

# National Situation Analysis Report:

## Women's Human Rights and Gender Equality

**Syria**

*Enhancing Equality between Men and Women  
in the Euromed region (2008-2011)  
Programme financed by the European Union*



**EN**



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*"This report has been drafted by independent experts.  
It does not necessarily reflect the views of the European Union."*



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# List of Acronyms

CBS	Central Bureau of Statistics
CEDAW	Convention for the Elimination of all forms of Discrimination against Women
CRC	Convention on the Rights of the Child
GDP	Gross Domestic Product
EC	European Commission
FIRDOS	Fund for Integrated Rural Development of Syria
FYP	Five Years Plan
GBV	Gender Based Violence
GDI	Gender Development Indicator
GO	Government Organization
GGG	Global Gender Gap
HDI	Human Development Index
MDG	Millennium Development Goals
NDP	National Domestic Product
NGO	Non Governmental Organizations
PCEPD	Public Commission for Employment and Projects Development
SCFA	Syrian Commission for Family Affairs
SFPA	Syrian Family Planning Association
SPC	State Planning Commission
UNDP	United Nations Development Programme
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Development Fund for Women
WGU	Women General Union

# 1. Executive Summary

The programme “Enhancing Equality between Men & Women in the Euromed Region” referred to as the Euromed Gender Equality Programme (EGEP) is of three years duration (15 May 2008 – 15 May 2011); it is funded through the European Neighbourhood and Partnership Instrument (ENPI) and is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia.

The programme has three main purposes:

- Purpose 1: Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women’s rights in the region.
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women.
- Purpose 3: Ensure that the Istanbul ministerial conclusions on “Strengthening the role of women in society” are being followed up.

The present report is implemented under Purpose 1 of the EGEP programme. With the view of supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). The process has been twofold: the drafting by a national expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

The **overall objective** of the national report is to conduct a situation analysis of women’s human rights and gender equality, with an emphasis on legal reforms, participation in decision making in public and private life and gender-based violence.

In the framework of the Convention for the Elimination of all forms of Discrimination against Women and of the Istanbul Ministerial Conclusions, the **specific objectives** of this report are:

- To identify the status and current dynamics related to gender equality and women’s empowerment in Syria;
- To highlight the status and current dynamics related to gender based violence;
- To identify the main issues, obstacles and opportunities as well as challenges and priorities regarding women’s participation in decision-making at all levels (private and public sphere).



The **work methodology** used for the present report includes:

- Qualitative and quantitative data related to Syrian women’s role and participation in decision-making in both public and private spheres, and different information related to gender based violence, were collected from the national sources;
- A comparative and analytical matrix for assessing progress towards equality between women and men based on CEDAW and on the 2006 Istanbul Conference conclusions and recommendations;
- Interviews with relevant individuals/institutions to fill a rapid assessment questionnaire intended to evaluate the progress made since Istanbul 2006 in the country as regard to implementation, follow up and budgeting as well as recommendations and priorities for the future phases;
- A mapping of main stakeholders: State actors, civil society organisations, media, and donors working in the country and concerned and/or interested by the topics and expected results;
- A workshop for the main stakeholders which presented the situation analysis and the themes, with focus on the Istanbul and CEDAW frameworks, the objectives, expected results and methodology.

## Main findings of the situation analysis

Overall, stakeholders interviewed for the report highlighted the fact that while women’s active participation in political decision-making positions in public life is being promoted, and equal access to education and health have greatly improved, barriers to women’s full enjoyment of rights in society remain. They relate primarily to discriminatory articles in the Personal Status Law and the Penal Law, and to inherited traditions that put women in an “inferior” position to men in society.

Provisions that discriminate against women still exist in various laws relating to the family and women’s personal lives, such as the Nationality Act, the Personal Status Act and the Penal Code. While Syria’s Constitution guarantees gender equality, the Personal Status Laws and the Penal Code prevent women from enjoying equal rights to men.

The main articles discriminating against women in the Syrian Personal Law relate to the legal age of marriage (18 for boys and 16 for girls), guardianship and consent to marry, as well as the prohibition for women to marry non-Muslims, polygamy, divorce and repudiation which is largely a male prerogative, limited child custody rights for the mother, the obligation for a wife to obey her husband in return for maintenance.

Legal discriminations against women also relate to nationality. A woman cannot pass her nationality on to her husband and children while Syrian fathers can pass their nationality on to their children and to their foreign wife.

In Penal matters, men can be exempted from punishment if they kill or hurt their spouse, sister, or any of their female ascendants, whom they unexpectedly discover committing adultery or out-of-wed sexual relation with another person, as well as in a doubtful situation with another person. This provision leaves room for interpretation and is at the onset of widespread abuse. Further discrimination against women in the Penal Law relate to provisions for rape where the rapist can be exempt form penalty if he marries his victim.

In 2007, a Committee was set up to draft a new Personal Status Law. Yet, the proposal presented in 2009 received many critics as it is perceived by both women activists and government bodies working on women empowerment issues, as representing a major step backwards for women’s rights and empowerment.

The Syrian Arab Republic ratified CEDAW by Legislative Degree 330 dated 25/9/2002, with the following reservations related to nationality, freedom of movement and housing, equality of rights and responsibilities linked to custody, kinship, maintenance and adoption during and after marriage, and to the arbitration between countries to solve disputes; all believed to contradict with Islamic Law (Sharia) principles. The Syrian Commission for Family Affairs submitted a proposal to the head of the Syrian Government for removal of the reservations.

The Syrian Commission for Family Affairs is the government institution in charge of promoting gender equality and women’s rights. To this end, it has implemented activities of capacity building and awareness-raising which encompass amending the school curricula and removing stereotyped images. Various women’s associations additionally carry out awareness-raising activities, particularly on International Women’s Day.

The reports highlights the necessity to include a course on human rights and women rights in the curricula of basic education, so as to pave the way for establishing a new culture based on gender equality and women empowerment.

At the policy level, the national 10<sup>th</sup> Five Year Plan (2006–2010), Chapter 23 “Women Empowerment”, is the main umbrella to which all policies, strategies and plans relating to women’s empowerment refer to. To enhance women’s empowerment, the government allocated 0.025% of the State’s general budget for issues related to women’s development. The 10<sup>th</sup> Five Year Plan also addresses the subject of violence against women. A national plan to protect women against violence is under preparation as is a human trafficking law. The Syrian Commission of Family Affairs and other institutions have invested efforts in creating awareness of various stakeholders on violence against women, for example during the

International Day to Combat Violence against Women when TV and radio spots are being broadcasted. Further, shelters and health clinics for women have been set up.

Several studies and field researches have been conducted on gender-based violence. The most recent National Gender Based Violence Survey implemented by the Syrian Commission for Family Affairs has shown that violence remains widespread and that there is need to implement a coordinated policy and speed up measures to tackle GBV. In legal terms, some few articles of the Penal Code that can be used to condemn violence against women, including the offence of rape, yet in practice, legal provisions are insufficient to combat domestic violence and there is a need for a specific “Domestic Violence Law”.

Barriers to women’s equal rights and full and equal participation in society also refer to persisting stereotypes on women and men’s roles in the family and in society. Inherited traditions that put women in an “inferior” position to men still impregnate mentalities in Syrian society. Furthermore, there is a noticeable rise in the number of conservative movements in society who clearly attack already existing international conventions and national measures on women’s human rights. Far from hidden, such attacks are publicly announced in different forms.

## National Priorities and Perspectives for future action

Before and after ratifying the Convention on the Elimination of all forms of Discrimination against Women, many efforts have been made in Syria to improve the situation of women at all levels of public and private life. Yet, legal discriminations and gender stereotypes remain and there is a long way to go before women are effectively able to exercise their rights. According to the main national stakeholders, perspectives for future actions should build on:

**Legislation to ensure women’s equal rights and removal of CEDAW reservations:** There is a need to seriously work towards the adoption of more advanced legislations that clearly integrates the principle of equality between women and men, and ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights. This also calls for renewed action to lift the CEDAW reservations. Still, the adoption of advanced legislations is not in itself enough. More efforts are needed to raise awareness among all levels of society on the benefits of adopting legislations that assist in strengthening the role of women, and men, in society.

**Policy design and implementation measures:** Chapter 23 of the 10<sup>th</sup> five year plan is identified as a milestone for women empowerment and provides a strategy for women’s social and economic empowerment. Yet, the objectives are too broad and the technique for implementing the objectives unavailable. Hence, the gaps identified in the current plan must be avoided in the 11<sup>th</sup> five year plan. This calls for a strengthened dialogue and cooperation between all relevant governmental and non-governmental actors in favour of promoting women and equality between men and women. Although the issue of gender equality and gender mainstreaming are not a new in Syria, there remain a lot of misunderstandings, mis and preconceived ideas on gender equality, making it difficult to mainstream gender at the policy and planning levels.

**Gender-based violence and stereotypes:** Barriers to women’s equal rights and empowerment are also drawn from persisting stereotypes on women and men’s roles in the family and in society. The rise of conservative movements in society who openly question the advancements in women’s human rights are a matter of concern. Traditional values and gender roles underpin the difficulty to tackle issues such as gender-based violence because they perpetrate the idea that GBV is a familial and private matter, not a public one. Secrecy and taboo make it difficult to tackle the issue in the public sphere.

**Women’s economic empowerment:** Women empowerment cannot be achieved without women’s economic empowerment and the creation of an enabling environment. An enabling environment includes measures to prompt women’s access to decision making in both public and private life.

To address the obstacles, gaps and remaining challenges in promoting women’s rights and gender equality, the main priorities and strategic interventions cluster around:

- **Legal reform:** lift the reservations to CEDAW and adopt a new Personal Status Law that is favourable women’s rights and equality;
- **Policy measures:** ratify the Women Protection against Violence Plan and adopt an 11<sup>th</sup> 5 Year Plan which dedicates a special chapter to women’s empowerment, focusing on women in decision making positions and GBV;
- **Enhance capacity** of governmental institutions that provide services to women in areas of education, health, legislations and economic empowerment;
- **Deepen knowledge** through research and studies and set up a women study centre within an existing Study and Research Centre;
- **Institutional strengthening:** launch the Observatory Unit for GBV and the Family Protection Unit, and adopt and implement mechanisms for cooperating and coordinating measures with all relevant parties;
- **Combat gender-based violence;**
- **Women and employment:** adopt plans to increase the number of women in the labour force.

## 2. Background and Objectives

### 2.1. Programme Context

The regional programme “Enhancing Equality between Men and Women in the Euromed Region” (EGEP) has been developed within the framework of the Istanbul Ministerial Conclusions on “Strengthening the Role of Women in Society” and is of three years duration (May 2008 – May 2011). It is funded through the European Neighbourhood and Partnership Instrument (ENPI) of the European Union. The programme is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria and Tunisia.

The overall objective of the programme is to enhance equality between men and women by building capacity of key actors, particularly State actors, and by supporting existing positive trends, and dynamics relative to women’s role in decision-making in the public as well as in the private domain, and to provide follow-up for the Istanbul Ministerial Conclusions.

The programme is based on three main purposes:

- Purpose 1: Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women’s rights in the region;
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women;
- Purpose 3: Ensure that the Istanbul Ministerial Conclusions on “Strengthening the role of women in society” are being followed up.

With the view of supporting current dynamics and strengthening the capacity of qualified actors in order to promote equality between men and women, Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). The process has been twofold: the drafting by a national expert of a Situation Analysis Report and the presentation, debating and validation of the findings of the Situation Analysis Report during a national multi-stakeholder validation workshop.

## 2.2. Objectives of the situation analysis and Expected results

The **overall objective** of the national report is to conduct a situation analysis of women's human rights and gender equality, with an emphasis on legal reforms, participation in decision making in public and private life and gender-based violence in Syria.

In the framework of the CEDAW Convention and of the Istanbul Ministerial Conclusions, the **specific objectives** of this report are:

- To identify the status and current dynamics related to gender equality and women's empowerment in Syria;
- To highlight the status and current dynamics related to gender based violence;
- To identify the main issues, obstacles and opportunities as well as challenges and priorities regarding women's participation in decision-making at all levels (private and public sphere).

Furthermore, it highlights ongoing awareness raising, legislations, strategies, social and political dynamics and mechanisms critical to the implementation of CEDAW and of the Istanbul Ministerial Conclusions.

### 3. Methodology

The **overall methodology** adopted to conduct the situation analysis is based on a desk review of primary and secondary sources and on the conduction of rapid assessment interviews with stakeholders. The analysis of the findings of both the review and the rapid assessment is embedded in the frameworks of the CEDAW and the Istanbul Ministerial Conclusions.

The situation analysis does not intend to prepare new assessments but rather to compile existing information to allow government actors, civil society organisations and other regional and international partners to ensure consistency and reinforce synergies of efforts and interventions. Interviews were conducted with a representative sample of stakeholder to assess efforts and challenges in promoting women’s human rights at the country level.

In the final stages of the situation analysis process, a national validation workshop was organised to allow all stakeholders to debate and validate the findings of the situation analysis and to agree on a set of national priorities. The planning and organizing of the workshop was conducted in close collaboration with the National Women’s Machinery to ensure ownership and commitment at the national level. The workshop gathered representatives of the National Women’s Machinery, line Ministries, parliamentarians, researchers, civil society and women’s organisations, journalists and representatives of donor agencies. The findings of the report were debated and validated with all participants to build a consensus on the main findings, priorities and perspectives for future action.

The **specific work methodology** used for the present report includes:

- Qualitative and quantitative data related to Syrian women’s role and participation in decision-making in both public and private spheres, and different information related to gender based violence, were collected from the following sources: 33 locally prepared reports and documents (from 2004-2009), 10 of the main Syrian reports presented to the United Nations CRC and CEDAW Committees during the last three years, and 15 articles from the local newspapers and magazines were reviewed;
- A Comparative and Analytical Matrix for assessing progress towards Equality between Women and Men based on CEDAW and on the 2006 Istanbul Conference conclusions and recommendations;
- Interviews with relevant individuals/institutions to fill a rapid assessment questionnaire intended to evaluate the progress made since Istanbul 2006 in the country as regard to implementation, follow up and budgeting as well as recommendations and priorities for the future phases;

- A Mapping of main stakeholders: State actors, civil society organisations, media, and donors working in the country and concerned and/or interested by the topics and expected results;
- A Workshop for the main stakeholders which presented the situation analysis and the themes, with focus on the Istanbul and CEDAW framework, the objectives, expected results and methodology. Working groups tackled the following issues: Gender equality and how to articulate decision making of women in public and private life; Gender Based Violence; and Istanbul and how to improve reporting and monitoring.



## 4. Overall Context

### 4.1. General information on the land and people

The Syrian Arab Republic is a lower middle income country with a GDP (Gross Domestic Product) standing at 1,900 billion Syrian Pounds (IMF 2007). The country is highly dependent on the oil and agriculture sectors.

The overall land area of the Syrian Arab Republic is 185,180 square kilometres, of which approximately 6 million hectares are arable, and the remaining either mountainous or badia (semi desert). The area of the occupied Syrian Arab territories (the Golan) amounts to 1,200 square kilometres.

Including the Capital, Damascus, Syria is divided into 14 Muhafazat (Governorates): Rural Damascus – Aleppo – Lattakia – Homos – Hama – Idleb – Tartous – Daraa – Swieda – Qanitra – Dierazzor – Hasaka – Araqa.

The population of Syria amounts to around 19,880,000 (9,718,000 females and 10,162,000 males)<sup>1</sup>. The fertility rate (births per woman) is 3.20, and the population is growing at an annual rate of approximately 2.68%<sup>2</sup>. Nearly 65% of the total population is under the age of 25.

#### Estimates of population actually living in Syria by Muhafaza (in 000, 2008 data)<sup>3</sup>

Muhafaza	Female	Male	Total	Muhafaza	Female	Male	Total
Damascus	828	862	1 690	Idleb	681	712	1 393
Rural Damascus	1 247	1 323	2 570	Al-Hasaka	700	709	1 409
Aleppo	2 185	2 322	4 507	Al-Raqqa	414	462	876
Homos	824	862	1 686	Al-Sweida	180	172	352
Hama	748	776	1 524	Dar'a	464	479	943
Lattakia	475	484	959	Tartous	376	386	762
Dierazzor	557	571	1 128	Qunitera	39	42	81

The Syrian economy depends on agriculture and services. It also depends on oil as a main resource of exports.

<sup>1</sup> 2008 Statistical Yearbook of the Central Bureau of Statistics: 2007 statistics

<sup>2</sup> Gender Gap Index 2008

<sup>3</sup> 2008 Statistical Yearbook of the Central Bureau of Statistics, Syrians living abroad are not included

**Gross Domestic Product in Syria, 1970 – 2005 (million SYP)**

Year	1970	1975	1980	1985	1990	1995	2000	2005
GDP at market prices (current price)	6,800	20,597	51,270	83,225	268,328	570,975	903,944	1,490,820
Nominal GDP Growth at market prices (%)	7.6	40.6	29.8	12.47	44.5	22.6	11.7	13.0
GDP at market prices (2000 constant price)	179,403	321,874	450,657	515,986	510,548	756,404	903,944	1,134,861
Real GDP Growth at market prices (%)	1.5	15.9	8.0	2.9	-0.2	9.6	3.9	5.1
GDP at factor cost	6,366	20,096	52,690	84,144	254,579	509,971	878,709	1,586,398
GDP Growth at factor cost (%)	7.8	43.1	32.4	11.9	40.5	20.1	14.5	16.1
GDP at factor cost (2000 constant price)	159,371	320,934	515,760	546,838	546,048	689,491	878,709	1,155,016
Real GDP Growth at factor cost (%)	1.4	20.3	12.1	1.2	-0.03	5.3	5.5	6.3

Source: Central Bank of Syria, multiple years

## 4.2. Political structure

Syria has been an independent State since 1946, and has been governed by the Ba’ath Party since 1963. The ruling coalition is made up of several parties, yet Syria remains effectively a one-party State. The current Constitution dates from 1973.

The People’s Assembly is elected by universal suffrage every four years, and a presidential referendum is held every seven years.

When Syria achieved independence, several concerned “reformers”, tried to separate religion from State, reduce the domain of Islamic law and repudiate the Ottoman authority<sup>4</sup>. Issues concerning women’s legal and human rights were brought to the surface for the first time. Still the principle of Syrian law derives basically from Islamic jurisprudence. The courts of law in Syria are principally divided into two juridical court systems: courts of general jurisdiction and administrative courts. Since 1973, the supreme constitutional court has been established as the paramount body of the Syrian judicial structure.

Still, Article 305 of the Syrian Law of Personal Status (Qanun al-Ahwal al-Shakhsiyya) (SLPS) directs that, for matters not specified in the text, resort shall be made to the most authoritative doctrine of the Hanafi Fiqh (one of the religious school). Major amendments were made to the SLPS in 1975, particularly relating to the areas of dowry, maintenance, muta marriage, cost of nursing, custody of children, and guardianship.

## 4.3. Human Development Index and Gender Gaps

Syria ranks 108 of 157 on the global Human Development Index (HDI), and in terms of the Gender Development Indicator (GDI), ranks 96 from 157 (Human Development Report 2007-8), placing it well within the category of “medium human development”<sup>5</sup>. Significant progress has been achieved in the last four decades in many areas of human Development.

<sup>4</sup> The Ottoman Law of Family Rights, dating 300 years ago, continues to govern matters of personal status until 1953 when the Qadi (Judge) of Damascus, Shiekh Ali Al-Tantawi, drafted a comprehensive treaty on personal law. In 1953, The Syrian Law of Personal Status (Qanun al-Ahwal al-Shakhsiyya), was produced. It covered matters of personal status and family relations.

<sup>5</sup> The HDI is a composite index based on three indicators: longevity, as measured by life expectancy at birth; educational attainment, as measured by the combination of adult literacy (two-thirds weight) and the combined gross primary, secondary, and tertiary enrolment ratio (one third weight); and the standard of living, as measured by GDP per capita (PPP \$US)

Yet, mothers' mortality rate is still comparatively high where it reached 58 per 100 thousand for the same year. As for birth incidents under the supervision of trained health staff, they reached 89.7 during the same year. The **health** conditions of women in the city differ from those in the countryside where it is quite difficult to have good qualitative health services especially with regard to having the required medical advice before and after delivery.

### Maternity and Childbearing<sup>6</sup>

Infant mortality rate (per 1,000 live births)	18
Under five mortality rate (per 1,000 live births)	22
Maternal mortality rate (per 100,000 live births)	130
Adolescent fertility rate (births per 1,000 women aged 15-19)	37,51

Women's **economic participation** is much less than that of men (9.2% for females and 45.2% for males according to 2004 figures). The activities of women in this field are centred in the sector of services (56.3) while they are lower in modern productive sectors (7.7% in industry). Further, women occupation of high administrative positions is still low.

Gender parity for **primary and secondary school** is close to 1.00, indicating no difference in the attendance of girls and boys.<sup>7</sup> Yet, illiteracy rates among females are higher than those among males and female admission rates are much less than male admission rates in rural and remote areas. Female teachers form 64% in elementary school, 50% in preparatory and secondary schools and 20% in higher education.

On the other hand, the Syrian educational curriculum has to a great extent ignored the issue of gender discrimination which justifies the practice of physical and symbolic violence against women and reproduces gender stereotypes.

Syria was included in the Global Gender Gap Report<sup>8</sup> for the first time in 2007, when it was able to provide 13 indicators out of the 14 variables that enter the Index. Syria's overall Gender Gap Index (GGI) 2008 was 107 out of 130 countries, scoring 0.618; whereas in 2007, it ranked 103 out of 128 countries, scoring 0.622<sup>9</sup>, a change in score at minus 0.0035<sup>10</sup>. In

<sup>6</sup> MICS Syria, 2006

<sup>7</sup> Ibid

<sup>8</sup> World Economic Forum, Geneva, Switzerland

<sup>9</sup> The Index captures gaps between women and men's attainment levels, rather than the levels themselves, these ratios are truncated at the "equality benchmark", considered to be 1, meaning equal numbers of women and men. Thus the score ranges from 0.000 for inequality, to 1.000 for equality

<sup>10</sup> In the Arab region, Syria, along with Qatar, Bahrain and Saudi Arabia have deteriorated in abridging the gap between men and women in the four fundamental categories: economic participation and opportunity, educational attainment, political empowerment and survival.

detail, it ranked in economic participation and opportunity 107 (scoring 0.5084), educational attainment 101 (scoring 0.9275), health and survival 65 (0.9761), and political empowerment 112 (0.0603).

The Government has developed its own measurement for poverty, which approximates \$2 per person per day. On this basis, roughly 11 per cent of the population lives below the official poverty line, though the proportion is lower in the Damascus area and higher in Aleppo, Raqqa and Sweida. Further analysis of the data shows that conditions in some areas are worsening, though the overall figures show improvement. Although difficult to estimate, it is believed that in poor households, women poverty is higher than that of men due to women's limited access to assets (capital). For example, women own less than 10 per cent of agricultural land, in spite of their right to inherit granted by Sharia.

The data also indicates that poverty is still relatively shallow, which means that, with progress in economic growth and equity, the proportion below the poverty line could be cut by half by 2015, keeping with the MDG first target (MDG 2005).

## 5. National Legal Framework and Context of Women's Rights and Gender Equality

### 5.1. Syria's Legal Framework

#### 5.1.1. Constitution

In general, Syria's permanent Constitution, adopted on 13<sup>th</sup> March 1973, states the basis of justice and equality for all citizens. Its basic formulas, general rules, and the wide and general framework of rights, freedoms and duties of citizens, address both sexes. The articles do not discriminate between the two sexes. All citizens, whether male or females, are given the same rights:

- Article 25: "Citizens are equal before the law in their rights and duties, and the government guarantees the principle of equal opportunities among citizens"
- Article 26: "Every Citizen has the right to contribute to the political, economic, social and cultural life"
- Article 27: "Citizens practice their rights and enjoy their freedoms"
- Article 45: "The State guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural and economic life. The State removes the restrictions that prevent women's development and participation in building the society"

Furthermore, there are a number of domestic laws and legislations that discriminate, what is considered, positively in favour of women, such as the Employment Act No.91 of 1959, which devotes a full section to women's employment. The Constitution also gives a general framework for marriage, and considers the family the basic cell of society, explained as follows:

- Article 44 concerning Family, Marriage and Children, states: "1 – The family is the basic unit of society and is protected by the State. 2 – The State protects and encourages marriage and eliminates the material and social obstacles hindering it. The State protects mothers and infants and extends care to adolescents and youths, and provides them with the suitable circumstances to develop their faculties"

Similarly, the Constitution of the Ba'ath Arab Socialist Party, the ruling party of the regime, states the following articles regarding women's rights:

- Article 28: "All Citizens are equal before the law in human value; therefore the party prohibits exploiting the efforts of others"
- Article 12: "The woman enjoys all the rights of a citizen, and the party has strived to raise the standards for women so that they will become worthy to enjoy those rights"

Thus, Syrian women have complete legal authority as follows:

- The right to conclude contracts, own property, to dispose of and administer both;
- The right to prosecute before the law and the courts without discrimination when they reach the age of 18 (according to article 46);
- Married women have the right to retain their own family surname, and don't need to use their husband's surnames (according to article 40);
- Women are afforded independent financial liability;
- Women are allowed under civil law to engage in commerce and to use their money without the need for receiving permission from their husbands or sponsors;
- Under civil law, women have full civil rights, including the right to witness before civil and penal courts, yet they do not have the right to stand witness before spiritual courts.

Nevertheless while Syria's Constitution guarantees gender equality, the Personal Status Laws and the Penal Code contain provisions that discriminate against women and girls.

### 5.1.2. Personal Status Law and Nationality Law

Family issues in Syria fall under the Personal Status Law of 1953, and its amendments of 1975. The Law was promulgated under cover of Legislative Decree No 59 of 17<sup>th</sup> September 1953, and came into force on 1<sup>st</sup> November of the same year, modified by law 34 of 1975. It represents the latest development in the series of reforms in the Sharia Law, as applied by the courts, which was provided by the Ottoman Law of Family Rights of 1917.

The law is applied to Syrians, except certain rules on issues related to Christians and each community has its own religious rules regarding engagement, marriage, alimony, divorce and custody. All other aspects of the family, such as kinship, adoption, legal incompetence, and inheritance are governed by the Personal Status Law. The Personal Status Law deals with the affairs related to the establishment of a family in Syria, from marriage to birth, to childbearing, to death and inheritance. It includes in the section on marriage the subject of engagement and then the basic elements, provisions, types, principles, and effects of marriage as well as marriage disintegration, birth-related issues, kinship, custody, nursing, and

alimony. It also addresses the rules of competence, guardianship, procreation, and issues regarding inheritance, estate, wills, and donations.

Although qualitative leaps have been made, there still remain several obstacles that hinder women's progress and their attainment to full equality with men with regards to rights and duties under the law, especially the Personal Status Law. The amendment of the law is slow: it is estimated that every 25 – 30 years, Syrian women achieve an additional right. Ironically, they may then need more than 1500 years to achieve equity.

The principal discriminations in the Personal Status Law relate to:

- **Marriage Age** – Article 16 stipulates that the two marriage partners should be of legal age for marriage. The minimum marriage age is 18 years for males, and 16 for females, with scope of judicial discretion for males of 15 years and females of 13 years if either the father or grandfather serving as wali consents and the parties appear physically able, and if he fears for the young girl's "morals and reputation".
- **Polygamy** – According to Law No. 134, ratified 31/12/1975, Article 37, "a man cannot marry a fifth wife unless he divorces one of his four wives, and only after the passage of three months". Syrian legislators have tried to restrict polygamy, yet they have refused to eliminate it altogether, and it is still practiced to a certain extent. Article 17 of the Penal Law stipulates that judges are entitled to refuse permission to married men to take a second wife unless they have legitimate justifications and are able to afford her expenses. The factors that should be taken into account, according to the legislation, include; the legitimate justifications of a woman's sickness, inability to conduct martial affairs, and sterility. Thus, the decision of whether a man is permitted to take a second wife is left solely to the judge. Yet men can find a way round. They can easily resort to civil marriage, which allows the marriage to be registered outside the court. Later, the marriage is obligatory registered when medical reports verifying pregnancy is submitted to court, as supported by Article 40 of the Penal Law. Furthermore, according to Syria's Penal Law, the fine for cases of civil marriage was not more than 100 – 250 SP (2 – 5 \$), and has now been increased to 1500 SP (75 \$), but no real attempt to eliminate the law has been registered.
- **Guardianship (Wali)** – Article 21 to 25 rule over guardianship of females. For a women to have a guardianship means that he shares with her the right to choose whom she will be married to and how, in other words, and in contrast with Article 5, women do not have total free choice over their fate as men do. On the other hand, a judge is given the right to decide whether a marriage is suitable once the woman consents, as stipulated in Article 24.
- **Divorce (Talaq)** – Divorce is solely a man's prerogative and through the Sharia courts. A woman can only divorce herself if her husband gives her that right prior to marriage



through the “Isma”. Since 1974, a wife was granted the right to go to court and ask for a divorce. Husbands are accorded the right to the unilateral breakdown of the marital bond without naming a reason for the decision, abusive divorce; while women need to seek authorization from a judge to divorce under very limited conditions, or must financially compensate their husband so that they agree to divorce them (Alkholau). Yet “Alkholau” is humiliating for a woman, because she is actually buying her freedom, and the only benefit that the procedure offers is that it takes less time than the judicial divorce procedure which can take years.

The wife may seek a judicial divorce on the following grounds: a defect in the husband preventing consummation (though such right is forfeit if the wife accepted the defect except in the case of husband’s impotence); husband’s insanity; husband’s absence without justification for one year; husband’s sentencing to three years’ imprisonment after he has served one year of the sentence; and the husband’s failure to maintain. If non-maintenance is due to the husband’s inability, the judge shall grant a grace period of up to three months. Either spouse may apply for a judicial divorce on grounds of discord causing such harms as makes cohabitation impossible (after reconciliation efforts). The divorced wife may be awarded compensation up to three years’ maintenance. Yet the amount paid is relatively small, the average of 1000 SP (equivalent to \$20) per child.

- **Children Custody** – According to the amended Syrian legislation draft, eventually passed through the People’s Assembly, on the evening of the 20 October 2003, and which caused much row among parliament members, especially religious men, the divorced mother right to custody over boys has risen till the age of 11, and girls till the age of 13. Before, and according to the 1975 amended Syrian legislature, it was 9 and 11 successively. Upon reaching the age of father custody, judges have the right to make them stay with the parent they deem more fitting to bring them up and for the best interest of the child. The decision is made after consultation with the children. This is a positive amendment, yet it still falls short from most Arab countries, which allow mother’s custody till the age of 15.
- **Place of Habitation** – The law makes no reference to providing habitation to the divorced mother and her children. According to Article 389 of Kadri Basha, who is referred to when no text is found in the Personal Status Law, when a mother is the guardian and she does not have a dwelling in which to keep her child, the child’s father must provide habitation for both of them. Similarly, in Abi Hanifa’s doctrine, it is implied that dwelling rental should be included in an amount stipulating to cover alimony costs of food, clothing, and health care. The courts impose a charge to provide for the children needs, again usually a very insufficient amount of money, but divorced fathers are not obligated to provide habitation for children and their mothers. Furthermore, divorced women are often forced to return to their relatives’ houses with their children while their former husbands are allowed to stay in the marital house.

The **Nationality Law** discriminates between males and females. For according to Article 3, Paragraph A, of the 1969 Nationality Law: “The person born inside or outside the country from a Syrian Arab “father” is considered a Syrian Arab”. In other words, only Syrian males give their nationality to their children regardless of where they are born, while Syrian women are deprived from giving their Syrian Nationality to their children, if married to a non-Syrian, even if they give birth on the Syrian Territories. This law contrasts with the civil law which gives women full legal competence. Article 3 causes unlimited problems for Syrian women married to non-Syrians who wish to settle in Syria with their children. It is also obvious that Syrian Women are not allowed to pass on their nationality to their foreign husbands. Yet these restrictions do not apply to men married to and having children with foreign women.

In 2002, the Minister of the Interior issued directives stipulating that a woman is entitled to make her own application for a passport or its renewal, without her husband’s consent. There have been concerted efforts to review the reservation entered by the Syrian Government to article 9 of the Convention (Nationality) and produce the necessary legal amendments. In that context, the Syrian Commission for Family Affairs has worked in conjunction with the General Women’s Federation and relevant non-governmental organizations to examine this reservation by preparing legal studies highlighting the discrimination in the Syrian Nationality Act.

The Syrian Women’s League also prepared a field study of the target groups (women married to non-Syrians) and presented a memorandum to the People’s Assembly on 30 March 2004 seeking the amendment of article 3 (a), together with a statement of the reasons for the amendment. It should be mentioned that a bill on the amendment of article 3 of the Syrian Nationality Act was tabled by 35 members of the People’s Assembly. The bill was also included in the agenda of the May-June 2004 session of the Assembly and submitted to the Government, which prepared a draft amendment that is currently under discussion in the Cabinet.

In addition lax legislation on domestic affairs, such as divorce and rape, eases the path of violence against women. Syrian society is a patriarchy in which there is a struggle between what is traditional and what is new. Syrian women always feel threatened by divorce, as a husband can just dispense with her without giving compensation.

A new Civil Law for Catholics went into effect on July 5, 2006. It contains strict rules on the order of inheritance with regard to the relatives of the deceased, as well as on the jurisdiction of Christian courts. Additionally, there are laws that establish the legal marriage age and prohibit some instances of mixed marriage for Catholics. The law gives the bishop of a diocese and the Christian courts expanded authority to determine the validity of an adoption. The new law also clarifies parental rights and inheritance rules between adopting parents and the adopted child. The Catholic leadership generally received the law positively.

## National debate on amending & reforming the Personal Status Law

On 7 June 2007, a Committee was formed by the Prime Minister, under decision No. 2437, to draft a new Personal Status Law. The law was completed two years later in June 2009. As soon as it came out it received many critics, from both Women Activists and Government Organizations working on women empowerment issues, who described it as representing a major retreat and huge step backwards and total failure if compared to the current law, and a complete contradiction against all national policies, plans and strategies to enhance women's role in society.

Decision makers are divided in society between:

- the “conservative segments” who completely oppose any demolishing or even amendment in articles that discriminate between men and women in both the Personal Status Law and the Penal Law (knowing quite well that several articles are not based on “religious texts”, yet they find enough excuses, based on deeply established traditions); and
- the more moderate Islamic clerks who understand that the articles are not in compliance with religion, and speak ‘theoretically’ of how Islam has given women their rights, without advocating for a change in the Civil Law based on the rights obtained;
- the third segments are the women rights activists who find the article of the Personal Status Law discriminately and consider that it treats women as second class citizens.

As a result, a big attack and counter attacks took place during the month of June 2009 in the media after the issue of the New Personal Draft Law.

### 5.1.3. Penal Law

In principle, the Syrian Penal Law defines crimes and their punishment for both sexes. It covers crimes ranging from those involving minor acts to acts of murder. Penalties for crimes are implemented whether the criminal is a male or female, and both women and men can present criminal claims against anyone who has injured them. In actuality however, women rarely take up claims against anyone, whether they are their fathers, brothers, sons, husband or strangers. This is despite the fact that the Penal Law makes a special case for crimes against women, such as molestation or mere verbal insolent acts. It lists penalties of incest, kidnapping, adultery, deflowering with a promise of marriage, encouraging dissoluteness, sexual flirtation, and teasing of an underage girl. These offences can receive punishment of up to 15 years of imprisonment, while sexual assault and rape can be punished for up to 21 years if the victim is below the age of 12. The penal Law also attempts to eliminate all forms of trafficking in women and prostitution.

Despite the equality between the two sexes found in the Penal Law, and the protection it gives to women if they have been exposed to sexual assault, yet the law is not free from aspects of discrimination against women.

Article 548 states that men can be exempted from punishment if they kill or hurt their spouse, sister, or any of their female ascendants, whom they unexpectedly discover committing adultery or out-of-wed sexual relation with another person. Only men are afforded this right, which is considered justified since they are reasoned to have committed the crime under extreme excitement and without premeditation. The second paragraph of the same article also gives a man a justifiable excuse if he kills or hurts his spouse, sister, or his female ascendants when he unexpectedly discovers them in a doubtful situation with another person. The expression “doubtful situation” however is problematic, as it is not precise thus allowing unlimited possibilities for men to take vengeance on women.

*Article 548.1: “A man who catches his wife, one of his female ascendants or descendents, or his sister committing adultery or engaging in illegitimate sexual relations with another person and who, without intending to do so, murders, beats or injures his relative and her accomplice, is exempt from punishment”. Furthermore, he is not deprived from inheriting from her.*

*Article 548.2: “Punishment provided for by the law will be reduced for anyone who catches his wife, one of his female ascendants or descendents, or his sister in a suspicious situation with a man and commits murder or battery or inflicts injury”.*

Article 548 was amended on 1<sup>st</sup> July 2009 by legislative decree No 37, 2009. It raises the penalty for honour killing to least two years, and for both man and woman. The main reason behind the amendment is said to be an increase in the number of domestic violence committed against wives and female relatives under the excuse of honour killing.

According to Article 192, men who murder, beat or cause injury to their allegedly adulterous wives and sisters can claim extenuating circumstances before the law. It is only the man in the family who is given the right to act violently against the opposite sex under such a motivation.

According to Article 242, a person committing a crime under severe anger is accorded a justifiable excuse for the crime and reduced punishment. In practice, the article is used to commute the punishment of honour crimes.

Further discrimination against women in the Syrian Penal Law relate to:

- **Rape** – Perhaps the most controversial law against women is the one that says a rapist can be acquitted if he marries his victim. This way the woman suffers three times. First, when she was raped, secondly when she is married to her rapist and thirdly when he

inevitably divorces her after a few months. A murderer pays compensation (*fedya*) to the family of a female victim half what would be paid for a male victim.

- **Adultery** – According to Articles 473, 474 and 475, a woman who commits adultery is subject to punishment double that of the man's. The manner of submitting proof has a role in the discrimination, as a man who brings a case against a woman adulterer is allowed to invoke unlimited examples while a woman who brings a case against a man has limited recourse to proof. The one exception is in the case of juridical affirmation or witnessed delinquency. Men's adultery is considered allowable when committed outside the marital house and is punished only when it occurs inside the home. Women, however, are punished for adultery no matter where it is committed. Under the law, male guardians are given the right to bring a suit of adultery against an unmarried woman, but they have no right to bring such a suit against an unmarried man. According to the law, a woman convicted of adultery can spend three months to two years in prison, if she is not killed by her family, while a husband in the same situation is given one month to a year. Another very flagrant discrimination against women is Article 508, which tries to stop prosecution and the carrying out of capital punishment to perpetrators of rape, adultery, kidnapping, seduction, and profligacy if they marry their victim. This plays out in the criminal, in order to avoid punishment, endeavouring to marry his victim, while the victim's parents usually accept the marriage in order to erase the scandal that occurred to their daughter. If they marry, as in most cases, all legal rights afforded to the women in the crime drops. It is safe to say that this article has contributed much to increase sexual assault against girls, since men who commit crimes are effectively rewarded with marriage instead of just punishment. The contracts of marriages under these circumstances overtly contradict with the fundamental of marriage which should be based on the willingness of both parties and mutual understanding.
- **Contraceptives versus Family Planning** – Another obvious contradiction is related to Articles 523 and 524 which suggest that anyone engaged in advertising, promoting, selling, obtaining or facilitating the use of contraceptives must face certain penalties. As a matter of fact, Syria has adopted a population policy that includes a policy of Family Planning. Contraceptives can be found in pharmacies and health centres belonging to the Ministry of Health, the General Union of Women, and the Family Planning Association. Statistics have demonstrated that Syria's rate of contraceptive use has increased to 45.8% in the second half of the 1990's due to the country's family planning policy. The total fertility rate has dropped to 3.6% and the population growth rate has fallen to 2.7%.
- **Abortion** – for other than medical reasons, is forbidden, although it is practiced clandestinely and constitutes a source of revenue for doctors and even charlatans. This means that terminating pregnancy costs a high price, and therefore only the better-off-women have access to abortions under adequate conditions.

## 5.2. Women’s role and participation in decision-making

### 5.2.1. The public sphere

Since 1970, the issues of employment and advancement of women have been on the Syrian government’s agenda of development priorities. The Ba’ath Party, the ruling party in Syria, has given emphasis to enhance both women’s public and private status in the society. The Ba’ath Arab Social Party’s (BASP’s) Constitution is the most important fundamental document issued by the Party. It directs the Party decision-making at different levels of leadership and controls the mechanism that achieves the Party objectives. According to Article 12 of the Ba’ath Constitution: “The woman enjoys all the rights of a citizen, and the party has strived to raise the standards for women so that they will become worthy to enjoy those rights”.

Yet, women remain underrepresented in decision-making spheres at local and national levels and in the ruling party structure.

2007 was the year of presidential, legislative and local elections in Syria<sup>11</sup>. As for the legislative elections, 12.4 % of the Majlis Sha’ab (People’s Council) seats were won by women (31 out of 250), in the 9<sup>th</sup> round elections (2007 – 2011) of 26 April 2007, compared to 12% (30 out of 250) in the 8<sup>th</sup> round elections (2003-2007).

In the latest 9<sup>th</sup> round of local elections, August 2007, women held 319 seats out of 9,687 (3.2%), compared to 294 seats out of 8,552 (3%) in the 8<sup>th</sup> round, 2003<sup>12</sup>.

Yet, some achievements regarding women’s political participation include:

- For the first time in Syria, and in the Arab World, Dr Najah Attar became the first female to hold the post of Vice President;
- Ms Shahinaz Fakoush became the first female in the Executive Bureau of the ruling Bath Party local leadership since 2005;
- Two women are currently ministers; Social Affairs and Labour, and Environment. Since 1976, when Dr Najah Attar was appointed as the first female minister in Syria, there have been three female ministers of culture; four ministers of social affairs and labour; a minister of high education, and a minister of expatriates;

<sup>11</sup> <http://www.intekhabat.org/look/en-article.tpl?IdLanguage=1&IdPublication=1&NrArticle=4330&NrIssue=2&NrSection=4>

<sup>12</sup> <http://www.intekhabat.org> & “Towards Political Empowerment of Syrian Women” (SCFA 2006)

- In 2007, the Grand Mufti Ahmed Badr Hasoon, the top Muslim cleric in Syria, announced that female graduates of Islamic law colleges are being trained to become muftis who will counsel women on religious matters;
- The election of a woman to the Executive Board of the Peasant Union last year, and in 2009, and two women were elected head of two Peasant Associations in Idleb, one of the most conservative governorates in Syria;
- The appointment of Samira Almasalmeh as Syria's first female editor-in-chief to the state-run Tishreen newspaper in January 2009.

### 5.2.2. The private sphere

Women's decision making in the private sphere remains limited as restrictions due to the deeply rooted traditions on gender roles and duty prevail. Accordingly, a 1999 socio-economic survey led by MAAR, FAO & UNFPA, showed that decision making regarding household issues such as, education and marriage of children, and expenditure, is in most cases the privilege of male heads of households within the patriarchal structure of family.

In the National Human Development Report of 2005<sup>13</sup>, a survey is carried out on male and female students regarding the relation between education and women's work. The results indicate a stereotype vision of the role of women as follows; 84% of the interviewed believe that women's main role is at home; 83% believe that women should follow the order of the man of the family; 54% believe that girls' parents have the right to chose what to study at university; 89% believe that there are certain jobs suitable for women; and 97% believe that women work increases household chores.

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<sup>13</sup> National Human Development Report 2005 Education and Human Development towards improved Qualification

## 6. International Conventions, Treaties and National Legislation

### 6.1. International Conventions: CEDAW and CRC

#### 6.1.1. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and reservations

The Syrian Arab Republic ratified CEDAW by Legislative Degree 330 dated 25/9/2002, with the following reservations<sup>14</sup>, believed to contradict with Islamic Law (Sharia) principles:

- Article 2 and Article 9, Clause 2, related to bestowing the nationality of mothers to their children;
- Article 15, Clause 4, related to freedom of movement and housing;
- Article 16, Clause 1, Sections (c, d, f, g) related to equality of rights and responsibilities linked to custody, kinship, maintenance and adoption, during and after marriage;
- Article 16, Clause 2, related to the legal effect of the children's engagement or marriage;
- Article 29, Clause 1, related to the arbitration between countries to solve disputes.

In 2006, the Syrian Commission for Family Affairs (SCFA) prepared three studies comparing the CEDAW articles (Articles 2, 9, 15, 16) and national legislation (personal status law, criminal code and nationality code). In May 2006, it wrote a memorandum submitting it to the Cabinet with a request to remove all reservations on the CEDAW. In April 2007, the SCFA developed a draft for a presidential decree forwarding it to the Cabinet in order to be transferred officially to the legislative authority (the parliament). The proposal recommends the removal of reservations on Article 16, paragraph 1d, concerning equal rights and responsibilities in marriage and divorce, and paragraph 2 related to the betrothal and the marriage of a child.

The memorandum of proposal from the Commission is based on the provisions and principles of the national Constitution and the need to develop the laws for the benefit of men and women who constitute the Syrian public, thus complementing the programme of reform put forward by the country's political leadership and the proposals made by the members of the People's Assembly, both male and female, in their meetings with the Commission conducted for such purpose. It also matches the aspirations of Syrian society, in particular

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<sup>14</sup> SCFA 2005



women's organizations, which submitted more than one memorandum; the General Women's Federation, for example, submitted a memorandum for the amendment of discriminatory articles of law and the Syrian Women's League submitted a memorandum to the People's Assembly for amendment of the Nationality Act, which was then presented to the Cabinet and is now in the final stages of discussion. The Commission further based its memorandum on the fact that the majority of Syrian laws are non-discriminatory.

In this process, the Syrian Commission for Family Affairs also published *Women Between religious texts and Social Customs* which revealed the Opinion of the General Mufti of Syria, Dr Ahmad Hassoun, regarding the reservations made by the Syrian on CEDAW; and another Jurisprudence Study on the reservations was prepared by Dr Mouhamed Alhabbash, Director of the Islamic Studies Centre in Damascus. Both reports analyse which reservations actually compete with religion Sharia principles, and which can be lifted.

***“Women between religious texts and social customs”, Opinion of the General Mufti of the Syrian Arab Republic, Dr Ahmad Hassoun, Regarding the reservations made by the Syrian Government on several CEDAW articles***

*Since women in the Islamic World constitutes 1/8 of the world's population and 1/4 of the total number of the women in the world, it is out of fairness and justice that their role should not be marginalized or attached to a certain custom or tradition as long as Islam guarantees the principle of equality in the sense of justice not in the sense of sameness.*

***Reservation on Article (2)*** with its seven clauses is due to the principle of equality between men and women in the Constitution and legislations.

***Clause (a)*** The principle of equality in the sense of equal opportunities is established in Islam through many holy verses and through the Sunna of Prophet Muhammad, and this principle is not denied by anyone in terms of giving women their full rights in public life politically, economically, socially and culturally.

As such,

- *Women have political rights to elect and be candidates*
- *Women have their independent financial status*
- *Women have the right to carry out social activities in a manner to serve the country and the Arab World*
- *Women have the right of education and the pursue of knowledge equally with men*
- *All the aforesaid is in compatibility with women's psychological and physical capacity*

**Clause (b)** Equality in that sense was not denied neither by the Syrian Constitution nor by many legislations in force since Syrian women hold many prominent political/economic/social/ cultural positions. As for the Quranic texts that may seem for some people discriminatory against women such as beating the wife, those are not mandatory and were explained by many prophetic texts which are distasteful of the act.

**Clause (C)** Concerning the issue of the testimony of one man and two women, this is in financial contacts which by tradition are undertaken by men. In other circumstances, the testimony of a woman is stronger than the testimony of a man.

**Clause (d)** This clause is harmonious with the Islamic Law which advocates good treatment of women and stresses that the human being must be respected regardless of sex.

**Clause (e)** It is the duty of any State to establish justice and even-handedness, and to amend or evoke any prevailing practices and customs which are discriminatory against women by drafting laws and laying down regulations without violating Quranic texts which do not neither in letter nor in spirit contain any discrimination against women but on the contrary call for respecting women.

**Clause (f)** Regarding the issue of equal punishment, it is a legitimate request given that although the Syrian penal law discriminates between men and women in regard to the extenuating excuse in the punishment for murder , should the judge be convinced that the motive behind the killing is honour, Islamic Law impose equal punishment on man and woman for adultery.

**Article (9)** The reservation on this article is a national and political reservation and not due to being in violation to Islamic Law provisions since nationality is a right acquired without discrimination between man and woman.

**Article (15)** This reservation can be dropped if the judge gave the woman the right to – according to jurists’ opinions – stipulate choosing her domicile and place of destination in her marriage contract. This is despite the fact that prohibiting a woman from travelling alone without an unmarriageable person is justified by the lack of security.

**Article (16) Clause (2)** The reservation should stay since the article indicates full equality and identicalness, which contradicts the responsibilities undertaken by each spouse. Pregnancy, breast feeding and nursing is the specialty of women, while providing for, labour and work is the specialty of men.

*In addition, the right of polygamy is given to man by religion under the known and guaranteeing condition, and this right cannot be given to women in order to preserve lineage and honour. Despite that, a woman has the right to stipulate in her marriage contract that her husband must not marry another woman.*

**Clause (d)** *There is no reason to express reservation on this clause since Islamic Law established the right of woman and nursery regardless of married or single so that the wellbeing of children is given priority in the opinion of the judge.*

**Clause (f)** *Reservation on this clause is extensive, the guardianship in Islamic Law is equal between men and women as stipulated by the Quranic text.*

*The mandatory guardianship has no reliable evidence to support it. As for optional guardianship in marriage contract, it's an honouring for woman and protection for her in order not to commit an error since this type of guardianship is agreed on by consultation and understanding in order to have a state of marriage as optimal as possible.*

**Clause (g)** *There is no need to express reservation on this article since Islam established woman's right to keep her name, lineage, personality, profession and job.*

*Provision 2 The Syrian Status Law considers the legal marriage age 18 for males, and 17 for females, and commissioned judges to marry of a boy aged 15 and a girl aged 13 upon request of their parents.*

*The difference in marriage age is not considered discriminatory but rather an acceptable custom because usually the husband is older than the wife.*

**Article (29)** *Reservation is necessary so that the International Court of Justice has no authority whatsoever over Syrian Laws and regulations in regard to the interpretation of this Agreement.*

### 6.1.2. Convention on the Rights of the Child (CRC) and implementation measures

Syria signed the CRC in 1990 ratifying it in 1993, with a general reservation to any provisions that are not in conformity with Syrian legislation or the principles of the Islamic Law (shari'a), and particular reference to Article 14 on children's freedom of religion, and Articles 2 and 21 concerning adoption, after lifting reservations on Articles 20 and 21 in February 2007.

In cooperation and coordination with concerned parties, the Syrian Commission for Family Affairs (SCFA) is responsible for the writing and submitting of the Syrian report on the Rights of the Child to the UN Committee on the Rights of the Child. So far, two reports were submitted. The Second Report was submitted on 15 August 2000, doc. CRC/C/93/Add.2, and discussed during the 33<sup>rd</sup> session of the Committee on CRC, in June 2003. The third and fourth reports were prepared, based on the comments to the second report submitted by the Committee on 10 July 2003, doc.CRC/C/15/Add.212. They were published in July 2009.

In terms of policy measures, the Ministries Council Meeting ratified a **National Plan for Child Protection** (2006 – 2007).

The Syrian Arab Republic also acceded to the Child Prostitution and Child Pornography Protocol on 15 May 2003. On 19 September 2006, the Committee on the Rights of the Child examined Syria's Initial Report on the Optional Protocol on the Sale of Children (OPSC).

Although the Syrian Constitution and the Civil law considers the legal age of capacity at age 18 years old, the Penal law considers the age to be 15 years in many issues related to sexual assault on children and as the age to be able to fully understand their legal problem. Syrian Penal law protects children from sexual assaults and violence and increase penalty on those who seduce minors or commit adultery. This protection is clear in many articles of Part 9 related to indecent crimes (Articles 489, 491, 492, 493, 495, 496, 497, 502, 504, 505 & 506).

Listening to sexually assaulted children is not well thought of in Syria, since it is relatively new in the strategies of child's rights. Moreover, the absence of an open dialogue culture in the family and school and society plays an important role in not listening to children. But in the last several years, through seminars and conferences and civic organizations and researchers, increased attention was brought to the issue.

On 8 & 9 February 2004, the first **National Conference of Childhood** in Syria was held under the title "Protecting children against violence, neglect, abuse and maltreatment".

UNICEF office in Syria published the "**Multiple Indicator Cluster Survey**" (2006), monitoring the situation of children and women. The Syrian Arab Republic Multiple Indicator Cluster Survey (MICS) was carried by the Central Bureau of Statistics in collaboration with Ministry of Health, State Planning Commission, Pan Arab Project for Family Health/League of Arab States, and UNICEF. Financial and technical support was provided by the United Nations Children's Fund (UNICEF). One of the results of the survey showed that 17.7 per cent of girls under the age of 18 are married.

Further, a study was conducted by the Mental Health Department at the University of Damascus (supported by UNICEF) with the aim of identifying the prevalence of child abuse at home, in school and in the street. It was designed to detect the probable association of child abuse

with some social factors such as the parents' education and the crowdedness of the home. Students reported violent behaviour by teachers to an extensive degree. The study results revealed that teachers' violence is greater against girls than against boys; at 42.19 percent and 34.87 percent respectively<sup>15</sup>.

The Syrian Commission for Family Affairs also established a report on "Developing Child Protection System – Recommendations to establish a Family Protection Unit in Syria", April 2008.

### 6.1.3. Other relevant Conventions signed by the Syrian Government

The Syrian Government became a member in the United Nations on 24 October 1945. Provisions issued under decree 3803 (1985) by the President of the Council of Ministers regarding conditions for the employment of women, and the decision issued by the Minister for Social Affairs & Labour No. 1663 (1985)<sup>1</sup>, sets out protection and prevention measures, as well as the Syrian Labour Code No. 91 (1959) & executive decrees No 131 & 132 regarding industries and activities harmful to health and heavy work where women may not be employed.

Since 1961, when Syria joined the ILO, it has ratified 49 conventions, including key Conventions relevant to women in the labour force:

- The Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- The Equal Remuneration Convention, 1951 (No. 100);
- The Workers with Family Responsibilities Convention, 1981 (No. 156);
- The Maternity Protection Convention, 2000 (No. 183);
- The Worst Forms of Child Labour Convention 1999 (No. 182);
- The 1975 ILO convention on equal pay for work of equal value, enshrined in Article 130 of the Syrian Labour Law.

Syria is also a State party to: the International Convention on the Elimination of All Forms of Racial Discrimination (1969), the International Covenant on Civil and Political Rights (1969), the International Covenant on Economic, Social and Cultural Rights (1969), and the Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment (2004).

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<sup>15</sup> CCA 2005

## 6.2. Implementation of CEDAW: national legislation and awareness-raising

Notwithstanding the reservations to CEDAW, the Syrian government took a series of legislative measures and set up mechanisms to work towards the elimination of various forms of discrimination against women. In this context, several pieces of legislations were enacted, including Law no.18 of 2003 which includes amendments to some articles of the Personal Status Code related to custody age; Law no. 78 of 2001 which includes amendments to articles related to Social Security, giving women the right of bequeathing their pensions; legislative decree no. 35 of 2002 which increased the duration of paid maternity leaves, and the ratification of the Agreement on Establishing the Arab Organization, signed in Cairo on 15/7/2002.

Syria has also prepared a capacity-building project from December 2007 to 2008, involving legal workers, lawyers, judges, policemen and NGOs working on gender, to promote the CEDAW and lead legal workers to use the international legal tools in their daily work. The training includes sharing information amongst legal workers and legal authorities working on gender and women issues.

Since 2006, the SCFA, in cooperation with the Ministry of Education, prepared the “Rights’ tree” related to women’s and child-girl rights, aiming at composing teaching books based on the CEDAW in both basic and secondary education. The SCFA also annually prepares an event on the occasion of the International Day of Combating Violence against Women. In 2006, the event was held under the title of “Girls” in cooperation with the Ministry of Education. For 2007-08, a plan was set to produce an annual information programme, in order to promote women’s civil and political rights through communication and media tools with the participation of clergy and specialists. In 2006, the SCFA held, in cooperation with the Ministry of Information, a national seminar entitled “The role of information in dealing with family and population affairs”. The participants reviewed the work obstacles, and their conclusions are being translated into joint programmes conducted in cooperation with the Commission and the Ministry of Information, as a national programme to promote women’s rights and concepts of population (reproductive health) in all the provinces.

The Ministry of Education in Syria is working to accomplish a qualitative development of school curricula from kindergarten to high school. The concepts of the CEDAW were considered in all criteria, educational outputs and learning units with the purpose of modernising the image of women in school textbooks and curricula. For example, in the Arabic language subject from grade one to high school, focus was laid on the following concepts: women’s rights in education, amending the cultural and social patterns for men’s and women’s behav-

our, women's participation in society, ending all stereotyped concepts of men and women, women's participation in the media, women's role in the family, the rights of female children to care, concepts of expressing opinions and equal rights and duties in work and eradicating all discriminating roles between men and women, the right to healthcare and enabling women to have freedom of thinking and expressing opinions. Currently, curricula of all branches of vocational and technical education for both males and females are being developed.

Syria is publishing all national reports about gender through vast information workshops held in cooperation with the Ministry of Information. Many drama series presenting non-traditional patterns for women and five TV spots dealing with women and development issues have been produced and five movies are being prepared, aiming at highlighting women's issues and the CEDAW. Specialised seminars have been held in order to improve information treatment about the current situation of women. The national strategy of women took into consideration women and the mass media, as did the five-year plan. In 2007 the Ministry of Information started preparing a Convention on Information Ethics. The aim is to cover all rights and obligations of communication professionals when they deal with women's issues in the media. The ministry is also preparing a law proposal for visible, audio, electronic and readable media.

A number of NGOs websites also contribute to raising awareness among people regarding the full enjoyment of human rights by women.

### 6.3. Publicity and dissemination of the CEDAW Report

CEDAW initial report was submitted to the Committee on 29 August 2005. During the Thirty-eighth session Committee on the Elimination of Discrimination against Women Pre-session working group (14 May-1 June 2007), the Syrian delegation responded to the issues and questions of the Committee on the Elimination of Discrimination against Women with regard to the consideration of the initial periodic report of the Syrian Arab Republic.

The SCFA presented the Syrian reports about CEDAW implementation to the UN General Assembly, reiterating its efforts to remove its remaining reserves to the Convention. In addition, in February 2007, the country updated its report on Beijing +10, and prepared the Beijing +12 report and currently has finalized the Beijing +15.

The Syrian Commission for Family Affairs held four dialogue workshops in four Syrian towns. Attended by nearly all members of the People's Assembly, the workshops dealt with the

articles to which there are reservations, with the aim of promoting the Convention and working to remove some of the reservations. The Commission took care to ensure the presence of clerics at each workshop, in order for them to state their point of view on the reservations and the extent of their compatibility or otherwise with the Islamic Law (Sharia).

The outcome of these workshops was that the participating members of the People's Assembly (Parliament) mainly agreed that all of the Syrian reservations should be removed, with the exception of those to article 16, paragraphs 1 (c) and (f), and article 29.

## 6.4. Role of NGOs in CEDAW implementation and reporting

The only NGOs and institutions given permission to work on gender equality and GBV issues in the country are: the General Women Union (GWU), the Association for Women Role in Development (AWRD), and the Syrian Commission for Family Affairs (SCFA) and the Syrian Family Planning Association (SFPA).

In 2006, women's rights activists were verbally attacked by clerics during Friday prayers at several mosques across Damascus after they distributed questionnaires canvassing public opinion on changing laws that they say unnecessarily restrict the rights of Syria's Muslim women. Activist groups collected 15,000 signatures over the past few years from both men and women seeking to lobby the government to introduce more equal custody rights for divorcees. The result was the ban on main women NGO's including the Syrian Women League, established 1947, and the Committee for Supporting Women's Issues, established in 2002.

In 2007, a number of women's NGO prepared the **CEDAW Shadow Report**, held several joint awareness-raising sessions on CEDAW and violence against women, and participated in the discussions held at the Committee in New York.

The Shadow Report highlighted that the reservations made by the Syrian Government on Article 2, Item 2 of Article 9, Item 4 of Article 15 and Paragraphs c, d, g & f of Item 1 of Article 16 and Item 2 thereof, have weakened the positive effect of joining the Convention by Syria. The participating NGOs find no contradiction between the Islamic Sharia principles and the Convention provisions, especially with proper innovative interpretation of the Sharia.

NGOs did look at the Draft Decree prepared by the SCFA and submitted to the Development Committee of the Office of the Prime Minister on the cancellation of the reservations



on Article 2 and Paragraph 4 of Article 15 on the freedom of movement and domicile, unless it is against Islamic Sharia provisions, and on Paragraph g of Item 1 of Article 16 and Item 2 of Article 16 on having no legal effect of a child marriage, and looked for the cancellation of all the reservations on Articles 2, 9, 15 & 16 and work in accordance with Article 2 of the Convention to make the national laws in harmony with the Convention (CEDAW NGOs report 2007).

The NGOs that assisted in writing the CEDAW Shadow Report include:

- The National Association for Woman Role Development (AWRD), established by the Ministry of labour and social affairs license No. 1081 dated 21/9/2004,
- Syrian Women League (SWL), a women democratic organisation established in 1948,
- Good Shepherd Sisters, a Catholic association established in Syria in 1981 for helping women and girls living in hard situations,
- Islamic Intellectual Forum which started 25 years ago to increase the awareness level of the importance of critical and logical thinking of Islamic system, in order to accommodate the changes in our modern life,
- Social Initiative Association: established in 2002, it presented a petition to People Council for amending the nursery articles in Personal Status Law 2003,
- Islamic Syrian Women Forum: a cultural community which aims to spread Democracy and Enlightening for Islamic girls and women, and to enhance the awareness of pluralism and participation in cultural and academic activities which relate to enlightening of women in Syria.

## 7. National initiatives on women's rights and gender equality: Institutional structures, policies, programmes and strategies

### 7.1. The Syrian Commission for Family Affairs and institutional structures

The Government's commitment towards the Platform for Action of the Fourth World Conference on Women (FWCW) held in Beijing in 1995 was translated in the establishment of the National Women's Committee in 1995, gathering members from all involved ministries. Women's committees were also established in a number of unions including: the Working Women's Committee within the Trade Unions, the Women Engineers Committee within the Syndicate of Engineers, and the Women's Committee in the Bar Association. Rounding out these efforts was the establishment of a Department for Rural Women within the Ministry of Agriculture, and women units at the Ministry of Social Affairs and Labour (MoSAL), the State Planning Commission (SPC), and the Central Bureau of Statistics (CBS).

Since, 4 follow up reports have been published:

- Beijing +5; (1995-2000) National Report
- Beijing +10; (2000 – 2005) National Report
- Beijing +12; (2005 +2006) National Report
- Beijing +15; (2005-2009) National Report

To consolidate and coordinate the State's gender/women's policies, in 2003, the Government of the Syrian Arab Republic established the Syrian Commission for Family Affairs (promulgation of Act No. 42). This Commission was set up as a governmental body tasked, inter alia, with: reviewing discriminatory laws and proposing either their amendment or new laws. These have included proposing amendment of the articles relating to the age of custody contained in the Personal Status Act No. 18 of 2003; proposing amendment of the articles on social insurance contained in Act No. 78 of 2001 so as to give women the right to bequeath their pension to their heirs; seeking an increase in the maternity leave under Legislative Decree No. 35 of 2002; and seeking ratification of the agreement to establish the Arab Women's Organization, signed in Cairo on 15 July 2002.

Since, the SCFA has taken initiative to launch and support several measures and policies to promote gender equality and combat violence against women, including awareness-raising campaigns, studies and research, policy advocacy, building constituencies for legal reform, among others.

## 7.2. Policy initiatives: 10<sup>th</sup> five-year plan and national strategies

Between 1996 and 2005, Syria worked on setting up a national strategy for women prepared by both governmental and non-governmental bodies. In 1996-1997, the Syrian Women National Commission started to implement the first phase of the after-Beijing Conference, of which the General Union of Women has been the main implementer. The second stage aimed at the enhancement and building-up of national and institutional capabilities, gender-based social integration, strategic development, restructuring the Women National Commission and setting a bylaw for it, activating the role of civil foundations, and conducting review studies on gender issues.

### **The 10<sup>th</sup> five Year Plan: Chapter 23 “Women Empowerment”**

The declarations announced at the Ba’ath Party 10th conference, June 2005, were translated into an ambitious 10th five Year Plan (2006-2010) developed to assist in transforming Syria into a social market economy, and essentially based on the principles of the MDGs. Specifically, the plan seeks to eradicate poverty, raise the educational level of underprivileged segments, improve the level of social and health services, develop the infrastructures of the neediest areas, secure financial resources to the poor, enhance the role of society in the development process, and emphasize gender quality and women’s empowerment.

*«This five-year plan is laid down in accordance with current economic and social trends towards the social market economy system, which emphasizes production efficiency and sustainable economic growth on one hand, and fair distribution of income and improving the underprivileged population segment, on the other»*

*Mr Abdullah Al Dardari, Deputy Prime Minister, Economic Affairs (IPALMO 2006)*

Furthermore, the plan contains recommendations that would support greater involvement of women in the socio-economic development process and increase their role in the party and decision-making process on equal terms with men. Thus for the first time, the plan dedicates

a special chapter, Chapter 23, for “Women Empowerment” and as manifested in the preface of the 10th five year plan, gender related issues are not the mere interest of a certain ministry or a certain sector; rather they are mainstreamed in all sectors. Thus, all governmental and local non-governmental development sectors are required to mainstream gender in their objectives, plans and programmes. Furthermore, they are requested to exert additional efforts, carry out institutional transformations, and build the capacities and skills in order to work on this emerging field. In other words, the plan looks at women and gender issues as being common issues among sectors on the one hand and as being sector-specific issues on the other. Chapter 23 focuses on both the economic and social status of women and identified violence against women as one of the main problems and challenges facing women:

*“In many cases women suffer from violence and oppression because of ignorance and because they are not educated about their rights, which prevented them from playing their appropriate role in life. In terms of its source, violence against women can be classified into the violence that is practiced by the family and that which is practiced by the society. The first type of violence is the most dangerous because in this case women can not talk about it in order to protect their families or for fear of the vengeance of their close relatives.” (10<sup>th</sup> 5YP – Chapter 23).*

The 2005 MDG Report and the Tenth Five-Year Plan recognize that, despite many official efforts over the years, women still lag behind in matters related to education, health, employment, political participation, and access to resources, such as land. Improvements in this situation, which would be reflected in progress towards MDG-3, intend to be encouraged through capacity building of governmental and non-governmental institutions to recognize and combat discrimination and violence against women. Particular attention is paid to the North-East region. This is foreseen to be complemented by actions to raise awareness of the issues among policy-makers and in the general public, through the media. A national policy and strategy on preventing gender-based violence are to be prepared.

### **Progress towards the Millennium Development Goals (MDGs)**

The Syrian Government ratified the Millennium Declaration that was endorsed at the Millennium Summit in New York in 2000. Since then, there has been significant progress made both in terms of policies and actions on the ground in order to achieve the MDGs by 2015. Although Syria is on target towards achieving many of the MDGs at the national level, there are more challenges in terms of achieving them at the level of the 14 governorates, and in specific areas within a governorate. For example, while there is already equality between boys and girls in terms of numbers enrolled in basic and secondary education in some areas,

the proportion of girls is much lower than boys in other areas, notably in the north-eastern governorates<sup>16</sup>.

***What Progress has Syria made in its adaptation of its millennium development goals?***

*“There are a number of indicators. One of the major indicators is poverty reduction. What we can see from the latest figures of our recently completed household budget surveys is that the number of people living in absolute poverty has dropped from 11.4% in 2004 to nearly 9.5% in the second quarter of 2007. Our target is to get down to 7.8% by 2010. We hope to reach 5.5% of the population under the poverty level by 2015.*

*With the reforms that we are pushing for, it is usually the poor in society that suffer, but we have been adamant that we would not allow this to happen. When we look at the unemployment rates, they have dropped from 12% in 2003 to approximately 8.5% in 2007. However, 18% of the population between the ages of 18 and 25 were recorded as unemployed in 2007. The new jobs that have recently been created went towards the private sector, while self-employment and jobs in the public sector have slowed down.”*

*Oxford Business Group (Emerging Syria 2008) talks to Mr Abdullah Al Dardari, Deputy Prime Minister, Economic Affairs*

In cooperation with UNDP, the Syrian Government produced, in 2003 and 2005, two national reports for the Millennium Development Goals. The reports reveal that the difficulties for MDGs complete achievement come mainly from structural factors of the Syrian economy and society. This is particularly evident for Goal3 and Goal7. For while there is a serious commitment of the Government for gender equality, enshrined in the Constitution, and for bettering the quality of sanitation and water supplies of urban and rural populations, there are impending factors that prevent these from being fulfilled, connected especially with the labour market, widespread low living conditions and social norms (IPALMO 2006).

**National strategies and women’s empowerment**

A strategy for the advancement of rural women has been elaborated, together with a reproductive health strategy and a national population strategy (2000-2025), a section of which is devoted to the empowerment of women. The Government of the Syrian Arab Republic is also adopting various positive discrimination measures in favour of Syrian women insofar as it is incumbent on the State to provide women with opportunities for making a full and effective contribution to all areas of life and eliminate all obstacles to women’s participation in the development process.

<sup>16</sup> Syrian Arab Republic, UN Development Assistance Framework 2007 - 2011

Overall, the State has allocated 0.025% of the national budget to issues of women's development. Further efforts on promoting gender-sensitive budgeting have been led by the United Nations (UNDP) in support of building knowledge and capacity on the issue through workshops for government partners including representative from the State Planning Commission, the Ministry of Social Affairs and Labour, Ministry of Finance, the Syrian Commission for Family Affairs and the Women General Union.

## 7.3. National efforts to address Gender-based Violence

Gender Based Violence (GBV) in its various forms has been identified as a key impediment facing many women aspiring to fulfil their human potential and contribute to the development of Syrian society. The issue was widely raised in 2006 upon the issuing of a study<sup>17</sup> which revealed that despite the social progress made, Syrian women still experience various forms of gender-based violence, ranging from beatings through sexual abuse and harassment, to gender-based limitations of women's rights and economic exploitation within households, all in violation of existing national legislations.

### 7.3.1. The role of the General Women Union

The GWU, established in 1967, plays an important role in promoting Syrian women's social status and economic participation. There is general acknowledgement that the G UW has contributed to changes and adaptation of some laws and regulations that have to varying extents narrowed gender gaps in social and economic life, as well as in political representation (UNDP 2006).

The GWU is the first institution in the country which carried out an authorized study on Gender Based Violence (with UNFPA support). In 2000, the *Discrimination and Violence against Women Report* based on a case study, that included 240 women who are victims of violence, was published and its findings officially announced during a national seminar opened to the public.

In 2003, two workshops were conducted, *Women Rights and Different Forms of Violence*, one in Damascus and one in Aleppo, that introduced CEDAW and CRC conventions to members in the General Women Union.

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<sup>17</sup> Case Study on Violence against Women Study in Syria 2005, referred to latter

### 7.3.2. Promoting research and data collection on GBV

Research reveals that women who are married off at a young ages were more likely to believe that it is sometimes acceptable for a husband to beat his wife and were more likely to experience domestic violence themselves. It is estimated that 3.4 percent of women marry before 15 years of age in Syria. The percentage varies by governorate, the highest in Dara'a 5.2 percent and the lowest in Tartous 1.1 percent. It declines as the woman's education rises, but it goes up with a higher socioeconomic status of the household. There is also a differential by area of residence; 4 percent in urban areas compared to 2.7 percent in rural ones.

The Syrian Family Planning Association (SFPA) conducted a field study on Women Rights and Domestic Violence in Syria 2004, in cooperation with UNIFEM. Another *Case Study on Violence against Women in Syria* was jointly carried out in 2005 in cooperation between the General Women Union (GWU), the Syrian Commission for Family Affairs (SCFA), the Central Bureau of Statistics (CBS), and UNIFEM. The sample of the study was 1,891 families from urban and rural areas of the 14 Syrian governorates. It revealed that despite the social progress made, Syrian women still experience various forms of gender-based violence, ranging from beatings through sexual abuse and harassment to gender-based limitations of women's rights and economic exploitation within the households, all in violation of existing legislation<sup>18</sup>.

#### ***Case Study on Violence against Women Study in Syria (2005)***

The *main findings* of the survey could be summarized as follows:

- Almost 17% of women handed out their remunerations voluntarily to the head of their families; 4.5% handed it unwillingly; of the latter, 6.3% were in rural areas and 2.6% in urban areas;
- Almost 14% of families identified the future husband of their daughters. The percentage varied according to women's educational status. It was 10% amongst women who had completed an undergraduate degree and 19% amongst those who had completed elementary education or less. 7.5% of these families chose the future husbands of their daughters against their will;
- 6.6% of heads of families got married before the age of 15; 6% in urban areas and 7% in rural areas. 38% of women were married between 15 and 19 years of age;
- 2.6% of women get pregnant before the age of 15; 1.9% in urban areas and 3.5% in rural areas. 29.8% of women got pregnant between 15 and 19 years of age: 29% in urban areas and 31% in rural areas. 5.4% of pregnant women were treated badly during their first pregnancy by their husbands. This percentage increased to 9% in their last pregnancy;

<sup>18</sup> UNIFEM et al 2005

- 12,4% of the sample had married two wives: 9% in urban areas and 16.3% in rural areas;
- 17.4% of women had not received anything from their legal rights of inheritance; 14.7% in urban areas against 20.2% in rural areas. 24% of families compensated women with part of their inheritance;
- 13% of husbands committed violence against their wives, whereas 1,2% of wives committed violence against their husbands;
- 6% of husbands don't allow their wives to visit their families or friends of the same sex. 12% of husbands select their wives' clothing without consulting them;
- 43% of couples fell out with each other over the education of their children;
- 56% of mistakes that women had been punished for by the heads of the families – regardless the educational achievements of the head of the family – were mistreatment and cursing; 14% of these mistakes were neglecting their households' duties. Husbands beat their wives in 49% of such cases; insulted them in 38% cases and used silence in 8,4% cases;
- 67% of women had been punished in front of their family members; 52% of the punished women were insulted; 56% were deprived of pocket money and 87% were beaten;
- 21.8% of women were exposed to some sort of violence. Insult came ahead with 50,2%, followed by beating at 48,2%, then sexual harassment with 14.1, robbery 10.7%, bodily assault 5.4% and kidnapping 2.3%;
- 71,8% of assaulted women were attacked by a family member; 12,4% by a known person; 7,6% by an unknown person;
- 76,4% of assaulted women were cursed by a family member. Husbands were responsible on 64% of cases; brothers on 13% and mothers on 7%;
- 80,4% of assaulted women were beaten by a family member. Husbands were responsible on 54% of cases, fathers on 36% and brothers on 3%;
- 52,6% of assaulted women were sexual harassment by a male family member; 18,6% by unknown person and 16,5% by a known person;
- 54,4 of robbed women were robbed by a family member; 21,3% by unknown person and 14,8% by a known person;
- 73% of bodily assaulted women were attacked by a family member; 11,5% by unknown person and 9% by a known person;
- 51,4% of assaulted women were kidnapped by a family member; 24,3% by a previously known person;
- Fists were used against women in 79% of cursing cases; in 84% of beat cases; in 65% of sexual harassment cases; in 63% of robbery cases; in 55% of bodily assault cases and in 84% of kidnapping cases;



- Sticks were used against women in 23% of cursing cases; in 26% of beat cases; in 20% of sexual harassment cases; in 42% of robbery cases; in 75% of bodily assault cases;
- Some family members defended the assaulted women and blamed the assaulters in 49% of cursing cases; in 48% of beating cases; in 72% of sexual harassment cases; in 44% of robbery cases; in 38% of bodily assault cases and in 36% of kidnapping cases. In the remainder of cases, family members blamed women, reproached or prevented them from social life or cursed or beat them;
- Fear of the assaulters, of their own families, from creating problems for their families and from traditions and customs were the main reasons that prevented women from informing their families about the assault they had been experienced;
- Men had been found responsible, basically, in 66% of beating women, in 57% of bodily violence, in 50% of women's relationship outside the family and in praising other woman in front of their wives;
- Women were found responsible, basically, in 55% of the cases where husbands killed their wives for adultery, having friendships with other men than their husband in 45% of the cases. Both parties were found responsible in 66% of divorced cases and in 47% of curse cases.

Some *recommendations* were also issued from this study:

- Condense the awareness-raising campaigns that address men and women to highlight the importance of respecting women's dignity and prestige as well as treating them politely, and to bring attention to the negative impact of disrespecting and mistreating women on women's personality, family and community;
- Intensify penalties against people who assault women and expanding these penalties to address all sorts of violence against women;
- Expand the inclusion of the curricula at all educational levels, to include information and knowledge that might enhance the values of equity and equality between sexes, and emphasize the importance of gender participation and coordination for the benefit of family and community; and to amend the traditional roles, attitudes and behaviours of men and women;
- Find places to accommodate abused women who cannot find a secured shelter or income, rehabilitating them and intervening with necessary help through the establishment of an "Abused and Harmed Women's Fund" to enable them to face life's hardship;
- Continue carrying out field research and analytical studies to measure the new variables of all sorts of violence against women, to find out its reasons and their implications on women, family and community;

- Continue working with all official and public parties to cancel reservations on some items of CEDAW;
- Pursue the implementation of the National Plan to protect women from violence in cooperation with the Syrian Commission for Family Affairs and the relevant parties;
- Establish Medical Centres with specialists to provide psychological treatments for the abused women;
- Continue coordinating with relevant parties to improve the performance of policewomen, in particular equipping them with the necessary training for treating women in special situations;
- Continue communicating with women and girls at prisons and rehabilitation centres to provide guidance and counselling, medical and social care, and promoting women's inclusion in their communities;
- Pursue with the Ministry of Al-Awqaf, to highlighting women's position in Islam through an enlightened religious speech;
- Concentrate on media messages to highlight the impact of violence against women and its negative results on the family and community as well as cooperating with relevant parties.

### 7.3.3. Services, shelters and health centres

The Association for Women Role Development (AWRD) has established the Wahet Alamal Women Protection Shelter in Damascus. AWRD is the only Syrian NGO authorized by the Ministry of Social Affairs and Labour to tackle the issue of gender-based violence. AWRD believes that providing protection to women reflects not only the societal acknowledgment of the role of the woman in reshaping the society, but also the need to promote human rights and the elimination of discrimination that is based on gender.

The Syrian Family Planning Association inaugurated the Halbouni Health Counselling Centre in Damascus. The Syrian Family Planning Association is one of the main providers of high quality reproductive health and counselling services in Syria. The Centre in Halbouni is a pilot experience implemented with support of the Italian NGO AIDOS. The centre's activities encompass: provision of improved access and quality of reproductive health services especially to the underprivileged; increase the ability of the beneficiaries to make informed decisions and choices with regard to their reproductive health and rights; advocacy action to enhance dialogue between men and women notably on issues such as GBV, sexually transmitted diseases and reproductive health behaviours.

Further, the Minister of Social Affairs and Labour officially opened the Wahet Al-Amal Shelter for Women in June 2008. The mission of the shelter is to provide a safe and secure place for women who have experienced domestic abuse in order to increase the range of opportunities, activities, skills, roles, and rights available and to encourage women to achieve self-reliance

and increase their abilities and resources. The shelter will participate in societal efforts to end violence against women and to assist the survivors. It will provide temporary shelter to women in need (3-6 months), a place for women to meet as individuals and in groups, an information and referral service, and it shall initiate other programmes to secure and enhance the quality of life for women.

A joint project implemented between the Ministry of Social Affairs and Labour and the United Nations Development Programme (UNDP) aims to address upgrade the shelter operated by the Ministry of Social Affairs and Labour (MoSAL). The project provides technical assistance to upgrade the shelter into a high-quality national pilot centre for victims of GBV through capacity building and rehabilitation.

### 7.3.4. Legal initiatives and honour killings

There are a few articles in the Syrian Penal Code that can be claimed to cover violence against women, including the offence of rape but this falls short of domestic violence.

Article 489 of the Code provides that: “1. Anyone who uses violence or threat to force a person other than his spouse to engage in sexual intercourse shall be punished with a minimum of five years of hard labour; 2. The penalty shall be not less than 21 years if the victim is under 15 years of age.” This provision applies equally whether or not the rape victim is a prostitute.

It is clear that rape is severely punished under Syrian law. Although the Employment Act contains no provisions on sexual harassment in the workplace, the Penal Code prescribes heavy penalties for any kind of sexual violence, including up to 21 years of imprisonment for rape in accordance with article 489 thereof. Article 4 of the Suppression of Prostitution Act No. 10 of 1961 also severely punishes offences involving sexual exploitation, with stiffer penalties if the victim is a child. In addition, the Penal Code punishes all form of bodily harm, without distinction; a woman may lodge a complaint with the courts and any penalty is commensurate with the seriousness of the offence.

For the first time in Syria, a national forum on honour crimes was held in Syria to debate honour killings, and articles in the Penal Law that encourages honour killing. In cooperation between the Syrian Commission for Family Affairs, the Ministry of Justice and the Ministry of Awqaf (Religious Affairs), a National Forum on Honour Killing was held on 14-16 October 2008. The forum was attended by lawyers, religious authorities, members of parliaments, government employees and men and women working to promote women’s rights.

Several recommendations were reached at the end of the three days meeting, and despite belonged debate within the attendants, a general recommendation was reached on the need to abolish Article 548, and amend Article 192 to 15 years of imprisonment, of the Syrian

Penal Law. It is worth noting that these Articles were first issued in 1949, and were subject to debate ever since. In an important move on 1<sup>st</sup> July 2009, the President issued legislative decree No 37, 2009, that amended Article 548 of the Penal Law. Since, the penalty for honour killing is at least two years, and for both man and woman. The main reason behind the amendment, according to Minister of Justice, is an increase in the number of domestic violence committed against wives and female relatives under the excuse of honour killing<sup>19</sup>.

### 7.3.5. Awareness-raising on GBV

Campaigns have been organised by MoSAL on the impact of GBV on the Syrian economy, society, families and national development addressed the needs, reasons and means to reduce gender-based violence, it produced guidelines for governance and counselling for Dar Wahet El Amel. The guidelines fall into three sections as follows:

- First Part: Domestic Violence; the main objective of this module is to provide participants with knowledge on concepts of GBV and gender stereotypes;
- Second part: internal rules and regulations; the main objective of this module is to provide service providers in the shelter with well stated internal rules and regulations to regulate their work in the shelter and with the NGO;
- Third Part: Counselling and listening skills; the main objective of this module is to provide service providers with the appropriate psychological and social skills in counselling technique with battered women.

Further work on the role of media in combating violence against women is being conducted. In the context of the campaign, training on how to use the new media techniques to convey the message to the audience was conducted to enhance the role of media in combating GBV; and coordinate among relevant institutions. A workshop aimed at identifying the campaign needs, and train relevant participants, including journalists and women activists, on how to design and implement an awareness campaign that exposes and conveys the message of unacceptability of violence against women.

“Nesa Syria”, known as the Syrian Women Observatory, established a website in 2005 with the intent to promote women’s rights as human rights and to campaign for the repeal of article 548 which permits “honour killing”. The goal of the organisation is to conduct a nationwide dialogue to make the issue of gender based violence and honour killing a national priority. Nesa Syria has built up a network of organizations and NGO’s committed to building a civil society in which women and men are equal. Partners in the campaign for repealing Article 548 come from different ethnic, cultural and religious backgrounds, media personnel and

<sup>19</sup> Ahmad Hamoud Younis quoted in Alwatan, Daily Syrian Independent Newspaper, July 2 2009, No.681

governmental organisations. The organisation carried out a petition which was signed by over 10,000 people in Syria calling for an end to the practice of honour crime. The campaign was backed by senior Muslim officials.

## 7.4. National efforts to implement the Istanbul Framework of Action

In response to the Framework of Action of the Euromed Ministerial Meeting held in Istanbul in November 2006, the Syrian Commission for Family Affairs in cooperation with national partners has produced a comparison matrix between the Istanbul Framework for Action and selected relevant national efforts. Among these, the main measures adopted are:

- Promoting women’s rights and political participation through:
  - Issuing of the 10<sup>th</sup> Five Years Plan with a whole chapter on “Women’s Empowerment”. The main aim is to mainstream gender in development, in measurable outputs;
  - The SCFA wrote a memorandum to the Prime Minister Office suggesting the need to lift most reservations concerning CEDAW (2008);
  - The SCFA drafted the “Modern Family Law” project based on the fact that discrimination against women in the Law can be found in the Personal Status Law, whereas equity is achieved in the Labour Law and education;
  - A campaign is being carried out by a civil society to amend the nationality law, the draft has been sent by the SCFA to the Ministry of Justice;
  - The SCFA drafted a national plan to protect women against violence.
- Enhance women’s social and economic participation to achieve sustainable development through:
  - The Law guarantees the reproductive role of women;
  - There are no dismissal laws in the public sector;
  - A proposal put forward for the establishment of a new social insurance network that takes into consideration the needs of poor women and those living in the rural areas;
  - An increase in the number of family planning methods to be used; and increase the number of births under medical supervision;
  - The SCFA is preparing a strategy for the elderly;
  - The SCFA is also preparing a Strategic Plan for the Advancement of Women which is to be transformed into a national plan;
  - The SCFA prepared the national plan for child protection, 2005;
  - A training workshop on how to develop gender statistics was organized;

- The government allocated 0.025% of the States general budget for issues related to women’s development;
  - The establishment of Modernizing and Activating Women’s Role in Economic Development (MAWRED), as a business incubator for women’s established entrepreneur;
  - The establishment of Business Women Committees in the Chambers of Industry and Commerce.
- Changing gender stereotypes in education, media, and culture, through:
    - Revision of school curricula to achieve gender sensitivity, and include concepts of GBV;
    - The SCFA distributed the Child Rights Convention (CRC) and CEDAW;
    - Mainstreaming CRC and CEDAW concepts in schools and post-schools curricula;
    - Establishment of the rural information network “Reef”;
    - Establishment of Information for All project;
    - The SCFA is working on gender and ICT issues. It published the “ Science and Technology for Development Role of Arab Women” 2005;
    - The SCFA, in cooperation with the Ministry of Information, are working to change the stereotype picture of women as a main objective of the Syrian Women Strategy.

**Summary table: National efforts to implement the Istanbul Framework of Action**

<b>Istanbul Framework of Action</b>	<b>Selection of relevant national efforts</b>
<b>1. Women’s Rights and Political Participation as important elements for Human Rights and Democracy</b>	
a – Legislative, Policy reform of UN Convention,	The 10th Five Years Plan included a whole chapter, chapter 23, for Women’s Empowerment. The main aim is to mainstream gender in development, in measurable outputs.
Ratification,	In a letter to the Ministry of Foreign Affairs, the SCFA requested the formulation of a committee from government representatives. The committee would study all international conventions that Syria has still not ratified, and suggest the possibility of ratification (Noted in CEDAW 2007 report)
Withdraw all reservation	The SCFA wrote a memorandum to the Prime Minister Office suggesting the need to lift most reservations concerning CEDAW (Noted in CEDAW 2007 report),

<p>b – Women and men have equal access to justice, implement their rights in all sector and all level, guaranteed protection, combat all violence against women, especially «domestic violence», trafficking in human beings, and harmful traditional practices, protect in particular the fundamental rights of women victims of all forms of violence,</p>	<p>Legislative system in Syria allow equal access to men and women to justice</p>
	<p>The SCFA drafted the «Modern Family Law» project based on the fact that discrimination against women in the Law can be found in the Personal Status Law, whereas equity is achieved in the Labor Law and education, A campaign is being carried out by civil society to amend the nationality law, the draft has been sent to the Ministry of Justice,</p> <p>The SCFA drafted a national plan to protect women against violence,</p>
	<p>According to the criminal law, the Syrian woman has access to sue a case if she’s been subject to violence, The National Plan project assures different levels of direct involvement in cases where women are subject to violence,</p>
	<p>The SCFA carries out continuous awareness raising campaigns,</p> <p>The Penal Law punishes human traffickers,</p>
<p>c – Ensure that Law enforcement authorities are aware of, and are implementing women’s rights legislations,</p>	<p>Several judges from the Ministry of Justice participate as permanent members in all the SCFA committees, in addition to participating in all the training workshops organized by the SCFA.</p>
<p>d – Foster the role of the NGOs in general, and women NGOs in particular, as well as parliaments and local authorities, in defense of women rights</p>	<p>The SCFA organized specific training courses for members of parliaments to sensitize them on gender issues.</p> <p>Procedures taken to amend the law for the establishment of the civil society</p>
<p>e – Promote women’s active citizenship by increasing the participation of women in political decision-making positions as well as in the executive and judicial powers at both the national and local levels.</p>	<p>In 2006, a woman, Dr Najah Attar, was appointed as vice president for cultural affairs,</p> <p>The SCFA issued «Towards the Political Empowerment of Women in Syria» report,</p> <p>The SCFA issued the «Women in local administration» study,</p>

<p><i>f – Enhance the full and equal participation of women at all levels in mechanism, institutions and processes for conflict prevention, crisis management and peace building,</i></p>	<p><i>The establishment of the SCFA comes within the aim to develop institutional mechanism aimed at advancing the status of women,</i> <i>Several women hold leading decision-making positions in issues related to Israeli occupation and work for peace</i></p>
<p><i>g – Promote public education and human rights and civic responsibilities,</i></p>	<p><i>Procedures taken to train on human rights issues for women,</i></p>

## **2. Enhancing women's social and economic participation as a principle need to achieve Sustainable development**

<p><i>a – Remove obstacles and disincentives for women to work or to be recruited/ employed or to stay employed</i></p>	<p><i>There are no articles in the Syrian Law that discriminate against working women,</i> <i>The Law guarantees and encourages the reproductive role of women (maternal leaves, breast feeding ...),</i> <i>There are no dismissal laws in the public sector,</i> <i>Amending the labour law to ensure equal rights of employers and employees,</i></p>
<p><i>b – Ensure equitable treatment of women in social security systems, and that the rights and needs for vulnerable women are promoted, particular unemployed working in the informal sector in the rural areas, women heads of household</i></p>	<p><i>Reform proposal put forward for the establishment of a new social insurance network that takes into consideration the needs of poor women and those living in the rural areas,</i></p>



<p>c – Ensure that men and women benefit equally from adequate health service</p>	<p>This is guaranteed by the law, in addition to the 10th Five Years Plan that quantified the percentage of maternal mortality rates to decrease; increase in the number of family planning methods to be used; and increase the number of births under medical supervision</p>
<p>d – Promote family friendly policies, in particular affordable care services for children, the elderly, and other dependents and ensure a professional environment that suits women in terms of transport and safety and non-discrimination at the workplace,</p>	<p>The SCFA is preparing three strategies for the elderly, women and early childhood, The SCFA prepared the national plan for child protection,</p>
<p>e – Promote and strengthen national capacities to regularly collect &amp; analyze gender disaggregated data</p>	<p>A training workshop on how to develop gender statistics was organized, Preparing regular reports in cooperation with relevant ministries,</p>
<p>f – Strengthen the knowledge &amp; monitoring of the impact of macro-economic policies on women's and men's employment using gender responsive indicators, and develop research focused on gender to enable the elaboration of efficient strategies aiming at strengthening the role of women in economy,</p>	<p>The 10th Five Years Plan was based on analyzing the results reached according to policies implemented in the 9th Five Years Plan, and in accordance to mainstreaming gender, A study was carried out by the Commission for Employment on The Impact of Family Funds on Women, The SCFA is monitoring the impact of economic reforms on women,</p>

<p><i>g – Pursue the establishment of gender responsive budget in initiatives as part of the process towards good governance, increased transparency and participants, and to ensure more effective anti-poverty strategies at both national &amp; local levels,</i></p>	<p><i>In 2005, the government allocated 0.025% of the States general budget for issues related to women’s development, The 10th Five Years Plan states that women targeted programs are priority in the Poverty Alleviation strategy,</i></p>
<p><i>h – Increase women’s representation and participation in economic decision making positions, in particular in employers association, workers unions and other socio-economic structures,</i></p>	<p><i>The establishment of Business Women Committees in the Governorates, Women are represented in the Labor Union leadership, The establishment of working women committees within the Labor Union, in the Governorates,</i></p>
<p><i>I – Increase women’s productivity &amp; employability through greater access to education at all levels, vocational and technical training, and lifelong learning so as to provide women with skills responsive to the rapidly changing labor market, to help them return to the labor market after absence, or to direct them to new sectors. Special attention should be given to eradicate female illiteracy,</i></p>	<p><i>This is the aim of the 10th Five Years Plan,</i></p>

<p><i>k – Remove obstacles which hinder women who wish to set up new businesses to become self-employed, &amp; promote women’s entrepreneurship by means of training, consultancy, and financial instruments</i></p>	<p><i>The establishment of Modernizing and Activating Women’s Role in Economic Development (MAWRED), as a business incubator for women’s established entrepreneur</i></p>
<p><i>l – Develop better knowledge of women in migration, and increase protection and integration of migrant women</i></p>	<p><i>Syria ratified the Migrant Workers Convention,</i></p>

### **3. Change gender stereotyping in education, media, and culture**

<p><i>a – Promote equality &amp; fight against discrimination between girls and boys in education and culture</i></p>	<p><i>School curricula revised to achieve gender sensitivity, The SCFA distributes Child Rights Convention (CRC) and CEDAW, Mainstreaming CRC and CEDAW concepts in schools and post-schools curricula,</i></p>
<p><i>b – Support activities aiming to provide women with computer literacy, training &amp; education in ICT science and technology,</i></p>	<p><i>Establishment of the rural information network «Reef», Establishment of Information for All project, The SCFA is working on gender and ICT issues,</i></p>
<p><i>c – Promote research on gender equality in mass media products &amp; institutions to reduce negative gender stereotyping. Support media regulatory bodies to monitor gender issues as part of their mandates,</i></p>	<p><i>The SCFA, in cooperation with the Ministry of Information, are working to change the stereotype picture of women as a main objective of the Syrian Women Strategy,</i></p>

<p><i>d – Combat gender based violence in all its manifestation, in particular domestic violence, trafficking in human beings &amp; harmful tradition practices,</i></p>	<p><i>The SCFA has prepared: Media campaign during the International Women Day, TV spots on women issues,</i></p>
<p><i>e – Enhance women’s participation in cultural exchanges &amp; intercultural dialogue</i></p>	<p><i>A woman, Dr Najah Attar has been appointed as Vice President for Cultural Affairs,</i></p>

Source: Syrian Commission for Family Affairs

## 8. Findings and Priorities for future action

### 8.1. Main findings of the Situation Analysis

Chapter 23 “Women Empowerment” of the National 10<sup>th</sup> Five Years Plan (2006–2010) is the main umbrella to which all policies, strategies and plans relating to women’s empowerment refer to. To enhance women’s empowerment, the government allocated 0.025% of the State’s general budget for issues related to women’s development.

The 10<sup>th</sup> Five Years Plan also addresses the subject of violence against women. A national plan to protect women against violence is under preparation since 2006 as is a human trafficking law. The Syrian Commission of Family Affairs and other institutions have invested efforts in creating awareness of various stakeholders on violence against women, for example during the International Day to Combat Violence against Women when TV and radio spots are being broadcasted. Further, shelters and health clinics for women have been set up.

Several studies and field researches have been conducted on child and women GBV. Most of these studies have used stratified sampling methods to geographically represent women in Syria. The most recent National Gender Based Violence Survey implemented by the Syrian Commission for Family Affairs with UNFPA support has shown that violence remains widespread and that there is need to implement a coordinated policy and speed up measures to tackle GBV. Research has shown that concerned institutions are still in the phase of defining the concepts of child and women GBV related issues, and have not yet moved to designing the tools, methodologies or exact procedures to be taken to tackle the issue.

In legal terms, some articles of the Penal Code can be used to condemn violence against women, including the offence of rape, yet in practice, legal provisions are insufficient to combat domestic violence. To address an increase in the number of domestic violence committed against wives and female relatives under the excuse of honour killings, Syria amended the Penal Law (Article 548), raising the penalty for honour killing to at least two years of imprisonment. Yet there is a need for a specific “Domestic Violence Law”.

Although Syrian women enjoy full constitutional rights, like men, the Personal Status Law limits such enjoyment due to several discriminatory articles. The main articles discriminating against women in the Syrian Personal Law relate to:

- The legal age of marriage is 18 for boys and 16 for girls;

- Guardianship and consent: Matrimonial guardianship is mandatory for women only (Art. 21), the judge may decide to marry a boy at the age of 15 and a girl at the age of 13 (Art. 18.2), and Muslim women are not allowed to marry non-Muslims, but Muslim men are allowed to marry non-Muslims (Art. 48.2);
- Polygamy is permitted (Art. 17) up to 4 wives;
- Divorce: Art. 91 gives the right of repudiation to the husband (one-sided and unconditional); while according to Art. 105-115, the wife can petition for divorce under very restrictive conditions;
- Child custody is the prerogative of the father;
- Maintenance and obedience: according to Art. 74, the wife owes obedience to her husband in return for maintenance; and Art. 73 and 74 stipulate that the wife forfeits her maintenance rights if she works outside the home without her husband's consent;

From a legal standpoint, discriminations against women also relate to nationality. A woman cannot pass her nationality on to her husband: according to Article 3 of the Nationality Law, only Syrian fathers can pass their nationality on to their children and to their foreign wife.

In terms of Penal Law, Article 548 states that men can be exempted from punishment if they kill or hurt their spouse, sister, or any of their female ascendants, whom they unexpectedly discover committing adultery or out-of-wed sexual relation with another person. Only men are afforded this right, which is considered justified since they are reasoned to have committed the crime under extreme excitement and without premeditation. The second paragraph of the same article also gives a man a justifiable excuse if he kills or hurts his spouse, sister, or his female ascendants when he unexpectedly discovers them in a doubtful situation with another person.

Further discrimination against women in the Penal Law relate to provisions for rape and adultery.

Syria is a state party to CEDAW since 2002. Since the ratification of the Convention, several institutions, specially the Syrian Commission for Family Affairs, have prepared capacity-building projects, sessions and workshops involving legal workers, lawyers, judges, policemen and NGOs working on gender, to promote the CEDAW and encourage legal workers to use the international legal tools in their daily work. Yet, reservations to CEDAW still prevent women for enjoying equal rights to men.

Several international tools are applied to assess women's advancement in society, including the government regular reports on the achievements of CEDAW, Beijing follow up, MDGs, and ICPD. Thus, the Istanbul recommendations and follow up provide potential to strengthen existing tools and mechanisms, and help promote actions for the capacity-building of women's human rights.

In terms of the Euromed Istanbul Ministerial Conference itself, interviews conducted for the present report have highlighted the lack of knowledge and information of the Istanbul process on behalf of a majority of stakeholders. Very few interviewees have heard of the Istanbul Conference and no one seemed to know if any local or international funds have been allocated to its implementation, including from the European Union.

Besides discriminatory legal provisions, barriers to women’s equal rights and full and equal participation in society refer to persisting stereotypes on women and men’s roles in the family and in society. Inherited traditions that put women in an “inferior” position to men still impregnate mentalities in Syrian society.

There is a noticeable rise in the number of conservative movements in society who clearly attack already existing international Conventions and national measures on women’s human rights. Far from hidden, such attacks are publicly announced in different forms including through public forums organized by local conservative NGOs such as the “National Society for Social Awareness”.

## 8.2. Priorities for future action

The stakeholders interviewed in the context of the report have identified the following as priorities and strategic interventions to strengthen women’s rights and gender equality in Syria:

- **Legal reform:**
  - Lift the reservations to CEDAW;
  - Adopt a new Personal Status Law that is favourable to women’s rights and equality by including the amendments proposed by women activists and experts to the initial reform proposal, such as provisions for the equal age of marriage, equal rights in divorce, among others;
- **Policy measures:**
  - Ratify the Women Protection against Violence Plan, prepared by the Syrian Commission for Family Affairs and all relevant governmental and NGOs actors;
  - The 11<sup>th</sup> Five Years Plan, as the 10<sup>th</sup> plan, needs to dedicate a special chapter to women’s empowerment, focusing on women in decision making positions and GBV;
- **Enhance capacity** of governmental institutions that provide services to women in the four areas: education, health, legislations and economic empowerment;

- **Deepen knowledge through research and studies:**
  - Conduct in-depth studies on the status of women in the country and facilitate access to existing research and knowledge at the regional level;
  - Set up a women study centre within a Study and Research Centre;
- **Institutional strengthening:**
  - Launch the Observatory Unit for GBV and the Family Protection Unit;
  - Adopt and implement mechanisms for cooperating and coordinating measures with all relevant parties to avoid the gaps, identify the obstacles and assess the achievements;
- **Combat gender-based violence:**
  - Training policewomen on GBV protection methods;
  - Train media personal on GBV issues;
- **Women and employment:** adopt plans to increase the number of women in the labour force which has decreased in the last two years.



## 9. Perspectives for future action

Before and after ratifying the Convention on the Elimination of all forms of Discrimination against Women, many efforts have been made in Syria to improve the situation of women at all levels of public and private life. Yet, legal discriminations and gender stereotypes remain. There is a long way to go before women are effectively able to exercise their rights. For example, women still own less than 10 per cent of agricultural land, in spite of their right to inherit granted by Sharia, and girls' early marriage remains a widespread reality and a vulnerability factor for women's advancement.

### 9.1. Legislation to ensure women's equal rights and removal of CEDAW reservations

There is a need to seriously work towards the adoption of more advanced legislations that clearly integrates the principle of equality between women and men, and ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights. This also calls for renewed action to lift the CEDAW reservations.

Still, the adoption of advanced legislations is not in itself enough. More efforts are needed to raise awareness among all levels of society on the benefits of adopting legislations that assist in strengthening the role of women, and men, in society.

### 9.2. Policy design and implementation measures

Chapter 23 of the 10<sup>th</sup> five year plan is identified as a milestone for women empowerment and provides a strategy for women's social and economic empowerment. Yet, the objectives are too broad and the technique for implementing the objectives unavailable. Hence, the gaps identified in the current plan must be avoided in the 11<sup>th</sup> five year plan.

This calls for a strengthened dialogue and cooperation between all relevant governmental and non-governmental actors in favour of promoting women and equality between men and women.

Although the issues of gender equality and gender mainstreaming are not new in Syria, there remain a lot of misunderstandings, mis and preconceived ideas on gender equality, making it difficult to mainstream gender at the policy and planning levels.

### 9.3. Gender-based violence and stereotypes

Barriers to women's equal rights and empowerment are also drawn from persisting stereotypes on women and men's roles in the family and in society. The rise of conservative movements in society who openly question the advancements in women's human rights are a matter of concern.

Traditional values and gender roles underpin the difficulty to tackle issues such as gender-based violence because they perpetrate the idea that GBV is a familial and private matter, not a public one. Secrecy and taboo make it difficult to tackle the issue in the public sphere.

### 9.4. Women's economic empowerment

Women empowerment cannot be achieved without women's economic empowerment and the creation of an enabling environment. An enabling environment includes measures to prompt women's access to decision making in both public and private life.

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