

## I. Introduction and context

1. It has been more than ten years since the Syrian crisis began and the situation has now been further complicated by the COVID-19 pandemic. 12.4 million Syrians, or 60 per cent of the Syrian population, not having regular access to safe and adequate nutrition. In 2020, 4.5 million people became food insecure, as the Syrian Lira lost more than three-quarters of its value, while prices of food and other essential items increased by more than 200 per cent. Average household expenditure now exceeds average income by about 20 per cent and millions of Syrians are resorting to desperate measures to survive. More than 70 per cent of Syrians report having taken on new debt in 2020.<sup>1</sup> The humanitarian situation in Syria is catastrophic with 90% of Syrians<sup>2</sup> live below the poverty line.
2. This report is mainly addressed at the Syrian government and challenges its ability to guarantee the economic security of women in Syria including areas of active conflict. This report will focus on the economic situation of women in Syria but also those who are internally displaced and living across borders, affected by **gender-based economic violence**. Our analysis is based on official statements as well as statements from international and national organisations and on interviews conducted by SWPM as part of its research and publishing activities. ***How can peace be achieved, and Syria rebuilt unless women live in dignity and enjoy full civil, political, social and economic rights?***

## II. Analysis and recommendations

### International commitments

3. The Syrian government received 203 recommendations in the second Universal Periodic Review (UPR) in 2016, 22 of which were directly related to women's rights and their protection. Of these 22 recommendations, 19 were accepted and 3 noted. The UPR recommendations that were made in **2017 have still not been implemented, which has caused a further decline in confidence and exacerbated the climate of mistrust**. It is also very important that, in their next UPR recommendations, the international community increase its gender recommendations and take women, children and people with disabilities as some of the most vulnerable citizens in the Syrian crisis, into account.
4. **The Syrian Regime has not :**
  - a) Ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture (OPCAT) or the Second Optional Protocol to the ICCPR. This allows the Syrian regime to avoid international and national scrutiny regarding arrests of and violence against women detainees. This situation only serves to reinforce the impunity and puts women at risk.
  - b) Accepted the individual complaints procedures provided for in the Optional Protocol to the ICCPR and Article 22 of the CAT. Given the current situation, it should accept these procedures to eliminate impunity and grant women access to justice.
  - c) Considered withdrawing its reservations to articles 9 (para. 2), 16 (paras. 1 (c), (d), (f) and (g) and 2), and 29 (para. 1) of CEDAW, as was recommended by the committee (CEDAW/SYR/2) during meeting sessions 1223e and 1224e.<sup>3</sup> It was also recommended that Syria continue to implement the Convention, particularly in times of conflict, as it is the most effective way to ensure the full respect and exercise of women's rights.
  - d) Submitted a CEDAW implementation report since 2012 although, under international mechanisms, it is required to report on the implementation of the process.<sup>4</sup>
  - e) **The Syrian government have to ratify:** Additional Protocol II to the Geneva Conventions, the Convention on Cluster Munitions, the Convention on Certain Conventional Weapons, the Anti-Personnel Mine Ban

<sup>1</sup> <https://www.un.org/press/fr/2021/sc14448.doc.htm>

<sup>2</sup> <https://www.europarl.europa.eu/news/en/press-room/20210304IPR99218/syria-needs-a-greater-financial-and-political-response-from-the-eu>

<sup>3</sup> Observations finales concernant **le deuxième rapport périodique de la République arabe syrienne**

<sup>4</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=fr&TreatyID=3&DocTypeID=29](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=fr&TreatyID=3&DocTypeID=29)

Convention and the Rome Status in order to contribute to the cessation of the armed conflict and to save the lives of Syrian women and the Syrian population.

### A humanitarian crisis fuelled by corruption in times of COVID-19

5. Based on the 2016 UPR report, **the government confirmed that the judiciary had dealt with 8,744 cases of corruption**, which is larger than for any other type of case, including acts of violence, murder, trafficking, etc. This shows how present corruption has been in daily life since the start of the crisis.
6. Moreover, the administrative and legal reforms adopted in 2016 and 2018, in particular, do not necessarily guarantee either the freedom to own property and goods or the requisite conditions for the registration of that property. Adding the element of extreme poverty results in a weakened and impoverished population with very few administrative means to assert their rights. We would like to believe in the possibility of a plan to rebuild Syria, but we must remain realistic. In two reports in 2019 and 2021, Human Rights Watch stated that the Syrian government had established a political and legal framework allowing it to divert humanitarian and reconstruction resources to fund its own atrocities, punish those it perceives as opponents, and favour those loyal to it.<sup>5</sup> Yet, this is just the tip of the iceberg. **Women are the first victims of corruption, usually being forced to pay bribes to soldiers at checkpoints.** Another regulation introduced by the regime banned trading in anything other than Syrian lira, be it foreign currency or precious metals. This was accompanied by security chaos, which led to the widespread seizure of truckloads of goods and the spread of corruption in customs.
7. Syrian women reported that the dynamics of the job market have changed in the current situation, especially from a gender-based perspective. One of several women we interviewed from the city of Raqqa reported that she could not find fuel for herself, while the fuel trucks that travel the road in front of her house are so numerous that she often has to wait more than ten minutes to cross the road.<sup>6</sup>
8. Women from the northern Syrian city of Afrin told us: *“We ended up buying drinking water from our own well which was confiscated by the military groups”*. At 22.2 per cent, according to the World Bank,<sup>7</sup> Syria has the poorest statistical capacity in the world, which means lack of clarity and accountability. **This image reflects the corruption in Syria because fuel is available but the citizens, and women in particular, are unable to benefit from it. It is the unequal distribution of resources and especially of basic needs such as electricity, water, fuel and humanitarian aid that confirms the spread of corruption.**
9. For SWPM, it is important that the Syrian regime:
  - Provides a climate of transparency and access to information.
  - Create up-to-date databases and more reliable statistics aligned with international standards to establish accountability in economic management
  - Ensures an equitable distribution of the country's resources without discrimination.
  - Ensures that the human rights-based Parameters and Principles for UN Assistance to Syria, approved by the UN Secretary General, are integrated into all aid operations conducted throughout Syria.
  - Guarantees that Syrians have access to their nationality and property registration documents through a computerised system.
  - Systematically publishes the cartographies of humanitarian aid and seeks to prevent this aid from being diverted.
  - ensures women's access to the labour market without gender discrimination.

### The right to life is threatened by food insecurity

10. On 29<sup>th</sup> March 2021, the Under-Secretary-General for Humanitarian Affairs stated that **13.4 million people** now needed humanitarian assistance, which is 20 per cent more than last year.<sup>8</sup> Declarations from several UN agencies have confirmed the high risk of severe famine. This threat to the right to life is even more serious for women and children. During SWPM interviews with the local population, a

<sup>5</sup> <https://www.hrw.org/fr/news/2019/06/28/syrie-le-gouvernement-detourne-les-fonds-destines-la-reconstruction-du-pays>

<sup>6</sup> Policy Paper of SWPM : FROM WAR ECONOMY TO AN ECONOMICALLY -SAFE ENVIRONMENT: PROBLEMS AND SOLUTIONS AS SEEN BY SYRIAN WOMEN, P 13

<sup>7</sup> <https://data.worldbank.org/indicator/IQ.SCI.OVRL?locations=SY>

<sup>8</sup> <https://www.un.org/press/fr/2021/sc14479.doc.htm>

woman from the city of Suwayda told us: “Access to water is very difficult in my city and even the prevention measures to protect us from COVID-19 cannot be applied.” According to several residents, in order to have access to water and health care services, they were forced to pay bribes .

11. In January 2021, 22 NGOs drew attention to the deterioration of the humanitarian and health situation and called for urgent intervention from the Security Council.<sup>9</sup> The policy of starvation has been used as a weapon of war in Syria since the beginning of the crisis, as the strict and long-standing blockade prevented the entry of humanitarian aid from international organisations, and cut off water, electricity, medicine and communications for those trapped in several besieged villages and cities. This led to the death and starvation of thousands of people as well as health problems caused by malnutrition and deprived them of healthcare, clean water and proper food.
12. Based on statements from women living in Jaramana city : “The regime allows international organisations to repair the infrastructure according to its own agenda. **The regime chooses where and when they are allowed to work**”.<sup>10</sup> **We recommend:**
  1. Alignment with Security Council Resolution 2139 and compliance with its articles by ceasing random and deliberate attacks on civilian regions and halting the use of artillery, rockets and barrel bomb shelling.
  2. Abolishing the 1983 expropriation law no. 20, returning expropriated lands to their owners or fairly compensating them.
  3. Stopping the military attacks on the farms and fields and agricultural territories immediately.
  4. Stopping any attack or any military intervention against humanitarian aid and the infrastructure delivering this aid to the population.
  5. Ensuring the protection of humanitarian supply caravans to all Syrian cities regardless of their religion or political position in relation to the government.
  6. Providing the exact geographical mapping of the humanitarian aid provided by the state for each area.
  7. Establishing committees for the distribution of packages with the participation of the UN system and subjecting the packages announced in the 2016 report to an international audit.
  8. Ensuring equal access to water for the whole population of Syria without discrimination.
  9. Reviewing environmental laws and policies that would contribute to reducing the degradation of natural resources needed for agricultural production.<sup>11</sup>

### Sexual exploitation and trafficking of Syrian women

13. In Syria, women’s bodies and sexual violence against women have been used as a weapon of war, and since the beginning of the Syrian crisis, Syrian women and girls have been targeted and have become a tool that the government, armed groups and ISIS have used to humiliate their opponents and political enemies and to wipe out an ethnicity or a city.
14. “The Independent International Commission of Inquiry on the Syrian Arab Republic reported 30 rapes in February 2020 in the northern Syrian Arab Republic (A/HRC/45/31). Members of the Free Syrian Army were implicated in sexual violence committed during house raids and the UN Commission further documented cases of sexual violence in detention by Syrian authorities.”<sup>12</sup> All parties on Syrian territory are involved in violence against women, girls and women detainees.
15. So far, aggression towards women has come from outside the family. But with the economic crisis, where people are falling into poverty, forced as well as child marriages and the exploitation of girls have increased, even from within the Syrian population. Women and girls are paying the highest price of this poverty. The situations has become so extreme that **women's bodies are being exchanged for food and money**. This is no less than human trafficking, prohibited by all international laws.
16. In its 2016 UPR report, the Syrian government stated the establishment of an Office for Anti-Trafficking in Persons in accordance with law no. 3 of 2010 and this office is responsible for preventing the crime of trafficking in persons and protecting the victims. The state also announced that there is a national plan to combat this crime and to provide protection and assistance to victims. However, there are no

<sup>9</sup> <https://www.oxfamfrance.org/non-classe/les-ong-alertent-un-acces-humanitaire-limite-ne-permet-pas-de-repondre-a-la-hausse-des-cas-de-covid-19-et-aux-dures-conditions-de-lhiver-dans-le-nord-de-la-syrie-ou-laide-est-insuffisante-le-c/>

<sup>10</sup> SWPM Policy Paper: From War Economy to an Economically Safe Environment: Problems and Solutions as Seen by Syrian Women, p. 27

<sup>11</sup> SWPM Policy Paper: From War Economy to an Economically Safe Environment: Problems and Solutions as Seen by Syrian Women, p. 29.

<sup>12</sup> <https://www.un.org/sexualviolenceinconflict/countries/syrian-arab-republic/>

preventive measures being implemented on the ground. **We recommend:**

1. Implementation of measures to reduce impunity. The government should punish all those involved in the rape, trafficking of women and girls or forced marriage, by abolishing legislation decree no. 14, dated 15th January 1969 and decree no. 69, adopted in 2008, which guarantee immunity to members of the state security and the army.
2. Displaying the results of the Office for Anti-Trafficking in Persons as well as the progress of the work of the national plan announced in the 2016 UPR report.
3. Ensuring the consolidation of the right of women to active citizenship in Syria by establishing their right to grant their nationality to their husbands and children if they are married to non-Syrian citizens.
4. Adopting constitutional and legal protection for women survivors of domestic and household violence in all Syrian legislation in compliance with CEDAW.
5. Banning all forms of marriage for women under the age of 18, regardless of their religion or ethnicity, political or geographic affiliation.
6. Ensure access to education for all women, regardless of their marital status.
7. Separating religion from legislation. The constitution must not rely on religion as a source of legislation, particularly in terms of the personal status law and should only recognize the civil marriage contract.
8. Ensure administrative and procedural capacity to guarantee the registration of marriages, births, deaths and inheritance.

Access to housing, land and property (HLP) as a fundamental tool for women's economic emancipation:

9. The right to property is essential to a woman's survival when the household breaks down, whether through death, divorce or separation, all of which have become normal circumstances for Syrian women since the crisis. The ability to control and benefit from a place they call "home" contributes to women's autonomy, increases their sense of security and ensures their participation in public life and peacebuilding, especially as violence and displacement continue to affect them disproportionately. "HLP rights are about having a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure a livelihood... Land rights are rights held to both land and natural resources."<sup>13</sup> A large majority of Syrian refugees surveyed (67 per cent) stated that they had owned their previous place of residence in Syria.<sup>14</sup> In accordance with the new property law passed in 2018, these 67 per cent lost their property and are unable to get it back. According to NRC, only 17 per cent of refugees have complete proof of ownership documentation. Given this situation, combined with the cultural resistance to providing women with rights and economic autonomy, women will no longer have access to their land to cultivate food to eat, nor to their homes to provide them with at least a little security and enable them to consider income-generating activity.
10. The number of IDPs has increased from 6.1 million (2020) to 6.7 million (2021), with the latter representing one-third of the overall population.<sup>15</sup> Based on the logic of the 2018 property law, one-third of the existing population in Syria are at risk of losing their property. Other relevant HLP laws, adopted by the Syrian regime, include decree no. 63, which authorises the seizure and expropriation of moveable and immovable property belonging to those deemed to be terrorists (defined based on vaguely worded counter-terrorism law); decree no. 11 of 2016, which bans property registration in areas affected by the "emergency security situation;" and the law no. 3 of 2018, which governs

<sup>13</sup> The Global Protection Cluster's HLP Area of Responsibility (AoR).

<sup>14</sup> <https://www.nrc.no/globalassets/pdf/briefing-notes/icla/final-hlp-syrian-refugees-briefing-note-21-12-2016.pdf>

<sup>15</sup> OCHA, Humanitarian Needs Overview Syrian Arab Republic Humanitarian, issued March 2021.

the removal of “rubble,” a term which is not defined and which residents have stated has been improperly applied to areas not in need of demolition and reconstruction. **We recommend:**

1. The application of the Principles on Housing and Property Restitution, for refugees and other displaced persons through the adoption of the “**Pinheiro Principles**”,<sup>16</sup> which provide a comprehensive set of international standards for HLP restitution, including specific means to support women’s restitution claims, which should be used as reference standards.
2. Immediate amendment of law no. 10/2018, which gives property owners just 30 days to prove their ownership rights, while more than half of Syrian people are displaced or refugees.
3. Immediate amendment of law no. 3/2018, because the term “rubble” used in this law has been interpreted according to political needs and our association has had confirmed feedback from residents that their houses have been confiscated based on this law.
4. The implementation of legal reform by enacting or amending property laws to protect women’s rights on the death of their husbands, parents or sons.
5. Providing administrative and procedural capacity for registering marriages, births and deaths in order to ensure women’s inheritance and property ownership.
6. Ensuring the registration of properties on the Internet through a digital platform.
7. Enacting protective laws for divorced women and widows, in terms of economic rights and social security.
8. Establishing a clear mechanism to facilitate the return of refugees and displaced persons who wish to go back to their areas of residence or the restoration of their properties under the clear supervision of the United Nations or dedicated committees operating under the supervision of the United Nations.
9. The creation of a national plan to restore the wheat production capacity of farming households who were affected by field fires.
10. The creation of a national plan to enable rural women affected by the crisis to keep their agricultural land.

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<sup>16</sup> <https://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html>