



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
28 October 2013

Original: English

Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the second periodic report of the Syrian Arab Republic*

General context

1. In 2011, the State party faced challenging times marked by political and security instability, which deteriorated into a conflict between the Government and anti-Government groups. The ongoing and continuous intensification of the hostilities in the State party have had a severe impact on its civilian population, in particular women, who have been facing increased levels of violence and discrimination. In its report, the State party acknowledges that women have been disproportionately harmed, directly or indirectly, by the current situation in the country (para. 1).¹ Given the obligation of the State party, as outlined in general recommendation No. 30, on women in conflict prevention, conflict and post-conflict situations, to apply the Convention in all crisis situations, including during conflict, please provide information on measures taken and mechanisms in place to address the negative impact of the conflict on the lives of women and girls, to protect them from violence and to ensure that the entrenched discrimination against them is not further exacerbated throughout the territory of the State party. Please also provide information on the type of alternative sources of livelihood for family survival and the assistance provided, in particular for female-headed households, in those territories under the control of the State party.

2. Please provide information on measures taken or envisaged to incorporate a human rights and a gender perspective into efforts aimed at achieving peace in the State party, as well as on any envisaged reconstruction process. Please indicate what steps have been taken to ensure that the military and the police comply with international humanitarian law and international human rights law standards, especially in relation to sexual and gender-based violence. Please indicate steps taken or envisaged to ensure the effective and meaningful participation of women and women's organizations in preparations for a peace process, peace negotiations

* Adopted by the pre-sessional working group for the fifty-eighth session, meeting from 21 to 25 October 2013.

¹ Unless otherwise indicated, paragraph numbers refer to the second periodic report of the State party (CEDAW/C/SYR/2).



and post-conflict reconstruction. Please also provide information on steps taken to implement Security Council resolution 1325 (2000) and subsequent resolutions, including 2122 (2013). Please also indicate steps taken to adopt a national action plan for implementing Security Council resolution 1325 (2000).

Reservations

3. In its previous concluding observations, the Committee welcomed the decision of the State party to remove some of its reservations to the Convention (CEDAW/C/SYR/CO/1, para. 11); however, such reservations were not lifted, and all reservations to the Convention remain. Please provide information on the specific reviews, undertaken and ongoing, aimed at the withdrawal of all the reservations to the Convention mentioned in paragraph 39 of the report.

Constitutional and legislative framework

4. In its report, the State party indicates that it adopted a new Constitution on 27 February 2012 and that article 33 of the new Constitution guarantees the principle of equality and non-discrimination to all its citizens, including on the grounds of sex (paras. 24 and 45). Please indicate whether the new Constitution or any other legislation provides for temporary special measures so as to accelerate de facto equality between women and men. Please also provide information on whether the State party envisages legislative reforms, including women's human rights under the Convention and an explicit prohibition of direct and indirect discrimination against women, in public and private spheres, in line with articles 1 and 2 of the Convention. Please provide information on measures taken to harmonize national legislation with the Convention, in particular where no reservations were made.

Access to justice

5. Given the continuing conflict in the State party, please provide information on how the State party is ensuring the effective access of women to justice in the formal justice system. Please also provide information on how the State party is ensuring that all violations of women's rights relating to the conflict and committed by State and/or non-State actors, in particular sexual violence and violations of economic, social and cultural rights, are properly investigated, prosecuted and punished by bringing perpetrators to justice.

6. According to the report, the State party has conducted detentions linked to the continuing crisis (para. 34). Please provide information on the provisions of Law No. 19 (2012) on Combating Terrorism, which define a terrorist act, a terrorist organization and terrorism financing (para. 110). In that context, please provide data on the number of women, disaggregated by age, who have been detained since 2011, and indicate the grounds for their detention and the measures in place to ensure their right to a fair trial. Please provide information on the number of women in detention facilities in the State party and on their condition.

National machinery for the advancement of women

7. Please provide detailed information about the mandate of the Syrian Commission for Family Affairs (para. 67). Please also indicate whether an assessment of the implementation of the national strategy for the advancement of women (para. 67) was conducted and whether the State party is envisaging or has

adopted any strategy to address the negative impact of the conflict on the lives of women and girls. Please indicate the coordination mechanisms in place by which women's organizations are involved in the planning, implementation and evaluation of gender policies and programmes. Please provide information on steps taken to establish a national human rights institution in compliance with the Paris Principles.

Stereotypes and harmful practices

8. In its report, the State party acknowledges that deep-rooted patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in society and in the family, as well as the persistence of negative customs and traditions, continue to marginalize women (paras. 56, 105 and 121). Please provide information on specific measures taken to modify such stereotypes and cultural beliefs so as to achieve de facto equality between women and men in all spheres of life.

9. Please indicate whether the State party is envisaging repealing article 548 of the Penal Code, by which "honour" is still accepted as a mitigating circumstance in cases of crimes committed in the name of so-called "honour", notwithstanding the amendment to the Penal Code by which penalties for such crimes were increased (para. 78). Please provide information on specific measures taken to prevent the killing of women in the name of so-called "honour". Please provide data on the number of reported cases from 2011, including the number of convictions and sentences imposed. Please indicate measures to ensure that women who are raped or forced into prostitution during the conflict are not revictimized under the pretext of so-called "honour".

Violence against women

10. Please provide detailed information on the national mechanism to monitor domestic violence and on the Family Protection Unit (para. 388). Please indicate measures taken to comprehensively address domestic violence in the State party, especially in considering the exacerbation of domestic violence resulting from the conflict. Please provide information about steps taken to ensure that all forms of violence against women, including marital rape, constitute a criminal offence in the State party. Please also provide information on measures taken to repeal or amend article 508 of the Penal Code, which still provides the possibility for rapists to marry their victims (para. 49). Please also provide further details with regard to the establishment of shelters for women victims of violence (para. 50). No reference is made in the report to corporal punishment and to violence inflicted on girls in homes, schools and care institutions. Please provide information on measures taken or envisaged to outlaw this form of violence against girls, as well as measures to raise awareness of its damaging impact on the self-confidence and physical and psychological health of girls.

Conflict-related gender-based violence

11. As acknowledged by the State party in its report, women are disproportionately affected by the current situation in the State party (para. 1). Please provide information on measures taken to prevent gender-based violence, in particular sexual violence, and to protect women and girls from such violence, for example, during house searches, military raids, at checkpoints and in detention

facilities. Please also provide information on measures taken to document cases of gender-based violence, in particular sexual violence and abductions, and measures to investigate and punish State and non-State actors perpetrating gender-based violence. Please indicate whether any preliminary assessment of the extent of gender-based violence, in particular sexual violence, has been undertaken or is envisaged. Please indicate steps taken to ensure that women and girls who are victims have access to remedies, medical services and psychological support and to economic and social assistance.

12. Please provide information on measures taken to address the impact of the proliferation of small arms, including diverted arms from the legal trade, in heightening the risk of women and girls being subjected to conflict-related gender-based violence, in the private and public spheres, within the territories under the control of the State party and within the territories under the control of non-State armed groups.

Trafficking and exploitation of prostitution

13. Please provide information on progress made towards implementing the previous concluding observations of the Committee with regard to trafficking and exploitation of prostitution (CEDAW/C/SYR/CO/1, para. 24). In particular, please indicate measures in place to effectively prevent and protect women and girls, including those internally displaced, from being trafficked inside or outside the territory of the State party for the purposes of exploitation by State and non-State actors. Please provide information on steps taken to investigate, prosecute and punish perpetrators of trafficking in women and girls, and to provide reparations for victims.

Participation in political and public life

14. Please indicate whether Legislative Decree No. 100/2011 (Parties Law) and Legislative Decree No. 101/2011 (Electoral Law), mentioned in paragraph 170 of the report, include quotas for women. Please provide information on measures taken to adopt temporary special measures to ensure the effective participation of women in current major strategic policy decision-making in the State party, including decisions relating to the management and resolution of the conflict as well as on humanitarian assistance and relief services. Please provide further information with regard to measures taken to strengthen the role and presence of women in the judiciary (para. 173).

15. Please provide information on the status of the revision of the Associations Law, in respect of guaranteeing women their freedom of expression, association and assembly, as recommended by the Committee in its previous concluding observations (CEDAW/C/SYR/CO/1, paras. 35 and 36). Please also provide information on measures taken to prevent and protect women human rights defenders from arbitrary detentions and gender-based violence, including targeted attacks by State and non-State actors in the context of the continuing conflict.

Nationality

16. In its report, the State party acknowledges that it applies the principle of *jus sanguinis* based on paternity (para. 219). Please provide information on measures taken to amend the Nationality Law to ensure that women married to non-Syrian

nationals can pass on their Syrian nationality to their children, so the children may not be left stateless. Please also provide information about measures in place to ensure that women affected by the conflict, in particular Syrian women married to non-Syrian nationals, internally displaced women and refugee women, are issued with identity documents and other necessary documentation in their own names, so as to be able to exercise their legal rights. Please provide further information on the implementation of Legislative Decree No. 49/2011 (para. 110) and indicate how many stateless women and girls have been granted Syrian nationality and what measures are in place to guarantee their rights. Please also provide information on whether the decree also applies to other stateless groups in the State party, such as the *maktoumeen*.

Education and health

17. Please provide detailed information about the extent to which the delivery of essential services, such as water, food, health care and education, has been disrupted throughout the territory of the State party as a result of the conflict. Please indicate measures taken to ensure that women and girls, in particular those in conflict-affected areas, have safe and secure access to education and health-care services, including sexual and reproductive health care, such as safe abortion services for victims of rape. Please provide information on measures taken to ensure the safety of teachers and health-care professionals and to protect schools and hospitals from attacks.

Refugees and internally displaced women

18. Please provide detailed information about the impact of the conflict on the protection and humanitarian situation of refugees in the State party, in particular refugee women and girls located in conflict-affected areas and/or associated with one of the parties to the conflict. Please provide information on measures taken to alleviate their situation.

19. Please provide data on the internally displaced population, including data disaggregated by sex and age. Please also provide information about the living conditions and risks faced by internally displaced women and girls, such as sexual violence, and child and forced marriages. Please indicate whether measures have been put in place to ensure safe and secure environments for internally displaced women and girls. Please also provide information on measures taken to ensure humanitarian access to national and international stakeholders, including to humanitarian corridors, in order for the stakeholders to be able to provide adequate assistance to the internally displaced population and to Syrian refugees who may wish to return to the country.

Disadvantaged groups of women

20. Please provide information on the situation of women who are in a particular vulnerable situation as a result of the conflict, in particular women who have become widows; women whose husbands are missing; women with disabilities; and single and older women who have lost their families. Please also indicate measures taken or envisaged to address the situation of these groups of women.

Marriage and family relations

21. Please provide information on repealing discriminatory provisions in the Personal Status Law, such as inequalities with regard to setting conditions in the marriage contract; marriage dissolution; and the custody of children. Please also provide information on measures taken to abolish polygamy and the harmful practice of child marriage. Please provide information on measures in place to ensure that women can move freely from conflict-affected areas without losing the custody of their children and that women can move with their children from conflict-affected areas without the authorization of the father or guardian of the children.

Optional Protocol and amendment to article 20 (1) of the Convention

22. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention.
