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Universal Periodic Review (40th session)

Contribution of UNESCO

Syrian Arab Republic

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance on 13 August 1975	Does not recognize the State of Israel		Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 11 March 2005	Does not recognize the State of Israel		Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession on 5 February 2008			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution of the Syrian Arab Republic of 2012**¹ provides in its Article 29 (1), that “Education shall be a right guaranteed by the state, and it is free at all levels” and Article 33 (3) provides “Citizens shall be equal in rights and duties without discrimination among them on the grounds of sex, origin, language, religion or creed.”
2. The **Law No. 7 of 2012 regarding compulsory education**² provides in its Article (2) “All parents of Syrian children (male and female) whose children are between the ages of 6-15 years are required to enroll their children in basic education schools according to the following:
 - a) Children between the ages of 6-9 years enter the first cycle grades of the basic education stage and continue their education until the end of the basic education stage, according to the Ministry's instructions, in the nine regular grades.
 - b) Children who did not enroll in school and who return to school after dropping out, whose ages range from 8 to 15 years [...] enter [...] basic education schools according to their level of education [...]

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

1. The new constitution of Syria, which came into force in 2012, guarantees the right to freedom of expression as well as freedom of the press, in Articles 42 and 43.³
2. However, these rights can be restricted through several laws, such as the Counterterrorism Law⁴, which replaced the Emergency Law⁵ in 2012, and the Media Law⁶ (Decree No. 199 of 2011). The latter criminalizes the publication of material that

¹ Constitution of the Syrian Arab Republic of 2012, accessible at:

<http://www.unesco.org/education/edurights/media/docs/7f130a6c386e1a45932e14d4c62c12ec331b451d.pdf>

² Law No. 7 of 2012 regarding compulsory education, accessible at:

<http://www.unesco.org/education/edurights/media/docs/7d68c1bfd8da126140086e8ef8caf2e65228461.pdf>

³ https://www.constituteproject.org/constitution/Syria_2012?lang=en

⁴ <http://www.vdc-sy.info/pdf/reports/1430186775-English.pdf> (p. 37, Annex 1)

⁵ The Emergency Law was in force between 1963 and 2011. The Counter-Terrorism law formally ended the country's historic state of emergency.

⁶ <https://cyrilla.org/api/files/1518438540227uq1240rtzjblmwwplbpxecdi.pdf> (in Arabic)

harms national unity or tarnishes the image of the state (Articles 12 and 13). Article 16 of the same law also prohibits contacting or receiving funding from a foreign country. Law No. 93⁷, known as the 1958 Law on Associations and Private Societies, can restrict the establishment of media organizations in general.

3. Defamation is a crime, according to the Penal Code,⁸ for which punishments vary between fines, starting from 100 pounds, to imprisonment extending from one week to over a year, depending on each case and the person/entity defamed.
4. Similar to the Publications Law (Article 44), the Law for the Regulation of Network Communication against Cybercrime, passed in 2012, requires websites to “clearly publish the names and details of their owners and administrators” (article 5-12).⁹ The Media Law Article (61) stipulates that a website owner or an owner of an online platform is required “to save a copy of their content and traffic data to allow verification of the identity of persons who contribute content on the network”.¹⁰
5. According to Article 3 of the Journalists’ Unions law¹¹, issued in 1990, the Union of Journalists is committed to achieving national goals in accordance with the decisions of the country’s ruling political party) and its directions. Article 54 states that the Union has the right to penalize any member who breaches the goals of the Union, and all journalists must be Union members, whether state journalists or participants in the Union from other nationalities working for non-state-owned media organizations.
6. Law Number 9¹², passed in March 2018, establishes specialized courts for criminal cases related to communication and technology (“cybercrime”).

Implementation of legislation:

7. Amendments to the Media Law by Decree no. 26 in 2016, assigned to the Ministry of Information the mandate to set conditions for licenses, issue them to private media outlets, specify rules on funding, and issue press credentials to journalists.

⁷ <https://www.parliament.gov.sy/arabic/index.php?node=201&nid=16264&ref=tree&>

⁸ http://www.wipo.int/wipolex/en/text.jsp?file_id=243237 (in Arabic)

⁹ https://freedomhouse.org/country/syria/freedom-net/2020#footnote1_sqe8h8w

¹⁰ <https://cyrilla.org/api/files/1518438540227uq1240rtzjblmwwplbpxecdi.pdf>. (in Arabic)

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<https://syrmh.com/2019/03/18/%D9%82%D8%A7%D9%86%D9%88%D9%86%D8%A7%D8%AA%D8%AD%D8%A7%D8%AF%D8%A7%D9%84%D8%B5%D8%AD%D9%81%D9%8A%D9%8A%D9%86%D9%81%D9%8A%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-1990/>

¹² <http://www.syria.law/index.php/recent-legislation/>

8. The General Organization of Radio and TV is responsible for operating Syria's state-owned television channels, terrestrial and satellite, as well as the government radio stations. Licenses for broadcasting stations are granted under a Resolution issued by the Prime Minister, based on a proposal by the Minister of Information.
9. In areas controlled by the government, the Syrian Telecommunications Establishment (STE) serves as both an Internet Service Provider and a telecommunications regulator. In addition, private fixed-line and mobile ISPs are required to sign a memorandum of understanding with the government to connect to the international internet via gateways controlled by the Syrian Information Organization (SIO). Broadband developments in Syria are governed by the country's ICT market and internet policy.¹³
10. The publishing of newspapers or periodicals requires a license that is granted under a Resolution passed by the Prime Minister, based on a proposal submitted by the Minister of Culture.
11. According to the Media Law, every publication should be controlled directly by the Minister of Information, and any breach of the authority could cause the publication's cancellation. Television and radio stations in this law are exclusively under the control of the government, and the ministerial cabinet approves the licensing of such stations.
12. Printed press institutions are majorly controlled by the government and the executive authority. All these institutions follow the Only Media Directed (OMD) policy. Under the OMD policy, everything is under the control of the General Corporation for the Distribution of Publications (GSCDP). The GSCDP's mission is to carry out prior review of all publications distributed in Syria such as newspapers, magazines and books. According to the law of its foundation, it is the only institution authorized to distribute publications in Syria. The Board of Directors should be composed of officials from the Ministry of Information, the army, and the government. The GSCDP, according to this law, has the right to control and refuse the distribution of any publication. It has the right also to determine the number of distributed publications without referring to the publisher or distributor.¹⁴
13. Journalists are required by law to divulge their sources when requested by authorities.

¹³ <https://www.justice.gov/eoir/page/file/1236246/download>

¹⁴ <https://www.parliament.gov.sy/arabic/index.php?node=201&nid=16613&ref=tree&>

14. The government retains the right to block circumvention tools, internet security software, and applications that enable anonymous communications.
15. There is no Press Council in Syria. However, over 20 independent Syrian media foundations have agreed on the 'Ethical Charter for Syrian Media' (ECSM)¹⁵, an Ethical Charter seeking to be an ethical reference for new Syrian media, promoting freedom of expression through professional and ethical journalism.
16. Journalists are required to be members of the Union of Journalists in order to practice their profession.¹⁶ Additionally, there are two Syrian Journalists Associations (SJA), one based in Damascus and one based in Paris (SJA, run by journalists outside the country). Both part of the International Federation for Journalists (IFJ).

Safety of journalists:

17. As of 21 May 2021, UNESCO has recorded 113 killings of journalists in Syria since 2006, when the Organization systematically monitored killings of journalists. Out of the 113, 4 new cases were registered in 2020. Syria last responded to the Director-General's request on the status of judicial cases of killings of journalists in 2020. Currently, according to information provided, one case is considered on-going/unresolved, while for all other cases, no information has been received so far by UNESCO.

C. Right to take part in cultural life

Normative Framework: constitutional and legislative frameworks

- The right to participate in cultural life is explicitly mentioned under article 34 of the Syrian Constitution (2012):

“Every citizen shall have the right to participate in the political, economic, social and cultural life and the law shall regulate this”.

¹⁵ <https://almethaq-sy.org/en>

¹⁶ <https://syrmh.com/2019/03/18/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D8%AA%D8%AD%D8%A7%D8%AF-%D8%A7%D9%84%D8%B5%D8%AD%D9%81%D9%8A%D9%8A%D9%86-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-1990/>

- Article 23 of the Constitution addresses the right for women to participate in cultural life:

“The state shall provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life, and the state shall work on removing the restrictions that prevent their development and participation in building society”.

- Articles 31 and 32 address the support of cultural creativity and the protection of cultural heritage:

“The state shall support scientific research and all its requirements, ensure the freedom of scientific, literary, artistic and cultural creativity and provide the necessary means for that end. The state shall provide any assistance for the progress of sciences and arts, and shall encourage scientific and technical inventions, creative skills and talents and protect their results”.

“The state shall protect antiquities, archaeological and heritage sites and objects of artistic, historical and cultural value”.

- The Syrian Antiquities Law was promulgated by Legislative Decree No. 222 of 1963. Today it entails several amendments, the last one from 1999. It protects movable and immovable antiquities by declaring them the property of the State and provides for sanctions for looting, illegal excavations and trafficking.
- A Legislative Decree No. (10) of 2016 was issued by the President of the Syrian Arab Republic, which includes approval of Syria’s accession to the 1995 UNIDROIT Convention.
- The Directorate-General for Antiquities and Museums (DGAM) and the Ministry of Culture have completed a new draft law on protecting Syrian archaeological heritage

(but not yet adopted until to date), which complies with the standards set out in international conventions. It keeps abreast of the development of global thinking in this domain and is compatible with Syria's uniqueness and diverse cultural heritage. It provides a higher level of legal protection for World Heritage sites and the necessary grounds to reform the services in charge of safeguarding heritage. In addition, it foresees the active participation of local communities at all levels in protecting, managing, and investing in heritage. It aims to enable Syria to make better use of the international conventions it has ratified.

- The preparation for this draft law has coincided with the preparation for another draft law on introducing a public body to protect and manage Syrian archaeological heritage with wider powers and tasks than currently exist under the DGAM.
- Several laws protect the copyright of authors (literary writers and artists): Decree No 2385 (1924), articles 708 and 709 of the Syrian Penal Code and the Law on the Intellectual Property in Syria (2008). Authors' rights are protected for 50 years after their death; for performing artists, this is 50 years from the date of the first public performance.

Institutional framework:

- The DGAM is the main public institution responsible for protecting and promoting culture, including archaeological excavation and research at heritage sites. The DGAM is under the central supervision of the Syrian Ministry of Culture Policy measures:
- No specific information available.

Work with civil society:

- The new draft law on protecting Syrian cultural heritage foresees, under article 58, "Heritage Management Plan", the active participation of local communities at all levels in protecting, managing and investing in heritage.
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III. Review and specific recommendations

A. Education

Free education

- While the Constitution of the Syrian Arab Republic provides for free education at all levels, according to the available information. Law No. 32 of 7 April 2002,¹⁷ states that primary and intermediate education stages, the basic education stage, are **free and compulsory**. Basic education covers the ages of 6-15 years (Law No. 7 of 2012 regarding compulsory education, Article (2)). As such, the law provides for **nine years of free education**. This is still below the twelve years of free primary and secondary education required by the Education 2030 agenda.¹⁸

Pre-primary education

- **No legal provision** has been identified that provides for pre-primary education. The Education 2030 agenda¹⁹ requires states to guarantee at least one year of free and compulsory pre-primary education.

Out-of-school children

- Important concerns were raised by the Committee on the Rights of the Child (CRC) regarding the millions of children denied access to education.²⁰
- UNICEF found that a total of **2.1 million children in Syria are estimated to be out of school**, with a further 1.3 million at risk of dropping out.²¹

Minimum age of marriage

- According to the Personal Status Law of 1953²², the minimum legal age of marriage is 18 years for boys and 17 years for girls (Article 16). However, **girls are able to**

¹⁷ Law No. 32 of 7 April 2002, accessible at:

<http://www.unesco.org/education/edurights/media/docs/6c7cb80367e5897bfa39b36f8cf1accbdddacd75.pdf>

¹⁸ Education 2030 agenda, accessible at: http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

¹⁹ Ibid.

²⁰ Concluding observations of the Committee on the Rights of the Child, Doc. CRC/C/SYR/CO/5, 2019, para. 19(g), accessible at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/SYR/CO/5&Lang=En

²¹ UNICEF, Education Facts and Figures in Syria, 2019, accessible at:

<https://www.unicef.org/syria/media/4231/file/UNICEF%20Facts%20and%20Figures%20Education%20Q2%202019.pdf>

²² Personal Status Law of 1953, accessible at:

<http://parliament.gov.sy/arabic/index.php?node=201&nid=11333&RID=-1&Last=7&First=0&CurrentPage=0&Vld=-1&Mode=-1&Service=-1&Loc1=0&Key1=&SDate=&EDate=&Year=1953&Country=&Num=&Dep=-1&>

marry at 13 years and boys at 15 years with judicial consent (Article 18(1)). According to the Joint CEDAW-CRC General Recommendation N°31, a capable child below the age of 18 may be allowed to marry. Provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.²³ Therefore, the **minimum age of marriage should be brought up to 18 years for both girls and boys, and in no case should the age fall below 16 years**. This is crucial to ensure that girls can complete their education and to eliminate discrimination towards girls.

Children with disabilities

- The CRC also raised concerns regarding the **access to education** of children with disabilities.²⁴

Armed conflict

- More than one in three **schools are damaged or destroyed**, while others are used for purposes not related to education, such as shelter for displaced people. In the northwest of the country, the continuation of hostilities resulted in the destruction of an additional 45 schools and in 400,000 children not being able to attend final exams.”²⁵
- Similarly, the CRC raised numerous concerns including, the **deteriorating quality of education**, the **shortage of qualified teachers** and the extensive damage to school facilities, but also the prevalent **attacks on school facilities and personnel** by parties to the conflict, and the use of schools for military or other purposes; the lack of accreditation for children enrolled in schools in areas controlled by non-State armed groups and the difficulties they face with regard to sitting national exams; and finally, the situation in the northeast of the country where Kurdish-led authorities established a separate curriculum, which is preventing an estimated 800,000 children from continuing their education.²⁶

COVID-19 pandemic

²³ Joint CEDAW-CRC General Recommendation N°31, Doc. CEDAW/C/GC/31-CRC/C/GC/18, 2014, para. 19, accessible at :

https://reliefweb.int/sites/reliefweb.int/files/resources/CEDAW_C_GC_31_CRC_C_GC_18_7557_E.pdf

²⁴ Ibid., para. 36

²⁵ Ibid.

²⁶ Concluding observations of the Committee on the Rights of the Child, *op. cit.*, para. 43

- A total of **4,188,528 learners were affected by school closures** starting from 17 March 2020²⁷. As of today, the total duration of school closures is **29 weeks**²⁸ as schools reopened partially in September 2020 and fully opened since the end of January 2021.²⁹

Specific recommendations:

18. The Syrian Arab Republic should be encouraged to:

- Ratify the UNESCO Convention against Discrimination in Education.
- Consider revising the Constitution to explicitly guarantee twelve years of free primary and secondary education and reflecting these guarantees in the law to ensure its full enforcement.
- Introduce at least one year of free and compulsory pre-primary education in the legislation.
- Revise the Personal Status Law to set the legal age of marriage at 18 for both girls and boys, with the only exception being that of judicial consent. In no case should the age fall below 16 years to protect the right to education of girls and women.
- Take all necessary action to ensure that all children, and in particular internally displaced people have access to quality education, that teachers are adequately trained and qualified, and that rehabilitating damaged schools is a priority.
- Facilitate learning for children who have dropped out of school, such as through accelerated learning classes and ensure that children living under the control of non-state actors can pursue their education and access national exams.
- Reinforce measures, including through seeking international assistance, to increase the protection of schools from armed attacks and publicly denouncing such actions.
- Increase efforts to ensure that all people with disabilities have the right to inclusive education and reflect this right in the legislation.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education

²⁷ UNESCO, Global monitoring of school closures - interactive map, accessible at: <https://en.unesco.org/covid19/educationresponse#schoolclosures>

²⁸ UNESCO, Total duration of school closures - interactive map, accessible at: <https://en.unesco.org/covid19/educationresponse#durationschoolclosures> [accessed on 28/04/21]

²⁹ UNESCO, Global monitoring of school closures - interactive map, accessible at: <https://en.unesco.org/covid19/educationresponse#schoolclosures> [accessed on 28/04/21]

- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education³⁰ and *Her Atlas*.³¹

B. Freedom of opinion and expression

19. The Syrian Arab Republic should be encouraged to:

- Review its legal framework in order to guarantee that all forms of censorship (direct and indirect) are regulated according to Articles 19 and 20 of the International Covenant on Civil and Political Rights.
- Introduce a freedom of information law that aligns with international standards.³²
- Decriminalize defamation and place it within a civil code according to international standards.³³
- Facilitate the introduction of self-regulatory mechanisms, including a Code of Ethics, among media professionals.
- Investigate the cases of killed journalists and voluntarily report on the status on of judicial follow-up to UNESCO. The Government may wish to consider implementing the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity* as a means to strengthen the protection of journalists and freedom of expression.

C. Cultural Rights

³⁰ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

³¹ <https://en.unesco.org/education/girls-women-rights>

³² See for example, General Comments No 34. Of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe on the "Threats to the lives and freedom of expression of journalists".

³³ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe on the "Threats to the lives and freedom of expression of journalists".

20. The Syrian Arab Republic should be encouraged to:

- Ensure that the inhabitants of the World Heritage cities and sites in Damascus, Aleppo and Bosra maintain their access rights and their land and property rights.
- Ensure that individuals and communities across Syria can practice their cultural rights and their languages.
- Ensure that concerns for intangible cultural heritage, the diversity of cultural expressions and creativity are appropriately reflected in national legislation.
- Ensure that reconstruction and recovery efforts are undertaken with the participation of local communities and that they do not exclude the rights of the absentees (refugees and internally displaced peoples).
- Elaborate appropriate policies and programs and establish units responsible for these domains in the Ministry of Culture and ensure appropriate public funding for this purpose.
- Develop specific training curricula in the Syrian universities to train cultural professionals with an appropriate academic and scientific background.
- Encourage the Syrian Authorities to become parties to the Second 1999 Protocol of the Hague Convention.
- Promote artistic freedom without intimidation or retaliation.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

21. The Syrian Arab Republic submitted its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation the period from 2017 to 2020, the aim of which is to record implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-

discrimination, requiring in this case active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research.

22. The report as submitted indicates that significant action has been taken in relation to: protections for human rights of human subjects of research: the Syrian Arab Republic establish a multi-disciplinary committee that has circulated a national guide aiming to establish national standards for researcher responsibilities and to attract commitments by researchers.