



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the second periodic report of Syria at the Committee's fifty-eighth session, held in July 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/SYR/CO/2). You may recall that in the concluding observations, the Committee requested Syria to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 14, 16, 27 and 30 of the concluding observations.

The Committee welcomes the follow-up report received with a six-month delay in January 2016 (CEDAW/C/SYR/CO/2/Add.1) under the CEDAW follow-up procedure. At its sixty-fourth session, held in July 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 14** of the concluding observations that the State party “revive the peace negotiations; ensure the meaningful and inclusive participation of women holding different political views at all stages of the peace process and in all reconstruction initiatives as well as in transitional justice processes, in particular at the decision-making level, at the national and local levels, and to that end, adopt temporary special measures, such as quotas, in conformity with article 4 (1) of the Convention. In this context, develop capacity-building programmes for women seeking to participate in such processes”: The State party mentioned a series of measures undertaken by the Syrian Commission for Family and Population Affairs and the People's Council to implement the recommendations formulated in their study on the quota system, which aim at developing a national and practical strategy to enhance the participation of women in elected councils and executive posts by strengthening their capacities and empowering them, working to free them from social constraints impeding such participation in all fields, reviewing and amending articles in the law that discriminate against them, and strengthening opportunities for their participation on multiple levels. It further indicated that it has encouraged political parties to adopt their own measures to increase women's political participation. It added that the Syrian Commission for Family and Population Affairs prepared and broadly disseminated a manual for developing the capacities of women wishing to work in women's affairs in civil society, which addresses the principles of transitional justice and United Nations resolutions on women in armed conflict. The Committee notes the measures taken to

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enhance women's political participation and develop their capacities in the field of transitional justice and conflict resolution. It considers, however, that the State party did not take concrete measures to revive the peace negotiations and ensure the meaningful and inclusive participation of women holding different political views at all stages of the peace process and in all reconstruction initiatives as well as in transitional justice processes, in particular at the decision-making level, at the national and local levels, and to that end, adopt temporary special measures, such as quotas, in conformity with article 4 (1) of the Convention. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 14 of the concluding observations, the State party provide, **in its next periodic report due in July 2018**, information on further actions taken to:

1) Revive the peace negotiations; ensure the meaningful and inclusive participation of women holding different political views at all stages of the peace process and in all reconstruction initiatives as well as in transitional justice processes, in particular at the decision-making level, at the national and local levels, and to that end, adopt temporary special measures, such as quotas, in conformity with article 4 (1) of the Convention; develop capacity-building programmes for women seeking to participate in such processes.

Regarding the recommendation made in **paragraph 16** of the concluding observations that the State party “urgently complete the internal process to withdraw its reservations to articles 2 and 15 (4) of the Convention. It also calls upon the State party to review its remaining reservations to the Convention, taking into consideration the Committee’s statement on reservations (adopted at the nineteenth session, in 1998) with a view to withdrawing all of them”: The State party mentioned that there is no objection to withdraw the reservations to article 2 after the amendment of a number of articles of the Penal Code pursuant to Decree No. 1 of 2011 in respect of certain offenses involving breach of public morals. It further indicated that article 15 (4) of the Convention does not conflict with current Syrian laws as they grant complete freedom of movement to single women and partial freedom of movement to married women, given that they are not entitled to move and travel with their children outside the territory of the State party without their husband’s consent. However, under the current circumstances, the Syrian judiciary grants temporary custody to the mother in the father’s absence, which allows her to travel and move with her children inside and outside the territory of the State party without the consent of the father. Besides, the General Women’s Federation has submitted a proposed amendment to the Nationality Law of 1969, article 276 (1) (currently under review), which would enable Syrian mothers to pass on their nationality to their children. Finally, it stated that a married woman’s freedom of residence is governed by articles 56-70 of the Syrian Law of Personal Status and by provisions of the Syrian Constitution of 2012, which affirms that the family is the nucleus of society and establishes a State duty to remove all obstacles that impede marriage and threaten the cohesion of the family. The Committee acknowledges the willingness of the State party to withdraw its reservation to article 2 of the Convention, and welcomes the measures taken to accord to women the same rights as men with regard to the movement of persons. It further notes the proposed amendment to the Nationality Law of 1969, which aims at granting women equal rights with men with respect to the nationality of their children. However, the Committee notes that the right of married women to freely choose their residence is not fully guaranteed by the Syrian Law of Personal Status and the Constitution of 2012, as they give priority to the cohesion of the family. It also notes that the State party did not indicate whether it took any measures to review its remaining reservations to articles 16 (1) (c), (d), (f) and (g), 16 (2) and 29 (1). The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 16 of the concluding observations, the State party provide, **in its next periodic report due in July 2018**, information on further actions taken to:

1) Withdraw its reservations to articles 2 and 15 (4) of the Convention and review its remaining reservations to the Convention, taking into consideration the Committee's statement on reservations (adopted at the nineteenth session, in 1998) with a view to withdrawing all of them.

Regarding the recommendation made in **paragraph 27** that the State party “investigate, prosecute and punish all cases of violence against women, including cases of sexual violence perpetrated by Government forces and affiliated militia and non-State armed groups”: The State party stated that the laws in the State party punish sexual violence offenses of all types and impose criminal penalties on the perpetrators thereof. It added that the Army, police and security forces comply with these laws which assign them the duties of ensuring the security of the country against any aggression and require them to provide security and protect public safety and citizens from any assault against life, honour and property under penalty of criminal liability and liability for their conduct in accordance with the Military Penal Code. It further mentioned a number of workshops and training courses provided to Army and internal security forces as well as Ministry of Interior and Ministry of Defence officers on topics relating to human rights and international humanitarian law. The Committee notes that the laws of the State party provide for criminal penalties on perpetrators of sexual violence offenses, and that Army, police and security forces can be held criminally liable for their conduct under the Military Penal Code. It also notes the various measures taken to train defence and security personnel on human rights and international humanitarian law. The Committee considers, however, that the State party did not indicate what concrete steps have been taken to investigate, prosecute and punish all cases of violence against women, including cases of sexual violence perpetrated by Government forces and affiliated militia and non-State armed groups. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “immediately issue command orders to the Government forces prohibiting sexual violence and hold perpetrators in their ranks accountable, in compliance with Security Council resolution 2106 (2013); and abolish legislative provisions that grant state officials immunity from prosecution, in particular Decrees 14/1969 and 69/2008, in line with recommendations made during the Universal Periodic Review of the State party (A/HRC/19/11, para. 104.7)”: The State party indicated that many provisions in the Syrian Penal Code punish the offenses of sexual assault. While noting that the Syrian Penal Code criminalizes the offenses of sexual assault, the Committee considers that the State party did not take concrete measures to issue command orders to the Government forces prohibiting sexual violence and hold perpetrators in their ranks accountable, in compliance with Security Council resolution 2106 (2013), and to abolish legislative provisions that grant state officials immunity from prosecution, in particular Decrees 14/1969 and 69/2008. It considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 27 of the concluding observations, the State party provide, **in its next periodic report due in July 2018**, information on further actions taken to:

1) Investigate, prosecute and punish all cases of violence against women, including cases of sexual violence perpetrated by Government forces and affiliated militia and non-State armed groups; and

2) Issue command orders to the Government forces prohibiting sexual violence and hold perpetrators in their ranks accountable, in compliance with Security Council resolution 2106 (2013); and abolish legislative provisions that grant state officials immunity from prosecution, in particular Decrees 14/1969 and 69/2008, in line with recommendations made during the Universal Periodic Review of the State party (A/HRC/19/11, para. 104.7).

Regarding the recommendation made in **paragraph 30** that the State party “prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women activists and take effective measures to end impunity for such acts”: The State party mentioned that acts of violence against women in places under State control are punished and the perpetrators are held accountable according to laws and regulations in the Syrian Arab Republic. However, it acknowledges that perpetrators of violations of women’s human rights, including violence against women and trafficking, which have been documented by governmental, private and security entities in areas outside the control of the Syrian Arab Army, cannot be apprehended. Moreover, many victims refrain from submitting complaints against perpetrators who are members of armed groups due to social reasons concerning the reputational effect of this offense and fear that armed groups will take revenge on victims or their relatives. The State party further indicated that a joint investigation committee comprising the Ministry of Defence and Ministry of Interior was reconstituted in 2015 and tasked with investigating complaints submitted by citizens to the Minister of Interior concerning acts committed by Army and security personnel during the performance of their duties. It added that the committee has handled a number of complaints and referred perpetrators to the competent judiciary institutions. The Committee notes the establishment of a joint investigating committee tasked with investigating complaints submitted by citizens to the Minister of Interior concerning acts committed by Army and security personnel, and the referral of a number of perpetrators to the competent judiciary institutions. It considers, however, that the State party did not take specific measures to prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women activists and take effective measures to end impunity for such acts. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

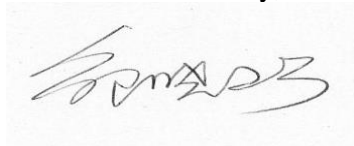
The Committee recommends that, in relation to paragraph 30 of the concluding observations, the State party provide, **in its next periodic report due in July 2018**, information on further actions taken to:

1) Prevent, investigate, prosecute and punish attacks and other forms of abuse perpetrated against women activists and take effective measures to end impunity for such acts.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Syria on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women