

COMPARATIVE ANALYSIS:

**SYRIAN WOMEN’S GROUPS’ AND
ADVOCATES’ RECOMMENDATIONS TO THE
UN COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
AND THE
COMMITTEE’S 2014 CONCLUDING
OBSERVATIONS TO THE GOVERNMENT OF
THE SYRIAN ARAB REPUBLIC**

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Comparative Analysis: Syrian Women’s Groups’ and Advocates’ Recommendations to the United Nations Committee on the Elimination of Discrimination Against Women and the Committee’s 2014 Concluding Observations to the Government of Syria

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I. INTRODUCTION

In May of 2014, the Women's International League for Peace and Freedom (WILPF) hosted a workshop with 28 representatives of Syrian women's civil society organizations and activists, in collaboration with MADRE, the International Women's Human Rights (IWHR) Law Clinic at the City University of New York (CUNY) School of Law, and other international experts, in Beirut, Lebanon. The workshop was aimed at continuing efforts between WILPF and the Syrian Women's League (SWL) to support Syrian women's organizations and activists who seek to end Syria's armed conflict, and to strengthen their voices in international venues charged with upholding human rights, and to ensure their effective participation in transitional justice processes. They sought to reach common aims of freedom, equality, accountability and redress for gender-based violence, and policy change. The workshop participants drafted a shadow report in response to the Government of the Syrian Arab Republic second periodic report to the United Nations Committee on the Elimination of Discrimination against Women (the CEDAW Committee). The report was then translated and submitted to the Committee in July of 2014.

Syria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in April of 2003 and is obligated to uphold its standards to protect the rights of women, and girls. The shadow report by Syrian women's human rights organizations and international allies documented numerous violations of rights contained in CEDAW. Many of the violations were occurring before Syria's armed conflict and have since been exacerbated. The shadow report also contained suggested recommendations to the Committee, some developed in follow-up to the Committee's 2007 Concluding Observations (COs), and others related to areas of human rights concern that stem from the armed conflict that has gripped Syria since 2011.

The Committee considered the second periodic report of the Syrian Government at its 1227th and 1228th meetings, during its fifty-eighth session, on July 4, 2014, as well as the shadow report from women's organizations. It adopted new Concluding Observations (COs) on July 18, 2014. Section III of this report compares and contrasts the recommendations that women's advocacy organizations included in their shadow report with those in the Committee's 2014 COs. As advocacy efforts continue, Syrian women's organizations and activists are assessing which 2014 COs to utilize and prioritize in their next steps. The Committee's 2014 COs point to where the international community's priorities align with the women's advocacy groups' priorities. They also serve to highlight areas that are not receiving adequate attention and require increased advocacy.

The women's shadow report contained six key issue areas: A) Violence Against Women and Harmful Discriminatory Cultural Practices and Stereotypes, B) Humanitarian Affairs, C) Ensuring Equality in Political and Public Life, and the Peace Processes, D) Nationality Law, E) Ensuring Access to Health Care, and F) Ensuring Equality Under the Law (Criminal, Family, and Property). This report compares the recommendations in both the shadow report and in the 2014 COs in each of these categories.

II. Executive Summary

In 2007, the Committee on the Elimination of Discrimination Against Women (the CEDAW Committee) issued its first round of Concluding Observations (COs) to the Syrian Arab Republic, calling on the government to address widespread and systemic gender-based human rights violations in Syria. The valuable language in these COs served as a platform for gender-based equality, and Syrian women's organizations' and their allies took up many of the same points in their 2014 shadow reports to the Committee. The Committee also drew from its 2007 COs in drafting its 2014 COs, finding that Syrian women and girls continue to face many of the same challenges, all in violation of Syria's obligations under the CEDAW Convention. The major difference between the two sets of COs is the new focus in 2014 on humanitarian concerns arising from the conflict that began in March 2011. As a result of the emphasis on gender-based human rights violations in the context of the conflict, the 2014 COs doubled in length.

In 2014, the CEDAW Committee expressed serious concern that many types of gender-based violence and discrimination, already present in Syria when it issued its COs in 2007, have increased during the conflict, while women and girls have become increasingly vulnerable as a result of displacement and other circumstances related to ongoing fighting. New sections in the 2014 COs call for the Syrian Government to ensure equal participation of women in peace and security negotiations, to address sexual and other violence against women and girls committed by Government forces and other armed actors, and to protect internally displaced women and other populations in need of humanitarian assistance. In emphasizing conflict-related gender-based human rights violations, the 2014 COs omit a small number of the recommendations women's groups made in their shadow report, and which the Committee raised in the 2007 COs. For example, the Committee pressured the Government of Syria to increase parliamentary and public awareness of the need for legal reform in its 2007 COs, but it did not reiterate this suggestion in 2014.

Overall, however, the Committee's recommendations were strongly supportive of the issues the Syrian women's organizations and their international allies suggested in their 2014 shadow reports. The limited differences between the Committee's COs and the points raised in the women's groups' shadow report centered mostly on the degree of detail regarding implementation measures for each of the recommendations that the Committee made. Some of the Committee's COs serve to strengthen the women's groups' recommendations by outlining more specific implementation measures than those found in the shadow report, while others provide broad support to the shadow report's recommendations, but omit directives for implementation.

A comparison of the shadow report and the COs also reveals a small number of points of divergence. For example, the Committee failed to voice full support for the women's groups' call for unfettered access to contraceptives, as well as for public awareness campaigns on the need for certain law reforms. Some omissions in the COs appear to stem from the Committee's emphasis on immediate and pressing humanitarian issues. For example, the Committee did not voice the women's groups' call for Syria to provide information regarding incidence of diseases, conditions hazardous to women's health, nutrition, and the availability, and cost-effectiveness of

preventive and curative measures. Instead, their concerns around access to health care prioritized immediate, universal accessibility of services over assessment of the needs.

The COs place heavy emphasis on sexual violence and other gender-based violence, particularly for women affected by the conflict, which directly reflects emphases in the shadow report. Concerns specific to the harmful effect of the ongoing conflict on women's and girls' human rights are woven throughout the COs. Sections E) Ensuring Access to Health Care and A) Violence Against Women and Harmful Discriminatory Cultural Practices and Stereotypes were expanded to account for new challenges women and girls face in these areas as a result of the conflict. New sections were added to address humanitarian concerns and incorporate women into the peace process specifically. Section A) on violence against women, and Section D) on the discriminatory Nationality Law pointed to the increased vulnerability of women in conflict situations, specifically the heightened harmful effects of discriminatory laws, policies, and attitudes. Only Section F) Ensuring Equality Under the Law (Criminal, Family, and Property) remained largely unchanged from 2007 to 2014 and unexpanded by conflict-related information.

III. COMPARATIVE ANALYSIS

A. VIOLENCE AGAINST WOMEN AND HARMFUL DISCRIMINATORY CULTURAL PRACTICES AND STEREOTYPES

Gender-based violence is perpetuated in Syria through discriminatory laws and cultural practices that significantly impede women's ability to freely exercise their basic rights.¹ Severe social stigma, deep-seated stereotypes, and widespread patriarchal attitudes restrict women's mobility and empowerment in all areas of society,² and have exacerbated gender-based violence and discrimination during the conflict.³ In their CEDAW shadow report, Syrian women's organizations requested that the Committee on the Elimination of Discrimination Against Women (the Committee) call on the Syrian government to address pervasive social stigma surrounding gender-based violence, as well as the long-standing impunity for it, noting the ways these have exacerbated violence and discrimination against women during the conflict. In recommended Concluding Observations (COs), they called for Syria to implement protections, and create safe access to services for women who are victims of gender-based and sexual violence. The Committee responded by issuing strong, supportive concluding observations to address both violence against women, and discriminatory cultural practices and stereotypes.

Syrian Women's Groups' Recommendations to the Committee

Syrian women's groups asked the Committee to call on the Government of Syria to address gender-based violence, whether committed by State or non-State actors, as well as the underlying cultural norms and stereotypes perpetuating such violence.⁴ They described the ways that negative gender stereotypes and stigma surrounding sexual violence exacerbate the impact of the conflict on women and girls, increasing the violence they face.⁵ They called for Syria to give high priority to addressing all forms of violence against women and girls, and to recognize gender-based violence as gender discrimination.⁶ They also sought legislation to prohibit gender-based violence, including domestic violence, to prosecute and punish perpetrators, and to ensure immediate remedies for victims.⁷ They included a call for the Syrian Government to acknowledge its role in perpetuating gender-based violence and other atrocities in the conflict, immediately end patterns and practices of such violence, and provide redress to victims, including legal remedies to hold perpetrators accountable, as well as access to appropriate, gender-sensitive medical care for survivors.⁸ They called for the Syrian government not only to

¹ International Women's Human Rights Clinic at the City University of New York School of Law, MADRE, and the Women's League for International Peace and Freedom, *SEEKING ACCOUNTABILITY AND DEMANDING CHANGE: A REPORT ON WOMEN'S HUMAN RIGHTS VIOLATIONS IN SYRIA BEFORE AND DURING THE CONFLICT*, Response to the Second Periodic Report of the Syrian Arab Republic to the UN Committee to End all Forms of Discrimination Against Women, July 2014, 1, [*hereinafter* "Shadow Report"].

² *Id.*, at 16-17.

³ *Id.*, 4-5.

⁴ *Id.*, 12.

⁵ *Id.*, at 5.

⁶ *Id.*, at 11.

⁷ *Id.*, at 43.

⁸ *Id.*, at 11.

prevent, investigate and punish all gender-based violence, but also to monitor and document gender-based violence and state responses to it.⁹

The women's groups also called on the Government of Syria to address stereotypical attitudes about the roles and responsibilities of women and men, including cultural patterns and norms that perpetuate discrimination against women and girls. To this end, they sought the implementation and monitoring of comprehensive measures like awareness-raising and educational campaigns to change widely accepted stereotypical roles of men and women in Syrian society, including for example, those regarding domestic and family responsibilities.¹⁰ They also insisted the Government present statistical, quantitative data on the situation of women, disaggregated by sex, age, and rural and urban areas to assess the impact of measures taken on women's substantive equality.¹¹

Comparing the Committee's Concluding Observations With the Suggested Recommendations

The Committee's concerns reflect and affirm the issues the Syrian women's groups raised. For the most part, its Concluding Observations only differ from the shadow report in that some of the Committee's recommendations provide more specific detail on implementation of the women's groups' suggestions. The Committee expressed concern about the prevalence of patriarchal attitudes and stereotypes in Syria regarding women's roles and responsibilities, finding they "discriminate against women, perpetuate their subordination within the family and society and ultimately restrict their rights under the Convention."¹² It also drew a "strong connection" between Syria's legal framework, its negative cultural patterns and stereotypes, and the prevalence of gender-based violence, noting the way these social norms and laws have exacerbated the conflict's detrimental impact on women and girls.¹³ The Committee echoed the women's groups' concerns about the ways in which religious fundamentalism and conservative norms push women out of participation in public life. However, it made more specific observations about responsible actors, raising the problem of "non-State armed groups [] perpetuating" women's subordinate role through "strict codes of conduct on women in areas under their control," and religious leaders issuing *fatwas* that "contribute[] to the objectification and commodification of women."¹⁴

The Committee echoed the suggested recommendations in the shadow report regarding gender-based violence committed by state and non-state actors, calling for Syria to prevent, prohibit, investigate, prosecute and punish violence against women, including sexual violence, committed by "Government forces and affiliated militias and non-State armed groups."¹⁵ It also called specifically on non-State armed groups to respect the human rights of women pursuant to the Convention.¹⁶ Building on the women's recommendations, the Committee called for the

⁹ Shadow Report, *supra* note 1 at 12.

¹⁰ *Id.*, at 11.

¹¹ *Id.*

¹² CEDAW Comm., *Concluding Observations: Syrian Arab Republic*, ¶ 21, U.N. Doc. CEDAW/C/SYR/CO/2 (2014), [*hereinafter* "CEDAW Syria Concluding Observations 2014"].

¹³ *Id.*, at ¶ 21(a), 21(b).

¹⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12 at ¶ 21(c); Shadow Report, *supra* note 1 at 17.

¹⁵ CEDAW Syria Concluding Observations 2014, *supra* note 12 at ¶ 27(a), 27(c).

¹⁶ *Id.*, at ¶ 23.

Government to eliminate legislative provisions granting immunity to state officials, particularly Decrees 14/1969 and 69/2008.

Reflecting the shadow report's recommendations, the Committee also urged Syria to ensure that women and girl victims of sexual violence have access to comprehensive, appropriate medical and mental health treatment.¹⁷ It called for access to justice for women and girls, and asked the Government to adopt gender sensitive police and military protocols and codes of conduct.¹⁸ Expanding on the women's groups' call for accountability, remedies and redress for gender-based and sexual violence, the Committee's Concluding Observations call for a form of transformative justice that would redress individual cases while changing societal norms:

Provide victims with transformative reparation measures which respond to women's specific needs and address structural inequities under-pinning violence against women, in particular sexual violence and prevent the recurrence of such violence.¹⁹

Regarding Syria's legal framework, the Committee echoed the women's group's call for comprehensive legislation to prevent and criminalize domestic violence and to provide protection, assistance and support for victims. It called for amendments to the Penal Code to criminalize marital rape, and to establish rape as a war crime.²⁰ The Committee echoed the Syrian women's groups' concern about women's and girls' vulnerability to trafficking in the context of the conflict.²¹ The women's groups' shadow report called for Syria to "adopt gender sensitive policies and protect women and girls against sexual exploitation [and] human trafficking." The Committee made more specific recommendations regarding trafficking, calling on Syria to prosecute and punish traffickers, provide protection and assistance to victims of trafficking, and engage with neighboring countries to reach bilateral or regional agreements and other forms of cooperation in the context of displacement.²²

The women's groups' shadow report does not delve into the gender inequality in the labor market that stems from negative gendered stereotypes around family roles.²³ The Committee, however, made labor and employment rights for women a focus of their 2014 COs. It recalled that, "privileging the traditional role of women as child bearers over their role as individuals and right-holders is contrary to the purpose of the Convention to advance the status of women."²⁴ It also acknowledged pre-conflict discrimination against women in employment, and the more recently widespread situation of women who have become "de facto heads of household and primary providers for their families."²⁵ It called on Syria to eliminate discrimination against

¹⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 27(f).

¹⁸ *Id.*, at ¶ 27(e).

¹⁹ *Id.*, at ¶ 27(g).

²⁰ *Id.*, at ¶ 32(a), 32(b), 27b.

²¹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 33; Shadow Report, *supra* note 1 at 5.

²² CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 34(a), 34(c), and 34(d).

²³ The shadow report does describe the ways that harsh economic circumstances and the conflict are worsening outcomes for young people, explaining that while boys are often at risk of child labor as a result, girls are often prevented from working by cultural restrictions on their mobility, and instead have increased vulnerability to early marriage. Shadow Report, *supra* note 1 at 39.

²⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 20.

²⁵ *Id.*, at ¶ 41.

women in employment and address barriers to their equitable participation in the labor market.²⁶ Further, the Committee insisted that Syria develop economic recovery strategies to “promote gender equality as a necessary precondition for a sustainable post-conflict economy.”²⁷

The Committee responded supportively to the women’s groups’ call for implementation of awareness-raising and educational campaigns to change widely accepted stereotypical roles of men and women in Syrian society. It called for Syria to adopt a comprehensive strategy in collaboration with civil society and women’s organizations, including efforts targeting the general public, the media, and religious and community leaders.²⁸ While the Committee did not directly echo the women’s call for statistical, quantitative data to assess inequity, it did call for a general assessment of the impact of negative gender stereotypes in the context of the conflict. In order to inform legislative and policy measures aimed at eliminating discrimination against women and to “achieve substantive gender equality in the aftermath of the conflict,” it called for Syria to “conduct an assessment of the impact of the exacerbation of negative stereotypes and deep-rooted patriarchal and traditional attitudes on women during the conflict.”²⁹

In sum, the Committee overwhelmingly affirmed and supported the Syrian women’s groups concerns and recommendations regarding discriminatory cultural norms and pervasive gender-based violence. Aside from the omission in the COs of the call for detailed numerical data on gender inequality, the small differences between the shadow report and COs in these areas are primarily a result of the Committee strengthening the recommendations from the women’s groups by making them even more specific and detailed.

B. HUMANITARIAN ISSUES

Despite their exclusion from official peace talks, Syrian women’s organizations continue to advocate across sectarian lines to address immediate humanitarian concerns, including by raising their concerns to the CEDAW Committee in their shadow report. They developed three primary demands, directed both at armed actors and at the international community: “an immediate ceasefire, unfettered humanitarian aid to Syria’s besieged populations and refugee communities, and immediate release of prisoners by all sides of the conflict.”³⁰ Their shadow report also included recommendations that perpetrators of human rights violations be held accountable, and that Syria take measures to prevent further violations. The Committee responded with clear calls for the Syrian government to declare a ceasefire, lift the siege, allow passage of humanitarian aid to the besieged Syrian people, and address human rights violations committed by government and non-state armed actors.³¹ It called for a release of women activists who were arbitrarily detained,³² and also included an appeal to the international community for humanitarian aid.³³

²⁶ *Id.*, at ¶ 42, 42(a) & (b).

²⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 42(b).

²⁸ *Id.*, at ¶ 22(a).

²⁹ *Id.*, ¶ 22(b).

³⁰ Shadow Report, *supra* note 1 at 16.

³¹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 8, 10(a).

³² *Id.*, at ¶ 30(a).

³³ *Id.*, at ¶ 12.

The Committee did not include the women’s groups’ calls for the Government to implement recommendations made by other UN entities—namely the UN Independent International Commission of Inquiry on the Syrian Arab Republic (COI) and the UN Committee Against Torture (CAT)—or by the Syrian Women’s Initiative for Peace and Democracy (SWIPD). In omitting these, the Committee left out some of the women’s groups’ detailed recommendations regarding mechanisms for engendering a ceasefire, as well as for implementing human rights accountability processes. However, many of its COs do broadly support or even echo the suggestions encompassed in those documents, with regard to addressing Syria’s current humanitarian crisis and its impacts on women and girls.

Syrian Women’s Groups’ Recommendations to the Committee

Syrian women’s organizations called on the Committee to demand that Syria adopt the measures in SWIPD’s outcome document,³⁴ in part by implementing an immediate ceasefire, and by lifting its siege to allow for timely provision of humanitarian and medical aid to all affected regions, under an independent commission’s supervision.³⁵ They also encouraged the Committee to call on Syria to implement specific recommendations from the Committee Against Torture’s (CAT) 2012 Concluding Observations to Syria. They recalled that CAT urged Syria to establish an independent commission of inquiry into allegations of human rights violations committed by state-affiliated security forces and armed groups, to investigate allegations, and to fairly prosecute and punish perpetrators in cases of violations.³⁶

Syrian women’s groups also sought the Committee’s support for their call for Syria to implement the UN Independent International Commission of Inquiry on the Syrian Arab Republic’s (COI) recommendations to all combatant parties. These include a call for combatant parties to guarantee the safety and security of civilians; ensure protection for medical personnel and aid workers; treat detained persons humanely; facilitate passage of relief supplies; and ensure preservation of material evidence of human rights violations and international crimes.³⁷

The Committee’s Concluding Observations

First and foremost in its Concluding Observations, the Committee urged Syria to declare a ceasefire and to lift the siege in all areas immediately.³⁸ It reminded the State party that human rights are nonnegotiable, including during conflict, and that it must abide by its obligations under international humanitarian, refugee, and criminal law.³⁹ To this end, it called on Syria to combat impunity for human rights violations and to prevent, prosecute, investigate, and punish perpetrators of such violations, be they government or non-state armed groups, in accordance with international standards.⁴⁰ It also called on all non-state armed groups “which have signed the declaration of Commitment on Compliance with International Humanitarian Law and the

³⁴ Shadow Report, *supra* note 12 at 19-20.

³⁵ *Id.*, at 12.

³⁶ *Id.*, at 12.

³⁷ *Id.*, at 12, 13.

³⁸ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 8.

³⁹ *Id.*, at ¶ 8, 8(a).

⁴⁰ *Id.*, at ¶ 8(c).

Facilitation of Humanitarian Assistance to abide by it,” and to ensure women’s safety in accordance with these standards.⁴¹

The Committee pushed Syria to allow independent observers and monitors access to all detention facilities,⁴² and to allow UN entities access to all parts of Syria, so they can document the extent of human rights violations committed against civilians, including women and girls.⁴³ The Committee called on Syria to fully cooperate with the UN to ensure “rapid, safe and unhindered humanitarian access throughout Syria.”⁴⁴ It raised concerns about the heightened risks internally displaced women and girls face, and called for the Government to provide them protection from various forms of gender-based violence, and to address the needs of those groups subject to multiple forms of discrimination, including widows, women with disabilities, and older women.⁴⁵ The Committee briefly emphasized the role of the international community in addressing Syria’s humanitarian crisis, expressing concern about the shortage of funding to the UN humanitarian appeal for Syria. It called on the international community to fill the humanitarian aid gap for the Syrian populations affected by the conflict, by fulfilling existing pledges and making additional contributions.⁴⁶

The Committee included in its COs a section devoted to human rights violations committed against women activists, including women human rights defenders and humanitarian aid workers. It raised concerns about the extent to which female activists are suffering secretive and arbitrary detentions, and physical and sexual violence by armed actors. It also decried the use of vague and overbroad antiterrorism laws to target female activists, and expressed concern about travel bans against women activists.⁴⁷ The Committee called for the Government to guarantee women activists’ human rights, including their rights to “freedom of movement, expression, assembly and association, nationality, liberty and integrity of the person as well as access to justice.”⁴⁸ The Committee also urged Syria to halt detentions of women activists and release those arbitrarily detained, amend its anti-terrorism law to conform to international human rights treaties, allow independent monitoring of detention facilities, and guarantee all women detainees appearing before the Counterterrorism Court a fair trial.⁴⁹

Comparing the Committee’s Concluding Observations With the Suggested Recommendations

The Committee firmly echoed the women’s group’s call for an immediate ceasefire and an end to the siege,⁵⁰ and offered broad support for the majority of the shadow report’s recommendations regarding humanitarian issues. It did not reiterate the women’s groups’ suggestions that Syria implement certain recommendations by CAT and the COI, nor those by SWIPD. However, many of its COs essentially mirror many of the COI’s recommendations, and give broad support to

⁴¹ *Id.*, at ¶ 11.

⁴² CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 30(e).

⁴³ *Id.*, at ¶ 8(b).

⁴⁴ *Id.*, at ¶ 10(a).

⁴⁵ *Id.*, at ¶ 9, 10.

⁴⁶ *Id.*, at ¶ 12.

⁴⁷ *Id.*, at ¶ 29(a-d).

⁴⁸ *Id.*, at ¶ 30(b).

⁴⁹ *Id.*, at ¶ 30(a-f).

⁵⁰ *Id.*, at ¶ 8.

those by CAT, though they omit some of CAT's specific implementation directives. The Committee's reminder that Syria must comply with international human rights, humanitarian, refugee and criminal law, even in times of conflict,⁵¹ acts as a catchall for some of the more specific recommendations from the women's groups' report that the Committee omitted. Similarly with regard to the SWIPD outcome document, the Committee's COs offer some broad support for the recommendations on immediate humanitarian issues, but leave out some of SWIPD's implementation measures.

The Committee included new comments on related areas that the women's groups did not specifically raise in their report. For example, the Committee pressed Syria to protect groups facing multiple discrimination challenges, including widows, women with disabilities, and older women.⁵² The Committee also included a substantial section devoted to protecting the human rights of female activists.⁵³ Notably, the Committee made calls to the international community, asking them to fulfill their pledges of humanitarian aid and resources, and to make new pledges for the Syrian people.⁵⁴

In its section on women activists, the Committee made calls for implementation measures to uphold the rights of detainees. A couple of its COs regarding detained people are more detailed and specific than those the women's organizations suggested in their shadow report. However, in other COs on the topic, the Committee narrowed its focus to female detainees, particularly female activists, while the women's groups' recommendations applied to all detainees. For example, the Committee called for the release of arbitrarily detained women activists and urged Syria to disclose the number of women held on terrorism charges and to grant those women a fair trial.⁵⁵ The women's shadow report had called for humane treatment and release of *all* detainees held by parties to the conflict,⁵⁶ not just women; but did not include any specific recommendations about disclosure and fair trial. Addressing detainees more generally, the Committee called on Syria to allow independent and impartial monitors regular, unannounced access to all detention facilities, something the women's groups also called for.⁵⁷ The Committee went a step further than the women's groups' shadow report, and called for specific law reform to prevent some arbitrary detentions. Specifically, it urged Syria to amend its Law on Combating Terrorism to ensure that the law does not apply to activities that do not in fact constitute terrorism.⁵⁸

While the Committee failed to include the women's groups' suggestion that Syria implement the COI's recommendations, its COs did include some of that body's individual recommendations. For example, the Committee called for independent monitoring of detention centers, and unimpeded delivery of humanitarian aid, as did the COI.⁵⁹ The COI made a general call for

⁵¹ *Id.*

⁵² CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 10(b).

⁵³ *Id.*, at ¶ 20(a-d), 30(a-f).

⁵⁴ *Id.*, at ¶ 12.

⁵⁵ *Id.*, at 30(a) & (f).

⁵⁶ Shadow Report, *supra* note 1 at 13, 16.

⁵⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 30(e).

⁵⁸ *Id.*, at 30(d).

⁵⁹ Shadow Report, *supra* note 1 at 12, 13; CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 10(a), 30(e).

parties to the conflict to not submit people to torture, sexual violence, or to cruel, inhuman or degrading treatment.⁶⁰ The Committee supported this call through its more detailed recommendations for prevention, investigation, and redress for human rights violations in general,⁶¹ though some of its language is specific to women and girls. The primary COI recommendation the Committee did not include was the call for combatant parties to preserve material evidence for international criminal trials,⁶² though it did recommend, specific to sexual violence, that Syria ensure women victims have access to forensic testing.⁶³ Outside of this one difference, the Committee's COs largely support those CO recommendations that the women's groups included in their shadow report.

Regarding humanitarian recommendations from SWIPD, the Committee echoed SWIPD's call for a ceasefire, and it affirmed the importance of Security Council Resolution 1325,⁶⁴ which SWIPD called on Syria to implement. The Committee specifically urged Syria to "[e]nsure the inclusive participation of women in the development and implementation of the National Action Plan to implement Security Council resolution 1325 (2000) and subsequent resolutions."⁶⁵ The COs did not include SWIPD's call for Syria to adopt the Geneva 1 Communiqué. However, they do contain many of the Geneva 1 Communiqué's key points on humanitarian issues, including its calls for a ceasefire, and for unimpeded humanitarian access. In failing to mention the Communiqué as a whole, the Committee omitted some of its specific guidance for transitioning to peace, such as establishing a neutral transitional body,⁶⁶ but it still captured the Communiqué's guidance specific to humanitarian needs.

The Committee also omitted the women's groups' recommendations that the Government comply with two of CAT's 2012 Concluding Observations, including a call for the Government to implement an independent commission to investigate human rights abuses committed by state-affiliated armed forces. However, despite lacking the details of the two CAT recommendations, the Committee's CO's do broadly support them. For example, the Committee called on Syria to take all measures to prevent, prosecute, investigate and punish human rights abuses,⁶⁷ though it did not include more specific directions for implementation, such as starting a commission of the type recommended by CAT.

The Committee failed to include CAT's specific calls for suspension of state forces accused of human rights violations, investigations up chains of command, fair trials for the accused, and protection for people who cooperate with investigations.⁶⁸ However, the Committee's recommendations to Syria to prevent, investigate, prosecute and punish human rights violations, and specifically violence, including sexual violence, perpetrated against women and girls by

⁶⁰ Shadow Report, *supra* note 1 at 12.

⁶¹ *E.g.*, CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶¶8(a)-(c), 10(c).

⁶² Shadow Report, *supra* note 1 at 13.

⁶³ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 27(f).

⁶⁴ *Id.*, at ¶¶13, 20(b).

⁶⁵ *Id.*, at ¶14(e).

⁶⁶ Geneva Communiqué, 2, 3, *available at* <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf>.

⁶⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 8(c).

⁶⁸ Shadow Report, *supra* note 1 at 12.

Government forces and affiliated militia and by non-State armed groups,⁶⁹ give broad support to key parts of the CAT recommendations. Furthermore its call for Syria to ensure access to justice generally for women and girls,⁷⁰ could be understood as supporting investigation up the chain of command, witness protections, etc., at least for those human rights violations committed against women and girls. Specific to sexual violence, which the two CAT recommendations did not mention, the Committee called for Syria to abolish legislative provisions permitting immunity for perpetrators who are state officials, issue command orders to its forces to halt sexual violence, and hold perpetrators accountable.⁷¹

C. EQUALITY IN POLITICAL AND PUBLIC LIFE, AND IN THE PEACE PROCESSES

Syrian women are advocating for representation in peace negotiations as well as in domestic political processes, with an understanding that their real and effective participation is essential for achieving sustainable peace in Syria. Syrian women's groups and their allies made this case in their shadow report to the Committee, calling for women's meaningful involvement in peace negotiations, related political processes and transitional governing bodies, and in electoral politics at all levels of government. The Committee responded by affirming the women's groups' observations about the absence of women in negotiation processes and the extremely low representation of women in domestic political and public life. While omitting some of the shadow reports' details regarding strategies to make peace negotiations gender inclusive, the Committee's COs were nevertheless still supportive of the women's groups recommendations for inclusion in negotiations and in elected and appointed government positions.

Syrian Women's Groups' Recommendations to the Committee

In their shadow report, Syrian women's organizations and activists sought the Government's implementation of the recommendations prescribed by the Syrian Women's Initiative for Peace and Democracy (SWIPD), which called for women's voices and gender perspectives to be included in peace negotiations and transitional processes. The SWIPD document urged Syria to uphold its obligations under international law regarding the status of women in armed conflict and to implement Security Council resolution 1325 and subsequent related resolutions. It also called on the international community and negotiating parties to guarantee the "effective participation of women on all negotiating teams and committees in a proportion of no less than 30% for the duration of the negotiation process."⁷² It prescribed meaningful participation of women in the entire transitional political process, including in the "formation of the transitional governing body, the constitutional drafting committee, the drafting of the election law, mechanisms of transitional justice, the local administration and local committees for civil peace."⁷³

The SWIPD document also also outlined specific steps the Government should take to achieve

⁶⁹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶¶ 8(c), 27(c).

⁷⁰ *Id.*, at ¶ 27(e).

⁷¹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 27 (d).

⁷² Shadow Report, *supra* note 1 at 19.

⁷³ *Id.*, at 19.

women’s meaningful engagement, such as appointing a gender advisor to any mediation team, establishing communication opportunities with women’s and civil society organizations to enable coordination, and supporting women’s and civil society’s capacity-building for negotiation and peace-building skills.⁷⁴ It recommended the Committee call for an immediate ceasefire and for Syria to adopt the Geneva 1 Communiqué as the “baseline for a political solution and as the starting point for the negotiation process that seeks to build a comprehensive and lasting peace, and which lays the foundation for a state based on citizenship and the rule of law.”⁷⁵ It sought the rejection of any political solution based on “ethnicity, confessionalism, religion or military balance on the ground, to protect the territorial integrity of Syria and the unity of its people.”⁷⁶

The women’s human rights groups’ shadow report also detailed the minimal participation of women in current elected and appointed government positions, particularly at the parliamentary and judicial levels.⁷⁷ To address this, the women’s groups demanded that Syria implement the Committee’s 2007 call for temporary special measures, including the use of quotas, to increase the representation of women in elected and appointed bodies in all areas of public life.⁷⁸ They also called for Syria to create awareness-raising campaigns about the importance of women’s participation in decision-making.⁷⁹

Comparing the Committee’s Concluding Observations With the Suggested Recommendations

The Committee’s 2014 COs reflected the priorities of the women’s organizations in regards to equality in political and public life, and in the peace processes. It affirmed the women’s groups’ charge that Syrian women’s voices have been marginalized from meaningful participation in the peace-building and transitional processes.⁸⁰ The shadow report had noted that despite Syria’s claim to the contrary, the mere presence of a small number of women in high office does not in fact ensure a route to participation of women from civil society in peace negotiations.⁸¹ The Committee’s COs supported this assertion, recognizing that “[w]ithout the meaningful and inclusive participation of women at all stages of peace and reconstruction processes, as well as on transitional justice and national reconciliation mechanisms, women’s priorities and experiences of the conflict will not be fully integrated [...] and could lead to setbacks of these processes.”⁸²

In response, the Committee called for Syria to revive its peace process and to include women meaningfully at all stages of peace negotiations, “and in all reconstruction initiatives as well as in transitional justice processes, in particular at the decision-making level, at the national and local levels.”⁸³ To that end, it called for “temporary special measures, such as quotas.”⁸⁴ While it did

⁷⁴ Shadow Report, *supra* note 1 at 20.

⁷⁵ Shadow Report, *supra* note 1 at 20.

⁷⁶ *Id.*, at 20.

⁷⁷ *Id.*, at 17-19.

⁷⁸ *Id.*, at 20.

⁷⁹ *Id.*, at 20.

⁸⁰ *Id.*, at 16, 17; CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 13.

⁸¹ Shadow Report, *supra* note 1 at 18.

⁸² CEDAW Syria Concluding Observations 2014, *supra* note 12, at, ¶ 13(b) and (c).

⁸³ *Id.*, at ¶ 14(a).

not call for an exact percentage of women's representation, its COs nonetheless offered broad support for the SWIPD document's more specific demand that women participate "on all negotiating teams and committees in a proportion of no less than 30% for the duration of the negotiation process."⁸⁵ This is true particularly because the COs call for "meaningful" involvement of women, which at the very least contraindicates token participation.

The Committee also responded supportively to the Syrian women's groups' call for the Government of Syria to "build the capacity of Syrian women activists and civil society organizations in the areas of negotiation and peacebuilding skills."⁸⁶ It called for the development of capacity-building programmes for women seeking to participate in peace and transitional justice processes.⁸⁷ It also affirmed, through its insistence that the Government of Syria adopt a strategy to prevent any setback for women's rights in peace negotiations,⁸⁸ that one of the aims of women's inclusion is the improvement and protection of women's human rights in negotiated outcomes, as the shadow report noted.⁸⁹

The Committee offered far more detailed implementation recommendations in response to the women's organizations' more general call for Syria to adhere to its obligations under Security Council Resolution 1325 and subsequent resolutions.⁹⁰ The Committee called on the Government to ensure the inclusive participation of women in the development and implementation of the National Action Plan to implement Security Council resolution 1325 and subsequent resolutions.⁹¹ It also urged Syria to "[e]stablish a roadmap with a clear time frame, benchmarks and a gender-responsive budget to implement the National Action Plan; and develop indicators for the regular monitoring of its implementation; and provide for accountability mechanisms."⁹²

The Committee broadly supported the women's groups' calls for communication channels to enable joint action and coordination with women's and civil society organizations. It failed to include the SWIPD document's specific recommendation for a Syrian gender advisor on the mediation team.⁹³ However, the Committee called on Syria to "provide opportunities for women's and civil society organizations to contribute to the peace process as independent actors, for example[,] by establishing an effective channel of communication between them and the mediation team to ensure coordination and joint initiatives for the inclusion of women's priorities."⁹⁴ It also called for Syria to "[e]nhance the capacity of the Syrian Commission for Family Affairs and Population so that it becomes an essential advocate for the advancement of women during the peacebuilding and reconstruction processes."⁹⁵ It advised that Syria should

⁸⁴ *Id.*

⁸⁵ Shadow Report, *supra* note 1 at 19.

⁸⁶ *Id.*, at 20.

⁸⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 14(a).

⁸⁸ *Id.*, at ¶ 14(c).

⁸⁹ Shadow Report, *supra* note 1 at 15, 16.

⁹⁰ *Id.*, at 19.

⁹¹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶14(e).

⁹² CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶14(f).

⁹³ Shadow Report, *supra* note 1 at 20.

⁹⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 14(b).

⁹⁵ *Id.*, at ¶ 20(a).

allocate the Commission with sufficient resources, and ensure “that it is effectively consulted on the formulation, design and implementation of public policies; and strengthening its coordination role at all levels of government, in particular at the ministerial level.”⁹⁶

While the Committee did not call for adoption of the Geneva 1 Communiqué, its call for Syria to “[re]vive and engage in a political process aiming at building a comprehensive and lasting peace, which lays the foundation for a comprehensive democracy rooted in the rule of law,”⁹⁷ is indicative of many of the Geneva 1 Communiqué’s key principles.⁹⁸ In failing to call for its adoption, the Committee left out a few of the Communiqué’s more detailed recommendations for engendering peace, such as protecting journalists’ freedom of movement, and cooperating with the defunct United Nations Supervision Mission in Syria.⁹⁹ The Committee also did not include SWIPD’s call for Syria reject any political solutions based on ethnicity, confessionism, religion or military balance. Despite these omissions, the Committee’s COs as a whole strongly support the women’s groups’ overall broader aims for increased participation in peace negotiations and transitional processes, and additionally provide implementation strategies for many of their policy recommendations.

The COs also closely aligned with the women’s groups’ recommendations seeking the participation of women in public and political life. The Committee noted with concern the stagnation in the level of representation of women in the People’s Assembly at 12 percent, the drop in the participation of women in government positions from 10 percent to 8 percent,¹⁰⁰ and “the overall low level in participation of women in political and public life, in particular decision-making positions at all levels.”¹⁰¹ It additionally expressed concern about the absence of quotas for women in the Electoral Law and in the Political Parties Law, and at the ongoing restrictions on establishing women and civil society organizations.¹⁰² In line with the women’s recommendations and its 2007 COs, the Committee called on the Government to “pursue policies aimed at the promotion of full and equal participation of women in decision-making as a democratic requirement in all areas of public and political life ... by, inter alia, adopting temporary special measures in accordance with article 4(1) of the Convention and ... General Recommendation No. 25.”¹⁰³ It advised the Government of Syria to amend its Electoral Law and Political Parties Law in order to incorporate quotas of at least 30 per cent for women’s representation in only the People’s Assembly and Provincial Councils.¹⁰⁴

As Syrian women’s organizations’ recommended,¹⁰⁵ the Committee reiterated its 2007 call for Syria to “implement awareness-raising activities on the importance of women’s participation in

⁹⁶ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 20 (a).

⁹⁷ *Id.*, at ¶ 14(d).

⁹⁸ Action Group for Syria, United Nations, Final Communiqué, June 30, 2012, *available at* <http://www.un.org/News/dh/infocus/Syria/FinalCommuniquéActionGroupforSyria.pdf>.

⁹⁹ *Id.*

¹⁰⁰ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 35(a).

¹⁰¹ *Id.*, at ¶ 35(b).

¹⁰² *Id.*, at ¶ 35(b-d).

¹⁰³ *Id.*, at ¶ 36(a).

¹⁰⁴ *Id.*, at ¶ 36(a) & (b).

¹⁰⁵ Shadow Report, *supra* note 1 at 20.

decision-making for society as a whole, in particular as candidates and voters.”¹⁰⁶ Also in line with the women’s recommendations and its 2007 COs, the Committee encouraged Syria to take temporary special measures, including the use of quotas, to increase the representation of women in elected and appointed bodies.¹⁰⁷ The Committee strengthened the women’s groups’ call for political participation by urging an additional legal change that the shadow report did not mention. It called for the adoption of the “draft law on Associations [to] ensure that there are no restrictions on the establishment of women’s and civil society organizations contrary to international human rights standards.”¹⁰⁸

D. NATIONALITY LAW

Since before the outbreak of the current conflict, Syrian feminists have been campaigning to remove Syria’s discriminatory legal provision that denies equal rights to Syrian women in passing their nationality on to their children. Syrian women’s groups raised the issues in their shadow report to CEDAW, and demonstrated the provision’s particularly harmful consequences for Syrian women refugees and their children in the context of the armed conflict. In their Concluding Observations, the Committee echoed Syrian women’s groups’ demand that Syria amend its laws to ensure equal rights for women in regards to nationality. The only related demand that the Committee failed to include was the recommendation that Syria increase parliamentary and public awareness of the need to reform the law, a recommendation it made in 2007, but left it out of its 2014 report. Aside from this omission the COs give strong support to the women’s groups’ demands, and even strengthens them with a couple additional details regarding implementation.

Syrian Women's Groups' Recommendations to the Committee

In their shadow report to the Committee, Syrian women’s organizations urged the Committee to call on Syria to pass pending legislation that would amend discriminatory provisions in Law Decree No. 276 of the Syrian Nationality Act of 1969, in order to give women equal rights in passing on and retaining their nationality. Under Article 3 of the Act, children born to a Syrian mother and a non-Syrian father are not considered Syrian, while children born to a Syrian father automatically are, a disparity that, as the women’s groups explained, has deeply harmed Syrian women and their children, especially refugees.¹⁰⁹ They pointed out that children born to a Syrian mother and non-Syrian father can be left stateless in cases of the death of the father, divorce or dissolution of marriage, leading to their social and economic exclusion.¹¹⁰ They also sought Syria’s withdrawal of its reservation to Article 9 of CEDAW, through which it defends its discriminatory nationality law,¹¹¹ and called for Syria to increase public and parliamentary awareness of the importance of legal reform.¹¹² Syrian women’s groups also expressed concerns in their shadow report about the adverse effects of discriminatory nationality laws on Syrian

¹⁰⁶ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 36(d).

¹⁰⁷ *Id.*, at ¶ 14(a).

¹⁰⁸ *Id.*, at ¶ 36(c).

¹⁰⁹ Shadow Report, *supra* note 1 at 22.

¹¹⁰ *Id.*, at 22.

¹¹¹ Syrian Arab Republic, *Second Periodic Report CEDAW*, 50, U.N. Doc. CEDAW/C/SYR/2 (2012).

¹¹² Shadow Report, *supra* note 1 at 25.

minority populations, particularly the effects of Decree 93 which rendered 120,000 Syrian Kurds stateless in 1962.¹¹³

The Committee's Concluding Observations

The Committee called on Syria to immediately amend the Nationality law to grant women equal rights to transfer, change, retain and acquire their nationality in accordance with article 9 of CEDAW.¹¹⁴ It expressed concern about the negative impacts of statelessness resulting from the discriminatory provision, especially for girls, women, and their children affected by the conflict.¹¹⁵ The Committee called on Syria to review all of its remaining reservations to the Convention with a view to withdrawing them, and raised concern specifically about the Reservation to Article 9(2).¹¹⁶ In regards to Syria's Kurdish minority, the Committee expressed concern about the slow pace of the government's implementation of Decree No. 49 of 2011, which would provide nationality for all Syrian Kurds.¹¹⁷ It urged Syria to fully implement it, "so as to ensure that it covers all Syrian Kurds who are still stateless, in particular women and girls and their children."¹¹⁸

The Committee also called on Syria to guarantee the right of women and girls affected by the conflict to necessary personal documents,¹¹⁹ stating that women and girls have the right to have documentation in their own names and to the prompt issuance or replacement of documents.¹²⁰ It called on Syria to stop the practice of imposing unreasonable conditions for women to acquire their personal documents, such as the requirement for displaced women and girls to return to their area of original residence to obtain their necessary documents.¹²¹

Comparing the Committee's Concluding Observations With the Suggested Recommendations

The Committee firmly supported Syrian women's groups' demand for an amended Nationality Law to grant women equal rights, calling for Syria to do so in two separate places in its COs, and making an additional call for Syria to implement the law once amended.¹²² The Committee's COs reflected the women's groups' concerns about the negative impacts of statelessness stemming from Nationality Law, especially for girls, women, and their children affected by the conflict.¹²³ The Committee also supported Syrian women's organizations' call for the Government to withdraw its reservation to Article 9(2) of CEDAW, through which Syria defends its discriminatory nationality law based on a claim to state sovereignty.¹²⁴ On only one point did the Committee did fail to reiterate the Syrian women's demands, which was the recommendation

¹¹³ Shadow Report, *supra* note 1 at 23.

¹¹⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 38(a).

¹¹⁵ *Id.*, at ¶ 37(a).

¹¹⁶ *Id.*, at ¶ 15 & 16.

¹¹⁷ *Id.*, at ¶ 37(b).

¹¹⁸ *Id.*, at ¶ 38(b).

¹¹⁹ *Id.*, at ¶ 38(c).

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*, at ¶ ¶18(c), 37 & 38(a).

¹²³ *Id.*, at ¶ 37(a).

¹²⁴ *Id.*, at ¶¶ 15 & 16.

that the government increase parliamentary and public awareness about reforming discriminatory laws.

In calling for the right of Syrian women impacted by the conflict to obtain necessary documents for themselves and their children, the Committee inserted an element that relates to the problems stemming from the Nationality Law and that the shadow report did not mention. While the shadow report raised the issue of discrimination in the Nationality Law, the Committee called both for an amendment to the law, and for Syria to “[g]uarantee the right of conflict-affected women and girls to obtain all personal documents necessary for the exercise of their rights.”¹²⁵ It pressured the government to facilitate access to legal documents and remove obstacles for displaced women and girls.¹²⁶

The Committee also pressed Syria to amend laws that have rendered and kept Kurdish people stateless. The Syrian women’s groups raised concerns about these laws, but actually made no specific recommendations on them.¹²⁷ In making this call, the Committee focused on different provisions in the law than the women’s groups focused on in their shadow report. Syrian women’s groups raised Decree No.93, which originally rendered the Kurds stateless, but did not mention Decree No.49, on which the Committee focused heavily. The Committee called on Syria to implement Decree No.49, that grants nationality to stateless Kurds, which Syria has yet to fully implement.¹²⁸

E. ENSURING ACCESS TO HEALTH CARE

Several factors preclude women’s access to health care in Syria, including social exclusion and stigma, poverty, failure of the Government of Syria to administer programs as required by international law, and more recently, conflict-related obstacles to health care access.¹²⁹ Syrian women’s organizations described in detail for the Committee how the conflict has harmed Syria’s already fragile health infrastructure, and cut off Syrian people’s health access, with particularly dangerous consequences for women and girls.¹³⁰ They recommended universal access to adequate healthcare for women and girls in Syria, including access to reproductive healthcare. They also called for awareness-raising campaigns, shelter and services for women victims of violence, and data collection on women’s health in Syria.¹³¹ The Committee expressed concern about the destruction of medical infrastructure; the overall disruption to health services, particularly reproductive health services; as well as the lack of services for women victims of violence.¹³² Its COs broadly affirmed nearly all of the women’s recommendations. It also called for an end to destruction of health infrastructure,¹³³ a recommendation the shadow report had not raised, despite including detailed facts about the level of destruction. The Committee failed to make specific recommendations for increased contraceptive access and for health data. However,

¹²⁵ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 38(c).

¹²⁶ *Id.*, at ¶ 38(c).

¹²⁷ Shadow Report, *supra* note 1 at 23.

¹²⁸ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 38(b).

¹²⁹ Shadow Report, *supra* note 1 at 16.

¹³⁰ *Id.*, at 26-32.

¹³¹ *Id.*, at 32, 33.

¹³² CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 39.

¹³³ *Id.*, at ¶ 40 (a).

these could be captured in its broad call for Syria to strengthen healthcare access and services, including reproductive healthcare, to prevent continued deterioration in women's health status.¹³⁴

Syrian Women's Groups' Recommendations to the Committee

In their shadow report, Syrian women's groups described how the conflict has worsened already weak access to health care for Syrian women and girls. They pointed out that both the Syrian regime and non-state armed actors have waged targeted attacks on hospitals, health facilities, and medical personnel. This has precluded access to health care for many, including for women and girls who have suffered sexual violence and already face stigma-related obstacles.¹³⁵ The shadow report detailed the dire conditions many women and girls are forced to give birth in as a result of lack of access to health facilities and inadequate services.¹³⁶

Syrian women's human rights groups and their allies advocated that the Committee call for universal access to a full range of affordable health care for all Syrian women, including sexual and reproductive health services.¹³⁷ They emphasized that sexual and reproductive health services, including contraceptives, should be made more available to women across the country, particularly in rural areas.¹³⁸ They sought nationwide educational and awareness-raising measures to ensure that women in both urban and rural areas are educated about their right to seek sexual and reproductive health services and can conveniently access these services.¹³⁹ They called for legislation to eliminate restrictions on women's rights to have an abortion.¹⁴⁰ The women's groups also called for Syria to report on health legislation, plans and policies for women, with reliable data on incidence and severity of diseases, conditions hazardous to women's health and nutrition, and on the availability and cost-effectiveness of preventive and curative measures.¹⁴¹ Finally, they called for the design and implementation of a plan for establishing a sufficient numbers of shelters and services for victims displaced by the conflict as well as other victims of violence against women throughout Syria.¹⁴²

Comparing the Committee's Concluding Observations With the Suggested Recommendations

With regard to women's right to health, the Committee's COs provide broad support to nearly all the recommendations that the women's groups included in their shadow report. The Committee acknowledged and highlighted the already limited health care services for women in Syria, and called on the Government to prevent their further reduction in the ongoing conflict.¹⁴³ It echoed Syrian women's groups' call for measures to ensure universal access to healthcare, including sexual and reproductive services, by urging Syria to reinforce its health sector, in particular its sexual and reproductive health services, so as to prevent further deterioration in women's health

¹³⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶40(d).

¹³⁵ Shadow Report, *supra* note 1 at 27-29.

¹³⁶ *Id.*, at 28-30, 32

¹³⁷ *Id.*, at 32.

¹³⁸ *Id.*, at 33.

¹³⁹ *Id.*, at 33.

¹⁴⁰ *Id.*, at 32.

¹⁴¹ *Id.*, at 33.

¹⁴² *Id.*, at 33.

¹⁴³ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 40(d).

status.¹⁴⁴ The Committee drew on the women's groups' reports about pregnant women's lack of access to health services as a result of the conflict and the regime's siege, and articulated a recommendation that was slightly more pointed than were the shadow report's general calls for adequate reproductive health services and information, including for women in rural areas.¹⁴⁵ It expressed concern about the lack of maternal health care services, including skilled delivery services for pregnant women in areas outside of the regime's control in particular,¹⁴⁶ and urged Syria to prioritize this, irrespective of where women patients reside.¹⁴⁷

The Committee's COs provided broad support for the Syrian women's groups' demands that the Government of Syria design and implement a plan for establishing sufficient shelters and services for victims displaced by the conflict as well as for other victims of violence against women throughout Syria.¹⁴⁸ The COs also broadly supported the call for gender-sensitive medical care for victims of gender-based violence and other atrocities in the context of the conflict,¹⁴⁹ as well as adequate resources to provide comprehensive medical and psychological care to gender-based violence victims.¹⁵⁰ The Committee expressed concern about the lack of adequate health care and psychological services for victims of violence, including in particular women and girl victims of rape, who lack access to emergency contraception and safe abortion services.¹⁵¹ It also condemned the delays in establishment of Syria's Family Protection Unit, and the low numbers of shelters for women victims of violence.¹⁵² It called for an adequate number of shelters and strengthened medical and psychological support services for women victims of violence, including counseling that is properly resourced and regularly monitored for quality control.¹⁵³ Bolstering the women's groups' call for appropriate care, the Committee specified that Syria should "[e]nsure access by women victims of sexual violence to comprehensive medical treatment, mental health care and psychosocial support provided by health professionals who are appropriately trained to detect sexual violence and to treat its consequences as well as access to forensic testing."¹⁵⁴ The Committee encouraged Syria to seek assistance from relevant UN agencies and bodies to accomplish this.¹⁵⁵

On the issue of destruction of health infrastructure, the Committee's COs built on the concerns the shadow report raised, and articulated an actionable demand. While the Syrian women's rights groups and their allies described the degree of destruction that the regime and armed groups have wreaked on Syria's health infrastructure,¹⁵⁶ they did not raise a specific related recommendation. The Committee, however, affirmed the women's groups' findings and urged Syria to repair medical and educational facilities, halt the attacks on these facilities, and ensure that perpetrators

¹⁴⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 40(d).

¹⁴⁵ Shadow Report, *supra* note 1 at 32, 33.

¹⁴⁶ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 39(e).

¹⁴⁷ *Id.*, at ¶ 40(e).

¹⁴⁸ *Id.*, at ¶ 30; Shadow Report, *supra* note 1 at 33.

¹⁴⁹ Shadow Report, *supra* note 1 at 11.

¹⁵⁰ Shadow Report, *supra* note 1 at 44.

¹⁵¹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ ¶ 26(e), 39(f).

¹⁵² *Id.*, at ¶ 31(c).

¹⁵³ *Id.*, at ¶ 32(c).

¹⁵⁴ *Id.*, at ¶ 27(f).

¹⁵⁵ *Id.*

¹⁵⁶ Shadow Report, *supra* note 1 at 27-29.

are investigated and punished, including army and government personnel.¹⁵⁷

While omitting a direct call for nation-wide awareness raising measures, the Committee nonetheless offered broad support for the women's groups' call for Syria to increase women's awareness of their right to sexual and reproductive health services,¹⁵⁸ by including women's access to such information as part of its call for Syria to reinforce its health sector. It urged Syria to "[r]einforce the health sector to prevent a further reduction of the already limited health services, including sexual and reproductive health services and information available to women."¹⁵⁹

The Committee offered a degree of support for Syrian women's organizations' demand that the Government of Syria implement all necessary measures, including legislation, to eliminate restrictions on abortion. It called on Syria to "expand the grounds on which abortion is permitted to include, in particular, cases of rape, and prepare guidelines on post-abortion care to ensure that women who are pregnant as a result of rape have free access to safe abortion services."¹⁶⁰ While the Committee underscored access to abortion in rape cases, the language of the recommendation could be interpreted as urging Syria to permit abortion in other cases as well.

On a couple points, The Committee failed to include certain details from the recommendations in the shadow report. It expressed concern about lack of emergency contraception for women and girl victims of rape,¹⁶¹ but failed to make a Concluding Observation addressing lack of availability of contraceptives more generally, which the women's rights groups were seeking.¹⁶² It also did not pick up on the women's groups' call for Syria to report on its health plans and policies for women, based on reliable data regarding health outcome factors and health service availability; nor did it include a call for awareness raising campaigns on women's right to access sexual and reproductive healthcare.¹⁶³ Arguably, the women's groups' calls for contraceptive access and for reports based on reliable data are captured by the Committee's more general recommendation that Syria reinforce its health sector, including in the area of sexual and reproductive services, and that it prevent further deterioration of women's health status.¹⁶⁴

F. ENSURING EQUALITY UNDER THE LAW (CRIMINAL, FAMILY, AND PROPERTY)

In their 2014 shadow report to the CEDAW Committee, Syrian women's groups sought the Committee's support to ensure women's equality under the law. Their recommendations spanned the areas of criminal, family, and property law, and a large portion called for Syria to implement the Committee's related 2007 COs¹⁶⁵ The Committee provided support to each of the women's recommendations, though a few of its COs had a different degree of detail regarding

¹⁵⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 40(a).

¹⁵⁸ Shadow Report, *supra* note 1 at 33.

¹⁵⁹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 40(d).

¹⁶⁰ *Id.*, at ¶ 40(f).

¹⁶¹ *Id.*, at ¶ 39(f).

¹⁶² Shadow Report, *supra* note 1 at 33.

¹⁶³ *Id.*

¹⁶⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶40(d).

¹⁶⁵ Shadow Report, *supra* note 1 at 43, 44.

implementation than the women's groups' suggestions did. The Committee also included a broad appeal for constitutional and legislative reform to provide equality under the law in every capacity, something the shadow report did not contain.

Syrian Women's Groups' Recommendations to the Committee

The final section of the Syrian women's groups' shadow report focused on Syria's legal obligations to ensure equality for women under law. The women's groups pointed out that CEDAW obligates Syria to "take measures to prevent discrimination against women by both public and private actors," and specifies that those measures should incorporate equality into the national constitution as well as domestic laws and policies.¹⁶⁶ They detailed the discriminatory provisions in Syria's laws, particularly in the areas of gender-based violence, family law, and property law; and explained how the legal system lacks provisions to ensure women's and girls' human rights.¹⁶⁷

Their shadow report called for Syria to enact and amend legislation in order to deter and address violence against women, and focused on the need for protections in the areas of domestic violence, marital and other rape, honor killings, and early and coerced marriages.¹⁶⁸ The women's groups called for legislation addressing violence against women, particularly domestic violence, in order to provide immediate redress and protection for victims, and prosecution and punishment for perpetrators.¹⁶⁹ They demanded that Syria repeal without delay legal provisions that exclude marital rape from the definition of rape and that allow mitigated sentences for rapists who marry their victims.¹⁷⁰ The groups also demanded that Syria repeal Penal Law 548, which allows for mitigated punishments for honor killings.¹⁷¹ They encouraged the Committee to reiterate its previous call for Syria to prevent and abolish child marriage, particularly for refugees.¹⁷² The women's groups also pressured Syria to adopt gender-sensitive investigating and prosecuting procedures to protect confidentiality and avoid re-traumatization and stigmatization in cases of gender-based violence.¹⁷³ The shadow report also described the ways women are discriminated against via provisions of the Personal Status Law regarding the right to divorce, division of property in divorce, and inheritance law,¹⁷⁴ and recommended that the government repeal the discriminatory provisions.¹⁷⁵

Comparing the Committee's Concluding Observations With the Suggested Recommendations

The CEDAW Committee firmly supported the women's human rights organizations' call for Syria to address all discriminatory provisions that provide unequal rights for men and women

¹⁶⁶ Shadow Report, *supra* note 1 at 34.

¹⁶⁷ *Id.*, at 35-42.

¹⁶⁸ *Id.*, at 34.

¹⁶⁹ *Id.*, at 43.

¹⁷⁰ *Id.*, at 43-44.

¹⁷¹ *Id.*, at 44.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*, at 41, 42.

¹⁷⁵ Shadow Report, *supra* note 1 at 44.

under law. It called on Syria to repeal all discriminatory provisions of the Personal Status Law,¹⁷⁶ which is the source of many of the inequalities present in marriage and divorce laws, and in laws and policies surrounding child and forced marriages. In regards to gender-based violence, the Committee focused on the same areas of the penal code that shadow report identified: the provision permitting marital rape, the provisions allowing mitigated sentences for rapists who marry their victims, and those permitting mitigated sentences for honor killings.¹⁷⁷ It provided slightly more implementation details in its recommendations on honor killings than the shadow report did, but provided less details in its call for Syria to address child and/or forced marriages than did the shadow report. Constitutional call

As the women's organizations' shadow report recommended, the Committee asked Syria to criminalize all rape, including marital rape.¹⁷⁸ The Committee also echoed the women's groups' call for Syria to repeal Article 508, which allows a mitigated sentence to rapists who marry their victims.¹⁷⁹ Interestingly, it also urged Syria to incorporate rape as a war crime into its penal code.¹⁸⁰ The women's groups did not specifically call for this, although they pointed out that a competent rape law would provide for "prohibition, prosecution, punishment, and redress for rape both in the context of conflict and peace."¹⁸¹

The Committee also echoed the call to repeal Article 548,¹⁸² a new article enacted in 2009 that created a punishment for honor killings that is far reduced than that for other murder. Article 548 focuses on a man who kills or "unintentionally injures" a woman for engaging in an "illegal sex act."¹⁸³ The Committee strengthened the women's groups recommendations by calling for repeal of two additional related provisions that the shadow report omitted, Articles 192 and 242,¹⁸⁴ both of which allow the justice system additional flexibility in providing mitigated sentences for so-called honor crimes.¹⁸⁵ The Committee additionally urged Syria to strengthen identification and investigation of honor crimes, "as well as the prosecution and punishment of perpetrators,"¹⁸⁶ and urged Syria to protect persons reporting honor crimes and those at risk of being victims of honor crimes.¹⁸⁷

The Committee's CO's strongly supported the Syrian women's groups' demand that Syria ensure gender-sensitive procedures in investigations of gender-based violence and rape. It called on the Government to "adopt gender-sensitive procedures to investigate sexual violence; conduct training and adopt gender-sensitive codes of conduct and protocols for the police and

¹⁷⁶ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 46(a).

¹⁷⁷ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶¶ 25(a), 32(b).

¹⁷⁸ *Id.*, at ¶ 32(b).

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*, at ¶ 27(b).

¹⁸¹ Shadow Report, *supra* note 1 at 11.

¹⁸² CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶25(a).

¹⁸³ Human Rights Watch, *Syria: No Exceptions for 'Honor Killings'*, Jul. 28, 2009, news release, <http://www.hrw.org/news/2009/07/28/syria-no-exceptions-honor-killings>. Last accessed: February 20, 2014.

¹⁸⁴ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 25(a).

¹⁸⁵ Human Rights Watch, *Syria: No Exceptions for 'Honor Killings'*, Jul. 28, 2009, news release, <http://www.hrw.org/news/2009/07/28/syria-no-exceptions-honor-killings>. Last accessed: February 20, 2014.

¹⁸⁶ *Id.*, at ¶ 25(b).

¹⁸⁷ *Id.*, at ¶ 25(c).

military.”¹⁸⁸ It included a request that Syria build the capacity of the judiciary to ensure its impartiality, independence and integrity.¹⁸⁹ The Committee also echoed the women’s groups’ call for Syria to provide adequate health care, including mental health and other services for sexual violence victims.¹⁹⁰ It enhanced the demands by adding that health care must be “provided by health professionals who are appropriately trained to detect sexual violence and to treat its consequences as well as access to forensic testing; and seek the assistance of relevant United Nations agencies and bodies in this regard.”¹⁹¹

In the areas of family and inheritance law, the Committee’s COs generally supported the women’s groups’ recommendations, but did not give specific directives to the Government about which law provisions to repeal or change. The Committee made a broad call for Syria to repeal any discriminatory provisions in the Personal Status Law, “in particular those related to unequal rights of women and men to marriage, divorce, custody, inheritance, polygamy and child and/or forced marriages.”¹⁹² It did not specify changes that need to be made, nor did it describe them in its list of concerns that preceded its specific recommendations. The shadow report had provided details on the discriminatory provisions within family relations law and inheritance law that require reform. The Committee did raise concerns about the increase in child and/or forced marriages resulting from the belief that daughters must be married in order to protect them or for financial reasons, and that this often leads to rape.¹⁹³ It also pressed Syria to take measures to “ensure the effective implementation of the Directives of the Ministry of Interior aimed at facilitating women’s travel with their children without the permission of the father or guardian,”¹⁹⁴ which is an area of discrimination the women’s groups made no recommendations on.

The Committee included a section calling for improvements to Syria’s constitution. While the women’s groups’ noted that Syria is obligated to ensure equality in its constitution, they did not make specific recommendations in this vein. The Committee asked Syria to amend Article 3 of the constitution, which currently allows religious law to filter the nation’s laws, and to bring it in line with the Convention.¹⁹⁵ The Committee also urged Syria to incorporate new provisions on equality into its constitution and/or its legislation and to prohibit both public and private discrimination, whether direct and indirect.¹⁹⁶ In a general call to action, the Committee requested Syria to “repeal all discriminatory provisions of the Penal Code, the Syrian Personal Status Law, the Nationality Law and other relevant legislation, regulations and directives.”¹⁹⁷

¹⁸⁸ *Id.*, at ¶ 27(e).

¹⁸⁹ *Id.*

¹⁹⁰ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 27(f).

¹⁹¹ CEDAW Syria Concluding Observations 2014, *supra* note 12, at ¶ 27(f).

¹⁹² *Id.*, at ¶ 46(a).

¹⁹³ *Id.*, at ¶ 45(a).

¹⁹⁴ *Id.*, at ¶ 46(b).

¹⁹⁵ *Id.*, at ¶ 18(b).

¹⁹⁶ *Id.*, at ¶ 18(a).

¹⁹⁷ *Id.*, at ¶ 18(c).