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Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Syria

Widespread violations of human rights continued in Syria in 2010. The state of emergency, in place since 1963, provides a legal basis for emergency laws used to justify violations of freedom of expression and association and other civil and political rights, enforced disappearance, prisoner abuse, travel bans, arbitrary arrest and unfair trials. Human rights defenders are vulnerable to harassment, including demands from the security services not to associate with foreign diplomats monitoring the human rights situation in Syria. The Syrian government justifies the continuing use of the emergency law by the ongoing "state of war" between Syria and Israel. The sentencing of two high profile human rights defenders in July in the face of national and EU calls for their release, and the ongoing detention of 19-year-old female blogger Tal al-Mallouhi, were stark reminders of the regime's approach to human rights. Syrians actively practise self-censorship at all levels. This situation has not deterred Syria from presenting itself as a suitable candidate for election to the UN Human Rights Council.

The UK raised human rights with the Syrian government regularly and at all levels throughout 2010, including when Parliamentary Under-Secretary of State Alistair Burt met Foreign Minister Muallem in July. The UK was the first country to issue a national statement on the sentencing of human rights defender Mohannad al-Hassani in July and on his subsequent mistreatment in prison in November, prompting international press coverage and statements from other countries. UK calls for action at the EU working group on human rights in Syria resulted in EU démarches and declarations criticising the regime's human rights record.

The outlook for human rights in Syria is set to deteriorate gradually in 2011. Continued condemnation by the international community of human rights abuses is unlikely to have much impact on the actions taken by the Syrian authorities. Concern about social unrest by Syrian citizens over the bleak domestic economic outlook may also see the authorities exert more control over the media, NGOs and associations through the emergency law, at the expense of citizens' human rights. The authorities may set in place a series of reforms in domestic political structures ahead of the parliamentary elections in April, but they are unlikely to be little more than cosmetic.

Elections

Political reform remained frozen in 2010. Parliamentary elections are held every four years and are due in April 2011. They will be neither free nor fair. A presidential referendum is held every seven years; the next will be in 2014. Though not formally a single-party state, all political life remains under Baath Party control through a political "front" of 11 parties, known as the National Progressive Front. This stifles,

rather than enables, political pluralism. In January 2007 President Assad decreed a series of largely cosmetic electoral reforms ahead of the April parliamentary elections, a May presidential referendum, and August municipal elections. In early 2009 he undertook to put political liberalisation back on the agenda. He gave as examples expanding political participation, creating a second chamber of parliament – an elected senate with a legislative role to give more space to the opposition; further liberalising the political media and internet to promote dialogue; and (again) enacting a law regulating political parties. No timeframe was given for these reforms, although President Assad has said that they would be implemented gradually and at Syria's own pace. None had been introduced by the end of 2010.

Access to justice

Although the Syrian constitution provides for the independence of the judicial authority, the judicial system remained under the control of the regime and security services. Corruption and political interference continued to hinder the independence of the judicial authority. Military courts and the Supreme State Security Court (SSSC), created under the emergency law of 1963, continued to co-exist with the normal judicial system. Our diplomats regularly observed trials at the SSSC, until December when the Syrian authorities withdrew permission for all diplomats to attend trials, without explanation. The Syrian authorities continued to refuse diplomats access to their military courts.

Individuals accused of crimes in Syria continued to be denied access to a fair judicial process. We observed in the SSSC that defendants were given little time to defend themselves. Prisoners were not allowed access to their lawyers before trial and their lawyers were not allowed to speak for them in court.

Rule of law

The rule of law in Syria remained weak in 2010. Under the emergency law, civilians are detained and tried by military courts for offences such as disturbance of public order, creation of an illegal organisation or, insulting or slandering of the president and governmental institutions.

The immunity of judges is not guaranteed under Syrian law and they can be easily removed from their postings or impeached. The Syrian Bar Association is also controlled by the authorities. This was clear when prominent Syrian lawyer and human rights defender Mohannad al Hassani was stripped of his credentials by the president of the Syrian Bar Association when he was sentenced in July.

Death penalty

The Syrian criminal code allows for execution by hanging as the maximum penalty for a number of crimes, including murder, grave sexual offences, drug crimes, high treason and membership of the Muslim Brotherhood. There was evidence that at least seven men were sentenced to death after being convicted of murder in 2010. The authorities rarely disclose information about executions.

Torture and other ill treatment

Torture was used by law enforcement and investigative officials in Syria in 2010. For the first time since signing the UN Convention against Torture in 2004, Syria submitted a report to the UN Committee against Torture. This was subsequently discussed by the committee in May. In its concluding observations, the committee was "deeply concerned about numerous, ongoing and consistent allegations concerning the routine use of torture by law enforcement and investigative officials". The committee detailed allegations of physical and psychological torture and other ill treatment widely applied to suspects under interrogation, including political opponents, by the police and the security services. The committee also expressed its concern at credible reports of a

number of deaths in custody and restrictions on forensic examination into these cases.

Prisons and detention issues

Arbitrary detentions continued to be used as a mechanism of control by the regime throughout 2010. The use of all-encompassing charges such as "weakening national sentiment" and "spreading false news" to justify detention are a constant source of fear for human rights defenders and civil society activists. Their vague interpretation allowed the security services to detain, question and arrest any Syrian, including the two prominent Syrian human rights defenders, Muhannad al Hassani and Haitham al Maleh. At least 12 Syrian bloggers were detained under these charges in 2010. We also received regular reports of continuing arbitrary arrests among the minority Kurdish community. Although no accurate figures exist for the number of political prisoners in Syria, reports vary from 1,000 to 3,000 held in detention.

According to 2010 reports issued by international human rights NGOs, including Amnesty International and Human Rights Watch, prisoners are held incommunicado by the Syrian authorities for weeks, months and even years, and continue to be abused and tortured in order to extract confessions. Prison conditions are bad, with prisoners obliged to sleep on concrete in crowded, dirty cells and to pay for food, bedding and clothing. Our observations of trials at the Supreme State Security Court, where most political and security cases are tried, saw prisoners arriving at court in a poor state of mental and physical health and often without knowledge of the charges against them. International organisations have no access to prisons or to detention centres. Family visits in prisons remain limited.

Human rights defenders

The 12 imprisoned members of the Damascus Declaration for Democratic National Change were released in 2010 on completion of their sentences. The Damascus Declaration signatories are an unauthorised coalition of activists established in October 2005, whose leaders were sentenced to two-and-a-half years in prison on 29 October 2008 for "weakening national sentiment". Their release was marred by the immediate re-arrest of one of their number, Ali Abdullah, for an opinion piece he wrote in August 2009 while in prison, criticising the "Mandate of Jurist" in Shi'a Islam. The EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission Catherine Ashton called for his release on 27 July. There has been no response from the Syrian authorities, and Mr Abdullah remains in jail awaiting trial. Two high-profile human rights lawyers were also imprisoned in 2010. On 4 July Muhannad al Hassani, president of the Syrian Organization for Human Rights, and winner of the 2010 Martin Ennals Award for Human Rights Defenders, was sentenced to three years for "weakening national sentiment" and "spreading false news" after he had reported on legal proceedings before the State Security Court. On 11 July Haitham al Maleh, an 80-year-old human rights lawyer and activist, was also sentenced to three years for "weakening the national sentiment". Haitham al Maleh was in very poor health and was being denied access to hospital treatment and suitable medication.

Freedom of expression

Freedom of expression remained severely restricted in Syria in 2010. Syria ranked 173 out of 178 countries on the Reporters Without Borders 2010 Press Freedom Index, falling from 165 in 2009 and 159 in 2008. Although the Syrian constitution states "every citizen has the right to freely and openly express his views in words, in writing, and through all other means of expression ..." and "The State guarantees the freedom of the press, of printing, and publication in accordance with the law", the emergency law continued to allow for wide-ranging censorship of newspapers, magazines and other publications. Further laws continued to prohibit the "dissemination of false news for the purpose of creating disorder", carrying heavy prison sentences. Almost all of Syria's print media remains government-owned, all newspapers are censored before publication and all journalists practise self-censorship. Foreign journalists are rarely accredited. The few private publications are owned by Syrian businessmen with close ties to the ruling elite.

There is only one private satellite channel broadcasting from inside Syria, owned by President Assad's cousin. The Syrian telecommunications market is the most regulated in the Middle East, with state-owned Syrian Telecom owning all telecommunications infrastructure and enjoying a monopoly over wired and wireless services throughout the country.

Online media was almost as heavily restricted in 2010. As blogging and online journalism increasingly undermined the state's monopoly over mass communication, the Syrian government continued actively to crack down on it. The Committee to Protect Journalists named Syria as the third-worst country in the world to be a blogger, behind Burma and Iran. Syrian security services continued to combine old-school tactics, including arbitrary arrests and detention, unfair trials, prolonged imprisonment, travel bans and harassment, with newer techniques such as online blocking and monitoring, to try to dissuade online activists. At least 12 Syrian bloggers were convicted under the emergency law. Their imprisonment served a dual purpose; the bloggers were silenced, and their arrest intimidated others, prompting internet users to engage in self-censorship. The government also controlled bloggers and journalists by preventing them from leaving Syria. By the end of 2010, more than 400 activists, including online journalists, were subjected to travel bans.

Freedom of religion and belief

Syria is a multi-religious state. The constitution provides for freedom of religion. While there is no official state religion, the constitution requires the president to be Muslim and stipulates that Islamic jurisprudence is the principal source of legislation. The constitution provides for freedom of faith and religious practice, provided that religious rites do not disturb the public order. However, the government restricts full freedom of choice on religious matters. The government continued to prosecute alleged members of the Muslim Brotherhood or Salafist movements and continued to outlaw Jehovah's Witnesses. Moreover, the government continued to monitor the activities of all groups, including religious groups, and discouraged proselytising, which it deems to be a threat to relations among religious groups.

There were occasional reports of minor tensions among religious groups, some of which were attributable to economic rather than religious rivalries. Muslim converts to Christianity were sometimes forced to leave their places of residence due to social pressure.

The Yezidis, a religious minority within the Kurdish community, continued to suffer religious discrimination. Their religion is not recognised by the state. Yezidis are registered in Syria as Muslims and receive Islamic education in state schools.

Women's rights

The Syrian constitution grants full equality to women. Syrian women participate fully in political life, and women held three ministerial positions and the role of vice president in 2010. There are also many women in judicial, academic, public and business life. But Syrian legislation remains discriminatory, especially in family issues. The nationality law of 1969, the penal code and the personal status law all contain discriminatory provisions, for example, with respect to passing on nationality to children and dispositions related to marriage, polygamy, guardianship, divorce, child custody, rape, adultery, honour crime, contraception and abortion. Women receive twice the length of sentence for adultery than men.

In January, a comprehensive anti-trafficking law was issued to provide victims with protection and redress. An executive code, awareness raising and capacity building are all still needed before effective implementation of the anti-trafficking law can take place. Since 2009, two shelters for female victims of human trafficking have been established under the supervision of the Ministry of Social Affairs and Labour in cooperation with the International Organization for Migration.

Children's rights

Children's rights in Syria presented a mixed picture in 2010. There is no effective mechanism by the Syrian state for the protection of children from domestic violence. In rural areas girls are sometimes prevented from going to school either because of arranged marriages at an early age (the minimum age for marriage is 13 for girls) or in order to make them work. According to the Syrian government, children between 10 and 14 years of age made up 2% of the labour force in 2010. Unofficial estimates are higher at 4-5%. With the increasing number of Iraqi refugees in Syria, child labour and street children are becoming increasingly common.

In detention, minors are often held in groups for unspecified periods of time, and sometimes with adults. Children have been observed being brought before the courts in chains and being tried as adults.

Minorities and other discriminated groups

Syria is a multi-ethnic state where different religions and ethnic groups co-exist. Yet demands for special protection and minority rights continue to be interpreted by the Syrian government as threats to the unity of the state, particularly in relation to Syrian Kurds. A census in 1962 revoked the nationality of thousands of Syrian Kurds, and today around 300,000 of the 1.7 million Kurds living in Syria are denied citizenship, being referred to as the "stateless Kurds". There were regular reports of arbitrary arrests, violations of Kurdish property rights, and deaths of Kurds in military service. The teaching of Kurdish is prohibited and Kurdish festivals, such as the Nowruz celebrations in March, are disrupted by the security services.

Homosexuality remains strictly forbidden by the criminal code. The Syrian police regularly clamp down on suspected meetings for homosexuals and there are no recognised associations to campaign for or protect LGBT rights.

Other issues: Human rights groups

A new draft law on civil society was discussed at a conference on development issues presided over by First Lady Assad in January, but the draft law had yet to appear by December. Human rights organisations remain prohibited and travel bans were used extensively to prevent Syrians from attending international events or conferences. All civil associations have to be cleared with the security services.

Only 13 international NGOs are currently registered in Syria, which work exclusively with Iraqi refugees. The Syrian International Academy for Training and Development was closed down in July.
