



المركز السوري للإعلام وحرية التعبير  
Navenda Sûriyayî ya Ragihandinê û Azadiya Derbirinê  
Syrian Center for Media and Freedom of Expression

## Women in Syrian Law

Political and Legal Discrimination  
and its Social Background





# Women in Syrian Law:

## Political and Legal Discrimination and its Social Background

**Syrian Center for Media and Freedom of Expression (SCM)** is an independent non-governmental non-profit organization. We seek to build a society that guarantees freedom of expression and belief, human rights, and justice. Our vision is a democratic world based on justice, freedom, equality and respect for human rights and dignity.

Since SCM was founded in 2004, we work to defend oppressed individuals due to their beliefs or opinions, as well as promoting human rights and supporting and developing independent, critical, and professional media. SCM is in special consultative status with the UN ECOSOC since 2011.

Copyright © 2023 Syrian Center for Media and Freedom of Expression (SCM)

[www.scm.bz/en](http://www.scm.bz/en)

The study was conducted by Dr. Aiman Hoda Menem in 2023



المركز السوري للإعلام وحرية التعبير

Navenda Sûriyayî ya Ragihandinê û Azadiya Derbirinê  
Syrian Center for Media and Freedom of Expression



# Content

<b>Introduction</b> .....	2
International Conventions Concerning Women’s Rights that the Syrian Arab Republic is a Party to: .....	3
<b>Constitutional Equality</b> .....	5
<b>Civil and Familial Rights</b> .....	5
Discriminatory provisions with respect to marriage.....	7
Discriminatory provisions with respect to divorce and dissolving a marriage .....	7
Discriminatory provisions with respect to inheritance .....	9
Discriminatory provisions with respect to the quorum of witnesses .....	10
Discriminatory provisions with respect to using surname .....	11
Discriminatory provisions with respect to nationality .....	11
Discriminatory provisions with respect to the right to freedom of movement .....	12
Discriminatory provisions with respect to the right to custody.....	12
<b>Political Rights</b> .....	13
<b>Sexual and Reproductive Rights</b> .....	15
Abortion.....	15
Sexual freedom .....	16
The criminalization of homosexuality .....	17
Transgender, transsexuals, and sex reassignment.....	18
<b>Legal Provisions on Gender-based violence/Violence Against Women</b> .....	19
Child marriage .....	20
Domestic violence.....	20
Rape.....	20
Killing .....	21
Legal Provisions on GBV in areas controlled by the AANES .....	22
<b>Economic and Social Rights</b> .....	23
<b>Recommendations</b> .....	24

## Introduction

Despite the deep problem of women's rights in Syria and the necessity of dealing with it at different levels, legal reform remains an inevitable path to dismantling the social, cultural, and economic structures that have accumulated for decades, generating a hierarchy that places women in a lower position and establishes discrimination and inequality in various spheres of life. This shall be accomplished by revising current discriminatory constitutional, civil, criminal, labour, and administrative legislation and amending articles that do not comply with human rights principles of equality and non-discrimination or with Syria's obligations to international standards.

Furthermore, despite Syria's ratification of several human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, the Syrian Constitution does not explicitly stipulate that international conventions prevail over domestic laws. Moreover, Syrian legislation does not mention the rule of prevalence. Legislative Decree No. 3 of 1969, on joining the International Covenant on Civil and Political Rights, stipulates that an international covenant is equate to internal legislation. This was later approved by the jurisprudence of the Civil Chamber of the Court of Cassation,<sup>1</sup> which states that international treaties are a part of the State's internal laws, meaning that it transcends the laws that preceded its approval, while subsequent laws nullify the provisions of a treaty if they contradict them (in accordance with the legal principle mentioned in Article No. 2 of the Syrian Civil Code).<sup>2</sup>

In 2014, the Syrian Minister of Justice, in his capacity as Chairman of the Supreme Judicial Council on behalf of the President of the Republic,<sup>3</sup> issued Circular No. 4 to judges and State lawyers regarding the necessity of adhering to the application of international treaties signed by the Syrian Arab Republic, without specifying their position in relation to the national legislation in force in the event of any inconsistency between them.



1 The Civil Chamber of the Court of Cassation: "National courts do not apply treaties because the State has committed internationally to implement them, but rather because they have become part of its internal legislation. If there is a conflict between provisions of a treaty and provisions of domestic laws, the national court must apply the international treaty, giving it priority over domestic law." Resolution No. 366/1905, 21 December 1980. Published in "Lawyers" magazine, p. 305. 1981. This was also explicitly acknowledged by the Syrian Minister of Justice on 4 May 2010, during the 44<sup>th</sup> session of the Committee against Torture.

2 Article No. 2 of Syrian Civil Code No. 84 of 18 May 1949 stipulates that a legislative provision may not be repealed except by a new legislation that expressly stipulates this repeal or that includes a provision that conflicts with the old legislation or regulates anew the subject whose rules were previously determined by that legislation.

3 Article No. 65 of Decree No. 98 of 1961, the Judicial Authority Law and its amendments, stipulates that the Supreme Judicial Council shall be composed as follows: The President of the Republic, represented by the Minister of Justice, as President.

## International Conventions Concerning Women's Rights that the Syrian Arab Republic is a Party to:

- \* The Slavery Convention of 1926, amended in 1953 (Syria acceded in 1931).
- \* The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1958).
- \* The International Covenant on Economic, Social, and Cultural Rights of 21 April 1969.
- \* The International Covenant on Civil and Political Rights, ratified on 21 April 1969.
- \* The International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 21 April 1969 with reservations.<sup>4</sup>
- \* The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted on 18 June 1976.
- \* The four Geneva Conventions, ratified on 2 October 1953, and the Additional Protocol I, ratified on 14 November 1983.
- \* The Convention on the Rights of the Child, ratified on 15 July 1993, and the Optional Protocol to the Convention on the Rights of the Child, ratified on 17 October 2003.
- \* The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted on 18 August 2004 with reservations.<sup>5</sup>
- \* The UN Convention against Transnational Organized Crime, ratified on 8 April 2009.
- \* The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Crime, ratified on 8 April 2009.
- \* The Protocol Against the Smuggling of Migrants by Land, Sea, and Air, supplementing the UN Convention against Transnational Organised Crime, adopted on 8 April 2009.
- \* The Convention on the Rights of Persons with Disabilities and its Additional Protocol, both ratified on 10 January 2009 with reservations.<sup>6</sup>
- \* 58 conventions on workers' rights and trade union freedoms, which were adopted under the International Labour Organisation (ILO).
- \* The Arab Charter on Human Rights of 15 September 1997.
- \* The Arab labour conventions, especially No. 1 on women workers and No. 6 on labour levels.
- \* The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 28 March 2003 with reservations.

---

4 Syria declared that acceding to the Convention, in the first place, in no way signified a recognition of Israel. Moreover, the Republic does not consider itself bound by Article No. 22 on the dispute that may arise between the parties on the interpretation and application of this Convention which stipulates that disputes should be referred by the parties to the International Court of Justice for adjudication.

5 Syria does not recognise the Committee's competence as stated in Article No. 20 and permitted under Article No. 28. Syria also restated that joining the Convention does not necessarily signify a recognition of Israel.

6 Syria does not recognise the scope of the Convention on the Rights of Persons with Disabilities as outlined in Articles No. 6, 7 with respect to cooperation on conducting investigations into alleged violations.

## **The Convention on the Elimination of All Forms of Discrimination against Women, adopted on 28 March 2003 (with reservations):**

Pursuant to Decree No. 330 of 25 September 2002, the Syrian Arab Republic ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but placed reservations on Article 2, Article 9(2) on granting children the nationality of their mother, Article 15(4) concerning the freedom of movement and choice of residence, Article 16(1)(c, d, f, g) on the equality of rights and duties between spouses during marriage and upon its dissolution with regard to custody, kinship, maintenance, and adoption, Article 16(2) on the legal effect of the betrothal and marriage of a child (given the incompatibility with provisions of the Islamic law “Shariah”, as stated in the Decree), and Article 29(1) on arbitration between countries in the event of a dispute. Syria’s reservations focus on the essence of the agreement, which leads us to say that there is no seriousness in implementing it, especially that Syria has not ratified the Optional Protocol to the Convention. Moreover, Syria submitted its most recent CEDAW report in 2014.

Legislative Decree No. 230, issued on 16 July 2017, withdrew the Syrian Arab Republic’s reservations to Article No. 2 of CEDAW, ratified by Decree No. 330 of 25 September 2002, in a manner consistent with the provisions of the Islamic law “Shariah” as it is the source key to legislation according to Article No. 3 of the Constitution,<sup>7</sup> which indicates that this withdrawal of the reservation is only a formality.

## **International Conventions on Human Trafficking and Slavery**

The Syrian Arab Republic has ratified most of the conventions related to slavery and human trafficking including the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Crime, ratified on 8 April 2009.

Moreover, in 2010, Legislative Decree No. 3 on preventing and combating trafficking in Persons was issued. According to Article No. 2, this decree aims to **prevent and combat trafficking in persons, especially women and children**. Also, Article No. 8 states that the penalty shall be increased if **the crime is committed against women or children, or against someone with disability**. The Ministry of Social Affairs and Labour is the body primarily concerned with protecting survivors of trafficking. The Ministry has allocated two shelters for victims of trafficking in Damascus and Aleppo. However, their work has stopped for administrative reasons, which has led to the absence of any possible protection for those victims.

---

<sup>7</sup> The constitutions of 1920, 1930, 1958, and 1961 did not address Islam as a source of legislation, while the constitutions of 1950, 1953, and 1962 stated that “Islamic jurisprudence is the major source of legislation”. Also, the constitutions of 1964, 1966, 1969, 1971, 1973, and 2012 stipulated that “Islamic jurisprudence is a major source of legislation” without mentioning any other primary or secondary sources.



## Constitutional Equality

The existing Syrian Constitution contains no clear-cut articles on equality between men and women (For example, Article No. 3 of the French Constitution states that *statutes shall promote equal access by women and men to elective offices and positions*), but rather provides in Article No. 33 for equality and the prohibition of gender-based discrimination as one of a set of prohibited criteria of discrimination. However, Article No. 23 of the Constitution states that *the State shall provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social, and cultural life, and the state shall work on removing the restrictions that prevent their development and participation in building society*.

The Constitution does not, in fact, guarantee the prohibition and criminalisation of discrimination and violence against women. Moreover, Article No. 3 of the Constitution states that *the personal status of religious communities shall be protected and respected* which provides a social immunity to forms of discrimination against women, taking it out of the general debate by associating it with religion. Despite the issuance of several laws under the Constitution of 2012, they did not lead to alleviating the severity of discrimination and gender-based violence (GBV) in the culture of the society.

## Civil and Familial Rights

The Syrian Personal Status Law, promulgated under Legislative Decree No. 59 of 1953, its amendments, and explanatory notes regulate marriage, family relations, engagement, divorce, will, inheritance and matters of childbirth. While this Law is based on the provisions of Islamic law “Sharia”, some matters related to Christians, Jewish, and Druze communities are being exempted as described in Articles No. 306 to 308. Further, the Personal Status Law contradicts the Syrian Constitution which stipulates that *previous legislation shall be amended in accordance with its provisions within a period of 3 years*.

Given the absence of political and legislative will to come up with a unified family law in Syria, the existing Personal Status Laws promote, albeit disproportionately, discrimination against women and girls, especially Personal Status Law No. 59 which seventy of its articles were amended by Law No. 4 of 2019. The most important amendments are:

- \* Amending Article No. 16 to set the legal age of marriage for males and females at 18 years.
- \* Adopting the word “marriage” instead of “copulation” (which was used in marriage agreements in Syria over the past decades).
- \* Allowing spousal maintenance to a wife of another religion (while this was not previously permissible).
- \* Amending Article No. 257 regarding the will. Female and male siblings can inherit directly from their paternal or maternal grandparents (previously inheritance in such cases was only through the paternal line).



- \* Amending Article No. 54 regarding the necessity of considering the purchasing power of a marriage dowry at the moment of its collection.
- \* Exempting the registration of marriage from financial fees.
- \* Article No. 109 regarding the woman's ability to file a separation lawsuit after a year of the man's absence.
- \* Allowing a special condition that restricts the husband's right to marry a second wife or to force the wife to live with her husband.
- \* Allowing a special condition that gives the wife the right to work.
- \* Allowing a special condition that requires the wife to be the one to decide on the divorce without referring to the husband.
- \* Preventing the guardian of a woman to accept her marriage except after her explicit approval.
- \* Transferring the custody to the father after the mother.
- \* Article No. 128 on adopting DNA tests to prove the newborn's lineage.

Moreover, during the last twenty years, several decrees were issued that include Personal Status Laws for Christians:

- \* Legislative Decree No. 7 of 2012 on applying the Law No. 4 of 2012 (regarding the wills and inheritance of the Orthodox Armenian community) to the Protestant Armenian community.
- \* Law No. 4 of 2012 on the wills and inheritance of the Orthodox Armenian community.
- \* Legislative Decree No. 7 of 2011 on inheritance and will of Orthodox communities.
- \* Legislative Decree No. 76 of 2010 amending the Personal Status Law promulgated by Legislative Decree No. 59 of 1953.<sup>8</sup>
- \* Law No. 10 of 2004 on Syriac Orthodox Personal Status Law.
- \* Law No. 31 of 2006 on Personal Status and Procedures Law of Catholic Communities.

---

<sup>8</sup> Article 1: Article No. 308 of the Personal Status Law in the Syrian Arab Republic issued by Legislative Decree No. 59 on 7 September 1953 is amended to include inheritance and wills.

Article 2: All contradicting provisions in Roman Catholic Law No. 31 of 2006, Greek Orthodox Law No. 23 of 2004, and Syriac Orthodox Law No. 10 of 2004 shall be repealed.

## Discriminatory provisions with respect to marriage

The Personal Status Law contains discriminatory provisions against women with respect to marital rights and obligations.

The law permits polygamy<sup>9</sup> as a man's right, based on the conditional permission in Islamic law for men to marry four wives. Article No. 67 states that a husband does not have the right to force his wife to live with her co-wife in the same house without her consent. Moreover, Article No. 68 states that in the event of multiple wives, the husband must treat them equally regarding housing. The law does not impose additional conditions for polygamy, and the Sharia judge merely asks the woman about to get married if she knows that she will be a second, third, or fourth wife, and she usually says yes.

Moreover, an adult woman does not have the full capacity to marry by herself. Rather, marriage remains dependent on the guardian's approval or lack of objection. The law leaves the assessment of the objection to the authority of the judge. Article No. 20 states that if an unmarried woman who completes eighteen years of age wants to marry, the judge shall ask her guardian to state his opinion within a period not exceeding fifteen days. If the latter does not object or his objection is not worthy of consideration, the judge shall permit her marriage on the condition of competence and a matching dowry.

According to Article No. 16, the legal eligible age of marriage for boys and girls is eighteen. Moreover, Article No. 18 stipulates that if a male or female teenager claims to have reached puberty after completing fifteen years old and requests to marry, the judge shall permit it upon lawful maturity and physical capacity. In this case, if the guardian is the father, then his approval is required. Furthermore, if the judge finds no interest in this marriage or that the couple is not compatible in age, then he has the right not to authorize the marriage.

## Discriminatory provisions with respect to divorce and dissolving a marriage

The Syrian Personal Status Law distinguishes between women and men as the latter has the right to unconditional divorce without resorting to any legal procedures. According to Article No. 87, divorce occurs verbally and in writing (or by signs if the man cannot write or speak). Moreover, the husband may appoint someone else to carry out the divorce procedures. If the divorce happens one or two times, then it is revocable. In other words, in this case the husband has the right to return to his wife during the waiting period, regardless of her decision and without a new contract. Furthermore, Article No. 117 of the amended Personal Status Law No. 4 of 2019 obliges the husband who arbitrarily divorces his wife to pay compensation. Determining the amount of this compensation is left to the judge's discretion, provided that it does not exceed 3 years' spousal maintenance.

---

<sup>9</sup> According to statistics published by local newspapers in 2018, 40% of the total marriages in Damascus involve men who marry a second wife.

On the other hand, according to Articles No. 88, 110, 113, a Muslim woman does not have the right to divorce, however, for specific reasons, she has the right to request the court for a separation. She must then pass the phase of mandatory conciliation and arbitration.

- \* Article No. 105: If the husband has one of the illnesses that prevent consummation, provided that she does not have it, or if the husband becomes insane after marriage.
- \* Article No. 109: If the husband is absent without an acceptable excuse, or if he is sentenced to imprisonment for more than 3 years, then his wife may request separation after one 1 of absence or imprisonment.
- \* Article No. 110: If the present husband who has money refrains from spending on his wife.
- \* Article No. 112: Separation due to discord.

A divorced woman is also obligated to complete the “waiting period”, which may last up to a year before she has the right to marry again. Article No. 121 states that **the waiting period is a full year for a woman who has stopped menstruating but has not reached menopause**. Moreover, according to Article No. 87, even if the husband authorizes his wife to divorce herself, this divorce is considered revocable. The man has the right to take his wife back during the waiting period without her permission.

The Personal Status Law excludes the Druze community<sup>10</sup> from these provisions and states special conditions that treat men and women equally as divorce is not considered a right for either spouse, but rather for the judge. Article No. 307 states that if the wife is convicted of adultery, her husband has the right to divorce and recover the dowry he paid. Also, if the husband is convicted of adultery, his wife has the right to request separation and take her entire deferred dowry. Moreover, divorce does not take place except by the judge’s ruling.

Furthermore, Personal Status laws for Christians are consistent with Article No. 16(C) of the Convention on the Elimination of All Forms of Discrimination against Women regarding having the same rights and responsibilities during marriage and at its dissolution.

- \* Personal Status Law of Greek Orthodox, Articles No. 13, 62, 68.
- \* Laws of the Eastern Churches, Articles No. 817, 825, 1360.
- \* Personal Status Law of Syriac Orthodox, Articles No. 18, 54.
- \* Personal Status Law of the Armenian Orthodox, Article No. 14.
- \* Personal Status Law of Evangelicals, Articles No. 22, 35, 40.
- \* Personal Status Law of Druze, issued in 1948, Articles No. 23, 42.

---

<sup>10</sup> The cases related to Personal Status for the Druze in Syria are heard by the sectarian court in Suwayda Governorate or the sectarian court in Sahnaya in the Damascus countryside. Each court is composed of one individual judge (from the sect), appointed by the President of the Republic based on the proposal of the Minister of Justice and the approval of the Supreme Judicial Council (but he is not affiliated with this Council). Judgments are issued at the last instance, and appeals are accepted before the Court of Cassation.

In theory, women in areas controlled by the Autonomous Administration of North and East Syria (AANES) are not subject to discrimination in divorce, as Legislative Decree No. 22 of 2014, amended on 17 February 2016 (Women's Law), stipulates that both parties have the right to request separation, and divorce is not permissible by unilateral will. Also, both parties must abstain from marriage for a period of six months out of respect for their marital life (the same applies in the event of death).

## Discriminatory provisions with respect to inheritance

Syrian legislation includes discriminatory provisions with respect to inheritance. Article No. 297 of the Personal Status Law stipulates that inheritance quotas are distributed among family members where the share for men is double that for women. This rule regulates the distribution of estates. It governs the procedure of transferring the ownership of a real estate regardless of its type. Therefore, "Amiri" real estate<sup>11</sup> that is transferred to heirs according to the Transfer of Immovable Property Law of 1928 (where the share for men is equal to that for women) does not violate the aforementioned rule because the law of 1928 applies to the right of usufruct or disposition of State-owned land and does not apply to its ownership.

On the other hand, in 2004, Law No. 61 was issued amending several decrees related to the State's distribution of lands. This law addresses beneficiaries of state-owned properties giving them the right to own the lands of agricultural reform or private state property. As a result, these lands can also be transferred to the heirs in accordance with the rules of inheritance mentioned in the Personal Status Law instead of Law No. 61 of 2004, which deprives women of their equal share in obtaining Amiri properties mentioned in the 1928 law.

Discrimination in inheritance does not affect all Syrian women. Previously, Article No. 308 of the Personal Status Law regarding Christian and Jewish sects stated that religious provisions of each sect are applied regarding engagement, conditions of marriage, spousal maintenance, child support, invalidation and dissolution of marriage, and custody. Later, Legislative Decree No. 76 of 2010 added two words to the end of the text, namely (inheritance and wills), which enabled the Christians in Syria to adopt provisions that guarantee equality between males and females in inheritance:

- \* Law No. 31 of 2006 on the personal status laws of the Catholic communities; the Melkite Catholic, the Maronite Catholic, the Armenian Catholic, the Syriac Catholic, the Latin Catholic, and the Chaldean Catholic. Article No. 180(1)(f) stipulates that male and female children and grandchildren are equal in their shares.
- \* Law No. 7 of 2011 regulating the provisions of inheritance and wills for the Greek Orthodox and Syriac Orthodox communities. Article No. 11(2) stipulates that the children and descendants of the deceased inherit their fathers and ascendants equally, without distinction between males and females.

---

<sup>11</sup> Article No. 86 of the Syrian Civil Law states that Amiri real estate (princely real estate) is the real estate that belongs to the State and can be subject to the right of disposition. The term "Amiri or miri" comes from the fact that all lands were owned by the Ottoman State. After 1856, these lands were distributed to the residents, but their ownership was not transferred to them.

- \* Law No. 4 of 2012 regulating inheritance and wills for the Armenian Orthodox community. Article No. 28(1) stipulates that the children and descendants of the deceased inherit their fathers and ascendants equally, without distinction between males and females.
- \* Law No. 2 of 2017 regulating inheritance and wills for the Evangelical Protestant community. Article No. 17 stipulates that the children and descendants of the deceased inherit their fathers and descendants without distinction between males and females.

Furthermore, in the areas controlled by the AANES, Legislative Decree No. 22 stipulates equality between men and women in all matters concerning inheritance, and that this must be regulated in a special law.

## Discriminatory provisions with respect to the quorum of witnesses

There is discrimination against Syrian women in the quorum of witnesses adopted by the Syrian legislator and stipulated in Islamic law “Sharia”. This is limited to Sharia cases in accordance with Legislative Decree No. 88 issued on 21 November 1949 which stipulates that Law No. 359 of 10 June 1947 on Evidence Act is considered effective in the Sharia courts from the date of its issuance, with the following exceptions:

- \* It is permissible to consider testimonial evidence in all Sharia cases, except in financial claims that contradicts written evidence.
- \* A legal quorum is required to issue a ruling based on testimonial evidence. The judge does not have the right to rule based on an individual testimony except in the circumstances prescribed by Sharia law.

The legal quorum is the number and gender of witnesses that the legislator requires as a minimum in each kind of cases. In Sharia courts, the testimonies of two adult men or one man and two women are required, as Article No. 12 of the Personal Status Law stipulates that for the validity of a marriage contract, the presence of two male witnesses or one male and two females is required. The witness must be sane, adult, Muslim, and has the ability to hear and understand the offer and acceptance.

## Discriminatory provisions with respect to using surname

Syrian women always keep their maiden surname name. However, they cannot give it to their children who use the father's family name.

- \* Article 40 of the Syrian Civil Law "Every person shall have a name and a surname, and the surname of the person shall apply to his children."
- \* Law No. 13 of 2021 including the Civil Status Law, Article 13
- \* Citizens' records are registered in the civil registry according to a family classification, while maintaining each family's connection to its primary family.
- \* Article 1: A surname is the family surname or the names of ancestors that replace it.
- \* Executive Instructions for Article 1: Surname:
  1. Men and women registered at a residence and whose registration in the civil registry is limited to mentioning their name and the name of their father only, the name of their father mentioned in the body of their registration is considered their surname.
  2. Persons whose father's surname is registered, but whose surname is not recorded in the registration, are subject to their father's surname

## Discriminatory provisions with respect to nationality

Legislative Decree No. 276 of 1969 regulating nationality provisions in Syria is a discriminatory law against women.

It deprives a woman married to a foreigner from conferring her nationality to her children. In its third article, paragraph A, the right to grant Syrian nationality is limited by birth to anyone born in or outside the country to a Syrian Arab father, without granting this right to Syrian women except in a few cases stipulated in paragraph B in the aforementioned article. "Anyone born in the country to a Syrian Arab mother whose lineage to his father has not been proven is considered Syrian, that is, in the event that the birth was in Syria to a Syrian mother and the child's lineage to a legitimate father has not been proven." As for the mother who gave birth to her children outside Syria, in a country that does not grant citizenship by birth in its territory, it will lead to the child's statelessness. In this case, Syrian law refuses to prove Syrian nationality, even if the father is anonymous or stateless.

Discrimination also appears in the rules mentioned in Articles No. 4, 8 on acquiring Syrian nationality by naturalization and in Articles No. 6, 8, 11, 12, 19 on acquiring it by marriage.

## Discriminatory provisions with respect to the right to freedom of movement

Syrian law requires the approval of a Sharia judge for a custodial mother to enjoy her right to freedom of movement within the territory of the Republic. Article No. 150(3) of the Personal Status Law stipulates that the judge may permit the custodial mother to travel with the child in custody within the Syrian Arab Republic to the town in which she resides or works for any public institution... provided that the interest of the child in custody is achieved.

Moreover, Permanent Order No. 876, issued by the Minister of Interior on 8 August 1979, grants the husband the right to submit a written request to the Immigration and Passports Department at the Ministry of Interior to prevent his wife from travelling.

## Discriminatory provisions with respect to the right to custody

According to Articles No. 170 to 175 of the Syrian Personal Status Law, the father and the fourth-degree descendants and ascendants of the father's family are those who have the right to custody.

The law prohibits the adoption of children. Instead, it authorises a special system of care for foundling children in accordance with the Foundling Care Law No. 107 of 1970. The affairs and welfare of children of unknown parentage are regulated by the Ministry of Social Affairs and Labor, which has the right to place children in the care of foster families. However, these families are not allowed to give their surnames to foundlings.

As for the Christian sects, custody is either joint or goes to the father and then to the mother. It was mentioned in the Personal Status Law for Catholic Sects, Chapter No. 6, Articles No. 119 to 138. Article No. 123 stipulates that custody belongs to both parents until the children reach the age of majority. Furthermore, while Article No. 128 specifies the cases in which the father loses his right to custody, Article No. 129 specifies the cases in which the court can deprive him of his authority over his children. However, this law is suspended by Article No. 308 of the Personal Status Law. Nevertheless, Legislative Decree No. 7 of 2011 on the law of inheritance and wills for the Greek Orthodox and Syriac Orthodox communities devoted a special chapter to custody. Furthermore, adoption is not valid except by a court decision ratified by a bishop, and the courts only allow it for valid reasons, for a clear interest of the child, and after ensuring the good character of the adopter and that the required conditions set forth in the personal status laws of each sect are met. However, these rules are not implemented in Syria because they conflict with the general order of the State and the effective legislation based on Islamic Sharia.



## Political Rights

Syrian Constitution of 2012 states:

- \* Article No. 34: Every citizen shall have the right to participate in the political, economic, social, and cultural life and the law shall regulate this.
- \* Article No. 49: Election and referendum are the right and duty of the citizens, and the law shall regulate their exercise.
- \* Article No. 59: Voters shall be the citizens who have completed eighteen years of age and met the conditions stipulated in the Election Law.

Article No. 1 of General Elections Law No. 5 issued on 24 March 2014 stipulates that a candidate is every citizen who wishes to nominate himself/herself for the position of President of the Republic, member of the People's Assembly, or member of local administrative councils. Moreover, Article No. 4 states that every citizen who has completed eighteen years of age has the right to vote, unless he/she is deprived of this right in accordance with the provisions of this law. Despite the apparent equality guaranteed by the General Elections Law, Syrian legislation contains structural discrimination that deprives women of political participation at several levels. Article No. 84 of the Constitution of 2012, which specifies the constitutional requirements for presidential candidates, indicates that the candidate should be a man. It stipulates that the candidate must not be married to a non-Syrian wife.<sup>12</sup> This contradicts the constitutional articles that stipulate equality between citizens and non-discrimination based on gender.

Executive Authority: during successive governments (since 1976), women have not been ministers of any sovereign ministry. Moreover, the percentage of women working in ministries ranged between 9% and 11%, with 2 or 3 female ministers in each government (in the Ministry of Social Affairs and Labor, the Ministry of Culture, and the Ministry of Administrative Development). Currently, there are 3 female ministers out of 31, with a representation rate of about 9%. Furthermore, women participate at a rate of 11% in the diplomatic corps.

Legislative Authority: according to the provisions of Decree No. 208 of 2020, containing the names of the members elected to the People's Assembly of Syria, only 11% of the seats were held by women, i.e., 28 seats out of 250. This is one of the lowest representation rates at the international and regional levels. For example, in 2020, the percentage in the Saudi parliament<sup>13</sup> was 19.9% and Afghanistan 27%.

Discrimination is evident in the membership of the People's Assembly due to the nature of the electoral process, controlled by the Arab Socialist Baath Party and the National Progressive Front. The Baath Party nominates their candidates from the lists of the National Progressive Front, which reduces the chance of independent candidates winning seats in the

---

12 In the last presidential elections, a woman applied to run for the presidency of the Syrian Arab Republic, but her application was rejected by the Supreme Constitutional Court.

13 On 12 December 2014, a royal order was issued stipulating that women should have full membership rights in the parliament, and that they must occupy a minimum of 20% of the seats. The current parliament includes 30 women out of 150.

Assembly. The rate of women holding parliamentary seats reflects the low level of female representation in the political parties forming the Front. Out of the 14 members of the central leadership of the Arab Socialist Baath Party, there is one woman i.e., about 7%. Moreover, the division of the seats between two categories 50/50 also weakens women’s representation in the People’s Assembly. Female candidates for Group A (that includes “workers and farmers”) have little or no presence in the People’s Assembly, given the social customs prevailing in rural and agricultural areas. Therefore, women run only for half of the seats allocated to the remaining segments of society for Group B.

The electoral system for local administration councils is similar to the one applied in the People’s Assembly. The National Progressive Front has lists of representatives from different categories of the population. The percentage of the representation of farmers, craftsmen, and low earners goes beyond 60% of the total members. The parties forming the National Progressive Front and independent parties are represented in a manner similar to the elections of the People’s Assembly.

The Political Parties Law No. 100 of 2011 makes no reference or requirement to leadership parity or women’s empowerment. It also does not encourage women to be more involved in public life or to educate and train women to enhance their participation in general elections.

<b>Women in the Syrian People’s Assembly</b>			
<b>Year</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
1973	182	4	186
1977	189	6	195
1981	182	13	195
1986	179	16	195
1990	229	21	250
1994	226	24	250
1998	224	26	250
2003	220	30	250
2007	220	30	250
2012	220	30	250
2016	218	32	250
2020	223	27	250

### Abortion

The Syrian Court of Cassation<sup>14</sup> defines abortion as an intentional act to achieve a specific result, which is aborting the fetus before the due date.

Abortion is an intentional crime that requires a general criminal intent (the desire to achieve a crime punishable by law). It also requires special intent to achieve a specific result (aborting the fetus before the due date) and includes a voluntary act aimed at achieving a criminal result (harming the fetus without justification).

The General Penal Code is strict regarding abortion. It does not differentiate between initiating an abortion and completing it, nor does it distinguish between abortion at the beginning or end of pregnancy. Rather, it punishes the acquisition, promotion, facilitation, sale, or display of tools used for abortion. Moreover, the legislator is strict against who sells or offers to sell any substance conducive to the prevention of pregnancy, who acquires the substance with a view to selling it, or who facilitates its use in any way (Article No. 524).

- \* Propagating, promoting, selling, and facilitating the use of means of abortion is punishable with a term of imprisonment from 2 months to 2 years and with a fine (Articles No. 525, 526).
- \* Any woman who aborts herself shall be punished with a term of imprisonment from 6 months and 3 years (Article No. 527).
- \* Anyone who performs or seeks to perform an abortion on a woman by any means, with her consent, shall be punished with a term of imprisonment from 1 to 3 years. The term of imprisonment shall be up to 10 years if the abortion or the means used lead to the woman's death (Article No. 528).
- \* Anyone who intentionally causes an abortion without a woman's consent shall be punished by imprisonment with hard labour for at least 5 years. The term of imprisonment shall not be less than 10 years if the abortion or the means used lead to the woman's death (Article No. 529).
- \* Articles No. 528, 529 shall be applicable if the woman subjected to means of abortion was not pregnant (Article No. 530).
- \* A woman who aborts herself to preserve her honor benefits from a mitigating excuse. The same excuse also benefits whoever commits one of the crimes stipulated in Articles No. 528, 529 to preserve the honor of one of his descendants or relatives up to the second degree (Article No. 531)
- \* If the perpetrator of one of the offences defined in this chapter is a physician, a surgeon, a midwife, a pharmacist, or one of their employees acting as a principal, an abettor, or an accomplice, the penalty shall be increased in accordance with Article No. 247 (Article No. 532).

14 Syrian Court of Cassation, Resolution 1465/1980 - Basis 1067.

Legislative Decree No. 12 of 1970 regarding the Law of Practicing Healthcare Professions in the Syrian Arab Republic:

- \* Article 47(b): It is prohibited for a doctor or a midwife to perform an abortion by any means unless the continuation of pregnancy poses a threat to the pregnant woman's life. In this case:
  - \* The abortion must be performed by a specialist doctor and with the approval of another doctor.
  - \* Before performing the operation, a report must be prepared stating the confirmed need for abortion.
  - \* Four or more copies of the report must be prepared and signed by the doctors, the patient, her husband, or her guardian. The family and each of the doctors shall keep a copy.
- \* Article 51: Anyone who commits the violation set forth in Article 47(b) shall have his/her license withdrawn and shall be prohibited from practicing the profession in any capacity for a period of not less than 1 year, by a decision of the Minister of Health to be implemented immediately by the Public Prosecution, without prejudice to the provisions of the Penal Code.

If the violation is repeated, then in addition to this measure the violator's medical certificate may be withdrawn and all rights granted to him/her may be revoked by an ordinary decree issued upon the proposal of the Minister of Health.

## Sexual freedom

Syrian law does not explicitly criminalize sex between men and women of legal age if they are both unmarried. On the other hand, extra-marital sex is a crime because whoever engages in a sexual activity with someone other than his/her spouse is considered an aggressor that threatens the institution of marriage protected by the legislator.

However, the legislator does not provide a guarantee to protect a woman from the prosecution who can, based on a guardian's complaint, file a case against her for the crime of adultery. Article No. 475 of the Penal Code stipulates that **the act of adultery may not be prosecuted except by a complaint from the husband in the capacity of personal plaintiff. However, if the woman is not married, the prosecution depends on the complaint of the guardian in his capacity as a personal plaintiff.** Also, in the absence of any legislation or regulation of cohabitation, there is no protection for adult women and men from someone filing a complaint (with evidence and proof of an official claim submitted to the relevant judicial police authority) against them for the crime of facilitating prostitution or violating public morals and ethics.

A sexual relationship that involves a married person is criminalized by the law that takes a more stringent position than Islamic law (which requires four eyewitnesses, and it is not permissible to infer, think, or deduce). The Syrian legislator does not require special evidence to prove the crime of adultery, but rather leaves the matter to the general rules of evidence.

The law clearly discriminates against women in the rules of evidence. Adultery can be proven against a woman through household papers, telephone calls, oath, and any method that may prove this act. On the other hand, adultery is proven against a man only by judicial declaration, a witnessed misdemeanor, and official documents. Article No. 473 of the General Penal Code states that:

- \* An adulterous woman is punished with imprisonment from 3 months to 2 years.
- \* The same penalty shall be imposed on the partner of the adulteress if he is married, otherwise imprisonment from 1 month to 1 year.
- \* Other than the judicial declaration and witnessed misdemeanor, no evidence shall be accepted against the partner except letters and documents that he wrote.

This is also confirmed by jurisprudence which stipulates that proving adultery against a woman is possible in all methods of proof (Syrian Court of Cassation, Misdemeanor 2201 Resolution 2308 dated 24 August 1976). Also, according to jurisprudence, the woman is the primary perpetrator, and the man is an accomplice in the act of adultery (Syrian Court of Cassation, Juvenile 1209 Resolution 69 dated 27 January 1980). In the crime of adultery, it is not required that the accused be seen during the commission of the act. Rather, it is sufficient to prove that the wife and her partner were seen in circumstances that indicate in a way that leaves no room for doubt that the crime of adultery has been committed. There is an exception to this rule stated in Article No. 474 of the Penal Code which stipulates that the husband shall be punished with imprisonment from 1 month to 1 year if he commits adultery in the marital home or takes a concubine openly in any place (the same punishment shall be imposed on the participating woman). Accordingly, to impose punishment on the adulterous husband, the law requires that the act be committed exclusively in the marital home while to punish the adulterous wife the act can be committed anywhere. Marital home, according to the jurisprudence (Syrian Court of Cassation 1449 Resolution 2019 dated 8 October 1980) is not only the wife's residence, but includes every place where the husband resides, even if the wife does not live there.

## The criminalization of homosexuality

The Penal Code criminalizes homosexuality under Article No. 520 which stipulates that any unnatural sexual intercourse is punishable by imprisonment for up to 3 years. This includes homosexual intercourse between two males or two females, according to the jurisprudence of the Misdemeanour Chamber of the Court of Cassation.<sup>15</sup> Despite the inactivation of this article (not being implemented for a long time), its presence is enough to reinforce unfair attitudes, blackmail, and violence against members of the LGBT+ community in general. Jurisprudence has also established that homosexual relations are considered indecent.<sup>16</sup> It stated that an indecent act is not limited to acts of sodomy and penetration, but rather includes every act that harms someone's chastity and brings shame to him/her, such as touching the private parts with the genital organ and similar acts that are considered in the eyes of society to be indecent. In such a case, there is no requirement for a medical report proving the occurrence of the act.

---

15 Syrian Court of Cassation 1450, Resolution 421 dated 10 March 1963.

16 Syrian Court of Cassation 121, Resolution 119 dated 19 February 1983.

Moreover, Article No. 507 of the Penal Code criminalizes men wearing women's clothing with the intention of entering places designated for women only. However, there is no legal text that prevents women from wearing men's clothing.

As for the charge of violating public morals, it applies to all non-stereotypical sexual identities. Article No. 517 stipulates a penalty of imprisonment from 3 months to 3 years, without specifying the nature of public morals or the actions that are considered a violation. Rather, it leaves the matter to the judge's discretion to consider a behavior a crime.

Jurisprudence<sup>17</sup> also did not provide a specific meaning for the violation of public morals. Rather, it defined it as every action that involves insult, ridicule, or indifference to rules of behavior that people have become accustomed to, to the point that violating them hurts their feelings.

## Transgenders, transsexuals, and sex reassignment

Sex Reassignment is not specifically mentioned in Syrian law as the legislator left the judiciary to approve performing sex reassignment surgeries (SRS) only in the case of intersex (based on the opinion of a medical expert who confirms the biological need for SRS). However, the claim of psychological inclination, desire, and sense of identity is not taken into consideration. Moreover, there is no special law that determines the legal status of a transsexual after the SRS or resolves inheritance problems resulting from changing his/her sex, which also means resorting to the judiciary to decide on the issue.

To correct the first name on the identity card and government documents, a lawsuit must be filed before the civil status judge against the civil status registrar (Articles No. 44, 45, 46 of Legislative Decree No. 13 of 2021 regarding civil status). The lawsuit requests the correction of the error in the "person's sex" that occurred when registering the birth. Based on the court's decision, this correction will be recorded in the civil status registry, and the plaintiff will grant the corrected documents.

The Syrian legislator's failure to mention sex reassignment and leaving it to the discretion of the judge exposes the transsexual to severe legal complications. For example, if a male who did not perform the compulsory military service, did the SRS. Then corrected her sex in government documents. The transsexual will not have to perform the military service imposed on males. However, she remains subject to criminal accountability pursuant to Article No. 146 of the Military Penal Code which stipulates that intentional mutilation to evade military service shall be punished with imprisonment from 1 to 3 years.

Moreover, the Syrian law does not provide any protection from discrimination or violence based on sexual or gender orientation, nor does it provide any standard procedure that allows transgender men and women to change their gender legally or modify their identification papers. The law also does not recognize any gender category other than male and female, which puts transgender people and those with non-stereotypical gender identity in constant trouble every time they are forced to show their identification papers, which exposes them to various forms of bullying and verbal and physical violence.

---

17 Syrian Court of Cassation 1814, Resolution 100 dated 27 February 1965. Al-Kilani Collection on Penalties.

## Legal Provisions on Gender-based violence/Violence Against Women

The Syrian Law does not contain special paragraphs referring to violence against women and gender-based violence (GBV). The legal vacuum, non-criminalisation, and absolute immunity from prosecution for crimes committed against civilians enjoyed by military and security authorities bring about a rise in GBV along two parallel lines:

**First:** the violence carried out by authorities within the framework of practices and policies applied by the parties to the conflict and the de facto authorities, each in its area of control, with the aim of intimidating, humiliating, and exerting pressure on the other side, or to intimidating and resorting to the practice of forced displacement. Acts of GBV include harassment at checkpoints, sexual violence during house searches for wanted persons, arrests of women and kidnapping girls to get their husbands or family members to surrender.

The Syrian government commits GBV more than the parties to the conflict combined. In the last ten years government forces and agencies have killed, arrested, and raped women and girls in detention centers. The "[I Lost My Dignity](#)" report issued in 2018 by the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) indicates that government forces and affiliated militias committed rape and sexual abuse against women, girls, and sometimes men during ground operations and raiding homes to arrest protesters. Moreover, at checkpoints and detention centers, women and girls were subjected to humiliating searches, rape, and sometimes gang rape. The rape of women and girls has been documented in 20 branches of Syrian intelligence. In addition, the COI report of 14 August 2020 indicates that several detained women in unofficial detention centers (including Branch 227 of the Intelligence Division) were subjected to sexual assault by the centers' staff.

**Second:** the ongoing societal violence, perpetuated by the legal vacuum, extends deep into the Syrian social culture that normalizes violence against women and GBV. It uses violence to force women to submit and to prove the unequal power that governs Syrian women and girls throughout their lives, starting from school. The Committee on the Rights of the Child (CRC) has criticized the Syrian government for adopting an educational system that is incompatible with Article No. 26 of the Convention on the Rights of the Child. [The school curriculum lacks a culture of respect for human rights and concepts of tolerance and gender equality, as well as the respect for religious and ethnic minorities, said the Committee.](#)<sup>18</sup>

---

18 Committee on the Rights of the Child, Concluding Observations: Syrian Arab Republic. 10 July 2003, Paragraph 45(b).



## Child marriage

Despite the amendment of Article No. 16 of Law No. 4 of 2019 which established that the minimum age of marriage is 18 for boys and girls, child marriage continues by circumventing the age of marriage. However, under Article No. 18, a judge may authorize the marriage of a child aged 15 years or over who has reached puberty and requests to be married. Consequently, the door opens wide to early marriage that is still carried out by patriarchal collusion between family members and judicial authority.

Moreover, Article 40(2) is used to register marriages contracted outside the court by claiming that the minor girl is pregnant. The law imposes a fine of 25,000 to 50,000 Syrian pounds on anyone who contracts a minor's marriage outside the court if the marriage is concluded with the approval of the guardian.

## Domestic violence

The Syrian law addresses domestic and partner violence within the framework of crimes related to abuse and quarrels stipulated in Articles No. 540 to 543 of the General Penal Code which punish violence and abuse according to the extent of injury and the duration of unemployment, given that each injury requires a period of recovery and treatment.

The Personal Status Law permits marital violence if it does not turn into abuse. Article No. 305 asserts that matters not covered in the text of Law No. 59 are to be governed in accordance with Hanafi Islamic doctrine. Article No. 209 of the Legal Provisions in the Personal Status, the Hanafi School of Qadri Pasha, stipulates that it is permissible for the husband to discipline his wife lightly for every disobedience that has no specific punishment, and it is not permissible for him at all to severely beat her, even justly.

## Rape

Rape crimes are mentioned in Articles No. 489, 508 of the Syrian Penal Code that tightens the penalties of these crimes. The law stipulates that the victim should be a female and the perpetrator must not be her husband because Syrian law does not criminalize marital rape.

Rather, Article No. 489 implicitly permits marital rape as it stipulates that any person who has sexual intercourse with someone other than his spouse, without her consent, whether by violence or threat shall be punished with hard labour for at least 15 years.

Article No. 508 of the Penal Code offers the possibility of mitigating the punishment of the rapist if a valid marriage is concluded between the perpetrator and the victim. In this case, the perpetrator may benefit from the mitigating excuse according to Article No. 241 provided that the punishment is imprisonment for no less than 2 years. Moreover, the trial of the perpetrator is prosecuted again if the marriage ends either with the divorce of the woman without a legitimate cause, or because a divorce is ordered in the interest of the victim before 5 years from the date of felony or 3 years from the date of the misdemeanor. Knowing that the period that the rapist had served will be counted as part of the punishment.

## Killing

In 2020, Article No. 548 of the Penal Code that mitigates the killings committed in the name of honour was repealed. However, the legislator did not repeal Article No. 192 that gives the judge discretionary power to reduce the sentence if he/she finds that the perpetrator is deemed to have committed the murder due to “honourable motive”. The Court of Cassation provided several definitions of this legal term, such as an unbridled emotional impulse that drives the murderer to commit his crime under the influence of a sacred idea that is far from selfishness, hatred, or revenge, notwithstanding a personal interest or a private whim or purpose.

No legal provisions address GBV in Syria. Beside the aforementioned articles that criminalize violence in general, the General Penal Code contains various articles on the concepts of family honor and guardianship over women, as well as articles related to minors. However, there is no clear legislative structure to address violence against women.

- \* Article No. 504 states that anyone who seduces and deflowers a girl after promising to marry her shall be punished by a term of up to 5 years' imprisonment and/or a fine not exceeding 300 Syrian pounds, unless the act warrants a more severe penalty.
- \* Article No. 505 states that anyone who indecently touches or caresses a minor under fifteen years of age, whether male or female, a girl or woman over fifteen years of age, without their consent, shall be punished by a term of up to one and a half years' imprisonment.
- \* Article No. 505 states that anyone who offers an indecent act or directs indecent words to a minor who is not yet fifteen years old, or to a girl or woman who is more than fifteen years old, shall be punished by a term of up to 3 days' imprisonment and/or a fine not exceeding 75 Syrian pounds.

These articles include terms and expressions that are subject to interpretation and leave the authority to the judge in determining acts of violence and their severity. The jurisprudence of the Court of Cassation<sup>19</sup> has a distinction between lewd behaviour and licentious behaviour, especially for child victims, as any behavior of a sexual nature that occurs against the child constitutes either a lewd behaviour or a licentious behaviour.

According to the jurisprudence of the Court of Cassation:<sup>20</sup>

- \* Rape is an expression meaning forcible sexual intercourse with a woman.
- \* Indecent behaviour or lewd behaviour is any act committed against another person that is injurious to his or her honour and adversely affects his or her modesty.
- \* Licentious behaviour is an indecent act and includes any act that is dishonouring and which the perpetrator seeks to conceal.
- \* These offences are distinguishable in terms of the importance of the act, the nature of the area of the body toward which the act is directed, and the time and place of the act.

19 Syrian Court of Cassation, No. 217, decision No. 309, 7 May 1964.

20 Syrian Court of Cassation, No. 751, decision No. 748, 26 May 1980.

Moreover, Syrian legislation does not include specific laws related to gender-based cyber violence. Law No. 20 of 2022, which reorganizes the legal rules for cybercrime included in Legislative Decree No. 17 of 2012, is devoid of any penalties or criminalization of GBV, discrimination, or hate speech. Except for Article No. 26 that criminalizes the processing of digital content including images, conversations, or audio recordings deemed “lewd or licentious behaviour” with 6 months to 1 year prison sentence and a fine of 1 million to 2 million Syrian Pounds. Furthermore, anyone who threatens to publish or publishes on the online network indecent images, conversations, or audio recordings that belong to someone else, even if they were obtained with a consent, risk 1 to 2 years prison sentence and a fine of 2 million to 3 million Syrian pounds.

## Legal Provisions on GBV in areas controlled by the AANES

Legislative Decree No. 22 of 2014, amended on 17 February 2016, prohibits violence against women and punishes physical domestic violence.

Violence and discrimination against women are prohibited, and discrimination is a crime punishable by law. AANES should combat all forms of violence and discrimination by developing legal mechanisms and services that provide protection and treatment for victims of violence.

Among the forms of violence that require punishment:

- \* Domestic violence includes all types of violence, such as beating, wounding, abusing, mutilation, causing permanent disabilities, cutting and removing an organ, and amputating a limb. The perpetrator of these crimes shall be punished with the penalties stipulated in the Reform and Penal Code.
- \* Abortion: The same penalty shall be imposed on anyone who causes, through one of the methods mentioned in the previous paragraph, a pregnant woman to miscarry while he/she is aware of her pregnancy.
- \* Rape: The perpetrator shall be punished with the penalties stipulated in the Penal Code.

## Economic and Social Rights

In Syria, women's right to work is regulated by the following laws:

- \* Law No. 50 of 2004 on basic law on state employees does not include discriminatory provisions against women, as it treats state employees equally without discrimination on the grounds of gender. It grants working women their rights to maternity leave and to have a nursery for their babies.
- \* Law No. 17 issued in 2010 is the law that regulates labour affairs in the private sector. Article No. 119 of this law stipulates the principle of equal pay in case of equal work, which prevents discrimination in wages based on gender.
- \* Legislative Decree No. 4 of 1972 grants a working woman family compensation for her children if she is a widow or divorced and her husband does not receive family compensation for these children.
- \* Law No. 56 of 2004 regulating agricultural affairs contains articles related to the protection of women working in the agricultural sector, including Articles No. 20 to 23. However, it does not grant women working in the agricultural sector maternity leave, and it also excludes women working in family projects.
- \* Law 10 of 2014 regarding employment offices and domestic workers in Syria does not provide special protection for domestic workers.
- \* Law No. 28 of 2014 (amending social insurance law No. 92 of 1959 and its amendments) is still inadequate and does not provide any economic protection for women.

### Vulnerable and/or Marginalized Groups

- \* Women with Disabilities: Persons with Disabilities Law No. 34 of 2004 does not include special provisions related to women.
- \* Women sex workers: Articles No. 509 to 516 of the Syrian Penal Code, found in section II of the Syrian Penal Code, entitled "Incitement to debauchery", consider prostitution in return for monetary gain an illegal act. According to Article No. 513, it is an offence for a woman to engage in prostitution to earn a living, punishable by imprisonment for a period of 6 months to 2 years. Moreover, Article No. 509 stipulates that a woman who practices secret prostitution should be subject to a heavier sentence of imprisonment for a period of 6 months to 3 years. In all cases, the customer is regarded as a public witness against the woman and her practice of prostitution for material gain. There is no requirement for him to appear before courts and his testimony can be heard later.

Moreover, Article No. 1 of Anti-Prostitution Law No. 10 of 1961 states that it is an offence to incite, employ, entice, or lure a person with intent to commit debauchery or prostitution, punishable with imprisonment for a period of not less than 1 year and not more than 3 years and a fine of 1,000 to 3,000 Syrian pounds. Furthermore, inciting a person under 21 years of age to prostitution is punishable with imprisonment

for a period of not less than 1 year and not more than 5 years and a fine of 1,000 to 5,000 Syrian pounds. Article No. 2 of this law punishes anyone who lures a person with intent to commit prostitution by force, threat, or by means of deception.

There are no statistics or studies documenting prostitution in Syria, but according to the Joint United Nations Programme on HIV/AIDS (UNAIDS), there are 25,000 sex workers in the country who are threatened by criminalization, social rejection, and the absence of any form of protection.<sup>21</sup>

- \* There is no law that protects LGBT+ women and they are not legally recognised. Rather, they are criminalized.
- \* Syrian law does not protect internally displaced women or refugees in Syria with special legal provisions.

In addition to the legislative vacuum and the absence of protection policies, Syrian women and girls suffer from discrimination and exclusion based on gender. Also, they suffer from deprivation of human rights and basic freedoms in the political, economic, social, cultural, and civil fields, due to the failure to implement inadequate laws and the control of deep-rooted customs and traditions of Syrian society which became more acute after 2011.

## Recommendations

### To the current or future Syrian government

- \* Immediate and complete cessation of arbitrary detention, enforced disappearance, extrajudicial killing, and all forms of sexual violence. Start seeking accountability for perpetrators of human rights abuses, and repeal legislation that provides security and police services with impunity for the crimes they may perpetuate while on duty.
- \* Withdraw, fully and without conditions, Syria's reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), while taking use of the best practices in the region, especially those in place in the member states of the Organization of Islamic Cooperation.
- \* Conduct a comprehensive review to harmonise the existing domestic legislation with the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), affirm constitutionally that the provisions of the Convention should prevail over domestic laws, and amend the Constitutional Court Act to allow individuals and civil society organizations to challenge the constitutionality of laws that are inconsistent with the Constitution or international legal obligations.
- \* Implement training programs for government officials, judicial personnel, law enforcement and other State employees, teachers, and health workers on dealing

21 <https://web.archive.org/web/20190531112325/https://www.unaids.org/en/regionscountries/countries/syria>

with cases of sexual and domestic violence, identifying girls who are victims or at risk, and taking the required care and protection measures.

- \* Support women's political rights as a base for community development, through their presence in decision-making processes and by positive political participation. Respect the Convention on the Elimination of All Forms of Discrimination against Women, and Security Council Resolution No. 1325 which calls for the effective participation of women at decision-making levels and their involvement in all peacekeeping and peacebuilding measures, as well as for mainstream a gender perspective into the mechanisms for the prevention, management, and resolution of conflict.
- \* Adopt a unified civil family law for all Syrians. Emphasize on the participation of women and feminist institutions in preparing and developing the draft law. Create a comprehensive protection system for abused women that comply with international standards related to the procedures and mechanism. Consider the information available from feminist organizations in policy making and programming in all stages of developing, implementing, and monitoring the action plan.
- \* Enhance women's economic empowerment and access to productive resources. Address discriminatory rules and practices in this regard. Support the creation of networks to facilitate the exchange of information between girls and young women on property rights, the right to inheritance, the right to education, and the right to work, and utilize technology to create and sustain these networks.
- \* Improve data collection, conduct research, disseminate existing good practices, and ensure clear analysis and evaluation of the impacts of existing policies and programs to enhance them, ensure their effectiveness, and monitor their implementation.

## To the international community

- \* The High Contracting Parties to the Fourth Geneva Convention are called to assume their legal responsibilities in putting pressure on the parties to the Syrian conflict to immediately stop the acts of murder, arbitrary detention, enforced disappearance, and sexual violence against women and marginalized groups in Syria.
- \* Mobilize all forms of support to the efforts that aim at ensuring accountability for the crimes against Syrian women and girls, as to support the UN and independent inquiry commissions, judicial efforts, and committees on missing persons. The failure to disclose the fate of women's relatives would continue to pose a heavier load on them.
- \* Provide support to local organizations and networks that work on peace initiatives and post-conflict reconstruction. Ensure the allocation of adequate financial resources to the Women, Peace, and Security Agenda and its national action plan. Support organizations that work on awareness and education programs to highlight the role of women in development and to reinforce the importance of their enjoyment of rights on an equal basis with men without discrimination of any kind.

## To civil society organizations

- \* Address the cultural and social normalization of violence against girls and women by spreading awareness of the harm it causes to victims and society. Provide platforms and opportunities for discussion within local communities to emphasize the value of equality and respect for women. Ensure that men and boys are mainly involved in these efforts.
- \* Create educational methods that are appropriate to societal culture to provide scientific and comprehensive content on sexuality, sexual and reproductive health, and gender equality. Seek help from Syrian expertise and academics around the world to implement proposals and projects to include sexual education and sexual health in the educational system.
- \* Prepare projects to develop curricula at various educational levels, not limited to teaching content, but also to developing skills, capabilities, and awareness of citizenship rights, and including the concepts of human rights, as well as the values of equality, accepting difference, and tolerance as basic principles of the educational process.
- \* Emphasize taking a gender-sensitive approach to transitional justice. Develop coordination mechanisms for civil society institutions that constitute an important tool for change and success of practical implementation. Emphasize broad consultations to provide a comprehensive national framework that aims to work within one vision to ensure that women enjoy their rights fairly in the future.
- \* Coordinate to achieve a comprehensive strategy to eliminate or change attitudes and stereotypes that discriminate against women. Educate and raise awareness on gender equality that targets men and women at all levels. Accelerate efforts to launch media campaigns to enhance understanding of gender equality. Continue to eliminate discriminatory stereotypes on the role of women through the educational system.





