

*Human Rights Violations Against Women and Girls in Syria*

Submission to the United Nations Universal Periodic Review of  
THE SYRIAN ARAB REPUBLIC

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**SUBMITTED BY:**

**Human Rights and Gender Justice (HRGJ) Clinic, City University of  
New York School of Law<sup>i</sup>**

2 Court Square 5<sup>th</sup> Floor, Long Island City, New York 11101

**Email:** davisl@law.cuny.edu | **Telephone:** (718) 340-4148

**MADRE<sup>ii</sup>**

121 W 27<sup>th</sup> Street Room # 301, New York, New York 10001

**Email:** catlas@madre.org | **Telephone:** (212) 627-0444

**The Women's International League for Peace and Freedom (WILPF)<sup>iii</sup>**

Rue de Varembé 1, Case Postale 28, 1211 Geneva 20, Switzerland

**Email:** secretariat@wilpf.ch | **Telephone:** +41 (0) 22 919 70 80

1. This Report was written in consultation and collaboration with Syrian Women's organizations and activists, anonymous here for security reasons. Women and girls in Syria, and those fleeing the Syrian conflict as refugees, suffer multiple human rights violations. Some violations pre-date and are exacerbated by the ongoing conflict, while others are a product of the conflict. The Syrian Government has an obligation to take measures to address all of these human rights violations, and to ensure protection and redress for Syrian women and girls. This report focuses on women and girls' lack of access to education, as well as their lack of access to healthcare, including care specific to victims of gender-based violence. It also illustrates the unavailability of protection and justice for women and girls in the face of ongoing gender-based violence, including sexual violence, forced and early marriage, and "honor" crimes. In addition, it describes how women are discriminated against under Syria's laws regarding nationality. It also underscores the trampling of U.N. Security Council Resolution 1325, which is supposed to guarantee Syrian women a meaningful place in peace negotiations and reconstruction. The final section is comprised of recommendations to the Syrian Government and the international community.

## **I. Gender-based Violence and Impunity**

2. Since before the conflict began, discriminatory laws and practices encouraged impunity for gender-based violence in Syria and prevented women, girls and LGBT people from accessing justice. In the context of an armed conflict marked by gender-based violence; social stigma and legal obstacles serve to isolate victims and bring them further harm. Syrian women and girls face sexual violence, forced and early marriages, and "honor" crimes, amongst other forms of gender-based violence; and they lack adequate protections, access to justice, and victim services.

### *Sexual Violence*

3. Even before the conflict began in 2011, sexual violence was a continuing challenge in Syrian society,<sup>iv</sup> and Syria lacked adequate services and shelter for victims.<sup>v</sup> Syrian activists were working to change laws and discriminatory social attitudes that lead to gender-based violence.<sup>vi</sup> Syria's criminal laws facilitate impunity for rape, while widespread harmful beliefs about rape further endanger victims, including by placing them at risk of "honor" killing. In the midst of the ongoing conflict, this legal and social underpinning results in horrific outcomes for victims. Government forces and non-state armed actors have committed systematic rape and sexual violence throughout the conflict, and the government has failed to ensure justice for victims or to provide them needed services or protection.

4. While the government failed to keep official statistics on rape and other forms of sexual violence in Syria pre-conflict, women's advocates state that rape was a serious problem, with at least 1,300 reported cases in 2009.<sup>vii</sup> The actual numbers are likely far higher, as Syrian women rarely report rape, owing to the threat of severe social stigma and exclusion, as well as to justified fears of further violence.<sup>viii</sup> Due to patriarchal norms, victims can be subjected to honor killings by their families, or pressured by their families to marry the rapist.<sup>ix</sup>

5. Moreover, Syrian law does not recognize spousal rape.<sup>x</sup> Syria's penal code facilitates impunity for rape and reinforces familial and cultural pressures on women and girls to marry their rapists.

Rapists may escape punishment if they marry their victims,<sup>xi</sup> and spousal rape is not criminalized.<sup>xii</sup> The Syrian Government reported to the Committee on the Elimination of Discrimination Against Women (CEDAW) that a new legislative decree from 2011 repealed the provision that exempted from punishment rapists who marry their victims.<sup>xiii</sup> However, the decree still mitigates punishment for rapists who marry their victims, with the new law requiring two years of imprisonment as the minimum penalty for the crime in that instance. Furthermore, the law increases pressure on women and girls to remain in forced marriages by providing that the mitigation will be removed if the rapist ends the marriage without "legitimate grounds," or before five years have passed.<sup>xiv</sup>

6. Government forces and other armed groups have used rape and sexual violence as a weapon of war throughout the conflict.<sup>xv</sup> In 2013, the UN treated 38,000 victims of sexual violence in Syria, and large numbers of victims also sought assistance as refugees in Jordan and Lebanon.<sup>xvi</sup> Victims have included women, men and children.<sup>xvii</sup> The UN Independent International Commission of Inquiry on the Syrian Arab Republic (COI) confirmed that Syrian government forces and government-controlled militia (Shabbiha) committed sexual violence as a weapon of war during house searches and at checkpoints.<sup>xviii</sup> Human rights experts have documented numerous reports of rape, including gang rape, and other forms of sexual violence in these settings and in detention, committed by government forces against women and girls they believe are affiliated with the opposition.<sup>xix</sup> According to one report, government forces abducted young women and girls at checkpoints, and returned them later to their families, intentionally exposing them as rape victims in order to subject them to shame and rejection.<sup>xx</sup>

7. Upon release from detention or checkpoints, and after house raids, women are often alienated from their families and viewed as "unfit" for marriage, and in some instances divorced or killed, because family members believe they were raped.<sup>xxi</sup> The fear of sexual violence and its consequences is also a trigger in the displacement of many families.<sup>xxii</sup>

8. Beginning in mid-2014, accounts of sexual violence perpetrated by terrorist groups increased, especially those attributed to ISIL.<sup>xxiii</sup> In addition to the Syrian regime, the Security Council identified six armed groups as being credibly suspected of committing sexual violence in Syria in 2014, including the Islamic State, al- Qaeda affiliated Jabhat al-Nusra, al- Islam Brigade, Aknaf Bait al- Maqdis Brigades, Ansar Bait al- Maqdis Brigades and Ahrar Ash-Sham Islamist Movement.<sup>xxiv</sup>

9. Continued attacks on hospitals and health facilities, and interference with patient transport by both government and non-government forces compound the consequences of all forms of violence, including rape and sexual assault, by limiting access to healthcare.<sup>xxv</sup> Women and girls have been forced to carry pregnancies resulting from rape to term, either because it was too dangerous to travel to seek abortion or contraceptive services or because they were denied such services.<sup>xxvi</sup> The Government lacked sufficient shelters for gender-based violence victims prior to 2011,<sup>xxvii</sup> and current levels of mass displacement compound that crisis, with shelters for displaced people heavily overcrowded and meeting barely a fraction of the humanitarian need generally,<sup>xxviii</sup> not to mention the needs of survivors of sexual and other gender-based violence.

*"Honor" Crimes*

10. "Honor" crimes occurred in Syria prior to the conflict, with women's rights observers estimating that at least 300-400 took place in 2010.<sup>xxxix</sup> Many in Syria are raised to believe that defending the chastity of their sisters, daughters and other female family members is an important social obligation for males.<sup>xxx</sup> Women and girls can be killed because of mere suspicion of an affair or romantic liaison, a false accusation, or for being raped or sexually assaulted.<sup>xxxi</sup> Victims of "honor" killings also include LGBT individuals.<sup>xxxii</sup>

11. The widespread use of rape as a weapon of war by armed forces leaves many Syrian women and girls vulnerable in a society that condones honor killings of women who are raped or even suspected of being raped.<sup>xxxiii</sup> While official statistics are unavailable,<sup>xxxiv</sup> multiple anecdotal accounts indicate an increase in "honor" crimes as a result of conflict-related sexual violence.<sup>xxxv</sup> In one case, a father shot his daughter as an armed group approached their home, to preemptively erase the shame associated with impending rape.<sup>xxxvi</sup>

12. Syria's legal provisions continue to diminish the gravity of "honor" killings. In 2009, the President abolished Article 548 of the Penal Code, which had waived punishment for a man who killed a female family member in a case "provoked" by "illegitimate sex acts," as well as for a husband who kills his wife because of an extramarital affair.<sup>xxxvii</sup> However, the new Article still allows for mitigated punishment for "honor killings," requiring a sentence of at least two years as opposed to a regular punishment for murder.<sup>xxxviii</sup> Article 548 of the Penal Code now reads as follows: "He who catches his wife, sister, mother or daughter by surprise, engaging in an illegitimate sexual act and kills or injures them unintentionally must serve a minimum of two years in prison."<sup>xxxix</sup>

13. "Honor" killings are also a problem in the Syrian diaspora in neighboring countries, where victims of sexual violence, or those otherwise violating social norms, face a real risk of honor killings.<sup>xl</sup> In June of 2014, two Syrian teenage boys living in Lebanon with their family admitted to killing their 24-year old sister whom they claimed left the house at night without telling anyone where she was going.<sup>xli</sup> One UN study found that Syrian refugee families arrange early and forced marriages to "save the honor" of girls who have been raped or who are perceived to have been raped because they were detained by armed groups.<sup>xlii</sup>

#### *Forced and Early Marriage*

14. Economic and familial pressures mean that many Syrian women and girls are made to accept marriages they may not otherwise consent to.<sup>xliii</sup> Many marriages are arranged between families rather than representing a choice by either the bride or groom, placing additional family pressure on women and girls to marry under nonconsensual terms.<sup>xliiv</sup> Syrian law amplifies these pressures by requiring women to have the permission of their male guardian in order to marry; a provision not required for men.<sup>xliv</sup> Syrian law also permits underage marriage. Syrian men may marry at 18 but women can marry at 17. In addition, judges in Syria have the discretion to grant marriage to boys as young as 15 and girls as young as 13, upon a determination that the underage parties have reached puberty.<sup>xlvi</sup>

15. In the context of the conflict, legal and social frameworks that encourage honor killings are also linked to those that facilitate early and forced marriage. Many Syrian families, notably refugees, say that they are marrying their young daughters off to protect their honor due to the threat of recurrent sexual violence in the area.<sup>xlvi</sup> A 2013 study found that women in Syria were increasingly forced into marriage after rape to avoid honor killings.<sup>xlviii</sup>

16. Desperate economic circumstances amongst Syrians also play a role in encouraging early and forced marriages.<sup>xliv</sup> Refugee women in Jordan have told researchers that it is a common occurrence for young girls to marry significantly older men, as older men are thought to be more capable of providing protection and stability.<sup>1</sup>

## **II. Lack of Physical & Mental Health Care, Including Reproductive Health Care**

17. Prior to the conflict, while Syria's healthcare access indicators garnered praise, health services were still in need of expansion and improvement in order to adequately serve the population.<sup>li</sup> Rural areas in particular, lacked sufficient facilities and services.<sup>lii</sup> Women and girls in rural areas suffered high rates of maternal mortality,<sup>liii</sup> and Syria's criminalization of abortion served as another barrier to full reproductive healthcare.<sup>liv</sup> The conflict has devastated Syria's fragile healthcare infrastructure while simultaneously producing greater numbers of gravely injured people. Attacks on healthcare infrastructure and blockades of supplies by Syrian government forces, by foreign government forces, and by non-state armed actors; and restrictions on refugee movement all serve to exacerbate the health crisis Syrians face. Women and girls lack necessary reproductive health access, as well as treatment specific to those victimized by gender-based violence.

18. The government's attacks and aerial bombardment of civilian areas, including of medical facilities and personnel, have produced the largest numbers of victims in the conflict, which include over 250,000 dead.<sup>lv</sup> Extremist groups and other non-state actors have also killed and injured large numbers of civilians. Syria has witnessed deliberate military attacks on hospitals and health facilities, targeting of medical personnel and transport, imprisonment of medical professionals serving civilians, non-issuance of healthcare worker permits, restrictions on aid delivery, and attacks on humanitarian convoys.<sup>lvi</sup> As of 2013, an estimated 57% of hospitals had been destroyed and local production of medicine had fallen by 90%.<sup>lvii</sup> As of November 2015, about 95 percent of doctors in Aleppo had fled, or been killed or imprisoned.<sup>lviii</sup> Recent Russian airstrikes added to the ongoing destruction of hospitals and health facilities.<sup>lix</sup> A journalist reported that physicians in Aleppo “want one thing – for the bombing to stop so they can do their work.”<sup>lx</sup>

19. ISIL and other non-state armed groups also target health infrastructure<sup>lxi</sup> and limit civilians' healthcare access. Blockades and checkpoints, as well as ongoing fighting, prevent transport of necessary medical supplies.<sup>lxii</sup> People in ISIL-controlled areas have found that their necessary medicines are no longer available,<sup>lxiii</sup> and those who attempted to go to Turkey to get medicine risked being arrested and having ISIL confiscate the medicine.<sup>lxiv</sup> Restrictions on refugee movement, such as the border closure imposed by Turkey, puts healthcare even further out of reach for Syrians fleeing state and non-state armed actors. Turkey has denied access to Syrians with chronic illnesses, for which no treatment is available in Syria, and Turkish forces have gone

as far as shooting and injuring Syrians fleeing the violence.<sup>lxv</sup> Pregnant women in camps in Northern Syria on the border with Turkey are amongst those denied treatment.<sup>lxvi</sup>

20. Attacks on Syria's healthcare infrastructure, whether committed by government or non-government forces, limit women's and girls' access to all healthcare, as well as to necessary reproductive health services. Pregnant women, for example, are frequently unable to access hospitals for necessary care.<sup>lxvii</sup> An increasing number of women have been forced to give birth through cesarean sections in order to control the timing of their delivery, avoid being harassed at government checkpoints, and to avoid traveling in insecure environments while in labor.<sup>lxviii</sup> In 2014, the United Nations Population Fund (UNFPA) found that approximately 200,000 pregnant Syrian women gave birth in unhealthy conditions marked by a lack of medical care.<sup>lxix</sup>

### *Sexual Violence and Lack of Health Services*

21. With devastating health outcomes for women and girls, the ongoing war has been marked by torture and sexual violence.<sup>lxx</sup> The government and its affiliated militias actively participate in systematic and widespread use of torture, including sexual violence,<sup>lxxi</sup> and men, women and young people are victims.<sup>lxxii</sup> ISIL and other armed groups also perpetrate widespread acts of gender-based violence, including rape.<sup>lxxiii</sup> Refugees are susceptible to rape and abuse while in transit, in camps, or while in other areas refugees gather.<sup>lxxiv</sup>

22. Syrians who have been subjected to extreme sexual violence need access to immediate healthcare services to treat physical injuries, psycho-social trauma including PTSD, sexually transmitted diseases, and unwanted pregnancies.<sup>lxxv</sup> Destruction of hospitals and health facilities by both government and non-government forces further compound the consequences of sexual violence, limiting access to healthcare for entire vulnerable communities.<sup>lxxvi</sup> Syrian women activists underscore the need for contraception as a safety and survival issue.<sup>lxxvii</sup> Without contraceptive access many rape victims are left to face the physical and psychological consequences of both the rape and ensuing pregnancy.<sup>lxxviii</sup> Syria's highly restrictive laws on abortion only permit abortion to save a woman's life.<sup>lxxix</sup>

23. Health-related threats associated with patriarchal social and cultural norms around sexual assault and rape, have existed since before the conflict. Sexual violence victims, especially rape victims, report being hesitant to seek treatment because of extreme social stigma.<sup>lxxx</sup> After being raped, many victims face abandonment and rejection from their family. Some have even been killed, or forced by their families to commit suicide.<sup>lxxxi</sup>

### **III. Unequal Nationality Rights for Syrian Women and their Children**

24. Article 3 (a) of the Syrian Nationality Law states that “anyone born inside or outside the country to a Syrian father” shall be considered Syrian, thereby explicitly discriminating against women by denying them the ability to pass their nationality on to their children.<sup>lxxxii</sup> Explanatory language in the law claiming that Syrian women, unlike Syrian men, are unable to instill a love of their homeland in their children, makes clear the sexism underlying the decision to deny women the right to pass on citizenship.<sup>lxxxiii</sup>

25. The discriminatory Nationality Law has devastating impacts on the civil and economic rights of Syrian women and their children, especially refugees. Three years prior to the conflict, the Syrian Women's League estimated that there were more than 100,000 women married to foreign husbands, mostly from neighboring countries.<sup>lxxxiv</sup> Often in cases involving divorce or dissolution of marriage, these children of Syrian women and non-Syrian fathers are unable to acquire the citizenship of their fathers if the children were not registered with foreign consulates for the countries in which they were living before the marriage dissolved.<sup>lxxxv</sup> Thus, they face the adverse impacts of statelessness, including civil, social, political and economic exclusion.

26. Since the beginning of the armed conflict in 2011, a significant number of the millions of displaced women and children have been made to confront the added burdens of statelessness. The United Nations High Commissioner for Refugees (UNHCR) reports that the issue of statelessness is one of many compounded difficulties affecting Syrian refugees.<sup>lxxxvi</sup> Personal status laws in Syria and neighboring countries that deny women the ability to pass on citizenship, are amongst the key contributing factors to the increase in statelessness amongst Syrian refugee children.<sup>lxxxvii</sup>

27. There is a base of support in Syria for amending this law. In the decade prior to the conflict, the Syrian women's movement organized for passage of an amendment to the Nationality Law, succeeding in gaining the support of the Ministry of Justice. The amendment ultimately failed in Parliament, but a larger civil society coalition pushed for its reintroduction in 2011. The new amendment has not yet been presented for a vote in Parliament.<sup>lxxxviii</sup>

#### **IV. Barriers to Free & Equal Education**

28. The ongoing conflict has decimated Syria's educational infrastructure, limiting access to education for all Syrians, including women and girls. Inadequate humanitarian aid and support mean vast numbers of Syrian refugee children are also not in school. All told, an estimated 3 million Syrian children are out of school,<sup>lxxxix</sup> leading some human rights officials to decry the forcible creation of a "lost generation."<sup>xc</sup>

29. Prior to the conflict, primary school enrollment was nearly universal and literacy rates were high in Syria.<sup>xcii</sup> Currently, Syria is estimated to have one of the lowest school enrollments in the world, at 50% overall for basic education, and at a dismal 6% in places like Aleppo, site of prolonged active conflict.<sup>xciii</sup> Experts estimate that at least a quarter of Syria's schools have been destroyed, damaged, seized for military purposes, or utilized by internally displaced people.<sup>xciii</sup> Some schools sit empty as parents are too terrified of bombings and other violence to send their children to them.<sup>xciv</sup> From January 2014 to May 2015, at least three schools in Aleppo were destroyed as part of a series of government bombardments of civilian infrastructure in Aleppo, primarily involving barrel bombs.<sup>xcv</sup> Many hospitals and schools in opposition-held areas of Aleppo have been moved to basements and underground bunkers in an attempt to protect them.<sup>xcvi</sup> Armed opposition groups have also conducted attacks on schools.<sup>xcvii</sup>

30. An estimated half of all Syrian refugee children are receiving no education,<sup>xcviii</sup> and in some neighboring countries, the figure is worse, including in Lebanon, where 78% of refugee children are not in school.<sup>xcix</sup> Those who are in school face barriers to learning, including discrimination,

overcrowding and language differences.<sup>c</sup> Many refugee families, enduring extreme financial deprivation, choose to take their children out of school to either work or to enter into early marriage.<sup>ci</sup> All of these factors deny Syrian girls the education they need to ensure their wellbeing in the near and long-term.

## **V. Syrian Women's Representatives are Excluded From Peace Negotiations**

31. Sustainable peace requires inclusivity; involving civil society in peace negotiations greatly reduces the risk of peace agreements failing.<sup>cii</sup> UN Security Council Resolution 1325<sup>ciii</sup> obligates states to include women's active and meaningful participation in peace-building and in post-conflict reconstruction, in order to ensure that initiatives to address human rights violations, including gender-based violence, are fully incorporated into post-conflict states' governing structures. Women's voices are currently missing from Syrian peace negotiations. Despite the many reasons to include women—and the dangers of excluding them—those driving the Syrian peace negotiations have not permitted a real space for women to participate. The Geneva peace talks in January 2014, for example, excluded Syrian women, who had tried for months to be heard by the international community.<sup>civ</sup> Despite their exclusion, Syrian women continue to organize across sectarian lines to address immediate humanitarian concerns while simultaneously organizing for representation at the negotiating tables, demonstrating Syrian unity and calling for peace.<sup>cv</sup> Syrian women have called “for the effective participation of women on all negotiating teams and committees in a proportion of at least 50 percent with no less than 30 percent.”<sup>cvi</sup> They have developed three primary demands of the armed actors and 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.<sup>cvi</sup>

32. In February 2016, U.N. Special Envoy for Syria, Staffan de Mistura invited a Syrian Women's Advisory Board to consult with him on the peace process.<sup>cviii</sup> Unfortunately, this does not mean that Syrian women will be able to participate in the actual peace processes as a third party. They will merely be providing consultation to de Mistura, in the hopes that he will represent Syrian women and civil society in the talks. There is no accountability mechanism in this arrangement for ensuring women's issues are included in peace processes, and it is inappropriate to place de Mistura in the role of making demands on behalf of civil society. Syrian women continue to demand a woman-led civil society third party at the negotiating table.

## **VI. RECOMMENDATIONS:**

33. The Government must take immediate measures to prevent forces and militias from committing gender-based violence and other atrocities, and to provide redress to victims of this violence, including immediate access to legal remedies to hold perpetrators accountable and provision of access to appropriate, gender-sensitive medical care.

34. The Government must take measures to comply with CEDAW's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 32) and, immediately amend Penal Law 508 by repealing the provision allowing for mitigated sentences for rapists who marry their victims.



35. The Government of Syria must take measures to comply with the Committee's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 32) and repeal article 508 of the Penal Code and amend the Penal Code to criminalize rape under all circumstances and to explicitly criminalize marital rape.

36. The Government of Syria should implement CEDAW's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 25) and repeal, "without delay," Penal Law 548, which "exonerates perpetrators of 'honor crimes,'" by treating them as any other crime, and not providing mitigated sentences.<sup>cix</sup>

37. Government of Syria should ensure that the definition of "rape" in its penal code includes "acts committed through the use of force, threat of force, violence, inducement, fraud, deception, taking advantage of a victim's ignorance or vulnerability, abuse of official positions, or the complicity or assistance of someone who has power over a victim."<sup>cx</sup>

38. The Government of Syria must, in compliance CEDAW's 2007 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 30), take all appropriate measures to ensure universal access for all women, whether residing in urban or rural areas, to a full range of affordable healthcare, including sexual and reproductive health services.

39. The Government of Syria must implement all necessary measures, including legislation, to eliminate restrictions on women's rights to have an abortion, including lifting the burden women to prove that abortion is necessary to avoid negative health consequences.

40. The Government, in compliance with CEDAW's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 40), must implement all necessary measures to make reproductive health services, including availability of contraceptives, more accessible to women nationwide, particularly in rural areas.

41. The Government of Syria must, in compliance with CEDAW's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 32), take steps to design and implement, "based on an assessment of the needs of women in different parts of the country," 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?

42. The Government must allocate adequate resources and adopt effective measures to ensure that victims of gender-based violence, have access to comprehensive medical treatment, mental health care, and psychosocial support.

43. The Government of Syria, in compliance with CEDAW's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 32) must enact "comprehensive legislation to prevent and criminalize domestic violence which provides for protection, assistance and support for victims."

44. The Government must repeal or amend provisions in the Personal Status Law that, in intent or effect, discriminate against women and girls, specifically in the areas of marriage, divorce, inheritance, and marital property.

45. The Government of Syria must pass the pending legislation to amend the discriminatory provision in Article 3 (a) of Law Decree No. 276, the Nationality Law of 1969, in compliance with the CEDAW Committee's 2014 Concluding Observations, so that women may pass their nationality to their children (CEDAW/C/SYR/CO/1 ¶ 38).
46. The Government must implement the Committee Against Torture's recommendations from its review of the Syrian Arab Republic in 2012 (CAT/C/SYR/CO/1/Add.2 ¶ 22 (c) & (d)) calling on the government to hold its security forces accountable for serious human right violations.
47. The Government must allow for the timely provision of humanitarian and medical aid to all affected regions, under the supervision of an independent commission with international oversight.
48. The Government must implement the recommendations of the UN Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/25/65 ¶ 157) that all combatant parties respect civilians' rights to basic necessities like medical care, ensure protection of civilians, and never submit anyone to torture or other cruel, inhuman or degrading treatment, including sexual violence
49. The Government must take steps to implement all of the recommendations prescribed by the Syrian Women's Initiative for Peace and Democracy,<sup>cxii</sup> including implementing relevant U.N. Security Council resolutions on women's participation in peace negotiations and rebuilding; and guaranteeing effective participation of women on all negotiating teams and committees in a proportion of no less than 30% for the duration of the conflict and negotiation processes.
50. The Government must take steps to meaningfully include women in peace negotiations, 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.
51. The Government must take steps to implement the CEDAW Committee's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶¶ 14, 36) encouraging it to take temporary special measures, including the use of quotas, to increase the representation of women to "at least 30 per cent for women's representation in the People's Assembly and Provincial Councils," and to "ensure the meaningful and inclusive participation of women holding different political views at all stages of the peace process 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."
52. The Government must take steps to implement the CEDAW Committee's 2014 Concluding Observations (CEDAW/C/SYR/CO/1 ¶ 36) urging the State party to undertake "awareness-raising activities on the importance of women's participation in decision-making for society as a whole, in particular as candidates and voters, with a view to eliminating patriarchal attitudes that deter women from such participation."

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- <sup>i</sup> The Human Rights & Gender Justice (HRGJ) Clinic (formerly known as the International Women’s Human Rights (IWHR) Clinic) at the City University of New York (CUNY) School of Law uses international human rights law and institutions to challenge governments and expand rights protections in both domestic and international fora.
- <sup>ii</sup> MADRE is an international women’s human rights organization that works in partnership with community-based women’s organizations worldwide to address issues of health and reproductive rights, economic development, education and other human rights.
- <sup>iii</sup> The Women’s International League for Peace and Freedom (WILPF) is an international non-governmental organization that works to ensure that women are represented at all levels in the peace-building process, to defend women’s human rights, and to promote social, political, and economic justice.
- <sup>iv</sup> U.S. Department of State, *2010 Human Rights Report: Syria*, 32 (2011), available at <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154473.htm>; See also Freedom House, *Women’s Rights in the Middle East and North Africa 2010: Syria*, 2 (2010), available at [https://freedomhouse.org/sites/default/files/inline\\_images/Syria.pdf](https://freedomhouse.org/sites/default/files/inline_images/Syria.pdf) (“Patriarchal values in society and the authoritarian political system leave women vulnerable to gender-based violence, both inside and outside the home.”).
- <sup>v</sup> CEDAW, *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Syrian Arab Republic*, ¶ 19-22, U.N. Doc. CEDAW/C/SYR/CO/1 (June 2007).
- <sup>vi</sup> Presentation by Syrian Activists, Syrian Women’s Conference on CEDAW Implementation, Istanbul, Turkey, (Nov. 2014).
- <sup>vii</sup> U.S. DEPARTMENT OF STATE, 2010 HUMAN RIGHTS REPORT: SYRIA 32 (2011), available at <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154473.htm>.
- <sup>viii</sup> Freedom House, *Women’s Rights in the Middle East and North Africa 2010: Syria*, 11 (2010); See also, The International Rescue Committee (IRC), Commission on Syrian Refugees, *Syria: A Regional Crisis*, 7 (2013).
- <sup>ix</sup> The International Rescue Committee (IRC), Commission on Syrian Refugees, *Syria: A Regional Crisis* 7 (2013).
- <sup>x</sup> OECD Development Centre, *Social Institutions and Gender Index: Syria Discriminatory Family Code* (2012), available at <http://genderindex.org/country/syrian-arab-republic>.
- <sup>xi</sup> Freedom House, *Women’s Rights in the Middle East and North Africa 2010: Syria* 12 (2010).
- <sup>xii</sup> *Id.* at 2.
- <sup>xiii</sup> Syrian Arab Republic, 2nd and 3rd Periodic Report to the Com’t on the Elimination of Discrimination Against Women, ¶ 110(9) U.N. Doc. CEDAW/C/SYR/2 (Oct. 25, 2012), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/469/45/PDF/G1246945.pdf?OpenElement>.
- <sup>xiv</sup> *Id.*
- <sup>xv</sup> See, Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Summary*, U.N. Doc. A/HRC/27/60 (Aug 2014) (presenting findings based on 480 interviews conducted between January and June 2014); Tom Miles, *U.N. Aided 38,000 Victims of Gender-Based Violence in 2013*, REUTERS, (Jan. 8, 2014), <http://www.reuters.com/article/2014/01/08/us-syria-crisis-rape-idUSBREA0711R20140108>.
- <sup>xvi</sup> Tom Miles, *U.N. Aided 38,000 Victims of Gender-Based Violence in 2013*, REUTERS (Jan. 8, 2014), <http://www.reuters.com/article/2014/01/08/us-syria-crisis-rape-idUSBREA0711R20140108>.
- <sup>xvii</sup> U.N. General Assembly, 24<sup>th</sup> Session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, ¶ 95, U.N. Doc. A/HRC/24/46 (2013); U.N. Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Syrian Arab Republic*, ¶ 35, U.N. Doc. S/2014/31 (2014); “Allegations of sexual violence by armed opposition groups were also received, but the United Nations was unable to further investigate them at the time of writing owing to lack of access.” *Id.* at ¶ 37.
- <sup>xviii</sup> U.N. General Assembly, 22<sup>nd</sup> Session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, ¶¶ 106-111, U.N. Doc. A/HRC/22/59 (2013); During the first half of 2012, the Commission recorded multiple incidents of sexual violence committed by government soldiers and Shabbiha militia members in towns including Homs, Al-Haffe, Zabadani and various locations in Hama, Idlib and Aleppo governorates. The governorates of Dar’a and Homs were some of the main protest hubs and have therefore been the targets of the harshest repression by government forces. U.N. General Assembly, 21<sup>st</sup> Session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, ¶¶ 23, 98-99 & Annex IX, ¶ 5, U.N. Doc. A/HRC/21/50 (2012).
- <sup>xix</sup> *Id.* See also, Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Syrian Arab Republic*, ¶ 36, U.N. Doc. S/2014/31 (2014); Human Rights Council, 23<sup>rd</sup> Session, *Written statement submitted*

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by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status, 3, U.N. Doc. A/HRC/23/NGO/73 (2013).

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<sup>xxi</sup> HRGJ Clinic at CUNY Law School, interview with Syrian activists, Antakya, Turkey. (Dec. 2013); U.N. General Assembly, 21<sup>st</sup> Session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Annex IX, ¶ 2, U.N. Doc. A/HRC/21/50 (2012). “In one incident, the commission was informed that a female rape victim was subsequently killed by her brother-in-law—to preserve the honour of the family.... Several interviewees stated that female rape victims had been abandoned by their husbands and consequently struggled to survive.” Id.

<sup>xxii</sup> U.N. Security Council, Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, 7, U.N. Doc. S/PV.6949 (2013); U.N. Sec’y Gen., 67<sup>th</sup> Session, *Protection of and assistance to internally displaced persons: situation of internally displaced persons in the Syrian Arab Republic*, ¶ 16, U.N. Doc. A/67/931 (2013); The International Rescue Committee (IRC), *Syria: A Regional Crisis, Commission on Syrian Refugees* 6-7 (2013). U.N. Human Rights Council, 23<sup>rd</sup> Session, *Independent International Commission of Inquiry on the Syrian Arab Republic*, ¶¶ 149-151 & 154-156, U.N. Doc. A/HRC/23/58 (2013).

<sup>xxiii</sup> United Nations Security Council, *Conflict Related Sexual Violence: Report of the Secretary General*, ¶ 61-62, U.N. Doc. S/2015/203, (Mar. 23, 2015), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_203.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf).

<sup>xxiv</sup> U.N. Security Council, *Conflict Related Sexual Violence: Report of the Secretary General*, Annex: List of parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the agenda of the Security Council, U.N. Doc. S/2015/203.

(Mar. 23, 2015), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_203.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf).

<sup>xxv</sup> Access to reproductive health services, which was severely lacking prior to the conflict, is currently non-existent in many areas of Syria. U.N. General Assembly, 22<sup>nd</sup> Session, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Annex III, ¶ 10, U.N. Doc. A/HRC/22/59 (2013); *Situation of human rights in the Syrian Arab Republic: Implementation of Human Rights Council resolution 19/22*, ¶ 30, U.N. Doc. A/HRC/21/32 (2013).

<sup>xxvi</sup> HRGJ Clinic at CUNY Law School, Interview with Syrian activists, Istanbul, Turkey. (Oct. 15, 2015). Syria has the some of the most restrictive laws in the world that permit abortion only to save a woman’s life. Center for Reproductive Rights, *The World’s Abortion Laws Map 2013 Update*, 2 (2013), available at [http://reproductiverights.org/sites/crr.civicaactions.net/files/documents/AbortionMap\\_Factsheet\\_2013.pdf](http://reproductiverights.org/sites/crr.civicaactions.net/files/documents/AbortionMap_Factsheet_2013.pdf).

<sup>xxvii</sup> In 2007, the CEDAW Committee noted its concerned about “the acute lack of shelters and services for victims of violence against women.” It also noted that existing laws such as those relating to women’s rights to maintenance and work may impede the ability of victims of violence against women to seek protection in the shelters. CEDAW Comm., *Concluding Observations: Syrian Arab Republic*, ¶ 21, U.N. Doc. CEDAW/C/SYR/CO/1 (2007).

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<sup>xxxiii</sup> International Rescue Committee (IRC), Commission on Syrian Refugees, *Syria: A Regional Crisis* 7 (2013).

<sup>xxxiv</sup> Human Rights Watch, *Syria: No Exceptions for ‘Honor Killings’* (Jul. 28, 2009), <http://www.hrw.org/news/2009/07/28/syria-no-exceptions-honor-killings>.

<sup>xxxv</sup> Emma Batha, *Syrian War Causing ‘Honour Killings’, Child Marriages – Doctor*, REUTERS (Dec. 4, 2013); Lauren Wolfe, *The legacy of silence: Why we ignore the rape of women from Guatemala to Syria*, Women Under Siege Blog, (May 13, 2013), <http://www.womenundersiegeproject.org/blog/entry/the-legacy-of-silence-why-we-ignore-the-rape-of-women-from-guatemala-to-syr>; U.S. Department of State: Bureau of Democracy, Human Rights and

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<sup>xxxix</sup> *Id.*

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<sup>xlv</sup> Article 21 of the Personal Status Act.

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<sup>liii</sup> *Id.* ¶ 37.

<sup>liv</sup> The Center for Reproductive Rights, *The World's Abortion Laws Map 2013 Update*, 2 (2013), available at [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap\\_Factsheet\\_2013.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap_Factsheet_2013.pdf)

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