

POLICY BRIEF



Syria

Ensuring equal dignity and rights for Christians and other minorities

Syria gained independence in 1946. Hafiz al-Assad of the socialist Baath party took power in 1970 and ruled as president until his death in 2000. His son, Bashar al-Assad, was then appointed president by popular referendum, re-appointed for a second term in 2007 and for a third term in 2014. In March 2011, in the wake of the Arab Spring, anti-government political demonstrations and their attempted repression by the Government led to an ongoing armed conflict that involved domestic, as well as regional and global actors, cost hundreds of thousands of lives and displaced millions.¹

Prior to the start of the conflict, Syria's ethnically and religiously diverse population was estimated at around

23 million. Approximately 74% of Syrians were Sunni Muslim, 13% were Alawite and other Muslim groups, 3% Druze and 8% Christian. The massive displacement of Syrians within and outside Syria caused by the conflict has deeply affected all religious and ethnic communities.²

The need for rebuilding, healing and reconciliation

As of March 2021, the armed conflict is mostly confined to the Northeast and Northwest regions of Syria. After more than 10 years of war and destruction, the Syrian population is in urgent need of emergency humanitarian

¹ "Syria: Country Dossier", *World Watch Research*, December 2021, pp. 9. Available at: <http://opendoorsanalytical.org/wp-content/uploads/2021/01/Syria-WWL-2021-Country-dossier.pdf>.

² See <https://www.meconcern.org/countries/syria/>.

assistance, as well as infrastructure and economic opportunities. Lack of access to sustained healthcare, education, housing and food has exacerbated the effects of the conflict and millions of people suffer from unemployment and poverty, making them dependent on humanitarian aid and assistance. This is especially the case for those internally displaced – more than 6 million according to UNHCR statistics.³

Of the approximately 1.8 million Christians living in Syria before the war, many have left the country. Open Doors reports that there are fewer than 800,000 Christians left. Those remaining are struggling to see opportunities for a future. In this crisis situation, churches and other local Faith-Based Organizations (FBOs) have brought hope to the displaced and those affected by the war, by providing humanitarian assistance, trauma care, education, livelihood projects as well as vocational training, and other essential services to help the Syrian people rise up from the ashes of the war.

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Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Syria is a state party, recognizes the right to an adequate standard of living and the continuous improvement of living conditions.⁴ Efforts from the Syrian Government and the International Community to rebuild Syrian society and basic infrastructure are urgently needed. Such efforts include ensuring that any sanctions imposed on the Syrian Government do not affect rebuilding efforts or cause violations of the inherent rights of Syrian people.⁵ Rebuilding should not be limited to infrastructure and services, but should also involve the healing and restoration of deep sectarian divides caused and deepened by the war, helping to build a new social fabric, as well as recognizing and listening to the war's victims and re-establishing their confidence in state institutions. Without these conditions, there cannot be durable peace and stability in Syria.

³ See <https://www.unhcr.org/uk/syria-emergency.html>.

⁴ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, Art. 11. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

⁵ US must remove sanctions and allow Syria to rebuild", Statement by UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights, 29 December 2020. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26630&LangID=E>.

⁶ The Constitution of the Syrian Arab Republic, 2012, Art. 3. Available at: https://www.constituteproject.org/constitution/Syria_2012.pdf?lang=en.

⁷ *Ibid.*, Art 42.

⁸ See <https://parliament.gov.sy/arabic/index.php?node=201&nid=11333&ref=tree&>, Art 48 (in Arabic).

⁹ See <https://parliament.gov.sy/arabic/index.php?node=201&nid=11333&ref=tree&>, Art 264 (in Arabic).

¹⁰ *International Covenant on Civil and Political Rights*, 16 December 1966, Art. 18. Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

Ensuring equal dignity and rights for all Syrians

The conflict in Syria has fallen along sectarian lines and deepened the divide between different religious and ethnic groups in the country. After more than 10 years of conflict that inflicted suffering and trauma, Christian communities in Syria want to be treated as full citizens with equal rights. Currently, Article 3 of the Syrian Constitution of 2012 states that the president must be a Muslim and that Islamic jurisprudence is a major source of legislation. The same provision prescribes that “[t]he State shall respect all religions, and ensure the freedom to perform all the rituals that do not prejudice public order.”⁶ Article 42 protects “freedom of belief [...] in accordance with the law”⁷.

Moreover, Article 48 of the 1953 Personal Status Law states that the marriage between a Muslim woman and non-Muslim man is illegal. The law requires a non-Muslim man to convert to Islam to be eligible to marry a Muslim woman.⁸ Article 264 of Syria's Civil Code denies non-Muslims the right to inherit from Muslims.⁹ Although Syria's criminal law does not prescribe a punishment for conversion from Islam, Sharia prohibits such practice and conversion is considered socially unacceptable.

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Syria, being a state party to the International Covenant on Civil and Political Rights without reservation, is legally bound to respect freedom of religion or belief as prescribed by Article 18 of the ICCPR. Such international legal provision distinguishes between the right to “have or adopt” a religion or belief – an absolute right subject to no limitations – and the right to manifest one's religion or belief – which can only be limited if necessary and prescribed by law, and to protect “public safety, order, health, or morals or the fundamental rights and freedoms of others.”¹⁰ The right to choose or change one's religion is an integral and inseparable part of the right to have or

adopt a religion or belief.¹¹ ICCPR Article 26 also prohibits state parties from discriminating on the basis of race, color, sex, language, religion, and political views.¹² The Syrian legal framework and the enforcement of the law should be in line with the above international human rights standards.

Ensuring justice, preventing future atrocities

Christians have been targeted by Islamist groups such as the Islamic State of Iraq and Syria (ISIS), Al-Nusra, and others. When ISIS took control of Raqqa in 2014, it issued a number of restrictions on Christians and other minorities in the city that included paying jizya (a tax paid by non-Muslims living in a state governed by Islamic Law), a ban on displaying any religious symbols in public, ringing church bells or praying in public. ISIS offered Christians three choices: to comply with these conditions; convert to Islam or reject these conditions and risk being killed.¹³ This resulted in a mass displacement of Christians from ISIS-controlled areas. For example, there were more than 13,000 Christians in Raqqa before ISIS' arrival; fewer than 80 are left now.¹⁴ ISIS members have attacked and destroyed churches and kidnapped, killed, raped and sexually abused Christians.¹⁵ ISIS also targeted Yazidis with killings, sexual slavery, torture and forcible transfer, atrocities that were declared to amount to genocide. Numerous reports and investigations provide enough evidence to claim that ISIS committed atrocity crimes such as war crimes, crimes against humanity and genocide.¹⁶ Crimes and atrocities committed by ISIS are not restricted to certain religious groups and minorities, but to anyone who disagreed with their extremist interpretation of Islamic precepts. Many who have been kidnapped by ISIS are still missing, their whereabouts unknown.¹⁷ Despite its territorial defeat, ISIS is still active in Syria, especially in the Northeast, and still targeting civilians. For example, on 11 November 2019 an Armenian Catholic priest and his father were killed in terrorist attack claimed by ISIS in al-Zir village in the al-Busayrah sub-district of Deir ez-Zor.¹⁸

The atrocities committed by ISIS and other Islamist

groups in Syria are well-known. The trauma of these crimes on the victims of such atrocities and on the whole Syrian population must not be ignored. Atrocity crimes represent a threat to international peace and security. As such, they cannot go unpunished and their prosecution must be ensured to bring justice to the victims, end impunity and prevent further atrocities. All prosecutions should be carried out within international legal standards, ensuring that the rights of those charged and prosecuted are respected. All actors involved in the prosecution of ISIS members charged with atrocity crimes and other crimes must adopt an approach of restorative rather than retributive justice, in order to ensure healing, as well as preventing further radicalization.

The situation in Northeast and Northwest Syria

In October 2019, After the U.S. announced the withdrawing of their troops from Northeast Syria, Turkey expanded its military presence and its involvement in the conflict with an incursion in the Northeast, an area then largely controlled by the Syrian Democratic Forces. Open Doors reports that there were about 50 Christian families in Ra's al-Ayn before October 2019. The overwhelming majority of these families left their homes before Turkish-backed forces entered the city; only a few decided to stay. Militias raided Christian neighborhoods and looted houses belonging to Christians, as well as 3 churches - Saint Thomas Church, Saint Mary Magdalene Church and Saint Hagop Church in Ra's al-Ayn. The Christians who decided to stay were threatened by the militias and eventually forced to leave the city. A Christian man reported that his house was raided by members of the occupying forces, who looted his property while he was present. Such human rights violations were not only carried out against Christians. The UN Independent International Commission of Inquiry on the Syrian Arab Republic also documented significant human rights violations in the area against the civilian population, in particular cases of forced conversion to Islam of Yazidis as well as other violations against Kurds.¹⁹

¹¹ "The Committee observes that the freedom to "have or to adopt" a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief." *Human Rights Committee General Comment No. 22*, 30 July 1993, Para 5. Available at: <https://www.refworld.org/docid/453883fb22.html>.

¹² *International Covenant on Civil and Political Rights*, 16 December 1966, Art 26.

¹³ "The Future of Syrian Christians after the Arab Spring", Georges Fahmi, JUNE 2018. Available at: https://cadmus.eui.eu/bitstream/handle/1814/55924/RSCAS_2018_04.pdf?sequence=1&isAllowed=y.

¹⁴ See <https://www.csw.org.uk/2021/03/01/report/5017/article.htm>.

¹⁵ See <https://www.nytimes.com/2018/08/15/world/middleeast/syria-isis-assyrian-christians.html>.

¹⁶ See, for example: https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A_HRC_32_CRP.2_en.pdf.

¹⁷ See, for example: https://www.hrw.org/sites/default/files/report_pdf/syria0220_web_0.pdf.

¹⁸ Syria: Country Dossier", *World Watch Research*, December 2021.

¹⁹ "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", 14 August 2020, Para. 46-59. Available at: <https://undocs.org/A/HRC/45/31>.

Recommendations:

1 To ensure the **improvement of dignified living conditions for all Syrian citizens**, especially for returning refugees and the internally displaced:

- Donor governments and institutions should **integrate flexible funding opportunities** into their programming to allow a variety of well-coordinated and non-partisan in-country Faith and Community Based Organizations (FBOs/CBOs), such as churches and mosques, to carry out their work including providing access to food, safe drinking water and essential medical supplies, locally-appropriate psychosocial care, reconciliation and community-building projects amongst the displaced; and rehabilitation and reconstruction activities, such as housing repair and income-generating projects;
- Governments and institutions imposing sanctions on the Syrian Government should **conduct a thorough assessment of their effect on the Syrian people** and **remove those measures** which contribute to human rights violations, prevent or restrict access to humanitarian aid or inhibit the reconstruction of basic infrastructure destroyed by the ongoing conflict.

2 The Syrian Government, all other parties involved in the conflict and the international community, should **set up instruments at the local and national level to ensure post-war coexistence and reconciliation** between different groups and parties, such as truth commissions, reparation programs and tribunals, to heal trauma caused by the conflict. Such processes should aim to strengthen the social fabric; building trust while acknowledging past wrongs; to give voice to victims and respond to their suffering; to bring together alienated communities and re-establish citizens' confidence in their institutions.

3 To ensure the **protection of the inherent and inalienable rights of all Syrian**

citizens, irrespective of race, religion or other status, the Syrian Government should:

- **Amend Article 3 of the Constitution** by removing adherence to Islam as an eligibility criteria for presidency, in line with Article 33(3) of the Constitution and Article 26 ICCPR; and ensure the establishment of a secular and inclusive source of legislation;
- Amend Article 42 of the Constitution to **ensure the protection of the right to freedom of religion or belief in full** as defined in Article 8 ICCPR, to which Syria is a state party without reservation;
- Amend provisions such as, but not limited to, Article 48 of the 1953 Personal Status Law and 264 of Syria's Civil Code, to **ensure alignment with international human rights standards** namely Art. 18 and 26 ICCPR;
- Ensure that the **right to have or adopt a religion or belief**, which includes the right to change one's religion or belief, is **respected in law and practice** by the State and its citizens.

4 To end impunity, ensure justice for victims, and prevent further atrocity crimes, the Syrian Government, all concerned parties and the International Community should **join efforts to hold ISIS members accountable for the atrocity crimes committed** against the Syrian people and bring justice to the victims. All parties concerned should ensure that this process is completed by fully abiding to international human rights standards.

5 In Northeastern and Northwestern Syria, all parties involved in the conflict must **urgently stop any human rights violations** such as arbitrary deprivation of liberty, murder, forced displacement, torture, rape and sexual violence, that are especially affecting members of religious minorities in those areas.

Any questions? Please email advocacy@od.org