

## NGO Report

Submitted to the United Nations Committee for  
the Convention on the Elimination of All Forms of  
Discrimination against Women (CEDAW)

In response to the second periodic report of the  
Government of the Syrian Arab Republic

Geneva, Switzerland, July 2014

## I. Introduction

The violent armed conflict has entered its fourth year and is spreading to most Syrian regions, now divided into the so-called “regime-controlled territory” and “territory out of the regime control”. The Syrian people, including all classes and social formations, is paying a heavy price for the ongoing armed violence in various areas.

Reports by UN agencies, local and international human rights organizations and experiences of countries with similar contexts shows that women bear the heaviest burden of such conflicts.

Gender-based violence and discrimination had existed in Syria before the armed conflict and were emphasized by a number of laws and practices in public or private spheres. Patriarchal values and norms still govern the Syrian women’s lives and rights as sacred religious and social values.

With the lack of international action toward what is happening in Syria, we would like to draw attention that, with the continuing armed conflict for more than three years, women have become vulnerable to all forms of violent practices and various human rights violations by different parties to the conflict, though with varied levels and forms between one party and another.

Women suffer from killing, forced disappearances, detention, rape, kidnapping, internal and external displacement. They have to secure livelihood for their families in displacement areas and refuge countries. Child marriage and women trafficking have significantly increased particularly in the refuge host countries.

On the other hand, activists documenting violations within the conflict are subject to prosecution, detention and kidnapping by all parties. For example, on 16 February 2012, the Syrian security authorities arrested Mazen Darwish, director of the Syrian Center for Media and Freedom of Expression with a number of his colleagues, in Damascus. They were referred to the Terrorism Court and are still detained in Adra prison by this court, which sentences could reach life imprisonment or execution. On 9 December 2013, a group of armed men kidnapped activists Razan Zeitouneh, Wael Hamadeh, Samira Khalil and Nazim Hamada from their office at the Violations Documentation Center (VDC) in Duma<sup>1</sup>, an area under the control of a number of armed opposition groups. Their fate is still unknown until now.

Targeting activists documenting violations is intended to prevent access to accurate information and statistics on the responsibility of different armed parties for the violations committed against the Syrians in general, and women

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<sup>1</sup> In a statement issued by VCD, “an unidentified armed group” raided the headquarters and seized computers and documents in Douma, a town on the outskirts of Damascus under the control of a number of armed opposition groups.

in particular. A large number of international reports confirm that the Syrian government is in charge for the majority of these violations.

To avoid misinformation and media manipulation, where the government media as well as a number of other Syrian and non-Syrian parties have excelled, we will build our report on daily live testimonies narrated by women victims of detention, kidnapping, harassment, child marriage, human trafficking among other crimes.

Our report is also based on the reports of United Nations agencies, international and local human rights organizations and other entities, as well as information from documentation centers under or outside of the regime control. We took into account the abuses women experienced in periods of armed conflict in several countries including Bosnia, South Africa, Northern Ireland and other countries that have experienced armed conflict and all transition processes, including transitional justice, with special focus on women's experiences in Bosnia.

We believe that abuses that Syrian women have suffered would have been significantly decreased, if the Syrian government had developed a plan or even an emergency program to implement the UN Security Council Resolution 1325 and related resolutions, which are crucial given the current tragic conditions of Syrian women. However, the Syrian government did not bear its legal responsibilities "in maintaining its citizens security and lives" (as provided in its report), in line with the international conventions on the protection of civilians during armed conflicts, particularly the protection of women and children. The fact that a number of areas are now out of the regime control does not absolve the government of its responsibilities in these areas, still within the internationally recognized official borders of the Syrian Arab Republic.

### **CEDAW articles:**

#### **Article 1: Definition of Discrimination**

The new Syrian Constitution (2012), described in the government report as "reformative", did not adopt the definition of discrimination stated in article 1 and did not explicitly prohibit discrimination against women, which further affected human rights of women. Excluding all women's human rights issues from this "reformative" Constitution and from all laws passed during the crisis, has further established the gender-based violence and discrimination against women engraved within the culture both in theory and practice. Women suffer the outcome of this culture throughout their life, and this suffering has aggravated during the armed conflict.

## Recommendations

The Constitution should clearly prohibit and criminalize discrimination against women, whether in laws or in policies and practices, regardless of the perpetrator being an institution or an individual.

**Article 2: to embody the principle of the equality of women and men in the national legislations, to prohibit discrimination and to provide legal protection for women.**

The new constitution did not guarantee gender equality nor the prohibition and criminalization of gender-based discrimination and violence. On the contrary and for the first time since independence, it mentioned religious communities rather than women rights. Article 3 (paragraph 4) stipulates, "The personal status of all religious communities shall be protected and respected"! Article 3 also states that "the religion of the President of the Republic is Islam" and "Islamic jurisprudence shall be a major source of legislation", hence constitutionalizing gender-based discrimination, which is already there in the personal status laws of the six sects and in the Nationality Act and Penal Code. The discriminatory effects of these laws are reflected in civil laws, which confirm the continued vacuum in legal protection of women. Thus, the government continues to abandon its responsibilities in organizing and ensuring the rights of family members, especially women, leaving the task to religious authorities! This contradicts with the President's frequent emphasis on the "secularism" of the Syrian state.

The new 2012 Constitution also did not include an article that gives international conventions primacy over national laws, including the Constitution. This deprives women of appropriate legal opportunities to amend the discriminatory laws based on the provisions of these conventions.

The continued application of laws that contain flagrant discrimination against women generates and justifies gender-based violence. The Penal Code still includes articles that legitimize the killing of women under the pretext of "honor",<sup>2</sup> (Articles 548 and 192), or "outrage" (Article 242).

In 2007, murders of women in which perpetrators benefited from the "honor" excuse were committed in nine Syrian governorates,<sup>3</sup> accounting for 7% of the total number of murders committed in all Syrian governorates. In 2008, until August, these crimes were committed in six governorates,<sup>4</sup> constituting 8%.<sup>5</sup> Rates ranged between 2% in Damascus and Homs in 2007 and 22% in Idlib in

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<sup>2</sup> Article 548 of the Syrian Penal Code.

<sup>3</sup> The nine governorates are: Damascus, Damascus Rural, Homs, Hama, Aleppo, Idlib, Deir ez-Zor, Raqqa and Hasaka.

<sup>4</sup> The Six governorates are: Damascus Rural, Hama, Aleppo, Idlib, Raqqa and Hasaka.

<sup>5</sup> Brigadier General Mohammad Alloush, a lecture entitled "Honor killings", the Syrian Commission for Family Affairs, "Honor Crimes" Forum, 2008.

2008. These figures only reflect cases that reached the courts, however, cases that did not reach courts are impossible to document, because families often do not report these crimes for fear of “shame” under the backward masculine culture.

**In response to the articles on honor crimes, the government report says: “One of the proposals of the above mentioned Committee, formed by the Minister of Justice Resolution No. 914 dated 10 April 2013, is to abolish Article 548 and consider this crime like all other crimes.”**

However, the Minister of Justice suggestion to abolish Article 548 was not considered and only the “legitimizing excuse” was canceled, while the “mitigating circumstances” remained, benefiting the killers in “honor crimes”! No logical explanation was provided on how killing a family member can have such “honor motive,” while it should be considered a premeditated killing punishable by no less than 15 years in prison.

Even Decree 1 of 2011 amending several articles of the Penal Code, including punishment of a rapist if he marries the victim, only canceled the legitimizing excuse but maintained the mitigating excuse.<sup>6</sup> It required sentencing a rapist to two years if he married the victim and 5 years in the event of divorce. This amendment did not protect women against being married to their rapists, which represents a flagrant violation of their humanity and feelings and forces the victim to spend all her life with the very criminal who raped her. Such an article prompts people to force girls to marry the rapist, depriving them of freedom of choosing a husband on the pretext of “protection against shame”. It is a “barbaric” idea inconsistent with human civilization and values promoting freedom and the right to choose a life partner.

Furthermore, articles on adultery continue to discriminate between women and men. The women penalty is twice that of the man.<sup>7</sup> Husband “adultery” is permissible if committed outside the marital home and only punishable if committed inside it, while women are punished regardless of where they commit “adultery.” Discrimination in the methods of evidence between women and men also continues.

Although a number of articles in the Penal Code criminalize sexual harassment, especially against children, harassed women rarely resort to the judiciary due to customs and intense fear of shame that may stigmatize her and her family because of the prevailing patriarchal culture assuming that the victim may have

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<sup>6</sup> Article 9: Article (508) shall be repealed and replaced by the following: If a valid marriage is contracted between perpetrator of one of the offenses listed in this chapter and the victim, the perpetrator benefits of mitigating excuse in accordance with the provisions of Article /241/ with a sentence to no less than two years in prison. The offender is re-prosecuted if the marriage ended to divorce without a legitimate reason or a divorce sentenced for the benefit of the victim before five years of marriage, and the period spent in prison is considered from the penalty.

<sup>7</sup> Articles 473, 474 and 475.

“seduced” the harasser! In addition, no secure, confidential or accessible mechanisms enable women victims to complain with government agencies, especially in hospitals, police stations or public prosecution.

Marital rape continues to be distinguished from the rape crime and legalized by the Penal Code.<sup>8</sup> We will state the increasing level of marital rape when discussing violence against women in armed conflict.

As for delaying the legislation of a law to protect women from violence and blaming such failure on the “crisis”, to use the government report wording, we say that the draft law was presented seven years ago but has not been passed until now.

The 10<sup>th</sup> Five-Year Plan and subsequent plans had promises about “the amendment of laws and regulations and the application of integrated actions to prevent and reduce humiliation of women and gender-based violence; the modernization and development of national laws and legislation in line with CEDAW; and the issuance of a civil code that guarantees the rights of family members, establishes equality between women and men, protects women against violence, and contributes to the reduction of customs and traditions that hinder their contribution to building a liberated, modern and democratic society.”<sup>9</sup> However, the Syrian government has not taken any measures to develop and harmonize the national laws with the CEDAW articles, on which it has no reservation (Articles 1-3-4-5-6-7-8-10-11-12-13-14). It did not ratify the Optional Protocol to CEDAW nor accept the amendment to Article 20(1) of the Convention.

The government has not fulfilled the promise made during the debate on the initial report seven years ago (2007), to remove its reservations to Articles 2, 9, 15 and 16 or some of their content. We assure that the arguments of the government report to justify the failure to lift the reservations and implement the Committee recommendations are not convincing. For four years before the start of the armed conflict, the government had not taken any real actions to lift the reservations and start serious steps to eliminate gender-based discrimination.

With respect to paragraph c on legal protection of women on an equal basis with men before national courts, the Syrian government response states, **“Syrian judiciary does not discriminate between women and men in the litigation. Any complaint by any woman on cases of rights violation or violence by any governmental or non-governmental entity is considered by the judiciary that sentences the offenders according to the Penal Code and**

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<sup>8</sup> Article 489: “A person who forces anyone other than his spouse, by violence or threat, to intercourse, shall be punished by hard labor for at least fifteen years.”

<sup>9</sup> Tenth Five Year Plan 2006-2010

**other laws. Therefore, women have access to justice in the Syrian judicial system.”<sup>10</sup>**

We believe that “equal” access to justice before the national courts cannot be achieved under discriminatory laws as the Syrian Penal Code. In the absence of laws based on equality in human rights or protecting women against violence, the judiciary may issue a just ruling, in shape, but when the law is discriminatory and unfair, it is then impossible to ensure equal access to justice in essence.

In addition, the high financial cost of litigation discourage women from resorting to the Syrian courts.

### **Access to justice during the armed conflict**

If this had been the situation in the days of peace, as said above, how would be the case with women under this tragic armed conflict. How can millions of women, whether displaced, refugee, living under siege or under the rules of “Sharia bodies” or missing their personal and family documents, access to justice? What justice can these women get in such inhumane conditions, where women usually bear the main burden of following up the complex judicial proceedings in search of detained, kidnapped or missing sons, daughters, husbands and brothers?

**Regarding access to justice, the government response states: “It is worth mentioning that any citizen can apply to the Ministry of Justice to know whether a family member (male or female) is arrested or detained and the ministry, within 15 days, will inform him/her of the detainee’s place and the reasons of arrest.”**

Under the current situations on the ground, the procedure of applying to the Ministry of Justice “to know whether the security services detain a family member within 15 days” is rarely in place. A great many families did so but received no response. They are usually informed after a while of the death of their relatives without even the chance to know the burial place or the cause of death.

According to Human Rights Watch and Amnesty International reports, there are tens of thousands of disappearances, and the government does not provide any statements about their numbers.

It is worth mentioning that the increasing number of missing persons whose arrest, kidnapping or death is not declared will create countless problems for their families in the future, including those related to the loss of personal documents or to inheritance issues. These problems will trigger enormous human and legal tragedies for the wives of the missing.

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<sup>10</sup> Syrian government response to questions 5-6 of the CEDAW Committee.

## Recommendations:

- To return to the negotiating table and prepare a draft constitution that establishes full equality among all citizens, women and men, in all rights.
- To draft a civil family bill that guarantees equality of all citizens, women and men, and abolish all other personal status laws, to draft a bill amending the Penal Code radically and approve it as soon as possible, and to prepare a draft child law based on the Convention on the Rights of the Child.
- To remove reservations to the CEDAW articles and harmonize all national laws and regulations with these articles.
- The Constitution should explicitly stipulate the primacy of international conventions over national laws, including the Constitution.
- To adopt a law protecting women against violence both in public and private spheres.

## Article 3: ensuring the full development and advancement of women

The content of women empowerment chapter of the Tenth Five-Year Plan has not been implemented. Statistical concepts and definitions used in labor surveys still ignore women's unpaid work in households and family investments, which is one of the most important empowerment factors. Housekeeper women are excluded from the labor force!

Valuating women's unpaid work means recognizing the value they add to the national economy and enhancing their status as producers and not dependents.

As for the government programs mentioned in the government report, we will discuss, for example, the “women empowerment and poverty reduction” project,<sup>11</sup> carried out by the Ministry of Social Affairs and Labor with support from the United Nations Development Fund. The project adopted the concept of “in-kind lending based on Islamic Murabaha,”<sup>12</sup> which requires the ministry or any other lending entity to determine the goods to be purchased from the borrower woman. The project ignores that it is difficult for women to secure guarantees, and requires a beneficiary either to provide a real estate guarantee or two guarantors, one of whom should own a real estate or permanent salary and the other will be acting as a liability guarantor.

What is worth noting is the government “practice” prevailing in all issues related to Syrian women, namely applying Islamic jurisprudence rules and not other laws and legislation. Rather than creating a private foundation to lend women and a

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<sup>11</sup> SYR/07/013.

<sup>12</sup> The concept of Murabaha in Islam is based on the idea that the first party is committed to buy from the second party a commodity at a price agreed upon in advance after determination a profit percentage above the cost. This is called a promise to buy, obliging the seller party to requisites of the seller in Islam, which means that he is responsible for the damage that might happen while fetching the goods or defects that have occurred. <http://www.damasbanks.com/>.



fund to tackle credit risks, the Syrian government used to deal with women empowerment as a field of experiments with no guaranteed results!

This was proven by the project evaluation in 2009,<sup>13</sup> which indicated that the number of beneficiaries of training courses was 1799 women, of literacy classes was 38 women and the number of beneficiaries of projects was only 81 women. The same report attributed the project failure to achieve its objectives that year to “the project guarantee system, which limits access of the largest number of targeted women”. In addition, there were “marketing challenges as well as licensing difficulties including complex procedures and high costs.”

As a result of the government failure to enhance women empowerment rates in general, women empowerment indicators in 2008 were as follows:

#### Indicators of women's status<sup>14</sup>

Indicators	Value in base year (2005)	Actual	Planned
		2007	2010
Percentage of females in the labor force	%17.30	%16	%21.30
Women's contribution to agricultural activity	%27	%26.30	
Women's contribution to the service sectors	%54.60	%57.40	
Female/male ratio in pre-school education	%94.50	%77	
Female/male ratio in primary education	%92	%98	%100
Female dropout rates in primary education	%4.10	%2	
Male dropout rates in primary education	%4.70	%2.60	
Illiteracy rates among females	%26.10	%24	
Illiteracy rates among males	%10	%9	
Life expectancy index	0.767	0.815	
Educational attainment index	0.748	0.823	
Distributed income index	0.564	0.584	
Sex-related development index	0.7	0.74	0.8

Surprisingly, the 11<sup>th</sup> Five-Year Plan did not include a chapter on women empowerment<sup>15</sup>, a significant regress from the 10<sup>th</sup> Five-Year Plan. The government provided no justification.

It is no longer possible to talk about progress in women empowerment indicators after the worsening of Syrian women’s conditions. Becoming

<sup>13</sup> “2009 Project Implementation Report and 2010 plan,” 4/2/2010.

<sup>14</sup> Mid-term Evaluation of the Tenth Five-Year Plan, the State Planning Commission, 2009.

<sup>15</sup> The plan includes the following chapters: Chapter I: Administrative and institutional reform, Chapter II: Macroeconomics, Chapter III: Economic sectors, Chapter IV: Human Development, Chapter V: Balanced development, Chapter VI: Environment and Disaster Management, Chapter VII: Monitoring and evaluation system.

displaced with their children after the bombing and destruction of their houses and with their husbands away (detained, dead or fighting), those women have to bear the burden of securing the family's needs without having adequate qualifications for decent jobs.

The national wealth was also wasted on arming at a time when the country needs many resources to implement women empowerment policies and programs.

We should highlight the significant decline in the government mechanisms on the development of women and elimination of all forms of gender-based discrimination in law and in practice. We had expected the role of the Syrian Commission for Family Affairs to be activated and its mandate to be expanded to advance the Syrian women status. Surprisingly, we discovered that the Commission (presumably "a public body, called the Syrian Commission for Family Affairs, based in Damascus with legal personality and financial and administrative autonomy, which reports directly to the Prime Minister"<sup>16</sup> had been turned into a public body called "the Syrian Commission for Family Affairs and Population, with legal personality and financial and administrative autonomy, which reports to the Minister."<sup>17</sup> The Minister here means the Minister of Social Affairs and Labor, according to Article 1 of the law.<sup>18</sup>

Linking women's issues to family issues in the law (2003) establishing the Commission, as well as the lack of political will have been two of the biggest obstacles to the amendment of discriminatory laws. The focus was on "maintaining family cohesion and values and customs of the Syrian family" at the expense of the human rights of women. Now, attaching the Commission to a ministry, whatever this ministry, and linking women's and family issues to population issues will focus the Commission interest on reproductive health issues only. These approaches are among the most dangerous to women's human rights, especially that reproductive health issues are associated with radical religious references. The Penal Code still criminalises the promotion, sale, acquisition or facilitation of the use of contraceptives,<sup>19</sup> although they were previously distributed in government clinics and dispensaries, free of charge. This is clear evidence to appeasement of the religious leaders in issues related to women's reproductive health.

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<sup>16</sup> Law No. 42 of 2003 establishing a public body called the Syrian Commission for Family Affairs, [http://parliament.sy/forms/uploads/laws/Law/2003/personl\\_13.htm](http://parliament.sy/forms/uploads/laws/Law/2003/personl_13.htm).

<sup>17</sup> Law No. 6 of 2014 establishing the Syrian Commission for Family Affairs and Population [http://parliament.sy/forms/uploads/laws/Law/2014/k6\\_2014.htm](http://parliament.sy/forms/uploads/laws/Law/2014/k6_2014.htm).

<sup>18</sup> "The following terms, used in the application of this law, means meaning given to each of them: Ministry: The Ministry of Social Affairs and Labor. Minister: The Minister of Social Affairs and Labor."

<sup>19</sup> Articles 523 and 524.

## Recommendations:

- To adopt emergency procedures to empower Syrian women, especially those who support their families, in light of their tragic situation.
- To develop women empowerment policies when the armed conflict ends. Women will bear the greatest burden of reconstruction.
- To create a High Council or public body for Women, with powers to prepare draft laws and policies on women's empowerment in all fields, especially equality before law.

## Article 5: Combating gender-based stereotypes and cultural practices

The negative impact of gender-based discriminatory stereotypes have aggravated during the conflict, due to insecurity and fear of kidnapping and rape, and the fear of “defamation” of families whose women were arrested, kidnapped or raped.

Though the Syrian government report mentioned “**organizing seminars, conferences, lectures, exhibitions and cultural weeks in cultural centers throughout the country, which contribute to modifying the stereotypes**”, feminist activists<sup>20</sup> have been banned from delivering lectures in those centers upon oral directions<sup>21</sup> to the respective directors in 2007. Moreover, the applications to set up women organizations made by feminist activists were refused by the authority along the past 2 decades.

Speeches opposing women's human rights and asking the authorities to prevent the rights-based women associations are frequently delivered in the mosques. Such speeches<sup>22</sup> were the direct cause behind dissolving the Social Initiative Association in 2007.

Many cultural centers are also hosting ideas that reject human rights for women, promote women stereotypes and call on the Syrian government to withdraw from CEDAW.<sup>23</sup>

Changing stereotypes is a strategic process rather than individual procedures here or there. Stereotypes can only be changed through changing the discriminatory laws, especially the personal status laws, which are essential foundation for women prototypical image, and through creating favorable and

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<sup>20</sup> Feminist activists mean those who adopt the International Bill of Human Rights as reference, especially CEDAW, not those of religious background who propagate their believes.

<sup>21</sup> A certificate of a cultural center director in the city of Damascus.

<sup>22</sup> In the annexes, you will find a copy of this series titled “Responses to the untruths in the personal status of women,” delivered at Darwishyya Mosque, Damascus, by Sheikh Abdul Aziz al-Khatib al-Hassani El-Shafei al-Dimashk.

<sup>23</sup> A lecture at the Arab Cultural Center in Kafarsouseh (2007), in which Syrian Foreign Ministry Advisor, Mr. Daoudi, participated.

supporting environment allowing women and civil associations to disseminate an alternative culture.

We should mention here the critical role played by the fatwas of radical Salafi religious figures in prototypical image and role of women and even contributing to the “objectification and commoditization” of women.

In stead of organizing awareness campaigns warning against such fatwas that will have the greatest impact on shaping women's future and justifying violations of their rights, the state media promote these fatwas to be used against political opponents.

### **Recommendations:**

- To adopt NGOs law that allows women activist to set up grassroots organizations in order to ensure women’s freedom and effective involvement in changing the stereotyped culture.
- To develop a media and education strategy aimed at changing the stereotype role and rights of women, with the participation of women and development organizations and civil society organizations. The strategy should include a comprehensive and integrated action plan.
- Include the Universal Declaration of Human Rights and the CEDAW in all curriculums and considering them a standard of media materials, in particular audio-visual media, including the TV drama.
- To adopt mechanisms to measure behavioral changes of target groups in activities aimed at stereotype modification, especially those working in the fields of media, health and education.
- To abolish discriminatory personal status laws as they form a legal basis of prototypical role of women in the family, and adopt a civil family law based on equality of women and men in the family that establish an image in harmony with humanity and dignity of women.

**Article 6: State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.**

### **And Recommendations 29 and 30 on violence against women**

Field studies – including governmental studies - conducted during the last ten years show that Syrian women are facing all forms of violence both at public and private spheres. However, we have not seen any intention by the successive governments to pass a law criminalizing violence against women in general, and domestic violence in particular. Moreover, the government response regarding the Family Protection Unit was not precise. It states, **“Because of the current circumstances, it was not possible to continue the rehabilitation of the building due to the impact of unfair economic sanctions. In addition, destruction of many industrial plants and road cut by the armed terrorist groups led to higher prices, including building materials. The government**

**rearranged expenditure priorities focusing on relief efforts and securing the necessities of life for citizens, and work is currently underway to consider the building rehabilitation by an international organization.”** In fact, this project began in 2005 and was mentioned in the first initial report of the Syrian government in 2007. Six years (2005-2011) were lost in preparing for this project.

Also, the Syrian government response regarding recommendation 15 which stated that sexual harassment in the work place is not criminalized by the employment law was “sexual harassment is criminalized in article 46 paragraph 7 of article 46 of the Employment Law No 17 of 2010”

However, the article says in paragraph 7 “an employment contract terminates of the employee was sentenced by a court for a criminal act that breaches ethics and morals”. This does not in any way mean criminalizing sexual harassment in work place.

Domestic violence cases have increased, according to studies conducted in displacement and refuge areas. Although the UNSC Resolution 1325 required all parties, particularly the governments, to protect women from violence during armed conflict, the Syrian government has not developed any plans to address this violence and the trauma it causes, especially for women who lost their shelter and were displaced or forced to become refugees. Nor has the government considered programs to ensure them a dignified return.

**Since the start of the armed conflict, women's bodies have been used as a weapon of war. Rape of women and girls has increased by both parties, albeit to varying degrees, as confirmed by international and national reports. According to international laws, such crimes cannot be considered as usual rape, but rather war crimes as stated in UNSC resolution 1325 and other related resolutions.**

Human trafficking was not absent from the Syrian society prior to the crisis, despite the lack of reliable official statistics, however it is incomparable to the rates reached after the armed conflict

Regarding the treatment of raped women and those forced into prostitution, the government report states: **“The law treats them as victims and they are protected and received in special care centers and provided with all the care requirements while maintaining the confidentiality and privacy. These centers subordinate to the Ministry of Social Affairs and some NGOs.”**

We believe that this response lacks accuracy and credibility because those “forced” victims are being tried under the backward Juveniles Law, if they are minors, and are hence placed in “delinquent centers”, which are simply detention centers without any empowerment mechanism, while adults are referred to jail!

When the Committee requested information on the progress made towards the implementation of its previous concluding observations with respect to women trafficking and prostitution,<sup>24</sup> the government answer was not precise at practice level. It was a theoretical plan with no proper implementation. Our evidence is:

- The Decree has no implementing instructions, which makes it impossible to enforce, though the government, in its response, used the word “law” when referring to the decree despite the differences between a law and a decree.
- In its response, the government mentioned a plan with four pillars: prevention and reduction of trafficking crimes, awareness, combating trafficking in human organs and national capacity building. It is very easy for visitor to any shelter of displaced people in government-controlled areas to see different kinds of violations, including prostitution and indirect human trafficking, such as child marriage. None of the above pillar is in place, even for awareness purposes.
- There are no reliable data on trafficking in Syrian courts. No case was registered as human trafficking, which calls into question the credibility and validity of the charges against the women detained in shelters.
- The government talked about courses and workshops to empower shelter workers, but research and investigation found that most workers at the center are high school graduates or even have lower qualifications, and there is no social workers or psychiatrist.

Now, women trafficking and prostitution would certainly be “commonplace” with disastrous effects, in the current armed conflict in the country.

What complicates the problem is the lack of access to real figures, forms and prevalence areas of these crimes. Such crimes need, primarily, a strong will to address them and tremendous effort from those involved in combating this crime in Syria and the countries of refuge, in partnership with relevant international organizations.

Given the widespread violence against Syrian women and complexity of this issue and because trafficking is a brutal form of violence, we had to divide it into several sections: 1) violence practiced by the government security services against women in general, and the displaced, activists and detained in particular, 2) violence practiced by armed groups in areas under their control, 3) violence against Syrian female refugees.

### **Violence against women**

- In many areas, the Syrian government has not distributed relief baskets to nursing mothers and pregnant women. On the contrary, it imposed prolonged sieges on certain areas, causing the death of many people,

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<sup>24</sup> CEDAW/C/SYR/CO/, 1 paragraph (24)

including women and girls (e.g. Yarmouk Camp, Gota, Moaddamiyeh, and Old Homs).

- The Syrian government also failed to ensure, as requested by Recommendation 30 in line with the international humanitarian law, the women's right to public protection as well as to specific protections against rape, forced prostitution and any form of ravishment. The increasing numbers of raped women in areas under or outside government control is conclusive evidence.
- Single or married women who are subject or under the threat of violence are not admitted into IDP shelters inside Syria. Moreover, there are only two shelters for violated women (Mission of the Good Shepard Sisters and Wahat Al-Amal) both located in Damascus, though the increase in rates of violence against women resulted in a significant increase of women requiring protection under current circumstances.
- The Syrian law does not take into account the procedures specified in Recommendations 19 and 28 requiring to protect women from violence and discrimination. Women are often exposed to sexual harassment during raids or at checkpoints.
- The government takes women hostages to force wanted men to hand themselves over. The armed militant groups have taken women and children as hostages to negotiate with the government for the release of some of their prisoners, such as the kidnapping of nuns and women from Latakia countryside. The government often does not lead serious negotiations to release kidnapped women (Adra Worker City, Lattakia Countryside).
- Surprisingly, while government decisions on child foster care (Kafala) prevent sponsors to take children to their homes, a number of those sponsors have been allowed to take fosters abroad!<sup>25</sup> According to the Ministry of Social Affairs, "this is allowed for a period not exceeding three months", but who guarantee that those taking a child outside the country will return him/her when the specified period expires? Most importantly, why is this being allowed right now where "trafficking in human beings" is prospering?
- Families are greatly embarrassed to disclose sexual abuse against women, so it is too difficult to know the actual size of this problem. Addressing this kind of violence requires significant change in the society culture in general and women culture in particular. This can be achieved through women empowerment and the restoration of confidence in their capabilities, towards achieving significant change to the individual-society relationship based on citizenship. However, because we cannot wait for this change to happen, the government must take a series of emergency measures to protect victims of sexual violence and involve civil society and international organizations in the development, follow-up and implementation of these measures.

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<sup>25</sup> anonymous statement of a woman who was present at a meeting at the Ministry of Social Affairs, during a conversation about this topic.

## Violence against displaced women

- Assistance was not provided to many displaced families, where women are the breadwinners given the absence of men for different reasons (involvement in the conflict, arrest, death or escape).
- Aids provided by the government to displaced families are not sufficient, which is forcing many women to beg.
- The dangerous aspect needing prompt government action here is the beggary of young girls who stay in streets alone or with young brothers, which expose them to kidnapping or prostitution.

## Violence against women activists

Forms of violence against women activists are escalating to the extent that some can be described as “war crimes.” The following is based on documented certificates we keep to be used when needed.

- Security forces, of all classifications, cannot be held accountable for the crimes they commit, under the Legislative Decree No. 64/2008 dated 30/9/2008 granting the police, Political Security Division of and Customs an impunity they have never been granted since the founding of the Syrian state.<sup>26</sup>
- International and national reports showed that “about 40% of those arrested under the Terrorism Act have no relationship with the offense attributed to them, but they were taken as hostages to hand their relatives. Some reports even mention that 25% of the arrested women have no relationship to the revolution.”<sup>27</sup>
- M.H, a women arrested since the beginning of this year said: the interrogator hit and tortured me, then he told me that he is aware I have not committed any act to oppose the regime and I am only paying for the acts of my brothers.
- There is no specific and clear definition of (moral support) in the Terrorism Act, which expose many women to prison for mere kinship ties or personal relationships with terrorist suspects.
- Lawyers are prevented from visiting security branches and are not allowed to be given power of attorney by security detainees. Although the lawyer role is

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<sup>26</sup> Article 1- The following paragraph shall be added to the end of Article / 47 / of the Penal Code and Military Criminal Procedure promulgated by Legislative Decree No. 61 Date 02.27.1950, as amended: (7- A- Crimes committed by Internal Security Forces officers, noncommissioned officers and members, the Political Security Division members, and Customs Police members, because of the performance of the tasks assigned to them). b- Prosecution orders against Internal Security Forces officers, noncommissioned officers and members, the Political Security Division members, and Customs Police members are issued by General Command of the Armed Forces.

<sup>27</sup> <http://www.ifuw.org/what-we-do/policy-advocacy/advocacy-news/violence-women-bleeding-wound-syrian-conflict-hrc-25/>, Amnesty, Human Rights Watch, the Independent International Commission of Inquiry on the Syrian Arab Republic, and Euro-Mediterranean Network.



protected in the courts, the Field Court and Terrorism Court do not allow lawyers to review or plead, as both are two confidential tribunals.<sup>28</sup> Thereby, detainees are deprived of the presence of a lawyer during the interrogation, which is coupled with torture, and of fair trials.

- The following table shows the number of cases referred to the Court of Terrorism from the date it was set in October 2012 until 29.05.2014. These figures are for male and female detainees:

Referring entity	Referred in 2012	Referred in 2013	Referred in 2014
Prosecutor office	6721	23094	7275
First Investigation Judge	2002	4645	2760
Second Investigation Judge	1837	4656	3393
Third Investigation Judge	0	2737	3100
Fourth Investigation Judge	0	2690	3075
Fifth Investigation Judge	0	2666	2640
Sixth Investigation Judge	0	373	1515
Seventh Investigation Judge	0	0	1490
Terrorism Criminal Court	0	709	1340
Total cases referred to the Terrorism court until 29.05.2014	37090		

- The regime security departments arrested nearly 4530 women, including 1270 college students, forbidding them from communicating with relatives or lawyers during the investigation period, where confessions are often extracted by force. The laws applicable to male prisoners in central prisons do not apply to women.
- Some women detainees were forced to appear on the public media and admit false charges (Jihad marriage or drug dealing).
- Some women detainees, especially those arbitrarily detention, were exposed to sexual harassment.
- Some women detainees were raped, including oral rape.

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<sup>28</sup> Testimony of M.r. M. Sh, a lawyer in Damascus.

- no female interrogators were present at detention and confinement centers. The government has not provided an adequate number of female police officers or guards in proportion with the number of detainees.<sup>29</sup> In addition, the Article emphasizes that female prisoners should be searched by female officers which was often not the case.<sup>30</sup>
- After being referred to central prisons that should apply minimum humane standards, female detainees suffered from malnutrition, lack of adequate clothing, health care, pregnancy care and ventilation as well as the spread of diseases, especially scabies and lice.
- Some detainees were exposed to domestic violence after release from detention. Some were arbitrarily divorced and others were killed by their relatives.<sup>31</sup>

### **Violence against women in areas outside of the regime control:**

- Women in these areas were subjected to many sexual assaults and kidnappings by some armed opposition forces. Those forces used the same means of the Syrian regime to subjectively women and use them to apply pressure on their opponents.
- The armed opposition used the method of kidnapping women and taking them as hostages, as happened in Latakia Countryside, Maloula, and Adra in Rural Damascus.
- Radical Islamic armed battalions apply "Taliban-style"<sup>32</sup> rules to women in the places they control, including the imposition of Islamic dress, which should cover all the woman's body, preventing going out of the house except with a unmarriageable person (mahram), and preventing going to school and hearing the music. These battalions also apply Islamic Penalties, such as flogging, hand amputation and decapitation. They also forced a number of young women to marry to armed fighters.
- Government has not taken actions, under its international obligations, to protect women and other civilians in those areas. No recommendation relating to the protection of women during armed conflict was activated, such as recommendation No. 30, Resolution 1325 or Resolution 1221. On the contrary, government failure and laxity was noted in dealing with these kidnappings.

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<sup>29</sup> For example, the women's section in Adra prison, "Damascus Central Prison," does not meet the required number of officers and prisoners, as stipulated in Recommendation No. 30, the Article D that requires gender-sensitive practices to prevent abuses during or after dispute.

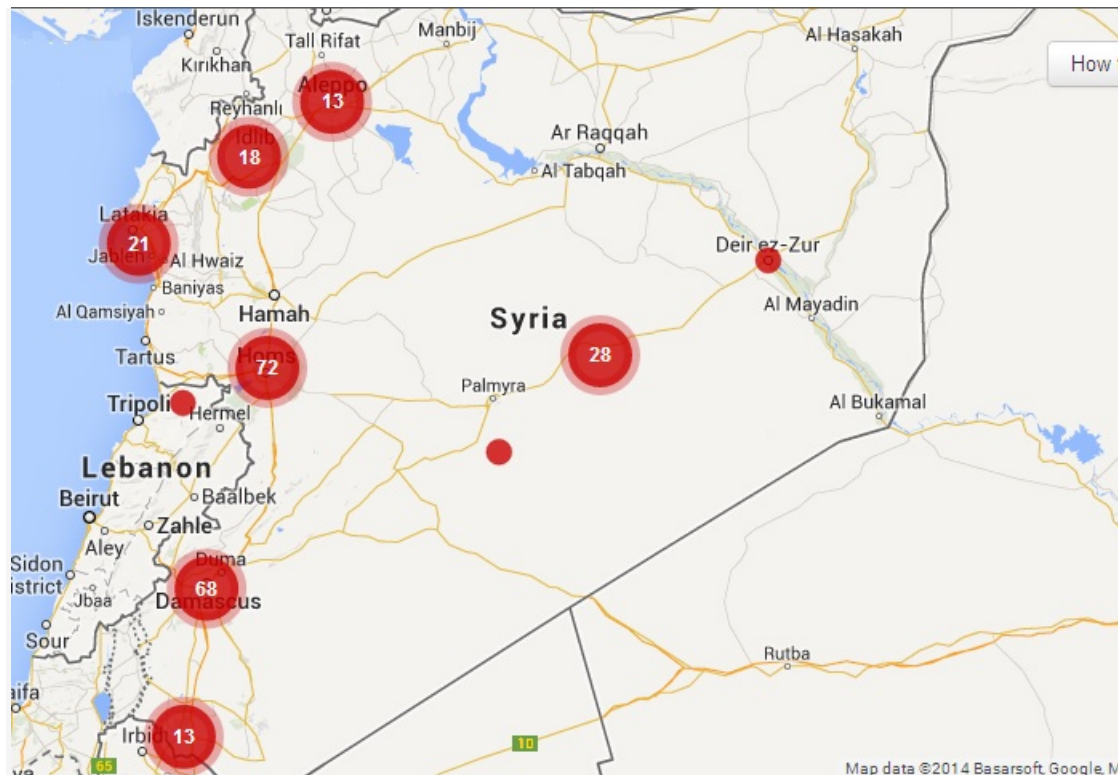
<sup>30</sup> statements of detainees.

<sup>31</sup> "Our society is cruel. I know girls who were arrested and when released, their relative killed them," said a woman living now in the camp of Zaatari, "Violence against the Syrian refugees in Lebanon and Jordan," Aisha and Salma networks.

<sup>32</sup> statements of Syrian women living in those areas. The results of Human Rights Watch interview with 43 Syrian refugees in Iraqi Kurdistan. Telephone interviews with two Syrian refugees in Turkey, in November and December 2013.

## Media Professionals Center, Women under Siege Project

### Map of sexual assaults in Syria<sup>33</sup>



### Violence against women in refugee camps:

Over two years after the establishment of refugee camps, the government is claiming that it is now working on a study with “**United Nations Population Fund**” to conduct an assessment of the challenges faced by displaced women under the current crisis. **The response stated that according to this assessment, they government will develop an action programs to mitigate their suffering and limit the damages.** This means that the Syrian government is a partner in the violence against Syrian refugees, particularly as it has not signed the International Convention on Refugees, and did not respect their obligations stipulated by Security Council Resolution 1325 and other relevant resolutions.

The lack of differentiation between refugees on bases of sex and gender in the United Nations Convention on Refugees results in prosecution of women refugees. The Convention did not include explicit reference to gender-based persecution and the specific problems faced by women during displacement.

The most common forms of violence experienced by Syrian refugee women include:

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<sup>33</sup> <https://womenundersiegesyria.crowdmap.com/>

- Reports of The Independent International Commission of Inquiry on the Syrian Arab Republic show that “in the refugee camps, women and girls are vulnerable to sexual exploitation, forced marriage and trafficking.” According to the Commission, there is one case at least, where armed actors arranged a woman marriage “to protect her honor” after she was raped at a checkpoint.
- Despite the limited data, there are indications that child marriage rates have increased because of the conflict. Deputy Representative of UNICEF in Jordan stated to the media that in 2012, 18% of the registered Syrian marriages in Jordan include individuals under 18 year old, recording an increase of 12% from the previous year.
- UN Women examined child marriage among Syrian refugees in Jordan and found that the rate is relatively high and is likely affected by the conflict, but it primarily stems from the “traditional rural practices in Syria.” The report also found that the difficult economic conditions are important factor in the high levels of child marriage among Syrian refugees. UN Women found that the level among the surveyed Syrian refugees in Jordan was 51.3% of female refugees, with the average rate of underage marriages at 33.2%, in addition to the exploitation of girls in the current conditions and its impact on their lives.
- The research “Violence against Syrian women refugee in Lebanon and Jordan,”<sup>34</sup> pointed that the violations suffered by Syrian women in Jordan vary from the viewpoint of women participating in the focus group discussions: such as the exploitation of women for sexual purposes, especially by those in charge of providing services in charities and associations offering aids or by donors. The refugees in Jordan suffer from stereotypes that make every woman vulnerable to harassment,<sup>35</sup> which led to the reluctance of many women to send their daughters to schools. **“They want to have fun with women for two or three hours and give them 15 or 13 dinars. I requested assistance, but he tried to rape me. He only grants aids for those whom submits.” A Syrian refugee in Jordan said.**
- The impact of this stereotype extends beyond sexual harassment to include the marriage to Syrian women because of low dowry. **“My parents encourage me to marry a Syria girl in Zaatari because she is “cheaper” and I will be able to choose the youngest and most beautiful.” A taxi driver in Amman said. About prostitution, he told us: “Come in the evening, and I will show you Syrian girls on the sidewalks displaying themselves. I was personally harassed by a girl several times. A refugee from Homs said that when she went to sign a rent contract in 6 October Suburb in Cairo, the landlord who was married already offered her to live rent free if her can marry her daughter.**
- Being forced into prostitution because of the harsh conditions of refuge.

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<sup>34</sup> Unpublished research, conducted by *AISHA* and *SALMA* women networks.

<sup>35</sup> Some respondents said that men distinguish Syrian woman from Jordanian woman through her hijab, clothes, or accent.

- Unregistered marriages, especially to men from the Gulf. Many women expressed that Syrian women are subjected to exploitation through “Unregistered marriage” that is not registered in court. The husband stays with the Syrian wife for a short time and then he leaves with no trace. **“A Syria refugee, aged 21 years old, was engaged to a Saudi man for six months, and then married for only two months. He stayed two months with her and then left. The marriage contract was concluded with a Sheikh and was not registered in court. Her family agreed to get money. She is currently at home. He traveled and refused to divorce her.”** A refugee says.
- It is difficult to count the cases of girls marriage. In Jordan, for example, Personal Status Law prohibits the marriage of girls under 18. However, Syrian families resort to unregistered marriages to marry young girls to Jordanians or Syrians living outside the camps, searching for a chance to get out of the camp. Although Jordanian law does not register such marriage, the family waits until the girl gets pregnant and starts a case to prove kinship in order to document the marriage. Often, the hosting governments justify these cases of marriage as “a common habit among Syrians.”<sup>36</sup>
- **Increasing domestic violence:** Syrian women attribute intensive domestic violence to “the radical change occurred in family life, including displacement in Syria and then fleeing to Jordan.”<sup>37</sup> The women participating in the discussion pointed that the perpetrators of violence are close relatives to women and girls, with 71% of the violence committed by husband, 72% by the father, and 50% by the brother. **“Syrian women suffer without complaint. Even in Syria, they do not complain when beaten or in trouble. Even parents will blame women and return them to the husband’s home if they resort to them. We have no specialist institutions and no one complains. If a woman thinks of complaining, the husband’s family will blame her and her husband may divorce her.”** A Syria refugee in Jordan said.

## Recommendations

- Call all the parties to the conflict, and all international parties, to return to the negotiating table as the brutal and inhumane violence affecting Syrian women is directly related to raging armed violence.
- The government should develop a comprehensive plan to implement the UN Security Council Resolution 1325 and related resolutions, and adopt concrete and effective mechanisms for their implementation with focus on the special protection of women. Parties to the conflict shall engage in a

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<sup>36</sup> A meeting with the Director of the Department of Syrian refugees in Jordan.

<sup>37</sup> Respondents in the research of “violence against refugee women” mentioned that their husbands have changed their treatment with them after displacement due to unemployment among Syrian men who stay at home most of the time, the pressures faced by men from the local community and the lack of financial resources. All these reasons were behind the refugee women exposure to verbal and physical violence and their restricted movement and worsened family relation.

dialogue to resolve the problems of women and refrain from violating their rights and exploiting them order to put pressure on opponents.

- The government should allow women's organizations to operate freely in the area of violence against women. Those organisations should be able to collaborate with international organizations and the United Nations Agencies to develop a plan of action for the implementation of Security Council resolution "1325" and related resolutions, in order to put pressure on all parties to put an end violence against Syrian women. The plan of action should also include independent monitoring mechanisms to monitor violations committed by the conflicting parties.
- Allow the set up of monitoring and documentation centers in all areas of Syria. Such centers shall enjoy full freedom to operate and report facts and shall have the legal protection from any form of harassment.
- Break the siege of all the besieged areas, and protect and naturalise civilians in conflict zones.
- Include women protection, rights and basic needs (including protection from the kidnapping and rape) in the current the negotiation processes that are take place between the government and the armed opposition in a number of areas. Those shall also include the provision of food, aid and health services to women.
- Develop operational instructions for "Human Trafficking Act" in order to put it in force.
- Include women empowerment in all relief programs, so they are protected from the exploitation, especially when they become sole breadwinners.
- Repeal the Judicial Police Law and Terrorism Law and improve the situation of women in detention.
- Introduce solutions to the problem of proving lineage for children born to girls forced into child marriage and put a comprehensive awareness plan against this phenomenon.
- Set up psychological and legal support centers for displaced and refugee women and encourage women to report violence, especially sexual violence.
- Set up shelters for battered women and women at risk of violence in all Syrian cities and in neighboring countries.
- Condition international aid provided in hosting countries with their commitment to protect refugee women from violence and their fulfillment of their responsibilities towards them.
- Oblige hosting countries to apply adequate control over "charities" that provide aid to refugees and prevent the exploitation of refugees and the promotion of child marriage under religious and societal justifications.
- Facilitate the work of women's associations in Syria and in hosting countries, and enable these associations to expand their services to support women.

## Articles 4, 7 and 8: Political participation and peace negotiations

**Article 4: The adoption of temporary special measures aimed at accelerating de facto equality between women and men.**

**Article 7: Appropriate temporary measures to eliminate discrimination against women in political and public sphere and to allow participation in the formulation of government policy and the implementation thereof and to participate in all non-governmental organizations and associations concerned with public and political life.**

**Article 8: “States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations including peace treaties and conventions”**

The silencing policy adopted in Syria for several decades had a negative impact on women's political participation. Women believing in equality and democracy as well as political and civil activists have faced all forms of oppression. The right to political participation is still at risk and the representation in decision-making positions remains conditional to loyalty rather than competence. Women representatives in decision-making positions represent a patriarchal mentality and use their voices in favor of the decisions taken by the parties they represent, rather than the interests of women and the demands of the feminist movement. The National Population Report considered that Syrian women participation in public affairs is mere “static participation.”<sup>38</sup>

The National Population Report confirmed “Static participation does not mean a political empowerment of Syrian women that resulted from a natural progression of social and cultural development. There are still significant gaps between the indicator of political empowerment and educational empowerment on the one hand, and economic empowerment, including the extent of women's control over resources, on the other hand.”<sup>39</sup>

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<sup>38</sup> The National Population Report, the Syrian Commission for Family Affairs in cooperation with the State Planning Commission, 2008.

<sup>39</sup> Ibid, National Population Report, the Syrian Commission for Family Affairs in cooperation with the State Planning Commission, 2008, political empowerment.

The box (9-4)<sup>40</sup> illustrates the nature of women representation in decision-making positions

**Box (9-4)**

**Towards improvement of women representation in governmental decision making positions.**

It is noted that most of the women members of parliament were among the candidates of the National Progressive Front. There is always two women ministers in the Syrian governments, mostly in service ministries such as Social Work and Labor, Culture, Higher Education or Education, while no Syrian woman has served as ministers of Foreign Affairs, Economy, Finance or Defense. The impact of social factors inhibiting women empowerment is reflected through women participation rate in local councils, which drops significantly in the countryside. The percentage of women in the provincial councils in the local administration was 8.7% and 4.5% in municipal councils while it was as low as 2.1% in the city councils and 1.3% in village councils.

Although the second periodic government report refers to an advanced constitution and reform actions, this “advanced” Constitution did not include any reference to a quota for women in elected and executive bodies; women's quota was also ignored in Political Parties Law and Elections Law both issued in 2012.

Since March 15, 2011, tight security policies of the government made political participation a hostile environment for women. Despite lifting the state of emergency, the policies of repression and systematic violence pursued by the authority against activists made the conditions of women's political participation very complicated. “Thousands of Syrian women were arrested and subjected to physical torture and travel ban due to their peaceful activism. Arbitrary dismissal actions were taken against many peaceful activists and some of them were subjected to slander while others faced arbitrary seizure of possessions in November 2013.”<sup>41</sup> Most of these offences were directed at women activist who worked in the relief of the displaced or the wounded. “Many were referred the Terrorism Court where they can be sentenced to life in prison or executed.”<sup>42</sup> The relief work was monopolized by the Supreme Council for Relief and all non-governmental associations were removed in favor of “Syria Trust for Development.” Freedom of movement has become restricted due to the significant deterioration of security in all parts of the country.

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<sup>40</sup> Ibid, National Population Report, the Syrian Commission for Family Affairs in cooperation with the State Planning Commission, 2008, political empowerment.

<sup>41</sup> Statements of women subjected to the violations we keep and are ready to provide when needed.

<sup>42</sup> The above-mentioned statements and judicial referrals documented with the Terrorism Court.



Media discourse of the Syrian government focused on that the popular uprising, which began on 15 March 2011 was only a “conspiracy” and part of “external threats.” On this basis, the government has dealt with the participants in the peaceful movement as “negligent and complacent in the face of the crisis.”

The government security procedures and the growing suppression of the peaceful movement have also deepened the “nominality” of participation in the election processes. A large number of citizens boycotted these processes.<sup>43</sup>

With regard to the right of women to run for presidency, no explicit provision in the Constitution prevents women nomination to the position of President of the Republic. However, Article 84, paragraph 4, of the Constitution, stipulates that the president should “Not be married to a non-Syrian wife,”<sup>44</sup> which embeds that the position is exclusive to men and Syrian women do not have the right to run for the presidency.

Despite emphasis on “the many reform measures” to be introduced to the Associations Law, the law was not amended though the Minister of Social Affairs and Labor stated in the beginning of 2007 that it was in “the final stages”,<sup>45</sup> and women activists are still deprived of the right to form associations defending the rights of women. The organizations, “Together to Support Women's Issues” and “Syrian Women's League,” are still waiting for a response to license requests submitted to the Ministry of Social Affairs and Labor in 2006. “Equality/the women research center” is still waiting for a response to the application submitted to the Higher Media Council in 2012, and “Social Initiative” Society was not able to regain its license which was withdrawn in 2006, on the other hand, a number of charities of a religious nature were licensed.

It should be noted that the Syrian government did not adhere to the steps and measures set in the “Final Statement of the Working Group for Syria” (June 30, 2012) known as “Geneva 1 Communiqué” that intersects with Security Council Resolution 1325 on the protection of women from violence during armed conflicts and enhancing their role in the construction of civil peace. The Resolution stated,<sup>46</sup> “Accelerate and expand the process of releasing persons arbitrarily detained or those who participated in peaceful political activities; put a list of all the places where these people are being held and submit it without delay through appropriate channels; ... respect the freedom of association and the right to demonstrate peacefully as guaranteed by law.”

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<sup>43</sup> True percentage cannot be obtained because “the competent authorities” falsify the true figures.

<sup>44</sup> Article 84 stipulates, “The candidate for the office of President of the Republic should: ... 4 - Not be married to a non-Syrian wife.

<sup>45</sup> An exclusive interview with Mrs. Minister of Social Affairs and Labor, the government newspaper of Tishreen, No. 9760, January 8, 2007.

<sup>46</sup> Paragraph “b” of the Clause 5, “Steps and measures set by the parties to secure full implementation....”

The Syrian government also did not comply with Paragraph 9 of the same statement, which talked about “clear steps towards the transition process,” and linked ending the conflict to clear steps followed by a transition process.<sup>47</sup> This paragraph stipulates that “The key steps of any transition process shall include: ... (e) Women must be fully represented in all aspects of the transition process.” Women were excluded from local truce operations, and their important role was not recognized by both sides of the negotiating process in the recent ceasefire concluded in “Zabadani,” the only truce in which women took part so far.

In the Syrian opposition, women's participation was very low in decision-making positions in all bodies of the opposition, and no opposing political force has preserved any specific quota for them.

### **The role of women in peacemaking**

Voices of women fighting to end the war and build peace and a democratic state that guarantees equal human rights for all citizens have been absent from the negotiation process. Activists in women movement and civil society have been also absent as organizers of the peace talks in Syria did not allow a real space for active participation of women during the two rounds of negotiation held in Geneva in January and February 2014.

Syrian women have become aware of the risks of their exclusion from effective political action and started to work for the promotion of political participation of women activists in the women movement and civil society organizations. Their work resulted in the document, “We look forward to a democratic constitution,” in 2012, which was submitted to a number of decision-makers on the local, regional and international levels.

As a result of the coordination between the Syrian Women for Democracy Society, Syrian Women Network, the Center of Civil Society and Democracy and the Syrian Women for Peace forum,<sup>48</sup> “Syrian Women for Peace and Democracy” initiative,<sup>49</sup> sponsored by the United Nations Women Commission, was launched on 13/1/2014. The initiative called for involving women at the negotiating table as an independent civil party, as well as in the entire process of peace building. They stated the need for commitment by the United Nations and all the conflict parties to implement Security Council resolutions 1325 and 2122 and other decisions relating to women in armed conflict derived by their firm belief that a peaceful solution is the only way to stop the bloodshed in Syria.

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<sup>47</sup> Paragraph 9, which talked about “clear steps in the transition process” stated: “The conflict in the Syrian Arab Republic will not end until all parties make sure that there is a peaceful way towards a common future for all in the country. Hence, it is essential for any settlement to include irreversible clear steps followed by a transition process.”

<sup>48</sup> The Forum withdrawn from the participatory process after December 2013.

<sup>49</sup> Attached is the text of the initiative document.

Members of the initiative express their concerns that excluding them from negotiations may lead to an exclusion from all stages of the subsequent political process stipulated by the “Geneva 1 Communiqué” The process starts with the formation of a transitional governance body with full powers and passes through establishing committees to write the constitution and new laws and amend existing laws, drawing and adopting gender-sensitive transitional justice programs, reconstruction and conferences of donor countries.

## **Recommendations**

- Release all women and men detained due to their peaceful activity immediately.
- Repeal Judicial Police Law and Anti-terrorism Law as they do not conform with international human rights standards. Those laws put all Syrian citizens under the threat of arrest for supporting terrorism.
- Cancel field courts, terrorism courts and Islamic courts and revive civil law in all Syrian areas.
- Allow freedom to demonstrate peacefully, according to the law, as stated in the statement of the Working Group for Syria in June 2012.
- Provide international commitment to put pressure on the parties to the conflict, and their supporters, to return to the negotiating table.
- Stop arbitrary arrests and cancel all arbitrary judicial decisions and administrative decisions issued on the background of peaceful political activity. Stop the security prosecution, travel ban procedures, dismissal provisions and deprivation of civil rights of women activists.
- Speed up adoption of the Associations Law according to international human rights standards, enabling the civil society and women's organizations to be real partners in the work of relief, awareness and peace-building.
- Apply the steps and measures set by the parties to secure full implementation of the six-point plan and Security Council Resolutions 2042 (2012) and 2043 (2012) contained in the “Geneva 1 Communiqué”
- Implement Security Council Resolution 1325 and related resolutions and involve the women's movement in the negotiation process.
- Provide fair opportunities for women to represent their government on the international level, including effective participation in peace talks.
- Support and encourage women and civil society activists to participate at the negotiating table as an independent civil party.
- Involve representatives of the women's movement in the transitional governance body when formed. Enable women's movement, and other social movements and civil society organizations, to participate actively in drafting the constitution, the new legal system and draft laws related to their issues, and strategise humanitarian aid, taking women empowerment into account, especially heads of households, displaced and returnees from the countries of refuge.
- Involve the women's movement in the development of gender-sensitive transitional justice programs according to international standards, to ensure

accountability and punishment of all those who committed crimes of violence against women, especially sexual violence as a crime against humanity.

- Engage women in the negotiation processes that take place in their communities, which has also been termed as “Truce,” and involve women's movements and martyr's mothers, wives and relatives from both parties in the campaign to stop the violence.
- Take immediate actions to stop the gender-based violence as stated in Security Council Resolutions 1820, 1888 and 1960 and adopt gender-responsive policies.
- Women often take leadership roles during conflict; however, they are silenced and excluded in the transitional phase, after the conflict end. Hence, it is important to establish special and temporary measures granting women equal participation as members of civil society and leaders in important government positions in the wake of the conflict. These measures are essential to create a society that enjoys democracy and sustainable peace and achieves full equality of women and men.
- Amend the Political Parties Law to force parties to adopt quotas for women's representation in leadership, by not less than 30% up to parity.
- Prepare a comprehensive and integrated program to develop and deepen the political participation of all women, and to create women political and civil leaders, and allocate a fund to support their candidacy and empowerment.

#### **Article 9, paragraph 2: States Parties shall grant women equal rights with men with respect to the nationality of their children.**

The government response to the issue of women equal right with men to transfer a woman's nationality to her family stated, “**Syria take lineage right in matters of nationality transfer.**” The issue of lineage right calls for discussion and can be completely relied upon to give Syrian women the right to transfer their nationality to their children at least. Children’s genes are a combination of mother and father genes and not the father blood alone determines the genes of children. On the other hand, a many countries, such as Russia, the Czech Republic, Poland and others, were also taking **lineage** right in the granting of nationality, but they gave equal rights for women and men in the transfer of nationality to the husband, wife and children. Accordingly, the pretext of the “right of **lineage**” drops entirely in the Syrian government failure to apply the principle of equal right of women and men to transfer nationality.

Syria has not lift its reservation to the second paragraph of Article (9) of CEDAW and the Nationality Law was not amended to enable Syrian woman to give her nationality to her children. This had had significant adverse effects on women and their families before the crisis, especially at the level of family stability and rights of residence, employment, education and property, but its effects have aggravated after the crisis. A women born in Syria to Syrian mothers and Iraqi fathers was deported when she participated in the opposition

protests.<sup>50</sup> Non-Syrian husbands of Syrian women were also deported because of opposition activity.<sup>51</sup>

At the border, you may see many families of Syrian women who were not able to leave the country to a safe place with their children because those children are non-Syrian or stateless and their fathers are not accompanying them for different reasons. refugee laws may not apply to these children in many countries (for example the children of Syrian women married to Palestinian refugees in Lebanon or Jordan).

During the crisis, a number of Syrian dissidents were threatened by the withdrawal of the nationality, and some Syrian embassies do not renew opponents passports (e.g. Lebanon), which is a major violation of the rights of nationality.

The Syrian government has granted nationality to the children of a number of Syrian women married to non-Syrians based on their political loyalty to the regime.<sup>52</sup>

In addition, the Legislative Decree No. 49/2011 (paragraph 110) that granted nationality to Syrian Kurds did not include all the Syrian Kurds deprived of Syrian nationality, and a large number are still without Syrian nationality. Exact numbers of those who benefited from this decree were not declared, failure to amend the Nationality Act would negatively affect the reuniting of all who are still deprived of Syrian nationality.

The Syrian Cabinet issued decision No. / 9660 / on 19 July 2011 forming a committee charged with studying the amendment of the law. Syrian Women's League formed a delegation to meet Mr. Hassan Jalali, Deputy Interior Minister and Chairman of the Committee, and presented the project prepared by the League and all documents related. Mrs. Ensaf Hamad, Head of the Syrian Commission for Family Affairs, attended one visit and supported the request of the League, which also presented these documents to Mrs. Kinda Shammatt, Minister of Social Affairs and Labor, upon her request. In addition, they met a number of ministers to urge them to seek passage of the law. However, there has been no amendment to the law.

Regarding the government response on this topic, it should be pointed out that the committee formed by Resolution No. 941 proposed to amend the Nationality Act without including equal rights and conditions for Syrian citizens

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<sup>50</sup> Example: Deportation of Mrs. Manal al-Janabi, born in Syria to Syrian mother and Iraqi father. She did not have any official Iraqi documents and was detained for more than a week in the foreigner deportation center and left the place of detention only after communicating with the Iraqi embassy in Damascus, which granted her an Iraqi passport to leave Syria.

<sup>51</sup> Example: Deportation of Mr. Salama Kieleh, husband of activist Nahid Bedawieh, a Palestinian who spent more than half his life in Syria.

<sup>52</sup> Example: The young man (M) of Egyptian nationality, the son of Mrs. (M. H).

(women and men). The draft resolution submitted by the General Women Association, adopted by the Committee, excluded Syrian women married to Palestinians and did not include any article that provides for retrospective effect of the law.

### **Recommendations:**

- Immediately amend Article (3) of the Syrian Nationality Act, permitting Syrian women married to non-Syrian men to transfer their nationality to their children.
- Change the Nationality Act towards the equality between women and men in all its articles.
- Deal with the families of Syrian women married to non-Syrians, including husbands, children and grandchildren, as if they were Syrians, pending the required change.
- Accelerate the ratification of the 1951 Refugee Convention and its Protocol due to the urgent need for it in the current circumstances to protect the rights of Syrian refugees and their families.

### **Article 10: The government shall take all appropriate measures to eliminate discrimination against women in the field of education**

The Syrian government has not been able to deal with the effects of gender discrimination in the education sector because it has dealt with this subject partially, not according to a comprehensive and integrated strategy. Gender gaps in the field of education in Syria are based on a discriminatory culture protected by discriminatory laws, such as Personal Status laws that facilitate girls drop out when they allow marrying off 13-year-old girls. For example, The research “Dropout in Daraa Governorate, Reality and Reasons”<sup>53</sup> results indicate high percentage of females in the study sample compared to male, (58.2%) versus (41.8%). Of the respondents, 3% were married and 6% engaged, “noted that all the engaged and married respondents are female only.”<sup>54</sup> This confirms that early “marriage” is one of the most important reasons of females’ dropout.

This is confirmed by Multi-Indicators Cluster Survey “MICS”,<sup>55</sup> the results of which showed that 3.4% of Syrian women were married before the age of 15 years, which means they dropped out of school.

Add to the above the weak follow-up of dropouts and accountability of their families. The shift system in some schools always plays an influential role in the high dropout rates, because parents fear for their daughters to return home late

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<sup>53</sup> “Drop-out in Daraa Governorate, Reality and Reasons”, Dr Mohammad Akram al-Kish, Damascus, 2007, the Syrian Commission for Family Affairs.

<sup>54</sup> Ibid.

<sup>55</sup> Multiple Indicator Cluster Survey 2006, second edition 2008, the Central Bureau of Statistics, UNICEF and the Pan Arab Project for Family Health at the Arab League.

in the evening. In 2010, there were “more than 19% of schools with shift system, attended by approximately 35.9% of the total number of primary education pupils.”<sup>56</sup>

In addition, the Syrian government failed to address the other causes of dropout and to raise parents’ awareness of the need to educate girls, especially that most of dropouts’ mothers<sup>57</sup> are illiterate. For example, the above research on dropout indicates “high percentage of illiterate and literate mothers of dropouts, more than half of the respondents, at (56.8%). The percentage of mothers with elementary education did not exceed 31.8%, and the percentage of women with a preparatory certificate or above was 11.4% only.”

Illiteracy rates among women varied from one governorate to another. The Syrian government argues that “backward community culture” justifies these high rates. This argument indicates two things. The first is the Syrian government is not serious in its fight against the community culture establishing stereotype of women, which confirms what we mentioned in this report on the application of Article 5 of CEDAW. The second is trying to justify the Syrian government failure to fight this “disease” that affect all aspects of women lives, healthy, economically socially, and politically, and acceptance of the violence practiced by family males against women.

This failure by the government has led to continuous high rates of illiteracy among Syrian women. The first National Population Report indicates that “Visible Illiteracy” in Syria among adult females exceed (25%), which mean that a quarter of women in Syria are illiterate. When examining this indicator at the level of the Syrian governorates, figures issued by the Statistical Abstract 2006, for example, show that half of the women in the governorates of Hasakah, Raqqa and Deir ez-Zour are illiterate.”<sup>58</sup>

The same report finds that “Education... does not necessarily contribute to changing views and attitudes and re-formation of personality in harmony with modern developments and contemporary concepts.”<sup>59</sup> In particular, gender stereotyping in the educational process is still present on many levels. vocational education for girls only includes two specializations: hairdressing and sewing. On the other hand, industrial vocational education, which is attended by more males than females, includes specializations related to sewing and clothes, but on industrial level, dealing with modern technology, such as weaving, spinning, garment industry, in addition to general industrial specialties.

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<sup>56</sup> Data of the Ministry of Education, July 2010.

<sup>57</sup> “Drop-out in Daraa Governorate, Reality and Reasons”, Dr Mohammad Akram al-Kish, Damascus, 2007, the Syrian Commission for Family Affairs.

<sup>58</sup> The First National Population Report, the Syrian Commission for Family Affairs in cooperation with the State Planning Commission, 2008.

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This stereotyping also plays a role in directing females to find jobs in stereotypical occupations. We notice high percentage of female enrollees in the College of Education or colleges that graduate teachers (Science, Arts...) or in the College of Pharmacy, compared to high percentages of males in engineering colleges. This leads to higher number of female teachers relative to male teachers, especially in primary education.

School curriculum have not incorporated concepts of equality, citizenship and human rights in all educational phases, and are still full of stereotypes of both girls and boys and women and men. The Ministry of Higher Education has not also included human rights conventions in university education curricula until now. For example, there is no curriculum relating to these conventions in the faculties of law and education.

It is surprising that before the crisis, the Directorates of Education in Syria easily licensed many non-government schools of religious and sectarian orientation. Despite a standard curriculum for all schools in Syria, it left a great freedom to choose the curriculum of religious education in the lead up to primary education. The educational methods used in these schools also significantly affect building children's thoughts on sectarian basis and establish stereotypical image and role of women.

Although the government performance in the field of education is unsatisfactory, however, the effects of discrimination have exacerbated in light of the Syrian crisis.

Females' dropout rates increased because of the high rates of girls' marriage.<sup>60</sup> Extreme violence, displacement, deaths or escape of many teachers, destruction of schools and the use of some schools as security center caused high dropout rates, this is added to the psychological and physical pressure, and in some cases arrest, of school children. Some teachers and members of the security services questioned students about their opinions and activities and those of their families.<sup>61</sup> That made children reluctant to learn and prompted many parents to prevent their children from going to school.<sup>62</sup>

Dividing the country into areas controlled by the government, areas out of its control, besieged areas, and fully abandoned areas led to a rapid deterioration of the educational process in the country as a whole.

The major problem we face when assessing education during the armed conflict, is the lack of gender-based statistics. Only the relationship of dropout to child marriage was observed. Despite the importance and spread of this reason, other factors lead to girl's dropout at higher, or less, rates of boys' dropout in

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<sup>60</sup> Women's Human Rights Violations Report, the United Nations, 2014.

<sup>61</sup> Human Rights Watch Report, June 6, 2013, entitled "No Longer Safe."

<sup>62</sup> Many parents said that they have no choice but to keep their children at home rather than taking risk sending them to school.



countries of refuge, which are not addressed. These factors have social roots related to stereotypes of the girls' role in the family or parents fear of harassment, rape or kidnapping of their daughters on their way to school.

A new study published under the title "Education Stop"<sup>63</sup> confirms, "The deterioration of the Syrian children education is the worst and the fastest in the history of the region." The study indicates that since 2011, nearly three million Syrian children had to stop education because of the fighting that destroyed their classrooms and left them in a state of horror. Many families were forced to flee the country. The events that took place in the three years have abolished the progress made over the past decades. Before the start of the conflict in 2011, the levels of primary school enrollment in Syria reached 97%. Millions of children have lost their education, schools and teachers because of the conflict. At best, children get an intermittent education while the less fortunate are forced to leave the school and work to support their families.

UNICEF report<sup>64</sup> confirms that many students face extraordinary challenges to continue their education. "The 3 year conflict damaged about 4,000 schools, fifth of the total number of schools, or destroyed or converted schools into shelters for the displaced. Since the last academic year, nearly two million Syrian children aged 6-15 left school as a result of displacement and violence."

The "Education Stop"<sup>65</sup> study mentions that one out of five schools in Syria has become unusable, because of damage or destruction or was transformed into a refuge for internally displaced persons. In countries that host Syrian refugees, 500,000 - 600,000 Syrian child refugees are outside school. The most affected areas in Syria in terms of education are those experiencing the most violence, including Raqa, Idlib, Aleppo, Deir ez-Zor, Hama, Daraa and Damascus Rural. In some of these areas, school attendance rates decreased to 6 per cent.

Although the Syrian government, and more precisely the "Syria Trust for Development," is working on emergency program in partnership with UNICEF, titled "I have the right to learn" the program has not been extended to the besieged areas, and not all the students in the areas controlled by the regime have benefited from it.

Because of the lack of financial resources of the UNICEF,<sup>66</sup> its educational services were not able to cover all students it was targeting. Its report stated, "But there is a need for more financial support and funding in order to provide an opportunity for a greater number of children inside Syria to get education. From the principal amount of 110 million dollars that UNICEF invited to collect in order to work in Syria, it has received only a little over 16 million dollars, while the amount requested for education is 33 million dollars.

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<sup>63</sup> [http://www.unicef.org/arabic/infobycountry/syria\\_71624.html](http://www.unicef.org/arabic/infobycountry/syria_71624.html)

<sup>64</sup> UNICEF, Damascus, September 15, 2013.

<sup>65</sup> "Education Stop," Geneva, New York, Amman, December 13, 2013.

<sup>66</sup> UNICEF Report, October 15, 2013.

Moreover, there is no effective control over the sheltering areas that are home to many children under the age of ten to monitor the extent of their commitment to go to school.

Although the Syrian government has issued administrative instructions to provide facilities for families relating uniforms and stationery and admissions at the school according to admission exams, many school administrations do not comply with these instructions, and there is no follow-up process for the implementation by the Directorates of Education.

Students in areas out of the regime control and in refuge regions were not able to attend public certification exams, both intermediate and secondary, because the government refused to open examination centers and to send observers to those areas.<sup>67</sup> They feared for those observers of being kidnapped or killed and of the lack of precise control over exams, and asked the students to come to centers in Damascus. However, most of the students' parents refused this offer, fearing for their sons and daughters being arrested or held hostages due to the lack of confidence in the government. At the same time, the "Revolutionary Council of Education"<sup>68</sup> did not allow the small number of students who wanted to go to the centers in Damascus.

About 2.3 million children in Syria stopped going to school. In the countries of refuge, more than 60% out of 735,000 school-age refugee children remained not enrolled in school.

In Lebanon, less than 25% of Syrian children attended public education. According to the UNICEF Regional Director for the Middle East and North Africa, Maria Calivis, "The major problem facing Syrian child in Lebanon is undoubtedly education."<sup>69</sup> One of the main reasons that led to this situation is the high costs of education and movement that families cannot afford. Syrians parents may be reluctant to send their children to school fearing for their safety. In addition, Syrian students are very weak in foreign languages due to lack of the Syrian government interest in the quality of language teaching, while some subjects are taught in foreign language at Lebanese schools.

Furthermore, we have to point out to the UN High Commission for Refugees (UNHCR) failure in imposing the Syrian curriculum, basic science and languages, in private schools established for the Syrian refugees. Curriculum chaos has spread, according to the entities that funded the schools establishment. The "Coalition of the Syrian Revolutionary and Opposition Forces," which has great potentials at all levels, has also failed at this level. This chaos will lead to a rift in Syrian identity affected by the nature of the curriculum the student learn, and also led to the existence of schools with religious extremist orientations.

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<sup>67</sup> An experience in Damascus Rural, before the preparation for the public exams in 2013.

<sup>68</sup> Certificate of Mr. (K. SH.) and Mrs. (S. Z) who worked on to this matter.

<sup>69</sup> [http://www.unicef.org/arabic/infobycountry/lebanon\\_71765.html](http://www.unicef.org/arabic/infobycountry/lebanon_71765.html)

It should be mentioned here that all the reports and documents issued by different local and international agencies lack gender sensitivity and talk about children and education difficulties and constraints in general, without providing any gender-based information. This makes research on the impact of armed conflict on girls' education very difficult and limited to observations and some urgent studies and inspections.

## **Recommendations**

- The international community should put pressure on all parties to the conflict in Syria to respect the laws on the protection of civilians during armed conflict, including rules relating to ensuring the right to education.
- The conflicting parties should take all precautions to protect schools under their control and move students and other civilians to places far from the military battles.
- The Syrian government should immediately cease the use of teachers and members of the security apparatus in the interrogation of the students about their opinions and activities and those of their families.
- All aspects of cruel, inhuman and degrading treatment of students must immediately stop. Those responsible for student mistreatment, assault and shooting should be interrogated and prosecuted.
- The Syrian government should follow up the application of administrative instructions that provide families with facilities in uniforms and stationery and in admission documents and adopt examination mechanism.
- UNHCR should coordinate with the Syrian government and governments of hosting countries to ensure the enrollment of Syrian students in hosting countries schools, and establish schools teaching modified Syrian curriculum,<sup>70</sup> to ensure that students obtain recognized educational certificates that allow them to enter universities.
- An international fund should be created to secure budgets required to support Syrian students education, supported by all relevant United Nations agencies (UNHCR, UNICEF, UNWOMEN, UNDP, ILO, UNFPA and UNISCO), with the assistance of experts from UNESCO, to modify the current Syrian curriculum to be used in areas controlled by armed opposition groups and in countries of refuge. A mechanism to regulate public examinations and issue certificate that will allow admission to universities and vocational institutes also should be found.
- Engage civil society, in Syria and in hosting countries, in all procedures, and allow for the employment of Syrian male and female teachers in hosting countries.
- Urge all international, regional, and local human rights organizations to have gender disaggregated reports in all fields.

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<sup>70</sup> Modified curriculum means the cancellation of the History and National Education books and all references to the current Syrian regime in other subjects.

**Article 12: Elimination of discrimination against women in the field of healthcare and ensuring that women receive healthcare services including those related to birth control and adequate services related to pregnancy, delivery, and post-natal healthcare. Free services must be made available for women when necessary as well as adequate nutrition during pregnancy and breastfeeding.**

### **Health services provided for Syrian women before the conflict:**

Syrian women faced many health problems in their daily lives before the conflict for many reasons:

The government has failed to disseminate public health service centers since 2007. Instead, it depended on existing centers which count 1770 centers only across Syria based on governmental statistics in 2008<sup>71</sup>. Moreover, there is great discrepancy in terms of the geographical coverage of these centers in Syrian governorates and regions. It can be said that quarter of the Syrian rural population are deprived of health centers and units some of which are around 5 kilometers<sup>72</sup> away from the nearest inhabited village making them hard to reach.

Health expenditure in private and public sectors constitutes no more than 3% of GDP<sup>73</sup>. Syria ranks 107 on the Healthcare Equality Index.

Women also face risk of healthcare cost according to affordability rather than propensity to illnesses. In this standard, Syria ranked 142 out of 190 countries internationally and 15 out of 19 Arab countries<sup>74</sup>. This problem is particularly manifest in households where women are the primary breadwinners, and constitutes an obstacle to the productivity of poor women.

Most women in rural areas and in some Syrian governorates do not have the right to make reproductive decisions. This is attributed to customs and traditions which restrict women mobility and jeopardize their rights in accordance with discriminatory laws and social and religious legacies.<sup>75</sup>

Early marriage, which is permitted by all current personal status laws in Syria, is widespread. It gives rise to adverse effects on women health and causes a rise

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<sup>71</sup> Population Report, State Planning Commission, 2009

<sup>72</sup> The Seventh National Program (2007-2011), government of Syria and the UNFPA.

<sup>73</sup> Population Status in Syria, the National Report 2008

<sup>74</sup> Previous reference, Population Status

<sup>75</sup> A 2011 interview by a member of the Syrian Women Association with agriculture female workers for the purposes of the rural women research: Faiza is an agriculture female worker from Daliba village in Mesyaf, Hama, said: I visit the doctor when necessary with my husband. My husband make birth control decisions. There is an infirmary in the area but it does not offer maternal and child care. Women give birth with the help of a midwife. CEDAW committee noted in their concluding remarks in 2007 for Syria that many women still need their husbands' permission to access healthcare services.

in maternal and infant mortality rates. Syria ranks 12 on this index among Arab countries due to the unequal distribution of healthcare services.<sup>76</sup>

The Penal Code involves articles which ban abortion and the use of contraceptives, which is “only permitted to save the life of the pregnant woman.” This forces women to resort to unsafe abortion methods.

### **Violations related to women health during armed conflict:**

Health of female family members comes second to males of any age especially in poor areas. This is exacerbated with the armed conflict and the economic deterioration of most Syrian families as the significance of women health recedes in general, particularly reproductive health which requires privacy and confidentiality although it differs depending on the local status of women.

The conflict in Syria has been characterized by violence and sexual violence. Some female victims of rape were killed at the hands of the rapists who have not been held accountable causing severe trauma. Some women were even forced to endure forced and unwanted pregnancy due to rape<sup>77</sup>. This has resulted in the destruction of identity, dignity and social fabric of families and local communities<sup>78</sup>.

Governmental entities did not provide victims of rape with safe abortion methods which exposed them to social stigma, abandonment and rejection by their families. Some testimonies indicate that some raped pregnant women were killed by their families. Many of these victims had been arrested and suffer from health, psychological and sometimes mental disorders<sup>79</sup> except for those who had good contacts with women associations which offered them confidential safe abortion by professional gynecologists and in special sanitary conditions.<sup>80</sup>

- Women deal with maternal health providers with much privacy. They would not change their gynecologist, health center, or midwife easily. Hence, the situation is so dire under armed conflict and displacement conditions.
- Reproductive health requires medical personnel, exclusively female, who are trained to provide services for women. This is hard to ensure constantly in war time, in displacement shelters, camps and during clashes. This has

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<sup>76</sup> Population Report, State Planning Commission

<sup>77</sup> Abortion is illegal in Syria except to save the life of the pregnant woman. Abortion Law Map, 2013 update, available on: [http://reproductiverights.org/sites/crr.civicaactions.net/files/documents/AbortionMap\\_Factsheet\\_2013.pdf](http://reproductiverights.org/sites/crr.civicaactions.net/files/documents/AbortionMap_Factsheet_2013.pdf)

<sup>78</sup> UN news center. Homelessness in Syria gives rise to serious gender-based crimes, UN warned (26 February 2013) available on [http://www.un.org/apps/news/story.asp?NewsID=44230#.Uxc\\_HuddVr0](http://www.un.org/apps/news/story.asp?NewsID=44230#.Uxc_HuddVr0).

<sup>79</sup> Waseem Meer, Rape Crisis in Syria: a nation suffering, Middle East commentary (23 April 2013), available on: <http://commentmideast.com/2013/04/syrias-rape-crisis-a-nation-suffering>

<sup>80</sup> Interview with a Syrian activist working in a women association who was involved in helping rape victims from Homs to have abortion with the help of professional gynecologists

adverse effects on women access to health services no matter how much they are needed.

- The use of birth control methods is a luxury under armed conflict. At the same time, sexual intercourse does not stop no matter how bad the conditions of displacement are. For deliveries did not stop in displacement shelters and camps and when unwanted pregnancy occurs, women may resort to unsafe abortion methods. In addition, when pregnancy occurs, it would not be medically monitored as pregnant women need regular visits to health centers to make tests and examinations. This makes them high-risk pregnancies. In addition, deliveries are likely to take place in unsanitary conditions although both the mother and the infant need a lot of intensive care and necessary vaccination. This applies to natural deliveries let alone those which require caesarian surgery to rescue the mother and the infant.

The difficult access to birth control methods stems from the lack thereof, embarrassment, or inability to reach the appropriate entity or person. Access to birth control methods also depends on the ideological background of those controlling the area where women live. Some hardliners ban using such methods altogether and pronounce them religiously illegal.

Under armed conflict, women and girls face a greater risk of unplanned pregnancy which exposes them to sexually transmitted diseases including HIV/AIDS due to sexual violence associated with the conflict. Lack of medical care, shortage of reproductive health supplies, unsafe pregnancies, unsanitary conditions and lack of skilled midwives cause women to have deliveries in terrible conditions. Some have even given birth under trees. Hence, there is high risk of infant or maternal mortality.<sup>81</sup>

Further, medical facilities and hospitals in conflict zones have been destroyed which resulted in severe shortage of access to healthcare particularly maternal healthcare. Many women were subject to amputations or complete paralysis due to direct targeting by snipers.<sup>82</sup>

Lack of security in conflict zones and outside them also increases gender-based violence added to restricting women mobility.<sup>83</sup>

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<sup>81</sup> A recent UNFPA report indicates that around 200,000 pregnant Syrian women give birth under harsh conditions due to the lack of medical care, shortage of reproductive health supplies, unsafe pregnancies, unsanitary conditions and lack of skilled midwives.

<sup>82</sup> Hospitals have been destroyed and local pharmaceutical production has dropped by 90% [The Journal of Global Health. Medical Neutrality and Solidarity in the Syrian Armed Conflict (2013), available on: <http://www.ghjournal.org/jgh-print/fall-2013/medical-neutrality-and-solidarity-in-the-syrian-armed-conflict/>

Doctors Without Borders: the reports which indicate that healthcare services are restricted by many factors including: targeting medical staff and medical facilities, not issuing work permits, increasing restrictions on providing assistance, attacks on humanitarian convoys [Mego Terzian, speech delivered to the UN donor conference on Syria, 7 June 2013]

<sup>83</sup> Previous reference, no 3, available on <http://www.doctorswithoutborders.org/article>

Some hospitals in government-controlled areas have been transformed into military hospitals after dismissing civilian patients. Hence, women cannot access healthcare services there.<sup>84</sup>

- Doctors and medical staff in conflict zones have been targeted by killing, imprisonment or criminal charges of terrorism although medical professions are neutral ones that do not discriminate between patients according to political affiliation.<sup>85</sup>
- There is severe shortage of Oxygen and anesthetics necessary for surgical operations as well as the necessary sterilization for delivery operations.<sup>86</sup> This has led to spread of contagious diseases, malnutrition and dermatological diseases which have spread widely among women and children in the absence of necessary vaccinations. This led to the death of some women, appearance of polio cases among children, spread of hepatitis and Leishmania (a dermatological infection caused by sand mosquitoes)<sup>87</sup>. The situation of women in more stable areas in which the government did not provide the necessary healthcare is not different from that of displaced women in conflict zone.

The government's response to the health status report (17-18-19) involves many untrue statements. Below are some quotations taken from interviews with refugees as well as displaced people in regime-controlled areas.

Doctors, pharmacists and nurses have been subject to arrest and torture for charges of treating terrorists and establishing makeshift hospitals. A large number of activists who were involved in providing first aid or basic medication for injured people and civilian patients have also been arrested and referred to the court of terrorism. A group of doctors in Aleppo initiated a pressure group called 'doctors under oath' as a reminder that doctors are obliged to treat all

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<sup>84</sup> Women have no or little access to healthcare providers in besieged Syrian areas. There is no power either. When the regime entered the hospital, the first floor was transformed into a detention center which made women stop coming to the hospital. Even when they came with their sick children or wanting contraceptive spirals, they were not able to get any. Women wanted contraceptive methods but nothing can be offered at medical centers. We witness extreme cases of scabies, lice and Leishmania but there were no medications.

\* WHR Clinic in CUNY. New York City University, Law School, an interview with a Syrian gynecologist in Ghaziantep, Turkey (December 2013)

<sup>85</sup> IRC, Syrian Refugees Committee, Syria: A regional crisis. July 2013\*

\*Ola Abbasi, an activist doctor in Damascus was arrested from her clinic and is still under arrest with her nurse, four children and husband for around two years. No one from her family knows where she is and what she is charged with.

<sup>86</sup> Doctors Without Borders, reports indicate that healthcare services are restricted by many factors including targeting medical staff, health facilities, lack of work permit, increasing the restrictions on giving assistance and attacks on convoys (7 June 2013) available on <http://www.doctorswithoutborders.org/article>

<sup>87</sup> The gap in the health sector has increased greatly due to the large number of wounded medical staff particularly in rural areas while providing protection and assistance to refugees and IDPs in Syria. The Journal of Global Health. Medical Neutrality and Solidarity in the Syrian Armed Conflict (2013), available on: (<http://www.ghjournal.org/jgh-print/fall>)

those who need treatment regardless of political stance. However, the Syrian government practiced all sorts of pressure on those doctors including by killing, arrest and threats to expel from the doctors syndicate. This forced most of those doctors to flee the country.

At the same time, some armed opposition groups targeted doctors and medical staff in government-controlled areas.

The rate of such crimes varies between those committed by the regime and by armed opposition battalions. And although the regime bears the greatest responsibility for those crimes, as human rights activists, we believe that none can be justified no matter who the perpetrator was.

- As for vaccinations, immunization campaigns were delayed in government-controlled areas and discontinued altogether in areas outside government control. This necessitated asking neighbouring countries and some international organizations for help in organizing immunization campaigns. So, polio vaccinations reached areas in rural Idlib, northern and western countryside of Aleppo, Deir Ezzour and its countryside, Turkman mountain and Kurd mountain with the help of Doctors Without Borders.
- On the other hand, hospitals and medical facilities suffer power cuts either due to damages induced by military operations between the two sides or deliberate deprivation of many areas outside government control from health services, water and electricity as a punishment for those areas. Therefore, the necessary equipment for recovery, intensive care and dialysis stopped working and many premature infants died in incubators.<sup>88</sup>
- Using the pretext of economic sanctions to justify failure to provide treatment, medication, serums and other prerequisites is unrealistic because economic sanctions do not include medication and medical supplies.
- Syrian authorities do not give the Red Crescent or UN agencies access to all afflicted and besieged areas to provide medication and vaccinations except in a few instances after negotiations and media and international pressure such as in Yarmouk camp and in very small amounts.
- Health conditions in besieged areas have deteriorated leading to multiple child mortalities due to starvation in Moudamiyet al-Sham and Yarmouk camp.
- Constant shelling by the regime made it hard to retrieve bodies from targeted areas which caused an accumulation of dead bodies and spread of stray dogs which communicated many contagious diseases. The same was perpetrated by armed opposition groups in Adra labour town when they killed civilians and threw their bodies in the streets.

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<sup>88</sup> Al-Hourani Hospital in Hama in late 2011 where power was deliberately cut causing incubators and medical equipment to stop working.



## Recommendations:

- The Syrian government must abide by the recommendations of the final session of CEDAW 2007 and should take all appropriate measures to ensure all women in both rural and urban areas have access to healthcare at reasonable prices including reproductive and maternal healthcare.
- The Syrian government must take all appropriate measures, including legislations, to eliminate restrictions on women rights of abortion. This involves eliminating the burden of proving that abortion is necessary for risks to health.
- The Syrian government must abide by the recommendations of the final session and design and implement a plan to build an adequate number of shelters and services for victims who have been displaced due to this conflict and due to violence against women all over Syria.
- All parties should refrain from targeting medical facilities and protect them from combat.
- Doctors and medical staff should no longer be prosecuted or arrested for charges of treating terrorists and those who have been arrested must be released immediately.

### **Article 15, paragraph 4: States Parties shall accord to women and men the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile**

The government has not removed its reservation to the fourth paragraph of Article 15 and the Syrian women are still deprived of the right to freedom of movement. For example, they lose their right to custody of children if they take them to a place other than that of the marriage contract or their family place of residence. This discrimination restricts the women's freedom to move their children out of conflict areas to safer areas for protection.

A large number of Syrian women are now responsible for their children in the absence of fathers, and this is the case for most refugee/displaced families and those still in areas of fighting or siege. Those women do not have the rights of guardianship, and insecurity and fear of kidnapping and rape are increasing pressures on them.

Men still have the right to absolute guardianship of children, whether still under the mother's custody or not, while women do not have such a right. Despite all the tragic circumstances facing women and children in conflict-affected areas, which push them to immediately flee to the neighboring countries in search of a safe haven, women still have to obtain permission from the guardian or one of his relatives or from a sharia judge to travel with their children. Such procedures cannot be secured in armed conflicts. On the other hand, not all judges give permission and if they do, they grant it for a very short period and women should then go back to the judge to renew it. That is why, at the border, you can see a number of women with their children unable to leave to neighboring

countries because the mother does not have such permission from a sharia judge but was not able to get it because of war conditions.

No government action can solve this problem of blatant discrimination in the right to child custody, which constitutes a violation of fundamental women's right to equality in the family, in peace and war, affecting women and their children alike.

The right to move is also relatively suspended for Syrian opposition figures with more ban measures being taken against many of them. That is why many dissents have to leave illegally and cannot then return home for fear of arrest, despite the frequent government assurances on facilitating the return of those who left the country. Any activist, man or women, can also be arrested at a security checkpoint within cities or on the roads between governorates.

### **Testimony**

There is an offense called “absenteeism from home”. It is not an offense by law but it is considered so by the customs and at police stations. It is used to prevent a woman from traveling whenever her husband claims that she, or any of his ascendants or descendants, is absent and he is worried about her safety, while the real reason is to prevent her from traveling abroad or to another area. Detention may last several hours (or even two days if happening in the weekend) and the woman is referred to a Magistrate's Court where she can be audaciously questioned by any policeman or even has to answer some indecent questions, for example, have you had an affair with anyone during your absence? This is what happened once with one of my client and I, as legal representative, asked her not to answer. This simply means that, in the absence of legal representatives, any policeman can amuse himself asking such questions or even threatening to refer the woman to a forensic doctor!

The woman may not practice such a claim (absenteeism from home) against her husband, which means that this “offense” targets women exclusively to prevent them from traveling.

### **Recommendations**

- Lift the reservation to Paragraph 4 of Article 15 and harmonize all related legislation herewith.
- Take quick measures commensurate with the extraordinary situation facing the Syrian women to facilitate their movement with their children without the documents required in normal circumstances.
- Facilitate the renewal of women's personal documents lost because of the conflict regardless of their political attitudes.
- Give women the right to absolute custody of their children to facilitate their movement under these extraordinary conditions.

**Article 16: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, and in particular shall ensure, on a basis equality of men and women.**

### **Discrimination in personal status laws:**

Although Article 3 of the Syrian Constitution of 2012 says: "citizens are equal in rights and duties without discrimination on basis of sex, origin, language or religion," that does not apply on the general Personal Status Law or on the other six personal status laws.

Discrimination against women in the general Personal Status Law is manifested in the following:

- Women are not fully competent persons and they need a male guardian even after reaching the age on consent (Articles (163, 27 and 151).
- The testimony of two women is equal to that of one man (Article 12).
- The provisions of a marriage contract are not binding to the husband (Article 14).
- The minimum age of marriage for male is not equal to female (Articles 16 and 18).
- Polygamy is legal without controls (Article 37).
- Violation women's privacy by monitoring menstrual cycle (Article 121), to prove lineage, which can now be easily proved through medical examinations including pregnancy test, ultrasound examination etc.
- The wife has to move with her husband (Article 70) regardless of her workplace, desire or of the mutual understanding between the two partners.
- Alimony is applied only on the wife (Article 154) and whether she has a job or not. This article implies moral discrimination against women and financial discrimination against men.
- The law gives the husband the right to divorce (Articles 85-87), which is a unilateral repeal of a contract concluded by mutual consent.
- Redress for arbitrary divorce is given to women only "if the wife will be in misery and destitution" and it does not exceed the expense of three years (Article 117). The compensation determined is often small and covers only food expenses for a limited period, without covering domicile and decent level of living, while the man maintains all the family wealth even if divorce takes place after many years of marriage, and the wife has effectively contributed to such a wealth.
- There is no clear legal definition of Khula (right of women to seek divorce in Islam). The wife has to pay for her husband a Khula compensation! (Article 97). In addition, Khula is not an absolute right of women; even if they paid the compensation and waived their rights, they could not take off without the husband's consent.
- The husband may return his divorcee during the Iddah period (Article 118), regardless of her will.

- A mother is not allowed to travel with her children without the father's consent (Article 148) and the opposite is not true.
- Guardianship of minors is granted to the father then to the grandfather then to other male members of the father's family (Article 170).
- A male gets two times a female's share of inheritance (Article 277 and 297). In spite of this, the law requires the child, whether male or female, to pay the living of his/her poor parents (Article 158).
- Most of the above discrimination is there in the other six personal laws of Christian and Mosaic sects.
- Maintaining such discrimination under the pretext that the required amendments contradict with the Sharia law is unacceptable. Numerous studies by moderate Muslim scholars have shown that the elimination of all forms of discrimination against women in these laws does not contradict with the Sharia laws and justice, and the real reason preventing law adjustment to the benefit of women is the authoritarian patriarchal values.
- Citizenship means adopting one civil law for all citizens without any form of discrimination, a law that governs their personal life in line with contemporary life in a democratic state.
- **The Committee question No. 21** "Regarding the provision of information about the removal of discriminatory provisions from personal status laws, including discrimination in the conditions of marriage contracts, repeal of marriage and children custody as well as information about the measures taken to end polygamy and child marriage, and the measures taken to ensure that women can move freely from the conflict-affected areas without losing custody of their children and without the father/guardian approval".

**The government replay:** regarding the discriminatory articles in the personal status law, we point out that the committee (established by Decision 941) has drafted all these and is going to propose their modification in accordance with the religious texts, by adopting moderate jurisprudence interpretation.

It is worth mentioning that the personal status law has no limitation on the woman's consent (Article 5 and 14) and she may request divorce. The law authorizes the judge to prevent a second marriage if the husband does not provide legal justification. Moreover, children completing the nursery age have the right to choose to stay with their mother. The law allows mothers to travel with her children, without permission in case of safety concerns.

The Ministry of Interior issued instructions to facilitate the movement of women with their children without the father/guardian permission.

- The government has so often blamed the current events or so-called "crisis" for its failure to adjust the women's legal status towards complete human rights equality with men. We believe that the violent armed conflict and the consequent disastrous humanitarian situation of the Syrian people, where women are assuming most of the burden, is an opportunity for the government to enact some "emergency" legislations to eliminate all forms of

discrimination against women including marriage and family relationships on the basis that this is necessitated by the current situation, if the government has the will to do so.

- Discrimination against women is still prevalent in all personal status laws in force in Syria. Reservation to items a, c, d and f of Paragraph 1 and to Paragraph 2 has not been removed. This makes the women life subject to the wills of family male members in all fields, because all personal status laws are based on the principle that "the man is the head of the family". Thus, discrimination against women, though with varying levels, is prevalent in all family relations including Khula, guardianship, marriage, divorce and inheritance among others.
- Discrimination against women is even deeper in areas controlled by Salafist forces who are implementing Salafi interpretations including the most retrogressive Fatwas. We have started to see such odd practices to the Syrian society culture like lashing and beheading.
- **The government replay regarding the discriminatory provisions in the personal status law:** "the committee (established by Decision 941) has drafted all discriminatory provisions in this law and the committee is going to propose their modification in accordance with the religious texts, by adopting moderate Jurisprudence interpretation"
- The words "in accordance with the religious texts" or "by adopting moderate Jurisprudence interpretation" denies any possibility to change the above provisions, because the six personal status laws are tailored according to religious jurisprudence of each sect, and religious texts in general, whether conservative or open contain discrimination against women. Therefore, women equality right in family rights couldn't be addressed unless the Constitution expressly adopts the Universal Declaration of Human Rights and the international covenants as a main reference of each national legislation, and this has not happened. On the contrary, the 2012 Constitution reaffirmed that Islamic jurisprudence is a main source of legislation.
- However, the amendment proposed in the government answer remains nominal; it has not yet been implemented and the government has not developed appropriate implementation mechanisms.
- The statement "there is no limitation on the woman's consent," is imprecise, because the way to obtain the woman's consent is just a formality, where the woman is asked about her opinion in the presence of her family, now that the marriage contract cannot be signed without a guardian for all girls no matter how old, except for previously married women. The patriarchal structure of the family may force the woman to marry without the right to say no, and women do not dare to reject in the presence of her guardian.
- **Judge approval on a second marriage of a man under a legitimate excuse.** Firstly, arguments of legitimacy are generally in favor of men and they could be bypassed in various ways. Secondly, many marriages are conducted out of court without any justification or satisfaction of the ex-wife and then the marriage is registered at the court by a lawsuit issued by the new wife with the husband's agreement, especially if there is a pregnancy. In all cases,

there is no "legitimate justification" to humiliating a women when her husband marries another woman?! The Sharia arguments used to justify polygamy are blatant discrimination against women and must be stopped.

- As for the Committee question on enabling women to move freely from conflict-affected areas without losing custody of their children and to move with their children from conflict-affected areas without the father/guardian consent.
- A great number of Syrian women have become responsible for the fate of their children where the father is absent, and this is the case for most of the refugee and displaced families still living in the fighting/siege areas. Those women do not have the rights to child custody, and they are facing greater pressure because of insecurity and fear of kidnapping and rape.
- All possible government actions cannot solve this problem of blatant discrimination and violation of the fundamental right of women's equality in the family, in peace and in war, which is affecting both women and children. Therefore, women must enjoy the absolute right to child custody equally with men; rights are based on permission and not on constriction.
- The women's right to request "divorce" (referred to in the government report) is rather a suspended right. If requested by women, divorce procedures become complicated and might take years if the husband didn't agree, which force women to give up their rights, already insufficient, to obtain the husband's consent. Moreover, women access to justice is poor due to many reasons including the lack of money for legal representation. We point out here that discrimination is there even in the legislative language: the man have the right to "divorce", while woman can only ask for "separation".

### **Recommendations:**

- To adopt the Universal Declaration of Human Rights and international treaties and conventions in all Syrian legislations, and to implement the equality between women and men in the public and private spheres.
- Review all laws and remove all provisions that discriminate against women in family rights; and progressively issue new legislation to meet the emergency needs of women and families created by the armed conflict, in order to ensure human rights equality without waiting for an opportunity to radically change the entire Personal Status Law.
- Take instant measures to enable women to get the absolute right to child custody and remove all obstacles preventing travel with their children, especially in these difficult circumstances for Syrian women, before radically changing all discriminatory laws, toward full family equality of rights between men and women.
- Apply the citizenship principle, which means one civil law for all citizens without any form of discrimination in personal life.
- Take all necessary measures to implement the UNSC Resolution 1325 and to provide adequate implementing mechanisms. Women's suffering, along

with the conditions of armed conflict, have become intolerable and inhumane.

### **Optional protocol**

In response to the Committee question No. 22 to join the amended Article 20 of CEDAW and its Additional Protocol, the government said they are "still considering the possibility of ratifying the amended Article 20 and the Additional Protocol." This is an ambiguous answer and its justifications are unconvincing. NGOs continue to call the Syrian government to ratify the Optional Protocol without any real change in the latter's behavior.