

Consideration of reports submitted by States parties under article 19 of the convention

ADVANCE UNEDITED VERSION

Concluding observations of the Committee against Torture

SYRIAN ARAB REPUBLIC

1. The Committee against Torture considered the initial report of Syrian Arab Republic (CAT/C/SYR/1) at its 937th and 939th meetings (CAT/C/SR.937 and 939), held on 3 and 4 May 2010, and adopted, at its 951st meeting (CAT/C/SR.951), the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Syria, which, while generally following the Committee's guidelines for reporting, lacks statistical and practical information on the implementation of the provisions of the Convention and relevant domestic legislation. However, the Committee regrets that the report was submitted 5 years late which prevented the Committee from conducting an analysis of the implementation of the Convention in the State party following its ratification in 2004.

3. The Committee welcomes the high-level delegation from the State party and the opportunity to engage in a constructive dialogue covering areas of mutual concern under the Convention.

B. Positive aspects

4. The Committee welcomes that the State party has ratified or acceded to the following international instruments:

- (a) International Covenant on Civil and Political Rights (21 April 1969);
- (b) International Covenant on Economic, Social and Cultural Rights (21 April 1969);
- (c) International Convention on the Elimination of All Forms of Racial Discrimination (21 April 1969);

- (d) Convention on the Rights of the Child (15 July 1993), as well as its two Optional Protocols, namely Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (25 May 2000);
- (e) Convention on the Elimination of All Forms of Discrimination against Women (28 March 2003);
- (f) Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (2 June 2005); and
- (g) Convention on the Rights of Persons with Disabilities (10 July 2009).

C. Principal subjects of concern and recommendations

Definition of torture

5. While noting that article 28 in the Constitution prohibits torture, the Committee notes with concern the absence of a definition of torture in accordance with article 1 of the Convention in the national legal system of the State party which seriously hampers the implementation of the Convention in the State party (art.1).

The State party should amend its legislation to adopt a definition of torture in full conformity with article 1 of the Convention that would encompass all elements of this definition. By naming and defining the offence of torture in accordance with articles 1 and 4 of the Convention and making it distinct from other crimes, the Committee considers that States parties will directly advance the Convention's overarching aim of preventing torture, *inter alia*, by alerting everyone, including perpetrators, victims, and the public, to the special gravity of the crime of torture and by improving the deterrent effect of the prohibition itself.

Criminalization of torture

6. While acknowledging that torture is punishable by article 391(1) of the Criminal Code and that no offence or penalty shall be recognized without a corresponding legal provision according to article 29 of the Constitution, the Committee notes with serious concern that these provisions fail to ensure appropriate penalties applicable to such acts, since they set the maximum penalty of three years of imprisonment (art. 4).

The State party should revise its national legislation to ensure that acts of torture are offenses under criminal law and are punishable by appropriate penalties which take into account the grave nature of these acts, as required by article 4, paragraph 2 of the Convention.

Widespread use of torture

7. The Committee is deeply concerned about numerous, ongoing and consistent allegations concerning the routine use of torture by law enforcement and investigative officials, at their instigation or with their consent, in particular, in detention facilities. It is

also concerned at credible reports that such acts commonly occur before formal charges are laid, as well as during the pre-trial detention period, when the detainee is deprived of fundamental legal safeguards, in particular access to legal counsel. This situation is exacerbated by the reported use of internal regulations which, in practice, permit procedures contrary to published laws and in violation of the Convention. The Committee is also gravely concerned at the absence of systematic registration of all detainees in places of detention under the State party's jurisdiction (arts. 2, 12 and 13).

The State party should:

- (a) Unambiguously reaffirm the absolute prohibition of torture and publicly condemn practices of torture, especially by the police and prison personnel, accompanied by a clear warning that anyone committing such acts, or otherwise complicit or participating in torture will be held personally responsible before the law for such acts and subject to criminal prosecution and appropriate penalties;**
- (b) In order to combat impunity, the State party should immediately adopt all necessary measures to ensure, in practice, prompt, impartial and effective investigations into all allegations of torture and prosecute and punish those responsible with penalties taking into account the grave nature of torture offences, including law enforcement and investigation officials. Investigation should be undertaken by a fully independent body;**
- (c) Ensure that all persons detained are fully and promptly registered at the place of detention, as one measure to prevent acts of torture. Registration should contain the identity of the detainee, the date, time and place of the detention, the identity of the authority that detained the person, the ground for the detention, the date and time of admission to the detention facility and the state of health of the detainee upon admission and any changes thereto, the time and place of interrogations, with the names of all interrogators present, as well as the date and time of release or transfer to another detention facility.**

8. The Committee is deeply concerned at numerous reports of torture, ill-treatment, death in custody and incommunicado detention of people belonging to the Kurdish minority, in large part stateless, in particular political activists of Kurdish origins. The Committee is further concerned that convictions to some Kurdish detainees pronounced by military courts have been passed on vague charges of "weakening national sentiment" or "spreading false or exaggerated information". Moreover, the Committee notes with concern reports of growing trend of deaths of Kurdish conscripts who have died whilst carrying out their mandatory military service and whose bodies were returned to the families with evidence of severe injuries (arts. 1, 2, 12 and 16).

The State party should take urgent measures to ensure prompt, thorough, impartial and effective investigation into all allegations of torture, ill-treatment, death in custody, death during military service and incommunicado detention of people belonging to the

Kurdish minority, in particular of political activists of Kurdish origins, and to prosecute and punish law enforcement, security, intelligence and prison officials who carried out, ordered or acquiesced in such practices. Furthermore, the State party should amend or abolish the vague security provisions under the Syrian Criminal Code that unlawfully restrict the right to freedom of expression, association or assembly.

Fundamental legal safeguards from the outset of detention

9. While noting that Prison Regulation No.1222 guarantees the right of prisoners to communicate with their lawyers and family members as well as visiting rights, the Committee is seriously concerned that in practice these provisions do not provide all detainees with all fundamental legal safeguards and are not applied from the very outset of the detention. Such legal safeguards comprise the right to have prompt access to a lawyer and an independent medical examination, to notify a relative, to be informed of their rights at the time of detention, including about the charges laid against them, and to appear before a judge within a time limit in accordance with international standards (art. 2).

The State party should promptly implement effective measures to ensure that all detainees are afforded, in practice, all fundamental legal safeguards from the very outset of their detention, including the right to have prompt access to a lawyer and an independent medical examination, to notify a relative, to be informed of their rights at the time of detention, including about the charges laid against them, and to appear before a judge within a time limit in accordance with international standards.

State of Emergency

10. Notwithstanding the information provided by the State party delegation during the dialogue, the Committee expresses its concern that the State of Emergency, issued by Legislative Decree No. 51 of 22 December 1962 and amended by Decree-Law No. 1 of 9 March 1963, which was intended to apply to exceptional circumstances where there is an internal or external threat to national survival, now has quasi permanent nature and allows the suspension of fundamental rights and freedoms. The Committee notes with concern that the State of Emergency attributes broad emergency powers to various branches of the security forces outside any judicial control which in practice leads to serious breaches of the Convention by State authorities. In particular, the Committee is concerned that the State of Emergency is inconsistent with the commitments undertaken by Syria under article 4 of the International Covenant on Civil and Political Rights and under article 2 and other relevant articles of the Convention (arts. 2, 4, 11, 12, 13, 15, 16).

The State party should ensure that the principle of the absolute prohibition of torture is incorporated in its legislation, and ensure its strict application, in accordance with article 2, paragraph 2, of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. Moreover, the State party should take immediate steps to bring the legislation in full

conformity with the provisions of the International Covenant on Civil and Political Rights and the Convention.

Supreme State Security Court

11. While noting the information provided to the Committee by the State party on the composition, functions and procedures of the Supreme State Security Court (SSSC), the Committee is deeply concerned at the numerous, consistent and serious allegations that this court fails to function in accordance with the international standards for courts of law. The Committee notes that the Supreme State Security Court was established under Decree No. 47 of 1968 and has been created as an exceptional court outside the ordinary criminal justice system accountable only to the Minister of Interior. The Court, composed of two judges, one civilian and one military, has the competence to adopt sentences and impose penal sanctions for crimes very widely defined, such as “weaken the national sentiment” or “awaken racial or sectarian tensions, while Syria is at war or is expecting a war”. According to information before the Committee the Court is exempt from the rules of criminal procedure and permits the use of prolonged incommunicado detention without judicial supervision. In addition, lawyers are not allowed to meet with their clients until the trial begins and the decisions of the court cannot be appealed (arts. 2, 11 and 12).

The State party should take immediate steps to ensure that the composition and the functioning of the Supreme State Security Court are brought in full conformity with the provisions of the Convention and international standards for courts of law, in particular, that the person brought before this court are granted all fundamental legal safeguards, including the right to appeal against decisions of the Court, or else it should consider abolishing this Court.

Independence of courts and tribunals

12. The Committee is concerned by information that the lack of judicial independence and arbitrary procedures have resulted in the systematic violation of the right to fair trials. In addition judges do not enjoy immunity according to the provisions of Legislative Decree 40, issued on May 21, 1966 and they can be transferred by order which is not subject to any form of review (arts. 2 and 11).

The state party should, as a matter of urgency, adopt all necessary measures to protect the independence of its courts and tribunals, as well as the independence and immunity of judges, in accordance with international standards.

Immunity from prosecution

13. According to information before the Committee, the Legislative Decree No. 61 of 1950 and Decree No. 64 of 2008 grant members of intelligence agencies, including military, air and public security forces, de facto immunity from prosecution for crimes committed while they were on duty. The Committee is deeply concerned at a widespread impunity preventing prosecution for crimes committed on duty, including torture and ill-treatment, in total violation of the provisions of the Convention (arts.2, 4, 12, 15 and 16).

As a matter of urgency, the State party should take vigorous steps to rescind the decrees legalizing immunity for crimes committed on duty, resulting in practice in impunity for acts of torture committed by members of security services, intelligence agencies and police. Furthermore the State party should carry out prompt, impartial and thorough investigations, bring the perpetrators of such acts to justice and, where they are convicted, impose sentences commensurate with the gravity of the acts committed.

Monitoring and inspection of places of deprivation of liberty

14. The Committee notes that the Ministry of Justice, the Ministry of Interior and the Prosecutor General are empowered to inspect prisons to verify that inmates are being treated humanely. The Committee is nevertheless concerned at the lack of systematic, effective and independent monitoring and inspection of all places of detention (arts. 11 and 12).

The Committee calls upon the State party to establish a national system to effectively monitor and inspect all places of detention and follow up on the outcome of such systematic monitoring. This system should include regular and unannounced visits by national and international monitors, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Secret detention centres

15. The Committee is also concerned at reports that the State party has established secret detention facilities under the command of intelligence services, such as Military Intelligence service, the Political Security Directorate, the Directorate General of Intelligence Services and the Directorate of Air Force Intelligence Services. The centres controlled by these Services are not accessible to independent monitoring and inspection bodies, and are not subject to review by the authorities. The Committee is further concerned that detainees are deprived of fundamental legal safeguards, including an oversight mechanism in regard to their treatment and review procedures in respect to their detention. The Committee is also concerned at allegations that those detained in such facilities could be held for prolonged periods without any judicial review, in practice in incommunicado detention and subject to torture or cruel, inhuman or degrading treatment (arts. 2, 11 and 16).

The State party should ensure that no one is detained in a secret detention facility under its de facto effective control. As often reiterated by the Committee, detaining persons in such conditions constitutes, per se, a violation of the Convention. The State party should also investigate and disclose the existence of any such facilities and the authority under which they have been established and the manner in which detainees are treated in such facilities. The Committee urges the State party to close all such facilities.

Complaint mechanism

16. Notwithstanding the information provided to the Committee in the State party report on the possibility for a person to submit a complaint of torture allegedly committed by a

public official to the Office of the Public Prosecutor, the Committee regrets the lack of an independent complaint mechanism for receiving and conducting impartial and full investigations into the many allegations of torture reported to the authorities, and ensure that those found guilty are appropriately punished. The Committee further regrets the absence of information, including statistics, on the number of complaints of torture and ill-treatment and results of all proceedings, at both penal and disciplinary levels (art. 2, 5, 12, 13 and 16).

The State party should take urgent and effective measure to establish a fully independent complaint mechanism, ensure prompt, impartial and full investigations into the many allegations of torture and prosecute alleged perpetrators and punish them, as appropriate. The State party should ensure in practice that complainants are protected against any ill-treatment or intimidation as a consequence of his/her complaint or any evidence given. The Committee requests the State party to provide information, including statistics, on the number of complaints filed against public officials on torture and ill-treatment, as well as information about the results of the proceedings, at both penal and disciplinary levels.

Refugees and asylum seekers

17. While noting with appreciation the State party's generous policy to admit and grant permission to stay to a significant number of nationals from Iraq and Occupied Palestinian Territories, the Committee is concerned at the absence in the State party of a national procedure for determination of refugee status and that the national legislation on aliens does not recognize any special status attributed by the UNHCR. The Committee notes with concern that the State party has not acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol, nor to the 1954 Convention relating to the Status of Stateless Persons or to the 1961 Convention on the Reduction of Statelessness (arts. 2, 3, 11 and 16).

The Committee should establish a national procedure for determination of refugee status and amend its national legislation in order to recognize special status attributed by the UNHCR. The Committee recommends that the State party consider becoming party to the 1951 Refugee Convention, its 1967 Optional Protocol and other related international legal instruments.

Non-refoulement

18. The Committee is seriously concerned by the numerous reports of expulsion, return or deportation, including several cases concerning recognized refugees or asylum seekers registered with the UNHCR, in violation of the non-refoulement principle contained in article 3 of the Convention. The Committee is further concerned at reports that the participation of Syria in the so-called "war on terror" has resulted in secret detentions and renditions of terrorism suspects, in breach of the principle of non-refoulement (art. 3).

The State party should formulate, adopt into its domestic law and effectively implement legal provisions in line with article 3 of the Convention, including guaranteed fair

treatment at all stages of the proceedings, and an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition. Under no circumstances should the State party expel, return or extradite a person to a State where there are substantial grounds for believing that a person would be in danger of being subjected to torture or ill-treatment. Furthermore, the State party should ensure protection from refoulement, including by refraining from expelling or forcibly returning persons who hold a UNHCR Refugee Certificate or Asylum Seeker Letter. Furthermore, the State party should establish an independent investigation to follow up on allegations of its involvement in “extraordinary renditions” and inform the Committee of the outcome of such investigation in its next periodic report.

19. The Committee is further concerned about continued administrative detention of Iranian nationals of Arab (Ahwazi) ethnic descent pending deportation for indefinite period of time, and thus, arbitrary (art. 3).

The State party should provide information on the situation of Iranian nationals of Arab (Ahwazi) ethnic descent and measures taken to ensure their protection against refoulement.

Training

20. The Committee takes note of the information on trainings, seminars and courses on human rights for police officers included in the State report and provided during the oral presentation. However, the Committee regretted that there was sparse and inadequate information on training programmes for security and intelligence personnel as well as for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on the provisions of the Convention, and on how to detect and document physical and psychological *sequelae* of torture. The Committee also regrets the lack of information on monitoring and evaluation of the impact of any of its training programmes in reducing incidents of torture and ill-treatment (art. 10).

The State party should further develop and strengthen educational programmes to ensure that all officials, including law enforcement, security, intelligence and prison officials are fully aware of the provisions of the Convention, that no breaches of the Convention will be tolerated and will be promptly and effectively investigated, and that offenders will be prosecuted. Furthermore, all relevant personnel, including medical personnel, should receive specific training on how to identify signs of torture and ill-treatment, including the training on the use of The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) which should be utilized effectively. In addition, the State party should assess the effectiveness and impact of such training/educational programmes.

Enforced disappearances

21. The Committee is deeply concerned at the numerous reports regarding high number of persons involuntarily disappeared in the State party. The report of the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/31 of 21 December 2009) refers to

allegations of enforced disappearance of 28 persons, on which the delegation failed to provide sufficient and precise explanations and information. Furthermore, the Committee has received numerous and credible reports pointing at a much higher number of persons subject to disappearance. These allegations concern, in particular, the disappearances of members of Muslim Brotherhood and those that occurred during the military presence of Syria in Lebanon since early 1970s. The Committee has been informed about the Lebanese-Syrian official commission that was established on July 31, 2005 to look into the issue of disappeared Syrians in Lebanon and disappeared Lebanese in Syria. A number of 640 cases were submitted to the Commission, but no further action has been taken to investigate these cases. Likewise the Secretary General of the Lebanese Centre for Human Rights and member of the Executive Committee of the Euro-Mediterranean Network for Human Rights has not been permitted entry to the State party in order to research into these matters. The Committee expresses its concern that the competent authorities have not initiated proceedings to investigate the fate of missing persons and to identify, prosecute and punish the perpetrators of enforced disappearances, which constitutes a violation of the Convention (arts. 1, 2, 11, 12, 13, 14 and 16).

The State party should as a matter of urgency investigate every case of reported enforced disappearances and communicate the results of the investigations to the families of missing persons. The Committee urges the State party to establish, within an appropriate timeframe, an independent commission of inquiry into all disappearances, including of members of Muslim Brotherhood and those that occurred during the military presence of Syria in Lebanon since early 1970s, prosecute and punish perpetrators and provide effective remedies and rehabilitation to the victims. The Committee encourages the State party to collaborate with international organisms on questions of enforced and involuntary disappearances.

Investigations

22. Taking into account the explanations provided by the State party during the dialogue, the Committee continues to be concerned about the reported riots that took place in Sednaya prison on July 4, 2008 where, following protest actions from the prison population an action was initiated on the part of the police, that resulted in a number of persons injured or killed. Despite repeated requests for investigation and confirmation as to number and names of those killed and injured, there have been no official and independent investigation or public announcement of the identities of persons killed or injured, nor any information of action taken to clarify use of force and other circumstances surrounding the event (art. 12).

The State party should urgently carry out an independent investigation of the Sednaya prison incident in July 2008 and provide detailed information to the Committee on circumstances of death of prisoners. The State party should also inform the families of those prisoners if their relatives are alive and still held in prison. The State party should further inform the Committee whether it conducts regular monitoring in this prison.

23. The Committee is concerned about the case of three Canadian nationals, Ahmed Al-Maati (arrested on his arrival at Damascus airport on 12 November 2001), Abdullah Almalki (arrested on his arrival at Damascus airport on 3 May 2002) and Maher Arar (arrested in

September 2002 in the United States, where he was detained without legal procedure for 15 days before being deported to Jordan and then to Syria). The Committee is concerned that they were detained and allegedly tortured in the largest detention centre controlled by the intelligence services, the Military Intelligence Palestine Branch Centre, due to suspected links with Al-Qaeda. The Committee notes with concern that no investigation has been undertaken on this case and no compensation have been provided to the victims. The Committee notes with concern the failure of the State party to conduct a full and effective investigation on this case (arts. 12, 13 and 14).

The Committee urges the State party to institute a prompt, thorough and impartial investigation into the cases of Ahmed Al-Maati, Abdullah Almalki and Maher Arar in order to ensure that all persons allegedly responsible for violations of the Convention are investigated and brought to justice. The Committee recommends that such investigations be undertaken by independent experts in order to examine all information thoroughly and reach conclusions as to the facts and measures taken and provide compensation to victims.

24. The Committee is concerned about the prolonged detention in the case of Abdelkader Mohammed Sheikh Ahmed, who served his sentence and should have been released in 1979 but who, according to the information before the committee, was still in prison in 2004. The Committee regrets that no further information about this case was provided in the dialogue (art. 12).

The Committee urges the State party to provide information about the current situation of Abdelkader Mohammed Sheikh Ahmed, and institute a prompt, thorough and impartial inquiry into the case and on the reasons for him not being released after having served his sentence. The Committee recommends that such investigations be undertaken by independent experts in order to examine all information thoroughly, reach conclusions as to the facts and measures taken and ensure that those responsible for the violations are brought to justice.

Lack of legal protection of women and impunity for crimes committed in the name of “honour”

25. The Committee notes with concern that the State party report lacks information on the legal regime and practice affecting women. The Committee expresses its concern on numerous reports informing that violence against women, as a form of discrimination, is a widespread problem in the State party and that the law reform process has been delayed, namely the amendment of Personal Status Act, Penal Code and Nationality Act, and as a result, a culture of impunity towards domestic and gender-based violence has evolved. In this respect, the Committee expresses its serious concern that crimes, where a family’s “honour” is thought to be breached, often go unpunished, and when they are, the sentences are far less than for equally violent crimes without this “honour” dimension (arts. 1, 2, 4 and 16).

The Committee calls upon the State party to put in place comprehensive measures to address all forms of violence against women and enact, as soon as possible, legislation on violence against women including domestic violence. The Committee further calls

upon the State party to amend, without delay, applicable provisions of the Penal Code to ensure that perpetrators of “honour” crimes do not benefit from a reduction of penalty under article 548. The Committee also urges the State party to ensure that “honour” crimes are treated as seriously as other violent crimes with regard to investigation and prosecution, and that effective prevention efforts are put in place.

26. While noting information provided by the delegation of the State party during the dialogue, the Committee is gravely concerned at the practice of allowing perpetrators of rape to escape prosecution by marrying their victims (article 508 of the Penal Code), or allowing families to waive their “right to complain” (art. 2, 13 and 16).

Recalling that numerous international judicial and quasi-judicial bodies have established that rape is a form of torture, the Committee calls upon the State party to withdraw the exculpatory provision in article 508 of the Penal Code and ensure that a rapist does not escape punishment by marrying his victim.

Domestic violence

27. The Committee is concerned at the absence of information in the report regarding measures taken to combat torture and ill-treatment affecting women and girls, particularly in view of the prevalence of domestic violence and other forms of gender-based violence in the State party. In this respect, the Committee notes with concern that marital rape is not a criminal offence under the law. The Committee is further concerned that the national legislation fails to explicitly criminalize domestic violence or provide adequately for the prosecution of those who perpetrate it, in particular, it is concerned that that the definition of rape in article 489 of the Penal Code excludes marital rape; article 508 of the Penal Code exempts rapists from punishment if they marry their victims, and article 548 of the Penal Code exonerates perpetrators of “honour crimes”. The Committee also expresses its concern at the lack of data, including statistics on complaints, prosecutions and sentences relating to domestic violence (arts. 1, 2, 4, 12 and 16).

- (a) The State party should take immediate efforts to strengthen its efforts to prevent and combat violence against women and children and to ensure prompt, impartial and effective investigations of such acts, and to prosecute and punish perpetrators. The Committee also urges the State party to take necessary measures to ensure that the legal provisions in national legislation cover the many forms of violations committed against women, including making marital rape a criminal offence;**
- (b) The State party is encouraged to participate directly in rehabilitation and legal assistance programmes and to conduct broader awareness campaigns for officials (judges, law officers, law enforcement agents and welfare workers) who are in direct contact with the victims;**
- (c) The State party should provide protection for victims in the process of filing complaints on rape, abuse and other forms of gender-based violence from further abuse;**

- (d) The State party should also strengthen its efforts in respect of research and data collection on the extent of domestic violence and it is requested to provide the Committee with statistical data on complaints, prosecutions and sentences in its next periodic report.**

Trafficking in persons

28. While welcoming the ratification by the State party of the Convention for the Suppression of the Traffic in Women and Children of 1921, the Convention of the Suppression and of Traffic in Women of full age of 1933 and the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others of 1950, the Committee expresses its concern at the general lack of information on the extent of trafficking in the State party, including the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, as well as on the concrete measures adopted to prevent and combat such phenomena (arts. 1, 2, 4, 12 and 16).

The Committee recommends the adoption of a specific law against trafficking in persons which determines the crimes and adequate penalties and foresees adoption of measures to facilitate rehabilitation and social integration of victims of human trafficking. The State party should increase its efforts to prevent and combat trafficking of women and children, including by implementing the current laws combating trafficking, providing protection for victims and ensuring their access to medical, social, rehabilitative and legal services, including counseling services, as appropriate. The State party should also create adequate conditions for victims to exercise their right to make complaints, conduct prompt, impartial and effective investigations into all allegations of trafficking and ensure that perpetrators are brought to justice and punished with penalties appropriate to the nature of their crimes.

Redress and compensation for victims of torture including rehabilitation

29. The Committee notes that the Code of Criminal Procedures and the Criminal Code contain some provisions on the right to obtain compensation by applying to a competent court which will award fair and appropriate compensation, taking into account all material and psychological damage incurred. The Committee notes with concern the absence of information on any treatment and social rehabilitation services and other forms of assistance, including medical and psycho-social rehabilitation, provided to these victims (art. 14).

The State party should take the necessary measures to ensure the effective application of the law and provide all victims of torture and ill-treatment redress, including fair and adequate compensation and as full rehabilitation as possible. The State party should provide, in its next periodic report, information on redress and compensation measures ordered by the courts and provided to victims of torture, or their families, during the reporting period. This information should include the number of requests made, the number granted, and the amounts ordered and actually provided in each case. In addition, the State party should provide information on any on-going reparation programmes, including treatment of trauma and other forms of

rehabilitation provided to victims of torture and ill-treatment, as well as the allocation of adequate resources to ensure the effective functioning of such programmes.

Conditions of detention

30. While noting that the Prison Regulation in Syria provide for the delivery of health care to prisoners, the Committee is concerned about information received on the deplorable living conditions in places of detention, prison overcrowding, lack of hygiene, insufficient food, health risks and inadequate health care. The Committee is also concerned about the failure of the State party to separate juvenile from adults (arts. 11 and 16).

The State party should take urgent measures to bring the conditions of detention in police stations, prisons and other detention facilities into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners, in particular by:

- a) reducing prison overcrowding, including by considering non-custodial forms of detention, and, in the case of juveniles, by ensuring that detention is only used as a measure of last resort;**
- b) improving the food and the health care provided to detainees,**
- c) improving the conditions of detention for minors, ensuring that they are detained separately from adults;**
- d) strengthening judicial supervision of conditions of detention.**

Children in detention

31. While noting the State party's information that juvenile offenders are not given criminal records and are not subjected to capital punishment, the Committee is concerned by the fact that the Juvenile Act No.18 only applies to children under the age of 15 (arts. 2, 11 and 16).

The State party should classify all persons under 18 as juveniles in order to extend the protection offered by the Juvenile Act.

Deaths in custody

32. The Committee expresses its concern at credible reports on number of deaths in custody and on the alleged restrictions on independent forensic examination into the cases of such deaths (arts. 12 and 16).

The State party should promptly, thoroughly and impartially investigate all incidence of death in custody and prosecute those found responsible for all incidences of death in custody. The State party should provide information to the Committee on any cases of death resulting from torture, ill-treatment or wilful negligence of all these cases. The State party should also ensure independent forensic examinations and accept their findings as evidence in criminal and civil cases.

Coerced confessions

33. The Committee is concerned at the lack of legal provisions explicitly prohibiting the use of confessions and statements obtained as result of torture as evidence in judicial proceedings. It is alarmed by reports that confessions obtained by torture are invoked as a form of evidence in proceedings, especially in the Supreme State Security Court and the military courts, and the defendants' claims that they have been tortured are almost never investigated (art. 15).

The State party should amend the Code of Criminal Procedure to explicitly prohibit the use of any statement obtained as a result of torture as a form of evidence in judicial proceedings. It should also take the necessary measures to ensure that statements made under torture are not invoked as evidence in any proceedings, except against a person accused of torture, in accordance with the provisions of the Convention. The State party is requested to review criminal convictions based solely on confessions, especially those ruled by the Supreme State Security Court and military courts, in order to identify instances of wrongful conviction based on evidence obtained through torture or ill-treatment and to take appropriate remedial measures.

Human rights defenders

34. The Committee is concerned about reports of persisting acts of harassment and persecution, including threats and other human rights violations, experienced by human rights defenders, and about the fact that such acts go unpunished (arts. 12 and 16).

The State party should take all necessary steps to ensure that all persons, including those monitoring human rights, are protected from any intimidation or violence as a result of their activities and exercise of human rights guarantees, to ensure the prompt, impartial and effective investigation into such acts, and to prosecute and punish perpetrators and provide compensation to victims.

35. The Committee is concerned about the case of Muhannad Al-Hassani, President of a Syrian Human Rights organization (Swasiah), arrested on 28 July 2009 and charged with "weakening national sentiment" and "spreading false or exaggerated information" in connection with his monitoring of the Supreme State Security Court. The Committee is also concerned about the case of Haytham al-Maleh, a 79 year old prominent human rights lawyer who has been jailed repeatedly and is now on trial (art. 12 and 16).

The Committee urges the State party to provide information about the legal situation and physical and mental integrity of Muhannad Al-Hasani, as well as information about the ongoing trial on Haytham al-Maleh.

National Human Rights Institution

36. The Committee notes with concern that the State party has not yet established a national human rights institution to promote and protect the human rights in the State party, in accordance with the Paris Principles (art. 2).

The State party should establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), annexed to General Assembly resolution 48/134.

Data collection

37. While noting that some statistics have been provided, the Committee regrets the lack of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture by law enforcement officials, as well as on trafficking in persons and domestic and sexual violence (arts. 2, 12, 13 and 16).

The State party should establish an effective system to gather all relevant statistical data in order to monitor the implementation of the Convention at national level, including complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, trafficking in persons and domestic and sexual violence.

Cooperation with United Nations human rights mechanisms

38. The Committee recommends that the State party strengthen its cooperation with United Nations human rights mechanisms, including by permitting visits of, inter alia, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights defenders.

39. The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

40. The State party should consider withdrawing its reservation to article 20 of the Convention.

41. The Committee recommends that the State party considers making the declarations under articles 21 and 22 of the Convention.

42. The Committee recommends that the State party consider ratifying the Rome Statute of the International Criminal Court.

43. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet a party, namely the International Convention for the Protection of All Persons from Enforced Disappearance.

44. The Committee invites the State party to submit its core document in accordance with new requirements of the common core document in the harmonized guidelines on reporting, as approved by the international human rights treaty bodies (HRI/GEN/2/Rev.6).

45. The State party is encouraged to disseminate widely the reports submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

46. The Committee request the State party to provide, within a year, information on its response to the Committee's recommendations contained in paragraphs 15, 24, 25 and 35.

47. The State party is invited to submit its next periodic report, which will be the second report, by 14 May 2014.
