Committee on the Elimination of Discrimination against Women
Thirty-eighth session

Summary record of the 786th meeting
Held at Headquarters, New York, on Thursday, 24 May 2007, at 3 p.m.

Chairperson: Ms. Šimonović

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Initial report of the Syrian Arab Republic (continued)
The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Initial report of the Syrian Arab Republic (continued) (CEDAW/C/SYR/1; CEDAW/C/SYR/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of the Syrian Arab Republic took places at the Committee table.

Articles 7 and 8 (continued)

2. Ms. Ghanem (Syrian Arab Republic) said that, three years previously, the Government had decided to update the Associations Act in order to strengthen its relationship with civil society. To that end, the Syrian Commission for Family Affairs, working in partnership with non-governmental associations (NGOs), the Swedish and British Governments and the European Union, had undertaken a review of the Act. A preliminary draft of the new text had been submitted to the Office of the Prime Minister for consideration and a final version had recently been prepared. The ongoing transition to a market economy and increasing decentralization had stimulated lively public debate on the role of civil society. She felt that the reform movement in Syria would prevail and stressed the fact that any reform measures would be consistent with the relevant international standards.

3. The persistence of gender-based stereotypes meant that it was still difficult for Syrian women to enter the political arena. While the Government had taken a number of steps to promote women’s participation in political and public life, including the introduction of a series of workshops on, inter alia, leadership skills and networking techniques and the creation of more childcare facilities, further efforts should be undertaken to establish a strong women’s lobby. Women and men had equal rights to be nominated for election to decision-making bodies but, although the 2007 parliamentary elections had seen an increase in the number of female candidates, no women had been elected. In her view, however, that situation was due more to a lack of campaign funding than to discriminatory attitudes on the part of the electorate. She hoped that recent amendments to legislation governing local elections would serve to boost women’s participation.

4. Mr. Flinterman welcomed the fact that the State party’s reservation to article 9, paragraph 2, of the Convention had been so widely discussed by civil society, and expressed the hope that it would be withdrawn in the near future. That reservation should not, however, preclude an amendment to the laws governing the transfer of Syrian Arab nationality, which currently followed a patrilineal pattern. He wished to know whether the State party’s legislation on nationality was fully implemented, particularly since several of its provisions, such as the rules governing the acquisition of nationality by marriage and naturalization, were clearly discriminatory towards women.

5. Ms. Coker-Appiah, referring to page 47 of the State party’s report (CEDAW/C/SYR/1), enquired whether the memorandum seeking the amendment of article 3 (a) of the Syrian Nationality Act and the bill on the amendment of article 3 of that Act had the same objective and whether the relevant proposals had been adopted.

6. Ms. Saiga asked whether the Government had conducted any surveys to determine the number of children affected by the discriminatory provisions of the Nationality Act.

7. Ms. Belmihoub-Zerdani pointed out that in other Muslim countries, including Algeria, Morocco, Tunisia and Egypt, mothers were entitled to transmit their nationality to their children. She urged the Government to take the necessary measures to ensure that Syrian women enjoyed that same right. The withdrawal of the State party’s reservation to article 2 of the Convention should have paved the way for the withdrawal of its reservation to article 9, paragraph 2.

8. Ms. Asad (Syrian Arab Republic) said that Syria had entered a reservation to article 9, paragraph 2, on the ground that it was incompatible with sharia law. Under the Nationality Act, all those born on Syrian soil were entitled to Syrian Arab nationality. However, when a Syrian Arab woman married an alien and acquired his nationality, she could retain her Syrian Arab nationality only if she applied to the relevant authorities within one year of her marriage. A foreign woman married to a Syrian Arab man could acquire his nationality if she had lived on Syrian soil for two years and if the relevant authorities gave their consent.
9. While children of unknown parentage born on Syrian soil automatically acquired Syrian Arab nationality, Syrian Arab mothers did not have the right to transmit their nationality to their children. With a view to rectifying that discriminatory situation and securing the withdrawal of the reservation to article 9, paragraph 2, the Syrian Commission for Family Affairs, in collaboration with civil society organizations, had conducted research and organized workshops, but those efforts had not yet borne fruit. In response to the question put by Ms. Saiga, she said that the Government had no data on the number of children affected.

10. Ms. Ghanem (Syrian Arab Republic), while acknowledging that several provisions of the Nationality Act were discriminatory, stressed that those provisions responded to political imperatives (namely, concerns about the large number of Palestinian women married to Syrian Arab men) and should not be interpreted as evidence of the Government’s desire to subjugate women. Indeed, the Prime Minister had recently asked the Syrian Commission for Family Affairs to draft a proposal designed to ensure that applications for Syrian Arab nationality were dealt with on a case-by-case basis.

11. Replying to the question put by Ms. Coker-Appiah, she said that the memorandum and the bill had proposed an amendment to the wording of article 3 (a) of the Nationality Act. The proposals had not yet been adopted.

Article 10

12. Ms. Arocha Domínguez, after having commended the State party for its efforts to supply the Committee with detailed, disaggregated data on school and university enrolment rates, asked why the female illiteracy rate had increased between 2002 and 2006. Furthermore, since illiteracy levels were rather high among women over the age of 25, she wished to know whether the Government offered adult education programmes.

13. Lastly, while the overall enrolment of girls had increased, the figures for primary education had remained almost static since 1999. In order to ascertain the reasons for that situation, she would be grateful for more detailed information on enrolment rates in rural and urban areas.

14. Ms. Ghanem (Syrian Arab Republic) said that the apparent increase in the female illiteracy rate between 2002 and 2006 was probably attributable to advances in statistical techniques rather than to an increase in real terms. The Government had established a number of adult education programmes, but it would be some time before those efforts began to bear fruit. NGOs also provided literacy classes in rural areas, and women were offered incentives to participate.

Article II

15. Ms. Patten said that, while the State party had made considerable efforts to eliminate discrimination against women in the field of employment, she was concerned about the implementation of the Employment Act in the private sector. She wished to know whether the Labour Inspectorate was adequately staffed and whether the Government had any intention of reviewing its employment legislation to ensure that it contained appropriate sanctions for non-compliance. Resolving labour disputes was a lengthy process, and she therefore wondered whether any remedial measures had been taken. Did judges dealing with such disputes receive specialized training, and how many cases had been brought before the relevant courts/tribunals? Were women pursuing such cases eligible for legal aid?

16. The report was silent on the question of the wage gap between women and men. It would be useful to know how that issue was monitored in the private sector. She would also like to know more about the measures taken to protect workers in the informal sector. Lastly, observing that there appeared to be a disconnect between the number of women enrolled in educational establishments and the number of women in the labour market, she enquired whether the Government had devised any strategies to increase the number of women employed in the private sector and to combat gender-based occupational segregation. Had temporary special measures been considered?

17. Ms. Ghanem (Syrian Arab Republic), returning to the question on education, said that enrolment rates for girls and women had been given in her country’s response to the questionnaire for Beijing Plus Ten report.

18. Ms. Asad (Syrian Arab Republic) said that the Syrian Constitution guaranteed the right of employment to all. The Labour Act and other labour-related legislation guaranteed absolute equality
between men and women with respect to work. Moreover, there were provisions in those laws for “positive discrimination” that prohibited assigning pregnant women to duties that might be hazardous to their health. Under the various labour laws in effect, women were guaranteed paid maternity leave that ranged from 90 to 120 days. With respect to workers’ compensation, all workers, including women, had recourse to the law in order to seek redress for work-related grievances.

19. **Ms. Ghanem** (Syrian Arab Republic) said that the number of women who worked in the private sector was increasing but that the application of the law to that sector was problematic owing to its relative newness in her country. The Ministry of Labour and Social Affairs had undertaken a number of initiatives to ensure the effective application of the law to the private sector. In order to decrease the gender gap, the Ministry for Foreign Affairs, in cooperation with the United Nations Development Fund for Women (UNIFEM), had conducted a gender auditing study and had cooperated with the International Labour Organization on capacity-building. Many labour-related issues needed to be dealt with during the transition from a centrally managed economy to a market-driven economy and were being given due priority by the Government. In that context, the social security system and safety net were of particular concern to the Government. Initiatives had been undertaken to ensure women’s access to work facilities and to help them leave traditional work. Women were becoming organized professionally and occupied positions in chambers of commerce and industry in every governorate. Official figures, including the First Lady, had been actively encouraging women to be more involved in business. Numerous business incubators to assist women in the establishment of home-based business had been created. Furthermore, the Ministry of Economy and Trade had initiated gender mainstreaming efforts.

**Article 12**

20. **Ms. Begum** noted that abortion was prohibited under Syrian law. The law punished women who aborted their unwanted pregnancies voluntarily as well as the persons who performed such abortions, while the men responsible for the pregnancy went unpunished. The law was discriminatory and had to be amended so as to punish men who had caused an unwanted pregnancy and provide legal support for women who desired to terminate unwanted pregnancies.

21. She wondered whether there had been any awareness-raising campaigns on HIV/AIDS. She also wanted to know whether the Syrian Arab Republic had identified the challenges and problems with respect to the distribution of health services between rural and urban areas and what steps it was taking to ensure fairer distribution.

22. **Ms. Zou** Xiaoqiao asked about the gap between rural and urban areas in the provision of both prenatal services and post-natal care. Given that Syrian citizens enjoyed free medical treatment, she wished to know what measures the Government intended to take to ensure that rural women received the same quality of treatment as their urban counterparts.

23. Although Syrian law punished any person who publicized, sold, possessed or facilitated the use of family planning means and also prohibited abortion, the report stated that the Syrian Arab Republic encouraged the use of family planning. She wondered what was the actual situation with respect to family planning.

24. **Ms. Dairiam** said that the report mentioned tensions between the private and government sectors in the delivery of health services arising from cost, both to individuals and to the State. She wondered what plans were in place to ensure that everyone would have access to health services, regardless of cost, or whether any surveys had been conducted to assess the impact of privatizing health services by determining who would not be able to afford privatized services. In addition, she wanted to know which services had been privatized, noting that in many other countries the most lucrative services had been privatized, leaving the services that required greater capital investment to the Government.

25. Turning to social and cultural factors that impeded access to health services, she noted that a woman must still obtain her husband’s permission in order to leave the house and that a woman must be escorted by her husband when seeking health services, and wondered what was being done to remedy that situation. She also asked what was being done to increase the accountability and improve the competence of staff who delivered obstetric care, particularly in emergency situations.
26. **Ms. Ghanem** (Syrian Arab Republic) said that abortion was prohibited in her country. A study done in conjunction with the United Nations Population Fund (UNFPA) showed that nearly 3,000 illegal abortions were performed every year. Most unwanted pregnancies occurred because women were either ignorant of family planning methods or had not received quality information. A number of initiatives had been taken to address the situation. In fact, the legal prohibition on family planning was not effective and family planning methods were widely available. The challenge was to design communication programmes that would address any misconceptions that people might have about family planning methods and to encourage their use.

27. HIV/AIDS had not so far been a major issue in her country. Nonetheless, a number of programmes had been developed to raise awareness of HIV/AIDS and to provide early detection services free of charge, particularly to prostitutes. While the subject of sexual education was very sensitive, efforts had been made to raise awareness among youths of HIV/AIDS. Education programmes aimed at soldiers had also been undertaken.

28. With respect to the health-care gap between rural and urban areas, all health centres throughout the country were capable of providing obstetrical services for routine deliveries. Centres were equipped with ambulances to transport women who required specialized services to the nearest hospital. Access to emergency obstetrical services was hampered not by the attitudes of staff but by infrastructure shortcomings, such as poor roads, and efforts were being made to address those shortcomings. In addition, numerous training workshops had been held to improve the quality and increase the capacity of health centre staff. Many women did not receive prenatal services because they were unaware they needed those services; awareness-raising efforts were under way in that regard. In addition, there was a home visit programme so that women in rural areas could receive prenatal care. Traditional birth attendants had been given delivery kits and trained in the basics of hygiene.

29. With regard to the private sector, the Government had taken an initiative to bring the practice of obstetrics and gynaecology under the umbrella of reproductive health. Privatization of health services was not on the agenda and the Government continued to insist that all health care, including reproductive care, would be provided free of charge to all citizens.

30. Women’s personal autonomy with regard to access to health-care services depended on their social class. That was an issue of great importance to the Government, which had taken a number of initiatives to make affordable reproductive health services accessible to all. A Government accreditation programme to ensure that all health centres met international standards was being piloted in one of the governorates.

31. **Mr. Hasan** (Syrian Arab Republic) said that a Government programme to provide health-care service to rural areas had been created with assistance of the United Nations Development Programme (UNDP). The programme covered nearly 3,000 villages and the number was increasing every day.

32. **Ms. Ghanem** (Syrian Arab Republic) said that, while reproductive health was an important issue, it was not the only health issue that women faced. A qualitative study had been done on health empowerment for women because there were many other health-care issues aside from affordable and accessible care that were important to women.

*Article 14*

33. **Ms. Simms** noted from the report that rural women were engaged in physical labour while rural men were increasingly involved in mechanized agriculture. The many assistance programmes in place for rural women only reinforced stereotypical women’s roles. Care should be taken not to glamorize those roles so as to not keep rural women rooted in their place. Like women all over the world, Syrian women needed an education so they could have choices and be able to define their own roles instead of allowing men to do so.

34. **Ms. Patten** said that the report contained much data on the economic activities of rural women and wondered what efforts were being made to include those data in national economic figures. Many of the training programmes mentioned in the report were useful, but there were no data on how many women had actually benefited from them; she wondered whether data on those programmes might be included
in the country’s next report. She also wanted to know what outreach programmes had been developed to inform illiterate rural women about the programmes available to them and what assistance was being offered to them to take advantage of those programmes.

35. Equality in decision-making was essential to the empowerment of women. Noting from the report that there were no rural women in government, she wondered what was being done to involve rural women in decision-making at all levels, including government, and whether some temporary special measures could be taken to that end.

36. The report contained no information on self-employed women. She wondered what was being done to promote and support women’s self-employment and development of small enterprises as well as what concrete measure had been taken to give them access to loans and credit.

37. Ms. Tan said that the report showed an alarmingly high rate of illiteracy among rural women. She wondered whether any efforts had been made to encourage men and boys to contribute to domestic work, so that women and girls would have more time for their own education and development.

38. One of the major problems faced by rural women was early marriage. She was heartened to see that the People’s Assembly had agreed that the reservation to article 16, paragraph 2, of the Convention, which referred to child marriage, should be lifted. In that regard, she wondered whether there were any statistics on child marriage in rural areas and whether any steps had been taken to educate the rural community on the adverse impact of such marriages on girls’ development.

39. Noting that the report did not contain information on crimes against rural women, she wondered whether any efforts had been made to combat such crimes specifically. She also wanted to know whether domestic violence was an issue in rural communities and, if so, what had been done to deal with it. With respect to ownership of land by women, she requested figures on the number of women who owned land. She also wondered whether women retained their rights to land after marriage, whether they were eligible to inherit land on the death of a parent, and whether women had rights to their husbands’ lands on the death of the husband.

40. Ms. Patten wanted to know whether efforts were being made to include the economic activities and contribution of rural women in the national figures. While it was commendable that training courses and workshops were being offered by the Ministry of Agriculture in partnership with United Nations agencies, it would have been useful to include data about the number of women who actually benefited from those projects. She asked whether there were any outreach programmes to assist poor and illiterate rural women in learning about opportunities for improving their lives. Considering the requirement in article 14 of the Convention that rural women should participate in the elaboration and implementation of development planning at all levels, she asked whether the Government was considering any initiatives, including temporary special measures, that would allow women to participate more in decision-making. She also wondered whether there were any measures to support self-employment and entrepreneurship among women and to give them access to land and credit.

41. Ms. Tan said that the high level of illiteracy among rural women was probably due to the fact that they had to handle both farming and household chores. If men and boys were educated to take on an equitable share of domestic duties, women and girls would have more time for their education and development. She asked whether any efforts had been made along those lines. With regard to early marriage of girls in rural areas, she noted with appreciation that the People’s Assembly had agreed that the reservations to article 16, paragraph 2, of the Convention should be withdrawn. She asked whether there were any figures on the number of child marriages in rural areas and whether the Rural Women’s Development Unit was taking any steps to educate parents and guardians on the adverse impact of early marriages on the girl child. She also asked whether there were any figures available concerning crimes against rural women, whether domestic violence was a problem in rural areas and, if so, what efforts were being made to address it. Finally, she asked about the number of women who owned land in rural areas and about their inheritance rights.

42. Ms. Ghanem (Syrian Arab Republic) said that a regional workshop had been organized in 2005 to find ways of empowering women and giving them equal access to technology. Many projects had been undertaken to assist rural women, including one to provide them with loan guarantees, which had
benefited 34,000 women, another by the International Fund for Agricultural Development which had benefited 12,000 women, and projects sponsored by the Government of Italy and UNDP, among others. Rural business centres had also been set up to provide technological, administrative, legal and microfinance support to women, with assistance from international organizations including the European Union. Finally, a rural poverty mapping project had been undertaken and a strategy had been developed for gender auditing in the rural areas in order to identify gender gaps and take corrective action.

43. With regard to land inheritance, women inherited half of what men received, in part because of tradition, and many women lacked the knowledge to assert their rights. Efforts were therefore being made through soap operas, community theatres and other vehicles to raise public awareness. Finally, the strong relationship between early marriage and illiteracy had been clearly established, since many girls dropped out of school and opted for marriage. Efforts were therefore being made to establish more culture-sensitive schools and to even impose penalties on parents who let their children drop out.

44. Mr. Hasan (Syrian Arab Republic) said that the problem of early marriage was not widespread. A study had shown that the average age of marriage in 1992 had been 16 for girls and 19 for boys, while a study conducted a few years later had shown that those numbers had risen to 21 for girls and 24 for boys, indicating a positive trend.

Articles 15 and 16

45. Ms. Halperin-Kaddari asked whether the delegation could provide a draft of the proposed family bill for reforming the Personal Status Act. She hoped that the discriminatory provisions of the Act would be removed, specifically those relating to inheritance and the mukhala’ah (consensual divorce in return for compensation of the husband by the wife). She wanted to know whether women had been included in the discussions concerning article 16 and its incompatibility with sharia law and whether there were any prospects of introducing civil laws in case of divorce. Also, she wondered whether the process of arbitration by relatives in case of separation could be changed to ensure that women were included among the arbiters, who in almost all cases were men.

46. Ms. Tan noted the stipulation in article 307 (e) of the Personal Status Act that allowed a husband to divorce the wife if she was convicted of adultery and to recover any dower which he had paid and allowed the wife to seek a separation and take her deferred dower in full only if the man was guilty of adultery. Did that mean that the woman needed her husband’s permission if she wanted to divorce? Also, even though polygamy was prohibited pursuant to article 307 (b) of the Act, there were indications that it still existed in the Syrian Arab Republic. She wondered whether there were any figures to corroborate or refute that assertion and whether all the women in a polygamous marriage had the same rights. Pointing out that the provisions of the Act concerning inheritance were inherently discriminatory against women, she wondered whether the Government was going to review the law to afford women equitable treatment and whether the law being drafted would comply with articles 15 and 16 of the Convention.

47. Ms. Belmihoub-Zerdani asked about the legal framework that applied to Muslim women: whether there were different marriage registers for Muslims and non-Muslims; whether the same judge could rule on divorce cases for both Muslim or non-Muslim marriages or whether there were specialized courts for the different marriages; and how the principle of equality of all citizens before the law was maintained.

48. Ms. Asad (Syrian Arab Republic) said that the Personal Status Act had some discriminatory provisions and that the new draft law was in line with international conventions and her country’s obligations under those agreements. Since it was still being prepared, a draft could not be provided. Mukhala’la was a consensual divorce, to which both spouses had to agree. While the possibility of introducing a civil law for divorce cases was not even being considered, the new family law would cover all segments of society. Relatives were appointed as arbiters in case of marital differences, because the goal was to reconcile the spouses in order to keep the family together. If a capable relative could not be found, the judge would appoint another arbiter. If all else failed, the judge could simply validate the divorce.

49. With regard to inheritance law, even though some of its provisions were discriminatory, they could not be easily abolished or even amended because they stemmed from the Islamic sharia. Article 306 of the Personal Status Act applied to all citizens, with the
exception of the Druze and Christian communities, which had their own private courts that took priority on all matters affecting their congregations. For matters beyond the jurisdiction of those courts, complainants could file an application in a regular court as Syrian citizens and not as Muslims, otherwise the sharia would apply to them.

50. **Ms. Ghanem** (Syrian Arab Republic) explained that under sharia law, regardless of any money a woman might have from her dowry, any inheritance or a job, the husband was responsible for all expenses during marriage. If a woman was unmarried, she was supported by her father or brother. That was changing as women were beginning to earn more money, but the sharia “half inheritance” rule could be understood only with reference to prevailing financial relationships between men and women.

51. Under the sharia, a woman had a right to insert conditions into the marriage contract giving her the right to divorce or prohibiting her husband from taking another wife. But many women were ignorant of that right, and many men felt that allowing a woman to insert such conditions into a marriage contract detracted from their manhood. Polygamy was in any case not widespread in the Syrian Arab Republic. Where it did exist, sharia law required men to be financially and physically capable of managing a second wife. Of course, those rules were hard to enforce in practice, because people tended to confuse the traditional with the religious, as shown by the fact that the Islamic countries did not all have the same positions on the various articles of the Convention. It might be advisable for all the Islamic religious authorities to reach agreement on what was religious law and what were merely traditional practices that had come to be regarded as sacred over time. On all those issues, the goal was to advance incrementally by appealing to open-minded men of religion to adopt enlightened interpretations of the sharia so as to empower women in the family, which was a prerequisite for empowering them in society at large. Several women experts in the sharia were making contributions in that regard.

52. **Ms. Saiga** said that the reservation to article 9 on nationality was a violation not only of the mother’s rights, but also of the child’s, because it deprived the child of the right to Syrian nationality when the father was non-Syrian. Further clarification was also needed on the efforts of the National Committee for International Humanitarian Law to harmonize national legislation with international Conventions.

53. **Ms. Schöpp-Schilling** said that it was important to use both the Convention and the Beijing outcomes, the former as legally binding and the latter as programmatic. It would be helpful to know whether a gender impact assessment would be conducted prior to implementation of decentralization and market economy policies, whether the draft law on equality of the sexes contained a provision on temporary special measures, and what were the exact conditions for the registration of women’s associations according to the new Associations Act.

54. **Ms. Dairiam** said that measures were needed to address personal consequences that might affect women who chose to go to shelters for victims of domestic violence. Just because no complaints had been filed by women under health-care and employment legislation, it should not be assumed that the law was being correctly applied in actual practice. It would also be useful to know whether the study on violence against women covered refugee women, and whether it was available.

55. **Ms. Chutikul** asked what steps were being taken to improve the situation of women in shelters run by the Ministry of Social Affairs and Labour and whether dissemination of information on the Convention was targeting women and girls who were stateless or members of ethnic minorities. It also seemed that it would be a simple matter to remove the words “other than his spouse” from article 489 of the Penal Code, which covered sexual violence.

56. **Ms. Ghanem** (Syrian Arab Republic) said that, while article 9 was indeed being viewed from the child’s as well as the mother’s perspective, the reservation with respect to it was ultimately of a political nature and could not be addressed until the underlying political issues were resolved. There was no doubt that the National Committee for International Humanitarian Law had not been as effective as it ought to be, and that the Beijing outcomes should be employed alongside the Convention. A study was being made by the Syrian Commission for Family Affairs of the effect of the new economy on women. There was no law on equality between the sexes, but rather a draft family law, which did not contain provision for temporary special measures. The issue of potential consequences for women who went to shelters was...
dealt with through family counselling and legal support. The goal was not to keep women away from their families, but to solve the problem within the family. The issue of women not feeling empowered to file legal complaints was being addressed by training programmes. Studies had been conducted by UNHCR on violence against refugee women, and the full texts of all Syrian studies were available upon request. Services were also provided to ethnic minorities and stateless populations, supported by UNDP and UNICEF, particularly in the north-east of the country where such populations mostly resided. Deleting the words “other than his spouse” from article 489 of the Penal Code was easier said than done. The key was to cultivate a change in the traditional male-dominated balance of power within marriage. Not everything could be done at once, and reform needed to be gradual.

57. **The Chairperson** said that the Syrian Arab Republic was to be commended for withdrawing reservations to article 2 in its entirety to article 15, paragraph 4, and to article 16, paragraph 1 (g), and paragraph 2. However, it was important to proceed with steps to withdraw remaining reservations, ratify the Optional Protocol and bring national legislation into line with the provisions of the Convention.

*The meeting rose at 5.15 p.m.*