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Syria: Treatment of Religious Minorities

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Syria: Treatment of Religious Minorities

Issam M. Saliba
Senior Foreign Law Specialist

SUMMARY There is little discrimination against religious minorities under Syrian law. The Constitution protects the rights of all communities, including the various religious sects. However, the office of President is reserved for Muslims, including those belonging to Muslim minorities. Historically, Syria has been considered a sanctuary for such minorities. It is unclear whether the current conflict is primarily a religious or political one. However, there has been an inflow of foreign fighters with sectarian and extremist agendas as well as an increase in political rhetoric with religious and ethnic undertones. All religious and ethnic communities have been impacted by the conflict.

I. Religious Minorities in Syria

Religious demographics among the estimated 22.5 million Syrian population are as follows: Sunni Muslims (74%); Alawite Muslims (11%); other Muslim, including Ismaili and Ithna'ashari or Twelver Shia (2%); Christians, including Greek Orthodox, Syriac Orthodox, Maronite, Syrian Catholic, Roman Catholic, and Greek Catholic (10%); and Druze (3%).¹

II. Protection of Religious Minorities under Syrian Law

Syrian law largely does not discriminate on the basis of religion. Article 3 of the Syrian Constitution provides as follows:

- (1) The religion of the President of the Republic is Islam;
- (2) Islamic *fiqh* [jurisprudence] is a major source of legislation;
- (3) The State respects all religions and guarantees the freedom of performing all their rituals that do not prejudice public order;
- (4) The personal status of religious communities shall be protected and respected.²

Therefore, Syria recognizes the right of each religious community to have its own laws relating to personal status and family matters. Furthermore, Syrian citizens of all religious persuasions may occupy any public office except the office of President. This office is not reserved for members of any particular sect of Islam; Bashar al-Assad, the current President, is a member of the Alawite religious minority and not from the majority Sunni sect. Previously, people of other religions have held high offices. For example, Fares al-Khoury, a Christian Protestant, was

¹ *World Directory of Minorities and Indigenous Peoples – Syria*, MINORITY RIGHTS GROUP INTERNATIONAL (Oct. 2011), available at <http://www.refworld.org/docid/4954ce5ac.html>, archived at <https://perma.cc/2Q5F-GVYP>.

² CONSTITUTION OF THE SYRIAN ARAB REPUBLIC (Decree 94 of 2012) art. 3, <http://www.parliament.gov.sy/arabic/index.php?node=5518&cat=423&> (in Arabic), archived at <https://perma.cc/54WP-W5CQ>, English translation available on the website of the Voltaire Network, at <http://www.voltairenet.org/article173033.html>, archived at <https://perma.cc/JV9Y-F44E>.

elected President of the Syrian Parliament twice, in 1936 and 1943, and was appointed Prime Minister in 1944.³

The Constitution also states that “[c]itizens are equal in rights and obligation with no discrimination among them on grounds of sex, origin, language, religion, or creed.”⁴

III. Treatment of Religious Minorities in Syrian Society

Syria takes pride in claiming that Syrian society, with all of its constituent components, which includes its religious minorities, has made great achievements, reflecting a major contribution to human civilization.⁵

After gaining mandate over Syria as a result of World War I, France divided the country into four separate political entities along sectarian lines, one for the Alawites, one for the Sunnis of Aleppo, one for the Sunnis of Damascus, and one for the Druze of the Druze Mountain.⁶ Later, in 1925, the French government combined the states of Damascus and Aleppo. The French government faced numerous rebellions from Syrian nationalists in the different areas in the early 1920s.⁷

Syria has historically been a religiously diverse country with people traditionally living together without religious or sectarian animosities.⁸ In fact, Syria was, prior to the beginning of the present civil war, seen as a place of refuge for small minority ethnic or religious groups.⁹ This was affirmed in a relatively recent article in the *Washington Post*, which states that

[b]efore a brutal civil war engulfed Syria, the country was testament to the religious and ethnic diversity of the Middle East. Arabs of different faiths, Kurds, Armenians,

³ Fares al-Khoury, THE ARAB ORIENT CENTER FOR STRATEGIC AND CIVILIZATIONAL STUDIES, <http://www.asharqalarabi.org.uk/center/rijal-fares.htm> (in Arabic; last visited Aug. 1, 2016), archived at <https://perma.cc/X8FG-WN4H>.

⁴ CONSTITUTION art. 33(3).

⁵ *Id.* Preamble.

⁶ See Mark J. Mullenbach, *Dynamic Analysis of Dispute Management (DADM) Project, Intrastate Dispute Narratives, Middle East/North Africa/Persian Gulf Region: 11. French Syria (1919–1946)*, UNIVERSITY OF CENTRAL ARKANSAS, <http://uca.edu/politicalscience/dadm-project/middle-eastnorth-africapersian-gulf-region/french-syria-1919-1946/> (last visited Aug. 1, 2016), archived at <https://perma.cc/M5LR-6WEV/>.

⁷ *Id.*

⁸ U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM (USCIRF), PROTECTING AND PROMOTING RELIGIOUS FREEDOM IN SYRIA 1 (Apr. 2013), available at [http://permanent.access.gpo.gov/gpo39836/Syria%20Report%20April%202013\(1\).pdf](http://permanent.access.gpo.gov/gpo39836/Syria%20Report%20April%202013(1).pdf), archived at <https://perma.cc/X6X2-YMJA>.

⁹ William Polk, *Understanding Syria: From Pre-Civil War to Post-Assad*, THE ATLANTIC (Dec. 10, 2013), <http://www.theatlantic.com/international/archive/2013/12/understanding-syria-from-pre-civil-war-to-post-assad/281989/>, archived at <https://perma.cc/G9VU-GT95>.

Assyrian Christians and others lived side by side, embracing a rather durable Syrian nationalism.¹⁰

It is not clear whether the present conflict in Syria is primarily a religious or political one. The “initial peaceful protests in March 2011 by disenfranchised, largely Sunni Muslim opponents of the al-Assad regime had no religious or sectarian undertones.”¹¹ However, for example, “[a] December 2012 video released by Saudi-sponsored Takfiri Wahhabi, a Sunni opposition group, shows a Shi’i mosque that was burned down and dozens of individuals congratulating each other.”¹² A 2013 report by the US Commission on International Religious Freedom (USCIRF) stated that the “escalating violence and humanitarian crisis impacts members of all religious communities, including their religious freedom.”¹³

Media reports have also clearly attributed the fate of the Christians in Syria to attacks by Islamist fighters. For example, a 2015 BBC report states, “[n]or has that war spared the Christian community. Thousands have been forced from their homes by the threat from hardline Islamist rebels and jihadist militants.”¹⁴

The nature of the conflict in Syria makes it difficult to determine whether the various attacks “are based on political, ethnic, or religious affiliation, or some combination thereof.”¹⁵ It is clear that foreign fighters have committed sectarian, religiously-motivated attacks in Syria, and various countries are reportedly actively supporting different groups in the conflict.¹⁶ USCIRF’s report noted that, as of 2013, “[p]olitical rhetoric with religious and ethnic undertones has increased, as has the inflow of foreign elements with sectarian and extremist agendas.”¹⁷

The involvement and targeting of minorities in the conflict is not restricted to particular communities. Dr. Benjamin Isakhan, Convenor of the Middle East Studies Forum at Deakin University, Australia, was quoted in 2015 as stating that

[n]o-one goes to bed feeling safe in Syria – no-one. It doesn’t matter what religion or what ethnicity or what background. It’s completely collapsed. So there is no one group that stands out as heavily persecuted. Everyone’s in trouble.¹⁸

¹⁰ Ishaan Tharoor, *The Plight of Syria’s Vulnerable Christian Minority*, THE WASHINGTON POST (Feb. 24, 2015), <https://www.washingtonpost.com/news/worldviews/wp/2015/02/24/the-plight-of-syrias-vulnerable-christian-minority/>, archived at <https://perma.cc/M3JK-HWFD>.

¹¹ USCIRF, *supra* note 8, at 2.

¹² *Id.* at 8.

¹³ *Id.* at 1.

¹⁴ *Syria’s Beleaguered Christians*, BBC (Feb. 25, 2015), <http://www.bbc.com/news/world-middle-east-22270455>, archived at <https://perma.cc/FAK5-UJMJ>.

¹⁵ USCIRF, *supra* note 8, at 6.

¹⁶ *Id.* at 5.

¹⁷ *Id.*

¹⁸ Brianna Roberts & Will Mumford, *Who are Syria’s Minority Groups?*, SBS (Sept. 11, 2015), <http://www.sbs.com.au/news/article/2015/09/11/who-are-syrias-minority-groups>, archived at <https://perma.cc/BD4A-F9QH>.