



SYRIA

POPULATION: 21,906,000
GNI PER CAPITA: US\$1,730

COUNTRY RATINGS	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	2.7	2.7
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.2	2.3
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.8	2.9
POLITICAL RIGHTS AND CIVIC VOICE:	2.2	2.2
SOCIAL AND CULTURAL RIGHTS:	2.3	2.5

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

INTRODUCTION

Women in Syria have a relatively long history of emancipation, and the country is one of the more advanced in the Arab world when it comes to women's rights. Women obtained the right to vote in 1949, and their involvement in politics dates to the struggle for independence from the Ottoman Empire at the beginning of the last century. However, the effects of their participation have been stifled by the realities of the repressive political climate. The Ba'ath Party, a pan-Arab nationalist group, seized power in a 1963 coup and imposed a state of emergency that indefinitely suspended many provisions and protections of the legal system.¹ In particular, freedoms of expression and association have been severely curtailed.

Over the years, the Ba'ath regime has invested some efforts to improve the rights of women. The 1973 constitution, for example, calls for equality among all citizens and includes an article that obliges the state to remove all obstacles to women's advancement. Government policies have also encouraged women's education and participation in the workforce. Reflecting these measures, women's literacy increased from 37 percent in 1981 to 76 percent in 2007, while women's labor participation rates grew from 12 percent to 31 percent during the same period.²

Nevertheless, legal reforms necessary to ensure equality between genders have been very limited, and women lack channels through which they may challenge discriminatory laws and practices. Although women's representation in the national parliament is higher than in most neighboring countries, they have a limited presence in the executive and judiciary, reducing their potential role in developing, implementing, and enforcing policy decisions. The restrictions on freedom of association force many women's rights organizations to operate illegally. Consequently, change is typically imposed by the national leadership or through government-affiliated organizations, rather than arising through civil society activism.

Syria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2003, sparking a flurry of activity among the existing women's rights groups. However, the country filed several reservations affecting key provisions of the covenant. Although officials have indicated their willingness to revisit these reservations and more thoroughly implement the convention, few concrete changes have been instituted to date. The nationality law continues to prohibit women from passing on their citizenship to their children, while placing no such restrictions on men. This particularly affects the assimilation of the Palestinian population of about half a million and the more recent influx of about 1.5 million Iraqi refugees. Several discriminatory provisions of the penal code also remain unchanged. For instance, the definition of and evidentiary burden for adultery is different depending on the gender of the perpetrator, and women face higher minimum sentences than men.

Patriarchal values in society and the authoritarian political system leave women vulnerable to gender-based violence, both inside and outside the home. Recent studies have shown that domestic violence is common throughout Syria, but such abuse is not specifically outlawed; spousal rape is excluded as a punishable offense under the legal definition of rape. Under the existing personal status law, women also lack full control over issues related to marriage, divorce, custody, and other family matters.³ A woman's husband can forbid her from working outside the home or from leaving the country if accompanied by her children. Although the penal code was amended in 2009 to increase the penalty for so-called honor killings, honor remains a mitigating factor in sentencing. However, the government has begun to draft new legislation that would directly address human trafficking, and the first shelter for trafficking victims was opened in Damascus in 2009.

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Many women, particularly those living in rural areas, do not fully understand their legal rights and cede what rights they do have in response to social or family pressure. This is particularly evident with respect to property rights. The unequal inheritance rights mandated by Shari'a-based laws are commonly justified by the requirement that men provide for the women in their family, but women often turn over the entirety of their inheritance to their brothers to keep it in the family. Such practices greatly exacerbate women's financial dependence on men.

Opposition to increased women's rights comes from Islamic fundamentalist groups as well as from conservative customs that relegate women to a secondary position in society and continue to hold greater sway than formal law for many Syrians. Society expects women to shoulder domestic responsibilities, and it imposes on them the burden of upholding the family's honor. Failure to conform to social norms draws sharp pressure from within the family and from society at large, culminating in murder in some cases. The government often appeases such sentiments on women's rights for broader political purposes.⁴

The lack of a free public sphere makes it difficult for activists to operate, whether by lobbying the government for changes in the law or working within society to raise awareness and change public attitudes. Access to the Internet, however, is changing this reality. When a retrogressive draft personal status was leaked to the public in early 2009, civil society actors led a successful protest against its adoption, causing the government to cancel the draft. Despite this success, negative social attitudes, which are held by both men and women, play a considerable role in discouraging women from taking advantage of what opportunities exist.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Although there have been efforts to reform discriminatory legislation and promulgate new laws that would protect women from discrimination, very few practical changes have been made in recent years. The government took a major step forward by ratifying CEDAW in 2003, which has increased the amount of attention paid to women's rights issues. However, the reservations Syria filed upon ratification eviscerated much of the purpose of the treaty. Access to justice for all Syrians remains limited, and the penal code contains multiple provisions that discriminate against women with respect to the definition, evidentiary requirements, or sentencing for certain crimes.

Article 25 of the constitution stipulates that “citizens are equal before the law in regard to their rights and obligations.”⁵ Moreover, Article 45 states that women are guaranteed “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.” The emergency law enacted in 1963, however, has eclipsed many of the legal protections offered by the constitution.

No legislation specifically prohibits gender-based discrimination, and no complaint mechanisms are available to women who have been denied the aforementioned rights and opportunities.⁶ While progress has been made at the official level in recognizing problems related to honor killings and trafficking in persons, little has been done to actually outlaw these practices, and the penal code and personal status law retain discriminatory provisions. Non-Muslim communities are permitted to have their own personal status laws, although these too discriminate against women. For example, Jewish women are required to be obedient to men, and a man may take more than one wife in some cases. The personal status law for Orthodox Christians discriminates against women in terms of child custody.

Article 3 of the nationality law permits only men to pass their nationality onto their children.⁷ Women married to noncitizen men may retain their Syrian citizenship but cannot transfer it to their husbands. Children of such marriages lack the rights of Syrian citizens, meaning they cannot inherit property, lack access to free education and health care, and have difficulty obtaining employment generally. Additionally, they are not able to start a private business because non-Syrians are ineligible to buy or lease property. By contrast, Syrian men may confer their citizenship onto their spouse and children by the virtue of their marriage and blood relationship. The Syrian Women’s League, which has led a national campaign to amend the law, in October 2004 presented a bill to the government calling for equal nationality rights for men and women. As of October 2009, nonetheless, the nationality law remained unchanged.

The judiciary is not independent, and corruption in the judicial system is rife, negatively affecting access to justice for all. Judges are appointed by the Supreme Judicial Council, which is headed by the justice minister. The judicial system is divided into civil, criminal, and religious courts. The religious courts hear personal status cases, such as those related to family relationships and inheritance, and they exercise personal jurisdiction over

those who practice the faith of the court. There is no option to have such cases heard in a civil court.

Women were admitted to practice law in 1975, but their representation within the judiciary remains low even today. Women constitute 13 percent of judges and public prosecutors, and these are concentrated overwhelmingly in Damascus, where their representation is about double the national average.⁸ This male dominance makes women less trustful of the judicial system and less likely to turn to the courts for justice.

Certain provisions of the penal code discriminate against women. In instances of adultery, for example, women and men receive disparate treatment under Articles 239 through 242 and Article 548.⁹ To prove his case, a man may present any form of evidence before the judge, while a woman may submit written evidence only, such as a written confession by the husband. A woman may be prosecuted for committing adultery anywhere, while a man can only be brought to court for committing adultery inside the family home. And if convicted, a man faces sentences ranging from one month to one year in prison, while a woman faces three months to two years.

Article 33 of the constitution prohibits exile and protects free movement within the country, but all citizens—particularly those who are politically active—are subject to arbitrary arrest and detention. The emergency laws allow a state security court to hear cases related to “national security,” which is commonly invoked against political activists to justify their imprisonment.¹⁰

The evidentiary worth of a woman’s testimony depends on which system of courts is hearing her case. Women are treated as full persons before the civil and criminal courts, which are secular and come under the umbrella of the Ministry of Justice. Similarly, the civil and commercial codes grant women the same legal capacity as men.¹¹ In Shari’a courts, however, a woman’s testimony is worth only half that of a man.

When Syria ratified CEDAW in 2003, it made reservations to many key articles, citing their incompatibility with national law and Shari’a. Reservations made to Article 2 were particularly unwelcome for other parties to the convention, as this article establishes the purpose of the convention and commits the signatory state to make efforts to end discrimination against women. Syria also filed reservations to Article 9(2), concerning the mother’s right to pass on her nationality to her children; Article 15(4), regarding freedom of movement and choice of domicile; Article 16(1),

mandating equal rights and responsibilities during marriage and upon its dissolution with regard to guardianship, kinship, maintenance, and adoption; Article 16(2), regarding the legal effect of the betrothal and marriage of a child; and Article 29(1), regarding arbitration between countries in the event of a dispute.¹² Syria's grand mufti recommended removing some of the reservations because he found the relevant articles to be compatible with Shari'a.¹³ The government has also endorsed removing some reservations, especially to Article 2, but the final decision remains pending.¹⁴

Although the government's ninth five-year plan aims to raise the participation of women in public life and in decision-making positions to 30 percent, civil society actors are limited in their ability to lobby against discriminatory laws and policies.¹⁵ The only legal women's organization is the General Union of Syrian Women (GWU), an affiliate of the Ba'ath Party that receives state funding. According to party philosophy, the GWU represents all Syrian women, obviating the need for independent women's groups. In practice, this monopoly excludes dissenting views on government policies and delays action on specific problems, since initiatives and complaints have to filter up through the unwieldy, multilayered administrative structure of the Ba'ath Party.

Despite their illegal status, independent groups do operate in varying degrees of secrecy. The Syrian Women's League, for instance, has carried on its work continuously since 1948. However, this precarious existence has made it difficult for such groups to function. Unregistered groups have problems raising funds, particularly in light of a ban on accepting grants from abroad. They also face significant obstacles in attracting members and mobilizing women to claim their rights.

Recommendations

- ❖ The government should reform the judicial system to improve accessibility and fairness for female litigants, for instance by increasing the percentage of women judges and appointing female police officers to serve in courthouses.
- ❖ The government should reform or eliminate the discriminatory provisions in the personal status law, the penal code, and the nationality law.
- ❖ Government policies should integrate gender awareness plans in all sectors and allocate a budget for gender awareness and development.
- ❖ The government should remove all CEDAW reservations and pursue its full and effective implementation.

- ❖ The government should revoke the state of emergency and uphold all constitutional rights, including those granted to women under Article 45.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

The single greatest legal obstacle to gender equality remains the personal status law, which limits women's autonomy in matters such as marriage and divorce. The prevalence of domestic violence in Syrian society, and the permissive attitude toward so-called honor killings in some areas, mean that women also face threats to their physical security. The government has begun to acknowledge the need to amend the laws and alter deep-rooted societal attitudes toward these issues, and in 2009 it took steps to stiffen the penalties for honor killings, but women have yet to feel change in their day-to-day lives.

Syria does not have an official religion, and freedom of worship is protected under Article 35 of the constitution. However, Article 3 stipulates that all legislation derives from Shari'a and that the president must practice Islam. The population is predominantly Sunni Muslim, but there are large communities of Alawites (a minority Muslim sect), Christians, and Druze, as well as a small number of Jews. The personal status and family issues of religious minorities are governed by their own sectarian laws. Muslim women are prohibited from marrying non-Muslim men under Article 48(2) of the personal status law, while Muslim men face no such restriction.

Women's ability to travel and move freely is subject to legal and social restrictions. Although Article 33 of the constitution protects freedom of movement within Syria for all citizens, it is silent regarding international travel. Consequently, husbands may prevent their wives from leaving the country with their children, though women on their own are able to obtain a passport and leave without their husbands' permission.¹⁶ In addition, the state often imposes international travel bans on political and human rights activists in an effort to silence expressions of dissent overseas. Women constituted 10 percent of more than 400 activists under travel bans as of May 2009.¹⁷ Married women face other restrictions on their freedom of movement under the personal status law. Specifically, a disobedient wife is not entitled to financial support from her husband for the duration of her disobedience, which can be broadly defined to include leaving the conjugal

home for reasons that contravene Shari'a or preventing the husband from entering their home before petitioning to be moved to another residence.¹⁸

The Syrian government, in a 2005 submission to the UN committee overseeing CEDAW, acknowledged that the personal status law is "largely discriminatory."¹⁹ It governs the private lives of Muslims, including marriage, divorce, custody, and guardianship, as well as wills and inheritance rights. Article 307 establishes certain rules that apply to the Druze community, such as the prohibition of polygamy, and increases the discretionary powers of religious judges over marriages and divorces. Article 308 entitles each Christian sect to adopt its own personal status law. For all Christian sects, a husband is legally required to provide financial maintenance for his wife, and if they are divorced, for his ex-wife for a limited period, unless they separate for reasons attributable to her.

The government drafted a new personal status law in 2009 that, if adopted, would have upheld the most oppressive of the existing provisions while adopting new, retrogressive measures. For instance, Article 21 of the draft law would have established a legal body entitled to unilaterally divorce a couple, regardless of their will, should one of the parties renounce their Muslim faith. Civil society actors unleashed a firestorm of criticism after the draft was leaked to the public, with activists utilizing social networking and electronic communication devices in a campaign against its adoption. Efforts concentrated on online outreach and successfully compelled the government to cancel the draft law.²⁰

Muslim women are not free to marry without the permission of their *wali*, or male marriage guardian, who is generally the father or a *mahram*, a close male relative.²¹ The marriage contract cannot be executed without the signature of a *wali* and two witnesses. However, according to Article 20 of the personal status law, a judge has the discretion to override objections by a *wali* if the objection "is not worthy of consideration." Under Article 27, if a marriage is contracted without the permission of the *wali*, he may request that it be dissolved only if the husband is deemed incompatible. Men reach the age of capacity for marriage at 18 and women at 17, but judges retain the discretion to marry girls as young as 13 and boys as young as 15 upon determination that the underage party has reached puberty.²² Many marriages continue to be arranged between families rather than between the bride and groom. While the phenomenon is difficult to quantify, women may be placed under pressure to consent to a marriage they are

not completely comfortable with, either for economic reasons or because their family desires the match.²³

Although women are legally entitled to negotiate their rights within the marriage contract, social constraints limit their ability to do so. Article 14 of the personal status law permits a woman to make stipulations in the marriage contract that guarantee her right to work outside the marital home, continue her education after marriage, or obtain a divorce. Most stipulations are valid so long as they do not violate the word or intent of Shari'a. However, as a practical matter, many women—particularly those who are poor or illiterate—are not aware of these possibilities, and social customs pressure women not to demand too much.

Polygamy is legal, and the consent of the first wife is not a necessary precondition for a valid second marriage.²⁴ Article 17 of the personal status law requires a man who wishes to take a second wife to prove before a judge that he has the financial means to support her, as well as a legal justification, such as the first wife's inability to bear children.²⁵ In practice, these conditions do not present a significant obstacle to polygamous marriages. According to a 2005 survey, approximately 9 percent of urban and 16.3 percent of rural men have at least two wives.²⁶

Men and women have unequal divorce rights. Men enjoy the right to *talaq*, or unilateral repudiation, which can be revocable or irrevocable and requires only that the man inform the authorities of his decision.²⁷ By comparison, women's access to divorce is time consuming and arduous. One option is *khula*, or a consensual divorce in which the wife returns her dowry to her husband and forfeits her right to financial maintenance. Alternatively, women may initiate divorce proceedings in the courts by showing injury, invoking a justification such as "dissension, prejudice, lack of affinity, absence, or ailments."²⁸ Women's rights within marriage, including grounds for divorce, are governed less by law and more by each couple's marriage contract. In the case of a divorce by the husband, women are entitled to continued financial support for a period of four months only.

Upon divorce, the mother is the primary custodian of children until boys reach 13 and girls reach 15, unless she remarries, in which case she automatically loses custody to the father.²⁹ Should a divorced mother be unfit or unable to fulfill her custodial role, the paternal grandmother is next in the succession, followed by other female relatives. While married women are prohibited from traveling with their children without

permission from the children's guardian, typically the father, divorced mothers who hold custody of their children need no such permission. If a mother holds custody of the children, the father or other guardian must secure her permission before traveling with the children.³⁰

In 2006, a personal status law was adopted for Syria's Catholic community. Under its provisions, women enjoy inheritance rights on par with men, parents have equal guardianship rights over children during marriage (although upon divorce, guardianship is offered to a father first and the mother second), and individual property acquired prior to marriage belongs solely to the original owner upon the dissolution of a marriage.³¹ Although Catholic women represent only a small fraction of the population and it is unclear the extent to which these provisions have been enforced, this law represents an improvement to women's rights at the legislative level.

Women are generally protected against slavery and gender-based slavery-like practices, and Syria is not a major destination or transit country for human trafficking. However, trafficking of women for sexual exploitation does occur, and the war in Iraq has increased the influx of trafficked women and children; many female Iraqi refugees who lack other sources of income have turned to prostitution. The first shelter for trafficked women was opened in Damascus in December 2008. It is operated by a local non-governmental organization (NGO) with support from the International Organization for Migration and the Ministry of Social Affairs and Labor, and provides psychological and medical services as well as legal assistance.³²

Articles 509 through 516 of the penal code prohibit prostitution, harshly punishing the prostitutes while treating their clients merely as civil witnesses.³³ Pressuring or tricking women into prostitution is prohibited, as is the trade in women generally,³⁴ but Syria lacks specific antitrafficking legislation that would treat trafficked persons as victims. Instead, trafficking is only addressed through antiprostitution legislation.³⁵ A committee was established in 2005 to draft an antitrafficking law, but the legislation has yet to be enacted.

Article 28(3) of the constitution flatly prohibits torture, and Article 391 of the penal code outlaws the use of torture or "physical or mental pressure" to obtain a confession. Syria ratified the UN Convention Against Torture in 2004.³⁶ Despite these protections, it is widely recognized that torture and indefinite arrest are routinely used to silence critics.³⁷ In addition to opposition parties, the regime targets independent human and civil

rights organizations, journalists, and religious activists.³⁸ The mistreatment of detainees has included cases of rape and violence against female inmates.³⁹

No laws prohibit domestic violence, and a 2005 survey of 1,891 rural and urban families indicated that it is a prevalent practice throughout Syria. Of the women surveyed, 67 percent said they had been “punished” in front of their families, either through verbal insults, revocation of pocket money, or, in 87 percent of these cases, physical beatings.⁴⁰ In the same survey, 21.8 percent of women claimed to have been “exposed to violence.” Of those who had been beaten, family members—particularly husbands and fathers—were the perpetrators 80.4 percent of the time.⁴¹ Women have little redress in such situations, as police tend to be unsympathetic to victims of domestic violence and there are few public shelters.⁴² Families tend to discourage women from making formal complaints so as to avoid public attention,⁴³ though they may confront the perpetrator behind closed doors. When the police do become involved, they generally attempt to reconcile the husband and wife, and only very rarely do women press criminal charges against men.

Women are also vulnerable to honor killings, or murders by close male relatives as retribution for actions that they see as damaging to the reputation of the family. Although such killings are most often prompted by real or perceived illicit sexual activities, they have also been used to punish marriage outside the family’s religion. The premeditated honor killing of 16-year-old Zahra Ezzo by her brother in 2007 elicited public debate over the issue and drew condemnation of the practice from prominent religious leaders in Syria.⁴⁴ At that time, Article 548 of the penal code permitted the complete exoneration of a man who kills or injures his wife, sister, or other close female relative, along with her lover, if they are caught in an illicit sexual act. Additionally, Article 192 permits a large measure of discretion for judges in sentencing those convicted of any crime associated with restoring family honor. While Article 548 was amended in 2009 to replace the maximum one-year prison sentence with a minimum two-year sentence, Article 192 remains unchanged. An estimated 200 women are killed each year in honor-crime cases.⁴⁵

Women lack protection against gender-based violence that occurs outside the home, such as rape. Article 489 of the penal code provides a minimum sentence of five years of hard labor for rapists and 21 years in prison

if the victim was less than 15 years old. However, under Article 508 of the penal code, the perpetrator can avoid punishment by marrying his victim, and the code's definition of rape specifically excludes the rape of a spouse.⁴⁶

The Syrian Commission for Family Affairs, a governmental body, has been at the forefront of the women's equality movement. Although it was only established in 2003, it lobbied heavily and successfully for the ratification of CEDAW and authored Syria's initial report to the CEDAW committee.

Recommendations

- ❖ The government should enact and enforce legislation that prohibits violence against women, including domestic violence. Victims of violence should have immediate access to means of redress and protection through the judicial system.
- ❖ The government should establish secure shelters across the country that provide services for female victims of violence and have adequately trained staff.
- ❖ Legislation should be adopted that fully addresses trafficking in persons and distinguishes properly between offenders and victims.
- ❖ Police forces should undergo training to improve their handling of gender-based violence, including domestic violence. Treatment of victims in police stations and in the field should be safeguarded by clear and rigorous procedures.
- ❖ The government should establish easily accessible mechanisms that allow women to file complaints of domestic violence.
- ❖ The government should reform the personal status law to ensure that women and men have equal rights in marriage, divorce, and child custody, and that polygamy and child marriages are prohibited.
- ❖ The government should raise awareness regarding gender issues among religious figures who can instill greater sensitivity in the public.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Women's labor participation rates have grown considerably in recent decades, but they still remain low in comparison to men's. The public sector is the main source of jobs, employing around 73 percent of the workforce. Agriculture continues to employ 19 percent of the workforce, while exports and government income are dominated by the oil sector, which

is the largest single export earner despite being rather small by regional standards.⁴⁷ The majority of women are housewives, and those who work outside the home are generally employed in sectors like education and agriculture.

Women enjoy the right to own property, manage businesses independently, control their own income and assets, and initiate legal proceedings on an equal footing with men.⁴⁸ However, family pressure and a lack of confidence or expertise sometimes lead women to hand day-to-day control over these matters to male relatives. A husband may legally prohibit his wife from working outside the home, and can withhold financial maintenance if she does so without his permission. However, no laws prevent single women or married women with permission from their husbands from freely entering into economic contracts and activities. As noted above (see “Autonomy, Security, and Freedom of the Person”), women can also stipulate the right to work outside the home in their marriage contracts.

Women’s inheritance rights are limited by law as well as in practice. In accordance with Shari’a, a woman receives only half of her brother’s share of the parental estate. Male relatives from another branch of the family may compete for a share with the deceased’s daughters if there is no direct male heir. These practices are based on the idea that men are culturally and legally responsible for the financial maintenance of the women in their family. Muslim women who are predeceased by their husbands receive their deferred dowry, followed by their legal share of the estate under Shari’a. However, non-Muslim women do not inherit from their Muslim husbands.⁴⁹ As a practical matter, even the limited inheritance rights granted to women are frequently violated, particularly when it comes to inherited land, as women are pressured to cede their inheritance to male family members.⁵⁰ The Muslim inheritance laws apply to followers of all religions except Catholics. Under the 2006 Catholic personal status law, Catholic men and women now enjoy equal inheritance rights.

State-funded education is free under Article 37 of the constitution, but attendance is only mandatory through the primary level, and dropout rates for both boys and girls are particularly high at the secondary level. This is partly because children who would otherwise enter secondary school are pressured to begin earning money or working in the home or on the family farm. Still, net secondary school enrollment has improved considerably in recent years, rising from 38.1 percent in 2000 to 66.7 percent in 2007 for boys, and from 35.3 percent in 2000 to 64.7 percent in 2007

for girls. Literacy rates remain fairly low, with only 76.5 percent of adult women and 89.7 percent of adult men literate as of 2007. However, this represents a steady improvement from 1981, when only 37.1 percent of adult women and 73.6 percent of adult men were literate. The gender gap narrows among those aged 15 to 24, with literacy rates at 92 percent for women and 95.4 percent for men as of 2007.⁵¹

School curriculums and textbooks have long reinforced gender stereotypes, though the Ministry of Education has been developing CEDAW-compatible materials for grade schools and universities in recent years.⁵² Perceptions of women's roles with respect to education and employment have also been changing at the societal level, especially as worsening economic conditions encourage some conservative families to allow their daughters to pursue degrees and jobs in the formal sector.

Women now represent about 46 percent of university students,⁵³ though they continue to be concentrated in fields associated with their traditional gender roles, such as education and literature. They remain underrepresented in subjects such as mechanical engineering, medicine, economics, and political science.

Moreover, the employment options available to women are limited by overlapping legal restrictions and cultural norms. For example, not only must a woman ask her husband for permission to work outside the home, but Articles 131 and 132 of the labor law (Employment Act, No. 91 of 1959) prohibit women from working at night or in fields that are injurious to their health or morals. This rules out jobs in heavy industry, but there are exceptions to the night-work rule for jobs in fields like medicine, entertainment, and air travel.⁵⁴ Around 64 percent of women are housewives, according to 2006 estimates,⁵⁵ although the labor force participation rate of women aged 15 to 64 has grown from 12.6 percent in 1980 to 21.9 percent in 2007.⁵⁶ Despite these gains, women's participation lags far behind that of men, which stood at 80.4 percent for those aged 15 to 64 in 2007.⁵⁷

Syria is still a largely agrarian society, and an estimated 49.1 percent of the female labor force worked in agriculture as of 2004, compared with 22.6 percent of the male labor force.⁵⁸ Women constitute 24.1 percent of public employees and tend to be relegated to clerical and administrative positions.⁵⁹ Within the stereotypically female-dominated teaching profession, women account for 64.5 percent of primary school teachers, 43 percent of secondary school teachers, and only 15 percent of university professors.⁶⁰ Women are also heavily represented in certain types of

industrial work, particularly in the textile sector, where wages tend to be low and working conditions poor. In the private sector, especially in small businesses, workers are hired on a daily basis, which allows the employer to circumvent the labor law.

Rural women are particularly marginalized. Over 70 percent of rural women work more than 15 hours a day, yet their participation in marketing is only 3 percent, and their ownership of lands and machinery is also 3 percent.⁶¹ Because most of this labor is unpaid and informal, female rural workers are unable to access the benefits available to white-collar employees. The pressure on girls to provide unpaid domestic and agricultural labor, as noted above, leads to higher school drop-out rates in rural areas, though the government has operated special programs to educate young female drop-outs in the rural north and east of the country.⁶² The greater lack of schooling means rural women are less likely to be aware of their legal rights. Custom, as opposed to law, tends to be strongest in rural areas, compounding women's disadvantages with respect to marriage, inheritance, and other matters.

Financial institutions are reluctant to grant loans to rural women. Seventy-eight percent of rural women are interested in obtaining credit, according to a 2002 UNIFEM report, and half of those women would use it to start a business or expand their farming activities.⁶³ However, both state-owned and private banks generally focus on funding large-scale projects and require substantial assets as collateral.⁶⁴ A lack of training programs and awareness about credit opportunities puts would-be female entrepreneurs at a disadvantage. The practice of offering microfinancing, an approach utilized in other countries to benefit rural women, is still in its infancy in Syria. The first microcredit lending institution was established only in 2008.

The country's labor law, as stipulated in Article 130, treats men and women working in the same job equally, though it excludes women from certain types of employment, as noted above. Nevertheless, there is a large gender-based income gap, with women earning US\$1,549 per capita in 2002, while men earned US\$5,496 per capita.⁶⁵ It should be noted that such statistics fail to take into account the value of unpaid work performed by women in the home, obscuring women's true contributions. Much of the income disparity stems from lower levels of education among women and the high numbers of women working outside the formal economy.

Women employed in the formal sector enjoy gender-specific protections including 120 days of paid maternity leave for the first child, 90 for

the second, and 75 for the third.⁶⁶ In addition, women may not be fired for taking maternity leave; unless they take more than six months' leave, they must be permitted to resume work with their employer.⁶⁷ However, few women are employed in the formal sector, reducing the positive impact of these measures, and women with temporary employment contracts do not have access to maternity benefits.⁶⁸ In jobs with pension benefits, women have the option of retiring five years before men; widows and widowers have equal rights to the pensions of their deceased spouses.⁶⁹

Articles 505 and 517 of the penal code outlaw sexual harassment, including in the workplace, but there are no special provisions for the offense in the labor law. In the public sector, harassment is grounds for internal disciplinary procedures, while in the private sector such cases must be pursued through the courts as criminal matters. In practice, women usually attempt to resolve harassment problems informally rather than appealing to the authorities,⁷⁰ in part because they fear reprisals or dismissal by their employer.⁷¹

There are some organizations devoted to the economic empowerment of women. For example, MAWRED (Modernizing and Activating Women's Role in Economic Development) is an NGO founded in 2003 with the support of Syria's first lady. It aims to improve Syrian women's participation in economic and social development by training and providing assistance to female entrepreneurs.⁷² In addition, the government cooperates with international organizations on a variety of rural antipoverty programs, with special provisions to benefit rural women.⁷³ However, labor organizations do not play a major role in promoting the role of women in the economy. Partly because of their smaller presence in the formal workforce, women constitute only around 20 percent of trade union members.⁷⁴ Women make up a similar proportion of the membership in professional associations, and an even smaller proportion of the officeholders. No woman has held office in the Damascus branch of the Bar Association, though some have held leadership positions in provincial branches.⁷⁵

Recommendations

- ❖ Labor unions should become more heavily involved in ensuring equal rights for women, preventing gender discrimination in the workplace, and improving women's access to economic resources and occupational training.

- ❖ Public and private lenders should take special measures to ensure equal access to savings and credit services for women.
- ❖ The government should step up its rural development schemes to ensure that rural women enjoy adequate living conditions, especially in relation to housing, sanitation, electricity, water supply, transportation, and communications.
- ❖ The government should incorporate sexual harassment provisions into the labor law that protect victims of harassment from retaliation and establish efficient procedures for filing and adjudicating civil complaints.
- ❖ School curriculums and materials should be thoroughly amended to remove gender stereotypes and introduce discussions of gender equality.
- ❖ NGOs and civil society activists should work to raise awareness and change cultural values that prevent women from obtaining formal employment and higher education.

POLITICAL RIGHTS AND CIVIC VOICE

The single biggest obstacle to participation in political and civic affairs is not specific to women, but arises from the nature of the regime and the restrictions it imposes on the whole of society. The political rights of all citizens have been curtailed under the state of emergency maintained since 1963. The government uses a dense network of intelligence agents to keep tabs on its population, and continues to restrict the activities of independent groups. While women have long played a role in public life, the repressive political environment prevents women's rights advocates from operating freely, constraining their ability to improve the status of all Syrian women.

Women obtained the right to vote in 1949, and in 1953 they gained the right to stand for elections, though the closed political system diminishes the practical value of both rights. Women have enjoyed a relatively large presence in Syria's unicameral parliament, the *Majlis al-Chaab*, or People's Assembly. In the national elections of April 22, 2007, women accounted for 1,004 of the 9,770 candidates running for the parliament's 250 seats. Thirty-one women were elected, representing 12.4 percent of the chamber.⁷⁶ Female politicians have had less success at the local level. On August 26 and 27, 2007, a total of 32,058 candidates competed for

9,687 council seats. Only 319 female candidates were elected to office, making up 3.2 percent of local council members.⁷⁷ Women are often hesitant to run for local council seats, partly because of societal norms that discourage female leadership in public life,⁷⁸ but also because citizens have little confidence in the local councils' integrity or effectiveness.

Men dominate the national political scene and hold the majority of decision-making positions within the executive branch, which has a history of military influence. The powerful presidency has been monopolized by the Assad family since 1970, when General Hafez al-Assad took office. Power was passed to his son, current president Bashar al-Assad, after his death in 2000. Under the constitution, the president is nominated by the Ba'ath Party and confirmed in office for seven-year terms through uncontested referendums. Women first made inroads in the executive branch in 1976, when a female culture minister was appointed to the cabinet. The government's ninth five-year plan set the goal of increasing the proportion of women holding decision-making positions in all branches of the government to 30 percent by 2010,⁷⁹ but few high-level positions are currently held by women.⁸⁰ They occupy 10 percent of ministerial positions, 11 percent of diplomatic posts, and 13 percent of judgeships, and a woman has served as state attorney since 1998. One woman has been a member of the Ba'ath Party's leadership body since 2005.⁸¹

Although women are involved in political parties, they continue to make up only a small proportion of the membership and tend not to be the driving force behind policy formation. Women seem to be best represented within the Communist Party, making up 20 percent of the membership.⁸² However, all legal parties belong to an umbrella organization, the National Progressive Front (NPF), of which the ruling Ba'ath Party is the dominant component. Two-thirds of the parliament seats are reserved for the NPF, with the remainder going to independent candidates who are in practice vetted by and allied with the regime. Parties and other political groupings operating outside these parameters are not legally recognized and face severe constraints on their activities. As a result, they tend to focus on the broader questions of political freedom, as well as Syria's urgent economic problems, pushing women's issues to a back burner.

Although the unrecognized political groups opposing Ba'ath Party rule have failed to attract women in large numbers, many Syrian women have played important leadership roles in the fight for democracy and human rights. One example is Fida al-Hourani, a leader of a broad coalition

known as the Damascus Declaration for Democratic National Change (DDDNC). The group unites liberal, Islamist, and Kurdish activists around a 2005 manifesto calling for peaceful democratic reforms. Al-Hourani and 11 other DDDNC activists were sentenced to 30 months in prison in October 2008. Another example is Suheir al-Atassi of the Jamal al-Atassi Forum for National Dialogue. She was arrested along with other Forum leaders in May 2005, and although she was released the following month, the authorities continued to persecute the group.

Both of these women are the daughters of notable Syrian political figures, but they have earned their own credentials through civic activism. By contrast, other women hold superficial positions within mainstream politics by virtue of their husband's or their family's names. A prime example of this phenomenon is First Lady Asma al-Assad, who since 2000 has established five charitable associations focusing on women and children, in addition to assuming a high-profile role in cultural activities and promoting Syria's image abroad. The fact that no woman has attained such prominence in her own right reflects the weak standing of female politicians, both within their parties and with the public at large.

All charitable organizations in Syria require official patronage, which often renders them mere extensions of the government rather than independent entities. The same is true of women's organizations generally. Under the Private Associations and Institutions Act (No. 93 of 1958), an association's charter and purpose must be approved by the Ministry of Social Affairs and Labor, and it cannot stray from its original mission. Article 2 of the law states that any group "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." Similarly, all public meetings or demonstrations except religious services must be approved in advance by the authorities, and can be prohibited if they are deemed to threaten "public safety, national security, public order, the rights of others, public health or public morals."⁸³

The GWU, which is affiliated with the Ba'ath Party, is the only legally recognized women's organization in Syria. While independent groups do operate, their work is often obstructed because they lack legal status. For example, the Syrian Women's League, founded in 1948, has been active in conducting studies on gender and development and training journalists on gender issues, but it faces close scrutiny by the government, limiting its

ability to raise funds and hold events. Decades of political repression have stunted independent civic activism in general, as most citizens are unwilling to risk angering the authorities by participating.

The conditions described above leave women with little political influence, either as a voting bloc or as individual candidates and activists. Women have a degree of influence within economic organizations, accounting for around a fifth of the membership of trade unions and professional associations,⁸⁴ though all unions must belong to the Ba'ath-controlled General Federation of Trade Unions. Women's representation in leadership positions within unions has increased to 16.3 percent in recent years, with 16 women in executive offices in the provinces and one woman leading an association of trade unions. A number of the professional associations—such as the lawyers' syndicate, the engineers' syndicate, and the civil servants' syndicate—have established special committees for women, but these tend to be merely advisory or educational in nature, guiding the work of the larger organization and raising awareness of women's legal rights.⁸⁵

The government's controls on political and civic discourse extend to the news media, which are subject to routine censorship. Journalists who criticize or offend the government face arrest and imprisonment, and media outlets practice self-censorship to avoid punishment. The state or allies of the government own most print and broadcast outlets, while private radio stations cannot carry news or political content. However, satellite television is widely available, giving viewers access to uncensored foreign broadcasts. The government is relatively tolerant regarding coverage of domestic violence and other women's rights issues, though religious groups occasionally exert pressure in an effort to suppress discussion of such topics.

As with satellite television, the expansion of the Internet has provided new sources of information on matters of significance to women's political and civic lives, although the government sometimes blocks websites that it deems politically sensitive and jails critical bloggers or website administrators. There are now over 3.5 million Internet users in Syria by some estimates,⁸⁶ and they are producing an array of blogs and other sites featuring news and commentary.⁸⁷ Those focusing on women's issues include Nesaa Souria (or Syrian Women Observatory, <http://www.nesasy.org>), Thara (<http://www.thara-sy.com>), and Ishtar (<http://www.ishtar-sy.com>). The social-networking site Facebook has been an important platform for women's rights campaigns, including a recent online campaign against a regressive draft personal status law.

Recommendations

- ❖ The government should allow civil society organizations and women's rights groups in particular to operate independently, in part by removing existing restrictions on registration and on the holding of meetings and demonstrations.
- ❖ The government should set aside public funds to support the campaigns of independent female candidates, with the aim of increasing women's representation in the national parliament and local councils.
- ❖ Political parties should phase in quotas for women in the rank and file as well as in leadership positions, using training programs and other incentives to attract new members.
- ❖ The government should fulfill existing goals with respect to female representation in the judiciary and executive branch entities, and raise its targets to match women's presence in the general population.
- ❖ The government should enact legislation that specifically protects free online expression as well as unrestricted access to the Internet and other new information technologies. It should devote additional resources to the improvement of the telecommunications infrastructure.

SOCIAL AND CULTURAL RIGHTS

Customary practices and attitudes dominate women's lives in Syria, often at the expense of the law of the land.⁸⁸ Women are treated as subordinate to men in the highly patriarchal culture, and social customs place gender-based restrictions on their rights. It is widely believed that the most appropriate sphere for women is the home and the family, while the wider world and the sphere of public interaction is reserved for men. However, there are signs that this is changing as women gain more access to education, participate in the workforce in larger numbers, and make important contributions to the family income amid difficult economic conditions.

While women are expected by society to exhibit a traditionally "feminine" personality, which includes submissiveness and adherence to patriarchal customs, older women often enjoy considerable influence over male family members within the household and in private settings. For example, a mother can pressure her sons to get married, and can choose their brides for them. There are no formal restrictions on women's dress, but women from conservative families may be obliged to wear *hijab* (head covering).

Health care is available free of charge in Syria, and men and women receive treatment on an equal basis. There are no societal restrictions on women's access to health care, though there may be economic pressures on the system that affect men and women alike. Women's ability to make decisions about their sexual and reproductive health has improved since the 1980s, when the government began promoting access to and use of contraceptives as part of its family planning program. Despite the fact that contraceptives technically remain illegal,⁸⁹ the government pays for 40 percent of the country's reproductive health tools and services, while the private sector accounts for the remainder. The Syrian Commission for Family Affairs operates a birth-control program through its 19 medical centers spread across the country, as well as a mobile clinic. The Syrian Women's League also plays an important role in raising awareness on birth control and family planning,⁹⁰ and information and family planning services are similarly available at government health centers and clinics run by the GWU and the Syrian Family Planning Association. An estimated 93 percent of women give birth in the presence of trained medical staff.⁹¹

The population growth rate has declined from 3.30 percent in 1993 to 2.45 percent in 2004.⁹² More recently, the birth rate fell to 3.1 children per woman in 2007, from 3.7 in 2000.⁹³ Birth rates have fallen the fastest among urban women, due in part to the increase in the cost of living in the cities and the easier access to birth control. In rural areas, birth rates are kept higher by a culture of preference for sons and the need for unpaid agricultural labor by family members.

Abortion is a criminal offense and carries a prison sentence of at least six months for the woman and at least a year for anyone who assists her, with harsher penalties depending on the circumstances.⁹⁴ Despite these restrictions, it is possible to find doctors who will perform the operation, though often for a fee that is out of reach for many women, and in unsanitary conditions. In wealthier families, unmarried girls who become pregnant are pressured to have an abortion to maintain the appearance of family honor.⁹⁵

Harmful gender-based traditional practices like female genital mutilation are rare in Syria, but early marriage remains fairly common. The practice has negative effects on the psychological and personal growth of young women and prevents them from developing themselves professionally or educationally, as they shoulder the brunt of domestic responsibilities and have little time for study. Yet for women without education or connections,

marriage represents the primary means of obtaining economic security, and many families consider it desirable to have their daughters married off expeditiously.⁹⁶ A 2005 study found that 38 percent of women had married between the ages of 15 and 19.⁹⁷ Another survey found that 85 percent of rural women had married under the age of 20.⁹⁸ However, notions of early marriage have changed drastically over time, in part because society has come to appreciate the value of female education and employment. With larger numbers of both men and women postponing wedlock for various reasons, the average age of marriage is believed to have risen to the mid-20s for women and about 30 for men in recent years.⁹⁹

Women are socially stigmatized by divorce,¹⁰⁰ and because they tend to work informally, at home, or in low-paying jobs, they have difficulty supporting themselves without their husband's financial maintenance. This problem is compounded by the fact that divorcees have no legal right to live in the marital home. Instead, a divorced woman must return to the home of her parents or a male relative. Although women have the legal right to rent or own houses and to live on their own, it is relatively rare for either married or single women to do so even when they have the means, as it has traditionally been considered unsafe or improper. Still, the number of young women living on their own is slowly increasing, mainly in urban areas.

Women's influence in community life and social development at the local level is very limited, especially in rural areas, due to the societal norms described above that discourage their participation in the public sphere. Moreover, there are few local organizations in Syria that could serve as a forum for such independent, apolitical community involvement.

Due to the expansion of private media and particularly of new technologies like the Internet, women are becoming more involved in the media and exerting a greater influence over public perceptions of gender. A woman was recently chosen to be the first female editor in chief of *Tishreen*, one of the most important newspapers in Syria.¹⁰¹ Women comprise about 38 percent of the membership in the Journalists' Union.¹⁰² Magazines produced by the GWU and the Syrian Women's League are devoted to women's rights and development specifically, though their circulation is small.

Recommendations

- ❖ The government should sponsor training programs for journalists and other news media workers to instill sensitivity to gender stereotypes,

emphasize the importance of women's rights issues, and increase women's representation on the staff of state-owned outlets.

- ❖ The government should develop a package of financial incentives and career-track education programs to encourage families to postpone their daughters' marriages until after the teenage years.
- ❖ The government should work with international and domestic women's groups to develop engaging media content, including television programming, that deals with the challenges faced by Syrian women and aims to reshape public perceptions of women's role in society.

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