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United Nations Human Rights Council
Universal Periodic Review of the Syrian Arab Republic

I. Background

1. Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Syrian Arab Republic as a contribution to the Universal Periodic Review.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.

2. Syria has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. Syria has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; and the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation(s)

4. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; and the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.

III. Violations of international human rights obligations, considering applicable international humanitarian law

A. Freedom of thought, conscience, and religion; Religious tolerance and plurality

5. The Syrian Arab Republic's Constitution of 2012 in Article 3 states that the official national religion is Islam, and that "Islamic jurisprudence shall be a major source of legislation". It also states that "the State shall respect all religions, and ensure the freedom to perform all the rituals that do not

prejudice public order”.¹

6. Article 462 of the Syrian Penal Code stipulates a two-year imprisonment term for any individual who “publicly defame[s] religious proceedings” [translated from Arabic].² More specifically, “acts committed publicly through writings, oral statements, or gestures that insult or encourage insulting religious rituals practiced in public” are strictly criminalized.³
7. According to the US Library of Congress, “Islamist extremist groups in Syria have applied extrajudicial penalties against individuals who are accused of apostasy. For instance, in November 2013, an al Qaeda-linked group (The Islamic State of Iraq and Levant) executed a man after accusing him of apostasy and insulting God.”⁴
 - a. Officially, there is no legal provision criminalizing apostasy – or conversion away from the dominant religion – however Article 3 of the Constitution, which states that religious freedom would be protected so long as its exercise does not disturb “public order”, has been interpreted to mean that religious conversion should be done in private so as not to offend the religious majority and become a target for persecution. Former Damascus judge and attorney Haitham Maleh has been cited saying “any Syrian Muslim is allowed to change his religion provided that conversion is exercised behind closed doors and without affecting neighbours[;] an effect must not even be felt by the closest family members”.⁵
 - b. Some Syrian Christian converts have reported that societal pressure often pushes them to relocate or emigrate so that they can practice their new faith more freely.⁶
8. Contrastingly, conversion from a minority religion to Islam is permitted and even required for certain benefits. In the case that a Christian woman marries a Muslim man, in order to be buried in the same husband she must convert to Islam. However, even if the wife does convert to Islam, she is still restricted from inheriting her husband’s assets after his death.⁷
9. The government of Syria prohibits Jehovah’s Witnesses and classifies them as a “politically-motivated Zionist organization”.⁸
10. Proselytism and evangelism are illegal.

¹ Syrian Arab Republic, *Constitution, 2012*, 26 February 2012.

² United States Library of Congress, *Laws Criminalizing Apostasy*.

³ United States Library of Congress, *Blasphemy and Related Laws*.

⁴ *Supra* note 2.

⁵ Interview with Haitham Maleh, Damascus, 24 January 2007, in Marcel Stüssi, *Models of Religious Freedom*.

⁶ United States Department of State, *Syria 2020 International Religious Freedom Report*, 12 May 2021

⁷ *Ibid.*

⁸ *Ibid.*

11. The Middle East Institute reported in 2020 that tens of thousands of religious minorities located in the Syrian southwest have either fled towards the capital or out of the nation due to the ongoing civil war. Compared with nine years earlier in 2011 when the war started, there were 31% fewer Christians and 69% fewer Shia Muslims in southwestern Syria in 2020. MEI attributes the cause of this efflux to the government's "promoting itself as a champion of minorities and [as] Syria's firewall against Islamic radicalism. The regime has intentionally stoked sectarian fears while simultaneously recruiting members of the Alawite and Shi'a communities to join the ranks of allied militias. This weaponization of specific sects has eroded historically strong ties between Sunni, Shi'a, Christian, and Alawite communities in the south-west."⁹

Recommendation(s)

Jubilee Campaign urges the Syrian Arab Republic to:

12. Abolish Article 462 of the Syrian Penal Code which criminalizes and poses harsh punishments for blasphemy;
13. Take action against groups and private individuals that have applied extrajudicial penalties – such as killings or mob violence – to individuals accused of blasphemy and/or apostasy;
14. Legalize proselytism and evangelism, as such activities are components of the freedom of individuals to convert their religion, and as their legalization would be conducive to a society that protects and promotes religious freedom.
15. Ensure Personal Status Laws do not discriminate on the basis of religion or belief, allowing Muslim women to legally marry a non-Muslim if they would like to.

B. Atrocities against Minorities in Northeast Syria by Anti-Government Actors and Non-State Actors Until 2020

16. Turkish forces have been occupying various parts of northern Syria since 2016. In more recent years (2018-2020), Turkish-backed Syrian armed opposition groups (TSOs) and the Syrian National Army¹⁰ – a broader coalition of TSOs – have been reported to commit multiple human rights atrocities against civilians in the region, predominantly ethnic Kurds and monotheistic Yezidi religious minorities. Such crimes being inflicted on these individuals "detentions and abductions [...], torture, sexual violence, forced evacuations from homes, looting and seizure of private property, transfer of

⁹ Middle East Institute, *Manufacturing Division: The Assad Regime and Minorities in South-west Syria*, 11 March 2020.

¹⁰ The Syrian National Army (SNA), sometimes referred to as the Free Syrian Army, is an alliance of Turkish-backed Syrian armed groups in opposition to the national Assad government; the SNA is not to be confused with the Syrian Arab Army (SAA), which operates on behalf of the government and which the SNA opposes.

detained individuals across the border into Turkey, cutting off water to local populations, recruitment of child soldiers, and the looting and desecration of religious shrines.” Some TSOs released videos in which they called Yezidis “infidels”, “atheists”, and “pigs”, and Christian communities have been attacked.¹¹

17. Due to “Operation Olive Branch”, during which the Turkish Armed Forces occupied the predominantly Kurdish Afrin District for four months in early 2018, 90% of the Yezidi population in Afrin has either fled the region to avoid militia violence or have been forced out of their homes by TSOs or gangs. All remaining Yezidi villages in Afrin have come under Turkish control, and many of the 19 sacred Yezidi shrines and cemeteries have been desecrated or looted. Moreover, there have been no fewer than 47 abductions of Yezidis in Afrin District since 2018.¹² Some of the most recent cases are listed below:

- a. In March 2020, 20-year-old Yezidi woman Ghazala Battal was kidnapped by the Syrian rebel group Hamza Division; her mother Kuli Hassan was kidnapped four days later.
- b. In February 2020, 19-year old Yezidi woman Laura Hassan was abducted and tortured in Qara Bash (Faqiran in Kurdish language). She was forced to renounce her religion.

18. Turkish “Operation Peace Spring”, or Turkey’s October 2019 incursion into northeast Syria, displaced some 137 Syriac, Armenian, and Assyrian Christian families.¹³ In October 2019, a Syriac Christian by the name of Bassam Ishak phoned NPR and explained that “the attacks are widespread. They are targeting residential areas in Qamishli, where people of all religious backgrounds live. We think this is a message to the Kurds and Christians there to leave, so Turkey can move refugees there. We think it’s a form of ethnic cleansing.”¹⁴

19. On 30 July 2020, 40-year-old Kurdish man Radwan Muhammad was detained by Turkish-backed Islamist faction Failaq Al-Sham in the small village of Jaqmaq Kibir. Prior to the incident, Muhammad had refused to give his school building to the group at their demands for it to be transformed into an Islamic school, and he told them “I will hand you the building in one case only: if Jesus Christ comes down to earth again.” Failaq Al-Sham fighters have accused Muhammad of apostasy, and Kurdish pastor Nihad Hassan has emphasized his concern for Muhammad’s case: “They may execute him. Those Islamist groups and their Turkish masters are walking in the footsteps

¹¹ *Supra* note 6.

¹² Amy Austin Holmes, *Syrian Yezidis under Four Regimes: Assad, Erdogan, ISIS and the YPG – Occasional Paper Series, No. 37*, Wilson Center and Middle East Program, July 2020.

¹³ *Ibid.*

¹⁴ NPR, “Christian Leaders Say Turkish Invasion Of Syria Raises Risk Of ‘Genocide’”, 9 October 2019.

of IS.”¹⁵

20. Minority women in particular are especially vulnerable to sexual violence by the Syrian National Army and its affiliated TSOs. The Independent Commission of Inquiry on the Syrian Arab Republic in March 2021 found that: “while detained, Kurdish (and, on occasion, Yazidi) women were also raped and subjected to other forms of sexual violence, including degrading and humiliating acts, threats of rape, performance of ‘virginity tests’, or the dissemination of photographs or video material showing the female detainee being abused.”¹⁶

Recommendation(s)

Jubilee Campaign urges the Syrian Arab Republic to:

21. Ensure the prosecution of all perpetrators that have engaged in human rights atrocities against Syrian civilians and minorities, including: detentions, torture, kidnappings, forced evacuations, sexual violence, lootings, child soldier recruitment, etc.;
22. Take measures to reinstate security in locations formerly occupied, so that original residents (i.e., Syriac, Armenian, and Assyrian Christians; Yezidis; Kurds) may eventually safely return to their communities.

C. Atrocities by State Actors and Pro-Government Actors Until 2020

23. The Syrian government and pro-government military forces, with the support of Iranian and Russian troops, have wreaked havoc and devastation on civilians it perceives as opponents to the regime. Until the ceasefire of March 2020, thousands of Syrian citizens – predominantly Sunni Muslims – were killed and millions were displaced. Schools, hospitals and medical facilities, markets, private homes, and safety shelters repeatedly came under attack.

Recommendation(s)

Jubilee Campaign urges the Syrian Arab Republic to:

24. Ensure the prosecution of all perpetrators that have engaged in human rights atrocities against Syrian civilians and minorities, including: detentions, torture, kidnappings, forced evacuations, sexual violence, lootings, child soldier recruitment, etc.;
25. Swiftly reconstruct buildings and centers that were destroyed during the violence (i.e., schools, clinics, hospitals, shelters, houses) and reinstate security in such locations so those displaced can return.

¹⁵ Wladimir van Wilgenburg, “Fears for fate of Syrian Kurd kidnapped and accused of apostasy by Turkish-backed Islamists”, *Kurdistan24*, 15 August 2020.

¹⁶ Human Rights Council, Forty-sixth session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, *A/HRC/46/55*, 11 March 2021.

IV. Improvements and Progress

26. In the months following the ceasefire, and in addition to the waning of violence, below are some examples of progress that must be replicated or expanded on in the coming years:

- a. As of June 2021, the Northeastern Syrian city of Tal Abyad has reconstructed some 22 schools that had been destroyed by terrorist organizations; already 520 children have registered to take the high school entrance exams, a more than 100% increase since the same time last year.¹⁷
- b. The Syrian government has begun releasing prisoners who were arrested throughout 2019 and 2020 for their anti-government activities; however, thousands remain in detention.¹⁸
- c. In May 2021, three Syriac Christian groups – the Syriac Union Party, the Assyrian Democratic Party, and the Assyrian Democratic Organization – announced that, despite some issues of polarization, they would be collaborating in order to “unify the Syriac and Assyrian national ideology and discourse to present a unified Christian vision for Syria.”¹⁹

V. Existing Obstacles to Justice, Resilience, and Security

27. The International Criminal Court has little to no jurisdiction with regards to Syria, as the nation has never ratified its treaty, presenting an obstacle to punishing perpetrators on all sides of the conflict for human rights atrocities and violent crimes.²⁰

28. In the months since the ceasefire, Syria remains split into multiple areas governed by separate entities. More than half of Syria is controlled by the Assad regime and its forces; Turkish forces and anti-regime Syrian militants control small sections of the north-central region; the Syrian Democratic Forces control northeastern Syria; and Islamist militant group Hayat Tahrir al-Sham oversee a slight region in the northeast. All of these areas experience “further security complexities brought about by ongoing IS terror attacks and assassinations, Kurdish insurgents, competing armed rebel groups, tribal rivalries, and ethnic and sectarian tensions.”²¹

¹⁷ Daily Sabah, “Repaired schools give hope to children in Syria’s Tal Abyad”, 18 June 2021.

¹⁸ Sara Kayyali, “Dozens of Prisoners Released in Syria”, *Human Rights Watch*, 6 November 2020.

¹⁹ International Christian Concern, “Assyrian Christians Seek Unity in Syria”, 1 May 2021.

²⁰ Janine di Giovanni, “When Justice Is Out of Reach?”, *The Atlantic*, 29 May 2021.

²¹ Max Hoffman & Alan Makovsky, *Northern Syria Security Dynamics and the Refugee Crisis*, Center for American Progress, May 2021.

29. Despite the March 2020 ceasefire, unidentified militias continued shelling and detonating small bombs in Afrin until April 2020, severely harming and killing numerous civilians.²²
30. IDP camps – and broader regions – throughout northwestern and northeastern Syria are fraught with overcrowding, lack of sanitary conditions, malnutrition of children, exposure to extreme weather conditions and flooding, inadequate sewage systems, unemployment, devastation of cropland, heightened criminal activity and rates of extortion/theft, arbitrary detention and interrogation of minorities – sometimes accompanied by denial of aid due to their ethnicity or faith –, vulnerability to attacks by armed groups, and more.²³
- a. On 9 June 2021, a British NGO’s school, the Al-Abrar Camp School run by Syria Relief, was shelled and destroyed alongside a mosque in the early morning. The school was located near Al-Sawaghiyah village in Idlib which has repeatedly been under attack by the Syrian regime under President Assad.²⁴
31. According to Human Rights Watch, there is an increasing concern among the millions of Syrians in need of humanitarian assistance that Russia may veto the decision to reauthorize the singular United Nations aid corridor from Turkey to northwestern Syria; already, the majority of non-UN organizations have already reported facing extreme difficulties providing assistance to vulnerable communities.
- a. Upwards of 75% of civilians in *northwestern* Syria – 2.6 million of which are displaced from other regions as a result of the conflict – are fully or partially dependent on aid supplies to meet the basic needs of life, including food, medical treatment and supplies, shelter, and more. Concurrently, 1.8 million Syrian civilians in *northeastern* Syria similarly need humanitarian assistance, 70% of which are classified as being in “extreme need”.²⁵
32. Turkish forces continue to arrest and illegally transfer Syrian civilians across the border into Turkey to be tried under Turkish penal provisions. This is because within its own borders, Turkey is engaged in a prolonged conflict with the pro-democracy Kurdistan Workers’ Party (PKK), a terrorist group which it baselessly believes the predominantly-Kurdish Syrian Democratic Forces (SDF) is in cahoots with. In February 2021, a group of 63 Syrians were detained, transferred, and charged with “undermining the unity and territorial integrity of the state” and “membership in a terrorist organization”, for their alleged membership in the SDF. However, there is no evidence that these detained individuals had engaged in any crimes whatsoever, that they had been involved with the SDF at all, or that the SDF had been committing acts

²² Amnesty International, *Report 2020/21: The State of the World’s Human Rights*, 2021.

²³ *Supra* note 20.

²⁴ Arab News, “[UK charity school in Syrian camp destroyed in regime shelling](#)”, 10 June 2021.

²⁵ Human Rights Watch, “[Syria: Russian Veto Would Shut Down Last Aid Lifeline](#)”, 10 June 2021.

of terror.²⁶

33. The Assyrian Policy Institute reports that Assyrian Christian activist Husam Alkass was kidnapped, beaten, and subsequently released in early June 2021 by the Kurdish Democratic Union Party (PYD). Prior to his abduction, Alkass was active in exposing human rights violations attributed to regional de facto Kurdish officials. The incident took place in Derik (Al-Malikiyah) in northeastern Syria, a city which is now controlled by the PYD, which is classified as a terrorist group and which has close ties with the PKK.²⁷

Recommendation(s)

Jubilee Campaign reiterates a major conclusion of the Brookings Doha Center Analysis paper of December 2020 that, “while reconciliation is generally considered to be one of the key pillars of post-conflict transition, in Syria, it would either mean regime subjugation of opposition groups or, for those who dared to fight back, repression and systematic human rights abuses.”²⁸

With consideration to the above-mentioned obstacles to security and peace restoration in Syria, Jubilee Campaign makes the following recommendations to the Syrian Arab Republic:

34. Allow the development of temporary “enclave governance”, by which regions not held by the Assad regime or Islamist militant groups can foster electoral reform, democratic arrangement, inter-religious and cultural harmony, and robust security. “Integrating these areas with other parts of the country should eventually take place in conditions that are conducive to conflict reprieve.”²⁹
35. Permit civil society-driven initiatives in the realm of justice & accountability, reconciliation & transitional justice, ethnic/religious pluralism and tolerance, and peacebuilding;
36. Allow visits and investigations by the Independent Commission of Inquiry on the Syrian Arab Republic;
37. Conduct meaningful constitutional reform. In January 2021 the United Nations Special Envoy for Syria, Geir O. Pedersen, highlighted the importance of transitioning from the ‘preparation’ stage of constitutional reform to the ‘drafting’ stage;³⁰

²⁶ Human Rights Watch, “Illegal Transfers of Syrians to Turkey”, 3 February 2021.

Kurdish Committee for Human Rights-observer & Syrians for Truth and Justice (STJ), *Illegal transfer of Dozens of Syrian detainees into Turkey following Operation Peace Spring*, 10 July 2020.

²⁷ International Christian Concern, “Assyrian Christian Activist Kidnapped and Released by Terrorist Group”, 11 June 2021.

²⁸ Ranj Alaaldin, *Enclave Governance: How to Circumvent the Assad Regime and Safeguard Syria’s Future*, Brookings Doha Center Analysis Paper, 30 December 2020.

²⁹ *Ibid.*

³⁰ United Nations Special Envoy for Syria, Geir O. Pedersen, *Briefing to the Security Council*, 20 January 2021.

38. Ensure that humanitarian aid reaches all civilians in Syria.

39. Ensure religious, indigenous, and ethnic minorities have a say in the future of Syria.