



Shared Prosperity **Dignified Life**



## Country matrix – Syrian Arab Republic 2024

The country matrix adopts and adheres to the coding standards adopted in the “Gender Justice and the Law” initiative.

# General framework of the State

## **Has the State ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?**

The Syrian Arab Republic acceded to the Convention in 2003 and maintains reservations on article 9 (2) (related to the transfer of a woman's nationality to her children); article 15 (4) (related to freedom of movement and choice of place of residence); article 16 (1) (c), (d), (f) and (g) (equality in rights and responsibilities, during marriage and at its dissolution, concerning guardianship, the right to choose a family name, allowance and adoption); article 16 (2) (concerning the legal effect of child engagement and marriage (because it conflicts with the provisions of Islamic law)); and article 29 (1) (regarding arbitration of any dispute arising between two or more countries of the parties).

## **Does the Constitution refer to gender equality and non-discrimination?**

Article 33 of the Constitution of 2012 states that citizens are equal in rights and duties without discrimination between them on the basis of sex, origin, language, religion or creed.

## **If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender**

## **equality or non-discrimination?**

Customary law is not a source of law under the Constitution.

## **If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?**

According to article 3 of the Constitution, Islamic jurisprudence is a major source of legislation, and the State respects all religions and guarantees the freedom to perform their rituals, provided that this does not prejudice public order and the personal statuses of religious communities, and the personal statuses of religious communities remain inviolable and protected. However, the Constitution does not deal with the power of the Personal Status Code in the event that it conflicts with constitutional provisions.

## **Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?**

There is no law defining the mandate governing informal justice systems and their jurisdiction and their position towards the Constitution in the event they conflict with its human rights provisions in

general and women's rights in particular. In 1958, the Clan Law was abolished in the Syrian region.

## **Is there a law on discrimination that prohibits both direct and indirect discrimination against women?**

Article 33 of the Constitution states that citizens are equal in rights and duties and it is not permissible to discriminate between them in this regard on grounds of sex, origin, language, religion or creed. However, the article does not clarify its position on indirect discrimination against women and there is no text that prohibits discrimination.

## **Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?**

The Syrian Arab Republic has not formulated a national action plan or policy to address violence against women.

## **Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?**

There are no budgetary commitments to implement legislation on violence against women and girls.

**Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?**

There is no strategy in place.

**Is legal aid mandated and guaranteed in criminal matters?**

Article 51 of the Constitution stipulates that the right to litigation/representation and defence before the courts is protected by law, and the State guarantees legal aid for those who cannot afford the costs, according to the law. Articles 3 and 4 of the Legal Aid Law state that legal aid will be granted upon submission of documents related to financial ability and based on a decision from the judge.

**Is legal aid mandated and guaranteed in civil/family matters?**

As mentioned in the previous paragraph.

**Are there laws that explicitly require the production and/or dissemination of gender statistics?**

The law does not provide for the obligation to publish gender statistics.

## Legal capacity and public life

**Do women and men have equal rights to apply for passports?**

Syrian women can obtain a passport without any restrictions.

**Do women and men have equal rights to obtain an identity card?**

Article 51 of the Civil Status Code stipulates the following: "Every Syrian Arab citizen (male or female) who has reached 14 years of age must obtain an identity card from the Civil Registry "

**In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?**

The Civil Code does not impose any restrictions on women to initiate civil proceedings. Article 174 (2) of the Civil Code states that the husband of a minor wife is responsible for her duties, but there is no similar provision for adult women. Article 46 states that every person who has reached 18 years of age shall have full capacity to exercise their civil rights, unless they are a minor or insane (article 47).

**In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?**

The amended Personal Status Code (2019) still requires personal permission from males for women to marry, despite the option to ignore the guardian's refusal. Article 20 of the amended Code states: "If a

woman has reached the age of 18 and wants to get married, the judge must ask her guardian to express his opinion within 15 days. If he does not object, or his objection is not worth considering, the judge shall authorize her marriage " This condition does not apply to a man who wants to marry.

**Does a woman's testimony carry the same evidentiary weight in court as a man's?**

The Civil Code and the Civil Procedure Code do not contain any restrictions on women's testimony. However, article 12 of the amended Personal Status Code (2019) requires two male witnesses, or one man and two women, when entering into a marriage contract.

**Can a woman enter into a contract the same way as a man?**

Article 110 of the Civil Code states that every person has the right and capacity to enter into a contract, unless the law removes his/her capacity or restricts it.

**Do women and men have equal rights to own, access, and control or use property?**

Article 46 of the Civil Code states that every person who has reached the age of 18 is fully qualified to exercise his/her civil rights, unless a minor or insane (article 47). Articles 386 to 432 of the Civil Code deal with the control of property and do not include any restrictions on women.

**Does the law allow for women to register businesses the same way as men?**

Articles 473 to 488 of the Civil Code regulate the right to register and establish a business. There are no restrictions on women. In addition, the Companies Code does not contain any restrictions on women.

**Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?**

Article 8 (4) of the Constitution states that it is not permissible to discriminate on the basis of sex, origin, race or colour when establishing a political party or practising a political activity. In addition, article 33 states that all citizens are equal in rights and duties, and discrimination is prohibited on grounds of sex.

Also, there are no restrictions on women assuming political positions (legislative or judicial), but there are no positive measures in this regard.

**Are there quotas for women (reserved seats) in the national parliament?**

Syrian law does not guarantee women a quota in parliament, neither in seats nor in candidate lists.

**Is there a law that explicitly prohibits violence against women in politics and elections?**

There is no law prohibiting violence against women in politics and elections.

## Protection from violence against women and girls in the public and private spheres

**Is there legislation on domestic violence that includes all forms of physical violence?**

There is no law specifically addressing domestic violence; however, the Penal Code includes some crimes in this category. A draft law is being worked on for protection from domestic violence.

**Is there legislation on domestic violence that includes all forms of sexual violence?**

There is no law specifically addressing domestic violence.

**Is there legislation on domestic violence that includes all forms of psychological/emotional violence?**

There is no law specifically addressing domestic violence.

**Is there legislation on domestic violence that includes financial/economic violence?**

There is no law specifically addressing domestic violence.

**Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes**

**a criminal offence) has legal consequences?**

There are no protection orders available for victims of violence.

**Does the law allow mitigating circumstances for femicide?**

Law No. 2 of 2020 was issued and annulled article 548 of the Penal Code, which formerly permitted perpetrators of femicide to benefit from a mitigating excuse.

**Does the law criminalize female genital mutilation (FGM) or cutting if practised?**

There is no legal prohibition.

### **Does the law criminalize adultery?**

Adultery is a criminal offence under articles 473 and 474 of the Penal Code.

### **Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?**

Article 489 of Penal Law No. 148 of 1949 criminalizes rape. The law requires evidence on the use of physical force or penetration.

### **Does the law criminalize marital rape?**

Marital rape is not a crime specifically. The crime of rape does not include rape of the wife.

### **Does the law include exoneration if the offender marries his victim?**

Article 508 states that if a correct marriage has taken place between the perpetrator of one of the crimes listed in this

section and the victim, the perpetrator benefits from an extenuating excuse in accordance with the provisions of article 241, provided that the sentence is not less than two years' imprisonment. The perpetrator shall be retried if the marriage ends either by divorcing the woman without a legitimate reason or by divorcing the convicted party in the interest of the victim prior to the elapse of five years from the marriage.

### **Is sexual harassment defined in any legislation?**

There is no specific crime of sexual harassment in the Penal Code or Labour Code. The Penal Code, however, states that criminal behaviour includes inappropriate touching and is punishable as a crime violating morals and public decency and is an assault on honour.

### **Is there a provision in the law that criminalizes cyberviolence against women and girls?**

personal freedom. This is in everything related to employment, organization of work, qualification, vocational training, wages, promotion, disciplinary benefits or dismissal procedures. In addition, article 67 of the law prohibits dismissal from work for several reasons including the sex of the worker.

### **Does the law mandate equal pay for the same work as men?**

In 2012, the Government passed the Cybercrime Law, but it did not address cyberviolence against women. In 2022, Law No. 20 was passed, which punishes cybercrime and sexual harassment on the Internet, whether the crime was committed against a man or a woman.

### **Are sex work and prostitution criminalized?**

Prostitution is prohibited under section 513 of the Penal Code, as well as the Suppression of Prostitution Law of 1961.

### **Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?**

Legislative Decree No. 3 of 2010 on Crimes of Human Trafficking stipulates comprehensive measures (punitive, protective and preventive) to combat human trafficking.

## Employment and economic benefits

### **Does the law mandate non-discrimination against women in employment?**

Article 2 of the Labour Code states that it is prohibited to violate the principle of equal opportunities or equal treatment, including discrimination between workers on grounds of race, colour, sex, marital status, creed, political opinion, trade union affiliation, nationality, social origin or style of dress that does not conflict with

According to article 2 of the Labour Code, it is forbidden when applying the provisions of this law to violate or overstep the principle of equal opportunities or equality on many grounds, including gender, in relation to several issues, including wages.

### **Does the law mandate equal remuneration for work of equal value?**

According to article 75 of the Labour Code, the employer must apply the principle of equal pay for work of equal value to all employees without discrimination based on race, colour, sex, marital status, creed, political opinion, trade union affiliation, nationality or social origin.

#### **Does the law allow women to do the same jobs as men?**

According to article 120 of the Labour Code, a decision by the Minister of Social Affairs and Labour shall determine work that is harmful to women's health or morals, and other work in which it is not permissible to employ women.

#### **Does the law allow women to work the same night hours as men?**

Article 120 of the Labour Code prohibits women from working at night, with the exception of some jobs determined by the Ministry of Social Affairs and Labour.

#### **Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?**

Article 62 (2) of the Labour Code states, using gender-neutral language, that the employee may retire at the age of 60. However, article 57 of the Social Insurance Law defines the retirement age to be 60 for men and 55 for women.

#### **Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?**

Article 89 of the Social Insurance Law states that a man may transfer his pension to his widow, but a woman can only do so if her husband is suffering from a disability that prevents him from practising a profession or working to generate income.

#### **Does the law prohibit dismissal during pregnancy and maternity leave?**

Article 122 of the Labour Code prohibits employers from dismissing female workers who are pregnant or terminating their service during maternity leave.

#### **Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?**

Article 121 of the Labour Code grants a mother maternity leave for 120 days for the first birth, 90 days for the second birth and 75 days for the third birth. This benefit partially corresponds to the ILO standard of 14 weeks.

#### **Does the law provide for paid paternity leave available to fathers?**

Article 121 of the Labour Code does not include any provision regarding paternity leave.

#### **Does the State provide or subsidize childcare facilities?**

Article 126 of the Labour Code states that an employer who employs 100 or more female workers in one place must provide a nursery to take care of the children of female workers, provided that there are not fewer than 25 children and they are not older than 5 years of age. The Minister of Social Affairs and Labour shall, by a resolution

issued by him, determine the licensing terms and conditions of work of these nurseries. Article 127 states that if the conditions stipulated in the previous article are not met, the employer who employs at least 20 married female workers must prepare a suitable place under the responsibility of a qualified nanny to take care of the children of female workers under the age of 5, provided there are not fewer than 10 children.

#### **Does legislation tackle sexual harassment in the workplace?**

Sexual harassment is not explicitly mentioned in the Labour Code or in the Penal Code; however, certain provisions may apply to cases of sexual harassment. Article 66 of the Labour Code states that a worker may leave employment before the end of the work contract without notifying the employer if the employer or his delegate acts in an inappropriate manner towards the worker or a member of his/her family, or if the employer or his delegate assaulted the worker (the clause mentions assault in general, not sexual assault). In addition, articles 493 to 495 of the Penal Code tackle the committing of "inappropriate" or "indecent" acts with coercion.

#### **Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?**

There are no express provisions dealing with remedies in cases of sexual harassment. Article 66 (b) of the Labour Code states that a worker, male or female, who leaves employment before the end of his/her contract for

any reason or reasons (including assault or immoral behaviour) has the right to file a case in court for unfair dismissal and receive compensation.

**Does the Labour Law provide protection for domestic workers?**

Article 5 of the Labour Code excludes female domestic workers from the protection of the Labour Code, but several laws have been passed that regulate domestic workers.

**Is there a public entity that can receive complaints on gender discrimination in employment?**

The Complaints and Communications Department in the Ministry of Social Affairs and Labour does not specifically address gender discrimination, but it could deal with any issues related to gender discrimination in the workplace if received.

## Family matters (personal status)

**Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?**

Article 16 of the amended Personal Status Code (2019) defines the legal age for marriage as 18 years old for both males and females. However, marriage is allowable with judicial permission for those who have reached the age of 15.

**Is marriage under the legal age void or voidable?**

Marriage under the legal age is not void or voidable if it meets the remaining conditions of marriage.

**Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?**

The Syrian Arab Republic amended the Personal Status Code in accordance with Law No. 4 of 2019 to improve women's rights in marriage and divorce. However, disparities still exist in a number of provisions on marriage and divorce.

**Does the law prohibit polygamy?**

Polygamy is permitted under the Personal Status Code, subject to obtaining permission from the court. The husband must have a legitimate justification and be able to support more than one wife.

**Do women and men have equal rights to be legal guardian of their children during and after marriage?**

Guardianship is usually given to the father, but it may be given to the mother with the approval of the judge. In the event of the death of the father, the mother becomes guardian of her children instead of the father's brother.

**Does the law grant women and men equal custody rights of their children?**

Articles 139 and 146 state that the mother has the right to custody of her children until they reach 15 years of age, provided that she does not marry a foreigner (i.e. who is not blood related to the children). The father may ask the judge to hand over to him

children whose custody has ended. A child who has reached 15 years of age can choose to live with the mother or the father.

**Do women and men have equal rights to choose where to live?**

Article 70 of the amended Personal Status Code expressly states that the wife must travel with her husband, unless otherwise stipulated in the marriage contract or the judge finds a legitimate reason for this not to happen. Article 73 states that the wife loses her right to an allowance in the event she refuses to move to her husband's dwelling.

**Do women and men have equal rights to choose a profession?**

There are no legal restrictions regarding women's right to choose a profession.

**Do women and men have equal rights to own, access, and control or use marital property including upon divorce?**

The amended Personal Status Code (2019) does not contain any restrictions on women in relation to her ability to own, control or use matrimonial property. In addition, article 80 (3) states that in the event the husband does not have money, it is permissible for the wife if she is well-off to refer to the judge to authorize her to spend on the family and determine the amount of allowance, which is a debt owed to her by her husband.

**Where rights to inheritance are enshrined by law, do women and men have equal rights?**

The rules of inheritance are determined on the basis of

Islamic law for all Syrian citizens except for Christians. The Inheritance and Wills Law mainly regulates wills. Minor changes have been made in favour of women in some cases, but these amendments did not change the main default rule that gives women half the share of a man.

**Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?**

The courts with jurisdiction to hear personal status cases work on the principle of equality according to the personal status laws in force for all denominations.

**Do women have equal rights as men to pass their nationality to children?**

According to the Citizenship Law of 1969, women do not have the same rights as men to pass citizenship to their children.

**Do women have equal rights as men to pass their nationality to a foreign spouse?**

According to the Citizenship Law of 1969, women do not have the same rights as men to pass citizenship to their foreign husband.

## Sexual and reproductive health and rights

**Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status and without third-party authorization?**

No law or regulation addresses access to maternal health care.

However, the National Strategy for the Health of Women, Adolescents and Children for 2022-2025 was adopted. It refers to the delivery of specific health services to women and girls, including sexual and reproductive health, mental health and maternity services, among others.

**Do law(s) or regulation(s) exist that guarantee access**

**to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?**

Article 524 of the Penal Code criminalizes the sale and purchase of contraceptives. However, the five-year plan of the Syrian Arab Republic (2006–2010), and its National Population Strategy (2010) and National Reproductive Health Strategy (2009), commit fully to family planning.

Additionally, the National Strategy for the Health of Women, Adolescents and Children for 2022-2025 was adopted. It refers to the delivery of specific health services to women and girls, including

sexual and reproductive health, mental health and maternity services, among others.

**Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?**

No law or regulation deals with access to emergency contraception.

**Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case for both the pregnant**

**woman as well as health-care providers performing it (when consent is fully given)?**

Articles 525 to 532 of the Penal Code criminalize the sale of abortion tools and the facilitation of their usage.

**Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and without third-party authorization?**

No law or regulation addresses access to post-abortion services.

**Do law(s), regulation(s) or national policies exist that make comprehensive sexual**

**health education a mandatory component of the national school curriculum?**

Comprehensive sex education is not a mandatory component of the national school curriculum under any law or regulation.

**Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?**

The Syrian Arab Republic is one of the countries that has a national action plan to address HIV, focusing on the response to acquired immunodeficiency syndrome (AIDS). There is a National AIDS Programme headed by the Minister of

Health, but it does not contain information on access to services and tests.

Additionally, the National Strategy for the Health of Women, Adolescents and Children was adopted for 2022-2025. It refers to the delivery of specific health services to women and girls, including HIV services and others.

**Does the law criminalize consensual same-sex sexual conduct?**

Article 520 of the Penal Code states that every unnatural act of sexual intercourse is punishable by imprisonment of up to three years. This article has been used to criminalize consensual same-sex sexual conduct.