

**Report to the Human Rights Committee
in relation to Syria's Fourth Periodic Review**

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Introduction

This paper was prepared by a group of gender experts, representatives of Syrian organisations and initiatives, and Syrian activists defending women's rights. A participatory methodology was adopted in preparing this paper based on several virtual participatory and consultative meetings held in 2023 and early 2024. Some contributors' names will be published here, while others will remain anonymous to protect the security of organisations and activists working inside Syria:

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The participatory work was coordinated by the "Musawa" Organization.

This paper primarily addresses the response to paragraphs 8 and 9 of the Syrian government's responses to the list of issues related to its fourth periodic review. The absence of discussion on other issues raised by the Committee should not be interpreted as indicating that the Syrian government has fulfilled its obligations under the Covenant regarding these issues. The focus on specific issues in this paper is due to their relevance to the scope of work of the submitting organisations.

I. Response to Paragraph 8 - Discrimination Against Syrian Women and Girls

A. Non-compliance with the International Conventions that Directly Affect the Status of Women

The Syrian Arab Republic ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 25 September 2002 and made five reservations to several articles in the Convention.

Article 2: The Syrian government lifted its reservation to Article 2 of Legislative Decree No. 230 of 2017, but it linked the cancellation of the reservation to the phrase "in a manner that does not conflict with the provisions of Islamic Sharia Law".¹

Article 9, Paragraph 2: Related to granting women an equal right to men in granting their nationality to their children.

Article 15, Paragraph 4: Granting women equal rights to men concerning laws related to the movement of persons and the freedom to choose their residence and domicile.

Article 16, Clause 1, Paragraphs (c), (d), (f), (g): Granting women equal rights to men in matters of marriage, divorce, guardianship, custody, and trusteeship, as well as the right to choose the family name, profession, and employment, determining a minimum age for marriage, and making its registration mandatory.

Article 29, Paragraph 1: Relating to the arbitration of any dispute arising between two states concerning this convention.

The Syrian state has not fulfilled its obligations regarding lifting some reservations on other articles in the CEDAW Convention and ratifying the additional protocol attached to it.

It is important to note that before the armed conflict, the Syrian government took few steps to eliminate sex-based discrimination, despite using it as an excuse for not fulfilling its obligations under the CEDAW Convention.

¹ <https://bit.ly/4bGFk93>

The Syrian Arab Republic ratified the Convention on the Rights of the Child on 13 June 1993 by virtue of Law No. 8, and the convention entered into force on 14 August 1993. However, Syria made reservations on Articles 20 and 21 related to adoption and Article 14 related to the child's right to freedom of thought, conscience, and religion. It also ratified the two optional protocols attached to the Convention on the Rights of the Child concerning the sale of children, child prostitution, and child pornography, and the involvement of children in armed conflict under Decree No. 379 dated 26 October 2002. However, many reports have documented violations against children committed by the Syrian government and other armed parties,² such as the third report on the situation of children and armed conflict in the Syrian Arab Republic, covering the period from 1 July 2018 to 30 June 2020.³

The Syrian Arab Republic acceded in 2004 to the Convention Against Torture of 1994, and on 30 March 2022, Law [No. 16 of 2022](#) was issued to criminalise torture. It stated that the rationale for issuing the law was to align with the "constitutional obligations of the Syrian state that prohibit torture" and to comply with the "provisions of the Convention Against Torture" of 1984. However, as several reports have noted, torture has become systematic by the government and other conflict parties, with 13,000 Syrians documented as killed under torture, according to an Amnesty International report⁴, including 117 women, as reported in the Syrian Network for Human Rights' twelfth report on violations against females in Syria⁵. Torture continues in Syrian prisons.

Syria ratified the Convention on the Rights of Persons with Disabilities in 2009 as well as its optional protocol. In addition, regarding Article 12, which pertains to the recognition of persons with disabilities as equal before the law, it adheres to the interpretation outlined in the letter from Iraq's permanent representative. Concerning the reservations on the protocol, Syria stated that, as permitted under Article 8, it does not recognise the competence of the Convention on the Rights of Persons with Disabilities to conduct inquiries or investigations into alleged violations as outlined in Articles 6 and 7.

² <https://shorturl.at/C9fan>

³ <https://news.un.org/ar/story/2021/05/1076422>

⁴ <https://www.amnesty.org/ar/latest/campaigns/2016/08/syria-torture-prisons/>

⁵ <https://snhr.org/arabic/wp-content/uploads/sites/2/2023/11/R231106A.pdf>

However, a United Nations report indicates that 28 per cent of Syrians inside the country have disabilities, including mental and psychological disabilities, most of which resulted from physical injuries or war conditions that they lived through⁶. The 2020 OCHA report states that 36 per cent of displaced Syrians have disabilities, predominantly from areas heavily bombed by Syrian government forces.⁷ Women with disabilities face particular vulnerabilities, with about one-third experiencing psychological, sexual, or physical abuse in natural disasters and conflict situations (2015 report by the International Organization of Persons with Disabilities).

Syria signed the Geneva Conventions on 2 November 1953 and the Additional Protocol I (related to the protection of victims of international armed conflicts) on 14 November 1983. However, numerous reports have proven that the Syrian government and other conflict parties have violated all provisions of the Geneva Conventions, committing severe breaches prohibited by international humanitarian law⁸. The Syrian Network for Human Rights documented the killing of at least 16,442 women by conflict parties in Syria, with 72.98% by the Syrian regime⁹.

Syria is not a party to the 1951 Refugee Convention and its 1967 Protocol.

The Syrian Arab Republic is not a party to the 2006 International Convention for the Protection of All Persons from Enforced Disappearance. Nevertheless, the prohibition of enforced disappearance also stems from customary rules of international humanitarian law¹⁰ during armed conflict, as well as the 1966 International Covenant on Civil and Political Rights,¹¹ which Syria has ratified. The same source documented 10,205 women still under arrest or enforced disappearance.

Syria is also not a party to the Istanbul Convention on preventing and combating violence against women and domestic violence.¹²

⁶ <https://shorturl.at/Z4bqt>

⁷ <https://shorturl.at/AD6AT>

⁸ <https://shorturl.at/AEvsy>

⁹ <https://snhr.org/arabic/wp-content/uploads/sites/2/2024/03/R240308A.pdf>

¹⁰ <https://ihl-databases.icrc.org/ar/customary-ihl/v1/rule98>

¹¹ <https://t.ly/S-33g>

¹² <https://t.ly/XMkSQ>

B. Discrimination Against Women in Syrian Legislation

Constitution of the Syrian Arab Republic¹³

Male-Centric Wording: Like all its predecessors, the 2012 constitution is written in a male-centric language, using general and unspecified terms and devoid of any provisions guaranteeing true equality for women and men.

Contradiction Between Equal Citizenship and Entrenchment of Discrimination in Personal Status Laws: The 2012 Constitution followed the footsteps of the 1973 Constitution with only one change concerning women's rights. Article 33, Paragraph 3, for the first time, mentioned non-discrimination among Syrian citizens based on sex, stating: "There shall be no discrimination among Syrians on grounds of sex, origin, religion, or belief." However, it simultaneously entrenched discrimination against women more than its predecessor through Article 3, which retained paragraph 2 that stipulates that Islamic jurisprudence is a principal source of legislation. Article 4, a new article, was added, resulting in significant legal discrimination against women, stating that "Personal status laws for religious communities shall be safeguarded and respected." This transfers all regulation of family relations to religious authorities, allowing the existence of multiple personal status laws that all discriminate against women and between women within the same country.

Active Contribution of Women: The 2012 Constitution,¹⁴ in Article 45, repeated the same text as Article 23 in the 1973 Constitution:¹⁵ "The state shall provide women with all opportunities enabling them to contribute actively and fully to political, economic, social, and cultural life, and shall work to remove the restrictions that prevent their development and participation in building society." However, it changed the first word from "shall guarantee" to "shall provide," reducing the state's responsibility towards women.

Absence of Explicit Provisions on Full Equality and Criminalisation of Violence: Although the 2012 Constitution discussed civil, political, economic, and social rights and equality without discrimination based on sex, it lacked clear provisions and mechanisms to enhance equality and non-discrimination. The matter of organising these rights was left to laws and legislations,

¹³ Constitution of the Syrian Arab Republic of 2012, <https://2u.pw/UnWd9>

¹⁴ <https://learningpartnership.org/sites/default/files/resources/pdfs/Syria-Constitution-2012-Arabic-1.pdf>

¹⁵ <https://syriancc.org/wp-content/uploads/2021/09/%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-1973.pdf>

which sometimes contain articles contradicting the constitution itself. Moreover, the constitution did not include any explicit provision guaranteeing equal pay for equal work for men and women, equal rights in ownership and management of joint properties between spouses, or the explicit criminalisation of gender-based violence.

Exclusion and Discrimination in Running for the Presidency: The 1973 Constitution excluded many citizens from the right to run for the presidency by requiring that the candidate be "a Syrian Arab and a Muslim."¹⁶ The 2012 Constitution did not only maintain these requirements but also added new exclusionary provisions in Article 84, the most significant being that the candidate must be "an Arab by birth, born to Syrian parents by birth, married to a female Syrian, and residing in the Syrian Arab Republic for at least ten consecutive years before nomination." This clearly discriminates based on sex, nationality, and religion and explicitly excludes Syrian citizens living abroad from the right to run for this position. Furthermore, the clause "not married to a non-Syrian female" inherently assumes a candidate is a man.

Absence of Political and Party Pluralism and Positive Measures for Women's Participation in Parties: The 2012 Constitution was a cosmetic reaction from the ruling authority to popular demands for change, especially since the 1973 Constitution had monopolised political life for the Arab Socialist Ba'ath Party. Although it amended Article 8 of the 1973 Constitution to allow the formation of political parties and electoral coalitions contributing to national political life, it did not provide any details, leaving this to related national laws. Despite mentioning the provision of opportunities for women to participate in political life,¹⁷ it did not explicitly mandate the state to take specific positive measures to ensure women's political participation, such as adopting the quota system in elected and appointed bodies. Women remain excluded from political decision-making, with their representation not exceeding 11 per cent in the People's Assembly and only 7 per cent in the government.¹⁸

¹⁶ Article 83 of the 1973 Constitution: "A candidate for the presidency must be a Syrian Arab, enjoying their civil and political rights."

¹⁷ Article 23 of the 2012 Constitution: "The state shall provide women with all opportunities enabling them to contribute actively and fully to political, economic, social, and cultural life, and shall work to remove the restrictions that prevent their development and participation in building society."

¹⁸ Enab Baladi, Syrian Women's Representation: Between Zero Percent and the Highest in the World, 2021, <https://2u.pw/lpxtm0>

Syrian Laws

Personal Status Laws Hinder Women's Enjoyment of Their Civil Rights and Freedoms

In Syria, there are six laws regulating personal status: the general law applicable to all Muslim sects (issued by Legislative Decree No. 59 of 1953 and amended in 1975, 2003, 2019, and 2020), with a specific provision for the Druze sect;¹⁹ five other laws applicable to four Christian sects; and one to the Jewish sect.²⁰ All these laws discriminate against women and discriminate between women within the same country too.

All personal status laws in Syria are based on the idea of objectifying women and considering them as having incomplete legal and civil capacities. All personal status laws in Syria are filled with provisions that discriminate against women in matters of marriage, divorce, inheritance, trusteeship, guardianship, and child custody. They permit early marriage and restrict women's freedom of movement (inheritance is equal between males and females only in the four laws applicable to Christian sects).²¹ Examples include the permission to marry off underage girls,²² restricting a woman's freedom to choose her husband,²³ depriving her of the right to guardianship over her minor children,²⁴ making the wife economically dependent on the husband through the concepts of dowry and alimony as stipulated by the laws,²⁵ restricting her

¹⁹ <https://t.ly/H8bxG>

²⁰ Maya Alrahabi, *Feminism: Concepts and Issues*, Chapter Nine, page 189, Dar Al-Rahba.

²¹ *Ibid.*, Chapter Eight, page 165.

²² Article 18 of the General Personal Status Law: If a male or female adolescent claims to have reached puberty after completing fifteen years of age and requests marriage, the judge may permit it if he ascertains the truth of their claim and their physical capability, as well as their understanding of marital rights. If the guardian is the father or grandfather, his consent is required.

²³ "The guardianship in engagement lies with the father, then the paternal grandfather, then the brother, then the brother's son, then the uncle, then the cousin, then the maternal grandfather, then the maternal uncle, then the maternal uncle's son, and then the bishop of the diocese or his deputy. They are ranked according to their closeness in degree, with equal standing given to brothers and uncles from the mother's side and brothers and uncles from the father's side. If they are equal in guardianship, the one chosen by lot, or the one chosen by the fiancée, will prevail. The bishop of the diocese or his deputy will undertake the engagement for a legally aged woman who has no father, or relatives as previously mentioned, or if she has a father or relatives who are absent, or if they are present but refuse to act as her guardian despite her wish to marry."

²⁴ Article 27 of the Personal Status Law for the Greek Orthodox: "The children reside with their father by virtue of his guardianship over them, and he oversees their upbringing and education in consultation with his wife, except in the following cases where they reside with their mother by court order."

²⁵ Article 66 and Article 73 of Personal Status Law No. 59 of 1953: Article 66: "After receiving her prompt dowry, the wife must live with her husband." Article 73: "The wife's maintenance is forfeited in either of the following cases: 1. If she refuses to reside with her husband in the marital home without a legitimate excuse. 2. If she works outside the marital home without her husband's permission."

freedom to initiate divorce,²⁶ depriving her of the right to mobility,²⁷ restricting her rights to child custody,²⁸ employment,²⁹ and discriminating against women in matters of inheritance.³⁰ The general personal status law also permits polygamy.³¹ Some discriminatory provisions against women in the general personal status law were amended in 2019³² and 2020³³, but the law fundamentally remains discriminatory against women in matters of marriage, divorce, guardianship, custody, and inheritance. It also allows early marriage and restricts women's freedom of movement in some of its provisions.

Nationality Law deprives Syrian Mothers of the Right to Confer Citizenship to their Children

The Syrian Nationality Law, issued by Legislative Decree No. 276 of 1969³⁴, deprives women of granting their nationality to their children³⁵. It also prevents women from retaining Syrian nationality when they marry a foreigner if they apply for his foreign nationality.³⁴

²⁶ Article 54 of the Personal Status Law for the Syriac Orthodox: The annulment of a marriage contract can only be carried out by a ruling from the ecclesiastical court based on the following reasons, upon the request of one of the spouses: If the wife has falsely claimed to be a virgin and it is proven after consummation that she is not, through an officially certified medical certificate. If she has committed adultery intentionally and not under coercion, and she is over fourteen years of age. If she has habitually indulged in drunkenness and frivolity with strangers without her husband's knowledge and has not ceased despite being admonished by the diocesan priest more than three times. In such a case, the court shall decree a separation between the spouses for one full year. If she persists in her conduct during the separation period and does not cease, the ecclesiastical court shall annul the marriage and grant her a divorce.

²⁷ Article 22 of the Personal Status Law for the Greek Orthodox: "The woman shall live with her husband in the marital home unless she is compelled to reside elsewhere for a material or legal necessity, provided this is with her husband's consent." Article 70 of Personal Status Law No. 59 of 1953: "The wife must travel with her husband unless otherwise stipulated in the contract or if the judge finds a valid reason to prevent the travel."

²⁸ Article 131 of the Personal Status Law for the Armenian Orthodox: "Custody of the child initially goes to the mother if she is not married to a man other than the child's father, and is known for good behaviour, morals, and the ability to raise and care for her child."

²⁹ Article 48 of the Personal Status Law for the Armenian Orthodox: "A woman cannot take up a job or practice a profession without the direct or indirect consent of her husband."

³⁰ Article 269 of Personal Status Law No. 59 of 1953: "Subject to the provisions of Article 277: "1. One daughter is entitled to half, and two or more daughters are entitled to two-thirds. 2. Granddaughters (daughters of a son) are entitled to the mentioned share in the absence of a daughter or a granddaughter of a higher degree."

³¹ Article 17 of Personal Status Law No. 59 of 1953: "The judge may not permit a married man to marry another woman unless he has a legitimate reason and is able to provide for them."

³² <https://t.ly/V3X8G>

³³ <https://t.ly/4Y9xq>

³⁴ Article 12 of the Nationality Law issued by Legislative Decree No. 276 of 1969:

"A Syrian Arab woman who marries a foreigner retains her nationality unless she requests to acquire her husband's nationality and the law of that nationality allows her to do so. If the marriage contract is void according to Syrian law but valid under the law governing the marriage contract, she shall remain entitled to her nationality."

Women whose husbands have disappeared, those married by customary contracts who could not register their marriages due to lack of access to civil records, including those in areas outside state control, or those who married foreign fighters or had second marriages in Turkey (which is legally prohibited) face difficulties in registering their children. There are no accurate statistics on this issue.

The law allows children born on Syrian soil to a Syrian mother whose paternity has not been legally established to obtain Syrian nationality, but they are registered as foundlings. The social stigma of being labelled a foundling prevents mothers from registering their children in civil records. The new Civil Status Law issued in March 2021 treats fathers and mothers equally in terms of registering births.

There has been a positive change in the facilitation of registering children born from unregistered marriages. This was implemented by Legislative Decree 17 of 2022, amending Article 28 of the Personal Status Law³⁵, which states that a child born out of wedlock can be registered directly if the mother's relationship to the child is supported by official documents.

C. Law Enforcement

Due to the armed conflict and security chaos, the ability to enforce laws is minimal across all Syrian regions, differing in form from place to place, whether in the central government-controlled area in Damascus or areas controlled by de facto authorities (the Autonomous Administration in northeast Syria, the Interim Government, and the Salvation Government in northwest Syria). Syrian women in nearby refugee areas also suffer in various ways.

Areas Controlled by the Central Government

Women in these areas, like other citizens, live in constant fear of security breakdown and the absence of law enforcement, where any citizen can be questioned by security agencies based on accusations. This issue exists in all Syrian regions. Women also face difficulties in accessing official bodies that enable them to register civil status facts, complain about being deprived of their rights, or report violence against them. Wives of forcibly disappeared individuals face legal challenges such as obtaining legal guardianship for their children, obtaining passports,

³⁵ Law Decree No. 17 of 2022 Amending Article 28 of the Personal Status Law and Article 28 of Law No. 13 of 2021.

getting security clearance for employment, and obtaining family record statements and booklets, and inheritance distribution.

Official and unofficial institutions often oppress the families of detainees and the disappeared individuals due to their opposing political stances.³⁶ In Syrian government institutions, the families of detainees or the disappeared are typically denied pensions or other living support benefits available to other citizens.

- Legal Duality and Judicial Chaos Affecting Women's Rights

The Syrian government's non-recognition of the Autonomous Administration and its documents has created legal duality and judicial chaos, especially in personal status matters such as marriage, divorce, and birth registration.³⁷ The civil marriage law passed in 2013 in the Autonomous Administration areas has no legal validity, as there are no civil records specific to the Autonomous Administration. Consequently, couples eventually must register their marriages with the Sharia court and then with the civil status circuit in the Syrian government (Civil Registry) located within the security squares in the major cities of northeast Syria, and the same applies to registering their children.³⁸

This issue also applies to civil status facts in northwest Syria, where the Syrian government does not recognise those registered in these areas outside its control, leaving many marriages, divorces, and births unregistered in Syrian civil records, including in reconciliation areas.³⁹

D. Government Practices and Law Reinforce Societal Discrimination Against Women

Laws have entrenched societal relationships that divide productive and caregiving work between men and women. They grant men in the family guardianship over women, making women lower in status than fully righted male citizens. Legally protected, society does not even

³⁶ <https://snhr.org/arabic/wp-content/uploads/sites/2/2023/08/R230810A.pdf>

³⁷ Siraj, Al-Jazeera Syria... The Status of Women Governed by Two Laws and Two Authorities, <https://siraisy.net/ar/?p=5904>

³⁸ Civil Voices, Untold Story, Syrian Women and Girls: Reality and Aspirations Between Law and Social Norms, 2021, <https://2u.pw/OjGgCY>

³⁹ <https://shorturl.at/gK1J3>

recognise women's real roles as mothers to their children.⁴⁰ Even where explicit legal texts grant some rights to women, the lack of rule of law and widespread corruption play significant roles in the non-enforcement of laws, allowing customs and traditions to prevail.

Even before the armed conflict, customs and traditions were stronger than Syrian law, especially in rural and tribal areas. The Syrian regime encouraged resolving some disputes tribally, such as issues of revenge, inheritance, and land distribution, even if contrary to Syrian law. Tribal customs are known to be the most discriminatory against women, and this situation was exacerbated after the armed conflict, with security chaos prevailing and the law absent, exposing women in most areas to further discrimination and violence.⁴¹

Women are controlled by male family members in matters of marriage, divorce, childbirth, education, and work, and they are deprived of many human rights, including:

1. **Inheritance:** Customs and traditions still today undermine women's ability to achieve economic independence and stigmatise women demanding inheritance rights for state lands, which grant equal inheritance between men and women, forcing women to accept Sharia-based division, giving them half the share of men. This restriction can reach psychological and physical abuse, and some families entirely prevent women from inheriting under the pretext of transferring wealth to strangers through their husbands and children.
2. **Movement and Choice of Residence:** Socially, women do not have freedom of movement, legally reinforced by requiring wives to follow their husbands' place of residence. In addition, living alone is generally socially unacceptable for women, restricting their rights to choose their place of residence, education, or work, thus reducing their work and educational opportunities. These restrictions have worsened with the increased risk of sexual violence in all Syrian areas.
3. **Freedom of Marriage, Divorce, and Reproductive Role:** Discriminatory customs and traditions assist personal status laws in imposing a subordinate pattern on women, reducing them to less than full citizenship and legal capacity. They prevent women from choosing their husbands and deny them the right to divorce without the husband's consent or a judge's ruling, forcing them to forfeit all their rights in most cases (in khula cases). Men, however, have full

⁴⁰ <https://tinyurl.com/2cpfn4fb>

⁴¹ <https://shorturl.at/tZdiw>

capacity to divorce at any time, regardless of the marriage duration or the woman's economic contribution to the household, without facing significant economic repercussions. Husbands and society often control childbirth and the number of children, regardless of the woman's wishes or health condition. Men may also use the birth of only daughters or the inability to have children as a pretext for polygamy.

4. Opposition to Interethnic and Interfaith Marriages: Society often opposes marriages between different ethnicities and religions to the extent of resulting in killing or exile from the place of birth and residence.

5. Child Marriage: Legal provisions permitting child marriage have reinforced social customs supporting this practice, such as Article 18 of the General Personal Status Law, stating: "If a male or female adolescent claims to have reached puberty after completing fifteen years and requests marriage, the judge may permit it if he ascertains the truth of their claim, their physical capability, and their understanding of marital rights." Article 40, Paragraph 2, also allows marriage to be validated if "a child or apparent pregnancy confirms the marriage without these procedures, without preventing the legal penalty." This phenomenon intensified after the armed conflict due to displacement and poverty.⁴²

E. Participation in Political and Public Life

1. The Parties Law lacks positive measures that contribute to enhancing women's participation: The Syrian Party Law was issued by Legislative Decree No. 100 in 2011,⁴³ which, in Article 2, granted citizens of the Syrian Arab Republic the right to establish and join political parties.⁴⁴ However, citizens' enjoyment of this right faced several fundamental obstacles that prevented the creation of real effective parties that could participate in governing the country and realise the principle of power deliberation. These obstacles include the executive authority's intervention to prevent the legal licensing of parties, the difficulty of the conditions required for any organisation to gain the status of a political party, and the absence of any positive measures to enhance women's participation in establishing and representing parties.

⁴² <https://shorturl.at/zhpLf>

⁴³ Legislative Decree No. 100 of 2011 Containing the Political Parties Law, <https://2u.pw/N84Wli>

⁴⁴ Article 2 of the Syrian Political Parties Law:

"Citizens of the Syrian Arab Republic have the right to establish and join political parties in accordance with the provisions of this law."

2. Election Law does not Adopt a Gender-Sensitive Electoral System: The Syrian Election Law No. 5 of 2014 adopted the "block" voting system,⁴⁵ which belongs to the "majority" system. This system deprives women and ideological, ethnic, or religious minorities of political participation and representation in elected councils. It also opens the door to corruption and the use of money to buy votes in favour of traditional family and tribal loyalties dominated by a male-centric mindset rather than the effectiveness of electoral programmes.

3. Women's political participation existed nominally under authoritarian rule. The Vice President of the Republic was a woman, and the percentage of women in successive parliaments averaged 12 per cent. However, their representation did not exceed 2 per cent in local councils, and the number of female ministers was limited to 2-3 in each cabinet formation, which typically consists of 25-30 ministers, and they did not hold sovereign ministries. The only woman who occupied the position of Speaker of Parliament was elected by acclamation, and she was removed from her position after one year. Ninety-five per cent of the female members of the People's Assembly, ministers, and local council members were members of the ruling party, appointed to their positions based on loyalty rather than competence in sham elections.

4. After years of stalled negotiations, they were limited to the Constitutional Committee, which consists of three blocs representing the Syrian government, opposition groups, and civil society. None of these blocs managed to achieve equal representation for women during the committee's work, which began in 2019. Women represented only 27% of the committee's 150 male and female members,⁴⁶ despite the United Nations' recommendation through Resolution 1325 (on Women, Peace, and Security) for full, meaningful, and equal participation of women in peace processes and political solutions. "While the United Nations cannot force delegations to comply with Resolution 1325 or impose gender quotas, its failure to consistently include women in its delegations during the Syrian peace process has undermined the legitimacy of Resolution 1325," according to the Carnegie Centre.⁴⁷

5. Several sources and reports confirm that military, political, economic, and social violence against women and girls can form the main barrier to their political participation and involvement in public life.⁴⁸

⁴⁵ <http://www.parliament.gov.sy/arabic/eindex.php?node=5516&cat=327&nid=327&print=1>

⁴⁶ Source of Information from Mona

⁴⁷ <https://carnegieendowment.org/sada/83265>

⁴⁸ <https://tinyurl.com/5y2kud76>

F. Community Awareness

1. Government Restrictions on Women's Rights Organisations: The Syrian government typically prevents the licensing of organisations defending women's rights or those wishing to establish protection centres. It also restricts any non-governmental body wishing to raise awareness about women's rights or combat violence against them through lectures or workshops. The organisation of non-governmental associations and private institutions is subject to the provisions of Law No. 93 of 1958, which contains restrictions limiting the possibility of their establishment and freedom of movement unless they obtain security approval and central authority oversight. Article 2 of the law stipulates that their purpose should not harm the safety of the Republic or the form of government.⁴⁹ Financial restrictions imposed by the law on these associations and strict oversight by the executive authority on their budgets are significant,⁵⁰ with an accountant from the Ministry of Social Affairs and Labour directly supervising their finances.⁵¹ However, the most severe restriction is Article 6 of the executive instructions for the law, which delegates the executive authority's security apparatus the power to grant or deny the establishment of associations.⁵²

2. As for media, governmental or pro-government media channels continue to broadcast stereotypical images of women.⁵³ Although Syrian drama has, over decades, presented an honourable and non-stereotypical image of women in some works, this was due to a generation

⁴⁹ Article 2 of Law No. 93 of 1958: "Any association established for an illegal purpose, or for a purpose contrary to the laws or morals, or with the aim of undermining the safety of the Republic or the republican form of government, shall be null and void and shall have no effect."

⁵⁰ Article 6 of Law No. 93 of 1958: "An association may not own or have rights to real estate except to the extent necessary to achieve the purpose for which it was established. This provision does not apply to charitable and cultural associations. Additionally, an association is prohibited from maintaining a cash balance exceeding three times the annual administrative expenses unless authorised by the competent administrative authority."

⁵¹ Article 6 of Law No. 93 of 1958: "Every association must have an annual budget. If the annual budget exceeds ten thousand Syrian pounds, the final accounts must be submitted to one of the accountants accredited by the Ministry of Social Affairs and Labour, accompanied by the supporting documents, for examination at least one month before the association's annual meeting. The budget and reports of the board of directors and the accountant must be displayed at the association's headquarters at least eight days before the meeting and remain so until approved. Every member has the right to review them."

⁵² Article 6 of Executive Regulation No. 1330 of 1958 for the Associations and Private Institutions Law Applied by Law No. 93 of 1958: "The Directorate of Social Affairs and Labour (Department of Associations and Clubs) at the central administration of the mentioned ministry, or the Department of Social Affairs and Labour in the governorate, shall study the application upon receipt and conduct an investigation into the founders through the General Security Department. It shall also review the internal regulations from a legal standpoint and in terms of the importance of the association's objectives and the region's need for its services."

⁵³ <https://tinyurl.com/35e3j7en>

of progressive pioneers who worked in the private sector and were under severe censorship pressure from the government.⁵⁴

II. Response to Paragraph (9) – Violence Against Women and Girls

Society perpetuates violence against women, whether in the family or in public life, and the law is neutral, if not encouraging, all forms of violence against women. The Penal Code does not contain a clear definition of offences committed against women or strict penalties for their perpetrators.⁵⁵ On the contrary, it is lenient in applying penalties to perpetrators. The space it leaves to the discretion of judges, most of whom are patriarchal or corrupt, helps to reduce the punishment of perpetrators.⁵⁶

Social stigma stands in the way of any woman who decides to speak out about the violence they face, whether emotional, physical, or sexual, within the family or outside it. The blame is placed on the victim rather than the perpetrator.⁵⁷ Therefore, societal violence is considered a taboo subject no one talks about.

The UN statement on the 16 Days of Activism against Gender-Based Violence campaign highlighted that gender-based violence remains a persistent and ongoing reality in Syria, manifesting as physical, sexual, psychological, and economic abuse. The statement said: "Syrian women and girls face daily restrictions on movement and limited access to employment opportunities, protection services, healthcare, and other vital assistance".⁵⁸

There is a scarcity of reliable official figures and data that can be used in reporting, decision-making, media coverage, and scientific studies in Syria. In addition, it is difficult to obtain them from government institutions. There is no national observatory for documenting and monitoring violence up till now. Criticisms are directed at the Central Bureau of Statistics for its inability to provide accurate and updated data across various sectors. The statistical figures

⁵⁴ <https://www.mujhar.com/Platform/2303>

⁵⁵ Syrian Penal Code arts: 489, 503

⁵⁶ Article 192 of the Penal Code continues to give judges wide discretion to significantly reduce sentences if mitigating circumstances apply, including when the offence has an 'honorable' motive, or if the murder was committed out of anger, motivated by an unlawful act provoked by the victim (Article 242)

⁵⁷ <https://news.un.org/ar/story/2022/12/1116537>

⁵⁸ <https://news.un.org/ar/story/2022/12/1116537>

issued by the Bureau are characterised by gender insensitivity, inadequacy, lack of inclusiveness, and lack of participation and transparency.⁵⁹

The 2022 Global Trends Report by UNHCR indicates that there are 6.5 million refugees and 6.8 million internally displaced Syrians.⁶⁰ Most refugee women in neighbouring countries suffer from poverty and often live in camps or shelters lacking basic humanitarian conditions, exposing them to violence and exploitation,⁶¹ including early marriage, low-wage labour, sexual exploitation, loss of identification documents, and acceptance of unregistered customary marriages.⁶² Recently, there have been calls for the forced refoulement of refugees from neighbouring countries and some European states, despite Syria's continued unsafe conditions.⁶³

A. Legislation

1. The Syrian Constitution does not oppose or criminalise violence against women and girls.
2. The Penal Code does not provide clear definitions of sexual violence crimes in line with international laws, nor does it criminalise sexual harassment in private and public spaces.
3. To date, there is no comprehensive law in Syria criminalising violence against women, including domestic violence.
4. The Penal Code does not criminalise marital rape. Article 489, which relates to rape, explicitly states that this crime occurs when a person forces "... someone other than his spouse by violence or threat to have intercourse..." This article lacks precision and detail in defining the elements of the crime and allows for broad interpretation, often to the detriment of the victim. Therefore, it does not meet the standards of precision and clarity required by laws according to the ICCPR.
5. Also, under article 476 of the Penal Code, the crime of incest is considered a misdemeanour rather than a felony with a penalty of one to three years, despite its seriousness and its connection to family authority, which often exceeds the law in some Syrian communities. Consequently, the legislature should have considered family authority as an

⁵⁹ <https://www.enabbaladi.net/568937/المكتب-المركزي-للإحصاء-غوانتانامو-ف/>

⁶⁰ <https://www.unhcr.org/ar/global-trends>

⁶¹ <https://tinyurl.com/bdejdyjy>

⁶² <https://daraj.media/18694/>

⁶³ <https://arabic.cnn.com/middle-east/article/2023/05/11/syria-refugees-fear-assad-rehabilitation-mime-int>

aggravating circumstance rather than stipulating a lighter misdemeanour penalty for this offence.

6. The Penal Code includes discriminatory provisions regarding the punishment for the crime of what is so-called “adultery”. According to Article 473, a woman who commits adultery is punished with imprisonment from three months to two years, while her male partner receives the same punishment only if he is married; if unmarried, he is punished with imprisonment from one month to one year. The law also discriminates against women in terms of evidence for adultery, providing unrestricted evidence for men and restricted evidence for women, as per Article 473 (3) of the Penal Code.

7. Article 508 of the Penal Code allows a rapist to benefit from a reduced sentence if a valid marriage contract is concluded between him and the victim. This article enables the perpetrator to escape punishment and undermines the purpose of protecting women from physical or sexual assault. It allows the perpetrator to legally and legitimately continue the assault by marrying the victim instead of subjecting her to treatment for the psychological and physical harm caused. The same article reduces the punishment for crimes such as “indecent, kidnapping, seduction, and debauchery” if the perpetrator marries the victim.

8. The Penal Code deprives women of autonomy over their bodies and criminalises voluntary termination of pregnancy. Article 527 states: “Any woman who aborts herself by using any means or allows someone else to do so with her consent is punishable by imprisonment from six months to three years.” Article 528 similarly punishes anyone who assists a woman in abortion with imprisonment from one to three years. The Penal Code also criminalises the use of contraceptives, punishing such acts with imprisonment from one month to one year, according to Article 524.

9. Despite the repeal of Article 548 of the Penal Code, which used to grant a perpetrator a mitigating excuse for committing a crime on the grounds of honour,⁶⁴ it is still possible to reduce the penalty for perpetrators in such cases, based on Article 192 of the Penal Code, which states that the judge can reduce the penalty if he finds that the motive was honourable. Article 242 stipulates that ‘the perpetrator of an offence committed in an outburst of a fit of rage resulting from a wrongful and dangerous act committed by the victim shall benefit from a mitigating excuse.’”

⁶⁴ Law No. 2/2020 repealing Article 548 of the Penal Code related to the granting of mitigating excuse for ‘honour crimes’, available in Arabic at <https://tinyurl.com/57cszpck>

B. The Armed Conflict and Security Chaos Increase Violence Against Women and Girls

1. As a result of the armed conflict, security breakdown and lawlessness prevail in all Syrian regions, affecting women's safety and escalating violence against them. In addition, discriminatory customs, traditions, and the prevailing culture dominate women's lives across Syria. The United Nations statement on the 16 Days of Activism against Gender-Based Violence campaign highlighted that gender-based violence remains a persistent and ongoing reality in Syria, manifesting as physical, sexual, psychological, and economic abuse. The statement said: "Syrian women and girls face daily restrictions on movement and limited access to employment opportunities, protection services, healthcare, and other vital assistance."⁶⁵

2. Women suffer from anxiety because of the threat of honour killings, which the Women's International League for Peace and Freedom described as silent crimes posing the most significant security threat to women and girls, always hidden under the guise of prevailing culture in society. Since 2019, Syrians for Truth and Justice, in cooperation with "Musawa" and "Sara" organisations, have documented the killing of 185 women in Syria under the pretext of honour.⁶⁶

3. The Syrian regime has arbitrarily detained thousands of women without warrants or trials, with few being detained for political opinion compared to the many held as hostages for male activists in their families. This tactic, used by all warring parties in armed conflicts, aims to humiliate the opposing side rather than target the detainees themselves, driven by the male-centric mindset of the warring parties. All other conflict parties have also kidnapped and detained women, though to a lesser extent than the regime, which is responsible for 83% of detention or enforced disappearance cases.⁶⁷ Even if a detainee survives the horrors of detention, she faces social stigma and may have to flee her family and community, losing her supportive environment and exposing her to further violence and exploitation due to the lack of shelters or service centres offering protection.

⁶⁵ <https://news.un.org/ar/story/2022/12/1116537>

⁶⁶ <https://tinyurl.com/3nun4v25>

⁶⁷ <https://snhr.org/arabic/wp-content/uploads/sites/2/2024/03/R240308A.pdf>

C. Sexual Violence

1. In the Syrian context, many factors exacerbate the risk of sexual violence against women, including forced and early marriages, deprivation of economic and educational resources, poverty, family situations, displacement, arbitrary detention, torture, enforced disappearance, and displacement of women and their families.
2. Several reports have documented incidents of sexual violence against female detainees, including the "I Lost My Dignity" report by the Independent International Commission of Inquiry on Syria.⁶⁸ Some Syrian prisons, such as Joreen Prison, have even reached the extent of sexual slavery.⁶⁹
3. There are no official statistics or reports on the extent of human trafficking gangs, but there are several indicators and observations suggesting their widespread presence in Syria, whether in regime-controlled areas⁷⁰ or areas controlled by de facto authorities.⁷¹ Despite the issuance of the Anti-Human Trafficking Law in 2010,⁷² the law is not effectively enforced due to corruption. In addition, the 1961 Anti-Prostitution Law criminalises women working in this field,⁷³ unlike modern laws that treat them as victims needing rehabilitation and reintegration while criminalising clients.

D. Shelters and Protection Centres

There are only four shelters for abused women in Syria; two are affiliated with churches, and one is affiliated with the Syrian Commission for Family Affairs. They are all located in Damascus and its suburbs, with none in other Syrian provinces. Reports indicate these centres do not provide optimal care for abused women.⁷⁴

E. Deteriorating Economic Conditions for Women

1. **Discriminatory Provisions in Labour and Social Security Laws**

⁶⁸ <https://tinyurl.com/4m25v443>

⁶⁹ <https://daraj.media/98211/>

⁷⁰ <https://tinyurl.com/3vknwshk>

⁷¹ <https://tinyurl.com/2sdyc2u3>

⁷² <http://parliament.gov.sy/arabic/index.php?node=201&nid=4512&ref=tree&>

⁷³ <https://www.global-regulation.com/law/syria/3370698/--10--1961----.html>

⁷⁴ <https://tinyurl.com/4kmuk4mx>

Legally, there is no explicit discrimination against women in the labour sector, yet there is no clear constitutional provision ensuring non-discrimination or equal pay between men and women.

The Labour Law discriminates against women in some provisions, such as depriving women working in the agricultural sector and home-based factories of maternity leave rights.⁷⁵ It also lacks provisions to prevent sexual harassment and protect female and male workers. Similarly, some provisions in the Social Security/Insurance Law⁷⁶ and the Agricultural Relations Regulation Law⁷⁷ also discriminate against women.

There is no law protecting working women from harassment, exploitation, and sexual assault, nor is there a safe complaint mechanism in the private sector and workplaces with a large number of female workers.

Law No. 56 of 2004, regulating agricultural relations, includes legal provisions to protect women working in the agricultural sector in several articles, such as Articles 20-23. However, this law reduces maternity leave for women working in this sector to only 75 days and exempts family agricultural investments from ordinary judicial oversight under Article 164 (C).

The issue of non-application of some Labour Law provisions persists due to the lack of implementation mechanisms, especially in the private sector, where employers often do not register female workers in their social security system. They can do this easily due to the prevalence of corruption and bribery.

The issue of non-application of some Labour Law provisions persists due to the lack of implementation and enforcement of these mechanisms due to corruption, especially in the private sector, where employers often do not register female workers in the social security system, depriving them of legal protection during pregnancy, childbirth, and breastfeeding, leading to arbitrary dismissal by employers whenever they wish to. This practice is common. In the public sector, which is governed by the Basic Labour Law for State Employees,⁷⁸ women

⁷⁵ <https://learningpartnership.org/sites/default/files/resources/pdfs/Syria-Labor-Law-2010-Arabic.pdf>

⁷⁶ <http://parliament.gov.sy/arabic/index.php?node=201&nid=10299&>

⁷⁷ <http://www.casi.gov.sy/node15/arabic/index.php?node=5518&cat=14830&>

⁷⁸ https://www.houmsilaw.com/img/uploads1/law_99.pdf

workers' rights are protected, but they are often denied access to skills development and career advancement more than their male counterparts.

The conflict economy dominates the Syrian economic environment, with all aspects linked to decisions by those leading the conflict, widening the gender gap and harming women's access to the labour market or positions of responsibility in the economic field.

The Syrian economy has gradually deteriorated in recent years due to various factors, the most significant being the allocation of resources to the war machine. By 2022, 90% of Syrians were living below the poverty line, 12.9 million people are food insecure, according to the United Nations World Food Programme.⁷⁹ This situation, as in all countries, affects women more as they are among the most marginalised groups in society. The population, especially displaced persons, suffer from living conditions that worsen daily, exacerbated by climate threats, water and food insecurity, extreme poverty, and a public health crisis. Today, 15.3 million people in Syria need humanitarian assistance, including 4.1 million in the northwest alone.⁸⁰

Social customs and discriminatory laws weaken women's economic status. In 2010, women's economic participation in Syria was estimated at only 13% of the national workforce.⁸¹ Currently, girls have fewer opportunities to receive formal education, limiting their access to the labour market and resulting in the vulnerability of women and girls, with little hope of independence and a lack of resources to resist other forms of violence.

Working women often bear dual responsibilities for both caregiving and productive work. The Syrian war has led to increased women's workforce participation due to two factors: the absence of men due to their involvement in fighting, death, or detention, and the deteriorating economic situation, as highlighted by a World Bank report.⁸² Many female breadwinners have had to enter the labour market without previous qualifications or experience in productive work. Without suitable working conditions, they face exploitation, low wages, lack of employment contracts ensuring adequate compensation, and inhumane working conditions.

⁷⁹ <https://www.wfp.org/countries/syrian-arab-republic>

⁸⁰ <https://tinyurl.com/3ufay36a>

⁸¹ <https://tinyurl.com/m5avvcyb>

⁸² War Losses: The economic and social consequences of the conflict in Syria, World Bank: <https://tinyurl.com/4fxx5etn>

They may even be subjected to sexual exploitation. In cases of violence or harassment, women lack adequate protection to file complaints and receive no compensation, often resulting in dismissal from work. This is especially true for female breadwinners who are displaced and refugees in neighbouring countries, as noted in ESCWA's report "Syrian Refugee Women in Lebanon".⁸³

Inheritance is a source of property ownership. The general personal status law applicable to Muslims grants women half the share of men,⁸⁴ but many women in Syria are deprived of this share due to prevailing customs, mainly because there are no legal penalties for family members who deny women their inheritance. This situation has been exacerbated by the conflict and by the absence of law or the application of the laws of the various de facto authorities.

Before the conflict, women's property ownership was already low due to discriminatory laws and procedures, as well as a lack of awareness of land ownership rights. No recent official statistics are available on women's property ownership, with the latest from the Central Bureau of Statistics in Syria in 1995 indicating that women's ownership of land does not exceed 5%, livestock 4%, and agricultural machinery 1%.⁸⁵

Due to displacement and violence during the conflict, many women have also lost the ability to prove property ownership,⁸⁶ with some documents being lost or unrecognised.

In 2021, the legal dimension of early recovery was introduced through the UN Security Council Resolution 2585, welcoming all efforts and initiatives to expand humanitarian activities in Syria, including early recovery projects aimed at providing water, sanitation services, healthcare, education, and shelter.⁸⁷

⁸³ <https://www.unescwa.org/sites/default/files/pubs/pdf/women-syrian-refugees-lebanon-arabic.pdf>

⁸⁴ Syrian Personal Status Law - Inheritance

⁸⁵ http://www.napcsyr.gov.sy/dwnld-files/divisions/rdd/pubs/pol_brf/ar/10_women_role_ar.pdf

⁸⁶ <https://www.fmreview.org/ar/syria2018/clutterbuck>

⁸⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/186/70/PDF/N2118670.pdf?OpenElement>

F. Deprivation of Education

Syrian women and girls face significant challenges in obtaining education due to the ongoing conflict ravaging the country. This conflict has led to the destruction of many schools, displacement, poverty, exacerbation of discrimination, and instability, all of which have impacted women's opportunities for education.⁸⁸ According to reports by international organisations, an estimated one million Syrian women and girls within Syria are deprived of education, threatening their personal futures and their contributions to building a stable and prosperous society. According to UNICEF, in 2022, the number of Syrian children deprived of education was estimated at 2.4 million children between the ages of 5-17 years, of whom nearly 40 percent were girls,⁸⁹ which led to a greater prevalence of early marriage, child labour and recruitment into combat.

The compulsory education law in Syria mandates that parents send their children, both boys and girls, to school until the age of 15.⁹⁰ However, this law was not effectively implemented even before the armed conflict due to widespread bribery and corruption, as well as provisions in personal status laws that allow child marriage. School curricula and environments contained many ideas that perpetuate gender inequality.

The collapse of infrastructure following the armed conflict, damage to approximately 40% of schools,⁹¹ the decline of the Syrian economy, rising inflation, displacement, increased poverty rates, and higher rates of child marriage especially in displacement and refugee camps, have significantly reduced the number of girls attending school. Certificates issued by schools and universities in areas outside regime control are not recognised, forcing parents to send their children, if possible, to sit for exams in regime-controlled areas, exposing them to checkpoints that may prevent them from reaching the exam venues.⁹² Many parents refrain from sending their daughters out of fear of harassment at these checkpoints, hindering the continuation of girls' education.

⁸⁸ <https://tinyurl.com/5n73vadr>

⁸⁹ <https://tinyurl.com/4vdvrtda>

⁹⁰ <https://tinyurl.com/4bv7dtsz>

⁹¹ <https://tinyurl.com/5xxt6z5y>

⁹² <https://eyeofeuphrates.com/ar/news/2021/06/01/2283>

G. Deprivation of Reproductive Health Services

By November 2022, 65% of the 203 reported public hospitals in Syria were fully operational, 17% were partially operational due to staff, equipment, and drug shortages, or building damage among other issues, while 18% were not operational⁹³. By November 2022, 56% of the 1,941 primary healthcare centres were fully operational, 19% were partially operational, and 25% were non-operational (World Health Organization 2022).⁹⁴

Women face difficulties accessing health services. The socio-economic survey highlighted the limited access women have to reproductive health services due to poor infrastructure, mobility restrictions, and high private sector service costs, which is the main provider of these services.⁹⁵ Among the 367 operational medical facilities in northwest Syria, only 7% offer comprehensive maternal care services. Reproductive health services are available in less than 40% of facilities.⁹⁶

The Syrian Network for Human Rights reported that female detainees, mostly in Syrian regime prisons, suffer from dire conditions, including the lack of basic reproductive health services.

Recommendations

1- Women, Peace, and Security:

Syrian women and men hope that the Human Rights committee will pressure the Syrian government and all de facto authorities to:

- Cease all hostile actions on Syrian territory, as armed conflict exacerbates violence against women.
- Adopt a national plan for the implementation of Resolution 1325 on women, security, and peace.
- Have the United Nations take effective steps to ensure active participation of Syrian women in all stages of the peace process in Syria.

⁹³ <https://tinyurl.com/56cy53fr>

⁹⁴ *ibid*

⁹⁵ <https://tinyurl.com/mezaxrnd>

⁹⁶ <https://tinyurl.com/m5bxraej>

- Foster cooperation between international mechanisms and women's organisations in the fields of accountability and disclosure of the fate of detainees and forcibly disappeared persons.
- Ensure the safe, voluntary, and dignified return of Syrian refugees.

2- Legislations

Syrian women and men hope that the Human Rights committee will exert pressure to:

- Draft a new constitution for the Syrian state based on democracy, human rights, equal citizenship, and gender equality, recognising the supremacy of international laws and agreements over national laws, prohibiting and criminalising violence against women, and aligning national laws with it accordingly.
- Remove all reservations and conditions imposed by the Syrian state on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- Issue a modern civil family law applicable to all Syrian citizens without discrimination on any basis, ensuring the rights of all citizens and equality in both public and family spheres.
- Amend the nationality law to allow Syrian women to grant their nationality to their children.
- Revise Syrian laws to eliminate all discriminatory provisions against women, especially in the Penal Code, Labour Law, Social Security Law, and Agricultural Relations Regulation Law, and abolish the death penalty.
- Issuing a unified and comprehensive law that combats violence against women, criminalises all forms of violence, punishes perpetrators, protects women, plays a preventive role, and provides support and services for victims.
- Ensure the implementation of Syrian state laws, despite the difficulty of doing so in the absence of a unified government with sovereignty over the entire Syrian territory.
- Ensure permission and freedom of action and movement for civil society organisations, especially feminist and women's associations that defend women's rights and work to empower and protect them.