In particular, the State party should:

(a) Ensure the prompt, thorough, independent and effective investigation of all reported cases of human rights violations committed against civilians during the ongoing armed conflict and also ensure that perpetrators are brought to justice, that the penalties imposed are commensurate with the severity of the offence and that trials are transparently and fairly conducted, in line with international standards, and widely disseminate information on the progress of the trials to the general public;

(b) Guarantee that the victims or members of their families receive full reparation, including adequate compensation, as well as legal, medical, psychological and rehabilitation services, and that victims and their relatives who seek justice and redress are protected from intimidation and harassment;

(c) Expedite the establishment of a national transitional justice and reconciliation mechanism that is in line with international law and standards to fight impunity and guarantee the right to truth for all victims and their families.

Non-discrimination

14. The Committee welcomes the information provided by the State party in its replies to the list of issues regarding the legislative framework prohibiting discrimination, including the Labour Code (Act No. 17 of 2010). It is concerned, however, by the lack of information on efforts made towards adopting a comprehensive law to prevent and combat discrimination.

The Committee is also concerned about reports that persons belonging to minorities, especially Kurdish and Yazidi persons, continue to face discrimination, detention and violence, including sexual violence, and that Kurdish and Yazidi women are targeted and detained, some for the purposes of forced marriage. Furthermore, it is concerned that consensual same-sex sexual relations between adults continue to be criminalized and that lesbian, gay, bisexual and transgender persons continue to face harassment, discrimination and violence, particularly sexual violence (arts. 2, 26 and 27).

15. The State party should take appropriate measures to eliminate all forms of discrimination. In particular, the State party should:

(a) **Adopt comprehensive anti-discrimination legislation that explicitly addresses all spheres of life and prohibits direct, indirect and intersectional discrimination on all grounds, including race, ethnicity, age, nationality, religion, migration status, disability, sexual orientation and gender identity;**

(b) **Ensure that all persons can, regardless of their real or perceived sexual orientation or gender identity, fully enjoy, in law and in practice, all the human rights enshrined in the Covenant, including by decriminalizing consensual same-sex relations between adults;**

(c) **Guarantee that all persons under its jurisdiction, in particular those who are most vulnerable because of their ethnicity or religion or their real or perceived sexual orientation or gender identity are afforded the necessary protection from violent attacks and gross human rights violations, and that all acts of violence against them are promptly and effectively investigated, that perpetrators are brought to justice and, if convicted, punished with appropriate sanctions and that victims are provided with adequate remedies and effective access to legal, medical, financial and psychological assistance.**

State of emergency

16. The Committee welcomes the enactment of Decree No. 161 of 21 April 2011, lifting the long-standing state of emergency and abolishing the Supreme State Security Court, and takes note of the information provided that exceptional laws are no longer applicable. It is concerned, however, that Legislative Decree No. 55 of 2011 permits exceptions to the safeguards on pretrial detention, allowing individuals to be held in detention without judicial review for up to 60 days for certain crimes, including terrorism offences, undermining the right not to be arbitrarily detained and the right to a fair trial, and that, in practice, individuals are held even beyond the 60-day period. Furthermore, the Committee is concerned about reports indicating that the suspension of legal safeguards, as exercised during the state of emergency, are maintained through the powers granted to the Counter-Terrorism Court (arts. 4, 9 and 14).

17. In the light of the Committee's general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, the State party should:

(a) **Guarantee that any measures introduced to protect the population in the context of a state of emergency are temporary, proportionate, strictly necessary and subject to judicial review;**

(b) **Consider amending Legislative Decree No. 55 of 2011 to ensure its compliance with the provisions of the Covenant and that it could not be used to extend derogations from the Covenant beyond the context of a state of emergency;**

(c) **Ensure that legislation is not used to unduly restrict the rights of individuals, including the right not to be arbitrarily detained and the right to a fair trial, recognizing that those rights constitute important safeguards for ensuring that the State party's use of emergency powers complies with its obligations under the Covenant;**

(d) **Guarantee that all reports of human rights violations are investigated promptly, thoroughly, independently and impartially and ensure that perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the seriousness of the offence and that victims receive full reparations.**

Counter-terrorism measures

18. While acknowledging the measures taken by the State party to combat terrorism, the Committee is concerned about the vague definition of “terrorist act”, as established by article 1 of Legislative Decree No. 19 of 2012. The Committee is also concerned that Act No. 22 of 2012, which established the Counter-Terrorism Court, does not adequately set out the key judicial guarantees that the court should provide in accordance with international human rights standards. In particular, article 7 of the Act stipulates that, while retaining the right of defense, the court shall not comply with the procedures set out in the applicable legislation at all stages and procedures of prosecution and trial, raising concern that individuals, particularly human rights defenders and political opponents, may be arbitrarily deprived of their liberty and subjected to torture or ill-treatment. Furthermore, the Committee is concerned by information provided by the State party that the appointment of judges to the Counter-Terrorism Court, and their resignation, must be authorized by presidential decree, bringing into question the impartiality and independence of the Court (arts. 7, 9, 14, 15 and 17).

19. The State party should intensify its efforts to provide effective safeguards, including adequate judicial oversight, for any limitations on human rights imposed for the purposes of national security, ensuring that such limitations serve legitimate aims and are necessary and proportionate. In particular, the State party should:

(a) **Review its counter-terrorism legislation, including Legislative Decree No. 19 of 2012, to ensure that it is in full compliance with the Covenant and the principles of legality, certainty, predictability and proportionality, and that the definition of a “terrorist act” is in line with Security Council Resolution 1566 (2004) and the requirement that a terrorist act must be committed with the intent to cause death or serious bodily injury;**

(b) **Take the steps necessary to bring Act No. 22 of 2012 into line with the Covenant and ensure that persons suspected of or charged with terrorist acts or related crimes are provided, in law and in practice, with all legal safeguards, in accordance with articles 9 and 14 of the Covenant and the Committee’s general comments No. 35 (2014) on liberty and security of person and No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial;**

(c) **Guarantee that counter-terrorism laws are not used to unjustifiably limit any rights enshrined in the Covenant, including the rights of lawyers, journalists, political opponents and human rights defenders;**

(d) **Take all measures necessary to safeguard, in law and in practice, the full independence of judges in the Counter-Terrorism Court, in line with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary.**

Gender equality

20. The Committee welcomes the efforts of the State party to advance gender equality, including the implementation of the strategic plan on gender equality for the period 2023–2030 and the amendments to the Personal Status Act in 2019 and 2020. While noting that the State party is undergoing a legislative review process, studying discriminatory laws within its domestic legal framework, the Committee is nonetheless concerned that laws relating to personal status fundamentally remain discriminatory against women in matters of marriage, divorce and inheritance, and that legislative provisions remain that deprive women of granting nationality to their children and foreign spouses (arts. 2, 3, 24, 25 and 26).

21. The State party should intensify its efforts to ensure effective equality between men and women in all spheres. In particular, the State party should continue to review its legislation, amending or repealing discriminatory legal provisions against women and girls, and take more robust measures to guarantee de jure and de facto equality between men and women, particularly with regard to matters of personal status and the passing of nationality from women to their children and their foreign spouses.

Violence against women, including domestic violence

22. The Committee notes with satisfaction the measures taken by the State party to prevent and combat violence against women, including the adoption of legislative amendments to make penalties more stringent and to remove so-called honour crimes as a mitigating factor in order to subject perpetrators to the provisions of the law without exceptions, such as Act No. 1 of 2011 of the Penal Code. It also welcomes the information that a comprehensive draft law that criminalizes domestic violence, imposes criminal sanctions in all cases of violence and establishes specialist courts is in the final stages towards enactment. The Committee is nonetheless concerned about the prevalence of violence against women, including domestic and sexual violence, and that the established penalties do not deter perpetrators from committing such acts (arts. 2, 3, 6, 7, 14, 17 and 26).

23. The State party should continue its efforts to prevent, combat and eradicate all forms of gender-based violence against women. In particular, the State party should:

(a) **Ensure that its national legislation prohibits and punishes all forms of violence against women, including sexual violence, and provides for substantive protection to victims, including by promptly adopting and enacting the draft law criminalizing domestic violence and establishing specialist courts, ensuring that the legislation is in line with the provisions of the Covenant;**

(b) **Guarantee that all cases of violence against women, including domestic violence, are thoroughly investigated, that perpetrators are prosecuted and, if convicted, receive penalties commensurate with the severity of the offence and that victims have access to effective remedies, receive full reparation, including adequate compensation, and also have access to adequate protection and assistance;**

(c) **Provide effective training for public officials, including judges, lawyers, prosecutors, law enforcement officials and health and social care providers, on handling cases of violence against women and strengthen awareness-raising campaigns for society as a whole in order to address social and cultural patterns and stereotypes that facilitate the tolerance of gender-based violence.**

Death penalty

24. While welcoming the issuance of general amnesty decrees, including Legislative Decree No. 36 of 2023 allowing for the commutation of death sentences to life imprisonment, the Committee is concerned that the decrees do not apply to all detainees, including political detainees, prisoners of conscience, those arrested in relation to the conflict or individuals held for expressing their opinions. It also remains concerned that the nature of the offences carrying the death penalty in the State party do not meet the threshold of the most serious crimes within the meaning of article 6 (2) of the Covenant. The Committee regrets the lack of information provided regarding whether the State party is considering acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty (art. 6).

25. Bearing in mind the Committee's general comment No. 36 (2018), the State party should take all measures necessary, including legislative action, to ensure that the death penalty is applied only for the most serious crimes involving intentional killing and is never imposed in violation of the Covenant, including in violation of fair trial procedures or on persons under 18 years of age. It should also give due consideration to establishing a moratorium on the death penalty, with a view to abolishing it, and consider acceding to the Second Optional Protocol to the Covenant. The Committee urges the State party to enhance its efforts to engage in constructive national dialogue about the desirability of abolition through, inter alia, appropriate awareness-raising measures.

Enforced disappearance

26. While noting that domestic legislation punishes cases of abduction, deprivation of liberty and detention or arrest without judicial order, the Committee is concerned that enforced disappearance is not explicitly criminalized in domestic law and that the current legislative framework does not adequately cover the legal and factual complexity of cases of

enforced disappearance. The Committee is deeply concerned by the pattern and numerous reports of enforced disappearances since the start of the armed conflict, the majority of which are allegedly attributable to government forces, and that there are no official registers of disappeared persons or judicial procedures to address such a violation. It is also concerned by reports that the authorities have issued nearly 1,700 death certificates for disappeared persons since 2018 without returning the remains to the families. Furthermore, the Committee is concerned by the lack of information and clarity on the national mechanisms in place to address the issue of disappeared persons, including the disappearance of Lebanese and Syrian persons in both Lebanon and the Syrian Arab Republic, particularly regarding judicial follow-up, access for families to the truth and comprehensive reparation (arts. 2, 3, 6, 7, 9 and 16).

27. The State party should take urgent measures to address and prevent the pattern of enforced disappearances in the context of the armed conflict. In particular, it should:

(a) **Revise its legal framework to ensure that all forms of enforced disappearance are clearly defined in criminal law and that the associated penalties are commensurate with the severity of the offence, in accordance with international standards;**

(b) **Take all measures necessary to combat impunity and ensure that all allegations and reports of enforced disappearance are promptly, impartially and thoroughly investigated and that direct and indirect perpetrators are prosecuted and, if found guilty, punished with sanctions commensurate with the gravity of the offences;**

(c) **Uncover the fate and whereabouts of disappeared persons and, in the event of death, identify them and return their remains and ensure that families are regularly informed of the progress and results of investigations, are provided with the official administrative documents required by international standards and receive full reparations, including rehabilitation, adequate compensation and guarantees of non-repetition;**

(d) **Cooperate fully with the Independent Institution on Missing Persons in the Syrian Arab Republic and consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

28. While welcoming the adoption of the Prevention of Torture Act No. 16 of 2022, the Committee is deeply concerned about reports of widespread torture or ill-treatment, at times leading to death. It is also concerned that Act No. 16 of 2022 lacks clear investigative mechanisms and an independent mechanism for the oversight and enforcement of the law and its implementation and does not guarantee redress for former victims of torture due to the absence of retroactive application provisions. It is further concerned that certain legislative provisions could possibly provide immunity for employees of the State Security Department for crimes committed while carrying out their duties, such as article 16 of Legislative Decree No. 14 of 1969 and Legislative Decree No. 69 of 2008. The Committee also regrets the lack of information provided on the use of prolonged solitary confinement (arts. 6, 7 and 10).

29. The State party should take immediate measures to end torture and other forms of cruel, inhuman or degrading treatment or punishment, including through the review of its legislative framework, such as Act No. 16 of 2022, to ensure that it is fully compliant with the provisions of the Covenant. In particular, the State party should:

(a) **Take all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the human rights training provided to judges, prosecutors, lawyers and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering, and by implementing the provisional measures ordered by the International Court of Justice in November 2023;**

(b) Undertake prompt, thorough, transparent and impartial investigations conducted by an independent mechanism into all allegations of torture and other cruel, inhuman or degrading treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death, ensuring that perpetrators are prosecuted and, if found guilty, punished with sanctions commensurate with the severity of the crime;

(c) Provide victims with comprehensive redress and reparation, including rehabilitation and adequate compensation;

(d) Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment;

(e) Effectively limit the use of solitary confinement by imposing it only as a measure of last resort and for as short a time as possible and ensure that the use of solitary confinement is subject to judicial review;

(f) Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and continue its cooperation with international partners, such as the International Committee of the Red Cross, and international human rights mechanisms, including the special procedures of the Human Rights Council.

Liberty and security of person and conditions of detention

30. The Committee is concerned about reports of widespread arbitrary detention and the alleged use of secret detention centres, some of which are reportedly under the control of the State and armed groups aligned with it. While noting the efforts of the State party to reduce overcrowding and improve conditions in places of detention, including through the legislative decree issued in 2024 by the Ministry of Justice authorizing the periodic supervision of detention centres and prisons, the Committee is concerned about reports indicating harsh and poor conditions in prisons, including with regard to hygiene and sanitation, malnutrition and a lack of adequate medical care and treatment, particularly in the Saydnaya military prison, at times leading to death (arts. 9 and 10).

31. The State party should intensify its efforts to ensure that all fundamental legal safeguards are guaranteed in practice for all detained persons from the outset of their detention, in line with the Committee's general comment No. 35 (2014) on liberty and security of person, and that conditions of detention fully comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, the State party should:

(a) Immediately stop the use of secret detention centres and guarantee that all persons detained are duly registered immediately after their detention, are brought promptly before a judge and are provided with effective access to the periodic judicial review of their detention;

(b) Continue its efforts to reduce prison overcrowding, including through the wider application of non-custodial measures, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), as alternatives to imprisonment;

(c) Improve conditions in places of detention and ensure adequate access to food, drinking water and health care;

(d) Facilitate the independent, effective and regular monitoring of all places of detention under its effective control, including those controlled by intelligence services, without prior notice and on an unsupervised basis, including by establishing an independent mechanism to monitor prison conditions;

(e) **Provide mandatory training for relevant law enforcement officials, as well as for judges, prosecutors and other legal professionals, regarding the prevention of deaths in custody.**

Elimination of slavery, servitude and trafficking in persons

32. The Committee welcomes the efforts of the State party, including through the adoption of the Prevention and Combating of Trafficking in Persons Act (Decree No. 3 of 2010) and the implementation of national plans, to prevent and combat trafficking in persons. It regrets, however, the lack of statistical data available on the identification and protection of victims, including children being trafficked and used as soldiers and for the purposes of sexual exploitation in the context of the armed conflict, and on the prosecution and convictions of those responsible (arts. 2, 7, 8, 24 and 26).

33. **The State party should continue its efforts to ensure that existing frameworks to combat trafficking in persons are implemented effectively, including through the enhanced identification of victims, the investigation and prosecution of perpetrators and the provision of gender- and age-sensitive measures to protect, rehabilitate and compensate victims. It should continue its efforts and take all measures necessary to prohibit the trafficking and use of children as soldiers and for the purposes of sexual exploitation, in accordance with article 24 of the Covenant, and should strengthen prevention and awareness-raising campaigns to encourage victims to seek protection and training programmes aimed at public officials and other persons responsible for investigating and prosecuting cases of trafficking in persons.**

Internally displaced persons and the right to privacy and freedom of movement

34. The Committee notes with satisfaction the State party's cooperation with the United Nations High Commissioner for Refugees, announced in October 2023. Recognizing, however, that millions of Syrians have fled the country or have been internally displaced and wish to return home to decent conditions, the Committee is concerned by the ambiguous and arbitrary nature of the Government's reconciliation process and by reports of serious human rights violations committed against internally displaced persons and Syrian returnees, notably sexual violence and slavery, including against children. Furthermore, the Committee is concerned by the requirement of individuals to obtain so-called security clearance in order to participate in certain aspects of everyday life, including renting or buying a home (arts. 3, 9, 12, 17, 24 and 26).

35. **The State party should intensify its efforts to expedite sustainable solutions for internally displaced persons and Syrian returnees, in consultation with them and in accordance with relevant international standards, including the Covenant and the Guiding Principles on Internal Displacement. It should take specific actions to ensure an effective and clear reconciliation process for all internally displaced persons and Syrian returnees, including by putting into place programmes for the sustainable reintegration of those who return, and prevent all forms of violence against displaced and repatriated women and girls, especially sexual violence, ensuring that victims are protected and have prompt access to basic services, such as education and health care. The State party should also consider repealing legislation that requires Syrian citizens to obtain security clearance from the security sector.**

Access to justice, independence of the judiciary and the right to a fair trial

36. The Committee welcomes the abolition, through Legislative Decree of 2023, of the operation of military field courts. The Committee is concerned, however, about the lack of transparency in the transferring of cases from the military field courts to the military courts and the lack of clarity with regard to the legal framework regulating the procedure before the current military courts and the Counter-Terrorism Court. The Committee is also concerned about whether the aforementioned courts adhere to the safeguards established in article 14 of the Covenant. It is further concerned that article 1 of Act No. 29 of 2023 expands the mandate of the military judiciary to include personnel affiliated with the informal government forces fighting alongside the Government's official forces. The Committee is concerned that the judiciary is greatly influenced by the executive authority, represented by the President, who

heads the Supreme Judicial Council, that the Minister of Justice acts on behalf of the President, that judges are effectively considered to be government employees and that four out of the seven members of the Supreme Judicial Council are appointed by the Government (arts. 2 and 14).

37. The State party should:

(a) **Protect the archives and records of the trials held in the field military courts and the sentences handed down by them and publicly disclose information on the fate and whereabouts of individuals previously sentenced through field military court proceedings;**

(b) **Ensure that all court proceedings, including in military courts and the Counter-Terrorism Court, are conducted in full observance of the due process guarantees set forth in article 14 of the Covenant and in the light of the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial;**

(c) **Review its legislation regarding the jurisdiction of military courts, including Law No. 29 of 2023, to ensure that it is in full compliance with the Covenant and that civilians are, in practice, tried only before ordinary courts;**

(d) **Take immediate measures to prevent all forms of undue interference with the judiciary by the legislative and executive branches and safeguard, in law and in practice, the full independence and impartiality of judges, including by ensuring that the procedures for the selection, appointment, promotion, sanction and removal of judges are transparent and impartial and that the Supreme Judicial Council is independent of the executive authority, in line with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary.**

Right to freedom of conscience

38. While welcoming the information that the State party is considering shortening the duration of mandatory military service, the Committee remains concerned that the State party continues to allow for individuals to opt out of military service by paying a fee and does not recognize the right to conscientious objection to military service (art. 18).

39. The Committee reiterates its previous recommendation⁵ and urges the State party to respect the right to conscientious objection to military service and consider establishing an alternative civil service of a non-punitive nature.

Freedom of expression

40. The Committee is concerned about the reports of the censorship of news sites and social media content in areas under government control, particularly of media that is critical of the Government, and that decisions surrounding online censorship lack transparency. It is concerned that Legislative Decree No. 20 of 2022 imposes stricter penalties on criticism of security forces and government employees, particularly if defamation or contempt is committed against a public entity, and that the law fails to clearly define actions that would undermine the State's prestige or threaten national unity. The Committee is also concerned by reports that Act No. 19 of 2024 endows the new Ministry of Information with extensive power to oversee all facets of the media. It is further concerned that journalists and other media professionals have been excluded from the drafting of the new media law currently being developed. Furthermore, the Committee is concerned about the continued harassment, attacks and violence against journalists, human rights defenders, humanitarian workers, bloggers and other media professionals (arts. 19 and 20).

41. The State party should take all measures necessary to guarantee the full enjoyment by everyone of the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the

⁵ [CCPR/CO/84/SYR](#), para. 11.

freedoms of opinion and expression, and that any restrictions comply with the strict requirements of article 19 (3) of the Covenant. In so doing, the State party should:

- (a) Review and revise Law No. 20 of 2022 to avoid the use of vague terminology and overly broad restrictions and ensure its conformity with the Covenant;
- (b) Consider decriminalizing defamation and restrict the application of criminal law to the most serious defamation cases, bearing in mind that imprisonment is never an appropriate penalty for defamation;
- (c) Take the measures necessary to ensure that the Ministry of Information performs its functions in an independent, transparent and impartial manner;
- (d) Ensure that proposals in the new media law apply strict safeguards and oversight, including judicial review, in compliance with international standards, and ensure the meaningful participation and consultation of journalists and other media professionals during the drafting process to guarantee that the new law adequately protects their rights;
- (e) Effectively prevent and combat acts of harassment, attacks and violence against journalists, media workers and human rights defenders to ensure that they are free to carry out their work effectively and without fear of reprisals.

Right of peaceful assembly

42. The Committee notes the information from the State party on the legislative framework providing for the right of peaceful assembly, including Legislative Decree No. 54 of 2011. It is concerned, however, about reports that even small peaceful gatherings are not tolerated in practice and are authorized only for Government-affiliated groups. Furthermore, the Committee is concerned that numerous reports indicate the excessive use of force against demonstrators (arts. 6, 7, 9 and 21).

43. In the light of the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should ensure that, in practice, individuals fully enjoy their right of peaceful assembly and that any restrictions on that right comply with the strict requirements of article 21 of the Covenant. It should also ensure that its legislation allows the use of potentially lethal force by law enforcement officials in the context of assemblies only as a last resort and only when necessary to protect life or prevent serious injury from an imminent threat and further ensure that all law enforcement officials regularly receive training on the use of force based on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. The State party should ensure that prompt, thorough, effective, independent and impartial investigations are launched into all incidents involving the excessive use of force by law enforcement officials, that perpetrators are prosecuted and, if found guilty, punished and that victims are provided with effective remedies.

Freedom of association

44. The Committee is concerned that the Private Associations and Institutions Act No. 93 of 1958 grants the Government overly broad powers, effectively hindering the right to freedom of association, including by: (a) granting the Government full authority to decide if an association can be registered or not and to deregister an organization if the Ministry of Social Affairs and Labour reports that it could harm "public morals"; (b) prohibiting associations from receiving foreign funding without prior permission from the Government; and (c) granting the Government the power to have a representative present at annual general meetings and to nominate a person to sit on the board of any association (art. 22).

45. In accordance with article 22 of the Covenant, the State party should take the steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and to ensure that members of human rights organizations can exercise their freedom of association without being subjected to restrictions that are incompatible with the Covenant. In particular, it should consider repealing or amending the Private Associations and Institutions Act No. 93 of 1958 to ensure that

civil society organizations can operate free of undue government influence and without fear of reprisals or unlawful restrictions on their operations.

Rights of the child

46. The Committee is deeply concerned about the reports of a number of human rights violations within the context of the armed conflict involving children, including, among others, murders, forced recruitment, sexual violence, forced marriage, arbitrary detention and a lack of access to education. In the light of those reports, the Committee welcomes the information regarding the consultation between the United Nations and the State party to finalize a comprehensive plan for children affected by the armed conflict and that a law on restorative justice for children who have been enlisted in armed groups will soon be adopted. Furthermore, while acknowledging the complexity of the situation and the need for full international cooperation from other States parties, the Committee is concerned about the vast number of children in camps in the northern part of the Syrian Arab Republic who have not been repatriated. It is also concerned that, while the State party has taken steps to ensure that all births are registered, including through the Civil Status Act No. 13 of 2021 and Legislative Decree No. 2 of 2023 and the creation of a unified civil registry service, children, particularly those who are displaced or who are currently or were previously living in areas not controlled by the State, continue to face difficulties in registering their birth (arts. 8, 23, 24 and 26).

47. The State party should continue and intensify its efforts to protect children from human rights violations within the context of the armed conflict and ensure that children who have been used in or recruited into armed conflict receive adequate assistance for their physical and psychological recovery and reintegration, in compliance with the State party's obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In particular, it should ensure the prompt adoption and adequate implementation of the comprehensive plan for children affected by the armed conflict and of the law on restorative justice for children who were enlisted in armed groups. It should also continue its efforts to coordinate and cooperate with relevant organizations and other States parties to ensure the swift and safe repatriation of all children in conflict zones and to increase access to birth registration, particularly among displaced communities and those currently or previously living in areas not controlled by the State.

Participation in public affairs

48. While noting with satisfaction that the Syrian Commission for Family Affairs is taking a number of steps in partnership with national bodies to promote women's participation in political life, including the launch of a national campaign, the Committee remains concerned that the representation of women in local administrative councils, currently at 7.2 per cent, remains low. While noting external circumstances, such as the coronavirus disease (COVID-19) pandemic, which affected the access of individuals to election venues, the Committee is concerned about the significant decrease in voter turnout for the legislative elections held in 2020 compared with previous years. It also is concerned about reports questioning the efficacy, neutrality and independence of the Supreme Judicial Committee for Elections and its subcommittee (arts. 25 and 26).

49. The State party should ensure that its electoral regulations and practices are in full compliance with the Covenant, in particular article 25, and, in the light of the guidelines for States on the effective implementation of the right to participate in public affairs should:

(a) **Continue and intensify its efforts to ensure the full and effective enjoyment by women of the right to participate in public and political life, including by taking effective measures to increase the representation of women in public and political life, including in decision-making positions at the national and local levels;**

(b) **Take steps to increase voter turnout, including by taking all measures necessary to ensure that all persons entitled to vote are able to exercise that right, in particular by ensuring that election venues are effectively accessible;**

(c) Take all measures necessary to ensure that the Supreme Judicial Committee for Elections and its subcommittee are impartial and independent of political parties and able to ensure fairness, transparency, inclusiveness and pluralism in fulfilling their mandate and that their decisions are subject to judicial review.

D. Dissemination and follow-up

50. The State party should widely disseminate the Covenant, its fourth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

51. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 23 July 2027, information on the implementation of the recommendations made by the Committee in paragraphs 27 (enforced disappearance), 37 (access to justice, independence of the judiciary and the right to a fair trial) and 47 (rights of the child) above.

52. The Committee requests the State party to submit its next periodic report by 23 July 2030 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
