



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

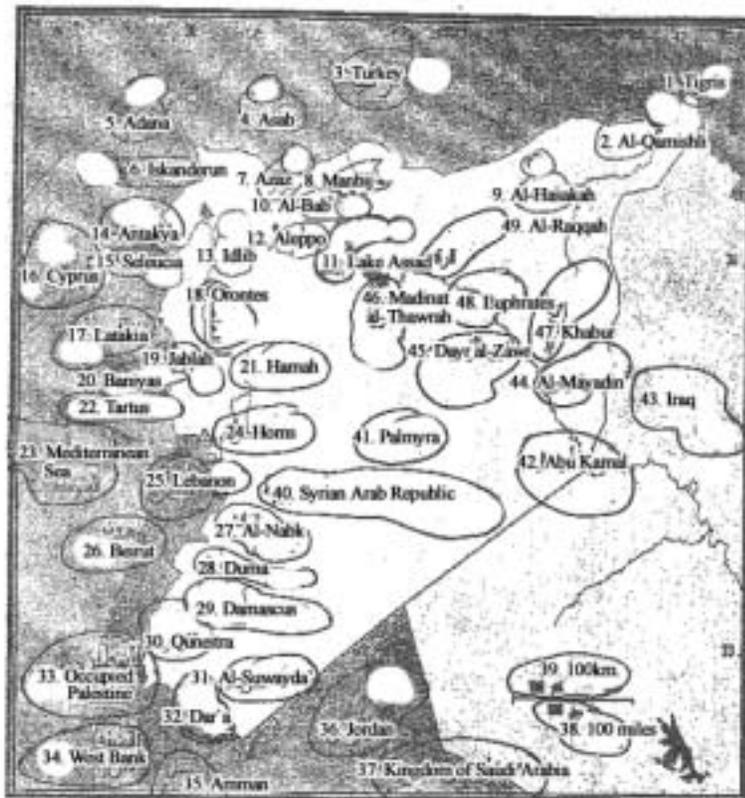
**Consideration of reports submitted by States Parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Initial report of States Parties**

**Syria\***

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\* The initial report of Syria was received by the Secretariat on 25 August 2005.



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## **Part One**

### **Section I**

#### **General data on the country and population**

This part of the report describes the country's geographical, demographic and economic status.

#### **Geographical, demographic and economic status**

##### **1. Geographical status:**

The Syrian Arab Republic is situated on the eastern coast of the Mediterranean Sea and is bordered on the north by Turkey (over a length of 845 km.), on the east by Iraq (596 km.), on the south by Palestine (74 km.) and Jordan (356 km.), and on the west by Lebanon (359 km.) and the Mediterranean Sea (183 km.).

The overall land area of the Syrian Arab Republic is 18,517,971 hectares, of which approximately 6 million hectares are arable land. The remaining land is either mountainous or desert. The Syrian desert is particularly suitable for grass-growing and is used as pastureland at times when rain falls in sufficient quantities. The area of the occupied Syrian Arab territories (the Golan) is 1,200 square kilometres.

In terms of its natural geography, Syria is divided into four regions:

*The coastal region:* Between the mountains and the sea;

*The mountainous region:* Comprising the mountains and hills extending from north to south of the country and lying parallel to the Mediterranean coast;

*The interior or plain region:* Comprising the plains of Damascus, Homs, Hamah, Aleppo, Al-Hasakah and Dar`a, situated to the east of the mountainous region;

*The desert region:* Comprising the desert plains in the south-east of the country on the Jordanian and Iraqi borders.

In administrative terms, Syria's territory is divided into 14 governorates, each of which is generally divided into districts that are further divided into subdistricts. Consisting of a number of villages, the subdistricts are the smallest administrative units.

These divisions are headed by a governor, a district administrator and a subdistrict administrator, respectively. Each village is represented by a village council headed by the mayor, who is in charge of the village and its farmlands. According to 2002 statistics, there are 61 districts in all, including 14 governorate seats, and 210 subdistricts.

Here, it is worth mentioning the following particular instances:

- The city of Damascus is an autonomous governorate known as the governorate of Damascus;
- Some villages are directly linked with the governorate seat and not with the subdistrict seat or district seat, in which case they are known as villages of the governorate seat;

- In a number of governorates, some subdistricts are directly linked with the governorate and have no link with the district seat, in which case they are known as subdistricts of the governorate seat.

The generally prevailing climate in Syria is Mediterranean, with typically rainy winters and dry summers, interspersed by short transitional spring and autumn periods.

## 2. Demographic status:

Syria is distinguished by its harmonious ethnic diversity. Arabs constitute the majority, in addition to which there are ethnic groups of Armenians, Kurds, Syrians, Assyrians, Circassians and Chaldeans. The Arabic language is the official language of the State. Most inhabitants are of the Islamic faith, which has various denominations, and some are of the Christian faith, which also has various denominations.

The tables below show the proportion of females and males.

### Population indicators

Number of population (inhabitants)*	17 555 555
Population density (inhabitants/sq. km.)	95

\* According to mid-2003 estimates.

### Females and males by age group (per cent)

	-15	15-54	55+
Females	39.2	53.6	7.2
Males	40	51.4	8.6

### Females of reproductive age (per cent)

Females	<i>15-49 age group</i>
	24.5

### Geographical distribution of inhabitants (per cent)

	<i>Urban areas</i>	<i>Rural areas</i>
Inhabitants	50.2	49.8

### Young people (per cent)

Among all inhabitants	-15	-45	65+
	39.6	85.2	3.6

### Persons with schooling according to 2002 statistics (per cent)

15+ age group	<i>Females</i>	<i>Males</i>
	78	92

In 2001, the findings of the family health survey indicated a high fertility rate. The fertility rates per 1,000 women varied by age and were at their highest among

the 25-29 age group (177 births). Lower fertility rates by age and higher educational attainment levels were noted among the women taking part in the study.

*Demographic growth:*

The tables below show rates of population growth and overall fertility, in addition to other demographic indicators.

Population growth rate

	1995-2000	2000-2005
Percentage Population growth rate	2.7	2.45

Fertility rates according to 2001 statistics

Percentage	Overall fertility rate	Urban areas	Rural areas
	3.8	3.4	4.4

Statistical indicators

Life expectancy at birth (years)	Males	68.7
	Females	73.2
Maternal death rates/100 000 live births	65.4	
Infant death rates/1 000 live births	18.1	
Percentage of households headed by women	9	
Number of Palestinian refugees*	Males	216 610
	Females	213 289

\* At 31 December 2002. Of these, 68 per cent live in the capital of Damascus.

**3. Economic status:**

Syria is one of the world's developing countries; the agricultural sector accounts for about 27 per cent of gross domestic product (GDP), the industrial sector for about 7 per cent and the oil sector for about 20 per cent. During the first half of the 1990s, the Syrian economy achieved remarkably high growth rates of up to about 7 per cent, attributable to a number of reasons, including:

- The high price of oil;
- Increased production and oil revenues;
- The discovery of new oil fields;
- External financial assistance at the time of the second Gulf war;
- The economic reforms put in place in the late 1980s, culminating in promulgation of the Investment Act No. 15 of 1991.

The slow progress of reform and the ensuing low investment rates, however, produced a slowdown in economic growth to 3 per cent annually in the second half of the 1990s.

*Status of the Syrian economy:*

In the relevant principles of the Constitution, the Syrian economy is identified as a planned socialist economy. Three types of ownership are also specified:

1. *Public ownership:* Includes natural resources and public utilities, as well as facilities and institutions which are nationalized or set up by the State or in respect of which the State is in charge of investment or administrative supervision, with the onus of protection placed on citizens;
2. *Collective ownership:* Includes property belonging to grass-roots and occupational organizations, productive units, cooperative societies and other social institutions, the care and support of such property being guaranteed by law;
3. *Individual ownership:* Includes individually owned property, the social function of which is defined by law as serving the national economy in the context of the development plan. Such property may not be used in ways that conflict with the interests of the people (arts. 13 and 14).

The country is currently moving towards a social market economy.

During the course of its development in the 1970s and early 1980s, the Syrian economy was reliant on external assistance. Since the early 1990s, it has been reliant on the export of crude oil. The tables below show the extent to which the oil sector contributes towards the Syrian economy.

Contribution of the oil sector to the Syrian economy

Oil sector	To GDP	20 per cent
	Income from the foreign sector	65 per cent
	General State budget income	50 per cent

Despite the conclusion of various regional and global trade agreements (bilateral and multilateral) over the past decade, the Syrian economy remains protectionist if measured by the percentage of external trade and investment. Crude oil accounts for the bulk of Syrian exports (about 65 per cent). If we therefore exclude the oil sector, we are left with exports from agriculture and medium-technology industry, which account for only 8 per cent of GDP, while external investment flows account for about US\$150,100,000 annually, supplemented by approximately the same amount from the flow of investment within the oil sector.

The contribution of the industrial sector to GDP has fallen to within the region of only 7 per cent, compared with 19 per cent in Tunisia, 15 per cent in Egypt and 13 per cent in Jordan.

Ranking of the Syrian Arab Republic by industrial sector\*

<i>Ranking/88 countries</i>	<i>Index</i>
75	Competitive industrial performance
56	Per capita added value in industry
69	Per capita industrial exports
87	Overall added value share of high and medium technology products

\* Report of the United Nations Industrial Development Organization (UNIDO).

*The Syrian economy and growth:*

Syria has the advantage of a strong overall economic framework as a result of the oil boom that made way for significant economic growth. The tables below provide a breakdown of overall economic activity rates.

Economic activity rates (per cent)

Overall economic growth rates	Males	65.5
	Females	10
Overall rural economic growth rates	Males	83.7
	Females	33.4
Overall economic activity rate for inhabitants	10+ age group	38.25
Economically active women among total economically active males		25
Economically active women among total economically active males	Urban areas	25
	Rural areas	26

The Syrian economy is typified by the following:

- A trade balance surplus and an approved deficit in the general State budget;
- A relatively stable Syrian pound;
- Low external debt;
- A foreign reserve to the tune of some US\$ 1,715 billion;
- Substantial bank liquidity.

Over the past 15 years, the Syrian Government has embarked on a series of modest economic reforms, which were remarkably rapid during the initial period and then slowed down during the 1990s to regain pace slightly in the past four years. The reforms have focused on expanding the role of the private sector in the national economy, particularly in the fields of industry, trade, education and banking, and on making adjustments aimed at developing and enhancing the legislative and regulatory environment governing operation of the productive sector, including trade facilitation, tax reduction, the adoption of measures for a uniform bank rate and the promulgation of legislation typically providing for special facilities designed to encourage investment and export. The Government has recently shown fresh interest in the areas of education, information technology, administrative development, unemployment reduction and the improvement of government administration.

*Favourable opportunities for the Syrian economy:*

The most favourable opportunities for pursuing the growth and prosperity of the Syrian economy lie in the benefits offered by the Arab, European and global economic partnerships concluded or being concluded by the Syrian Arab Republic, which acceded to the Arab Free Trade Agreement in 1997, for instance, and initialled the Euro-Mediterranean Partnership agreement in October 2004.

Syria's membership of the Greater Arab Free Trade Area is regarded as a tremendous opportunity for the unrestricted export of its products to markets in 14 Arab countries by 2005. In the context of Arab bilateral agreements, the Syrian-Lebanese free trade zone will open up further trade between the two countries.

After lengthy delay, the partnership agreement with the European Union was initialled at the end of October 2004, affirming the wish of the Syrian Arab Republic to enter the open market economy and achieve economic reform. This

partnership constitutes a major challenge for the Syrian economy in view of the competition that it demands with advanced European markets through trade with 25 member States of the European Union. It nevertheless opens up immense opportunities for the Syrian Arab Republic to enter these markets and strengthen its economy through the establishment of a competitive national industry. It also constitutes a vital and appropriate mechanism for contributing to Syria's development and modernization programme, as well as a secure way of transferring technology to the country and enabling it to take root. From the political point of view, the agreement confirms to the world that Syria is not an isolationist State, despite the pressures exerted on it by certain countries.

*The workforce:*

Compared with neighbouring countries, labour in Syria is cheap. The tables below show the value of national income at market prices and the per capita share in that income, as well as the GDP value at market prices.

Economic indicators according to statistics for 2002

<i>Indicator</i>	<i>Syrian pounds</i>
National income at market prices	912 935
Per capita share of national income	53 295
GDP at market prices	964 574

The tables below show the workforce indicators in Syria and unemployment rates.

Workforce indicators according to statistics for 2003 from the  
Central Bureau of Statistics

<i>Total workforce</i>	<i>Males</i>	<i>Females</i>
5 459 000	4 289 000	1 170 000

Workforce indicators according to statistics for 2003 from the  
Central Bureau of Statistics

Ratio of males to females among the total workforce	<i>Rural areas</i>	<i>Urban areas</i>
	38:1	17:1

Unemployment rates according to the findings of workforce surveys in 2002

Total number of unemployed	<i>Males</i>	<i>Females</i>
637 805	355 789	282 016
Total number of unemployed	Previously employed	Never employed
637 805	201 396	436 409

## **Section II**

### **Introduction**

The Syrian Arab Republic ratified the Convention on the Elimination of All Forms of Discrimination against Women pursuant to Decree No. 330 of 25 September 2002, with reservations to article 2 in its entirety; article 9, paragraph 2, on granting children the nationality of their mother; article 15, paragraph 4, on freedom of movement and choice of domicile; article 16, paragraphs 1 (c), (d), (f) and (g), on the same rights and responsibilities during marriage and at its dissolution with regard to guardianship, kinship, maintenance and adoption; article 16, paragraph 2, on the legal effect of the betrothal and marriage of a child, given the incompatibility with provisions of the Islamic Shariah, as stated in the Decree; and article 29, paragraph 1, on arbitration between countries in the event of a dispute between them.

The Syrian Commission for Family Affairs (a governmental body) held four dialogue workshops in four Syrian towns. Attended by nearly all members of the People's Assembly, the workshops covered the articles to which there are reservations with the aim of promoting the Convention and working for removal of some of the reservations entered. The Commission took care to ensure that clerics were present at each workshop to state their point of view on the reservations and the extent of their compatibility or otherwise with the Islamic Shariah.

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

The Commission then submitted a proposal to the head of the Syrian Government for removal of the reservations and the proposal was referred to the Legal Office for an opinion. The Commission is continuing to work with all governmental and non-governmental bodies with a view to removal of the reservations and the commencement of procedures for implementation of the provisions of the Convention.

This memorandum of proposal from the Commission was based on the provisions and principles of the national Constitution and the need to develop the laws for the benefit of the men and women who constitute the Syrian public, thus complementing the programme of reform put forward by the country's political leadership and the proposals made by the members of the People's Assembly, both male and female, in their meetings with the Commission. It also matches the aspirations of Syrian society, in particular women's organizations, which submitted more than one memorandum; the General Women's Federation, for example, submitted a memorandum for the amendment of discriminatory articles of law and the Syrian Women's League submitted a memorandum to the People's Assembly for amendment of the Nationality Act, which was then presented to the Cabinet and is now in the final stages of discussion.

The Commission further based its memorandum on the fact that the majority of Syrian laws are non-discriminatory.

Despite the positive climate, however, provisions that discriminate against women still exist in various laws relating to the family and women's personal lives, such as the Nationality Act, the Personal Status Act and the Penal Code.

The Government of the Syrian Arab Republic has taken a number of legislative measures to limit discrimination against women, including the promulgation of Act No. 42 of 2003 establishing the Syrian Commission for Family Affairs as a governmental body tasked, *inter alia*, with: reviewing discriminatory laws and proposing either their amendment or new laws; proposing amendment of the articles relating to the age of custody contained in the Personal Status Act No. 18 of 2003; proposing amendment of the articles on social insurance contained in Act No. 78 of 2001 so as to give women the right to bequeath their pension to their heirs; seeking an increase in the maternity leave under Legislative Decree No. 35 of 2002; and seeking ratification of the agreement to establish the Arab Women's Organization, signed in Cairo on 15 July 2002.

As for administrative measures, the Ninth General Five-year Plan (2001-2005) includes a special section on women comprising strategic objectives. The general objectives and guidelines have been translated into strategies and sectoral policies in various fields; a strategy for the advancement of rural women has been elaborated, for instance, together with a reproductive health strategy and a draft national population strategy (2000-2025), a section of which is devoted to the empowerment of women. The Government of the Syrian Arab Republic is also adopting various positive discrimination measures in favour of Syrian women insofar as it is incumbent on the State to provide women with opportunities for making a full and effective contribution to all areas of life and eliminate all obstacles to women's participation in the development process. The Employment Act No. 91 of 1959 devotes a full section (section IV) to women's employment and prohibits the employment of women at night and in jobs that are detrimental to health, morally damaging or physically demanding. The Act also provides for paid maternity leave, prohibits the dismissal of women during maternity leave and further provides for breastfeeding time and the establishment of children's crèches. In addition, article 460 of the Code of Civil Procedure gives a woman the right to prevent her husband from travelling if it is feared that she may consequently lose financial entitlements arising out of any court proceedings under way. In the event of divorce, she also has the right to seek his detention if he fails to provide maintenance or the dower or prevents her from seeing her children.

In 2002, the Minister of the Interior also issued directives stipulating that a woman is entitled to make her own application for a passport or its renewal, without her husband's consent.

The Syrian Commission for Family Affairs has stepped up its activities in the field of information with a view to promoting the culture of gender equality. The expectation is that these activities will be further promoted through televised information messages. The process of amending the school curricula and removing stereotyped images is also being intensified by means of a comprehensive review conducted with the assistance of governmental and non-governmental bodies. The media have also begun to refresh their output and operational mechanisms by disseminating news of the gender awareness-raising activities carried out by non-governmental organizations and highlighting the need to fill the gender gaps in Syrian laws. Various women's associations additionally carry out

awareness-raising activities, particularly on International Women's Day and the day marking the Declaration on the Elimination of Discrimination against Women.

The law also guarantees mechanisms for implementing the spirit of article 6 insofar as women are able to bring court proceedings in accordance with the provisions of the law, without discrimination.

Syrian women participate in all Syrian political parties, although in varying proportions. In the Arab Socialist Ba`th Party (the ruling party), there are 120 females in leadership positions (the People's Command ), compared with 743 males. At the last congress, a woman was elected as a member of the Regional Command (the leading body of the party between two congresses). In the Syrian Communist Party, women account for 20 per cent of the associate members, while 5 of the 85 members in leadership positions (the Central Committee) are women. In the Arab Socialist Movement, women hold 6 per cent of the leadership positions. These percentages were taken in 2004. The participation of women in the Syrian Parliament now stands at 12 per cent but is still low in the local administrative councils, amounting to no more than 4.2 per cent. The representation of women has risen to 16.3 per cent in the leadership of the Federation of Trade Unions and to 20 per cent in the occupational trade unions. In the ministries, women hold 7 per cent of the leadership positions and the proportion of women ambassadors has risen to 14 per cent, bearing in mind that Syrian laws encourage women's enjoyment of the right and opportunity to represent the Government at the international level. Women's participation in the work of international organizations remains low, however, compared with that of men, which is attributable to the social stereotyping of women, as a result of which their movement and travel is generally restricted.

There have been concerted efforts to review the reservation entered by the Syrian Government to article 9 of the Convention and produce the necessary legal amendments. In that context, the Syrian Commission for Family Affairs has worked in conjunction with the General Women's Federation and relevant non-governmental organizations to examine this reservation by preparing legal studies highlighting the discrimination in the Syrian Nationality Act. The Syrian Women's League also prepared a field study of the target groups (women married to non-Syrians) and presented a memorandum to the People's Assembly on 30 March 2004 seeking the amendment of article 3 (a), together with a statement of the reasons for the amendment. It should be mentioned that a bill on the amendment of article 3 of the Syrian Nationality Act was tabled by 35 members of the People's Assembly. The bill was also included in the agenda of the May-June 2004 session of the Assembly and submitted to the Government, which prepared a draft amendment that is currently under discussion in the Cabinet.

In regard to education, the conditions for enrolment in any kind of basic, general secondary or vocational school, as contained in the directives on registration and admission to schools and classes, do not discriminate on the basis of gender. After the primary education stage, both male and female students have the opportunity to choose between general and vocational education, depending on their averages.

Legislative Decree No. 55 of 2 September 2004 regulating pre-university educational institutions was also promulgated and the implementing directives were issued on 3 January 2005.

The educational philosophy in the Syrian Arab Republic is based on the use of one study plan for each grade. The only discrepancy occurs in technical and vocational education, which is attributable to the difference within that particular branch of education. Women's technical education is currently being converted into one covering the subjects of sewing, household economics and arts. It is open to males and females alike.

The proportion of females to males is 94 per cent in the 15-19 age group, which includes the age of graduation from the stage of basic education. The proportion of female to male graduates from this stage is as high as 105.7 per cent.

The proportion of female to male graduates from higher and intermediate institutions is 116 per cent, as against the proportion of females to males in the 20-24 age group overall. The proportion of female to male university graduates falls, however, to 88 per cent, although the proportion of female to males in the 25-29 age group amounts to 105 per cent (Statistical Compendium of 2004).

As for women's right to work, no complaints have been lodged about any gender discrimination in employment, signifying that the laws are fully applied in the regular employment market. As in the case of their male counterparts, women pieceworkers in the private sector are subject to the provisions of the Employment Act No. 91 of 1951 and enjoy all the rights and obligations stipulated therein, if working for an employer under his supervision. Women who work for an employer from home, however, are not subject to the provisions of the Employment Act and have none of the benefits for which it provides, such as sick leave, paid leave and employer's contributions to social insurance.

In a bid to reduce unemployment, the Government has sought to guarantee opportunities for women to work in jobs not traditionally sought by them, although job creation is low for both sexes.

The Act also entitles women to equal pay with men for work of equal value and decisions setting the minimum wages are issued at least annually in each governorate by the Minister of Social Affairs and Labour, without discrimination between women and men, at the proposal of the competent committee.

In the public, private and joint sectors, employers are required to make contributions to social insurance institutions on behalf of their workers in order to cover work injuries, incapacity and old age. Women benefit from all of the provisions concerning administrative leave, sick leave, training leave and paid maternity leave. Until her child is one year old, a woman is also entitled to a break of one consecutive hour per day for breastfeeding, which is counted as part of working hours, with no consequential reduction of pay.

A woman employed on a temporary work contract in the private sector, however, does not have the benefit of maternity leave unless she has been with the employer for seven consecutive months by the time she ceases work. The compulsory retirement age is 60 for both men and women and the voluntary retirement age is 60 for men and 55 for women, although not all women are covered by the social insurance legislation; an employer's family dependants are excluded, for instance, as are domestic servants, other workers of a similar kind and agricultural labourers employed in the private and joint sectors, with the exception of those for whom special provision is made. Women, however, benefit from the pension rules applicable to their husbands and vice versa.

Ministerial ordinances prohibit the employment of women in jobs that are laborious, strenuous, detrimental to health or morally damaging.

As for sexual harassment in the workplace, there are legal provisions that criminalize sexual harassment and impose a stiffer penalty where such harassment is perpetrated against women in the workplace. No measures worthy of note, however, have been taken in this connection.

The laws, regulations and legislative decrees governing access to banking facilities do not discriminate between males and females; the provisions refer to customers and not to males and females.

Both married and single working women obtain the same government benefits and support allowances as men, without discrimination. Whether employed as an officer or as a white-collar or blue-collar worker, a woman working in a department or institution of the State or in another public-sector body also receives child benefit in the following cases:

- (a) If she is widowed;
- (b) If she is divorced;
- (c) If her husband receives no family allowance from the public treasury, the public authorities or any other official agency (Legislative Decree No. 4 of 9 January 1972). A woman may also bequeath her pension to her children in accordance with the law.

In the Ministry of Agriculture and Agrarian Reform, the Rural Women's Development Unit runs a programme designed to meet the needs of rural women in all governorates country-wide by integrating the development of rural women into programmes of action as a main strategic concern.

The programme comprises a number of core areas, each of which covers a particular aspect of the work done by rural women, both outside and within the home.

Each core area addresses the overall problems which rural women suffer by identifying the related difficulties and subsequently drawing up advice plans for rural women in each region in accordance with the scale of the problems covered by each advice programme. Seminars, courses and campaigns are included in these plans.

In addition to the work of the advice programme, the development projects implemented by the Unit in conjunction with funding agencies, such as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Fund for Women (UNIFEM) and the United Nations Children's Fund (UNICEF), involve the elaboration of a special programme within each project to meet the needs of rural women. A plan is drawn up for the rural-woman component of each project, as well as a budget. A minimum of 30 per cent of the project budget is earmarked for such plans.

Concerning article 15 of the Convention, the conclusion drawn in the workshops held by the Syrian Commission for Family Affairs with members of the People's Assembly, both male and female, during which clerics gave their opinion, was that paragraph 4 of the article is not incompatible with the Islamic Shariah. These workshops therefore recommended that the reservation should be withdrawn,

it being the considered view of jurists from the Hanafite, Malakite and Hanbalite schools that women are entitled to lay down as a contractual condition the right to choose their residence and travel, in which case they possess that right. As for the freedom to choose a domicile, the rule is that it is the husband's choice, since he is the person who is legally obliged to provide maintenance. A woman may, however, reject the abode chosen by her husband, in which case maintenance is forfeited. The former restriction on travel for women was attributable to the prevailing social conditions and the rule may change with time.

Promulgated by Legislative Decree No. 59 of 1953, the Personal Status Act and the explanatory note thereto, as amended by Act No. 34 of 1975, together with the *ratio legis* of the amendment to the original, govern matters relating to marriage and family relationships, starting with betrothal and continuing on to marriage and all matters relating to birth, divorce, wills and legacies. Its provisions are based on the Islamic Shariah. Certain matters relating to the Christian, Jewish and Druze communities are excluded from application of the provisions of this Act, in accordance with articles 306, 307 and 308.

It is our view that the articles of the Personal Status Act are largely discriminatory. Work is therefore currently under way for the proposal of a modern family law that guarantees equal rights for women and men. Until such time as that law is approved, efforts are being made for removal of the reservation to certain paragraphs of article 16. The reservations to paragraphs 1 (c) and (f) should remain, however, in view of the jurisprudential opinions that they are incompatible with the provisions of the Islamic Shariah. Non-governmental and grass-roots organizations have also run workshops to discuss the Syrian reservations and work for their withdrawal.

## **Political system**

### *A. General political structure*

Syria is regarded as the cradle of civilizations; history began in Syria with the era of the first Syrian dynasties and writings serving as reliable chronicles of the region's past have been discovered. These dynasties were succeeded by various civilizations, such as the Sumerians, the Akkadians, the Amorites, the Hittites, the Canaanites and the Ugarit civilization, which transferred to the West the cuneiform alphabet, the world's first writing system, dating back to mid-2000 B.C. Syria consequently has an abundance of important archeological sites, making it a centre of reference for the history of civilizations and religions. Geographically, Syria was part of the Byzantine empire and Christianity increasingly spread throughout the country during the rule of the Roman empire.

Syria had scarcely felt the benefits of the evacuation of forces in 1946 before the decision to partition Palestine was made in 1947 and the State of Israel was established, threatening the Arabs with the occupation of territory from the Euphrates to the Nile and driving out the Palestinians, who started the liberation movement amid substantial difficulties.

In November 1970, the Congress of the Arab Socialist Ba`th Party was held and a new party leadership was elected under the chairmanship of the Secretary-General, Lieutenant General Hafez Al-Assad. The corrective movement was declared, with a basic programme that included establishment of the Progressive

National Front (PNF), creation of the People's Assembly and the preparation of a permanent constitution for the country. Lieutenant General Hafez Al-Assad was elected as president of the Syrian Arab Republic on 31 February 1971 and re-elected in 1978, 1985, 1992 and 1999. In October 1973, Syria and Egypt waged war for recovery of the occupied territories from Israel, which was followed by the eight-year war of attrition. Syria recovered part of the Golan, including in particular Quneitra.

The political system in the Syrian Arab Republic is based on the Permanent Constitution of the State, promulgated on 13 March 1973, which defines the Syrian Arab Republic as a democratic, popular, socialist and sovereign State (art. 1, para. 1) and regards the people as the source of sovereignty, which they exercise in the manner set forth in its provisions (art. 2, para. 2).

Under the Constitution, Islam is regarded as the religion of the President of the Republic and Islamic jurisprudence as a principal source of legislation (art. 3). The personal freedom of citizens is protected as a sacred right (art. 25) and the right to participate in political, economic, social and cultural life is guaranteed, as regulated by law (art. 26). In accordance with the Constitution, the State also safeguards freedom of belief and guarantees the freedom to perform all religious observances, provided that public order is not thereby prejudiced (art. 35). The Constitution also prescribes that the objectives of the system of education and culture are to establish an Arab generation that is patriotic, socialist and scientific in its manner of thinking (art. 21).

#### B. *Type of government/branches*

The Constitution provides that the system in the Syrian Arab homeland is a republican system and that sovereignty is vested in the people, by whom it is exercised in the manner set forth in the Constitution (article 2, paragraph 2).

The Constitution also prescribes that there are three branches of government, namely the legislative, the executive and the judicial.

Responsibility for *the legislative branch* is assumed by the People's Assembly (Parliament), the members of which are elected by universal, direct, equal and secret suffrage (art. 50 of the Constitution). The People's Assembly has a four-year mandate (art. 51) and is charged with the functions set forth in article 71, which include the right to propose laws and direct questions and queries to the Ministry (art. 70).

It approves international treaties and conventions relating to the integrity of the State or rights of sovereignty, agreements which award concessions to foreign companies or concerns or incur extrabudgetary expenditure for the State treasury or for which enforcement requires the promulgation of new legislation owing to the incompatibility of such agreements with the provisions of the laws in effect, and international human rights conventions.

It also approves general amnesties, accepts or rejects resignations by members of the Assembly and may make votes of no-confidence in the Ministry or a minister.

*The executive branch* comprises the President of the Republic, the Cabinet, which is composed of ministers designated by the President of the Republic, and local administrative councils, together with their competent committees. In

consultation with the Cabinet, the President of the Republic formulates the general policy of the State and supervises its implementation. Constituting the highest executive and administrative body of the State, the Cabinet comprises the Prime Minister, his deputies and ministers. In addition to formulating the general policy of the State, it assumes responsibility for each of the following tasks:

- Steering, coordinating and following up the activities of ministries and all general departments and institutions of the State;
- Drafting the general budget of the State;
- Drafting bills;
- Preparing development plans;
- Contracting and granting loans;
- Concluding agreements and treaties;
- Following up the enforcement of laws, safeguarding State security and protecting citizens' rights and the interests of the State;
- Issuing administrative and executive decisions in accordance with the laws and regulations, as well as monitoring the enforcement of such decisions (art. 127 of the Constitution).

In addition to the powers of the Cabinet, the Prime Minister and Cabinet members perform the mandates stipulated in the current legislation in such a manner as to avoid any conflict with the powers granted under the Constitution to the other authorities of the State. Local councils and their competent committees are bodies that exercise their powers within the administrative units in accordance with the Constitution (art. 129). The jurisdictions of the local administrative councils are determined by law, along with the method by which such councils are elected and composed, the rights and obligations of their members and all other relevant rules (art. 130).

As for *the judicial branch*, it is an independent authority divided among judges, the Department of Public Prosecutions and the Supreme Constitutional Court. The President of the Republic guarantees its independence, in which he is assisted by the High Judicial Council, over which he presides (art. 137). The State Council serves as the administrative judiciary and the law stipulates the conditions for the appointment, promotion, discipline and removal of its judges (art. 138 of the Constitution).

### Section III

#### Legal framework for the protection of human rights

A. *General legal framework serving as the basis for the protection of human rights*

Syria's concern for and commitment to the protection of human rights is reflected in its ratification of various international conventions. For example:

- Syria was one of the first States to acknowledge the human rights charter;
- The Convention on the Elimination of All Forms of Discrimination against Women, pursuant to Decree No. 330 of 25 September 2002;
- The International Covenant on Civil and Political Rights on 21 April 1969;
- The International Covenant on Economic, Social and Cultural Rights on 21 April 1969;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Decree No. 39 of 2004, with reservations;
- The Convention on the Rights of the Child on 18 September 1990, with reservations to articles 14, 20 and 21;
- The International Convention on the Protection of the Rights of All Migrant Workers and Their Families pursuant to Decree No. 24 of 10 April 2005.

Affirming Syria's compliance with international treaties and instruments, article 25 of the Civil Code concerning the status of conflicting laws includes a provision which stipulates as follows: "The provisions of the preceding articles shall apply only in the absence of a conflicting text or international treaty in force in Syria." Article 311 of the Syrian Code of Procedure provides that: "The above provisions shall apply in the enforcement of foreign judgements and legal instruments without prejudice to the provisions of treaties concluded in this connection between Syria and other States."

The Constitution of the Syrian Arab Republic guarantees the freedom of every Syrian citizen, regardless of gender, religion or race, such freedom being a sacred and protected right assured by the State. Personal freedom is also guaranteed and the dignity and security of citizens is safeguarded; they have the right to participate in political, economic, social and cultural life, the right to own property, freedom of belief and religious observance, freedom of expression and the right to assembly and peaceful demonstration, with no distinction between one citizen and another or between men and women (arts. 25, 26, 28, 38 and 39 of the Constitution).

The constitutional rights were translated into set of legal rules to enable citizens to exercise those rights freely, responsibly and independently. Hence, anyone who suffers an attack against his person or his property has the right to institute legal proceedings against the attacker, whether a natural person or a body corporate and regardless of capacity, gender or political, religious, social or economic position. A citizen also has the right to institute legal proceedings against any public servant, public department or government institution having issued an administrative decision contrary to law that injures him or his property, with the

exception of those who, under the Constitution, are granted temporary legal immunity in cases other than *flagrante delicto*, namely members of the People's Assembly, judges and ministers (art. 67 of the Constitution and art. 114 of the Judiciary Act No. 98 of 1961). Such immunity is confined to criminal cases only. As for civil, commercial and administrative cases, the Syrian legislature granted no exceptions. It should also be pointed out that the immunity of judges is not absolute; the Code of Procedure devotes a chapter to the prosecution of judges and representatives of the Department of Public Prosecutions who, in the course of their work, commit fraud, deception, breach of faith or gross professional error (art. 486 of the Code of Procedure and arts. 361 to 364 of the Penal Code).

In recent years, much has been achieved to protect human rights, in particular:

- The promulgation of legislation to abolish the economic security courts and refer the cases considered by such courts to the ordinary judicial authorities;
- The abolition of certain exceptional laws, such as Act No. 24 of 1986, under which the circulation and exchange of foreign currency was prohibited and characterized as a criminal offence;
- The promulgation of various laws and legislative decrees comprising a general amnesty for ordinary, political and economic offences;
- The promulgation of legislation to facilitate the process of releasing persons remanded in custody by the criminal court;
- The formation of the National Committee for International Humanitarian Law pursuant to Prime Ministerial Decision No. 2986 of 2 June 2004, which, under the chairmanship of the Minister of State for Red Crescent Affairs, is tasked with sponsoring and coordinating national action to raise awareness of international humanitarian law, harmonizing national legislation with international conventions ratified by the Syrian Arab Republic and monitoring human rights violations.

Recommendations relating to human rights were issued by the Tenth Regional Congress of the Arab Socialist Ba`th Party, held in June 2005, with emphasis on the following:

1. Reviewing the provisions of the Constitution of the Syrian Arab Republic in line with the directives and recommendations issued by the Congress;
2. Supporting the judicial machinery, promoting its independence and assigning to the Government the task of elaborating practical mechanisms to fight corruption and reduce waste of public funds;
3. Promulgating a law on political parties in order to guarantee national participation in politics on the basis of a stronger national unity, as well as reviewing and developing the law governing elections to the People's Assembly and local administrations;
4. Strengthening the principle of the rule of law and its universal application, regarding citizenship as the basis for the relationship of citizens with society and the State and combating phenomena that are prejudicial to national unity;

5. Reviewing the Emergency Act and confining its provisions to offences that undermine State security;
6. Resolving the problem of the census of 1962 in the governorate of Al-Hasakah;
7. Strengthening the role of women and their participation in political parties and decision-making positions on an equal footing with men;
8. Reviewing the Publications Act and promulgating a new law covering all types of media.

*C. Human rights organizations working in Syria with the international community:*

The National Committee for International Humanitarian Law was formed pursuant to Prime Ministerial Decision No. 2986 of 2 June 2004 under the chairmanship of the Minister of State for Red Crescent Affairs and tasked with sponsoring and coordinating national action to raise awareness of international humanitarian law, harmonizing national legislation with the international conventions ratified by the Syrian Arab Republic and monitoring human rights violations. At the Ministry for Foreign Affairs, the Legal Department and the Department for International Organizations are currently preparing a brief on the question of establishing national human rights structures in Syria with a view to the fulfilment of Syria's obligations under international instruments.

## Section IV

### Media and publicity

Through its governmental, grass-roots and non-governmental bodies, the Syrian Arab Republic, in conjunction with United Nations organizations and the European Union, has endeavoured to promote the international conventions which it has ratified. It can be said, however, that neither the Universal Declaration of Human Rights nor the two International Covenants have been adequately promoted by government bodies. Instead, they have been promoted and disseminated only by the non-governmental bodies working in the field of human rights, as mentioned earlier.

As for conventions emanating from international humanitarian law (the international human rights charter), the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women have been promoted by all parties, in particular the Convention on the Rights of the Child, which was ratified by Syria pursuant to Act No. 18 of 13 June 1993 and published in the official press. We shall now talk about the mechanisms applied in order to disseminate and promote these two Conventions.

#### The Convention on the Rights of the Child

##### I. Dissemination and promotion

In the context of the cooperation between UNICEF and government organs, grass-roots organizations and non-governmental bodies in Syria, the following has been achieved:

- Implementation of the Convention in the Syrian Arab Republic has been monitored through periodic reporting by UNICEF;
- The Convention has been circulated and disseminated to all concerned bodies (the Ministries of Justice, the Interior, Education, Health, and Social Affairs);
- The Convention has been circulated to grass-roots organizations (Al-Tala`i, Al-Shabibah, the General Women's Federation and trade unions) and non-governmental bodies (the Family Planning Association).

##### II. Training and research

Since the date of ratification of the Convention, UNICEF has worked in conjunction with governmental, grass-roots and non-governmental organizations to provide training, both in the Convention and in child-related mechanisms, for a substantial number of judges, lawyers, media persons, members of the police and those working on child issues.

A number of studies have been published on the status of children in Syria, including:

- *Child employment*, General Women's Federation, 1995;
- *The child workforce*, Syrian Women's League, 2004;

- *The child workforce in Syria*, UNICEF and the Central Bureau of Statistics, 2002;
- Other studies undertaken by university professors in the faculties of education and social science on the status of children in Syria, as well as papers presented at a symposium on women and education in 2002.

The Syrian Commission for Family Affairs also promoted the Convention by touring schools in most urban areas of the Syrian Arab Republic in order to give children a simplified introduction to and training in the Convention through illustrative drawings of its articles.

### **III. Media and publicity**

The audio-visual and print media have shown considerable interest in the Convention on the Rights of the Child in the context of the following activities:

- Family and children's programmes on Syrian television and also the programme associated with the above-mentioned symposium on women and education;
- Pieces in the Syrian press on the present status of Syrian children, based on the articles of the Convention (media coverage of the symposium);
- Publication of a yearly calendar on the rights of the child by UNICEF and circulation of the calendar to all governmental, grass-roots and non-governmental organizations, as well as to schools;
- Publication and circulation of leaflets on the Convention.

Implementation of the Convention in Syria has produced the following tangible results:

- The articles of the Convention have been incorporated into the school curricula for the primary stage;
- Some of the stereotyped images of women, men and children have been removed from the school curricula;
- The age of responsibility has been increased from 7 to 10 years;
- Various non-governmental organizations for children have been authorized, including Qaws Quzaha (Rainbow), a not-for-profit non-governmental organization that was officially announced in December 2002. Its mission is to participate in the women's development process by seeking to enhance the cultural status of children in Syria and protect children against violence and exploitation, as well as provide care for children in special cases and for children with special needs. Other such associations include Raja' and Amal, the Syrian organization for the disabled, which is a not-for-profit non-governmental organization specifically involved in activities to improve the lives of disabled persons in Syria. It also seeks to assist the disabled and to train the personnel who will be concerned with their rehabilitation. Part of Amal, the Amal Centre provides assessment, therapy and rehabilitation for the hearing- and speech-impaired with a view to enabling them to integrate socially. Through its various sections, it provides the following services:

- (a) Hearing and speech examinations and tests;
- (b) Hearing aids;
- (c) Rehabilitation;
- (d) Integration;
- (e) A library.

In 2003, the Centre adopted an agreement to create the first master's degree in hearing and speech rehabilitation with the aim of producing a supply of specialist therapists for Syria and for the Centre itself ([www.aamal.org.sy](http://www.aamal.org.sy)).

- The Syrian Commission for Family Affairs also prepared the national plan for the protection of children against violence, in accordance with the provisions of the Convention. In addition, a committee was formed to study the reservations to the Convention on the Rights of the Child with a view to their removal and workshops were held, in conjunction with UNICEF, governmental and non-governmental organizations and clerics (both Muslim and Christian), to consider the possibilities for removal of the reservations. A number of workshops were also held in conjunction with the concerned government bodies (the Ministries of the Interior, Social Affairs and Labour, and Awqaf) and non-governmental organizations in order to work for removal of the reservations. Further workshops were similarly held in conjunction with the media, in addition to which a weekly programme was devoted to the Convention and violence against children was spotlighted. The Commission is responsible for preparing periodic reports for the United Nations, in conjunction with the concerned governmental and non-governmental bodies. Such reports are first presented to the relevant authorities, after which they are submitted to the Prime Minister for approval.

### **The Convention on the Elimination of All Forms of Discrimination against Women**

Following Syria's ratification of the Convention, efforts were made by governmental, non-governmental and grass-roots organizations to disseminate, promote and provide training in the Convention in the Arabic language (the country's official language). These organizations comprised the Ministry of Information and its various radio, television and newspaper enterprises, the General Women's Federation and grass-roots and non-governmental bodies involved in women's issues.

In that respect, the Syrian Ministry of Information concentrated its efforts on dissemination and awareness-raising through training for senior personnel in all fields of the media, particularly in matters relating to the family and the rights of women and children. The intended aim was to spread ideas and to work to develop the dominant mindset, eliminate preconceptions, change attitudes and alter patterns of conduct concerning such delicate issues as gender, upbringing, reproductive health, women's rights and children's rights.

In its activity, the Ministry adopts a systematic approach by running seminars, specialist courses and workshops for those employed in the central administration and the bodies attached to it (radio, television and press), in conjunction with the

concerned ministries and various international organizations, *inter alia*, UNICEF, the United Nations Population Fund (UNFPA) and the United Nations Development Fund (UNDP). Such activity is supervised by the Directorate for Development Information.

The Syrian Commission for Family Affairs also published a booklet on the Convention, as well as a brochure that was circulated to all government authorities and to grass-roots and non-governmental organizations.

## **I. Dissemination and promotion**

After the Beijing Conference in 1995, grass-roots and non-governmental organizations endeavoured to promote the Convention through the following:

- The text of the Convention was circulated to groups concerned with women’s issues;
- Between the beginning of 2001 and the end of 2003, the Syrian General Women’s Federation held a number of seminars in different areas of the country in order to provide an introduction to the Convention (see annex, Training courses run by the General Women’s Federation);
- The Syrian Women’s League also held seminars on the Convention and the convergence or divergence of Syrian laws with respect to its articles (Nun al-Niswah, 2004), in addition to seminars with clerics on the reservations to the Convention (Nun al-Niswah, 2004).
- A leaflet on the Convention and the Beijing Plan of Action was published by Etana Press, UNFPA and Modernizing and Activating Women’s Role in Economic Development (MAWRED).
- The Forum for Cultural Dialogue held two sessions on the Convention in 2002 and 2003.

Since its establishment, the Syrian Commission for Family Affairs has elaborated a programme of work for removal of the reservations to the Convention by holding four workshops with members of the People’s Assembly in four Syrian governorates and with Muslim clerics. The outcome of these workshops was that the participants largely agreed that the reservations to all articles, with the exception of those to article 16, paragraphs 1 (c) and (f), and article 29, paragraph 1 (a), should be withdrawn. The Commission consequently presented the Prime Minister with a memorandum proposing removal of the reservations and is following it up in accordance with the procedural rules in effect in Syria with a view to its approval. A poster on the Convention was also published and a booklet was circulated to all concerned governmental and non-governmental organizations.

## **II. Media and publicity**

Over the past two years (2004 and 2005), the visual media have shown interest in the Convention, having addressed the subject of the status of Syrian women in a number of their activities and made reference to the Convention in various episodes of such programmes as the serial “*Thurayya*” (The Lantern), “*Al-Fusul al-arba`ah*” (The Four Seasons), “*Thakriyat al-zaman al-qadim*” (Old-time Memories), “*Um Hashim*” (Hashim’s Mother), “*Al-Khayt al-abyad*” (The White Thread), “*Ahlam kabirah*” (Big Dreams) and “*Rijal taht al-tarbush*” (Men in Fezzes).

A number of television programmes also highlighted the Convention (“*Al-Usra*” (The Family), “*Ma`kum `ala al-hawa*” (With You on Air), “*Ibn al-balad*” (The Countryman), “*Nisa’ mutamayizat*” (Prominent Women), “*`Ala `ayni*” (At Your Service!) and “*Nisa’ bayna al-nujum*” (Women Stars).

The Syrian press also publicized the Convention, both before and after its ratification, through interviews with legal experts and men and women involved in work on women’s issues (in *Al-Ba`th*, edition 11423, *Tishrin*, editions 7913 and 7933 and *Al-Thawrah* 2001). In recent years, moreover, non-governmental organizations have played an active role in focusing attention on women’s issues, turning them from a matter of private interest into one of public interest. The main organizations working within the scope of the Convention are set forth below.

*The Syrian General Women’s Federation:*

This grass-roots organization was created pursuant to Legislative Decree No. 121 of 26 August 1968 with the aim of mobilizing women’s energies, increasing their awareness of legal, health, educational and political issues and preparing them for an active role in the development process. It has promoted and disseminated the Convention among various age groups and in particular among women, as well as throughout the Syrian governorates, either directly or through activities covering subjects relating to the women’s rights for which the articles of the Convention make provision.

*The Syrian Women’s League:*

Established in 1948, the Syrian Women’s League focused its objectives on achieving its programme of demands with the aim of furthering the cultural, social and economic advancement of women, involving women in the different areas of life and emphasizing women’s acquisition of their full rights. The League endeavoured to promote the Convention by producing studies on the Syrian laws relating to the affairs of women and the family, comparing those laws with the articles of the Convention, holding seminars and workshops on the Convention and urging its ratification by the Syrian Government.

Beginning in 1995, the League made a point of including in its annual programmes and plans a special item on the need for ratification of the Convention and worked with grass-roots and non-governmental organizations involved in women’s issues in order to achieve that aim. On 6 July 2001, it ran a workshop on the articles of the Convention and the extent of their compatibility or otherwise with domestic laws. The participants in the workshop were various legal experts and researchers, both male and female, in the field of women’s affairs. In March 2002, in conjunction with the Forum for Cultural Dialogue, the League also held a seminar on the Convention for the benefit of men and women actively involved in the non-governmental community.

Following Syria’s ratification of the Convention, the League included as part of its plan of action for 2003 work on removal of the reservations to the Convention on the ground that they deprive it of its substance and fundamental objectives. The following activities were carried out:

- On 17 June 2003, a seminar for clerics and women advocates of Islam was held in order to show the extent to which the articles with

reservations to them were incompatible with the provisions of Islamic law;

- In the context of regional action with a number of the Arab States having entered reservations to this article, a legal study of the Syrian Nationality Act was prepared and field research was conducted among the target groups in order to show the effects which the reservation to article 9 of the Convention had on them and on their children in particular;
- A number of seminars were held in the Syrian governorates on the nationality campaign and the following activities were then carried out;
- On 19 December 2004, a workshop on the Nationality Act was held for men and women working in the media and included a presentation of the Convention and the articles to which reservations were entered;
- Several of the male and female participants wrote articles in the Syrian press on the Act and the Convention in which they asserted the need for removal of the reservations and amendment of the Act;
- On 30 March 2004, a memorandum was submitted to the People's Assembly (Parliament) for amendment of the Nationality Act;
- On 17 May 2004, a number of women married to non-Syrians and their children had a listening session with members of the People's Assembly;
- A petition was signed by thousands of citizens, both male and female, to support amendment of the Nationality Act.

The League has participated in seminars held by publishing houses (Al-Shamus and Etana Press) and made interventions on laws and the Convention. In addition to preparing and circulating a questionnaire for women on domestic violence in 2002, it presented a legal study of discriminatory articles in the personal status laws of the Christian communities to a women's seminar on law and the Islamic Shariah, held in Damascus between 20 and 23 October 2003. In conjunction with non-governmental organizations, human rights organizations and men and women actively involved in women's affairs, the League is currently drafting a proposal for a modern-day family law that makes equal provision for all members of Syrian families.

*The Syrian Family Planning Association:*

This is a non-governmental organization that operates within the framework of the International Family Planning Federation. Ever since first established, it has continued to run empowerment training courses for women, particularly in rural areas, with the aim of familiarizing them with their legal, social and health rights, instilling in them the principle of equality with men and empowering them to make decisions. Sessions designed to raise awareness, offer psychological counselling and provide legal advice for women have been held at youth institutions in Damascus, in cooperation with a number of specialists, both male and female, during which the women were presented with an overview of the Convention. A study on violence against women was also produced in association with UNIFEM.

*The Sisters of the Good Shepherd in Damascus:*

Part of the worldwide order of the Sisters of the Good Shepherd, this branch was established in Syria in 1981 under the patronage of the Roman Catholic patriarchate. Its essential mission is to look after homeless women and girls with special needs and to cater to women victims of domestic violence and single girls by providing them with sheltered accommodation and rehabilitating them for life in the community.

On the occasion of the International Day for the Elimination of Violence against Women on 25 October 2003, the Sisters held a seminar at their main centre, which was attended by various non-governmental organizations and women actively involved in women's issues. During the seminar, studies were presented on the forms of violence to which women may be subjected, on the Declaration on the Elimination of Violence against Women and on the articles of the Convention relating to legal discrimination against women. In 2004, in conjunction with Save the Children Sweden, the Sisters also ran a six-month training workshop for a number of women working in non-governmental organizations that assist battered women.

*The Social Forum in Damascus:*

Established in 1960, the Social Forum is concerned with social issues in general and women's issues in particular. In that connection, it has held a number of seminars on such subjects as women and political participation, as well as a seminar on women, law and the Islamic Shariah, held between 20 and 23 October 2003 in conjunction with Dar al-Shamus, the sessions of which were mainly devoted to discussion of the reservations to the Convention. Together with the Syrian Women's League, it also held a listening session on the Nationality Act on 17 June 2004.

*The Social Initiative Society:*

Established in 2002, the Society aims to raise awareness of women's issues and produce legal and social studies on women. It took part in a seminar on images of women and the facts, held by Dar al-Shamus in 2002, which included such activities as lectures and discussions on the articles of the Convention. It also presented the People's Assembly with a petition containing thousands of signatures for amendment of the articles on custody contained in the Personal Status Act of 2003, in addition to which it participated in the seminar on women, law and the Islamic Shariah in 2003.

*The Committee for Women's Affairs:*

Established in 2003, the Committee aims to monitor the status of women in Syria and conduct field studies and research, as well as seek the amendment of laws which discriminate against women. It collected thousands of signatures through an electronic petition for withdrawal of the Syrian reservations to the Convention ([www.syrwomen.org](http://www.syrwomen.org)).

*The Committee for Promotion of the Convention on the Elimination of All Forms of Discrimination against Women:*

Established in 2000 by a group of Syrian women actively involved in women's issues, its aim is to disseminate the Convention and lobby for its ratification by Syria. It has carried out a number of activities to achieve its objectives. For instance:

- It has held various seminars with women at the grass-roots level in Damascus and the surrounding rural areas, introducing them to the articles of the Convention and highlighting the importance of ratification of the Convention;
- It has met with men and women concerned with women's affairs (working in the media or active in civil society) and coordinated for the purpose of promoting the Convention;
- It has published various articles on the Convention in the official and privately owned Syrian press.

Some of its members provide training in the Convention for non-governmental organizations and those involved in women's affairs. Others are also on the editorial board of the electronic magazine *Al-Thara*, which specializes in women's issues. In addition, the committee participated in an Arab workshop on women and society and made an intervention on the Convention and the reservations. It also helped to prepare and circulate a questionnaire on domestic violence.

There are also publishing houses, such as:

*Etana Press:*

Established in 2002, this publishing house held an Arab workshop during the period 1-2 February 2003 on women and society for a number of Syrian and Arab experts, both male and female, in conjunction with the Canadian embassy, UNFPA and the University of Damascus. At the first session, it gave a presentation on the Convention, the reservations entered to it and its impact on the status of women.

It also started a website ([www.thara-net.org](http://www.thara-net.org)) in the form of a monthly magazine that deals mainly with women's issues through field and legal studies and research relating to women. In conjunction with UNFPA and MAWRED, it published a brochure on the core areas of concern at Beijing and on the Convention on the Elimination of All Forms of Discrimination against Women.

*The Syrian Women website:*

Created in 2005, this website deals with issues concerning women, young people and children. The Convention is included in sections of the website, which covers all women's activities at the Syrian, Arab and global levels.

*The Fund for Integrated Rural Development of Syria (FIRDOS):*

This is a non-governmental organization that aims to strengthen sustainable development in the rural areas of Syria. FIRDOS was established at the initiative of Mrs. Asma' Al-Assad, the wife of the President of the Republic, on 1 July 2001. The FIRDOS-run projects are funded by grants and gifts, as well as through cooperation with embassies, local and international organizations and United Nations agencies. It aims to strengthen economic development as a basis for the achievement of sustainable development in the rural areas of Syria so that they can play an effective partnering role in the national economy.

The development activities carried out by FIRDOS concentrate on seven main areas that combine to form an integrated approach to development in that it seeks to strengthen development in agriculture, tourism, financial-resources management,

water-resources management, renewable energy, education and health care ([www.firdos.sy.org](http://www.firdos.sy.org)).

*Modernizing and Activating Women's Role in Economic Development (MAWRED):*

Established in April 2003, MAWRED is a not-for-profit non-governmental organization that aims to trigger and develop the participation of Syrian women in the economic and social development process by offering all possible means of support to new and existing women's projects, including the establishment of a network of workplace crèches to cover Syria's urban areas and the provision of technical, administrative and legal advice to women's projects, both at the fledgling stage and later on, taking advantage of its direct link with the global information network to do so. With branches in 290 countries worldwide, its aims are, *inter alia*:

- To highlight the need for linkage with economic development;
- To achieve justice and equality between the sexes, including the proper distribution of economic and social roles;
- To eliminate all forms of discrimination based on the physical differences between women and men.

In 2004, in association with Etana Press, MAWRED also published a brochure on the Convention and the core areas of concern at Beijing ([www.mawred-syria.org](http://www.mawred-syria.org)).

## **Part Two**

### **Section I**

#### **Articles 1, 2 and 3**

The Syrian Arab Republic entered a reservation to article 2 of the Convention, although the article is not incompatible with the articles of the Syrian Constitution. Efforts are therefore being made to redress the situation by carrying out a review of Syria's reservations with the aim of removing them by and large. The Syrian Commission for Family Affairs, for instance, presented a memorandum to the Office of the Prime Minister proposing that the reservation to article 2 should be removed. It was considered by the Cabinet's Legal Office and subsequently tabled before the Cabinet. This memorandum of proposal from the Commission was based on the provisions and principles of the national Constitution and the need to develop the laws for the benefit of the men and women who constitute the Syrian public, thus complementing the programme of reform put forward by the country's political leadership and the proposals made by the members of the People's Assembly, both male and female, in their meetings with the Commission. It also matches the aspirations of Syrian society, in particular women's organizations, which submitted more than one memorandum; the General Women's Federation, for example, submitted a memorandum for the amendment of discriminatory articles of law and the Syrian Women's League submitted a memorandum to the People's Assembly for amendment of the Nationality Act, which was then presented to the Cabinet and is now in the final stages of discussion

The Commission also based its memorandum on the fact that the majority of Syrian laws are non-discriminatory.

#### **I. Constitutional and legal framework for the protection of women's rights**

Article 25 of the Constitution of the Syrian Arab Republic affirms that:

1. Freedom is a sacred right and the State shall guarantee the personal freedom of citizens and safeguard their dignity and security.
2. The rule of law is a fundamental principle of society and the State.
3. Citizens are equal before the law in regard to their rights and obligations.
4. The State shall guarantee the principle of equal opportunities for citizens.

Under the civil laws, provision is made for full equality and women are deemed to have the same legal capacity as men (art. 46 of the Civil Code and art. 15 of the Commercial Code); Syrian women enjoy full rights of citizenship in terms of their right to engage in all economic activities, as well as full civil rights in terms of concluding contracts, managing companies, buying and selling, and benefiting from loans and all of the economic, social, health, cultural and educational services provided by the State. Under the employment laws, men and women in the public and private sectors are treated equally in terms of wages, leave, allowances, promotion, health insurance and social security (further details are to be found in the present report under the discussion of articles 11 to 13 of the Convention).

The Electoral Act No. 46 of 1973 also treats men and women equally in terms of election and candidacy insofar as article 3 provides that: “Any Syrian Arab citizen, whether male or female, having attained 18 years of age shall enjoy the right to vote and stand as a candidate.” Article 17 further provides that: “Any Syrian Arab citizen, whether male or female, shall enjoy the right to stand as a candidate for membership of the People’s Assembly.”

Despite the positive climate, however, discriminatory articles still remain in certain laws relating to the family and the life of women, such as the Nationality Act, the Personal Status Act and the Penal Code.

## **II. De facto application of political, social and economic measures designed to guarantee the advancement of Syrian women**

The Government of the Syrian Arab Republic has taken various legislative measures to prevent any discrimination against women, including the promulgation of Act No. 42 of 2003 establishing the Syrian Commission for Family Affairs; ratification of the Convention on the Elimination of All Forms of Discrimination against Women by Legislative Decree No. 330 of 25 September 2000; amendment of the articles relating to the age of custody in the Personal Status Act No. 18 of 2003; amendment of the articles on social insurance contained in Act No. 78 of 2001 in order to give women the right to bequeath their pension; the introduction of an increase in maternity leave by Legislative Decree No. 35 of 2002; and ratification of the agreement to establish the Arab Women’s Organization, signed in Cairo on 15 July 2002.

As for administrative measures, the Ninth Five-year Plan (2001-2005) contains a section devoted to women that comprises strategic objectives, including those of:

- Strengthening the participation and effectiveness of women in economic development and increasing the proportion of females in the workforce;
- Strengthening the participation of women in the executive, legislative and judicial branches of government;
- Focusing on the fundamental rights of the family, with particular emphasis on women;
- Empowering women culturally and socially and endeavouring to eradicate illiteracy;
- Ensuring gender equality and empowering women to exercise their rights and assume their obligations.

It should be said that, as part of its overall objectives, the aforementioned Five-year Plan laid down quantitative targets, setting 30 per cent as a minimum for the participation of women in decision-making, for example. Administrative measures have been taken to strengthen women’s political participation and the proportion of women in the People’s Assembly rose from 10 to 12 per cent following the 2003 elections.

Syrian women are also treated on an equal footing with men in all Syrian courts in terms of the right to institute legal proceedings, lodge complaints and argue cases before the civil, criminal and commercial courts. They are guaranteed this right under both the Code of Civil Procedure and the Code of Criminal

Procedure, pursuant to which all citizens, both men and women, receive equal treatment in all matters.

### **III. Obstacles to the advancement and full equality of women**

- The prevalent set of customs and traditions that continue to entrench the stereotyped images of women;
- Various discriminatory articles in the Nationality Act, the Penal Code and the Personal Status Act that confirm the gap with the Constitution and the Convention;
- Loopholes in the safe application of laws under which women have equal rights;
- Absence of proper and effective mechanisms to implement the law and the failure to translate general plans and policies into practice;
- Women’s lack of knowledge about their rights.

### **IV. Progress achieved**

The Syrian Arab Republic has made efforts to minimize such obstacles by adopting specific mechanisms in the Ninth Five-year Plan for the advancement of women; creating the Syrian Commission for Family Affairs; empowering it to propose bills or amend laws; and promoting its role of awareness-raising and coordination among virtually all governmental and non-governmental bodies.

Non-governmental bodies play a prominent role in raising awareness in general and among women in particular about matters of discrimination. Enhancement of the role of these organizations is anticipated once the Associations Act has been amended; efforts to change the Act for the better are currently under way.

In the light of the above, there is greater potential hope for diminishing the influence of long-standing customs, evolving those customs further, enabling women to acquire a legal knowledge of their rights and facilitating their acquisition of those rights, all in all giving rise to the possibility of removal of the reservation to article 2 of the Convention.

## **Section II**

### **Temporary special measures aimed at accelerating de facto equality between men and women**

#### **(article 4)**

**I.** Syrian women are generally treated equally with men in accordance with the Constitution and domestic legislation. The general policy of the State is aimed at accelerating de facto equality and devoting more attention to women’s issues. The empowerment of women has occupied an important place in statements made by the Government, which has placed emphasis on “continuing support for the steps required to further the role of Syrian women, enhance their contribution to building society and strengthen their intellectual and social development”. The general objectives of the Ninth Five-year Plan (2001-2005) also emphasized “promotion of the role of women in the family and society”. The policies and measures embodied in the Plan further emphasized the need to:

- Increase women’s participation in public life and decision-making positions to 30 per cent;
- Reduce drop-out from basic education;
- Further awareness of demographic and environmental issues.

In addition, a special section of the Plan was devoted to the population and workforce, comprising strategic objectives in connection with population growth and the empowerment of women. Also advocated was the need to incorporate population changes into development plans by:

- Strengthening the participation and effectiveness of women in economic development and increasing the proportion of females in the workforce;
- Strengthening the participation of women in the executive, legislative and judicial branches of government;
- Focusing on the fundamental rights of the family, with particular emphasis on women;
- Empowering women culturally and socially and endeavouring to eradicate illiteracy;
- Ensuring gender equality and empowering women to exercise their rights and assume their obligations.

## **II. De facto application**

As for the inclusion of women in sectoral plans, the general objectives and guidelines have been translated into strategies and sectoral policies in various fields; a strategy for the advancement of rural women has been elaborated, for instance, together with a reproductive health strategy and a draft national population strategy (2000-2025), a section of which is devoted to the empowerment of women. The Government of the Syrian Arab Republic is also adopting various positive discrimination measures in favour of Syrian women insofar as it is incumbent on the State to provide women with opportunities for making a full and effective contribution to all areas of life and eliminate all obstacles to women’s participation in the development process. The Employment Act No. 91 of 1959 devotes a full section (section IV) to women’s employment and prohibits the employment of women at night and in jobs that are detrimental to health, morally damaging or physically demanding. The Act also provides for paid maternity leave, prohibits the dismissal of women during maternity leave and further provides for breastfeeding time and the establishment of children’s crèches. In addition, article 460 of the Code of Civil Procedure gives a woman the right to prevent her husband from travelling if it is feared that she may consequently lose financial entitlements arising out of any court proceedings under way. In the event of divorce, she also has the right to seek his detention if he fails to provide maintenance or the dower or prevents her from seeing her children.

## **III. Progress achieved**

Since 2000, several legislative enactments have been promulgated with a view to eliminating discrimination against women and discriminating positively in their favour, including:

- Act No. 78 of 2000, which provides that a woman may bequeath her pension to her legal heirs;
- Legislative Decree No. 330 of 2002, which provides for Syria's accession to the Convention on the Elimination of All Forms of Discrimination against Women;
- Decree No. 257 of 2002, which provides for ratification of the Convention on the Elimination of All Forms of Discrimination against Women;
- Act No. 18 of 2003, which provides for an increase in the age of custody to 13 years for boys and 15 years for girls;
- Act No. 42 of 2003, which provides for the establishment of the Syrian Commission for Family Affairs;
- The directives issued in 2002 by the Minister of the Interior, which stipulate that a woman is entitled to make her own application for a passport or its renewal, without her husband's consent.

As for the protection of maternity, Syria has signed all of the relevant international treaties and conventions, in particular the Convention on the Elimination of All Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the International Labour Organization (ILO) Convention concerning the Employment of Women before and after Childbirth. It also adopted the Programme of Action of the International Conference on Population and Development, held in Cairo in 1994.

On that basis, Syrian laws protect the right of working women to safe maternity. One of Syria's major accomplishments was the promulgation of Legislative Decree No. 35 of 2002 amending article 133 of the Employment Act in order to increase the period of maternity leave with pay from 75 to 120 days for the first birth, to 90 days for the second birth and to 75 days for the third birth. Leave begins during the last two months of pregnancy. Working women who are breastfeeding are also granted a continuous one-hour break a day for nursing purposes until the child is one year of age and those who so wish are entitled to an additional month of maternity leave without pay. Maternity leave granted in accordance with the above article is fully paid by the employer, provided that the woman has been with that employer for a continuous period of seven months before she ceases work (art. 134 of the Employment Act). An employer may not dismiss a woman because she ceases work in order to take maternity leave. Nor may he dismiss a woman during a period in which she is absent for reasons of illness certified by a doctor to have been caused by work or confinement. The employer must allow her to return to work, provided that the total period of absence does not exceed six months (art. 135). For 18 months after confinement, a working woman who is breastfeeding her child is entitled to two additional daily periods of not less than half an hour each for nursing purposes in addition to the prescribed period of rest. These two additional periods are deducted from the number of working hours and give no rise to any reduction of pay (art. 137 of the Employment Act). In both the public and private sectors, the employer shoulders the cost of the maternity leave.

## **Section III**

### **Elimination of sexual stereotyping**

#### **(article 5)**

##### **I. Constitutional and legal framework**

As already indicated, the national Constitution of the Syrian Arab Republic and the majority of laws guarantee the equality of all citizens, both women and men.

Although the Employment Act contains no provisions on sexual harassment in the workplace, the Penal Code prescribes heavy penalties for any kind of sexual violence, including up to 21 years of imprisonment for rape in accordance with article 489 thereof.

Article 4 of the Suppression of Prostitution Act No. 10 of 1961 also severely punishes offences involving sexual exploitation, with stiffer penalties if the victim is a child.

In addition, the Penal Code punishes all form of bodily harm, without distinction; a woman may lodge a complaint with the courts and any penalty is commensurate with the seriousness of the offence.

##### **II. De facto application**

The Government has taken numerous measures aimed at modifying social and cultural customs that hinder the development and equality of women; combating school drop-out among girls; strengthening the concept of reproductive health; and promoting gender-mainstreaming in Syria's school curricula by altering their portrayal of stereotyped roles for both women and men. This matter is currently being followed up with a view to removing all stereotyped images of both from all school curricula. The Syrian Commission for Family Affairs and the Social Initiative Society (a non-governmental organization) also participate in the committee formed by the Ministry of Education.

The Syrian Commission for Family Affairs has endeavoured to channel awareness-raising information messages to the Syrian public through a variety of activities, such as the celebration of International Women's Day, which was also marked by roadside billboards declaring the role of women in the development process and by information programmes designed to promote ideas of equality.

Grass-roots and non-governmental organizations play a role in raising public awareness of the changing conventional patterns for both women and men through the gender-mainstreaming activities of the Syrian Women's League and the Women's General Federation.

As for the situation of battered women, Syria still lacks homes to provide them with shelter. The Sisters of the Good Shepherd have one such home, however, although it has little capacity.

##### **III. Main obstacles**

- Customs and traditions representing a cultural heritage that is sometimes more powerful than the law;

- The modification of behaviour patterns is a long-term social issue and cannot be achieved swiftly;
- Women shoulder the burdens of the reproductive role more so than men and it is regarded as their specific duty.

#### **IV. Progress achieved**

The Syrian Commission for Family Affairs has stepped up its activities in the field of information with a view to promoting the culture of gender equality. The expectation is that these activities will be further promoted through televised information messages. The process of amending the school curricula and removing stereotyped images is also being intensified by means of a comprehensive review conducted with the assistance of governmental and non-governmental bodies. The media have also begun to refresh their output and operational mechanisms by disseminating news of the gender awareness-raising activities carried out by non-governmental organizations and highlighting the need to fill the gender gaps in Syrian laws. Various women's associations additionally carry out awareness-raising activities, particularly on International Women's Day and the day marking the Declaration on the Elimination of Discrimination against Women.

### **Section IV**

#### **Prohibiting the exploitation of women**

##### **(article 6)**

#### **I. Constitutional and legal framework**

In accordance with the Syrian Penal Code of 1949, prostitution is illegal; practising, engaging in or inciting prostitution is punishable under articles 509 to 516, found in section II, entitled "Incitement to debauchery". Article 509 prescribes a penalty of imprisonment for a period of six months to three years for anyone who incites a male or female person under 21 years of age to prostitution or an immoral act, or who aids or abets such person to perform either. Similarly, article 511 punishes anyone who keeps a person by force in a place of debauchery or who coerces such person to engage in prostitution. Article 513 prescribes a penalty of imprisonment for a period of six months to two years for a woman who engages in prostitution as a profession in order to earn a living, while article 509 prescribes a stiffer penalty of imprisonment for a period of three months to three years for a woman who clandestinely engages in prostitution. In all cases, the client is regarded as a civil witness against the woman and her practice of prostitution for material gain. There is no requirement for him to appear before the judicial authorities and his testimony can be heard later.

Under Syrian law, trafficking in women is punishable and it is forbidden to open a place of prostitution. Owners of premises and places of entertainment open to the public who facilitate, promote or incite prostitution are also prosecuted. The punishment further extends to include attempts to commit the offence; article 1 of the Suppression of Prostitution Act No. 10 of 1961 provides that anyone who incites, employs, entices or lures a male or female person with intent to commit debauchery or prostitution shall be punished with imprisonment for a period of not less than one year and not more than three years and a fine of 1,000 to 3,000 Syrian

pounds. If the victim of the offence is under 21 years of age, the punishment is increased to imprisonment for a period of not less than one year and not more than five years and a fine of not less than 1,000 and not more than 5,000 Syrian pounds. Under article 2 of the same Act, any person who uses deception, threat or force in order to entice persons with intent to commit prostitution is also punished.

Under article 3 of the same Act, any person who takes women out of the country for the purpose of trafficking and prostituting them is punished with imprisonment of not less than one year and not more than five years and a fine of 1,000 to 5,000 Syrian pounds. Under article 4 of the Act, if the offender is a relative of the woman or a person with authority over her, the penalty is increased to imprisonment for a period of between three and seven years. Under article 5 of the Act, it is forbidden to bring women into Syria for the purpose of prostitution. Those who perpetrate such an offence are punished with imprisonment for a period of not less than one year and not more than five years and a fine of 1,000 to 5,000 Syrian pounds.

Under article 8 of the Act, anyone who opens places of prostitution or debauchery or who in any way assists in the management of such places is punished with imprisonment for a period of not less than one year and not more than three years and a fine of not less than 1,000 and not more than 3,000 Syrian pounds. Persons who rent out houses for the purpose of prostitution or in order to aid prostitution also receive the punishments prescribed in the above articles. Syria has no laws on child prostitution. Any sexual assault of children, however, is punishable as a criminal offence.

The Syrian Penal Code covers violence against women, including the offence of rape. Article 489 of the Code provides that:

- “1. Anyone who uses violence or threat to force a person other than his spouse to engage in sexual intercourse shall be punished with a minimum of five years of hard labour.
2. The penalty shall be not less than 21 years if the victim is under 15 years of age.”

It is clear that rape is severely punished under Syrian law. This provision applies equally whether or not the rape victim is a prostitute.

As for migrant workers, the Syrian Arab Republic has recently acceded to the Migrant Workers Convention, which will enable it to create appropriate mechanisms for monitoring patterns of migration from and to Syria and show whether migrant workers are involved in sex trafficking.

## **II. De facto application**

The law guarantees mechanisms for implementing the spirit of this article insofar as women are able to institute legal proceedings in accordance with the provisions of the law.

## Section V

### Participation of women in political and public life

#### (article 7)

##### I. Constitutional and legal framework

The Syrian Constitution affirms the right of citizens to political participation in several of its articles. Article 26, for instance, provides that: “Every citizen shall have the right to participate in the political, economic social and cultural life of the country, as regulated by law.”

Article 27 further provides that: “Citizens shall exercise their rights and enjoy their freedoms in accordance with the law.”

Article 45 affirms that: “The State shall guarantee to women all of the opportunities that enable them to make a full and effective contribution to political, social, cultural and economic life, and shall endeavour to eliminate the restrictions impeding their development and their participation in building Arab socialist society.”

As for the Electoral Act No. 26 of 1973, article 3 provides that: “Every male and female Syrian Arab citizen over 18 years of age shall enjoy the right to vote.”

Syrian women acquired the right to vote in 1949 and the right to stand as candidates in 1953, although a certificate of primary education is required for the latter, which impedes the extensive participation of Syrian women in exercising their rights to stand as candidates and vote.

##### II. De facto application

Syrian women participate in all Syrian political parties, although in varying proportions; the number of women in the Arab Ba`th Socialist Party (the ruling party) stands at 613,866, whereas the number of males stands at 1,437,439. The number in leadership positions (the People’s Commands) is 120 for females and 743 for males.

The number of women associate members of the Syrian Communist Party amounts to 20 per cent. In the leadership positions (the Central Committee), women account for 5 of the 85 members.

In the Arab Socialist Movement, the proportion of women in leadership positions is 6 per cent.

These percentages were taken in 2004.

The following table shows the proportion of women standing as candidates in parliamentary elections:

<i>Legislative cycle</i>	<i>Number of candidates</i>		<i>Total</i>	<i>Percentage of women</i>
	<i>Males</i>	<i>Females</i>		
1973-1977	2 677	85	<b>2 762</b>	3.1
1981-1985	3 755	157	<b>3 912</b>	4
1990-1994	4 912	315	<b>5 227</b>	6
1998-2000	5 148	498	<b>5 645</b>	8.8

The following table shows the opportunities available to women and men to stand as candidates in the elections for the People's Assembly:

Year	Number of candidates		Total	Percentage of women
	Males	Females		
1975	9 812	198	<b>10 010</b>	2
1985	11 437	473	<b>11 910</b>	4
1994	18 127	639	<b>18 766</b>	3.4
1999	20 289	894	<b>21 183</b>	4.2

The following table shows a breakdown of the members of the People's Assembly by legislative cycle and gender:

Legislative cycle	Number of members of the People's Assembly		Total	Percentage of women
	Males	Females		
Creation of the Assembly	169	4	<b>173</b>	2.3
1973-1977	182	5	<b>187</b>	2.7
1977-1981	180	6	<b>186</b>	3.2
1981-1985	182	13	<b>195</b>	6.7
1986-1990	178	17	<b>195</b>	8.7
1990-1994	226	21	<b>247</b>	8.5
1994-1998	222	24	<b>246</b>	9.7
1998-2002	223	26	<b>249</b>	10.4
2003-2007	220	30	<b>250</b>	12.0

The following table shows the participation of women in labour unions:

Women's participation in the leadership	Twenty-third session	Twenty-fourth session	Percentage increase
In trade-union committees	1 588	1 747	10.01
At trade-union congresses	636	692	8.81
In trade-union offices	192	228	18.75
Governorate federation councils	57	62	8.77
Executive bureaux of the Governorate Federation Council	4	18	350
Congresses of occupational federations	110	141	28.18
Executive bureaux of occupational federations	2	11	450
Delegates to the Congress of the General Federation	62	72	16.13

The following table shows the number of candidates, winning candidates and delegates for the Federation of Trade-Union Committees, trade-union congresses, the Governorate Federation Council and executive bureaux:

<i>Item</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Percentage of women</i>
Candidates for trade-union committees	24 992	3 046	<b>28 038</b>	11
Winning candidates for trade-union committees	12 279	1 747	<b>14 026</b>	12
Candidates for trade-union congresses	7 865	1 042	<b>8 907</b>	12
Number of winning candidates for trade-union congresses	4 933	692	<b>5 625</b>	12
Number of delegates to congresses of occupational federations	874	141	<b>1 015</b>	14
Number of Governorate Federation Council members	345	62	<b>407</b>	15
Delegates to the Congress of the General Federation	373	70	<b>443</b>	16
Number of executive bureau members	73	18	<b>91</b>	20

The following table shows the number of those holding senior positions by gender and the percentage of women's participation in 2002-2003:

<i>Type of post</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Percentage</i>
Judiciary	1 094	152	<b>1 246</b>	12
Advocacy	13 296	2 467	<b>15 763</b>	16
Minister	28	2	<b>30</b>	7
Ambassador	57	4	<b>61</b>	7
Trade unions	150 564	38 453	<b>189 017</b>	20

Continuing the national action to promote women's issues, which began in Syria in 1970, Act No. 42 of 2003 was promulgated, creating a public commission entitled the Syrian Commission for Family Affairs. It has a corporate personality, as well as financial and administrative independence, and is directly linked with the Prime Minister. The Commission aims to accelerate the process of advancing the status of Syrian women and enabling them to make a better contribution to the efforts for sustainable development.

#### A. Ministerial posts

1976, first female Minister of Culture;

1992, first female Minister of Higher Education;

2000, first female Minister of Social Affairs and Employment;

2003, first female Minister for Expatriate Affairs.

## B. *Representation of women in the judiciary*

Promulgated in 1961, the Judiciary Act makes no distinction between women and men. Women may hold judicial office in the same way as men and are subject to the same conditions for appointment, promotion and remuneration, as well as to the same rights and obligations. Women first entered the judiciary in 1975 and they work in the civil, criminal and commercial justice systems and in courts of all levels, from the courts of conciliation to the courts of first instance, appeal and cassation. The rank of public prosecutor of the Republic and member of the High Judiciary Council was first held by a woman in 1998. Women account for 13.38 per cent of the number of judicial officers and there are currently 170 female judges. There are also 33 female State advocates, who account for 14.47 per cent of total State advocates. There are 250 female judicial assistants and several women working as jurists.

Women enjoy the same competence as men and hold elected office under the same terms as men. Grass-roots and non-governmental organizations active at the national level are engaged in efforts to promote public interest in the role of women and strengthen the capacity of women to stand as candidates and vote, despite the substantial proportion of women in some positions.

Despite the progress achieved in the participation of Syrian women in public and political life, the Syrian Government still aspires to promote their representation in decision-making bodies with a view to advancing their status. The Government therefore clearly included the question of women for the first time ever in the Ninth Five-year Plan of the Syrian Arab Republic, having set specific objectives for strengthening the participation of women in economic development and increasing their participation in the executive, legislative and judicial branches of government, as well as in public decision-making positions. The Syrian National Commission for Family Affairs also elaborated a national strategy for the advancement of women to the year 2005. The core areas of concern in this strategy include that of women and decision-making, in which emphasis is placed on the need for action to increase the participation of women in the legislative, executive and judicial branches of government and all decision-making positions to 30 per cent by 2005.

### *The role of Syrian non-governmental organizations*

Various Syrian non-governmental and grass-roots organizations (the Syrian General Women's Federation, FIRDOS, the Syrian Women's League, businesswomen's committees in the Syrian Chamber of Industry and Commerce, the Syrian Family Planning Association, the Family Protection Society, the Women's Cultural Forum Society, the Women's Literary Club, the Social Initiative Forum, the Committee for Women's Affairs and the National Association for Development of the Role of Women), non-governmental organizations concerned with women's affairs, activists and forums for the empowerment of Syrian women are all involved in social, economic, political and cultural activity through:

- Legal, health, cultural and social awareness-raising: seminars, training courses, lectures, articles, publications and information programmes;
- The conduct of studies and research on women's issues in order to gather information on problems and seek solutions;
- The provision of family planning services and health care;

- Economic empowerment by granting small loans, training for small income-generating projects run by women and technical advice on setting up, administering and marketing such projects.

### **III. Obstacles and measures**

- Reluctance on the part of some women owing to social circumstances and the number of domestic burdens;
- The predominance of various customs and traditions limiting such participation, including the male-biased mindset;
- The lack of an electoral culture involving women;
- The insufficient number of women in decision-making positions;
- Many women are insufficiently informed about laws and regulations on a continuing basis.

In addition to those already taken, numerous measures are under way to ensure that women participate in formulating and implementing development planning at all levels, including involvement of the General Women's Federation in all national committees. Women participate in all trade-union committees, bodies and councils at all levels at a rate of between 12 and 34 per cent. The post of gender-equality officer has also been created in all ministries and the percentage of women in decision-making positions has increased.

### **IV. Outlook**

In practice, the process of implementing the Convention on the Elimination of All Forms of Discrimination against Women demands the participation of all social groups generally and of persons in charge of decision-making, as well as that of local and international development agencies in particular.

Our country can look forward to achieving a number of potentials, including those of:

- Giving women wider opportunities to take part in elections at all levels;
- Encouraging women to participate in political activities;
- Creating a means of access to legal advice in order to help women to acquire a thorough knowledge of legal texts and interpret them accurately;
- Training women for political leadership;
- Creating a database on women in positions of responsibility, as needed;
- Using the quota system as a temporary measure to increase the proportion of women's representation in electoral commissions.

## Section VI

### Participation of women in diplomatic representation and international organizations

(article 8)

#### I. Constitutional and legal framework

Under article 45 of the Constitution of the Syrian Arab Republic, women are guaranteed the right to employment and equal opportunities with Syrian men, without discrimination. The State also guarantees to women all opportunities that enable them to make a full and effective contribution to political, social, cultural and economic life. The Syrian Government is also endeavouring to eliminate the restrictions impeding their advancement and their participation in development processes, particularly in the area of decision-making.

Legally speaking, Syrian women enjoy the same right as men in regard to acquiring civil service positions, including in the diplomatic and consular services.

#### II. De facto application

Syrian laws encourage women's enjoyment of the right and opportunity to represent the Government at the international level. Women's participation in the work of international organizations is still modest compared with that of men, which is attributable to the stereotyped roles of women in society whereby movement and travel for women is for the most part limited. High proportions of Syrian women are employed in international organizations in Syria.

Syrian women first entered the diplomatic corps in 1953. As diplomatic activity evolved, women came to have an effective role; in 1994, the number of active women in the diplomatic corps amounted to 27, or 9.5 per cent. In 1988, Syria's first female ambassador abroad (Belgium) was appointed and, in 2005, there were altogether five Syrian female ambassadors. At the present time, 11 per cent of Syria's ambassadors are female. In 2004, there were 47 women in the diplomatic corps, compared with 260 men.

## Section VII

### Nationality

(article 9)

**The Syrian Arab Republic entered a reservation to article 9, paragraph 2, on the ground that it was incompatible with the Islamic Shariah.**

**This reservation does not square with articles 7 and 8 of the Convention on the Rights of the Child, which was ratified by the Government of the Syrian Arab Republic without any reservation to those articles being entered.**

**The work currently under way for the removal of this reservation and amendment of the Nationality Act has now reached its final stages.**

#### I. Constitutional and legal framework

In the Syrian Arab Republic, nationality is governed by the law promulgated by Legislative Decree No. 276 of 1969, which regulates the acquisition, loss,

restitution, deprivation and reinstatement of Syrian Arab nationality. Article 43 of the Syrian Constitution promulgated by Legislative Decree No. 208 of 1973 provides that: "The law shall regulate Syrian Arab nationality and guarantee special facilities for Syrian Arab expatriates and their children, as well as for citizens of Arab countries."

The Syrian legislature determined that primary nationality is based first on *jus sanguinis* (right of blood), secondly on *jus soli* (right of soil) and in one case on both *jus sanguinis* and *jus soli*, with the addition of a particular case in which primary nationality is determined on the basis of ancestry in the Syrian Arab Republic.

Represented by the Ministry of the Interior, the executive has responsibility for application of the Nationality Act and the enforcement of its provisions. It is under obligation to publish in the Official Gazette all decrees and decisions on the acquisition, removal, restitution and reinstatement of nationality, in accordance with article 26 of Legislative Decree No. 276 of 1969.

The bond of nationality is one of general law and is consequently subject to the rules governing such law. Furthermore, by virtue of its specialization, the administrative judiciary is better able than the ordinary courts to apply the principles of that law. Hence, article 28 of the Syrian Nationality Act provides that: "The Council of State, in its capacity as an administrative law body, shall have the exclusive competence to adjudicate in nationality proceedings."

#### *Proof of nationality*

Article 3 of Legislative Decree No. 276 of 1969 provides that:

"The following persons shall be deemed, *ipso facto*, to be Syrian Arabs:

- (a) Anyone born inside the country to a Syrian Arab mother but whose paternity has not been legally established;
- (b) Anyone born inside the country to parents who are unknown, of unknown nationality or stateless. A foundling discovered within the country shall be deemed to have been born therein at the place in which he or she was discovered, failing proof to the contrary;
- (c) Anyone born inside the country and who, at birth, was not entitled to acquire a foreign nationality by virtue of his or her filiation;
- (d) Anyone with ancestry in the Syrian Arab Republic who has acquired no other nationality and failed to apply for the option of Syrian nationality within the time limit specified pursuant to earlier decrees and laws.

The provision of this article shall apply, even if the birth occurred before the date of the entry into force of the present Legislative Decree."

Reviewing the articles in question, it is evident that Syrian women may transmit their nationality to their children only in the cases stipulated in article 3 of the Nationality Act. They are not treated equally with men in regard to this right, as the nationality of minors continues to be transmitted from their father.

### *Acquisition of Syrian Arab nationality*

Nationality (in cases where it is established at a date subsequent to the birth of the individual concerned) is acquired by naturalization or marriage, in accordance with the current legislation promulgated by Legislative Decree No. 276 of 1969, in the following instances:

#### *A. Acquisition of nationality by naturalization*

- Under the current legislation, the conditions for naturalization differentiate between aliens and Arabs. The legislation also provides that Syrian Arab nationality may be granted to persons in specific categories without being bound by the usual conditions for naturalization. The Syrian legislature has made a distinction among three types of naturalization: first, naturalization of aliens; secondly, naturalization of Arabs; and thirdly, exceptional naturalization. Article 4 of the above-mentioned Decree provides that: “An alien may be granted nationality by decree at the proposal of the Minister of the Interior and on written application of the person seeking nationality.”
- Article 8, paragraph 1, of Legislative Decree No. 276 provides that:
 

“Nationality shall be granted to the wife of an alien who has acquired nationality, in accordance with the following conditions:

  1. An application for such purpose must be submitted to the Ministry;
  2. The marriage must continue for a period of two years from the date of application;
  3. She must be legally resident in the country;
  4. A decree on her acquisition of nationality must be issued by the Minister.”

#### *B. Acquisition of nationality by marriage*

The Syrian legislature adopted the principle that, in all cases, nationality is independent of the family, whether the wife is an Arab or an alien. In regard to the effect of marriage to a Syrian on the nationality of the wife, however, a distinction is made between cases where the wife is of alien nationality and cases where she is Arab or of Syrian origin or formerly enjoyed the nationality of the Syrian Arab Republic in that an Arab woman is exempt from some of the conditions required for an alien women to be granted Syrian Arab nationality.

- An alien woman married to a national acquires nationality only in accordance with the conditions and provisions stipulated in article 8, paragraph 1.
- Article 19 of the Syrian Nationality Act also provides that, if a woman married to a Syrian Arab citizen is a national of an Arab country or is of Syrian origin or formerly enjoyed Syrian Arab nationality, she becomes a Syrian Arab by decree of the Minister of the Interior by simply stating her wish to that effect in a written application.
- The nationality status of a Syrian Arab woman following her marriage to an alien is clarified in article 12 of the Nationality Act, which provides

that: “If a Syrian Arab woman marries an alien and the law to which the husband is subject gives her the right to acquire his nationality, she must apply to the Syrian authorities to keep her Syrian Arab nationality in addition within one year of having acquired the nationality of her alien husband.”

- Women and men have equal rights in regard to acquiring residence and the same functional status as the marital partner. The status of a Syrian woman whose husband changes his Syrian nationality is clarified in article 11 of the Nationality Act, which states that:

“If a Syrian Arab male acquires alien nationality by naturalization, his Syrian Arab wife loses her Arab nationality if the nationality law which applies to her new husband confers that nationality on her. If she wishes to retain her Syrian Arab nationality, she must submit an application to the Syrian authorities stating her wish to do so, failing which she shall lose it.”

A Syrian woman may obtain a passport and leave the country without her husband’s permission, particularly since an administrative order was issued in 2003 guaranteeing the exemption of Syrian women from the requirement to obtain an exit visa in order to travel outside the country.

It is clear from reading Legislative Decree No. 276 of 1969, which regulates the Syrian Nationality Act, that the Syrian legislature has adopted the principle of patrilineal *jus sanguinis*, or, in other words, birth to a father who enjoys the nationality of the Syrian Arab Republic. Hence, a child’s nationality is transmitted from the father, or from the mother if the father is deceased, was non-Syrian and she is Syrian. The child has the right to renounce his or her nationality after attaining 18 years of age.

All children have their own passport with the consent of their guardian (father – paternal grandfather – paternal uncle over 18 years of age – *cadi*), who must also give his consent for the child to travel outside the country. The requirement for consent is not applicable to a Syrian man except where the mother has custody of her children following the couple’s separation, in which case she must consent to her children travelling with the father. Article 150 of the Syrian Personal Status Act provides that: “The father shall not travel with the child during the period of custody, except with the permission of the woman holding custody.” It should be stated that the new Syrian passports do not allow the addition of family members to another travel document.

## **II. Progress achieved**

There have been concerted efforts to review the reservation entered by the Syrian Government to article 9 of the Convention and produce the necessary legal amendments. In that context, the Syrian Commission for Family Affairs has worked in conjunction with the General Women’s Federation and relevant non-governmental organizations to examine this reservation by preparing legal studies highlighting the discrimination in the Syrian Nationality Act. The Syrian Women’s League also conducted field research on women married to non-Syrians and the effects arising from the marriage, particularly in regard to children, and ran training gender-equality workshops for men and women working in the media as an indicator in exploring various topics concerning the Nationality Act and the

discriminatory articles contained in it. A presentation of the Convention and the articles to which there are reservations was given during one of the workshop sessions. Media coverage was also given to the Act, as well as to the field research, by Syrian newspapers, magazines and television. During a listening session held on 17 June 2004 at the Social Forum and attended by numerous members of the People's Assembly, women told of the suffering they experienced as a result of being denied the right to transmit their nationality to their children. This session was covered on television and also reported by the Syrian and Arab press. On 30 March 2004, a memorandum seeking the amendment of article 3 (a) was submitted to the People's Assembly, together with a statement of the reasons for the amendment. It should be mentioned that 35 members of the People's Assembly tabled a bill on the amendment of article 3 of the Syrian Nationality Act. The bill was also included in the agenda of the Assembly during the May-June 2004 session. The reservation to article 9 of the Convention is being considered and modified.

The Syrian Commission for Family Affairs (a governmental body) held four dialogue workshops in four Syrian towns. Attended by nearly all members of the People's Assembly, the workshops covered the articles to which there are reservations with the aim of promoting the Convention and working for the removal of some of the reservations. The Commission took care to ensure that clerics were present at each workshop to state their point of view on the reservations and the extent of their compatibility or otherwise with the Islamic Shariah.

The outcome of these workshops was that the participating members of the People's Assembly (Parliament) largely agreed that all of the Syrian reservations should be removed, with the exception of those made to article 16, paragraphs 1 (c) and (f). Hence, agreement was reached concerning removal of the reservation to paragraph 2 of the article.

The Commission then submitted a proposal to the head of the Syrian Government for removal of the reservations and is continuing to work with all governmental and non-governmental bodies to that end, as well as for the commencement of procedures for implementation of the provisions of the Convention.

## **Section VIII**

### **Education**

#### **(article 10)**

##### **I. Constitutional and legal framework**

Article 37 of the permanent Constitution of the Syrian Arab Republic provides that: "Education is a right guaranteed by the State and it shall be free at all stages and compulsory at the primary stage. The State shall endeavour to extend compulsory education to other stages." Article 21 of the Constitution also explicitly and clearly defines the objectives of education.

In order to translate that right into practice, Act No. 7 of 1972 and the Compulsory Education Act No. 35 of 1981 were promulgated, stipulating that all guardians of Syrian male and female children between the ages of 6 and 12 are required to enrol their children in primary schools.

The above Act also prescribes fines and criminal penalties for any guardian who fails to send a child to school. Article 6 provides that anyone who employs a child of compulsory education age shall be punished with imprisonment and a fine. Furthermore, it provides that the penalty shall be increased if the offence is repeated and that premises in which children of either sex are employed shall be closed down. Under the Basic Education Act No. 32 of 6 February 2002, the stages of primary and preparatory education are merged into one free compulsory stage lasting nine years, comprising an initial period of four years and a second period of five years.

## **II. De facto application**

As contained in the directives on registration and admission to schools and classes, the conditions for enrolment in any kind of basic, general secondary or vocational school do not discriminate on the basis of gender. After the primary education stage, both male and female students have the opportunity to choose between general and vocational education, depending on their averages.

Legislative Decree No. 55 of 2 September 2004 regulating pre-university educational institutions was also promulgated and the implementing directives were issued on 3 January 2005.

The implementing directives devote attention to improving the educational environment and are concerned with ensuring the quality of education in accordance with criteria for excellence, as well as with providing the opportunity for both males and females to benefit from education, starting with nurseries and ending with the secondary stage.

Section VI, article 46, provides for adoption of the coeducational system at the primary education stage as a bare minimum and emphasizes the importance of continuous training for teachers and administrators, subject to the flexibility of the curricula and activities.

The educational philosophy in the Syrian Arab Republic is based on the use of one study plan for each grade. The only discrepancy occurs in technical and vocational education, which is attributable to the difference within that particular branch of education.

The Ministry of Education is currently endeavouring to convert women's technical education into one covering the subjects of sewing, household economics and arts. It is open to males and females alike.

The proportion of females to males is 94 per cent in the 15-19 age group, which includes the age of graduation from the stage of basic education. The proportion of female to male graduates from this stage is as high as 105.7 per cent.

The proportion of female to male graduates from higher and intermediate institutes is 116 per cent (Statistical Compendium of 2004).

The proportion of female to male graduates from university education, however, falls to 88 per cent, although the proportion of females to males in the 25-29 age group amounts to 105 per cent (Statistical Compendium of 2004).

As already mentioned, the school curricula are the same for all types and branches of education, as are examinations. Teacher-student ratios vary in

accordance with the number of male or female students in each field of study, which ranges from 30 to 50 in government schools, with no gender-based distinction.

In terms of quality, the premises and equipment in single-sex schools are entirely similar. By and large, they are suitable for both male and female pupils and include essential services such as drinking fountains, lavatories and wide open areas appropriate for school activities.

There is also a school construction plan designed to complete the transformation of premises into modern schools and end the practice of leasing premises that are not essentially built as schools, although only a few such instances now remain.

The division of students into branches, courses or streams of study is subject to the level of attainment in the basic school certificate and based on the total marks obtained by the student or on the student's personal choice between the two branches of general education (scientific or literary).

The proportion of women to men in the group aged 20 to 29 years, which is the presumed age of graduation for the majority, is 105 per cent. The proportion of women to men in general in Syria is 95.4.

The proportion of women to male graduates from the branches mentioned is as follows: 60 per cent for veterinary medicine, dentistry and pharmacology; 47.6 per cent for all types of engineering; 80 per cent for agriculture; 60 per cent for science; and 38 per cent for law.

As for secondment, no gender statistics are available, but it can be said that the secondment mechanisms indicate no gender-based distinction.

The number of women enrolled in adult literacy and skills programmes in the foundation and follow-up stages is 47,391, compared with 14,870 men, or, in other words, a proportion of 318 per cent.

This will have positive consequences for narrowing the gender gap as far as illiteracy is concerned (Statistical Compendium of 2004).

The men and women who work on this programme are licensed teachers who have also attended training courses. The proportion of female teachers to total number of teachers in the basic education stage is 64.5 per cent, according to the Statistical Compendium of 2004. The proportion of female teachers in general secondary education was 43 per cent and fell to 15 per cent in university education, thus reflecting the gender gap. We believe this to be the result of poor female responsiveness to higher education and the lack of government policies encouraging closure of the gap.

The wide discrepancies between the proportion of female teachers in the basic and university education stages are also the result of the previous social trend for women to enter the teaching profession by the shortest route. Efforts to rectify this situation have been under way for some years in that various branches for further study have been opened in Syrian universities.

Although education on sex and the family is not taught as a separate subject, some of the ideas are explained in a number of related subjects, particularly in the science and health education aimed at school youngsters.

The plan of study for sports education is the same for all school grades, with no gender distinction, in addition to which the male and female students in co-educational schools (governmental and non-governmental) practise the same activities in their sports lessons. Sports is a subject included in all study plans, from the beginning of nursery to the end of the secondary school stage.

There are also no obstacles as far as dress or social culture are concerned to prevent women from joining in any sports activity. All teams which take part in regional and international sporting events include both sportsmen and sportswomen. Syria has also had female Olympic sports champions, such as Ghadah Shu`a.

There is a network of sports clubs (the Sports Federation) throughout the towns and regions of Syria and every club has an establishment offering sports facilities.

As for schools, a study carried out by UNICEF in 2003 on the gender dimension in the school environment and in school textbooks pointed out that the walls in school halls, classrooms and corridors displayed images of both male and female children, with no gender distinction. They also pointed out that head teachers treated pupils of both sexes in the same way.

### **III. Obstacles**

The main obstacles are exemplified in some of the customs and traditions that preclude women from joining adult education programmes and in the fact that the main burden of the reproductive role falls to women. In rural areas, the contributions of women in agriculture and animal husbandry (contributions for which no account is made) are added to those burdens.

### **IV. Progress achieved**

In order to alleviate this problem, the "literacy" component is included in various development projects targeted at women, who, if they attend literacy courses, are able to obtain a financial grant (or loan) and a food basket or other incentive.

Moreover, a mobile-schools project for desert areas has now begun. There are 408 such schools, which are co-educational. Each school has a qualified teacher who stays in a caravan or tent and moves with the tribe wherever it goes.

The Ministry of Education has also begun to pilot the flexible school year, the beginning and end of which are variable in accordance with the agricultural season in rural areas.

Following the promulgation of Act No. 16 of 2002, pursuant to which the Ministry of Education and the Ministry of Culture became partners for the eradication of illiteracy, a qualitative approach to the adult education programme was developed, as follows:

1. The first foundation level, aimed at alphabetical literacy and lasting for a period of three months;
2. The second follow-up level aimed at compounding the acquired reading skills and providing an initial educational experience, lasting for the same period;

3. The third level, aimed at firmly establishing reading skills and developing the educational experience, lasting for a period of four months.

In cooperation and coordination with UNICEF, the Ministry of Education implemented an education project for girl drop-outs in the northern and eastern governorates by starting special classroom courses of study for such girls, with an average of 10 to 20 pupils, both during and outside the official hours for informal education. The project targeted girls in the 10-17 age group and continued for a period of five years.

As for school curricula and textbooks, positive progress has been made in replacing gender stereotypes and the new textbooks consequently portray working women, as well as women artists, poets and doctors. The proportion of women portrayed in the curricula is still small, however, compared with that of men. The Ministry of Education is therefore currently engaged in preparing matrices for gender-mainstreaming in the school curricula, as appropriate to each curriculum, and is planning gender training workshops for preliminary instructors and textbook authors.

## **Section IX**

### **Employment**

#### **(article 11)**

##### **I. Constitutional and legal framework**

Article 45 of the permanent Constitution of the Syrian Arab Republic guarantees to women the right to work and equal opportunities, with no discrimination against them. The State also guarantees to women all opportunities that enable them to make a full and effective contribution to political, social, cultural and economic life.

The Constitution discriminates positively in favour of women by making it incumbent on the State to provide them with opportunities for making a full and effective contribution to all areas of life and eliminate the obstacles precluding their participation in the development process. Numerous domestic laws and legislative enactments also discriminate positively in favour of women; the Employment Act No. 91 of 1959, for instance, devotes a full section to women's employment.

As for the national legislation, none of the legal texts in force in the Syrian Arab Republic make any gender-based distinction as far as employment rights are concerned, whether in the public, private or joint sector.

Article 130 of the Employment Act No. 91 of 1959 affirms that: "All provisions regulating employment shall apply to women, with no distinction among workers in the same job." Under the Act, certain jobs are excluded from such equality; in order to protect women, it prescribes, for instance, that they may not be employed during certain hours at night or in jobs that are detrimental to health, morally damaging or involve hard labour (arts. 131 and 132 of the Employment Act No. 91 of 1959). The cases and jobs in question were specified by the Minister of Social Affairs and Labour pursuant to his Decision Nos. 416 of 1959, 618 of 1960 and 1066 of 1962, as well as by Decision No. 3803 of the Office of the Prime Minister, dated 20 November 1985, which regulates the employment and working

hours of women in productive jobs, and Decision No. 1663 of the Minister of Social Affairs and Labour, dated 28 December 1985. In view of the absence of discrimination against women in the field of employment, there are no provisions to be abolished.

Article 130 of the Employment Act No. 91 of 1959 states that: "All provisions regulating employment shall apply to women, with no distinction among workers in the same job."

Article 7 of the State Employment Statute No. 1 of 1985 makes no distinction between men and women in regard to general conditions of appointment and does not use the criterion of gender, but objective criteria such as nationality and the academic or technical qualifications appropriate to the post.

All of this is done within the framework of the international conventions to which Syria has acceded insofar as:

- It ratified the ILO Convention No. 105 concerning the Abolition of Forced Labour;
- It acceded to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1958);
- It also acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- It acceded (in 1931) to the Slavery Convention of 1926, amended in 1953;
- It recently acceded to the Migrant Workers Convention.

## **II. De facto application**

No complaints about gender-based discrimination in the field of employment have been lodged, signifying that the laws are fully applied in the regular employment market. Some industries, such as textiles, weaving and embroidery, however, employ women for piecework or work from home. As in the case of their male counterparts, women pieceworkers in the private sector are subject to the provisions of the Employment Act No. 91 of 1951 and enjoy all the rights and obligations stipulated therein, if working for an employer under his supervision. Women who work for an employer from home, however, are not subject to the provisions of the Employment Act and receive none of the benefits for which it provides, such as sick leave, paid leave and employer contributions to social insurance. This is part of the problem of employment in the informal job market.

Women are chiefly employed in certain occupations, such as in the tourism, media and education sectors, sewing and weaving, and as receptionists, pharmacy assistants and secretaries, all by virtue of custom and tradition and not by virtue of the law. There are other occupations in which men are chiefly employed by virtue of the law, however, such as quarrying, mining, metal founding, glass smelting, asphaltting and other jobs that require heavy strength, or that are customary or traditional, such as driving public vehicles and manual work.

In a bid to reduce unemployment, the Government has sought to guarantee opportunities for women to work in jobs not traditionally sought by them, although job creation is low for both sexes.

The State has begun to encourage women to train in areas of employment that they normally avoid, such as driving, work in vocational institutes and other specialist jobs in the production field.

The law also gives women the right to equal pay with men for equal work and decisions determining the minimum wage are issued in every government at least annually by the Minister of Social Affairs and Labour, without discrimination between women and men, at the proposal of a competent committee comprising representatives of the Ministry of Social Affairs and Labour, the Ministry of Industry, employers and workers. The committee gives its opinion only after investigating and hearing the views of all employer organizations and interested labour unions. These decisions are binding on employers and may not be contravened.

In the public, private and joint sectors, employers are required to make contributions to social insurance institutions on behalf of their workers in order to cover work injury, incapacity and old age. Female workers benefit from all of the provisions on administrative leave, sick leave, training leave and paid maternity leave for the first three children only. Until her child is one year old, a woman is also entitled to a break of one consecutive hour per day for breastfeeding, which is counted as part of working hours, with no consequential reduction of pay, in accordance with Legislative Decree No. 35 of 13 June 2002. The State Employment Statute, however, makes no provision for the right of female agency workers to benefit from maternity leave, pilgrimage leave or compulsory holidays.

Furthermore, employers in the private sector are not required by law to make any insurance contributions on behalf of their casual or temporary workers, with no distinction between men and women, other than for work injury. Similarly, a woman employed on a temporary work contract in the private sector does not benefit from maternity leave unless she has been with the employer for seven consecutive months by the time she ceases work. A fixed-term contract of employment expires at the end of its original term, even if it falls during maternity leave.

The value of unpaid domestic and agricultural work is not calculated in determining eligibility for a pension and other employment and social insurance benefits, as the Syrian Social Insurance Act excludes from its provisions the family dependents of an employer, domestic servants, other workers of a similar kind and seasonal agricultural labourers in the private and joint sectors, except where special provision for them is made.

For both men and women, the compulsory retirement age is 60 years. As for the voluntary retirement age, for those with 15 years of pensionable service, it is 60 years for men and 55 years for women, while for those with 20 years of pensionable service or 15 years of insured service in the case of physically demanding or hazardous jobs, it is 50 years for women and 55 years for men. Insured persons with 25 years of pensionable service are also entitled to early retirement if they so request, without being bound by the age conditions. Women benefit from the pension rules applicable to their husbands and vice versa.

As for job security, in principle it is unaffected by a woman's pregnancy insofar as the law provides that she is entitled to paid maternity leave, which is regarded as actual service. By law, a woman may not be dismissed from a job in the public sector during maternity leave, nor may an employer in the private sector

dismiss a woman during that period, subject to punishment with a fine liable to amount to 80 per cent of the woman's wage unless he concedes to reinstate her. Marital status does not affect job security.

Article 114 *et seq.* of the Employment Act regulate working hours and set the maximum for such hours, as well as the pay entitlement for hours of night and day work (art.121 of the Employment Act).

Working women are entitled to fully paid maternity leave of 120 days for the first-born child, 90 days for the second-born child and 75 days only for the third-born child. If the newborn child dies, the period of leave is halved. The costs of such leave are covered by the employer alone (in both the public and private sectors), in accordance with Legislative Decree No. 35 of 13 June 2002 amending the provisions of the State Employment Statute No. 1 of 1985.

If a woman gives birth to a fourth child, however, she does not benefit from any paid maternity leave. The same applies to agency or temporary workers in the private sector who have served less than seven months at confinement, whereupon they are obliged to take sick leave at less than the normal pay for the job, in addition to which their job security is threatened.

The current law prohibits the dismissal of a woman from her job on account of maternity leave or marital status and resignation for such reasons is at the woman's discretion. In the Syrian Arab Republic, there is no legislation on paternity leave, which is non-existent, and nor is a couple able to divide maternity leave between them.

There is also equal paid leave for men and women, as in the case of annual administrative leave, official holiday leave, the weekly period of rest and sick leave. We have no legislation providing for flexible job patterns that give men and women the opportunity to combine work with family responsibilities, such as job-sharing or permanent part-time work.

Mothers are entitled to periods of rest in order to breastfeed their children, taken as a continuous break of one-hour a day, until the child is one year of age. They essentially receive this benefit in the public sector, whereas in the private sector they are severely pressured into giving up or reducing such periods.

Although the country has childcare facilities, they are scattered and not sufficiently organized to the degree where they might be described as a network. These facilities are in the form of either nurseries or kindergartens that are randomly dispersed between the private and public sectors. They do not fulfil existing needs and the feeding and care are not realistically programmed to coincide with working hours. A number of State workers, however, are being released for assignment to work in the nurseries and kindergartens attached to public bodies and to grass-roots organizations operating in this field. Nevertheless, the financial credits reserved for this purpose remain below the required limit, which also applies to the equipment available in the establishments concerned, the services which they provide and the programmes used in running them. Neither proper care of the child nor the stability and reassurance needed by the mother are achieved. Moreover, better training is required for the women employed in this area of work, although the curricula and preparation work have been steadily improving.

School-age children are individually cared for by other family members or neighbours in cases where the working hours of the father or mother are longer than the school day.

As for work conditions, the employment laws lay down strict rules to ensure that they are suitable and healthy and that workers have access to appropriate medical services (arts. 64 *et seq.* of the Employment Act).

Ministerial notices prohibit the employment of women in hard or strenuous labour or in jobs that are detrimental to health or morally damaging (Decision No. 3803 of the Office of the Prime Minister, dated 20 November 1985, which regulates the employment and working hours of women in productive jobs, and Decision No. 1663 of the Minister of Social Affairs and Labour, dated 28 December 1985).

The Model Internal Regulations issued by the Office of the Prime Minister require all public bodies to ensure that their internal regulations broadly cover the principles of health, occupational safety, industrial security and protection of the work environment, laying down general rules for these, as well as bases for the employment of women in general and for pregnant and nursing women in particular. Forms of work considered harmful to pregnant women, for example, and in which their employment is forbidden, include those which involve handling chemical materials likely to cause miscarriage or carrying any weight over 10 kilograms.

There are also other jobs in which it is forbidden for women to take part; ministerial notices and current rules forbid the employment of women in mines, quarries, metal foundries and glass smelters, for instance. With the exception of artists, actresses, stewardesses, airport workers, doctors, nurses and midwives, the employment of women during certain hours of the night is also forbidden. Other occupations may be additionally included among these exceptions by a decision of the Minister of Social Affairs and Labour.

The economic opportunities available to women remain unaffected by these restrictions; first of all, there are a number of exceptions and secondly, the labour absorption capacity of the sectors concerned is relatively small. Furthermore, women do not gravitate towards the areas of employment in question because of the hard conditions or unhealthy environment in some of the occupations and jobs in question. The health directives are being constantly reviewed in the light of scientific progress, although amendments have been only minimal owing to the absence of specialist research centres providing data and realistic solutions for such measures.

As for sexual harassment in the workplace, the provisions of the Penal Code criminalize sexual harassment and impose a stiffer penalty where such harassment is perpetrated against women in the workplace. In that connection, however, no measures worthy of note have been taken and women usually resort to individual solutions for this problem. Because there are no special provisions in the Employment Act covering sexual harassment, the effect of such harassment also varies depending on the perpetrator.

Syria's working class is regulated by the Trade-Union Organization Act promulgated by Legislative Decree No. 84 of 1968, as amended, which guarantees to both male and female workers the ability to perform their role in trade-union activity and the freedom to belong to the trade union for the occupation in which

they are engaged, provided that they are over 15 years of age. They may not belong to more than one trade union (art. 23 of the Trade-Union Organization Act).

In the system of labour union in Syria, women workers are regarded as an integral part of the working class. The General Federation of Labour Unions, which is the grass-roots organization responsible for the workers' sector in Syria, has attempted to expand trade-union activity among women workers in various workplaces and occupations in the three public, private and joint sectors. The Federation has played a key role in supporting working women, defending their rights, raising their cultural and political awareness, improving their vocational training, enhancing their participation in employment and daily life, expanding the health and social care available to them and eliminating the obstacles facing them by forming committees of women workers, which are currently proposing appropriate mechanisms for the formation of women's committees in the private sector.

### **III. Obstacles and challenges**

- The shortage of job opportunities and the real unemployment rates;
- The failure of employment offices to ensure that reasonable proportions of the women registered with them are offered job opportunities, as well as their failure to respect the correct order of turn, which is rendered meaningless by the exceptions made and ruses employed by some such offices and departments, with poor female workers paying the price;
- Low wages, the dearth of genuine production projects and the financial exploitation of workers by employers in the private sector;
- The absence of any strict and effective monitoring system;
- The poor system of penal support for contravention of the provisions of the Employment Act, as a result of which many employers have no qualms about violating those provisions;
- The slowness of legal proceedings and the fact that they may be prolonged for months and years (through courts or judicial committees that have no jurisdiction - the Committee on Workers' Dismissal), a situation which is exploited by employers to make excessive demands on workers who may be unable to cope with awaiting the outcome of such proceedings, all this in spite of the legal provisions which consider employment cases to be urgent;
- The large female workforce on the informal job market, where there is no control or social protection.

### **IV. Progress achieved**

The existence and further development of non-discriminatory laws to keep pace with labour in the Syrian Arab Republic are fundamental safeguards for enabling women to step up their contribution to the development process. It is our belief, however, that the employment of women in the informal sector still constitutes a major challenge for development and one which the Government is attempting to address by creating job opportunities, attracting women to non-stereotyped occupations and monitoring the work of women within

the family domain. A catalogue of the loopholes impeding the optimum application of laws provides a major impetus for overcoming those challenges.

The Federation of Labour Unions, moreover, has set an objective which it is striving to achieve, namely that of establishing committees of women workers in the private sector. Non-governmental organizations (the Syrian Women's League and the Social Initiative Society) are also devoting more attention to studies on women in the informal job market and women breadwinners.

The subject of women and employment received special attention in the shadow report prepared by the Syrian Women's League on Beijing +10.

## **Section X**

### **Women in the field of health care and social security**

#### **(article 12)**

##### **I. Constitutional and legal framework**

The Syrian Arab Republic has achieved considerable successes in health care delivery, without distinction between one citizen and another. The Syrian Constitution, for instance, guarantees health care in cases of accident, disease, invalidity, orphanhood and old age. Article 46, paragraphs 1 and 2, and article 47 provide as follows:

- Article 46: 1. The State shall guarantee assistance to all citizens and their families in cases of accident, disease, invalidity, orphanhood and old age.
2. The State shall protect the health of citizens and provide them with means of prevention, treatment and medication.

Article 47: The State shall guarantee cultural, social and health services and shall endeavour in particular to provide villages with such services in accordance with their level.

##### **II. De facto application**

###### *A. Child and maternal health*

Maternal and child health services have been at the forefront of the Government's concerns for many years past. For instance, the first health plan to highlight the importance of these services was formulated as part of the First Five-year Development Plan in 1960. Health policies underwent significant change in the period between 1971 and 1980 in that maternal and child health services were incorporated as part of the system of health services and care. Furthermore, it was only shortly after the Alma Ata Conference had convened in 1978 that the Government took prompt action to implement its recommendations; along with family planning programmes, maternal and child health programmes thus came to take priority in the concerns of primary health care programmes. After the International Conference on Population and Development, held in Cairo in 1994, the department of maternal health, family planning and safe maternity was merged into a separate reproductive health department. Maternal and child health programmes have continued to hold a major place in Syrian health policy concerns, particularly in the past few years, when the Higher Committee for Children was constituted and

the Syrian Commission for Family Affairs was also founded, providing remarkably effective support for maternal and child health programmes.

For its part, the Ninth Five-year Plan (2001-2005) emphasized “promotion of the role of women in the family and society” as one of its general objectives. The key policies and measures provided for under the Plan included the development of laws and regulations on reproductive health and women’s rights.

In addition, the Syrian Arab Republic has acceded to all of the international conventions on human rights and the elimination of discrimination, represented by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Article 25 of the Universal Declaration of Human Rights, together with the Convention on the Rights of the Child, emphasizes the right of citizens and children to a standard of living adequate for their health and well-being, as well as their right of access to health care. The Syrian Arab Republic has accordingly made great efforts to deliver health care to all inhabitants, including children, mothers and the elderly, without distinction.

#### B. *Improvement of health care*

On the basis of the World Health Organization (WHO) definition of health, the Ministry of Health has taken on board the following main policy areas in order to achieve the objectives:

- Primary health care is to remain a key area of concern and a framework within which to work owing to its comprehensive nature, its long-term health impact and its economic viability;
- Secondary and tertiary health services are to be strengthened and developed in accordance with needs;
- Outreach support is to be given in distributing health services in order to guarantee the right of citizens to obtain such services.

The Ministry of Health has elaborated appropriate plans and strategies for the achievement of these objectives.

Represented by the Ministry of Health, the government health sector provides preventive health services and treatment to citizens, without discrimination. These services are provided without charge through an extensive network of free health centres, of which there are now 1,445 country-wide in order to guarantee a fair distribution between urban and rural areas. Such is the basic approach adopted in the plans of the Ministry of Health. The other main sectors which also provide services to the public include university hospitals (in four of the country’s governorates), workers’ hospitals and health establishments attached to the Ministry of Defence, the Ministry of the Interior and the Ministry of Social Affairs and Labour. These seek to deliver health services to citizens in different areas of the country and are scattered throughout all regions. The private sector additionally provides a significant portion of the health services in Syria. It is worth mentioning that persons employed by the State are subject to a social security system that varies from one institution to another. The Social Security Act, however, is currently under review. Although health services are accessible to all, with no distinction between

men and women, their delivery may be precluded by the pattern of demand for health care, which is obviously a complex issue.

### C. *Reproductive health*

The reproductive health programme has been actively applied in Syria with the support of governmental and non-governmental bodies. A national plan is now being started to strengthen safe maternity services, including skilled care during delivery and emergency obstetric care (EmOC). Since 1996, the Ministry of Health has been establishing natural childbirth centres, which provide free obstetric services, including antenatal care, high-risk pregnancy identification, delivery and natural childbirth services, transfer of high-risk births to specific hospitals and coordination with such hospitals, as well as post-natal care, home visits and health education. Other important strategies to support reproductive health services include the vital matter of building the country's trained capacities. Focus has therefore been placed on specific training activities for obstetricians, particularly in regard to state-of-art technology in obstetric care, and for midwives and health visitors. A strategy is also currently being implemented to raise awareness among contributors, as the methodology of informing, instructing and communicating plays an essential role in such health strategies. In addition to the Ministry of Health, other important sectors play a part in awareness-raising. Topping the list of such institutions are grass-roots organizations such as the General Women's Federation and the Revolutionary Youth Federation. For the most part, the subjects of population growth, reproductive health and gender make up the awareness-raising activities directed at girls and various other segments of society.

### D. *Academic training for doctors and midwives*

In addition to the wider coverage by health and medical services, academic training for doctors and midwives is a priority in the work of the Ministries of Higher Education and Health. Departments specializing in obstetrics and gynaecology have been opened in four of Syria's universities, with over 100 doctors graduating from them each year. The period of training in these specialist fields lasts from four to five years. The number of obstetricians and gynaecologists registered with the Syrian Association of Obstetricians and Gynaecologists is 961, of whom 619 are male doctors and 342 are female doctors. It is worth mentioning that the increase in the proportion of women doctors in the health sector encourages women to seek health care, particularly in matters relating to reproduction.

The number of health professionals in Syria is noticeably rising; in 2002, the average number of inhabitants per doctor amounted to 693, whereas in 2000 the number was 728. The number of licensed midwives rose from 4,909 in 2000 to 5,171 in 2002. The number of obstetricians and gynaecologists amounted to 1,720 in 2002. The Central Bureau of Statistics estimated that, in 2002, the average number of inhabitants per bed for private and public hospitals was 470. In 2002, the number of government hospitals in Syria amounted to 150 and the number of private hospitals amounted to 353.

It should be stated that the interest in women's health also went hand in hand with a special interest in their social welfare; women have been granted maternity leave and rest hours for breastfeeding. Further details of these points will be given in the present document under another area of concern.

*Status quo of health*

The proportion of women of reproductive age among all inhabitants of the Syrian Arab Republic is 24.5 per cent. Life expectancy for females is 73.6 years of age, compared with 68.8 per cent for males. The crude birth rate is 30/1,000 and the crude mortality rate is 4.85/1,000. The national register of deaths maintained by the Ministry of Health indicates that the main cause of female deaths is cardiovascular disease, which accounts for over 55 per cent of all such deaths. According to those statistics, only 1.3 per cent of deaths are related to pregnancy and childbirth.

*A. Availability of health information*

The Syrian Arab Republic is distinct in that it has two important means of promoting information on health in general and maternal health in particular. First, there are the recurrent health surveys conducted by the Central Bureau of Statistics in conjunction with other bodies. These include the child health survey of 1993 and the family health survey of 2001. Secondly, the Ministry of Health has an information system on reproductive health covering all of its health facilities. All such data provide a basis and foundation from which to build plans and strategies.

*B. Maternal deaths*

The maternal death rate is an important indicator of the level of health and social care provided to mothers during and after pregnancy. The findings of the maternal health survey of 2001 showed this rate to be 65.4 per 100,000 live births, a reduction from the previous figure of 107 produced by the child health survey of 1993. It is thus apparent that the target set in the Millennium Development Goals for 2015, specified as 32 maternal deaths per 100,000 live births (i.e., a further reduction of the above rate by half), is achievable.

Population and hospital studies both indicate that the main causes of maternal deaths are post-partum haemorrhage in over one third of cases (33 per cent), followed by pre-eclampsia and birth difficulties. Owing to the unavailability of detailed data on the causes of maternal death and their medical and non-medical determinants, the Ministry of Health, in conjunction with the concerned bodies, is conducting a national study on this subject that should provide an important basis of information.

*C. Obstetric care*

The findings of the family health survey (Pan-Arab Project for Family Health – PAFPAM) conducted in Syria in 2001 showed that 71.9 per cent of the mothers studied attended a health facility at least once during their pregnancy. The proportion differed between urban and rural areas (81.1 per cent compared with 60.6 per cent, respectively). According to the same survey, women stated the following reasons for the failure to attend health-care centres before giving birth: they had no need to attend (77 per cent), they had previous experience of childbirth (3 per cent) and such other reasons as they were too busy, the services which they desired were lacking or too costly, or their husband was too busy. The average number of visits averaged approximately five for each pregnant woman, which is high compared with international recommendations.

The proportion of births assisted by skilled attendants increased from 76.8 per cent in 1993 to 86.5 per cent in 1999. A comparative analysis of the figures shows that this proportion increased more rapidly in rural areas (30 per cent) than in urban areas (2 per cent) during the period 1991-1999. Naturally, there is a difference between rural and urban areas in terms of access to and quality of health services. In 2001, for instance, the proportion of births assisted by a skilled attendant amounted to 76 per cent and the proportion of home births amounted to 44.6 per cent of all births in a sample study, according to the child health survey. When women were asked why they preferred a home birth, 80.8 per cent stated that home was the best place to give birth. The other reasons given were the unavailability of obstetric facilities (3.2 per cent), the high cost of services (6.6 per cent) and premature birth (9.6 per cent). The findings of the survey showed that 73 per cent of home births were assisted by midwives and nurses, 21.3 per cent by traditional midwives and 3.8 per cent by doctors. In rural areas, the assistance of traditional midwives in home births rises to 30.9 per cent. It is essential to point out that, in one of its main programmes, the Ministry of Health endeavoured to train folk midwives in order to ensure clean and safe births. At the present time, the obstetric practices in the Syrian Arab Republic recommend delivery in hospital or natural childbirth centres if the pregnancy is high risk. The birth assistance of a skilled attendant is also recommended. This strategy is consistent with international strategies.

#### D. *Post-natal follow-up*

The studies conducted in the Syrian Arab Republic revealed that the stage of post-natal care is largely neglected. The findings of the family health survey, for instance, showed that 77.1 per cent of women receive no post-natal care. This proportion varied in rural and urban areas, amounting to 82 per cent in the former, compared with 71.5 per cent in the latter. As for women who received no post-natal care, 88 per cent stated that they experienced no problems requiring a check-up and 7.3 per cent stated that they had previous experience of childbirth. The remainder stated that they had no post-natal check-up for the following reasons: unavailability of services (0.7 per cent), lack of awareness of the importance of post-natal check-ups (1 per cent), high cost of services (0.7 per cent) or they or their husbands were too busy (0.8 per cent). It was shown that 60.9 per cent of women largely resort to private doctors for post-natal care, while the remaining 16.2 per cent resort to government or private hospitals.

#### E. *Maternal pathology*

There is a lack of comprehensive information in Syria on the pathology of the female reproductive system owing to the lack of any special monitoring of reproductive disease and the absence of any single source of reference for information on the subject. The figures from the information system available to antenatal clinics, however, provide some data, although they simply mirror what is available in the Ministry of Health sector, which does not reflect the pathology of all women in Syria.

Activities relating to women's health in general have been initiated in Syria. Paramount among these activities is the programme for the early detection of cervical and breast cancer, run by the Ministry of Health and the Cancer Society. The early cancer-detection programme for women is intended to reduce deaths from

cancerous tumours by increasing awareness of the signs of cancer and examining sufferers at least once.

F. *Maternal nutrition*

There are no extensive studies on maternal nutrition, except for the study conducted by the Ministry of Health on iron-deficiency anaemia in pregnant women, among whom it showed the incidence to be over 40 per cent, a proportion which is by no means low. The Ministry of Health has therefore begun work on a strategy to fortify bread flour with iron. This programme is in the initial stage of implementation. All women who consult health-care centres during the period of pregnancy receive the necessary vitamin and mineral supplements. Currently, there are no adequate studies on compliance with the use of such nutritional supplements. It may happen that these supplements are prescribed at inappropriate times, as in the case of folic acid, for instance, which is given after the first trimester of pregnancy, whereas its essential benefits in protecting against foetal deformities require that it be given when the pregnancy is being planned. By and large, mothers in Syria breastfeed and there are currently several child-friendly hospitals where breastfeeding is started early and help and assistance with nursing is provided to the mothers. Natural breastfeeding is well known to be an important part of the public health agenda in Syria, as it provides significant essential protection for children.

G. *Family planning, including sterilization*

The Government of the Syrian Arab Republic has devoted particular attention to family planning, which emphasizes that a couple should have the choice to determine the number of children they wish to have and that pregnancies should be spaced. The right of the couple to obtain information, instruction and the means required to exercise that right is also emphasized.

The Ministry of Health offers family planning services through a network of health centres. Other government sectors and health institutions attached to non-governmental organizations, such as the Family Planning Association and the General Women's Federation, play an important role in providing family planning services. As a result of the efforts made, use of family planning methods increased from 39.8 per cent in 1993 to 45.8 per cent in 2000. These efforts were accompanied by a persistent endeavour to better the standard of the health personnel offering such services through training in clinical skills and in the communication and counselling skills needed to deliver services. Additional efforts were also made in the field of health awareness-raising and education to encourage women to use family planning methods by producing and distributing educational materials and posters to those of reproductive age.

The family health survey conducted in 2001 indicated that 46.6 per cent of the women married at the time of the survey, which comprised 3,144 women, practised family planning. There was a notable increase in the rates of use by comparison with the multipurpose survey conducted in 1999, when the proportion of use was recorded as 45.8 per cent. The proportion of use differs in rural and urban areas, amounting to 53.9 per cent in the latter and 38.3 per cent in the former. Data from the same survey indicate that the most common method used is the coil at 43 per cent, followed by the contraceptive pill at 26.4 per cent. The next in order at 18.4 per cent were natural methods that rely on the safe period. The male condom

was used in only 1.9 per cent of cases. It is worth mentioning that, 94 of the 3,144 women in the study sample, or 2.99 per cent reported female sterilization and none reported any male sterilization. In the same survey, the percentage breakdown of family planning methods among married or previously married women having already used a family planning method indicated a recording for female sterilization in 1.8 per cent of cases, compared with 0.3 per cent for male sterilization. The average age of the women at the time of the sterilization procedure was 34.4 years, which is relatively young.

The decision to use family planning methods was taken jointly by both spouses in the case of most of the women included in the Syrian family health survey (62.8 per cent), whereas the decision lay mainly with the husband in 26 per cent of cases and with the woman in only 5.5 per cent of cases. Steps must therefore be taken to raise awareness of and provide education on family planning to the couple jointly, with focus on the man's role as an essential partner in making the decision on its use. When the women in the above-mentioned survey were asked why they did not intend to practise family planning in the future, the desire to avoid conception was clearly the most common reason (31.9 per cent). Other main reasons, which together accounted for 25.4 per cent, included the following, however: it was against their religious belief; they were opposed to family planning; it was a matter of fate; their relatives or spouse disagreed with it. This percentage is not inconsiderable and must therefore be taken into account when planning educational activities in the matter of family planning.

#### H. *Abortion*

In accordance with the Syrian Penal Code promulgated by Legislative Decree No. 140 of 22 June 1949, as amended, abortion is prohibited. Articles 522 to 523 of the Code are devoted to the subject of contraceptive methods and abortion. Women who undergo an abortion with their consent are punished with imprisonment from six months to three years (art. 527) and any person who undertakes or attempts to perform an abortion on a woman with her consent is punished with imprisonment of one to three years. The penalty is increased to between four and seven years of hard labour if the abortion leads to the woman's death (art. 528). Article 529 of the same Code states that the penalty for deliberately inducing an abortion is a minimum of five years of hard labour. These penalties are increased if the perpetrator is a doctor, a pharmacist or similar.

#### I. *Programmes to combat AIDs and sexually transmitted diseases (STDs)*

The National AIDS Programme started its activities some years ago. The Ministry of Health espouses the Global Strategy for AIDS Prevention and Control and therefore strives to provide all the required services, including safe blood, psychological and social counselling, health awareness-raising, free treatment and other essential procedures. It is worth noting that the Programme elaborated a national strategy to prevent mother-to-foetus transmission of the AIDS virus.

#### J. *Child mortality*

The Syrian Arab Republic has achieved substantial progress in reducing both child and infant mortality rates. A conspicuous fall of 48 per cent occurred in infant

mortality rates during the period 1993-2001; the rate stood at 34.6 per 1,000 in 1993 and at 18.1 per 1,000 in 2001. The fall was higher in urban areas than in rural areas.

Infant and under-five mortality rates per 1,000 live births by gender and place of residence

		<i>Infants</i>	<i>Under-fives</i>
Place of residence	Urban area	16.9	17.9
	Rural area	19.2	22.2
Gender	Male	20.6	22.9
	Female	15.5	17.3
<b>Total</b>		<b>18.1</b>	<b>20.2</b>

Studies conducted by the Syrian Ministry of Health showed that 50 per cent of deaths in children under five years of age are related to the baby stage. The main cause of death in newborns is congenital deformity (29.4 per cent), followed by miscarriage (23.9 per cent). Among infants, congenital deformities were responsible for 21.7 per cent of deaths and accidents were the main cause of death among children aged one to four years (31.25 per cent). It is thus apparent that birth traumas, miscarriage and congenital deformities are the principal causes of newborn deaths.

### III. Obstacles (social, economic and cultural)

The de facto application of article 12 is not jeopardized by any flaw in connection with the absolute principle which states that health care must be provided for every citizen, without exception or distinction. It is essential, however, to recognize the existence of certain obstacles that might jeopardize its de facto application. These obstacles include the following:

- (a) Although full health services are provided free of charge to Syrian citizens, the quality of those services and the dominance of the private sector may pose a risk to the optimum use of medical care services, meaning that the service demand in the private sector, which provides services of similarly unguaranteed quality, constitutes a major challenge for the Government to improve the quality of health services and reduce the burden of costs on both the individual and the State through a carefully controlled review of the health system and the high-quality health services desired;
- (b) The sizeable disparities between rural and urban areas are a major challenge as far as the use of prenatal care services and the unfair geographical distribution of health providers are concerned, as a result of which it is essential to ensure the fair distribution of health providers in rural and urban areas, as well as an appropriate gender distribution, taking into account the fact that women prefer to be seen by female doctors;
- (c) The pattern of demand for medical care is an extremely complex issue that is governed by social, economic, behavioural and other factors; in regard to the use of health services, a woman still needs her husband to consent to her leaving the house or to accompany her to the health service, as clearly shown by various local studies. One such study conducted by researchers from the University of Damascus and the Ministry of Health, for instance, indicated that

women suffering tuberculosis needed to seek permission before going out to the health centre and were overburdened with domestic responsibilities that sometimes prevented them from seeking medical care. The failure to take women's wishes into consideration may also inhibit their use of some of the available services.

#### **IV. Progress achieved**

The de facto application of article 12 is encouraged by the existence of a number of advantages that are being considered and implemented and that naturally ensure better application:

- (a) Interest in maternal and child health care at the highest government levels;
- (b) The formation of specific high committees on children and women;
- (c) The establishment of the Syrian Commission for Family Affairs;
- (d) The efforts for amendment of the Social Security Act;
- (e) The provision of various educational activities designed to raise awareness and promote health;
- (f) An environment conducive to conducting health studies and benefiting from their findings;
- (g) The amendment of laws in order to cater to mothers by making provision for maternity leave and time for breastfeeding;
- (h) The ratification of relevant international conventions and instruments;
- (i) Support for maternal and child issues from international bodies and non-governmental organizations.

The Syrian Arab Republic has achieved extremely significant successes in the fields of health care provision, without distinction between one citizen and another. National statistics point to significant data and evidence of progress in the health status of citizens in Syria. The strong commitment of the Government to this matter is also clearly indicated. The follow-up to the serious action and effort to eradicate obstacles and benefit from advantages includes better application of article 12.

### **Section XI**

#### **Women's economic and social rights**

##### **(article 13)**

#### **I. Legal and constitutional framework**

The laws, regulations and legislative decrees governing access to banking facilities make no distinction between males and females; the provisions refer to customers and not to males and females (art. 18 of the implementing directives to the Banking Operations Regulation No. 33/30 of 21 June 1984). In addition are the employment laws and the administrative directives regulating activities.

## II. De facto application

Both married and single working women receive the same government benefits and support allowances as men, without discrimination. Whether employed as an officer or as a white-collar or blue-collar worker, a woman working in a department or institution of the State or in another public-sector body also receives child benefit in the following cases:

- (a) If she is widowed;
- (b) If she is divorced;
- (c) If her husband receives no family allowance from the public treasury, the public authorities or any other official agency (Legislative Decree No. 4 of 9 January 1972).

A woman may also bequeath her pension to her children in accordance with the law.

Similarly, the regulations and laws in force demand no special conditions to enable women obtain bank loans, mortgages or any other form of financial credit. On the contrary, women owners of projects are favoured in articles that give them priority in obtaining loans (art. 4, para. 8, of the Commission for Unemployment Control Act No. 71 of 2001 concerning projects targeted at women or young people in particular).

Article 14 (d) of the same article provides that: “The Commission for Unemployment Control may increase the proportion of grants or gifts for traditional handicraft projects in rural areas and for projects targeted at women and young people in particular.”

Discrimination is therefore made in favour of women if they are the beneficiaries or owners of a project; the Commission for Unemployment Control has the right, in agreement with the competent domestic banks and in accordance with terms and conditions agreed with those banks, to provide all the necessary facilities and support required for bank loans to be granted directly to beneficiaries for the purpose of establishing projects of their own that comply with the objectives of the programme, help to alleviate the problem of unemployment and boost family and individual incomes. Priority is given to projects offering greater employment opportunities in rural and desert areas. The regulations on loans and grants specify all of the required terms for that purpose (art. 14 (b) of Act No. 71 of 2001). In that connection, however, the bank requirement for real property collateral plays a negative part, since not many women own property.

Opportunities for obtaining loans and other financial facilities are also offered by some not-for-profit non-governmental organizations, including:

– *FIRDOS*:

FIRDOS was established in 2001 with the aim of promoting comprehensive social and economic development and developing residential associations in the rural areas of Syria, with particular focus on empowerment and awareness-raising for rural women. It is founded on the principle of self-reliance and seeks to implement a series of programmes, including the FIRDOS interest-free loan programme for the establishment of small projects that provide job opportunities for inhabitants, particularly women.

– *MAWRED:*

MAWRED is a governmental association established in 2003 with the aim of stimulating and developing the participation of Syrian women in the socio-economic development process by providing all possible means of support for new and existing women's projects. It represents all Syrian businesswomen with interests in the development of the Syrian economy. The first practical project launched by MAWRED was the work-mentoring scheme involving, in short, independent female work mentors who offer advice and guidance to new women's projects. The assistance provided by the mentor covers all of the stages entailed in setting up a project. MAWRED also represents businesswomen's committees in the chambers of industry in the Syrian governorates.

Under the laws and regulations, the consent of a male, such as a father or spouse, is not required in order for a woman to be granted a loan. Women have their own financial liability through which they are able to make fully independent financial dispositions, in accordance with article 46 of the Syrian Civil Code, which stipulates that any person who has attained the age of majority, who is in full possession of his mental faculties and who is not subject to any form of guardianship is fully competent to exercise his civil rights.

There are no legal obstacles to prevent women from participating in recreational activities, sports or any aspect of cultural life; the current regulations make no distinction between men and women in regard to engaging in sport and recreational activities. Syrian women participate in cultural development and are successfully active in the fields of art, culture, literature and theatre.

### **III. Obstacles**

- The large bank guarantees, which some women cannot possibly provide;
- The tendency of women to establish projects in stereotyped occupations;
- The courage lacking in many women to establish their own projects.

### **IV. Progress achieved**

The proportion of women in the workforce has increased in size to over 20 per cent. Official statistics have started to take notice of the casual job market, in accordance with gender indicators. Also growing is the role of non-governmental organizations for development, such as FIRDOS and the Committee for Businesswomen, which held an international conference in Damascus on women in business. Moreover, the Commission for Unemployment Control has been reevaluated, the Directorate for the Empowerment of Women has been established in the State planning body and the UNDP Small Grants programme has been started.

## **Section XII**

### **Rural women**

#### **(article 14)**

##### **I. Constitutional and legal framework**

###### *Article 45:*

The State shall guarantee to women all of the opportunities that enable them to make a full and effective contribution to political, social, cultural and economic life, and shall endeavour to eliminate the restrictions impeding their development and their participation in building Arab socialist society.

##### **II. De facto application**

Most rural women have no knowledge of the rights guaranteed to them under the Convention owing to the fact that governmental and non-governmental bodies have worked little with them directly, except in the context of the development activities carried out by the Ministry of Agriculture and Agrarian Reform through its Rural Women's Development Unit to raise awareness among rural women and familiarize them with their rights on the basis of the strategy formulated by the Ministry for the development of rural women. Through that strategy, the Ministry has worked tirelessly to inform women of their economic, social and legal rights, as reflected in the advice programmes implemented on the ground and development projects implemented with the cooperation of numerous bodies such as the Commission for Unemployment Control, UNICEF, UNIFEM and FIRDOS.

The strategy includes core areas of concern in regard to women's development and informing them of their rights, namely:

1. Women and the economy;
2. Women and health:
  - (a) Women, reproductive health and family planning;
  - (b) Safe maternity and childhood;
  - (c) Sanitary rural housing;
  - (d) Health and nutrition;
3. Women and education;
4. Women and the environment;
5. Women and the media;
6. Women and the law;
7. Women and social issues;
8. Women and decision-making.

###### *Status of rural women within the family and society:*

Studies and field surveys carried out by the Rural Women's Development Unit charted the lives of rural women and the social phenomena affecting them, which

may frequently deny them the exercise of their educational, cultural and social rights. These include early marriage, polygamy, illiteracy, high dowry prices, inheritance customs, women's unpaid labour and so on.

*Education:*

Various statistics produced by the Rural Women's Development Unit indicate that over one third of rural women employed outside the home, or 36 per cent, are illiterate. Rural women with a certificate of vocational education, however, account for 15 per cent of total women employed, compared with only 4 per cent in the case of males.

As for females employed in the home, the highest proportion is among those who are able to read and write (29 per cent), followed by those with a certificate of primary education.

The percentage of economically active females in the 9-15 and 20-24 age groups noticeably increases. In the former age group (9-15 years), this is attributable to the fact that the females concerned are mainly unmarried or childless.

The educational status of those working in the agricultural sector in rural areas specifically shows that the majority of working women (78 per cent) are completely illiterate (53 per cent) or are only able to read and write (25 per cent). A further 17 per cent have a certificate of primary education, 3.5 per cent have a certificate of preparatory education and fewer than 1 per cent have a certificate of secondary education.

*Employment of women in rural areas:*

Workers in the agricultural sector, which is part of the rural economy, have the characteristic features peculiar to the sector; notably, the single females which it employs account for 62 per cent of the total female workforce and a further 30 per cent are married, which explains the high proportion of young girls in the women's workforce.

This also has connotations as far as educational levels are concerned. The observation was made that rural women are more capable of incorporating their work outside the home with their domestic responsibilities. The older girls usually assist with agricultural production and housework, leading to higher illiteracy among young girls and to higher school drop-out rates.

*Early marriage:*

One of the social phenomena catalogued by some of the studies carried out by the Rural Women's Development Unit is that of early marriage among girls; it was observed that such marriages are connected with the prevailing idea among rural inhabitants that the reproductive role falls essentially to women. Consequently, the various social, economic and cultural roles of women are curtailed.

As for the percentages reflecting the age of marriage for both women and men, in a sample taken from Syria's predominantly rural governorates, the vast majority of heads of household were under 20 years of age when they married, representing a proportion of 35 per cent of the sample. The proportion of women who were under

20 years of age when they married, however, represented approximately 85 per cent of the sample, confirming that the early marriage of girls is a common phenomenon.

*Women's participation in agricultural work:*

The Rural Women's Development Unit carried out a study entitled *Women's participation in agricultural work*, including both animal husbandry and horticulture, among a sample of 15,000 rural women from the different governorates. The study monitored the work of rural women in the production of 63 crops cultivated in Syria, as well as the work performed by men in comparison and the non-agricultural jobs performed by women. The conclusion drawn from the findings was that there is clearly a qualitative gap as far as the work performed by both sexes is concerned. The percentages confirmed that women participate in all of the activities involved in tending arable crops, fruit trees, vegetables and farm animals. The percentage was appreciably higher for women's participation in manual farming jobs that are time-consuming and non-mechanized, including hand-harvesting, grass-sowing and sorting, jobs in the cottage food industries and the jobs involved in caring for and rearing farm animals, such as feeding, watering and milking.

Considerably lower proportions of women were involved, however, in mechanized activities requiring the use of agricultural machinery, such as mechanical harvesting, irrigation, fertilizing and pest control, all of which demand a considerable amount of physical strength.

Bearing in mind the above division of roles between men and women revealed by the findings of the study, it is impossible to ignore the fact that a qualitative gap occurs as a result of the manner in which agricultural jobs are allocated to men and women and the qualitative division of labour, including but not limited to the examples set forth below.

*Women's participation in the cotton harvest:*

Cotton is a main strategic crop involving various operations to which women make a major contribution. The findings of the survey show that women's overall contribution to the cotton crop is 37.5 per cent, compared with 62.5 per cent for men. In this area, women are assigned to manual activities, such as transplanting, weeding and grading, for which patience is required. The contribution of women palpably falls, however, in technical operations, such as land preparation, pest control and fertilizing.

As for wheat, women made a substantial contribution, especially to sowing and harvesting, when the crop was dependent on manual labour. Now, however, owing to the more extensive use of mechanized equipment such as sowing machines and harvesters, women's contribution to the crop now differs, having fallen to some extent insofar as their manual labour in particular has been replaced by mechanization.

The findings of the study showed that women's contribution to the wheat crop amounted to 37 per cent overall. Looking at it in further detail, however, their contribution rises to 89 per cent in the processing of wheat into products such as flour, burghul, cracked wheat, wheat grits and bread.

The various wheat-processing operations are an extension of women's activities and household tasks, in which men have no direct involvement.

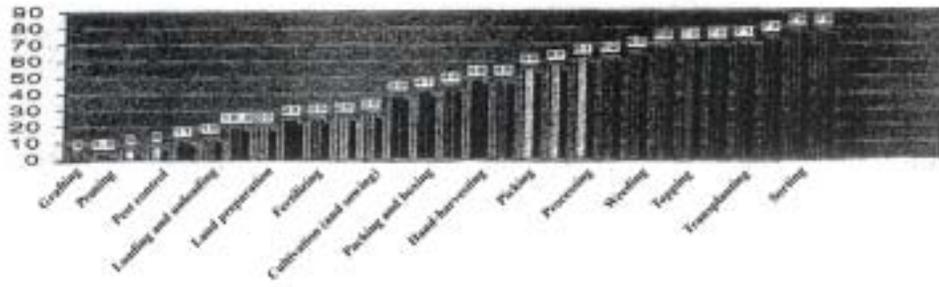
The findings of the study also clearly show that women make a contribution of 43 per cent overall to the operations entailed in beet crop production. The more detailed picture demonstrates that they have a major input to such time-consuming manual processes as weeding, where their contribution amounts to 83 per cent. The same is true of transplanting, where women's contribution amounts to 78 per cent, and sorting, a process to which they also contribute to the tune of 78 per cent. In addition, their contribution to the work of sowing beet is 61 per cent, whereas their contribution to harvesting the crop is 53 per cent and falls to 33 per cent for loading and unloading, an operation that involves contact with strangers and the need to go beyond the production area. They make a contribution of 27 per cent to the process of fertilizing, whereas their contribution to the operations entailed in preparing land for cultivation falls to 13 per cent. Their contribution amounted to 12 per cent for pest control and 7 per cent for irrigation, dwindling to a mere 6 per cent for marketing.

As for tobacco, which is an important strategic cash crop, women make an effective contribution amounting to 39 per cent overall. Their contribution to some operations is lower than for others, in particular manual processes, where it amounts to 70 per cent for topping, 64 per cent for weeding, 62 per cent for seedling cultivation, 61 per cent for harvesting and 59 per cent for leaf-sorting.

Women also make a substantial contribution of 51 per cent to fertilizing and 41 per cent to leaf-drying.

Women make an equally substantial contribution to the work of looking after olive trees. Syria is one of the top seven olive-oil producing countries and women's total contribution to the crop is 31 per cent. Looking at the operations in more detail, however, women's contribution increases significantly to 62 per cent for sorting, 58 per cent for processing, 57 per cent for weeding, 55 per cent for packing and boxing, and 55 per cent for harvesting. Their contribution then starts to lower somewhat to 40 per cent for seedling cultivation, 34 per cent for fertilizing, 31 per cent for establishing new olive groves and 29 per cent for land preparation. Their contribution falls markedly to 8 per cent for pest control, 7 per cent for marketing, 7 per cent for pruning and 3 per cent for ploughing.

Average percentage of women's contribution to farming processes for total crops



*Participation of women in animal husbandry:**Participation of women in tending to and caring for cows:*

Cows are seen as an appurtenance to the rural home and the job of looking after them falls mainly to women. Cows are reared by most rural families and women have more or less full responsibility for them; their overall contribution to tending to and caring for cows amounts to 84 per cent. An analysis of cow-rearing activities shows that they particularly involve the processing of milk derivatives into yogurt, cheese and cream, an operation to which women make a contribution of 99 per cent. Women also make a contribution of 74 per cent in matters relating to health care, immunization and calving.

Women make a contribution of 62 per cent to the marketing of milk and its various forms of processed or raw derivatives. In most areas, milk is marketed either within the village or to a trader who comes to the village to take its dairy products and market them elsewhere. For this reason, women's contribution to the marketing of dairy products was higher than for horticultural products in that the marketing conditions differed.

*Participation of women in tending to and caring for sheep:*

As with cows, women clearly make an effective contribution to rearing and caring for sheep, amounting to 63 per cent of the overall operation. They carry out specific jobs, however; women are more or less fully responsible for processing sheep's milk into cheese and cheese products, an operation in which their contribution amounts to 96 per cent. Their contribution to milking sheep amounts to 89 per cent. Women and their female children are responsible to the tune of 82 per cent for cleaning out the pens and their contribution to the feeding process amounts to 66 per cent.

They also take care of newborn lambs, in which connection their contribution amounts to 63 per cent, and they share with men the tasks of supervising lambing (to the tune of 53 per cent) and of marketing sheep and sheep products (to the tune of 44 per cent).

They also take part in caring for the health of sheep to the tune of 40 per cent and in herding to the tune of 37 per cent.

*Participation of women in silkworm-rearing:*

Silkworm-rearing is an activity which has virtually died out in Syria, except in a few governorates such as Hamah and Tartus. Women clearly make a considerable contribution to the rearing process; they are responsible to the tune of 90 per cent for monitoring incubation, 71 per cent for preparing the rearing chambers, 70 per cent for preparing the appropriate medium for the pupae, 69 per cent for preparing and cleaning the hatching chamber and 67 per cent for the hatching process. They are also responsible to the tune of 67 per cent for the process of egg-hatching, 67 per cent for looking after the eggs, 65 per cent for feeding the larvae and 67 per cent for taking care of the pupae. Their contribution falls to 56 per cent for mounting, 55 per cent for monitoring temperature and humidity, 52 per cent for marketing and 40 per cent for loading and unloading.

In addition to the burden of the agricultural work done by rural women, which is clear from above-mentioned percentages, women also perform numerous

domestic chores. According to social tradition, these chores are considered to be basic tasks of women, for example, cleaning the house, preparing food and looking after children.

*The above leads us to draw the following conclusions:*

- The economic activity rates for females in rural areas are higher than in urban areas owing to the fact that women's employment is more concentrated in rural areas than in urban areas;
- The unemployment rate for rural females is higher than for rural males and there is less unemployment among educated rural women owing to the linkage of women with traditional roles;
- In agriculture, the proportion of women's family labour is high because it is unpaid;
- Women's temporary labour in agricultural work is high;
- Illiteracy among women employed in agriculture is high;
- Girls increasingly drop out of the preparatory and secondary stages;
- Vocational training in agriculture is mostly geared to men;
- Women shoulder much of the responsibility for the care of livestock and poultry;
- Women shoulder much of the responsibility for various domestic chores;
- Services are lacking, particularly as far as sanitation and domestic water are concerned;
- Few women own land;
- Women are unable to take decisions concerning the desired number of children, disposal of the family income and other economic matters.

*Role of rural women in the development of economic and agricultural policies:*

Rural women make up 28.4 per cent of the rural labour force and their rate of participation is at its highest in the 9-15 and 20-24 age groups. Most females aged 10 and over (90 per cent) are classified as economically inactive inhabitants, compared with 34.5 per cent of males. In rural areas, the proportion of housewives among so-called economically inactive inhabitants amounts to 66 per cent.

Most statistics fail to take into account the economic value of women's domestic labour, which creates a distinction when calculating female economic activity rates; if, for instance, in compiling statistics, the value of women's domestic labour is taken into account in addition to their activity outside the home, those rates then turn out to be noticeably higher.

It is well known that rural women in Syria have numerous reproductive, social and productive roles. Women contribute to the workforce and undertake household chores and childcare.

In rural areas, the economic activity rates stand at 38 per cent of total rural inhabitants; the rate is 10.2 per cent for females and 65.5 per cent for males.

The female economic activity rates in rural areas are highest in Latakia (22 per cent), followed by Hamah (16.5 per cent) and Tartus (14.5 per cent). In other areas, the female economic activity rates range between 5 and 9 per cent.

The feminization rates, or, in other words, the proportion of females to males, show that economically active rural women account for 26 per cent in proportion to total economically active males. At 41 per cent, feminization is at its highest in the rural areas of Al-Suwayda' and stands at approximately 35 per cent in Hamah, Homs, Latakia and Tartus.

Estimates from the sample workforce survey of 1995 indicate that the overall rate of economic activity in rural areas is 83.7 per cent for males and 33.4 per cent for females.

*Representation of rural women in government and in bodies and committees involved in development planning:*

The representation of rural women in government is limited. At the village and rural levels, it is confined to various development committees, which operate in accordance with the community-based principle and the participatory approach.

### III. Progress achieved

*Local training and education for women:*

Several bodies are active in training and educating rural women, in particular the General Women's Federation and the Rural Women's Development Unit at the Ministry of Agriculture. The General Federation of Farmers has also recently started to become active in this area.

#### Training achievements of the General Women's Federation (1994-2003)

	<i>Health seminars</i>	<i>Health weeks</i>	<i>Agricultural seminars</i>	<i>Agricultural courses</i>	<i>Home visits</i>	<i>Health bulletins</i>	<i>Health courses</i>
1994-1998	13 544	622	2 791	30	7 539	286	-
1999-2003	13 131	789	1 995	45	6 279	-	1 098

These activities covered a number of important subjects aimed at informing women of their rights. The topics dealt with in the seminars were as follows:

- Maternal health;
- Environment and daily life;
- The role of the family in combating AIDS;
- Iodine deficiency and its risks to humans;
- The danger of narcotic drugs;
- Infant breastfeeding;
- Occupational health and safety.

The courses covered the following topics:

- The role of women in environment protection and the strengthening of their role in development;

- Training in animal welfare and protection for female environment advisors;
- The role of women in environmental health;
- The danger of narcotic drugs and drugs prevention;
- Rural home economics;
- Prevention of AIDS and sexually transmitted diseases (STDs);
- Reproductive health and the importance of advice and communication;
- Training for youth leaders in connection with the problem of drugs;
- Nutritional health;
- Environmental awareness.

It is worth mentioning that, between 1994 and 1999, 13,014 training courses were run in sewing, knitting, typing, silk drawing, glass and pottery work, floristry, hairdressing, cashmere embroidery, wickerwork, upholstery and loom work.

#### Literacy activities carried out by the General Women's Federation

Basic classes	5 080 classes	91 234 studies
Follow-up classes	2 045 classes	31 992 studies

In addition, the General Women's Federation implemented qualitative projects for the development of rural women, including but not limited to:

- A rural women's development project in Jabal al-Huss, in cooperation with the Ministry of Agriculture and UNDP;
- A rural women's development project in Tartus (Al-Qamdus and Al-Safsafah), in cooperation with the Ministry of Culture and UNICEF;
- In the region of Ma`dan, the Raqqah project to train rural women and impart knowledge and life skills.

#### *Achievements of the General Federation of Farmers in training for rural women:*

The Rural Women's Division, which is part of the Training Office of the General Federation of Farmers, runs short training courses in Farmers Federation branches. These courses are intended to enhance rural women's productive skills, improve their health awareness, guide them in their efforts and motivate them more effectively to participate in the country's economic and social development.

The Division's plan for each Farmers Federation branch comprises four short training courses, each lasting one week, and a 45-day sewing course.

These courses include topics and lectures relating to maternal and child welfare and health, family planning and reproductive health, as well as practical subjects such as handicrafts, sewing, embroidery, artistic crafts for women, and making food, cheese and dairy products.

The annual number of such courses run by the General Federation of Farmers is as follows:

Number of short courses:	52
Number of trainees:	1 040
Number of sewing courses:	13
Number of trainees:	260

In regard to literacy, the number of courses for women amounted to 124 in all, attended by 2,389 women.

*Role of the Rural Women's Development Unit in training and educating rural women:*

As part of its annual work plan, the Rural Women's Development Unit endeavours to carry out a series of support activities designed to address the problems of rural women, as covered in the advice programme. The activities carried out by the Unit in 2004 included, inter alia, the following:

<i>Item</i>	<i>Number</i>	<i>Women benefiting</i>
Seminars	2 761	36 429
Practical information	1 189	15 590
Home visits	37 691	82 037
Long courses	284	5 439
Short courses	231	4 068

*Integration of the strategy for rural women into programmes of action designed to meet the needs of rural women:*

In the Ministry of Agriculture and Agrarian Reform, the Rural Women's Development Unit works in accordance with a programme designed to meet the needs of rural women in all governorates country-wide, namely the advice programme for the development of rural women, which integrates the strategic core concerns for the development of rural women into programmes of action.

The programme comprises a number of core areas, each of which covers a particular aspect of the work done by rural women, both outside and within the home.

Each core area addresses the overall problems which rural women suffer by identifying the related difficulties and subsequently drawing up advice plans for rural women in each region in accordance with the scale of the problems covered in each advice programme.

These plans include seminars, courses and campaigns aimed at covering the needs of rural women in various areas. The core areas which make up the advice programme are as follows:

- The food and nutrition advice programme;
- The maternal and child welfare advice programme;
- The rural housing advice programme;
- The textiles and clothing advice programme;

- The family planning advice programme;
- The animal breeding and welfare advice programme;
- The literacy and social welfare advice programme;
- The home management advice programme;
- The home gardening advice programme;
- The farming advice programme;
- The rural industries advice programme.

In addition to the work of the advice programme, the development projects implemented by the Unit in conjunction with funding agencies, such as FAO, UNIFEM and UNICEF, involve the elaboration of a special programme within each project to meet the needs of rural women. A plan is drawn up for the rural-woman component of each project, as well as a budget. A minimum of 30 per cent of the project budget is earmarked for such plans.

Examples of the projects implemented by the Ministry of Agriculture in cooperation with various bodies are as follows:

- The technical network project for small projects in cooperation with UNIFEM;
- The project for the integration of rural women in the development of rural agriculture in cooperation with FAO;
- The cooperation agreement with the Commission for Unemployment Control to provide opportunities for rural women, worth 15.5 billion Syrian pounds;
- The project for the economic empowerment of women in cooperation with UNIFEM;
- Rural poverty mapping in cooperation with the International Fund for Agricultural Development (IFAD);
- The project for women's participation in the local community in cooperation with the United Nations Economic, Social and Cultural Commission for Western Asia (ESCWA);
- The project for development of the Lower Khabur Valley in cooperation with the Commission for Unemployment Control.

Further projects comprising a special component for the development of rural women that are implemented by the Ministry of Agriculture and run with the technical supervision of the Unit are as follows:

- The project for the southern region;
- The project for the coastal and central region;
- The project for development of the desert;
- The project for agricultural development in Jabal al-Huss;
- The project for rural development in Idlib.

## Section XIII

### Equality of men and women before the law

#### (article 15)

The Syrian Arab Republic entered a reservation to paragraph 4 of this article owing to the fact that it is incompatible with the Islamic Shariah.

#### I. Constitutional framework

Equality of the sexes is a guaranteed constitutional principle as stipulated in part IV, articles 25, 26, 27 and 45, of the 1973 Constitution of the Syrian Arab Republic:

*Article 25:*

1. Freedom is a sacred right and the State shall guarantee the personal freedom of citizens and safeguard their dignity and security.
2. The rule of law is a fundamental principle of society and the State.
3. Citizens shall have equal rights and obligations before the law.
4. The State shall guarantee the principle of equal opportunities for citizens.

*Article 26:*

Every citizen shall have the right to participate in the political, economic, social and cultural life of the country, as regulated by law.

*Article 27:*

Citizens shall exercise their rights and enjoy their freedoms within the limits of the law.

*Article 45:*

The State shall guarantee to women all of the opportunities that enable them to make a full and effective contribution to political, social, cultural and economic life, and shall endeavour to eliminate the restrictions impeding their development and participation in building Arab socialist society.

These constitutional principles determine the meaning of the criteria designed to achieve respect for the equality of the sexes and also recognize the legal competence of women.

#### II. Legal framework

The Personal Status Act promulgated by Legislative Decree No. 59 of 1953 and its explanatory note, as amended by Act No. 34 of 1975, together with the *ratio legis* of the amendment to the original:

*Article 148:*

1. The mother, while she is married, shall not travel with her child without the consent of the child's father.

2. A mother who is the custodian of her child may travel with the child after her period of waiting (*`iddah*) is complete to the town where her marriage was contracted, without the consent of the guardian.

3. She may travel with the child inside the country to the town where she resides or has employment, provided that in the town concerned she has a relative in a degree of consanguinity that precludes marriage (*mahram*).

### **III. Progress achieved**

The Syrian Commission for Family Affairs conducted four workshops with members of the People's Assembly and clerics with a view to removal of the reservations to the Convention on the Elimination of All Forms of Discrimination against Women. These were:

The first workshop in Idlib on 5 June 2005;

The second workshop in Damascus on 13 January 2005;

The third workshop in Tartus on 16 January 2005;

The fourth workshop in Aleppo on 3 February 2005.

Based on the opinion of the clerics, the conclusion drawn in these workshops was that article 15, paragraph 4, was not incompatible with Islamic law, since jurists of the Hanafite, Malakite and Hanbalite schools believe that women are entitled to lay down as a contractual condition the right to choose their residence and to travel, in which case they possess that right. The failure to claim it in the contract, however, is regarded as an implicit forfeiture of that right. As for the freedom to choose a domicile, the rule is that it is the husband's choice, since he is the person who is legally obliged to provide maintenance. A woman may, however, reject the abode chosen by her husband, in which case maintenance is forfeited.

The movement of women was formerly restricted on account of the prevailing social conditions and the rule may change with time.

The outcome was that the participating members of the People's Assembly, both male and female, mainly agreed that the reservation should be withdrawn, no comments having been made as far as the Islamic Shariah and the law were concerned.

Various associations also held workshops with legal experts and clerics with a view to removal of the reservation to this article. The conclusion reached in all of these workshops was that the reservation to the article should be removed.

## Section XIV

### Marriage

#### (article 16)

#### **Reservations by the Syrian Arab Republic to article 16, paragraphs 1 (c), (f) and (g) and paragraph 2 owing to their incompatibility with the Islamic Shariah**

*Article 16, paragraph 1 (c):*

#### **I. Constitutional framework**

*Article 25:*

1. Freedom is a sacred right and the State shall guarantee the personal freedom of citizens and safeguard their dignity and security.
2. The rule of law is a fundamental principle of society and the State.
3. Citizens shall have equal rights and obligations before the law.
4. The State shall guarantee the principle of equal opportunities for citizens.

#### **II. Legal framework**

Promulgated by Legislative Decree No. 59 of 1953, the Personal Status Act and the explanatory note thereto, as amended by Act No. 34 of 1975, together with the *ratio legis* of the amendment to the original, govern matters relating to marriage and family relationships, starting with betrothal and continuing on to marriage and all matters relating to birth, divorce, wills and legacies. Its provisions are based on the Islamic Shariah. Certain matters relating to the Christian, Jewish and Druze communities are excluded from application of its provisions, in accordance with articles 306, 307 and 308.

*Article 306:*

The provisions of this Act shall apply to all Syrians, except as excluded under the following two articles.

*Article 307:*

Any contravention of the following provisions shall be disregarded with respect to the Druze community:

- (a) The *cadi* shall confirm the competence of the two contracting parties and the validity of the marriage prior to the contract;
- (b) Polygamy shall not be permitted;
- (c) The provisions concerning the sworn allegation of adultery committed by either spouse (*li`an*) and relationship by fosterage (*rada`ah*) shall not apply to members of the community;

- (d) Where a person marries a girl on the basis of her being a virgin and it subsequently emerges that she is not, if he was aware of that fact prior to consummation of the marriage, he shall have no right to claim any of the dower or the trousseau. If he was unaware of that fact until after consummation of the marriage, he may recover half of the dower if he wishes to remain married to her. He may recover the dower and the trousseau in full if it is established that the loss of virginity was due to adultery and he wishes to divorce her. If the husband falsely claims that his wife was not a virgin and she seeks a separation, she may keep any dower and trousseau that she received;
- (e) If the wife is convicted of adultery, the husband may divorce her and recover any dower which he paid, together with such trousseau as may remain, and if the husband is convicted of adultery, the wife may seek a separation and take her deferred dower in full;
- (f) Divorce shall take place only if a *cadi* so rules at his discretion;
- (g) A divorced woman may not remarry her divorced husband;
- (h) Wills shall be executed in favour of the heir and third parties inheriting one third or more;
- (i) A descendant who predeceases his testator shall be replaced by his descendants and his share shall be taken as if he were living.

*Article 308:*

In regard to Christian communities, the provisions of the religious legislation for each community shall be adopted with respect to betrothal, conditions of marriage and the marriage contract, the continuation of marriage, spousal maintenance, the maintenance of minors, the annulment, dissolution and termination of marriage, the dower and custody.

*The Personal Status (Roman Orthodox) Act:*

*Article 13:*

The contract of marriage shall be conditional on the following:

- (a) The competence of the prospective couple and, if they are adults, their mutual consent.

*Article 62:*

The two spouses alone may institute proceedings for termination of the marriage.

*Article 68:*

Either injured spouse may seek to divorce the other.

*The corpus of Eastern church laws:**Article 817:*

1. Marital consent is an act of will by which the man and the woman make an irrevocable undertaking to give themselves, each to the other, and the other agrees to establish the marriage.
2. No human force may take the place of such consent.

*Article 825:*

A marriage shall be invalid if a person is coerced into marriage by force or intense fear that are extraneously imposed, albeit unintentionally, insofar as he or she is compelled to choose marriage in order to escape the force or fear.

*Article 1360:*

The persons competent to lodge a complaint about the marriage shall be:

1. The two spouses;
2. The agent of justice, if the marriage is declared invalid and restoration of the marriage is neither possible nor beneficial.

*The Personal Status (Syrian Orthodox) Act:**Article 18:*

A contract of marriage shall be invalid unless it is performed by a priest who is licensed for that purpose by the Archbishop of the Diocese, or, in his absence, by his delegate, after it has been ascertained that both spouses are fully consenting and competent.

*Article 54:*

The contract of marriage shall be revoked or divorce shall take place on the basis of the following grounds following an application by either spouse.

*The Personal Status (Armenian Orthodox) Act:**Article 14:*

Marriage shall be contracted with the free and explicit consent of both parties. There shall be no marriage without consent.

*The Personal Status (Evangelical Courts) Act:**Article 22:*

Marriage shall be entered into by the two contracting parties in full liberty and with their mutual consent.

The personal status laws for the Christian communities regulate the question of the dower, although, in practice, the dower is non-existent.

*Article 35:*

The marriage shall be annulled by a ruling of that court on the application of either contracting party.

*Article 40:*

The marriage shall be dissolved on the application of either spouse by a ruling of the court.

In all cases, the husband is required to provide maintenance for a wife who resides with him or who is separated from him for any reason through no fault of her own, as well as during annulment, desertion or dissolution proceedings. She is under no obligation to make any refund should it be established that she is at fault. All of the personal status laws for the Christian community make provision for such maintenance.

*The dower:*

The dower is regulated by nearly all of the personal status laws for the Christian communities, although, in practice, the dower is non-existent.

*The Personal Status (Druze) Act:*

Pursuant to the provisions of article 169 of this Act, which was promulgated on 24 February 1948, a descendant who predeceases his heir shall be replaced by his descendants.

In cases where no provision is made, the current Personal Status (Druze) Act refers the *cadi* to the provisions of the Islamic Shariah (Hanafite school of law).

The legal inheritance system of the Hanafite school applies to the Druze only in the case of intestacy or an invalid will.

*Article 171:*

The Druze courts shall have no choice or discretion in applying the rules of the Hanafite school of law and consequently such legal provisions as are compatible with Islamic law, as determined by the independent legal opinion of the Sunni religious courts and of the Ja`fari courts in applying the provisions of the Ja`fari school of law (no inheritance until after the settlement of debts).

The will of a Druze shall be valid for the full or partial estate of the heir and non-heir if the testator is a rational adult capable of exercising discretion and competent to make a bequest, even though he may be elderly.

*Article 157:*

If the testator makes a will prior to marriage and he then subsequently marries and has a child, or if he did so after a childless marriage and then subsequently has a child, his will shall be invalidated.

If he is childless, however, a will made prior to marriage shall be executed after the husband or wife has been given the lawful share (*fard*) of the estate.

In other words:

In the event that the testator makes a will after marriage and he is childless, the will is executed as it stands. Hence, if it excludes the spouse of the testator from the inheritance, the spouse inherits nothing.

If, however, the deceased person made a will after marriage and he has a child, the will is executed after the child has taken the lawful share.

If the deceased person made a will prior to marriage and he then subsequently marries and has no children, the will is executed after the wife or husband has been given the lawful share.

In the event of intestacy or an invalid will, the estate is distributed in accordance with the lawful division of shares.

*The rule is that the testator's wish makes for the validity of a will:* It is the testator's wish alone that gives rise to a will. The legal distinction between an ordinary will and a registered will is that the ordinary will is not executed until it is adjudged to be valid, whereas the registered will is executed without any ruling from the *cadi* as to its validity.

*Forfeiture of the right to a will:*

One or all of the legatees must seek a ruling from the *cadi* as to the validity of the will within a period of two years from the date of the testator's death, failing which the right of any legatee to claim from the will shall be forfeited.

*Revocation or amendment of a will:*

A Druze has the right to revoke or amend his will, the testator's final wish being the crucial issue in the making of a will.

**The Syrian Personal Status Act,  
promulgated by Legislative Decree No. 59 of 1953,  
and the explanatory note thereto, as amended by  
Act No. 34 of 1975, together with the *ratio legis* of  
the amendment to the original**

*Article 1:*

Marriage is a lawful contract between a man and a woman, the purpose of which is to establish a shared union and to procreate.

*Article 5:*

Marriage is contracted by way of an offer made by one of the two contracting parties and the acceptance of the other party.

Marriage is therefore a contract between a man and a woman that gives rise to rights and obligations on the part of each towards the other. It may be entered into only with the acceptance of both parties and before a competent officer who has the right to conduct the marriage. It is recorded in an official marriage register and a copy of the marriage contract is subsequently transmitted to the Department of Civil Status for registration.

*Article 45:*

The assistant shall record the marriage in the designated register and subsequently transmit a copy thereof to the Department of Civil Status within 10 days of the date of the marriage.

This is the only type of marriage institution in Syria.

At this juncture, it should be said that an adult Muslim woman may appoint her guardian to give her in marriage. Article 21 of the same Act provides that: "The marriage guardian shall be a male agnate in nearest order of inheritance, provided that he is in a degree of consanguinity that precludes marriage (mahram)."

The marriage of a young girl is conditional on the consent of the guardian, as stated in article 18, paragraph 2: "If the guardian is the father or the grandfather, his consent shall be a prerequisite."

The guardian may also seek to dissolve the marriage of an adult woman in the event that the husband fails to meet the conditions of compatibility (kafa'ah), in accordance with the provision of article 27: "If an adult woman marries without the consent of the guardian, the contract shall be binding if the husband is compatible, failing which the guardian may seek dissolution of the marriage."

*The dower:*

*Article 53:*

It shall be obligatory for the wife to receive a dower merely by virtue of a valid contract, whether or not such dower was specified at the time of contract or initially denied.

*Article 54:*

1. No limit shall be placed on the minimum or maximum dower.

2. Wherever the obligation of the dower is legally valid, it shall be proper for there to be a dower.

3. A woman's dower shall be regarded as a privileged debt that ranks next in order to the debt of maintenance payable, referred to in article 1120 of the Civil Code.

4. Any person who alleges collusion or pretence in connection with the specified dower must duly provide proof. If either is proved, the *cadi* shall specify a dower equal to that of the woman's peers, unless the genuine specified dower is confirmed.

5. Any debt mentioned in marriage or divorce papers shall be regarded as a debt confirmed in writing that is included under article 468, paragraph 1, of the Code of Procedure promulgated by Legislative Decree No. 84 of 1952. A deferred dower shall not be deemed payable until the period of waiting (*`iddah*) prescribed by the *cadi* in the papers is complete.

*Article 55:*

All or part of the dower may be prompt or deferred in the absence of any customary rule.

*Article 56:*

Deferral of the dower shall apply until separation or death, unless provision for a different period is made in the contract.

*Article 57:*

Any increase or reduction in or release from the dower that takes place during the marriage or the period of waiting after divorce shall be disregarded and deemed invalid unless effected before a *cadi*. All such dispositions effected before a *cadi* shall be annexed to the original contract if the husband so agrees.

*Article 58:*

If a dower is specified in a valid contract and divorce takes place prior to consummation of the marriage and lawful *khilwah* (seclusion with a man who is not an immediate relative), the dower shall be halved.

*Article 59:*

If separation occurs for a reason attributable to the wife prior to consummation of the marriage and lawful *khilwah*, the dower shall be forfeited in full.

*Article 60:*

1. The wife has the right to a dower, from which the husband shall be released only on payment thereof to her personally, if she is competent, except where a person is delegated in the contract of marriage to take receipt of the dower.

2. The rules on prescription shall not apply to the prompt dower, even where a legal instrument has been drawn up, as long as the marriage survives.

*Article 61:*

1. In a valid contract, the dower must be equal to that of the woman's peers in cases where it is unspecified or incorrectly specified.

2. If divorce takes place prior to consummation of the marriage and lawful khilwah, temporary marriage (muta`) shall be imperative.

*Article 62:*

In temporary marriage, the status of the husband shall be taken into account, with the proviso that the dower shall be not more than half that of the woman's peers.

*Article 63:*

If a marriage is consummated following an irregular contract in which no dower is specified, the woman shall receive a dower equal to that of her peers. If it is specified, she shall receive the amount specified or the dower equal to that of her peers, whichever is the lesser.

*Article 64:*

If a terminally ill man marries and the wife's dower is more than that of her peers, the surplus amount shall be governed by the will.

*Polygamy:*

*Article 17:*

As amended in 1975, article 17 of Act No. 34 provides that: "The *cadi* may not authorize a married man to take another woman as his wife unless there is legal justification for so doing and the husband is able to support her."

Here, it should be pointed out that the system of polygamy was not established by Islam; on the contrary, Islam very narrowly defines and restricts polygamy to addressing situations common to orphans who need of a father to take care of them. Almighty God says: "If you fear that you cannot treat orphans with fairness, then you may marry other women who seem good to you: two, three or four of them. But if you fear that you cannot maintain equality among them, marry one only or any slave-girls that you may own. This will make it easier for you to avoid injustice." God Almighty also says: "Try as you may, you cannot treat all your wives impartially. Do not set yourself against any of them, leaving her, as it were, in suspense. If you do what is right and guard yourselves against evil, you will find God forgiving and merciful." (Al-Nisa', 4:129).

Here, we find that the legislature overlooked the content of the above-mentioned verse 129, which convincingly states that it is not possible to be fair to all wives. It is well known that Khadijah, may God be pleased with her, was the first woman to whom the Prophet was married and with whom he lived and had children, despite the age difference between them. He took no other wife until after she had died, even though it was customary in Arab countries for men to take several wives, thus providing the example that one wife is the rule that should normally apply, since polygamy undermines the dignity of the family and suppresses its rights.

*Dissolution of marriage in the Syrian Personal Status Act:*

**I. Death and its financial consequences**

A woman who is predeceased by her husband may receive the prompt or deferred dower, which shall be regarded as a privileged debt of the estate.

A wife whose husband predeceases her inherits in accordance with the Islamic Shariah and the law, provided that they are both of the same religion. In other words, there is no transmission by inheritance where the religion is different.

She inherits one quarter if she has no son or daughter;

She inherits one eighth if she has a son or a daughter.

We should state that no woman is encouraged to marry the brother of her deceased husband; although a few such cases exist in the rural areas of Syria, they cannot be said to constitute a phenomenon.

## **II. Instances and financial consequences of divorce**

*Mukhala`ah (consensual divorce in return for compensation of the husband by the wife):*

Mukhala`ah is a mutually agreed contract between husband and wife to terminate the marital relationship. Either spouse has the right to lay down such conditions as he or she wishes, provided that public order is not thereby violated. If a condition is stipulated in violation of public order, the mukhala`ah shall remain valid and the condition alone shall be invalidated.

The financial consequence of mukhala`ah is as agreed. In most cases, the woman relinquishes her full rights in return for divorce, which is governed by the following:

*Article 95:*

1. In order for the mukhala`ah to be valid, the husband must be competent to divorce and the woman must be favourable to it.
2. If a woman divorces by mukhala`ah before she attains adulthood, she shall not be required to pay the compensation due without the consent of the guardian of her assets.

*Article 96:*

Either party may withdraw his or her offer in the mukhala`ah before the other agrees to it.

*Article 97:*

Wherever the obligation to pay compensation is legally valid, it shall be proper for there to be a compensation payment.

*Article 98:*

If the mukhala`ah involves assets other than the dower, the obligation must be discharged and the divorcing couple shall be released from any claim relating to the dower and spousal maintenance.

*Article 99:*

If the divorcing couple make no specification at the time of the mukhala`ah, each of them shall be released from any claim by the other relating to the dower and spousal maintenance.

*Article 100:*

If the divorcing couple explicitly refuse compensation, the mukhala`ah shall be akin to a straightforward divorce and shall be revocable.

*Article 101:*

Maintenance during the period of waiting shall not be waived and the divorcing husband shall not be released from his obligation to provide such maintenance unless the mukhala`ah contract contains an explicit provision to that effect.

*Article 102:*

1. If it is a condition of the mukhala`ah that the husband should be exempt from payment of the cost of breastfeeding child or that the mother should keep and support the child for a specific period of time, and if the mother then subsequently remarries or leaves the child, the husband shall claim from the wife the equivalent of the sum for the breastfeeding or the maintenance of the child during the outstanding period.

2. If the mother is indigent at the time of the mukhala`ah or becomes so thereafter, the father shall be obliged to maintain the child and the mother shall be indebted to him.

*Article 103:*

If the man makes it a condition of the mukhala`ah that he should keep the child with him during the period of custody, the mukhala`ah shall be valid and the condition shall be invalidated. The woman holding legal custody may take the child from the father, who shall be required to pay for the maintenance of the child and the cost of custody if the child is impoverished.

*Article 104:*

The child maintenance payable by the father shall not be offset against any debt owed to him by the woman holding custody.

*Separation:* Separation occurs in the cases specified by law, namely:

*Separation on the ground of defects:* Insanity;

Defects that prevent consummation of the marriage.

*Provided that:*

- They were unknown before the marriage was contracted;
- They are untreatable. If they are treatable, treatment should be administered for a period of not more than one year. If the defect is not then eliminated, the couple shall be separated by irrevocable divorce and the woman shall receive her full financial rights.

This matter is regulated by the following articles:

*Article 105:*

The wife may seek a separation from her husband in the following two instances:

1. If he has a defect that prevents consummation of the marriage, provided that she herself has no such defect;
2. If the husband becomes insane after the contract.

*Article 106:*

1. The woman's right to seek a separation on the ground of the defects set forth in the preceding article shall be forfeited if she was aware of such defects prior to the contract of marriage or was accepting of them thereafter.
2. The right of separation on the ground of impotence shall under no circumstances be forfeited.

*Article 107:*

If the defects mentioned in article 105 cannot be eliminated, the *cadi* shall immediately grant the couple a separation. Where their elimination may be possible, the proceedings shall be adjourned for an appropriate period of up to one year, after which the couple shall be separated if the defect persists.

*Article 108:*

*Separation on the ground of defects:* Irrevocable divorce;

*Separation on the ground of absence:* Imprisonment;

Travel.

A wife whose husband is sentenced to imprisonment for more than three years or is absent from her may seek a separation after he has been absent or away for one year. Such divorce, however, shall be revocable, or, in other words, the husband shall have the right to take his wife back if he returns during the period of waiting. In that case, the wife shall have the full financial rights arising out of the marriage contract.

*Article 109:*

1. If a husband is absent without reasonable justification or is sentenced to imprisonment for a term of over three years, his wife may apply to the *cadi* for a separation after he has been absent or imprisoned for one year, even if he has assets with which to maintain her.
2. Such separation shall be a revocable divorce. If the absent husband returns or is released from prison and the woman is in the period of waiting, he shall have the right to take her back.

*Separation on the ground of failure to provide maintenance:*

- If he has no visible assets;
- If it has not been proved that he is unable to provide maintenance.

If it is proved that he is unable to provide maintenance, the *cadi* shall grant him a period of respite of up to three months. If he still fails to provide maintenance, the *cadi* shall grant a separation, which shall be revocable if the husband proves that he is solvent and ready to provide maintenance during the period of waiting. Such separation shall give rise to the financial rights set forth in the contract of marriage.

*Article 110:*

1. The wife may seek a separation if the husband fails to provide maintenance, has no visible assets and has not proved his inability to provide maintenance.
2. If his inability to do so is proven or if he is absent, the *cadi* shall grant him a period of respite of not more than three months. If he subsequently fails to provide maintenance, the *cadi* shall grant a separation.

*Article 111:*

A separation granted by a *cadi* on the ground of failure to provide maintenance, shall be revocable and the husband may take his wife back during the period of waiting, provided that he proves his solvency and his readiness to provide maintenance.

*Separation on the ground of marriage breakdown:*

In the event that either spouse alleges that the other has caused him or her injury such that cohabitation is no longer possible, the injury must be proved. If it is not proved, the *cadi* shall adjourn the proceedings for a period of not less than one month for the purpose of reconciliation. If the plaintiff insists on the grievance and no reconciliation has taken place, the *cadi* shall appoint two relatives as arbiters. If there is no one suitable for the task, two arbiters who are not relatives shall be appointed.

The task of the arbiters is to bring the couple together and make every effort to reconcile them. In the event that reconciliation is impossible and the husband is wholly or mainly responsible for the maltreatment, the decision will be that they should separate by way of an irrevocable divorce. If the wife is mainly responsible for the maltreatment or if the couple share that responsibility, the decision will be that they should separate and that the dower should be paid in full or in an amount commensurate with the period of maltreatment.

The decision requires no substantiation and the *cadi* may either accept it or reject it and appoint two other arbiters as a final resort.

Here we note that, in the case of separation, the arbiters have unqualified authority in assessing the maltreatment insofar as their decision requires no substantiation. Moreover, the legislature further gives the *cadi* the unqualified authority to accept or reject the decision and also appoint two other arbiters as a final resort. The decision of the arbiters on that occasion similarly requires no substantiation and is the determining factor in assessing the woman's claim and the extent of the maltreatment.

Bearing in mind that the two arbiters and the *cadi* are invariably male, the maltreatment is viewed only from the male perspective.

*Article 112:*

1. Either spouse who alleges that the other has caused him or her injury such that cohabitation is no longer possible may apply to the *cadi* for a separation.
2. If the injury is proven and the *cadi* is unable to mend their differences, he shall decide in favour of their separation, which shall be irrevocable.

3. If the injury is not proven, the *cadi* shall adjourn the proceedings for a period of not less than one month in the hope of reconciliation. If the plaintiff insists on the grievance and no reconciliation has taken place, the *cadi* shall appoint two arbiters who are members of the couple's families or otherwise persons whom the *cadi* regards as capable of reconciling the couple. The arbiters shall swear to perform their task fairly and faithfully.

*Article 113:*

1. The two arbiters shall acknowledge the reasons for the breakdown of the marriage between the couple and bring them together for a meeting under the supervision of the *cadi*. Only the couple and the two appointed arbiters shall be present at the meeting.

2. The failure of either spouse to attend such meeting after having received notification of it shall have no effect on the arbitration.

*Article 114:*

1. The two arbiters shall make every effort to reconcile the couple. If they prove incapable of doing so and the husband is wholly or mainly responsible for the maltreatment, they shall decide that the couple should be separated by irrevocable divorce.

2. If the wife is wholly or mainly responsible for the maltreatment or if the couple shares that responsibility, the two arbiters shall decide that they should separate, with the dower to be paid in full or in an amount commensurate with the period of maltreatment.

3. The two arbiters shall decide that the couple should separate, even where one of them is not responsible for any maltreatment, and that the husband should be partially released from liability for the wife's claims if she so agrees and it has been proven to the two arbiters that the breakdown between them is so deep-seated as to be irretrievable.

4. If the two arbiters disagree, the *cadi* shall make a separate decision or shall make a third casting decision, having taken oath.

*Article 115:*

The two arbiters shall present their decision, which need not be substantiated, to the *cadi*, pursuant to which he shall deliver a ruling or reject the decision, in which case he shall appoint two other arbiters as a last resort.

*Arbitrary divorce:*

Unilateral divorce by the husband is where a woman is under constant threat of divorce without knowing when or why it may occur.

If the husband divorces his wife and it is clear to the *cadi* that the husband has acted arbitrarily in divorcing her without reasonable cause and that the wife will suffer distress and hardship as a result, he may order her divorced husband to pay her compensation equivalent to not more than the sum of maintenance received by her peers over a three-year period, in addition to maintenance during the period of waiting, depending on the circumstances and the degree of arbitrariness. The *cadi* may order the lump-sum or monthly payment of such compensation, as the case may be.

In accordance with the independent judgement of the Court of Cassation, first instance 513, Decision 514 of 22 December 1969, a husband who arbitrarily divorces his wife shall not be obliged to pay compensation unless she is impoverished.

We again note the unqualified discretionary authority of the *cadi* in requiring the man to pay compensation for arbitrary divorce.

*Article 116:*

If a man is terminally ill or in a condition that is likely to deteriorate and he pronounces a cause for irrevocable separation from his wife without her consent and then dies from that illness or condition when she is in her period of waiting, she shall inherit from him, provided that she remains competent to inherit from the time of the divorce until his death.

*Article 117:*

If a man divorces his wife and it is clear to the judge that the husband has arbitrarily divorced her without reasonable cause and that the wife will suffer distress and hardship as a result, the *cadi* may order her divorced husband to pay her compensation equivalent to not more than the amount of maintenance received by her peers over a three-year period, in addition to maintenance during the period of waiting, in accordance with the circumstances and the degree of arbitrariness. The *cadi* may order the lump-sum or monthly payment of such compensation, as the case may be.

*Effects of the dissolution of marriage:*

*Article 118:*

1. A revocable divorce shall not terminate a marriage and the husband may take back his divorced wife during the period of waiting by word or deed, a right which shall not be abrogated.
2. The woman shall show herself and the husband may no longer take back his wife after the period of waiting following revocable divorce is complete.

*Article 119:*

An irrevocable divorce which has not been pronounced three times shall immediately terminate the marriage but shall not preclude renewal of the marriage contract.

*Article 120:*

A divorce which has been pronounced three times shall immediately terminate the marriage and it shall be forbidden to renew the contract, unless the conditions set forth in article 36 of this Act obtain.

*The period of waiting:*

*Article 121:*

For a woman who is not pregnant, the period of waiting after divorce or dissolution of marriage shall be as follows:

1. Three full monthly periods for women who are menstruating. Proceedings brought by a woman shall not be heard on their abatement until after three months have passed since the divorce or dissolution of the marriage.
2. One full year for those in prolonged puberty who have never menstruated and for those whose menstruation has stopped without them having reached the climacteric.
3. Three months for women having reached the climacteric.

*Article 122:*

In the case of an irregular marriage, the provisions of the preceding article shall apply to the period of waiting following consummation of the marriage.

*Article 123:*

The period of waiting for a woman whose husband predeceases her shall be four months and ten days.

*Article 124:*

The period of waiting for a pregnant women shall continue until she gives birth or has a miscarriage that occurs after the stage of pregnancy during which parts of the body of the foetus are formed.

*Article 125:*

The period of waiting shall commence from the date of the divorce, death, dissolution of marriage, legal separation or separation owing to an irregular contract.

*Article 126:*

No period of waiting shall be required before consummation of the marriage and lawful khilwah, except in the event of death.

*Article 127:*

1. If the husband dies while the woman is in the period of waiting which follows revocable divorce, she shall move into the period of waiting which follows death and the period already spent shall not be discounted.
2. If he dies while she is in the period of waiting which follows irrevocable divorce, she shall observe either the period of waiting which follows death or that which follows irrevocable divorce, whichever is the later.

*Child custody:*

A Muslim woman has the right of custody of her children following divorce, provided that she does not remarry. In the event that she remarries, she forfeits custody, whereas the husband does not forfeit custody if he remarries. The father is under obligation to maintain his children during the period of custody. In 1973, the Syrian Personal Status Act was amended by Act No. 18 in order to raise the age of custody as an entitlement of the mother after divorce, as follows: "The period of custody shall end at 13 years of age for boys and at 15 years of age for girls." It should be pointed out here, however, that the mother does not have the right to travel with a child who is in her custody without the consent of the father or guardian. Custody is governed by the articles below.

*Article 137:*

In order to be fit for custody, a person must be a rational adult who is able to safeguard the health and morals of the child.

*Article 138:*

If a female custodian marries anyone other than a relative in a degree of consanguinity that precludes marriage to the child in her custody (mahram), her custody shall be forfeited.

*Article 139:*

1. The mother shall have right of custody, failing which the paternal grandmother shall have that right, followed by the full sister, the uterine sister, the consanguine sister, the full daughter, the maternal niece, the paternal niece, maternal aunts and paternal aunts in that order, followed next by male agnates in order of inheritance.

2. The right of a female custodian to custody of her children shall not be forfeited on the ground of her employment if she ensures that they are cared for and looked after in an acceptable manner.

3. A custodian who is the mother or maternal grandmother of the child may apply to the *cadi* for the surrender of a minor into her care. The *cadi* shall make a decision concerning such surrender without the need for legal proceedings after ascertaining that her relationship to the child is documented in the Civil Registry. He shall also award temporary maintenance for the child against whomsoever he deems to be liable for it. The decision of the *cadi* shall be enforced by the competent executive department. Any person who objects to the surrender of care or to the obligation or amount of maintenance may lodge a grievance against such decision with the competent court. The case shall be subject to the procedures and means of appeal in regard to rulings of the religious courts. The institution of such proceedings shall have no effect on enforcement of the said decision until such time as a final judgement is delivered.

*Article 140:*

If several persons are entitled to custody, the *cadi* shall have the right to select whichever of them is the most suitable.

*Article 141:*

The right of custody shall be reinstated if the reason for which it was forfeited no longer obtains.

*Article 142:*

The custody costs shall be borne by the person liable for maintenance in the case of a minor and shall be calculated in accordance with the status of such person.

*Article 143:*

The mother shall not be entitled to the custody costs while the marriage is extant or during the period of waiting following divorce.

*Article 144:*

If the person liable for the custody costs is indigent and unable to pay such costs and a relative in a degree of consanguinity that precludes marriage to the child

(mahram) volunteers to take custody, the woman holding custody shall make a choice between keeping the child at no cost and surrendering him or her to the person having volunteered.

*Article 145:*

If the woman is disobedient to her husband and her children are over five years of age, the *cadi* may place them with either spouse at his discretion, provided that in so doing he has due regard for the interest of the children, as well as essential grounds.

*Article 146:*

The period of custody shall end at 13 years of age for boys and 15 years of age for girls.

*Article 147:*

1. If the guardian is not the father, the *cadi* may place the girl or boy with whichever of the mother, the guardian or his proxy is the most suitable until such time as the girl marries and the boy reaches adulthood.
2. If the child is united with the mother or her proxy, the latter shall be under obligation to provide maintenance, provided that she is able to do so.
3. If it is established that the guardian, even if he is the father, is unreliable, the child, whether girl or boy, shall be surrendered to the person who follows him in the order of guardianship, without prejudice to the provision of paragraph 1 of this article.

*Article 148:*

1. The mother, while she is married, shall not have the right to travel with her child without the consent of the child's father.
2. A mother who is the custodian of her child may travel with that child after her prescribed period of waiting is complete to the town where the marriage was contracted, without the consent of the guardian.
3. She may travel with the child inside the country to the town where she resides or has employment, provided that in the town concerned she has a relative in a degree of consanguinity that precludes marriage (mahram).
4. The maternal grandmother shall have the same right provided for under paragraphs 2 and 3 above.
5. Each parent shall periodically see his or her children who are in the custody of the other parent in the place where they are located. In the event of any objection, the *cadi* may issue an order to ensure that right and prescribe a method for its immediate enforcement without the need for a ruling from a court of first instance. Any person who objects to the order or the method may again have recourse to the court. The provisions of article 482 of the Penal Code shall apply to any person who contravenes the order of the *cadi*.

*Article 149:*

If the woman holding custody is not the mother, she may not travel with the child without the consent of the child's guardian.

*Article 150:*

The father shall not travel with the child during the period when the child is not in his custody without the consent of the woman holding custody of the child.

*Article 151:*

The guardian of a close female relative shall take her into his home if she is under 40 years of age or a virgin. If she unjustly disobeys him, he shall not provide maintenance for her.

*Inheritance:*

In the Personal Status Act, inheritance is based in principle on the Qur`an and is regulated by the following articles:

*Article 260:*

1. The entitlement to inheritance shall obtain on the death of the testator or on the pronouncement of an order by the *cadi* declaring that he is presumed to be dead.
2. In order for the entitlement to inheritance to obtain, the heir must have been alive at the time of the testator's death or the pronouncement of the order declaring him to be presumed dead. An embryo shall be entitled to inherit if it satisfies the conditions stipulated in article 236.

*Article 261:*

If two persons die and it is not known which of them died first, neither shall be entitled to the estate of the other, whether or not their deaths occurred in a single incident.

*Article 262:*

1. The estate shall be settled in the following order:
  - (a) An amount sufficient to cover the funeral expenses of the deceased and the legitimate sum of maintenance for anyone to whom it must be provided between the death and burial;
  - (b) The debts of the deceased;
  - (c) The obligatory bequest;
  - (d) The voluntary bequest;
  - (e) The heirs in accordance with the order specified in this Act.
2. If there are no heirs, the estate shall be settled in the following order:
  - (a) Claims from persons acknowledged as kin by the deceased;
  - (b) Residual bequests.
3. In the absence of the above, the estate or the residuary estate shall devolve on the public treasury.

The reasons for, impediments to and methods of inheritance are as follows:

*Article 263:*

1. The reasons for inheritance shall be marriage and kinship.

2. There shall be three methods of inheritance: distribution of lawful shares (faridah), agnatic relationship and uterine relationship.

3. The method of inheritance by marriage shall be by lawful share (fard).

*Inheritance by distribution of lawful shares:*

Those who inherit by lawful share: the wife, the mother, the maternal aunt and otherwise the maternal grandmother, followed by the paternal grandmother.

*Article 265:*

1. The lawful share is statutory portion of the heir in the estate and the order of inheritance shall begin with the Qur'anic heirs (ashab al-fari'id), namely: the father, the agnatic grandfather and otherwise the maternal uncle, followed by the maternal aunt, the husband, the wife, any granddaughters by a son, the full sisters, the consanguine sisters, the mother and the true grandmother.

*Inheritance by agnatic relationship:*

This is the patrilineal relationship.

The agnatic relations of the deceased (who include any man linked to the deceased by an ancestral line in which there is no woman between him and the deceased).

*Inheritance by uterine relationship:*

*Inheritance status of the wife:*

The wife is one of the heirs who inherit only by lawful share, in which connection there are two instances in her case:

1. Her share is one quarter if her deceased husband has no child or grandchild by a son. The child shall include a son, a daughter or a grandchild by a son.
2. Her share is one eighth if her deceased husband has a child or a grandchild by a son or daughter, whether his child is from her or another wife, provided that the child is an heir.
3. In the case of polygamy, the share of one wife is divided among all wives. One quarter is shared equally among them if the husband has no child and one eighth is shared equally among them if he has a child or a grandchild by a son or daughter.

*A revocably divorced woman:*

If a revocably divorced woman dies or if her husband predeceases her before her period of waiting is complete, she shall inherit from him regardless of whether he was in good health or terminally ill when he divorced her.

If the divorce is irrevocable, there shall be no transmission of inheritance between the couple, regardless of whether the husband was in good health or terminally ill, except if the divorce occurred without the wife's consent and she is still in her waiting period, in which case she shall inherit from him.

*Inheritance status of the husband:*

1. A husband has a share of one half if there is no child or grandchild by a son.

2. The husband has a share of one quarter if there is a child or any grandchild by a son.

*Inheritance status of the mother and grandmother:*

1. The mother has one sixth with the child or any grandchild by a son, or with both and more in the event of siblings.
2. In other cases, she has one third, except if there is only her and either spouse or the father, in which case she has only one third of the residuary of the spouse's lawful share.
3. The grandmother or grandmothers have one sixth, which is divided equally among them, with no difference between one or two degrees of closeness.

*Inheritance status of the sister:*

1. *Full sister:* A full sister has a share of one half of the estate, provided that three conditions are met:
  - (a) That she is an only full sister;
  - (b) That she has no male agnatic relative in that an agnatic brother takes precedence over the sister and inherits the entire estate if he is the only such brother;
  - (c) That there is no heir to exclude her insofar as she is excluded by a son, a grandchild by a son, the father and the grandfather.
2. *Consanguine sister:* A consanguine sister has one half where there is no full sister.
3. *Two or more consanguine sisters:* They have two thirds where there are no sisters who are bodily heirs, no grandchildren by a son, no consanguine brothers of theirs and no father or grandfather.

*Inheritance status of the daughter:*

1. A daughter who is a bodily heir inherits one half if she is the only one among her equals or agnatic relatives.
2. When the granddaughter by a son loses the only female bodily relative and has no agnatic relative, she inherits one half.
3. Where there is no son, two or more daughters inherit two thirds.

God Almighty says: "If there are more than two women, they shall have two thirds of the estate and if there is one, she shall have one half."

4. Two or more granddaughters by a son also receive two thirds of the estate if there are no two girls who are bodily heirs and no grandson by a son who is of the same degree as them.

*Article 297:*

1. In the inheritance of uterine relatives, males shall have the same share as females in all circumstances.
2. If there is only one uterine relative, he or she alone shall inherit.

3. The number of uterine relatives is inconsequential. If there are various sides, however, the person should have the same maternal and paternal side.

### **Article 16, paragraph (f)**

#### **Constitutional framework**

##### *Article 25:*

1. Freedom is a sacred right and the State shall guarantee the personal freedom of citizens and safeguard their dignity and security.
2. The rule of law is a fundamental principle of society and the State.
3. Citizens shall have equal rights and obligations before the law.
4. The State shall guarantee the principle of equal opportunities for citizens.

#### **Legal framework:**

The father, ascendants and descendants of the fourth degree on the father's side have the right to exercise guardianship, wardship and trusteeship over children, as prescribed in the following articles of the Personal Status Act, promulgated by Legislative Decree No. 59 of 1953 and the explanatory note thereto, as amended by Act No. 34 of 1975, together with the *ratio legis* of the amendment to the original:

##### *Article 170:*

1. The father followed by the agnatic grandfather shall have guardianship of the same minor and his assets and shall be bound to undertake such guardianship.
2. In accordance with the order of inheritance set forth in article 21, relatives other than the two mentioned above may have guardianship of the person of the minor but not of his assets.
3. Guardianship of the person shall include the exercise of disciplinary authority, the provision of medical treatment, education, career guidance, marriage consent and all matters involved in the care of a minor.
4. The failure of the guardian to ensure that the child completes the compulsory stage of education shall be deemed cause for him to forfeit his guardianship. In that regard, the opposition or dereliction of duty by the woman holding custody shall be deemed cause for her to forfeit her custody.

##### *Article 171:*

If a person voluntarily gives property to a minor on condition that the child's guardian must not dispose of it, the court shall appoint a special trustee for such property.

##### *Article 172:*

The father and otherwise the agnatic grandfather shall have exclusive guardianship in regard to safeguarding, disposing of and investing the property of a minor.

The property of a minor may not be taken from the father or agnatic grandfather unless his dishonesty or misconduct in connection therewith is proven. Under no circumstances may either of them give away a minor's property or

benefits or sell or mortgage his real estate without the permission of the *cadi*, who shall first ascertain that such action is justified.

*Article 173:*

If the property of a minor is at risk owing to the misconduct of the guardian or for any other reason or if there are fears over the property on his account, the court may withdraw or restrict his guardianship.

The *cadi* may assign some of the tasks of the legal financial guardian to the woman holding custody of a minor if, after hearing the statements of the guardian, he ascertains that the interest of the minor so requires.

*Article 174:*

Guardianship shall cease if the guardian is deemed missing or if he is declared legally incompetent or detained and the interest of the minor is jeopardized by the loss. A temporary trustee shall be appointed for the minor if he has no other guardian.

*Article 175:*

The court shall appoint a special trustee where the interest of the minor conflicts with that of the guardian or where the interests of several minors are mutually conflicting.

The law prohibits child adoption, which is replaced by the system of caring for foundlings in accordance with the Foundling Care Act No. 107 of 1970. Such care is regulated by the Ministry of Social Affairs and Labour, which has the right to deliver children to a family for care and education, without the child taking the family name.

The Christian communities vary; in the Catholic communities and most of the non-Catholic communities, guardianship is either shared or is exercised by the father, followed by the mother. Part VI of the Personal Status (Catholics) Act provides for parental authority and supervision of the children until they reach adulthood in articles 119 to 138:

*Article 119:*

Parental authority or paternal guardianship constitute the rights of parents over their children and their obligations towards them in regard to their person and property until they reach adulthood, whether such children are from a legitimate marriage or a valid adoption.

*Article 123:*

Breastfeeding shall be a task assigned to the mother. The rights and obligations with regard to parental authority shall be initially confined to the man but shall be transferred to the mother, provided that she is competent, where his right to exercise such authority is extinguished or denied to him. The court shall establish such competence and inform her of the transfer of authority to her.

Here, we find that the concept of guardianship differs from one religion to another and from one religious community to another. Pursuant to article 123 above, for instance, guardianship is exercised by both parents until their children reach adult age and is primarily confined to the father unless he forfeits it or is denied it.

Article 128 determines the cases in which the father forfeits his guardianship. Article 129 also determines the cases that may cause the spiritual court to deprive the father of his authority over his children, such as where the father has had the marriage annulled or has ruined marital life. This Act, however, is inoperative by virtue of article 308 of the Personal Status Act. The two laws recently promulgated for members of the Roman Orthodox and Syrian Orthodox communities, however, contain a section on guardianship and were both approved.

The same applies to adoption, which is valid only by a decision of the ecclesiastical court that is approved by the Archbishop of the Diocese. It is not permitted by the ecclesiastical courts, except for the right reasons in the clear interest of the adopted child, and only then after the good character of the adoptive parent has been verified and the required conditions set forth in the personal status laws for each religious community have been fulfilled. No adoption laws are in effect in Syria, however, as they are incompatible with the overall State system and the current legislation, which is based on the Islamic Shariah.

## **Article 16, paragraph (g)**

### **I. Constitutional framework**

*Article 25:*

1. Freedom is a sacred right and the State shall guarantee the personal freedom of citizens and safeguard their dignity and security.
2. The rule of law is a fundamental principle of society and the State.
3. Citizens shall have equal rights and obligations before the law.
4. The State shall guarantee the principle of equal opportunities for citizens.

### **II. Legal framework**

Women in Syria retain their name and family name after marriage. Their civil documents, however, are transferred into the husband's family name. All women in Syria, which is to say 100 per cent, keep their original family name. At the same time, however, they are under the husband's family name and under no circumstances do women have the right to give their family name to their children.

Article 45 of the Syrian Personal Status Act promulgated by Legislative Decree No. 59 of 1953 and the explanatory note thereto, as amended by Act No. 34 of 1975, together with the *ratio legis* of the amendment to the original, provides that:

1. The assistant shall record the marriage in the designated register and transmit a copy thereof to the Department of Civil Status within 10 days of the date of marriage.
2. The said copy shall eliminate the need for the two parties to notify the marriage to the Department of Civil Status and the assistant shall be responsible for any failure to transmit the copy.
3. The same method shall be used for recording judgements confirming marriage, divorce, paternity and the death of a missing person. The civil registrar shall record such information in the pertinent registers, without the need for any other procedure.

*Article 73:*

The right of the wife to maintenance shall be forfeited if she works outside the home without her husband's permission.

Promulgated by Legislative Decree No. 32 of 14 June 1936, the Employment Act also regulates all matters relating to the employment of women:

*Article 130:*

Without prejudice to the provisions of the following articles, all provisions which regulate employment shall apply without distinction to women working in the same job.

*Article 131:*

Women may not be employed during the period between 8 p.m. and 7 a.m., except in the context of the conditions, jobs and occasions specified by a decision of the Minister of Social Affairs and Labour.

*Article 132:*

Women may not be employed in jobs that are detrimental to health, morally damaging or physically demanding or in any other jobs specified by a decision of the Minister of Social Affairs and Labour.

In accordance with the provisions of the two preceding articles, Decision No. 416 of the Minister of Social Affairs and Labour was issued on 26 August 1958.

## **Article 16, paragraph 2**

### **I. Constitutional framework**

*Article 44:*

1. The family is the nuclear unit of society and is protected by the State.
2. The State shall protect and encourage marriage and endeavour to eliminate material and social impediments thereto. It shall protect mothers and children, cater to adolescents and young people and provide appropriate conditions for the development of their talents.

### **II. Legal framework**

*Child marriage:*

In accordance with the Syrian Constitution and all civil laws, the age of legal competence is 18 years for both sexes, with no distinction between males and females. In the Personal Status (Muslims) Act, the marriageable age is specified in article 16, as follows: "The age of eligibility for marriage is 18 years in the case of young men and 17 years in the case of young women."

By contrast, article 18 of the same Act provides as follows:

1. If a male adolescent having attained 15 years of age claims to have reached maturity or if a female adolescent having attained 13 years of age does so and they seek to marry, the *cadi* shall authorize the marriage if it is clear to him that their claim is genuine and that they are physically mature.

2. If the guardian is the father or grandfather, his consent is required.

In other words, the *cadi* has the right to authorize child marriage, provided that the guardian gives his consent. This article continues to provide an avenue for those guardians who give their girls in marriage at an early age, particularly in rural areas, insofar as the phenomenon of early marriage still exists in certain social environments governed by customs and traditions whereby girls marry at a young age.

*Legal registration of marriage and divorce:*

It is required by law to register marriages and divorces, first with the religious court in the case of Muslims and with the church in the case of Christians. All marriage and divorce papers must be forwarded to the civil registries at the Department of Personal Status in every governorate in order for the marriage or divorce to be considered legal. Article 38 of the Civil Status Act No. 376 of 1975 provides that: "Neither marriage nor divorce shall be considered legal until recorded in the civil registers."

### **III. Progress achieved**

The Syrian Commission for Family Affairs conducted four workshops with members of the People's Assembly and clerics with a view to removal of the reservations to the Convention on the Elimination of All Forms of Discrimination against Women. These were:

The first workshop in Idlib on 5 June 2005;

The second workshop in Damascus on 13 January 2005;

The third workshop in Tartus on 16 January 2005;

The fourth workshop in Aleppo on 3 February 2005.

The outcome was that the participating members of the People's Assembly, both male and female, mainly agreed that the reservation to article 16, paragraphs 1 (g) and 2, should be withdrawn and that the reservation to paragraphs 1 (c) and (f) should remain on the basis of jurisprudential opinions that they are incompatible with the provisions of the Islamic Shariah.

The Commission also formed a committee of legal experts to study the Personal Status Act and draft a family law. Legal experts similarly studied the articles of the Penal Code relating to so-called "honour crimes" and a draft for their amendment has been proposed.

*The General Women's Federation:* This organization worked hard in holding scores of workshops in the country's governorates to discuss the Syrian reservations. It concluded that the reservations to article 16 should be reviewed and that enlightened clerics should be involved in the discussion concerning its compatibility or otherwise with the Islamic Shariah.

*Non-governmental associations:* Non-governmental associations (the Syrian Women's League, the Social Initiative Society, the Committee for Women's Affairs and the Committee on the Elimination of All Forms of Discrimination against Women) have held a number of seminars and workshops with a view to removal of the reservations to the Convention.

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