



The Institute on Religion and Public Policy

Religious Freedom in Syria

Executive Summary

Religious freedom in Syria is generally respected, in the sense that citizens are not commonly and openly persecuted regarding their beliefs. The Government is careful not to allow any activity that may disturb the peace or harm the stability of society. While some forms of discrimination do exist for minority groups, such as Jews and Jehovah's Witnesses, the group most targeted by Government activity continues to be the Muslim Brotherhood. Islamic jurisprudence rules society's personal laws, and creates a great inequality between women and men with regards to marriage, divorce and inheritance. The laws of *shari'a* continue to subordinate women and refuse them certain fundamental rights, such as the right to work outside the home, and the right to ask for a divorce.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

History of Religious Freedom and Politics in Syria

Syria gained independence from French colonization in 1946, but the form of government in existence now was not put in place until the 1970's. The years in between were marked by massive political and social instability, military coups and tension between competing socialist and nationalist factions. In 1958, in its quest for stability, Syria and Egypt merged to create the United Arab Republic, which failed due to a coup by the Arab Socialist Resurrection Party (Ba'ath) only three years later.

In 1963 Syria became a Republic under the Ba'ath Party. The new government ratified the current Constitution shortly after, but an Emergency Law effectively suspends most of the freedoms granted to the people. Additionally, the Constitution ensures the Ba'ath Party's primacy in most state institutions and grants the President very broad powers. He has the right to appoint ministers,

declare war and states of emergency, issue laws, declare amnesty, amend the constitution and appoint civil servants and military personnel. The President must be a Muslim, but there is no official state religion. The Ba'ath Party places an emphasis on socialism and secular Arabism, attempting to divide religion from state politics. However, Islamic jurisprudence remains a major source of legislation.

In 1970, Defense Minister Hafiz al-Asad ousted the civilian party leadership and assumed the role of prime minister. He put in place a largely authoritarian regime masquerading as a republic. Political opposition to the President is not allowed in any form and Asad was allowed to run unopposed seven times. The army remains extremely loyal to the Ba'ath Party and their chosen leader. Upon his death in 2000, Hafiz was replaced by his son, Bashar, who took office only after Parliament amended the Constitution to lower the mandatory minimum age of the President. He ran unopposed and was elected by referendum, garnering 97% of the vote. The Asad family is Alawi, a Muslim minority sect, which receives sporadic opposition from the majority Sunni population.

Sunni Muslims represent 74% of the 18 million people inhabiting the country (approximately 12.6 million people). Other Muslim groups, specifically the Alawi, Ismailis and Shi'a make up another 13%. The Druze, Christians and Jews live in the country in very small numbers.

Legal and Policy Framework

The Syrian Constitution, adopted in 1973, was adopted to achieve aspirations for unity, freedom and socialism. As such, it provides for the freedom of its citizens to practice various religions but places restrictions on this right. Article three, for example, requires that the President of the Country be a Muslim and that Islamic jurisprudence, or *shari'a*, be a main source of legislation. This requirement manifests itself most often in the area of personal status. Procedures for marriage and divorce are dictated by Islamic law, leading to a very difficult process for women. Article 35 specifically guarantees the freedom of faith to all citizens, and ensures that the state respects all religions. It also guarantees the freedom to hold any religious rites, provided that the public order is not disturbed.

Articles 292 and 462 of the Criminal Code prohibit the causing of tension between religious communities. The Government uses these articles to prosecute any religious group that it deems harmful to society, and tends to focus on those composed of fundamentalist Muslims.

The Government monitors all groups operating inside the country, religious and nonreligious, and keeps a special eye on those considered to be Islamic militants. All religious groups are required to register with the Government, and all fundraising is closely watched. Officials specifically target the Muslim Brotherhood, and association with the group by Syrian citizens is punishable by

death. In practice, the sentence is typically commuted to twelve years in prison. All religious meetings that take place and do not include a specific call to worship require a permit.

Religion of Syrian nationals is documented on one's birth certificate, and affiliation with a religion is mandatory for issues of personal status, such as marriage, divorce and inheritance. Each religious group is subject to its own laws, and so divorce for Muslims is based on *Shari'a*. These issues are heard in special Islamic Courts, away from the secularism that permeates so much of Syrian society. *Shari'a* courts have jurisdiction over Sunni and Shi'a Muslims only, while the Druze are subject to *madhabbi* courts, and *ruhi* courts hear the claims of Christians and Jews.

Conversion from Islam to another religion is declared illegal. However, there have been no instances of this law actually being enforced.

Specific Instances of Religious Discrimination

In practice, religious freedom in Syria is generally respected. As long as religious practice is not considered harmful to the public order, the Government will not interfere. The only religious group banned from the state is Jehovah's Witnesses.

The practice of having separate courts to deal with personal status issues can be detrimental to the rights of citizens. Even though it does allow the people to uphold the laws of their religions, those laws can prove to be stifling and in opposition to freedom and rights of the individual.

Under *Shari'a*, the rights of women are greatly restricted, as they are considered more property than person. In Syria, Islamic Courts hear cases involving personal status, such as marriage, divorce, and other matters concerning family, while the secular civil courts hear other types of civil and criminal cases. Therefore, Muslim women are often subjected to higher legal standards than their male counterparts. For example, a man can only be found guilty of adultery if the act is legitimately proven and takes place inside his home. All a husband is required to do when asking for a divorce is make a claim of adultery, not necessarily substantiated. If a woman is granted a divorce, the hardships are many. She may be denied alimony, or lose the return of her dowry. She may lose custody of her children, boys at 13, girls at 15. If she chooses to remarry, work outside the home, or leave the city, she will lose custody automatically, with guardianship granted to the maternal grandmother.

In 1964, the Government banned Jehovah's Witnesses, an organization believed to have Zionist tendencies. Witnesses are still banned from employment in civil service, traveling abroad, holding worship services and publicly receiving religious literature. Members of the group do reside in Syria, but are extremely careful not to partake in activities that would attract Government attention.

Association with the Muslim Brotherhood is a crime punishable by death. Clashes between the government and the Brotherhood came to a head in 1983, when the Syrian army murdered between 5,000 and 10,000 members in an attempt to eliminate the group entirely. Beginning in 2000, however, both sides have attempted to reach out and reconcile. The Muslim Brotherhood publicly recognized the legitimacy of the Asad regime and accepted the democratic process, while Syrian officials agreed to meet with Muslim leaders who had ties to the Brotherhood. Recent reports suggest that the Syrian government is seriously moving towards mending ties with the Muslim Brotherhood and its Sunni members. At this time, however, relations are tense and association with the group remains officially banned.

Even though Syria espouses a policy of limiting the activities of groups, these limitations do not apply to terrorist groups operating inside the country. Syria is known to fund and harbor members of groups such as Hamas, Palestinian Islamic Jihad and Hezbollah. It is globally acknowledged that many acts of terrorism carried out in Israel and Iraq are planned inside Syrian borders. President Asad has gone as far as to publicly express support for these groups. However, Syria has not been directly implicated in a terrorist attack since 1986.

Because of the small number of Jewish Syrians, approximately forty, discrimination is open and rarely prosecuted. Jews must receive government permission to travel, and are excluded from the civil service and the armed forces. Anti-Semitic messages are occasionally published and distributed, either by the Government or without Government interference. Many of the messages center on Israel and alleged Jewish control of the United States, as well as the rest of the world.

US Foreign Policy

The US Government has very limited contact with the Syrian Government. US support for freedom of religion is communicated at the national, regional and local level, usually through religious leaders.

On a broader level, US-Syrian relations are strained. Syria remains on the US list of state sponsors of terrorism and is subject to various penalties, including export sanctions and inability to receive US aid or military equipment. Severe deterioration in relations after the assassination of Lebanese Prime Minister Hariri, largely believed to be carried out by Syrian nationals, and an attack on the U.S. Embassy, resulted in removal of the American ambassador from Damascus. The government continues to cite Syria's deplorable human rights record, its ongoing interference in Lebanese affairs, and its place as a major transit point for foreign fighters entering Iraq, as reasons for the continuing deterioration.

Conclusion

Syria is a country torn between advancing civil laws and governing with the principles of Islam. The Constitution and laws attempt to find a balance between the two, allowing for secularism to rule the public sphere and Islamic jurisprudence to rule the personal lives of its citizens. At the same time, the Syrian Government strives to find a balance between freedom for its people and protection against uprisings, social and political upheaval, and terrorist activity. As long as the country is ruled by Asad, a minority leader with a great fear of military coups, societal freedoms will remain stifled, taking a backseat to the maintenance of social and political order. Freedom to practice certain religions and engage in certain activities remains a victim of Government policies. The US continues to have little influence over the situation because of the strained diplomatic relationship.