



Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Syria

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Since the beginning of protests against President Assad's rule across Syria in March 2011, the situation has dramatically worsened. Throughout 2012, the regime continued to use violence against the Syrian people and widespread clashes between opposition fighters and the military persisted. More than 100 people on average were dying every day, and recent UN estimates suggest that over 55,000 people were killed in 2012.

The Assad regime is responsible for numerous human rights violations including unlawful killings, arbitrary detention, sexual violence and torture against men, women and children. The international community has called repeatedly upon the regime to put an end to such atrocities. The United Nations International Commission of Inquiry (COI) stated that some anti-government armed groups were also responsible for committing human rights abuses, though these were not on the same scale as those committed by the regime.

In 2012, the UK sought to reduce the level of human rights violations and abuses and ensure accountability for the perpetrators. The UK has been at the forefront of the work of the UN Human Rights Council and has co-sponsored a number of Human Rights Council resolutions on Syria, including the resolution on 1 June which condemned the al-Houleh massacre of 25-26 May.

The UK supported the Arab-led UN General Assembly 3rd Committee resolution on Syria in November, which condemned the regime and its Shabbiha militias' widespread and systematic human rights violations. The resolution also condemned abuses carried out by some anti-government armed groups.

The UK has worked with the EU to impose sanctions targeting Syrian regime figures responsible for human rights violations. We raised long-standing concerns over human rights with the Syrian government during 2012. Direct communication with the Syrian government became more limited in the course of the year, with the closure of the British Embassy in Damascus in March and the subsequent departure of Syrian diplomats from the Syrian embassy in London in August.

On 20 November, the UK recognised the National Coalition of Syrian Revolutionary and Opposition Forces as the sole legitimate representative of the Syrian people and urged them to commit to the principles set out in relevant human rights conventions and applicable international humanitarian law, including the protection of all religious communities and safe access for humanitarian agencies.

The UK's goal in Syria through 2012 has been for President Assad to step aside to allow for a transition to a more stable, democratic and law-abiding Syria. The intransigence of the Syrian regime and the persistent divisions in the UN Security Council made this difficult to achieve in 2012.

In 2013, the UK Government will increase its efforts to achieve an end to the violence in Syria and make way for a political transition. It is vital that those who committed human rights violations and abuses before and during the conflict are held accountable in law, though it is for Syrians to determine the precise form of transitional justice in accordance with international standards.

Elections

The UK has urged the Syrian government to introduce genuine reforms and meet the Syrian people's legitimate demands for a peaceful transition to a democratic system. The Syrian government claimed in 2012 to have introduced genuine reform and held a referendum on a new constitution on 26 February. Syrian opposition figures and independent observers criticised the proposed reforms as a charade. Similarly, the parliamentary elections in May were widely considered to be flawed and were boycotted by the opposition.

UN and Arab League Joint Special Envoy, Kofi Annan, drew up the Geneva Communiqué in June in consultation with an action group, including the Permanent Members of the Security Council, leading members of the Arab League and the EU. It renewed the commitment to the six-point plan that Mr Annan had established in February to set out guidelines for a Syrian-led political transition. The UK worked closely with the US and France to encourage the UN Security Council to give its firm backing to Mr Annan's proposal for transition, but these efforts were vetoed by Russia and China. The Syrian regime has shown no willingness to implement the Geneva communiqué.

Freedom of expression and assembly

The Syrian constitution guarantees citizens' rights to freedom of expression and assembly. However, restrictions have increased sharply during the uprising, and throughout 2012 peaceful anti-government protests were dispersed using military force. Online monitoring and censorship of the Internet remained commonplace in 2012.

Syrian state media is tightly controlled and follows the regime narrative, calling the opposition the "terrorist" threat. Opposition activists set up their own channels and used social media sites to counter the regime. Media has increasingly been used for conflict propaganda. Syrian and foreign journalists and their offices were targeted by regime and anti-government armed groups alike. The Committee to Protect Journalists lists 28 journalists killed in Syria in 2012, including most prominently Marie Colvin and Remi Ochlik, who were killed while reporting inside Syria in February.

The UK has supported efforts through the EU, UN and Arab League to bring about an end to the violence against those demonstrating peacefully. We have trained Syrian journalists to improve their ability to report on events in Syria and form a mentored network of capable journalists for the future.

Human rights defenders

Human rights defenders have limited space to operate in Syria. They face a high risk of arbitrary arrest or detention and Syria has no independent human rights monitoring body. In August, a report by the COI expressed concern that Syria's military and security forces had committed crimes against humanity, including killings, torture, rape and other forms of sexual violence, unlawful imprisonment, and forms of severe deprivation of liberty.

In April, President Assad lifted the state of emergency, which had been in place in Syria since 1963. However, a decree was agreed allowing for detention without trial for up to two months. As violent clashes intensified throughout 2012, arbitrary detention became commonplace.

Despite the Syrian government not providing official statistics on the number of detainees and detention centres located in Syria, independent groups estimate that there could be over 35,000 political prisoners in detention. Most arrests and detentions, including of women and children, are carried out at random. The government's hostile attitude to civil society means that international and diplomatic contact can place human rights defenders at increased risk. On 10 August, the UK announced the provision of an extra £5 million in non-lethal support to the opposition, including training Syrian activists outside the country in order to equip them with the skills and capacity to monitor and document human rights violations more effectively.

Access to justice and the rule of law

Syrian citizens have always been denied proper access to justice. Even prior to the uprisings in March 2011, the judiciary was corrupt, inefficient and lacking independence. Most judges are members of, or affiliated to, the ruling Baath Party, and legislation grants the security forces immunity from prosecution. Although the judicial system has continued to handle civil and criminal cases throughout 2012, to varying degrees of credibility, many Syrians have been detained without trial or are subject to arbitrary judicial processes including in military courts. In July, the Syrian government established new "terrorism courts" that we anticipate are likely to fall far short of international standards.

Media reporting suggests that local councils in areas outside Syrian government control began in 2012 to establish local, improvised justice mechanisms. The UK encouraged these efforts to meet international standards. The UK also sent an expert Human Rights Monitoring Mission to the countries neighbouring Syria in February, to gather evidence that could support a future process of accountability. The mission put together a package to improve the quality of information and evidence gathered by Syrian human rights activists.

The UN High Commissioner for Human Rights called repeatedly for the UN Security Council to refer the situation in Syria to the International Criminal Court during 2012. The Foreign Secretary has strongly supported initiatives aimed at bringing the situation in Syria to the attention of the International Criminal Court. As Syria is not a State Party to the Rome Statute, this will require a UN Security Council resolution.

The UK welcomed the COI call for human rights violations and abuses to be thoroughly investigated and for evidence to be systematically collected in order to facilitate the process of holding accountable perpetrators from all sides. In September, the COI submitted their second confidential list of individuals and units believed to be responsible for human rights violations and abuses to the United Nations High Commissioner for Human Rights.

Death penalty

The Syrian authorities rarely disclose information about executions. It is unclear how many people were executed in 2012. The UK has urged Syria to impose a moratorium on the use of the death penalty.

Extrajudicial killings are a serious issue in Syria. Since the uprisings began, there have been increased reports of people in detention being executed arbitrarily or tortured to death.

Torture

Syria became a State Party to the UN Convention against Torture in 2004 but has failed to implement the convention in practice.

Between 15 February and 20 July, the UN COI interviewed over 81 people about allegations of torture, most of which happened under interrogation by the government's Shabbiha militia. Due to lack of access to detention centres, the COI has not been able to interview detainees directly.

Previous detainees, including women and children of all ages, speak of beatings across the head and body with sharp and blunt instruments. The COI has also documented reports of electric shocks and cigarette burns to the body, sexual violence and deprivation of food, water and sleep. Amnesty International has observed that the rising incidence of torture was reflected by an upsurge in deaths in detention, with at least 200 people, including children, reported to have died in custody in 2012. The limited evidence available indicated torture or other ill-treatment as the likely cause of death. No perpetrators were brought to justice.

There have also been reports of armed opposition groups committing abuses such as kidnapping, torture and killing of civilians.

The UK takes a strong stand against torture and has repeatedly raised concerns about reports of torture in Syria in the UN Human Rights Council and other human rights forums.

Conflict and protection of civilians

The Syrian government's response to the protests has had a profound impact on the safety of civilians. The UN estimates that over 60,000 people have died since peaceful protests first began in March 2011. The Syrian regime was responsible for the majority of the violence and destruction in Syria in 2012, though elements of the opposition became increasingly violent.

During 2012, the number of refugees leaving Syria increased, and by the end of the year over 500,000 refugees had sought refuge in neighbouring countries. Across Syria some four million people, including two million internally displaced persons, required humanitarian assistance at the end of the year. DFID supports humanitarian agencies that provide assistance to Syrian refugees and internally displaced persons. The UK is playing a leading role in the humanitarian response, providing more than 100,000 people in Syria and across the region with food parcels, blankets and warm clothing. By the end of 2012, the UK had committed a total of £68.5 million to the UN's humanitarian relief effort for Syria.

Freedom of religion or belief

The Syrian constitution safeguards freedom of religion, and this has been generally respected in the past, with religious minority groups enjoying broadly equal legal protection and being able to participate fully in society.

The unrest has had a negative impact on the relationships between Syria's different religious communities. Sectarian tensions increased in 2012 as the Syrian regime blamed fundamentalist Islamist terrorists for the violence and incited fear among minority communities. The regime used armed gangs (Shabbiha) of minority Allawite members to crack down on protesters, most of whom are part of Syria's Sunni majority. This has led to violence and sectarian reprisals between the different communities.

Throughout 2012, the UK encouraged Syrian opposition groups to reach out to all Syrians, including minority communities, and maintain a clear commitment to a peaceful and non-sectarian approach. Since the National Coalition of Syrian Revolutionary and Opposition Forces formed in November, it has sought to be fully representative of the Syrian people and committed to respecting ethnic and religious minorities.

Women's rights

Syria is now ranked 132 out of 135 countries in the World Economic Forum's Gender Gap Index 2012. The Syrian constitution in principle grants full equality to women, but gender inequality remains a problem. On 3 January, President Assad amended the Penal Code by decree to increase the minimum penalty for murder and other violent crimes committed against women in the name of family "honour" from two years to between five and seven years. The decree also imposed a penalty of at least two years' imprisonment for rape or other sexual assault; formerly, perpetrators were exempt from prosecution or punishment if they married their victim.

In 2012, despite the difficulty in collecting evidence due to cultural, social and religious beliefs surrounding marriage and sexuality, the UN COI documented that rape and sexual violence were being carried out by the regime's militia.

The fear of rape and other sexual assault has restricted the freedom of movement for many girls and women within Syria. Humanitarian agencies have also raised concerns about sexual exploitation of Syrian refugees and about reports of coerced marriages of female refugees. The UK is supporting humanitarian agencies to provide the necessary support to vulnerable Syrian refugee women.

Minority rights and racism

Syria is a diverse society. Specific demographic data is unreliable, but estimates suggest that Sunni Muslims comprise about 74% of the population, Allawite (a branch of Shia Islam) 11%, Christians 10%, Druze 3%, and other Muslims 2%. Tens of thousands of Syrian ethnic minority Kurds have been stateless since changes to Syria's nationality laws in the 1960s. Human Rights Watch estimates that there are around 300,000 stateless Kurds living in Syria today.

The popular unrest that began in March 2011 has exacerbated latent ethnic and sectarian tensions in Syria. Although fighting continues between those loyal to the regime and those against it, there are some instances where sectarian groups have been singled out and attacked. Such incidents have taken place in mixed communities or where armed groups have attempted to take over areas inhabited by pro-government minorities.

Children's rights

Children have been severely affected by the violence in Syria. The UN COI recorded more than 125 children killed since January, and more than 10 children were killed in a mortar strike on a school in Damascus in November. Children as young as 10 have been held in detention facilities with adults, breaching the Syrian Government's obligations under the Convention of the Rights of the Child.

The UN COI speculated that anti-government armed groups could be using children as messengers and porters. If proven, this would constitute a war crime. Torture of children in detention, including sexual torture of boys in front of adult men, has taken place. The commission documents children suffering post-traumatic mental health problems. The government's refusal to allow children medical treatment, the use of schools as detention facilities and interruption of education has also been reported.

Children's rights organisations have expressed concern about the welfare of Syrian child refugees in neighbouring countries. Children make up around 200,000 of the refugee population.

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