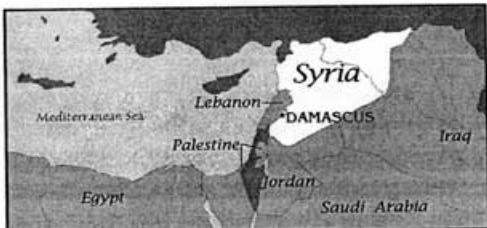


Syria

by Catherine Bellafronto



Population: 17,500,000

GDP Per Capita (PPP): \$3,620

Economy: Mixed statist

Ranking on UN HDI: 106 out of 177

Polity: Dominant party (military-dominated)

Literacy: Male 91.0% / Female 74.2%

Percent Women Economically Active: 29.2%

Date of Women's Suffrage: 1949 (to vote), 1953 (restrictions lifted)

Women's Fertility Rate: 3.8

Percent Urban/Rural: Urban 50% / Rural 50%

Country Ratings for Syria

Nondiscrimination and Access to Justice: 2.7

Autonomy, Security, and Freedom of the Person: 2.2

Economic Rights and Equal Opportunity: 2.8

Political Rights and Civic Voice: 2.2

Social and Cultural Rights: 2.3

(Scale of 1 to 5: 1 represents the lowest and 5 the highest level of freedom women have to exercise their rights)

Introduction

Syria gained its independence from France in 1946 and today is a republic under a military regime. In 1963, the Ba'ath Party led a successful military coup and has since governed Syria with a pan-Arab, nationalist, secular, and socialist ideology that infiltrates all aspects of public life. Syrians do not have the right to change their government. The Syrian constitution, ratified in 1973, guarantees the Ba'ath Party's dominance in the People's Assembly—Syria's parliament—by reserving assembly seats for members of the Ba'ath Party and the National Progressive Front (NPF), the umbrella group of Syrian parties of which the Ba'ath Party is the legal head. The People's Assembly nominates the president, whose candidacy is then approved by a popular referendum. Current President Bashar Al-Asad and his father, Hafiz Al-Asad, who served as president for 30 years before his death in 2000, have run unopposed in all elections.

Syria is a middle-income developing country with a per capita GDP (PPP) of \$3,620 and a Human Development Index rating of 0.710.¹ The centrally planned economy depends heavily on the agricultural sector and on oil-related products and services. The public sector is the primary source of jobs, employing 73 percent of the work force, but unemployment rates near 20 percent are pressuring the government to focus on private-sector growth.² President Al-Asad is slowly instituting market-oriented reforms, but members of the regime's "old guard" are largely opposed to them.

Half of Syria's estimated 17.5 million residents live in rural areas. The population is 90 percent Arab; there is also a sizable Kurdish population (approximately 1.5 million people), as well as other ethnic minority groups, including 409,662 Palestinian refugees.³ While the Syrian constitution requires the president to be a Muslim, Syria has no official religion. A majority of Syrians (74 percent) are Sunni Muslim. The country is also home to other Muslim groups, and various sects of Christians (about 10 percent), as well as a small number of Jews. The Alawites, an offshoot sect of Islam, comprise about 12 percent of the population and dominate the Ba'ath Party, the executive, and the security branches of the government.

A state of emergency, imposed by the government the year the Ba'ath Party took power, remains in effect today.⁴ Since its inception, the government and security agencies have used the state of emergency to curtail all civil society activity and suspend constitutional rights to expression, peaceful assembly, and privacy, resulting in a pervasive atmosphere of fear that has only recently begun to subside.

Syrian women balance growing opportunities in the public sphere with continuing social and legal restrictions in their private lives. Government policies over the past 10 years have encouraged women's education, participation in the work force, and use of family-planning services. Reflecting the government's efforts, women's literacy increased from 48 percent in 1990 to 74 percent in 2002; 29.2 percent of women are economically active; and 45.8 percent of married women now use contraception.⁵

Nevertheless, traditional values, discriminatory laws, and an authoritarian government deprive women of many basic legal and social rights. Syria's penal code, nationality code, and personal status code establish women's status as legal dependents of their fathers and husbands, while traditional ways of life reinforce patriarchal social structures. One of the primary sources of opposition to women's rights, however, lies in extremist Muslim groups in Syrian society who strongly influence government decisions to maintain women's unequal status under the laws and the personal status code. Syrian women's groups have limited abilities to combat this opposition or to effect social or legal change in women's lives due to the government's severe restrictions on freedom of association.

Nondiscrimination and Access to Justice

The Syrian constitution, ratified in 1973, delineates the same rights, freedoms, and responsibilities for women as it does for men. Article 45 of the constitution declares, "The state guarantees women all the opportunities that enable them to participate fully and effectively in political, social, cultural, and economic life. The state works to remove the restrictions that prevent women's development and their participation in building socialist Arab society." Yet, no laws protect women in the event of gender-based discrimination, and no formal mechanisms exist through which women may complain to the government if they do encounter discrimination.

The Syrian legal system derives from French civil law, Turkish law, and *Shari'a* (Islamic law). Although the constitution guarantees "full rights and opportunity" for all citizens, exceptions exist in the nationality code, the personal status code, and the penal code that do not afford women full and equal status as citizens. The personal status code, the body of laws regulating family relationships and inheritance, makes women legal dependents of their fathers or husbands and denies women status as full legal adults in matters of marriage, child custody, and divorce.

The nationality code of 1969 prevents a woman from passing Syrian citizenship to her non-Syrian husband or to her children, a right that is enjoyed by Syrian men.⁶ Furthermore, in 1962, about 120,000 Kurds were stripped of their Syrian nationality. Along with their descendants, these Kurds remain stateless, a total of 275,000 to 290,000 people, unable to obtain a passport or, in many cases, any official identification documents.⁷ This serves to disrupt numerous daily-life activities for both Kurdish men and Kurdish women, such as the ability to travel, own property, attend school, and obtain employment.

The Syrian judiciary is divided into secular and religious courts and is constitutionally independent from the executive branch. The secular courts are under the jurisdiction of the ministry of justice and hear both civil and criminal cases. Separate religious courts serve different religious groups concerning matters of personal status, family, and inheritance. While spiritual courts handle marriage, divorce, and custody cases for Druze and non-Muslims, the *Shari'a* court administers all other family law cases for Syrian citizens.

In addition to these courts, two additional court systems were created under emergency laws: the Supreme State Security Court, which hears cases involving threats to political and national security, and the Economic Security Court, which hears cases involving financial crimes. Neither male nor female citizens prosecuted within this system enjoy constitutionally guaranteed rights to a fair trial. Human rights organizations estimate that the Syrian government is currently holding between 800 and 4,000 political prisoners, many of whom were tried in the security courts.⁸

Women are treated as full persons in the civil and criminal court system. In the Shari'a court, however, a woman's testimony is considered to be worth only half that of a man. While there are no additional legal barriers to women's access to justice, social barriers prevent them from taking advantage of the judicial system to the same extent as men. For example, women are discouraged from presenting their claims in police stations, which are largely staffed by male police officers, for fear of experiencing shame, discomfort, or sexual harassment.⁹ The state of emergency, imposed by the government in 1963, further deprives both women and men of their constitutionally guaranteed rights to justice.

The penal code of 1949 affords women special protections from verbal and physical harassment and violence perpetrated by men, yet a number of other laws deprive women of these protections, usually for the sake of family "honor." For example, Article 508 of the penal code states: "If there is a contracted marriage between the man who commits rape, sexual abuse, kidnapping, sexual harassment and the victim, then there is no charge or the punishment is stopped." Victims' families may favor this option in order to mitigate public scandal. Many women do not have the choice of refusing marriage in such cases either due to family pressure or due to fear of further harassment and social stigma.

The penal code condones violence against women. Marital rape is not a crime in Syrian law, and women have no legal recourse should their husband assault them.¹⁰ Furthermore, a judge may legally reduce the sentence for a man convicted of a so-called "honor crime," —the murder or beating of or causing injury to his wife or female family member for alleged sexual misconduct.¹¹

Adultery is a crime in Syrian law, but the conditions required for proving adultery in the court are different for men and women. In presenting a case against his wife, a man may produce any form of evidence—witnesses, physical proof, or written documents—before the judge. A woman, in contrast, may only present written evidence of her husband's infidelity. Additionally, the husband must have committed the crime of adultery inside the family home in order to be charged, while a woman may be prosecuted for committing adultery anywhere.¹² The punishment for adultery is more severe for a woman than it is for a man. If convicted of adultery, women may serve 3 months to 2 years in prison, while men serve only 1 month to 1 year.¹³

Under the state of emergency, all Syrian citizens are subject to arbitrary arrest, detention, or exile. However, women's lower rate of participation in politically sensitive opposition activities makes them less vulnerable to arbitrary detention or arrest. A woman threatened by family members or the community for supposed connection with an "honor crime" may be held by the authorities for her protection.

In 2003, the Syrian government ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),

with reservations applied to Articles 2, 9(2), 15(4), 16(1)(2), and 29(1).¹⁴ The government found these articles to be incompatible with national laws and the Shari'a. Syria's reservations predominantly concern a woman's right to pass her nationality to her children, freedom of movement and of residence and domicile, equal rights and responsibilities during the marriage and its dissolution, and the legal effect of the betrothal and the marriage of a child. Syria's reservations on Article 2 of the convention are most significant, as it is this article that establishes the purpose of the convention and commits the state to engage in efforts to eliminate discrimination against women. Syria has not yet ratified the Optional Protocol to CEDAW.

A small number of Syrian women's rights activists and other civil society actors are currently working to improve women's access to justice and are advocating for legal reform. However, all nongovernmental organizations (NGOs) are required to be registered with the government, and all meetings must be reported in advance to the ministry of interior.

The General Women's Union (GWU) is the only registered women's rights group approved by the government. The GWU follows the Ba'ath party mandate; its officials are appointed and promoted from within the party hierarchy. Formed in 1967, the GWU is a nationwide organization that works on women's welfare and political participation issues in Syria. It receives financial support from the government, which facilitates its development projects involving women in all parts of the country, especially in rural areas.

According to the Private Associations and Institutions Act No. 93 of 1958, and in line with Ba'ath Party philosophy, the GWU represents all Syrian women.¹⁵ However, this assertion by the government is used to prohibit independent women's NGOs from registering. It advises all women's groups to work under the GWU. This presents serious problems for independent women's groups who may not agree with all government policies. A number of women's groups, such as the Syrian Women's League, operating since 1949, do work independently, but their members still face the threat of arrest and detention.

Independent women's groups in Syria face tremendous problems in raising and receiving funds to continue their work due to local laws that prohibit donor grants from abroad. As a result, unregistered groups find it difficult to attract members, funding, and participants for their activities. Many activists work informally and independently at the grassroots level raising awareness, publishing articles, giving interviews, and holding forums.

RECOMMENDATIONS

1. The government and People's Assembly should lift the state of emergency that prevents women from working openly and effectively to change discriminatory laws.

2. The Syrian government, in cooperation with NGOs, should lead a public campaign to inform women of their legal rights and encourage them to access the judicial system.
3. The Syrian president and People's Assembly should amend laws related to "honor crimes" and adultery that put women's lives in danger.
4. The government should remove all reservations to CEDAW and take steps to implement it locally by bringing national laws in conformity with CEDAW.

Autonomy, Security, and Freedom of the Person

While the civil liberties, security, and autonomy of all Syrian citizens are restricted, women suffer additional restrictions both legally and socially. The personal status code, contained in Legislative Decree No. 59 of 1983, regulates family relationships and inheritance and is the single greatest legal barrier to Syrian women's freedom. It codifies legal discrimination against women and reinforces the discriminatory traditions of a patriarchal society.

Syria does not have an official state religion. The Syrian constitution provides for freedom of religion, and the government generally respects this right in practice. Most religious activities are free from government involvement, although the government does monitor some religious sermons. Syrian Muslim women face some additional restrictions and are not allowed to marry non-Muslims, unlike Muslim men.¹⁶

Married women are subject to restrictions on their freedom of movement. Syrian law gives a husband the right to prevent his wife from leaving the country by submitting her name to the ministry of interior, although men rarely exercise this right. A woman no longer needs the permission of her husband to obtain a passport. Unmarried women over the age of 18 may travel domestically and abroad without the permission of male guardians. Yet social pressure restricts many women from traveling or living alone.

The Syrian marriage contract legally allows women to stipulate any provisions in the marriage contract. However, in practice, most Syrian women are unaware of this right and fail to exercise it. Marriage contracts are generally prepared according to existing patriarchal traditions in which the male family members negotiate the marriage contract for the bride and the groom. Less-educated families rely on the advice of the male religious leader who conducts the marriage ceremony. Women are rarely informed of all the rights they could claim in a Muslim marriage contract and often sign without reading it.

Women of all ages are required to have male guardians contract their marriages, while adult men are free to contract their own marriages.¹⁷ If an adult woman marries without her guardian's consent, the guardian may invalidate her marriage.¹⁸ The minimum age for marriage is 17 for females and 18 for

males. However, minimum marriage-age laws are often not enforced, particularly in rural areas,¹⁹ and a judge may authorize marriage for females as young as 13 and males at 15.²⁰ Because the guardian contracts the marriage, minors are not able to object to it. Early marriage remains a problem, although the average age of marriage for women has risen consistently to 25.2 in urban areas and 24.8 in rural areas.²¹

Syrian laws governing behavior within marriage discriminate against women. A woman must obey her husband or risk losing financial support.²² While polygamy is legally permitted, it is restricted and relatively uncommon, though more prevalent in rural areas. According to Article 17 of the personal status code, a husband must seek permission from a judge to take a second wife and must prove he has both legitimate justification and the financial means to provide for a second wife. A husband may circumvent this restriction, however, if he obtains a civil marriage and later registers the marriage outside the court system by providing medical proof of his second wife's pregnancy.²³ Currently, a man's marriage to a second wife is not a legitimate reason for a woman to divorce him in the Syrian Shari'a courts.

Divorce continues to be much easier for men to initiate than for women and often leaves women unable to support themselves. Article 91 of the personal status code grants men the right to repudiation, the unilateral decision to end the marriage without naming a reason; the man simply registers the divorce with the government. In this case, a woman may receive alimony for up to three years if she can prove she is destitute. Women who are employed, however, often do not fall into this category and do not receive alimony.

For a woman to obtain a divorce, she must sue, stating a legitimate reason, specified as "dissension, prejudice, lack of affinity, absence or ailments," after which the court allows one month for reconciliation.²⁴ Alternatively, a woman can seek a consensual divorce, or *khol*, in which she agrees to return the dower (a sum of money given to a wife by her husband at the time of marriage) to her husband.²⁵ In practice, however, many women choose to forgo alimony from the spouse rather than repay him the dower.

Child custody laws allow a woman to be the legal guardian of her children only in the event that the father has died or is legally incapacitated, stateless, or unknown. A woman has the right to have and care for her children until the age of 13 for boys and 15 for girls. Yet, while the mother has the right to keep the children, she does not have the same rights as a guardian. For example, she cannot register her children for school or move with them. Furthermore, divorced mothers who remarry may lose custody of their children, but this possibility does not apply to a father who remarries.

Trafficking laws exist and are enforced.²⁶ Syria also legally prohibits torture in the penal code.²⁷ Nevertheless, Amnesty International has criticized the Syrian government for human rights abuses including torture. Syrian officials are

legally protected from prosecution for any crimes committed while on the job, leaving victims of torture and their families with no avenue for redress.²⁸

Syria has no laws to protect women from domestic violence. Patriarchal social customs tend to tolerate a man hitting his wife, and women are often discouraged from reporting violence against themselves or their children. Syrian police officials are not sympathetic to women victims of family violence and lack gender-sensitive training to deal with such cases. A woman's family may intervene on her behalf by speaking to her abusive husband, but families will rarely tolerate the public attention of a legal suit and will most often encourage the woman to remain in the marriage.

It is difficult to know the extent of violence against women as there are no reliable statistics on the problem. Social custom discourages families from reporting crimes, and crimes are often masked as accidents. While women receive special legal protection from verbal and physical violence outside the home,²⁹ they rarely, if ever, make use of these protections by reporting the crime. Many women remain silent about abuse, feeling shame and responsibility, because Syrian society places the burden of sexual morality on women.³⁰

Syrian women activists speak openly in the press about the need to reform the personal status code, and women's rights groups have recently held conferences on combating domestic violence. Social discussion of domestic violence is still generally circumspect, however, despite its presence in the press and on television. No private or governmental organizations provide assistance to victims of domestic violence, and information is most often passed by word of mouth. Charitable religious organizations provide limited assistance such as shelter, counseling, legal aid, health care services, and rehabilitation.³¹ Nevertheless, due to the lack of government attention to this issue, a large number of women victims of family violence do not have access to supportive services.

RECOMMENDATIONS

1. The government should review all laws and eliminate clauses that discriminate against women; it should bring its family law into conformity with constitutional guarantees of equality.
2. The government should pass laws to protect women from domestic violence and provide training to court and police officials on effectively dealing with these cases.
3. The government should work in close consultation with women's rights advocates to establish support centers for female victims of violence to receive legal aid, counseling, and related protective services.
4. Media and NGOs should reach out to families of victims of domestic violence in order to reduce the social stigma of this problem and provide the families with information on how to help the victim.

5. Syria's Central Bureau of Statistics should gather data on the prevalence, causes, types, and outcomes of violence against women.

Economic Rights and Equal Opportunity

The Syrian civil and commercial codes of 1949 ensure women's equality in owning property, managing businesses, and initiating legal cases.³² Legally, women also enjoy full and independent use of their income and assets and are free to enter into business contracts. However, in practice, women who obtain property through inheritance or by their own financial means may be restricted from making use of it independently because many families discourage unmarried women from living alone. Families also expect women to contribute their personal income to the family expenses rather than put it aside for themselves.

In accordance with Syria's interpretation of Shari'a inheritance laws, daughters are entitled to half the inheritance of sons. Yet, many Syrian women are not aware of their inheritance rights and may turn over their lawfully inherited property to another relative. Furthermore, male descendants from a different line of the family may be able to compete with female descendants of the deceased if the deceased has no male heirs.³³ Non-Muslim women do not have the right to inherit from their Muslim husbands.³⁴

Education is compulsory for all Syrian citizens up to the age of 11,³⁵ and all levels of education are free. Nevertheless, there is a huge drop in enrollment rates after the primary level, when students apparently leave school to enter the work force. Fewer girls than boys enter secondary school: the rate of enrollment for boys is a low 41 percent, while girls enroll at a rate of 37 percent.³⁶ Many girls who leave school, predominantly in rural areas, submit to family pressures to marry or work. UNICEF has criticized the Syrian government for not doing enough to combat the phenomenon of girl student drop-outs.³⁷ Kurdish children who are deprived of Syrian citizenship face further difficulties in trying to enroll in the Syrian school system.

While low participation rates are a problem, Syria has succeeded in considerably narrowing the gender gap in access to education and illiteracy since the 1970s. In 1970, 80 percent of women were illiterate compared to 40 percent of men, while women's illiteracy rate in 2002 was 25.8 percent, and men's was 9 percent.³⁸ Women are also receiving university degrees at a rate close to men. According to UNIFEM, the percentage of women graduates from Syrian universities was 40.6 and the percentage of women graduates from professional training institutes was 49.0 in 2000.

In line with the requirements of CEDAW, the government recently completed a project to rewrite the textbooks used in the school system to balance the presentation of men and women. Textbooks now show women in various

professions and also emphasize that both Christianity and Islam view women and men as equals.

In 2002, 29.2 percent of women participated in the labor force, reflecting a moderate increase since the 1970s. Although women have made strides in education and labor force participation, very few have reached leadership positions in business. Women have only begun to infiltrate public leadership positions and are still excluded from the inner circle of Ba'ath Party leadership.

Syrian women are not totally free to choose their profession and are prohibited from working in jobs the government considers hazardous and/or immoral.³⁹ Many women who obtain university degrees in medicine, law, engineering, and the humanities find employment appropriate to their qualifications, but only 8.7 percent of women have university-level education.⁴⁰ Women and girls in rural areas often do not receive the same professional opportunities as women in urban areas and are under pressure from their families to perform unpaid domestic work rather than complete their education or seek work outside the home.

Women still tend to work predominantly in low-paid jobs performing manual labor. They dominate the agriculture sector, contributing 70 percent of agricultural activity, most often as unpaid farming laborers. By contrast, relatively few women work in administrative, service-oriented, technical, or industrial jobs, indicating that women are excluded from the sectors that contribute most to the modern development of the Syrian economy.⁴¹ Women also make up a small percentage of the military and police force. Thirty percent of employed women work in the public sector,⁴² where they comprise roughly one-fifth of all public sector employees. While women who work in the public sector tend to face less discrimination than in the private sector, they are still largely relegated to clerical and staff positions.⁴³

Syria faces a serious unemployment problem as a result of low GDP growth and high population growth. But with increasing numbers of women entering the work force, women suffer disproportionately higher rates of unemployment as they try to break into the labor market.⁴⁴ Micro-enterprise loans through the Syrian government and UN Relief and Works Agency are provided for women at a far lower rate than for men. Furthermore, agency projects to reach potential borrowers generally target public places where men are working, and loan guarantee requirements tend to favor forms of wealth that are more accessible to the male population.⁴⁵

While labor regulations insist upon women's equal access to job opportunities in the public and private sectors, as well as equal remuneration for labor, they do not provide any protections in the event of discrimination.⁴⁶ Nevertheless, gender-based discrimination in obtaining professional employment is reported to be low.⁴⁷ Women are at a disadvantage in the hiring process, however, because women's domestic obligations often require them to work fewer

hours or prevent them from obtaining the additional professional training necessary for advancement in their career. The bulk of domestic responsibilities fall upon women, whether or not they work in or outside the home.

Labor regulations protect women from arbitrary dismissal during pregnancy, maternity leave, and sickness related to pregnancy and delivery.⁴⁸ Both private and public sector employers grant 120 days of maternity leave for the first child, 90 for the second, and 75 for the third. Women are permitted one hour during the workday for breast-feeding the child. Childcare is available in all public sector offices, although the quality of care needs improvement.

The government has not enacted any laws or policies to protect working women from harassment in the workplace, despite the demands of independent women's associations. Due to the lack of reporting mechanisms, it is difficult to measure the extent of the problem.

Nonprofit organizations such as Modernizing and Activating Women's Role in Economic Development (MAWRED) and Fund for the Integrated Rural Development of Syria (FIRDOS) were recently registered with the government and work openly to improve women's role in the Syrian economy. In addition, the ministry of agriculture (MOA) established the Rural Women Development Unit in 2000 to manage assistance projects for rural women who are most in need of information and access to paid employment.

RECOMMENDATIONS

1. Civil society groups should inform women about managing their personal finances in order to promote women's financial independence from their families.
2. The Syrian government and donors should support women to create and finance their own businesses through the provision of loans below market rate.
3. The ministry of agriculture (MOA) should involve rural woman in formulating and implementing MOA plans and programs to ensure that the needs of women are addressed in development projects.
4. The Syrian People's Assembly should enact laws that protect women from discrimination and harassment in the workplace.

Political Rights and Civic Voice

Syria has been ruled by a military regime since the Ba'ath Party led a coup in 1963 and imposed a state of emergency. Syrians have no ability to change their government and have little or no influence on government policies. The government continues to use the intelligence services and military to limit any potential opposition to the regime. Political opposition groups, religious activists, and independent human rights groups face severe restrictions on their

activities, including the threat of torture and indefinite detention.

Restrictions on freedom of expression and assembly have loosened somewhat in the past couple of years, affording women's groups, both religious and secular, the opportunity to meet, discuss, and express their views publicly on issues of importance to them. However, public gatherings continue to be subject to government controls.

Syrian citizens do not have the right to peaceful assembly. The Private Associations and Institutions Act No. 93 of 1958 regulates the act of association.⁴⁹ Any meeting, with the exception of religious services, must be registered with the ministry of interior in advance. Permission is often denied and that denial is justified in the Institutions Act by a prohibition against any meeting for which the purpose is "to prejudice the integrity or form of the republican government."⁵⁰

In practice, women's rights activists do meet and discreetly organize conferences and training sessions on women's issues. However, it is still extremely difficult and risky for human rights groups to meet and work openly. In recent years, the government has arrested a number of human rights activists for attempting to hold public pro-democracy demonstrations. The police usually disrupt public demonstrations that are not organized by the Ba'ath Party or government officials, and participants may be detained indefinitely.

Restrictions on freedom of expression have loosened under President Bashar al-Asad. The state media now have greater freedom to address previously taboo subjects—religion, gender, and the governing regime—although in circumspect terms and with limited criticism. The Syrian government runs all Syrian television and radio stations and most newspaper publishing houses, yet independent newspapers were permitted in 2001. Currently three weekly newspapers are printed by private organizations.⁵¹

Male and female journalists openly discuss the topic of domestic violence and the suggested reforms to the personal status code. While they are not widely distributed, both the pro-government General Women's Union and the independent Syrian Women's League do publish magazines. Although women write articles for government and private newspapers, many Syrians still practice self-censorship for fear of repercussions by the state. Most women do not have access to, or are not comfortable using the media, professional associations, or NGOs as forums for expressing their opinions.

Although elections in Syria are transparent, they are not democratic, free, or fair. The unicameral People's Assembly, Syria's parliament, is a 250-seat council whose members are elected by popular vote. However, elections are mostly orchestrated by the regime. The Syrian constitution guarantees the Ba'ath Party majority control of the People's Assembly by reserving assembly seats for members of the Ba'ath Party and the National Progressive Front. The government approves all candidates for election, thus preventing true

opposition candidates from running.

Legally, women have the right to vote and be elected on equal footing with men, but women run for office in far smaller numbers than men do, largely because Syrian society discourages women from entering the public sphere.⁵² Women first entered the People's Assembly in 1973 and now hold 10.4 percent of the seats, following the March 2003 election.

Women's representation in the judiciary has increased since 1970. Today there are 170 female judges (13.38 percent of the total), 33 state lawyers (14.47 percent of the total) and 250 assistant judges. A woman has held the highest judicial post, as Syria's general prosecutor, since 1998.⁵³

The executive branch is the center of authority in Syria. Of the three branches of government, women are most underrepresented in the executive branch and tend to be assigned posts of secondary importance. The president, elected by a national referendum for seven-year terms, appoints two vice presidents, a prime minister, and a council of ministers. Women hold ministerial posts in the ministry of culture and the ministry of labor and social affairs and have previously been appointed to lead the ministries of education and expatriates. Four women serve as deputy ministers, and women also fill the positions of director-general (11), deputy director-general (27), branch director (47), and deputy branch director (23).⁵⁴

While there is no legal restriction on women's participation in legislative activities, they tend to be underrepresented. Even though women are more active in local administration councils and organizations than ever before, their numbers still remain small. Women's participation in the governorate councils is 8.7 percent; district councils, 4.5 percent; and village councils, 1.3 percent.⁵⁵ In the parliamentary elections of March 2003, 30 women were elected through the National Progressive Front, but no independent women won seats.

Syrians do not have the right to form opposition parties. All political parties must join the National Progressive Front, headed by the Ba'ath Party, and support the principles of socialism and Arab nationalism. Nine parties comprise the National Progressive Front, which is guaranteed 167 seats in the People's Assembly through a constitutional clause. However, no women are represented in the highest levels of the Ba'ath Party. While there are no official religious parties, extremist Muslim groups have historically been the strongest opponents of the Ba'ath Party. The government monitors the activities of religious leaders and is cautious about implementing progressive reforms in women's rights for fear of agitating Muslim extremists in Syria.

Women's participation in civic life is unequal to men's. While some women provide community leadership through charities and NGOs focused on women's issues, they are poorly represented in political parties, professional associations, and religious leadership. The government prevents the organi-

zation of unions outside its control. However, women have the legal right to form unions, and they are members and employees of various unions, including the Union of Agronomists, the Union of Engineers, and the Union of Teachers.

Women do not have free access to information in Syria. The ministry of information, as well as the ministry of culture and national guidance, must approve all Syrian radio and television broadcasts on government-owned stations before airing. Nevertheless, television satellites are common, and the government does not interfere with satellite broadcasts. The ministries monitor all printed material and restrict information that deals with the government's human rights record, Islamic fundamentalism, the government's involvement in Lebanon, and any material that may be offensive to the country's various religious groups.⁵⁶ Internet access is generally unrestricted, however, with the exception of certain sites that criticize the government's human rights record. A wide variety of information is in theory available to women, but women often do not know where to find it and may be hesitant to seek it out.

RECOMMENDATIONS

1. The government and the People's Assembly should lift the state of emergency and allow political parties to work freely and participate openly in democratic and fair elections.
2. The government should reinstitute constitutional protections for freedom of expression and assembly and free all political prisoners.
3. The government should encourage and facilitate independent NGOs to initiate civic awareness campaigns through the media, the educational system, and religious institutions to encourage women to vote and run for public office.
4. The government should recruit more women into high-level decision-making posts, including the ministries of foreign affairs and the interior, which have traditionally been dominated by men.

Social and Cultural Rights

Syrian society traditionally grants men the public sphere and women the private sphere. Women throughout the country experience various restrictions on their social freedoms due to religious and social conservatism that limits their participation in public life. Generally women in rural areas and lower socio-economic classes experience greater restrictions on their access to the public sphere, education, health care services, and marriage and family decisions.

Women's freedom to make independent decisions about their reproductive health has improved greatly as a result of the government's family planning campaign that began in the early 1980s. In 2003, the fertility rate was 3.8

children per woman.⁵⁷ Women can receive information and services, including contraceptives, from clinics operated by the ministry of health, the Syrian General Women's Union, the Syrian Family Planning Association (SFPA), and private operators. Although the distribution of such services remains illegal, this law is not enforced.⁵⁸ Nevertheless, family planning services for women in rural areas are limited. A culture of son preference prevails in Syria, and women, particularly in rural areas, are under family pressure to continue to bear children until they have sons.

Abortion is illegal under any circumstances and is criminalized under the penal code.⁵⁹ However, many doctors will perform clandestine operations for a large fee, a price too high for many women. Unsafe surgical conditions and self-induced abortions continue to endanger women's lives. The SFPA advocates openly for the protection of women from unsafe abortions, although they stop short of promoting the full legalization of abortion.

Primary health care is free and accessible through public health clinics, and approximately 70 percent of the population lives within a half-hour distance from a clinic.⁶⁰ Eighty-seven percent of women deliver children under the care of trained medical staff. Women in rural areas remain underserved however, but the proportion of rural women delivering children with medical supervision increased from 62.3 percent in 1993 to 81.2 in 1999.⁶¹

Although the official age of marriage in Syria is 16 years for girls, courts may permit girls as young as 13 to marry under Syrian law. According to Syrian women's rights leaders this practice of marrying girls at a young age is harmful to women's reproductive health, interrupts their education, and increases the likelihood that they will live in poverty.

Syrian women have the right to own and use housing, yet social custom discourages and often prohibits women from living alone. In the event of divorce, the law denies most women the use of the marital home for themselves and their children, and women are generally forced to return to the home of their parents.

Women's abilities to influence community life are limited by the fact that public life is largely the domain of men by social custom. Instead, women have an influence on community life through their family responsibilities. They shape attitudes toward social issues and influence the family's economic situation by controlling expenses. Within the community, women are free to speak out on neighborhood and quality of life issues. Women hold positions in the local government at a rate of about 4.2 percent, yet the ability of any group to influence policy is limited by the power of the Ba'ath Party.⁶²

Women are underrepresented in Syria's media both in decision-making positions and as employees. While they contribute in a variety of capacities including as journalists, script writers, and talk show hosts, there are very few women in positions of leadership. Women enjoy somewhat greater freedom

of expression in the press than on television, although television programming is increasingly presenting a positive image of women. Television dramas regularly draw attention to societal problems that women face, such as divorce and domestic violence. President Asad's wife Asma appears prominently in print and on television as a successful former businesswoman and a partner to the president.

Women in Syria are disproportionately affected by poverty. While the rate of women-headed households is low (5.3 percent in 1997), households headed by women are more likely to suffer from poverty than households headed by men. Forty percent of women-headed households have incomes below 6,000 SP, compared to only 16 percent of households headed by men.⁶³ Women also have higher rates of unemployment, and their work more often goes uncompensated. In addition, many women lack information on how to manage their finances and are therefore unprepared to support themselves and their children in the event of divorce or widowhood.

Government-sponsored and officially registered organizations such as the General Women's Union and the SFPA work openly to provide services to women and lobby the government for policy changes. However, independent organizations and activists critical of government policies, and women advocates belonging to opposition parties, must work more discreetly. Public discussions of gender-related topics are often limited to generalities.

RECOMMENDATIONS

1. The ministry of health should improve the quality of public sector health care and expand reproductive health services to cover underserved areas, such as rural regions.
2. Media organizations should promote more women to decision-making positions.
3. The Syrian government and NGOs should use the media, the educational system, and religious institutions to encourage women to seek the information they need to address financial and legal problems.
4. The government should lift all legal restrictions that prevent women from registering, attracting members, and collecting funds for independent organizations to work on women's rights issues.

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Notes

¹ *Human Development Report* (New York: United Nations Development Programme [UNDP], 2003).

² *Syria: Country Strategy Paper 2002 - 2006* (Brussels: European Union).

³ *Country Reports on Human Rights Practices - Syria* (Washington, DC: U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor (DRL), 25 February 2004), 8. As of June 2003, the United Nations Relief and Works Agency (UNRWA) for Palestine refugees in the Near East listed 409,662 registered Palestinian refugees residing in Syria.

⁴ Military Order, Law No. 2, 8 March 1963.

⁵ Men's literacy had increased from 82% in 1990 to 91% in 2002 (New York: United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, Work force information from Table 27, "Gender inequality in economic activity," in *Human Development Report 2004: Cultural Liberty in Today's Diverse World* (New York: UNDP, 2004), 229-32, <http://hdr.undp.org/reports/global/2004/>. Contraception information from *Evaluating the Status of Women* (Amman: United Nations Development Fund for Women [UNIFEM], 2003), 76.

⁶ Nationality Code, Law No. 276, 1969.

⁷ See *The Effect of Denial of Nationality on the Syrian Kurds* (Damascus: Human Rights Association in Syria, November 2003).

⁸ *Country Reports* (U.S. Dept. of State, DRL).

⁹ Author's interview with Syrian women lawyers, Damascus, July 2004. Also see *Evaluating* (UNIFEM), 10.

¹⁰ Penal Code, Article 439, states: "Rape is considered to occur when a man forces a woman who is not his wife to have intercourse."

¹¹ Penal Code, Article 192, states: "Judge excuses or reduces the punishment if a person commits a crime under honor." Article 242 states: "For crimes committed in a state of passion, the judge may reduce the punishment." Article 548.1 states: "Anyone who catches his wife, one of his female ascendants or descendants, or his sister committing adultery or engaging in illegitimate sexual relations with another person and who, without intending to do so, murders, beats or injures his relative and her accomplice, is exempt from punishment." Article 548.2 states: "Punishment provided for by the law will be reduced for anyone who catches his wife, one of his female ascendants or descendants, or his sister in a suspicious situation with a man and commits murder or battery or inflicts injury."

¹² Author's interview with Syrian women lawyers, Damascus, July 2004.

¹³ Rabea Naciri and Isis Nusair, *The Integration of Women's Rights into the Euro-Mediterranean Partnership: Women's Rights in Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria, and Tunisia* (Copenhagen: Euro-Mediterranean Human Rights Network [EMHRN], May 2003), 19.

¹⁴ See "Convention on the Elimination of All Forms of Discrimination Against Women" (New York: United Nations, 18 December 1979), <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty10.asp>.

¹⁵ Naciri and Nusair, *Integration of Women's Rights* (EMHRN), 41.

¹⁶ Personal Status Code, Article 48.2, refers to the religion of the man and woman.

¹⁷ Personal Status Code, Article 21.

¹⁸ Article 27 states that "if a grown-up woman marries herself off without her curator's agreement, the marriage contract is kept valid if the husband is competent or made invalid if the curator demands separation of wedlock," *Evaluating* (UNIFEM), 14.

¹⁹ "Convention on the Rights of the Child, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations: Syrian Arab Republic" (New York: United Nations, 10 July 2003), [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/4bd0895f88708624c1256da60053ad50/\\$FILE/G0342903.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/4bd0895f88708624c1256da60053ad50/$FILE/G0342903.pdf).

²⁰ Personal Status Code, Article 16 and Article 18.

²¹ The average age for marriage is 25.1 for women and 28.9 for men: *Evaluating* (UNIFEM, 24).

²² Personal Status Code, Articles 73 and 74.

²³ According to Article 14, legitimate justification for marrying a second wife may be the first wife's illness, inability to conduct marital affairs, or sterility.

²⁴ Personal Status Code, Articles 105–12: *Evaluating* (UNIFEM), 15.

²⁵ Personal Status Code, Article 95.

²⁶ Author's interview with Syrian women lawyers, Damascus, 2004. Law 10 (1961), Articles 1, 2, 3, 4, 6, and 7 prohibit trade in women.

²⁷ Penal Code, Article 28.3, states: "No one may be tortured physically or mentally or be treated in a humiliating manner. The law defines the punishment of whoever commits such an act." Prisons Order, Article 30, states: "It is prohibited for any official or guard to use severity with prisoners, label them with degrading labels or make fun of them." *Torture in Syria*, (Damascus: Human Rights Association in Syria, January 2004).

²⁸ Law No. 14 (1969), Article 16, states: "It is prohibited to complain or file a case against any worker in the administration regarding crimes they commit whilst carrying out their work without a prior order from the director."

²⁹ Penal Law, Articles 476, 489, 491, 492, 493, 495, 496, 497, 502, 504, 505 and 506, prohibit violence and harassment against women.

³⁰ Author's interview with Syrian woman journalist, 14 July 2004.

³¹ For instance, Nuns of the Good Shepherd Society in Syria provide limited services to women victims of family violence.

³² Civil Code, Articles 40 and 46; Commercial Law, No. 149 of 1949, Article 15.

³³ Author's interview with Syrian women lawyers, Damascus, July 2004.

³⁴ Naciri and Nusair, *Integration of Women's Rights* (EMHRN), 19.

³⁵ UNESCO, Institute for Statistics, 2001.

³⁶ *Ibid.*

³⁷ UNICEF assessment of Syria. Can be accessed at <http://www.unicef.org/infobycountry/syria.html>.

³⁸ *Evaluating* (UNIFEM, 58); Table 24, "Gender-related development index," in *Human Development Report 2004* (New York: UNDP, 2004), 217–20, <http://hdr.undp.org/reports/global/2004/>.

³⁹ Syria's draft report submitted in 2004 in response to the UN "Questionnaire on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)," <http://www.un.org/women-watch/daw/Review/responses/SYRIAN-ARAB-REPUBLIC-English.pdf>.

⁴⁰ *Evaluating* (UNIFEM), 57.

⁴¹ UNESCO, Institute for Statistics, 2001.

⁴² Syria's draft report on compliance with the Beijing Platform for Action, 2004.

⁴³ *Evaluating* (UNIFEM), 57.

⁴⁴ Syria report from the Programme on Governance in the Arab Region (UNDP), www.pogar.org/countries/gender.asp?cid=19.

⁴⁵ In 2000, rates of unemployment in urban areas: 7.5 for men; 28.1 for women. Rates of unemployment in rural areas: 7.0 for men; 13.4 for women. *Evaluating* (UNIFEM), 54.

⁴⁶ Author's interview with Lex Takkenberg, Deputy Director of UNRWA Affairs in Syria, 1 August 2004.

⁴⁷ *Ibid.*

⁴⁸ Author's interview with Syrian women lawyers, Damascus, July 2004, and National Team Leader, Syrian-European Business Centre, 18 July 2004.

⁴⁹ *Ibid.*

⁵⁰ Private Associations and Institutions Act No. 93 of 1958 states that "Association" shall mean any grouping endowed with a permanent organization, established for a specified or indefinite period and consisting of individuals or bodies corporate, for a non-profit-making purpose."

⁵¹ "The restrictions which this Act places on the establishment of such associations in order to protect public safety, national security, public order, public health and morals and the rights of others are the same as those placed on exercise of the right of peaceful assembly in order to protect the public interest. Under article 2 of the said Associations Act: 'Any association which is established for an illicit reason or purpose, or which contravenes the law or the moral code, or the purpose of which is to prejudice the integrity or form of the republican government shall be null and void.'" Syria Report to the Office of the UN High Commissioner for Human Rights (OHCHR) in 2000.

⁵² *The People's Voice*, from the National Progressive Front's (NPF) Communist Party; *The Unionist*, from the NPF's Union Socialist Party; and *The Economist*, published by the editor-in-chief of a Paris-based magazine.

⁵³ Election Law, No. 26, 1973.

⁵⁴ Syria's draft report on compliance with the Beijing Platform for Action, 2004.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ Country Reports (U.S. Dept. of State, DRL).

⁵⁸ "2003 World Population Data Sheet" (Washington, D.C.: Population Reference Bureau, 2003).

⁵⁹ SFPA is a Syrian NGO established to promote awareness of family planning and provide reproductive health services. Penal Law, Articles 523 and 524, ban the advertising, promoting, selling, obtaining, or facilitation of contraceptive use.

⁶⁰ Under Syrian law, a fetus is recognized as a person before the law and is protected from harm by criminal penalties in Articles 58, 528, and 529 of the Penal Code. "Syria Report to the Office of the UN High Commissioner for Human Rights" (Geneva: UN Office of the High Commissioner for Human Rights [OHCHR], 2000).

⁶¹ Reproductive Health Sub-Programme Document Between the Government of Syria and The United Nations Population Fund (Damascus: UNFPA, 2002).

⁶² *Evaluating* (UNIFEM), 74.

⁶³ *Ibid.*, 47.

⁶⁴ *Ibid.*, 31.