



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
11 June 2007

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-eighth session

14 May-1 June 2007

Concluding comments of the Committee on the Elimination of Discrimination against Women: Syrian Arab Republic

1. The Committee considered the initial report of the Syrian Arab Republic (CEDAW/C/SYR/1) at its 787th and 788th meetings, on 24 May 2007 (see CEDAW/C/SR.787 and 788). The Committee's list of issues and questions is contained in CEDAW/C/SYR/Q/1, and the responses of the Syrian Arab Republic are contained in CEDAW/C/SYR/Q/1/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its initial report, which was well structured and generally complied with the Committee's guidelines for preparation of reports, but lacked references to the Committee's general recommendations.

3. The Committee commends the State party on its high-level delegation, headed by the Chairperson of the Syrian Commission for Family Affairs, the national machinery for the advancement of women.

4. The Committee congratulates the State party for the quality of its introductory statement, its written replies to the list of issues and questions raised by the pre-session working group and for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the real situation of women in the Syrian Arab Republic.

5. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

Positive aspects

6. The Committee commends the State party for its decision to withdraw reservations to articles 2, 15 (4), 16 (1) (g) and 16 (2).



7. It congratulates the State party on the establishment of (i) the Syrian Commission for Family Affairs as the national machinery for the advancement of women and (ii) the Directorate of Rural Women Development within the Ministry of Agriculture.

8. It commends the State party on including sections on women's empowerment in its Ninth and Tenth Five-Year Plans and on its adoption of the Rural Women Development Strategy.

9. The Committee congratulates the State party on the achievement of parity between girls and boys in secondary education.

Principal areas of concern and recommendations

10. **While recalling the obligation of the State party to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding comments to all relevant ministries and to the Parliament so as to ensure their full implementation.**

11. While welcoming the decision of the State party to remove reservations to articles 2, 15 (4), 16 (1) (g) and 16 (2), the Committee is concerned about the remaining reservations of the State party to articles 9 (2), 16 (1) (c), (d) and (f) and 29 (1).

12. **The Committee calls upon the State party to speedily complete the process of removal of reservations to articles 2, 15 (4), 16 (1) (g) and 16 (2) by depositing the necessary instrument of removal with the Secretary-General, as depository of the Convention. It also calls upon the State party to review and withdraw all remaining reservations, and especially reservations to articles 9 and 16, which are incompatible with the object and purpose of the Convention.**

13. While commending current awareness-raising programmes on the Convention and noting that international instruments take precedence over national law and may be invoked before the courts, the Committee is concerned that the provisions of the Convention, including the general recommendations of the Committee, are not widely known in the country and have not, so far, been utilized in bringing cases related to discrimination against women before the courts.

14. **The Committee calls upon the State party to develop awareness-raising programmes and training on the provisions of the Convention, in particular with regard to the meaning and scope of direct and indirect discrimination and about formal and substantive equality, for judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance. The Committee further calls upon the State party to widely disseminate the Convention and its general recommendations among all stakeholders, including government ministries, parliamentarians, the judiciary,**

political parties, non-governmental organizations, the private sector and the general public.

15. The Committee is concerned that the right to equality between women and men and the prohibition of both direct and indirect discrimination against women has not been reflected in the Constitution or any other law.

16. In order to fully implement the Convention in the Syrian Arab Republic, the Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the Constitution, or in other relevant legislation. The Committee calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both public and private sectors and to make women aware of their rights under such legislation. It also recommends that the State party establish procedures for filing of complaints of discrimination, provide adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.

17. While appreciating the State party's efforts to review and revise discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act, the Committee is concerned about the delay in the law reform process and notes that many amendments are still in the process of being drafted and bills that have been drafted have yet to be adopted.

18. The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act. To this end, the Committee calls upon the State party to increase its efforts to sensitize the Parliament as well as public opinion regarding the importance of accelerating legal reform. It also encourages the State party to continue to increase support for law reform through partnerships and collaboration with religious and community leaders, lawyers and judges, unions, civil society organizations and women's non-governmental organizations.

19. While noting the preparation of a draft National Plan for the Protection of Women, the Committee is concerned that this plan does not contemplate specific legislation to criminalize violence against women, including domestic violence. The Committee is further concerned that several provisions in the Penal Code condone acts of violence against women by exempting perpetrators from punishment. In particular, it is concerned that the definition of rape in article 489 of the Penal Code excludes marital rape; article 508 of the Penal Code exempts rapists from punishment if they marry their victims; and article 548 of the Penal Code exonerates perpetrators of "honour crimes".

20. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that

violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee calls upon the State party to amend, without delay, applicable provisions in the Penal Code to ensure that marital rape is criminalized, that marriage to the victim does not exempt a rapist from punishment, and that perpetrators of honour crimes are not exonerated and do not benefit from any reduction in penalty. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health service providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.

21. While appreciating that the Tenth Five-Year Plan calls for the provision of shelters and counselling services for women victims of violence and that the Ministry of Social Affairs is working to establish a centre for protection of battered women and planning to establish two family guidance centres, the Committee is concerned about the acute lack of shelters and services for victims of violence against women. It is also concerned that existing laws such as those relating to women's rights to maintenance and work may impede the ability of victims of violence against women to seek protection in the shelters.

22. **The Committee calls upon the State party to establish sufficient numbers of shelters and services for victims of violence against women throughout the Syrian Arab Republic. In this regard, it recommends that the State party review its existing laws and policies to ensure that women who go to shelters do not forgo other legal rights, such as rights to maintenance and dower. The Committee further calls upon the State party to ensure that if the victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the situation monitored to prevent further abuse. The Committee requests the State party to provide details of services provided to victims of violence, including details about access to and scope and effectiveness of the services, in its next report.**

23. While welcoming the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and noting the preparation of a draft bill on trafficking, the Committee is concerned that the victims of trafficking and exploitation are being treated as criminals and punished for prostitution or sent to reform centres for juvenile delinquents and there are no measures for their rehabilitation.

24. **The Committee urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking (internal and cross-border) that ensures that offenders are punished and victims adequately protected and assisted. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police**

and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including by ensuring that such women and girls are not sent to prison or to reform centres for juvenile delinquents. It recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee further calls on the State party to decriminalize victims of such exploitation and take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution.

25. While appreciating the State party's goal of 30 per cent women in decision-making levels in both the Ninth and Tenth Five-Year Plans, the Committee is concerned about the lack of measures adopted towards the realization of this goal and the continuing low levels of representation of women in public and political life and in decision-making positions, particularly in municipal, town and village councils.

26. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, in elected and appointed bodies in all areas of public life, including in municipal, town and village councils. The Committee invites the State party to also encourage political parties to use quotas. It recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising about the importance of women's participation in decision-making for society as a whole.

27. While appreciating the efforts of the State party to revise school curricula to remove stereotyped images of women and men, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in all areas, including in the labour market and in political and public life.

28. The Committee urges the State party to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. It calls upon the State party to implement and monitor comprehensive measures to bring about change in the widely accepted stereotypical roles of men and women, including by promoting equal sharing of domestic and family responsibilities between women and men. Such measures should include awareness-raising and educational campaigns addressing women and men, girls and boys, of all religious affiliations with a view to eliminating stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention.

29. While noting the efforts made by the State party to improve reproductive health care for women, the Committee remains concerned about the lack of access to

adequate health care of women and girls, particularly in rural areas. The Committee further expresses concern that women in certain parts of the country and belonging to certain social classes require, in practice, the permission of their husbands to access health facilities.

30. The Committee recommends that the State party take targeted measures to improve and increase women's access to health care and health-related services and information, in accordance with general recommendation 24 on women and health and based on an assessment of the needs of women in different parts of the country and belonging to different social classes. The Committee also calls upon the State party, in the context of the ongoing decentralization of the government, to ensure that there is parity in the quality of health and health-related services in different areas.

31. The Committee expresses concern about the occupational segregation between women and men in the labour market and the persistent gap in wages between women and men. It is also concerned at the concentration of women in the informal sector with no social security or other benefits. The Committee is concerned about impediments to women's employment, such as the lack of adequate child care facilities. It is further concerned that the Employment Act does not prohibit sexual harassment.

32. The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to regulate the informal sector to ensure that women in this sector are not exploited and are provided social security and other benefits. The Committee calls upon the State party to remove impediments to women's employment, including by ensuring that there are adequate child care facilities in all areas. The Committee recommends that the State party revise its Employment Act to add provisions on sexual harassment and ensure that such provisions are enforced.

33. While noting that the State party is in the process of reforming its Personal Status Act to remove discriminatory provisions, the Committee is concerned about the delay in the reform process and about the State party's statement that reform may be undertaken in a piecemeal manner. The Committee is concerned, in particular, about unequal rights of women and men to marriage, divorce, custody and inheritance under the existing laws and about the existence of polygamy and child marriages.

34. The Committee recommends that the State party undertake a comprehensive reform of its Personal Status Act, ensuring that women and men have equal rights to marriage, divorce, custody and inheritance and that polygamy and child marriages are prohibited. The Committee further recommends that the State party ensure enforcement of such revised laws, including by requiring registration of all births, deaths, marriages and divorces.

35. While appreciating the State party's emphasis on working in cooperation with civil society organizations and noting that the State party is in the process of revising the Associations Law, the Committee is concerned that the currently applicable law hinders establishment and operation of civil society organizations.

36. **The Committee recommends that the State party ensure, including through speedy revision of the Associations Law, that civil society organizations and women's non-governmental organizations are not restricted with respect to their establishment and operations and that they are able to function independently of the government. In particular, the Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations in promoting the implementation of the Convention.**

37. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention, and disaggregated by other factors such as age and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

38. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex, age and by rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**

39. **The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

40. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during, the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

41. **The Committee urges the State party to utilize fully in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

42. **The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

43. **The Committee commends the State party for having ratified the seven major international human rights instruments.¹ It notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

44. The Committee requests the wide dissemination in the Syrian Arab Republic of the present concluding comments in order to make the people of the Syrian Arab Republic, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, the Optional Protocol thereto, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

45. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its second periodic report, which is due in April 2008, and its third periodic report, due in April 2012, in a combined report in April 2012.
