



# **GENDER-SENSITIVE RECONSTRUCTION IN SYRIA**

HANDBOOK FOR ENGENDERING THE  
RECONSTRUCTION PROCESS IN SYRIA



EuroMed Feminist Initiative  
المبادرة النسوية الأورومتوسطية  
Initiative Féministe EuroMed

# **GENDER-SENSITIVE RECONSTRUCTION IN SYRIA**

## **HANDBOOK FOR ENGENDERING THE RECONSTRUCTION PROCESS IN SYRIA**

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EuroMed Feminist Initiative (EFI) is a policy platform that provides expertise in the field of equality between women and men and women's human rights as inseparable from democracy building and citizenship, and advocates for political solutions to all conflicts, and for the right of peoples to self-determination.

Gender-Sensitive Reconstruction in Syria  
Handbook for Engendering the Reconstruction Process in Syria

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# ACRONYMS

|              |                                                                            |
|--------------|----------------------------------------------------------------------------|
| <b>CEDAW</b> | Convention on the Elimination of All Forms of Discrimination Against Women |
| <b>COI</b>   | Independent International Commission of Inquiry                            |
| <b>CRSV</b>  | Conflict-Related Sexual Violence                                           |
| <b>CSOs</b>  | Community-Based Organisations                                              |
| <b>CSWD</b>  | Coalition of Syrian Women for Democracy                                    |
| <b>EFI</b>   | EuroMed Feminist Initiative                                                |
| <b>ESCWA</b> | United Nations Economic and Social Commission for Western Asia             |
| <b>FIDH</b>  | International Federation for Human Rights                                  |
| <b>GBV</b>   | Gender-Based Violence                                                      |
| <b>HBB</b>   | Home-Based Business                                                        |
| <b>HNC</b>   | High Negotiations Committee                                                |
| <b>HRW</b>   | Human Rights Watch                                                         |
| <b>ICC</b>   | International Criminal Court                                               |
| <b>ICRC</b>  | International Committee of the Red Cross                                   |
| <b>IDPs</b>  | Internally Displaced People                                                |
| <b>IIIM</b>  | International, Impartial and Independent Mechanism                         |
| <b>ILO</b>   | International Labour Organization                                          |
| <b>INGO</b>  | International Non-Governmental Organisation                                |
| <b>IRC</b>   | International Rescue Committee                                             |
| <b>JIM</b>   | Joint Investigative Mechanism                                              |
| <b>NAP</b>   | National Action Plan                                                       |
| <b>NGO</b>   | Non-Governmental Organisation                                              |
| <b>OHCHR</b> | Office of the United Nations High Commissioner for Human Rights            |
| <b>UN</b>    | United Nations                                                             |
| <b>UNDP</b>  | United Nations Development Programme                                       |
| <b>UNFPA</b> | United Nations Population Fund                                             |
| <b>UNHCR</b> | United Nations High Commissioner for Refugees                              |
| <b>UNSCR</b> | United Nations Security Council Resolution                                 |
| <b>VAWG</b>  | Violence Against Women and Girls                                           |
| <b>WPSA</b>  | Women, Peace and Security Agenda                                           |

# FOREWORD

On 8 December 2024, the fall of the Syrian regime became a reality. The Syrian people celebrated the end of this regime and raised their hopes for ending the protracted armed conflict that had displaced 12 million Syrians and created 5 million refugees.<sup>1</sup> The war has had severe humanitarian repercussions, including a rise in various forms of violence against women and girls (VAWG). Women have been subjected to all forms of conflict-related sexual violence (CRSV). All parties in the conflict have used them as weapons of war, from rape and sexual violence during checkpoint raids, arrests and detention to human trafficking.<sup>2</sup>

The upcoming phase remains riddled with uncertainty. The 2012 Constitution, which was in effect, was cancelled,<sup>3</sup> and a new constitutional declaration was issued in 2025. It is expected that a new Syrian constitution will be drafted within the next five years, as stipulated in the current constitutional declaration. Including women's rights activists in the transitional process remains pivotal for Syria's future, as embedding the principles of women's rights and non-discrimination in the constitution provides a strong foundation for building a democratic nation that recognises all its citizens as equals.<sup>4</sup> Reaffirming equality between women and men as a constitutional principle paves the way for gender-inclusive legislation, allowing for the eradication of discriminatory laws and practices that limit women's participation in decision-making and transitional processes. "A gender-inclusive constitution will correct the historic absence of women from the constitutional sphere: both as constitution-makers and as bearers of constitutional rights and duties."<sup>5</sup>

However, engendering the constitution is only the first step, as the details of State policies will be stipulated primarily at the legislative level.<sup>6</sup> Additionally, eliminating all discriminatory legislative texts from all Syrian laws—including the Personal Status Laws, Penal Code, Nationality Law, Labor Law and Social Security Law—remains a priority to ensure women's equal participation and role at all levels. International and regional documents on combating VAWG also recommend the adoption of comprehensive laws to combat it, with allocated funding to monitor their implementation.<sup>7</sup>

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1 The Syrian Refugee Crisis, Explained, 13 Dec 2024, <https://www.refugepoint.org/the-syrian-refugee-crisis-explained/>

2 Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women's Participation in Syria, EuroMed Feminist Initiative, 2021, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](https://www.efi-ife.org/en/extra/hub/search)

3 Syria's New Leader Pledges "National Dialogue Conference," by Omar Haj Kadour, 30 Jan 2025, <https://www.al-monitor.com/originals/2025/01/syrias-new-leader-pledges-national-dialogue-conference>

4 Gendered Constitution Building for Syria, Nov 2014, <https://www.efi-ife.org/en/extra/hub/search>

5 ABC for a Gender Sensitive Constitution, Suteu and Draji, EuroMed Feminist Initiative, 2015, <https://www.efi-ife.org/en/extra/hub/publications-handbooks-and-booklets>

6 ABC for Gender Sensitive Legislation, Suteu, Draji, and Klibi, EuroMed Feminist Initiative, 2020, <https://www.efi-ife.org/en/extra/hub/publications-handbooks-and-booklets>

7 The Urgent Need for a Comprehensive Legal Framework to Combat Violence Against Women and Girls in Syria, Policy Brief, Equal Citizenship Centre (ECC), 2023, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](https://www.efi-ife.org/en/extra/hub/search)

Rebuilding Syria on principles of democracy necessitates the inclusion of women in all aspects of reconstruction, extending beyond the traditional understanding of this phase. This means ensuring equality at the social, political and economic levels and allowing women to be equal participants in all transitional bodies and transitional justice processes. Reforming the educational system to eliminate harmful stereotypes that perpetuate inequality between girls and boys must also be a priority, especially as the lack of representation of women in curricula continues to reinforce harmful gender norms.<sup>8</sup> Enhancing girls' access to mandatory basic education must also be a priority in reconstruction efforts, ensuring that girls can play an active role in their communities in the future.

Finally, including civil society organisations (CSOs) and activists, women and men, working on women's rights in the transitional process, and relying on their accumulated expertise from past years remains the cornerstone of any democratic state. Over the past 13 years, Syrian women's rights activists, organisations and alliances have relentlessly advocated for women's political participation in peace processes and negotiations, transitional justice and post-conflict reconstruction. At the same time, they have collaborated with Syrian and international activists and experts to produce extensive research and publications that are now highly relevant to the current Syrian transitional period.

Today, more than ever, Syria needs the expertise of women's rights defenders and civil society as a whole to facilitate the transition to a democratic State that recognises and addresses the needs, interests and rights of all people based on the principle of equality between women and men.

March 2025

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<sup>8</sup> Dynamics of Exclusion and Violence in Education and Their Effect on Peacebuilding in Syria, Duder, EuroMed Feminist Initiative, Sep 2023, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

# INTRODUCTION

Post-conflict reconstruction is a very complex and intricate process. It foreshadows the start of a new stage through which the conflict-affected country seeks to renew its social, economic, political and cultural structures, while keeping sight of what the process aspires to achieve: a comprehensive development that ensures the end of chaos and violence; guarantees no return to conflict conditions; supports a broadly stable restitution process; enables temporary recovery; and initiates a long-term process underpinned by reliable foundations, replacing those that caused the conflict.<sup>9</sup>

Gender-sensitive reconstruction is a fundamental process aimed at addressing all forms of gender-based violence (GBV), enhancing women's participation at all levels of peacebuilding and reconciliation, and ensuring that equality between women and men and women's rights are integrated into all aspects of reconstruction. This gender approach requires identifying actions that aim to consolidate the peace and security necessary for sustainable and inclusive development, paving the way for growth and well-being for all citizens, women and men alike. To this end, ensuring women's access to participation in all phases of reconstruction, at all levels—from community to national and international—is essential to effectively address all challenges resulting from years of conflict. This phase should respond to people's needs, women and men alike, with a focus on establishing the necessary measures to prevent conflict escalation, avoid a relapse into violence, address root causes, and promote sustainable peace.

The reconstruction process in the Syrian context is not limited to the economic aspect alone; it also notably implies the rehabilitation of production sectors, such as agriculture, industry and basic services, as well as the reconstruction of infrastructure, including buildings, water and power networks. It is equally about putting together the torn pieces of the country—politically, socially and institutionally—while restoring the fractured human capital by rebuilding trust and social cohesion. This process necessitates addressing issues of justice, reparation and reconciliation to consolidate internal security and social stability. Hence, it requires applying a range of approaches and considerations at different levels, with the aim of establishing a more equitable social contract for all women and men.<sup>10</sup>

Analysing the processes from this perspective is essential, as security and economic policies during the prolonged conflict in Syria strengthened patriarchal practices, exacerbating discrimination and VAWG. Moreover, the protracted armed conflict has aggravated VAWG in terms of prevalence,

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9 Post-Conflict Reconstruction and Development, 2018, إعمار والتنمية بعد النزاعات, annabaa.org

10 Ibid.

frequency and severity and new forms have emerged, namely, CRSV. These practices further excluded women from effective participation in various professional sectors of the labour market, as well as in public and political affairs.<sup>11</sup>

To address the obstacles hindering women's participation in all processes in and for Syria, it is essential to understand the structural and circumstantial factors that may—openly or covertly—justify discriminatory practices and VAWG.<sup>12</sup>

It is also vital to examine how the change in gender roles during the years of conflict has influenced the social perception of women and to adopt a transformative approach that preserves and builds on the gains women have acquired during the previous years. This will help establish more just and equitable dynamics for women across all levels of society after years of conflict.

This guide to a Gender-Sensitive Reconstruction in Syria is the result of a long-term, fruitful collaboration between EuroMed Feminist Initiative (EFI) and Syrian researchers, experts and activists in the field of women's rights and democracy-building. It was finalised in 2023 and updated in March 2025, following the fall of the regime of Bashar al-Assad on 8 December 2024.

The handbook is written by Ibrahim Draji, professor of international law at Damascus University, and Farah Hwijeh, facilitator and research consultant on women's rights and gender equality.

A reference group was established, consisting of Syrian experts and civil society actors in the field of women's rights and democracy-building, to support the process with their expertise and experience on the ground. The reference group included *Sabah Al Hallak and Sawsan Zakak*, long-term women's rights experts and members of the Women's Advisory Board to the UN Special Envoy for Syria, respectively; *Faek Hwajeh*, a human rights lawyer and civil activist specialising in equal citizenship rights and combating VAWG in the legal sphere; *Omar Abdulaziz Hallaj*, a consultant on urban planning, development and local governance, and facilitator of various dialogue, research and policy projects for peacebuilding, recovery, development and governance; and *Alise Mofrej*, a politician and a member of the negotiations team of the Syrian opposition. She has led the opposition's efforts to seek the release of all detainees unlawfully held in Syria and has also led research initiatives in the field of education. *Lilian Halls-French and Borianna Jonsson* provided EFI's expertise to support the process.

The reference group provided the writers with guidance and feedback throughout the different phases of preparation and writing, serving as a

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11 Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes; Study, published June 2024 EuroMed Feminist Initiative, Regional Observatory on VAWG, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

12 Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women's Participation in Syria, EuroMed Feminist Initiative, 2021, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

valuable asset and a shared source of experience and knowledge.

The handbook for a Gender-Sensitive Reconstruction in Syria aims to provide a women's rights perspective on the reconstruction phase in Syria in a systematic and accessible way. It combines academic research and expertise in women's rights from various post-war reconstruction processes across the world with the experiences of women's rights activists in Syria, accumulated over the many years of armed conflict.

It answers questions such as how and why the reconstruction process in Syria needs to be inclusive of women's rights and ensure the participation of women and women's rights defenders at all levels, and it identifies entry points at each level of the reconstruction process. It also provides recommendations to Syrian decision makers, donors and civil society actors on how to address the needs and interests of women to ensure that Syria's transition follows a path towards democracy and sustainable development.

The handbook will also be a useful tool for journalists, teachers, students, and members of the broader public at the local and national levels who wish to engage in the different stages of Syria's reconstruction process. We hope that this handbook becomes a key reference for all actors involved in the rebuilding of Syria.

The collaborative efforts in the development of this handbook demonstrated once again the crucial role played by women's rights activists in political transformation processes for democratic change.





# 1 WHY THIS GUIDE ?

Women are the most affected by armed conflicts, yet they are notably absent from peace negotiations, decision making and reconstruction processes, despite their fundamental right to participation.

Women have been routinely excluded from post-conflict processes that determine power distribution, wealth-sharing patterns, social development priorities and justice approaches. A common challenge women face is that, regardless of the leadership roles they may have played during the armed conflict, they are often barred from participating in decision-making forums to build a new society once the conflict has ended. This has occurred before in many countries emerging from armed conflict, such as Bosnia and Herzegovina, Cambodia, East Timor and Sierra Leone, to name a few. Women were not given equal opportunities to work or participate in society and political life. Instead, they were marginalised, left to collect small profits from home-based industries and the sale of handmade items and products of their domestic work. In Somalia, women's groups have expressed frustration over their exclusion, the lack of attention and the lack of international assistance.

Building on lessons learned, this handbook raises the alarm for everyone involved in future reconstruction processes in Syria and strives to guide them on how to practically perform their duties and assume their responsibilities. The aim is to eliminate the risk of excluding women from Syria's anticipated reconstruction process. This risk is real, with many indications suggesting that Syrian women could face a similar fate that women suffered in other previous conflicts. Their exclusion and marginalisation from political and constitutional processes is one such indication. This is especially concerning, as the issue of women's participation in the future reconstruction process has not yet been raised and is not being addressed—neither at the formal level by all parties to the conflict in Syria, nor in studies and activities, including feminist ones.

## **1 • Women's participation in the reconstruction process is a fundamental human right**

Many international charters, resolutions and declarations on women's rights have affirmed the right of women to participate in the reconstruction process, either through a general provision on women's economic rights and their right to public participation, or through a clear and explicit provision on this specific right. In the Covenant on Economic and Social Rights, States pledged to "ensure the equal right of men and women to

the enjoyment of all economic, social and cultural rights.”<sup>13</sup> Similarly, in the Covenant on Civil and Political Rights, the right of every citizen, without any form of discrimination, to “participate in the management of public affairs” was affirmed.<sup>14</sup>

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) also stipulated the obligation of States Parties to ensure for women, on an equal basis with men, the right to “participate in the formulation of government policy and in the implementation of this policy.”<sup>15</sup> Accordingly, CEDAW emphasised the need to ensure the equal participation of women, women’s rights organisations and women representatives of civil society in post-conflict reconstruction and rebuilding efforts.<sup>16</sup>

The United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security<sup>17</sup> also called on all relevant actors, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia, taking into account needs specific to women and girls in everything related to “post-conflict rehabilitation, reintegration and reconstruction, and to take measures to engage women in all mechanisms of peace agreement implementation.”<sup>18</sup>

Based on this Resolution, the Secretary-General of the United Nations (UN), in his periodic annual reports on Women, Peace and Security, has consistently emphasised the importance and necessity of women’s presence in the post-conflict reconstruction and recovery process. He has requested all actors involved in these processes to:

*Develop clear strategies and action plans (including objectives and timetables) on mainstreaming gender perspectives in rehabilitation and reconstruction programmes, as well as to ensure that women’s groups and networks actively participate, especially at decision-making levels, in efforts to ensure local ownership of reconstruction processes.*<sup>19</sup>

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13 Article 3- International Covenant on Economic and Social Rights of 1966

14 Article 25- Paragraph A - The International Covenant on Civil and Political Rights of 1966

15 Article 7- Convention on the Elimination of all Forms of Discrimination Against Women of 1979

16 Committee on the Elimination of Discrimination Against Women- Recommendation No. 30 on the Status of Women in the Context of Conflict Prevention and in Conflict and Post-Conflict Situations- See UN document: CEDAW/C/GC/30, 1 Nov 2013

17 Resolution 1325 (2000) adopted by the United Nations Security Council (UNSC) at its 4,213th meeting, 31 Oct 2000

18 See the United Nations document: S/RES.1325(2000), 31 Oct 2000

19 Report of the Secretary-General on Women, Peace and Security, 2002, See UN document: S/2002/1154, 16 Oct 2002

He also urged Member States, UN entities and CSOs to:

*Plan and implement, in consultation with women and girls, targeted initiatives for the benefit of women and girls, systematically mainstream gender perspectives in the planning, implementation and monitoring of all reconstruction programmes and budgets, and ensure that women and girls benefit directly from resources raised through multilateral and bilateral sources.*<sup>20</sup>

The Declaration on Women's Economic Empowerment for Peacebuilding, issued by the UN in 2013, also stressed the "important role that women play in post-conflict reconstruction processes, through their participation and engagement, as well as in actively working for post-conflict recovery." It urged:

*Member States, as well as international and regional organisations, to take further measures to improve the participation of women in all stages of peace processes, especially [...] to strengthen their participation in political and economic decision-making in the early stages of recovery processes, including by promoting women's leadership roles and their ability to participate in aid management and planning...*<sup>21</sup>

These international treaties confirm that there is growing international consensus that the process of reconstruction after armed conflicts should be inclusive and ensure the equal participation of women. They also affirm that ensuring this right for women is a binding international legal obligation.

Since 2011, building on lessons learned, women's rights defenders in Syria have been emphasising the importance of and necessity for women and women's rights activists to participate in all stages and aspects of the reconstruction process, from the planning and preparation phases before its start and throughout its duration.<sup>22</sup>

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20 Report of the Secretary-General on Women, Peace and Security, 2004, See UN document: S/2004/418, 13 Oct 2004

21 Declaration on Women's Economic Empowerment for Peacebuilding - United Nations (General Assembly - Security Council) - See UN document: PBC 7/oc/3 - 26 Sept 2013

22 Recommendations from the International Conference "Promoting Non-Violent Transition Towards Democracy Through Engendering a Constitution Building Process," 10-11 April 2014, Brussels, which gathered Syrian women's rights and human rights activists and representatives of CSOs from 21 countries of the Middle East, Mashreq, Maghreb, Europe and the Caucasus, <https://www.efi-ife.org/en/extra/hub/search>

***“States parties [are recommended to]:***

(a) Ensure that legislative, executive, administrative and other regulatory instruments do not restrict women's participation in the prevention, management and resolution of conflicts.

(b) Ensure women's equal representation at all decision-making levels in national institutions and mechanisms, including in the armed forces, police, justice institutions and the transitional justice mechanisms (judicial and non-judicial) dealing with crimes committed during the conflict.

(c) Ensure that women and civil society organisations focused on women's issues and representatives of civil society are included equally in all peace negotiations and post-conflict rebuilding and reconstruction efforts.

(d) Provide leadership training to women in order to ensure their effective participation in the post-conflict political processes.”

*Committee on the Elimination of Discrimination Against Women in its General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, CEDAW/C/GC/30, 1 November 2013*

## **2•Women are the most affected in armed conflicts**

It is widely recognised that women are the most affected by wars and armed conflicts, as the effects of war further exacerbate pre-existing gender inequality and discrimination, which reduce the likelihood that they will receive even their most basic rights, including the right to health care, education, food, shelter and even nationality. Women and girls also suffer from poor health conditions and inadequate supplies, as well as a lack of sexual and reproductive health care services and maternal care. Thus, many women face death during childbirth or when they seek to terminate a pregnancy. Girls are forced to drop out of school, and women lose access to land and livelihoods. Discriminatory norms and a lack of documentation prevent many girls and women from accessing their human rights, including the right to property.<sup>23</sup>

During and after armed conflict, the role of women transforms as they often assume responsibility for supporting the entire family. The proportion of female-headed households rises, and the challenges they face are often much tougher than those of male-headed households. Poverty in these households worsens significantly as gender-biased inheritance laws deny women access to the property of a deceased or missing spouse. As a result, women's available livelihood options are generally limited to informal freelancing work or unpaid household labour.<sup>24</sup>

23 Preventing Conflict, Transforming Justice and Securing the Peace - A Global Study on the Implementation of UN Security Council Resolution 1325 - UN Women - 2015 - p. 69

24 Report of the Secretary-General on Women, Peace and Security, 2013 - See UN document: S/2013/525- 4 Sept 2013

The World Bank report “The Economics of Post-Conflict Reconstruction in MENA,” published in 2017, shows that women are the primary breadwinners in 12% to 17% of households in Syria and around one-third of households in refugee-hosting countries. This contributes to the deterioration of living conditions for women both inside and outside Syria. The data also shows that half of the registered Syrian refugees are women of working age. With the scarcity of jobs in the host communities, the income of female-headed households is usually lower than that of male-headed households. If, as is often the case, women are denied their family and inheritance rights, female-headed households are more likely to fall into poverty.

Furthermore, during the armed conflict, women are exposed to all forms of violence, particularly sexual violence and exploitation, including torture, rape, forced pregnancy, sexual slavery, prostitution and trafficking. Torture is inflicted on women and girls to violate their self-worth and is used as an attack on both their communities and their male relatives. Moreover, the proliferation of small arms increases the risk of interpersonal violence, including domestic violence, which often persists after conflict.<sup>25</sup> Both the pre-conflict conditions and the realities women face during armed conflict highlight the need for early participation of Syrian women in the reconstruction process, as they are best positioned to identify their needs, understand their suffering, and assess their priorities.<sup>26</sup>

### **3• Women and women’s needs are grossly absent from the reconstruction process**

Despite binding legal provisions supporting women’s active participation in reconstruction, and despite the fact that women are the most affected by wars and armed conflicts, they remain widely excluded from decision-making during the reconstruction process, and their needs are largely absent from reconstruction agendas. When a conflict becomes militarised, women are further marginalised and their visibility diminishes.<sup>27</sup> International precedents continue to reinforce the practice of excluding women from reconstruction planning, implementation and its benefits. However, international experience consistently confirms that women are of paramount importance in rebuilding the social fabric torn apart by conflict. Women’s participation is crucial for economic recovery, political legitimacy and social cohesion.<sup>28</sup> Moreover, women’s economic participation

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25 Report of the Secretary-General on Women, Peace and Security, 2002 - See UN document: S/2002/1154 – 16 Oct 2002

26 “Implementation in Syria of United Nations Security Council Resolution 1325 Women, Peace and Security,” Outcomes International Conference, 12th-13th December 2018, Beirut, diplomats and embassies, which gathered over 120 Syrian women’s rights defenders, human rights and civil activists and lawyers, as well as key stakeholders, international and regional actors, UN agencies, international organisations [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

27 Building the Future Today: Engendering Syria’s Transition: Kawa Hassan and Boriana Jönsson, 2013

28 Preventing Conflict, Transforming Justice and Securing the Peace - A global study on the implementation of UN Security Council Resolution 1325 - UN Women - 2015 – p. 69

significantly contributes to the effectiveness of economic activities and growth in the post-conflict phase. It also improves the quality of economic recovery measures and policies, enhances their social outcomes, and helps achieve sustainable development.<sup>29</sup> The exclusion of women and women's rights activists from the reconstruction process consequently leads to the omission of women's needs and priorities from the reconstruction agenda.

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<sup>29</sup> Declaration on Women's Economic Empowerment for Peacebuilding - United Nations (General Assembly - Security Council) - See UN document: PBC 7/oc/3 - 26 Sep 2013

## 2 ECONOMIC RECONSTRUCTION

By the end of 2019, the economic losses from the conflict in Syria were estimated at USD 530.1 billion, which is equivalent to 9.7 times the country's 2010 GDP at constant prices.<sup>30</sup> This figure reveals the enormity of the economic losses suffered by the Syrian State, which have had a negative impact on the lives of its citizens and residents, both women and men. These losses will also continue to affect the lives of future generations unless an inclusive and fair economic reconstruction process is implemented that meets the needs of the population and is able to compensate for all the losses and failures that resulted from the years of the Syrian armed conflict.

The magnitude of the damage and the immense suffering of Syrians were further compounded by the repercussions of the devastating earthquake on 6 February 2023, which affected several areas in Syria. According to a damage assessment in Syria issued by the World Bank on 3 March 2023, the earthquake caused direct material damage estimated at USD 5.1 billion. The report also estimated the current value of the damaged and destroyed capital stock at about 10% of GDP. The widespread damage extended across four governorates (Aleppo, Idlib, Latakia and Hama), where approximately 10 million people live.<sup>31</sup>

All these economic losses, along with numerous direct and indirect, visible and hidden damages, pose significant challenges for the expected reconstruction phase in Syria. The economic component of this phase will require many activities, projects and initiatives. From an economic perspective, the reconstruction process includes the rehabilitation and development of infrastructure and production facilities, the development of a qualified human resource base to match set priorities, as well as projects related to loan and credit operations and other resources. This process is both critically important and highly complex, as it aims to design a new framework in which priority areas for growth and development are identified.<sup>32</sup> It also presents an opportunity to carefully examine and effectively address the needs of both women and men within this new framework.

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30 Justice to Transcend Conflict - Impact of the Syrian Conflict Report (2016-2019) - The Syrian Center for Policy Research - March 2020 - p. 8, <https://scpr-syria.org/publications2/justice-to-transcend-conflict/>

31 This report concludes that Aleppo, with a population of 4.2 million, was the most severely affected governorate, recording 45% of the estimated total damage (USD 2.3 billion), followed by Idlib (37% or USD 1.9 billion) and Latakia (11% or USD 549 million). The subsequent earthquake on February 20 caused additional damage to the border areas of Latakia, Idlib, Hama and Aleppo, with Idlib and Latakia being the hardest hit. Direct damage to residential buildings accounts for about half of the total damage in the affected areas (48.5% of the average value or USD 2.5 billion), while damage to non-residential buildings (such as health facilities, schools, government buildings and private sector buildings) accounts for a third of the total impact (33.5% or USD 9.7 billion). Damage to infrastructure accounts for 18% of the total damage (USD 0.9 billion). This includes transport, vital electricity and water infrastructure, as well as information and communication technologies. See Global Rapid Post-Disaster Damage Estimation (GRADE) Report Mw 7.8 Türkiye-Syria Earthquake -Assessment of the Impact on Syria: (Results as of February 20, 2023)- WORLD BANK GPURL D-RAS TEAM- 2023 International Bank for Reconstruction and Development / The World Bank, p. 7

32 Sorensen, Brigitte (1998): Women and Post-Conflict Reconstruction: Issues and Sources, WSP Occasional Paper, No. 3, United Nations Research Institute for Social Development (UNRISD), Geneva. p. 18

For women, this process is of critical importance because it will determine whether it improves their situation and enhances their ability to enjoy their rights and contribute to supporting their family and society, or whether it reinforces economic marginalisation that existed before the war and that was further exacerbated during the conflict.

The UN Secretary-General, in his report on Women, Peace and Security, emphasises that economic reconstruction must take into account the challenges women and girls face in accessing employment opportunities across all sectors. This includes agricultural production and food security, particularly in regions where women are the primary food producers.<sup>33</sup>

The economic reconstruction process in Syria should encompass the rehabilitation of production sectors, including agriculture, industry and services; the reconstruction of road networks, bridges and tunnels that suffered extensive damage; and the restoration of water and electricity networks, among others. However, an examination of the challenges faced by Syrian women before and during the years of war reveals a set of priorities that must be given the necessary attention and appropriate budgets. This will allow the reconstruction process to become a positive turning point for Syrian women rather than reinforcing and perpetuating existing gender discrimination.

This requires prioritising Syrian women's economic needs in the reconstruction process, particularly in relation to housing and real estate ownership, employment, and projects that significantly impact their lives. Additionally, issues related to gender-sensitive loans, financing and budgets should not be neglected.

## **1 • Women's right to decent housing, land and property**

The violation of women's right to land and housing is a central aspect of their experience in times of war. In many cases, women are at home when armed actors seize their homes or destroy their property. In other cases, women's access to land is dependent on their male family members. Young women, widows, unmarried women or divorced women are particularly vulnerable and frequently face difficulties in accessing land or property rights. For women who are ex-combatants, pregnant as a result of rape, single mothers, or otherwise stigmatised, overcoming these challenges can be especially difficult, even when the laws provide for their right to inherit property and land. Additionally, women may lack the knowledge or resources to exercise their legal rights, or they may be unable to provide necessary documents and contracts. Few women have access to the social, economic and legal resources to pursue their claims, whether through informal channels or legal systems. This is further

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33 Report of the Secretary-General on Women, Peace and Security, 2002 - See United Nations document: S/2002/1154 - 16 Oct 2002

compounded by unresponsive authorities, ineffective courts and biased behaviours from family members and society. Consequently, the percentage of women with land tenure contracts is significantly reduced in conflict and post-conflict environments.<sup>34</sup> This right has gained increasing importance in the Syrian context because the challenges, obstacles and inequalities that hindered women's ability to enjoy it before the war have been compounded by the destruction, expropriation and threats of property loss caused during the war.

The Special Rapporteur on adequate housing, as a component of the right to an adequate standard of living, emphasises that "... any response to the effects of conflicts or disasters on the right to adequate housing should go beyond focusing on the damage, loss or destruction of shelter and infrastructure, and seek to address, inter alia, the rights and concerns specific to women."<sup>35</sup>

Therefore, in the context of the reconstruction process in Syria, there must be a comprehensive and inclusive approach to addressing the rights and concerns specific to Syrian women. Guaranteeing the right of Syrian women to housing, land and property should go beyond merely ensuring the right to private property or relying solely on official legal actions. Many forms of legal tenure exist beyond private ownership, such as cooperative housing, renting, occupying or leasing land or property in irregular or informal settings, and other rights of use or occupation based on customary or traditional arrangements, all of which vary in their degree of formalisation. In this context, the restitution of housing and property should be understood as the restitution of any right to tenure related to housing or land before the war, regardless of the status of tenure or whether the land or housing was officially registered.<sup>36</sup>

The purpose here is not to provide solutions to solve all real estate problems in Syria, whether those related to the armed conflict (due to displacement, seizure, confiscation, destruction and loss of documents), or chronic real estate problems from the pre-war years (such as lack of registration and problems of proving ownership, informal dwellings, communal property and the multiplicity of legal systems). Many previous studies and research have already addressed these complex issues. Instead, this guide aims to establish standards and norms to ensure women's real estate rights are respected in the solutions adopted during the reconstruction phase. Any project undertaken or financed for Syria's reconstruction should, therefore, consider the following basic issues.

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34 Preventing Conflict, Transforming Justice and Securing the Peace - A global study on the implementation of UN Security Council Resolution 1325 - UN Women – 2015 - p. 81

35 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context - United Nations General Assembly. Human Rights Council - See the UN document: A/HRC/16/42 - 20 Dec 2010

36 The Right to Adequate Housing. Note by the Secretary-General - See United Nations document: A/66/270 - 5 Aug 2011

Ensuring Syrian women's right to housing, land and property is one of the most prominent topics to be tackled during the reconstruction phase:

- Given the importance of this right in human life generally, and in women's lives specifically.
- Because this right is connected to many other basic rights affecting women's lives, including their right to obtain loans, as well as their safety from VAWG. When women lack economic security, they often find themselves forced to accept multiple forms of violence that they should not be subjected to.

This right is, therefore, not only significant in its own regard but also essential for enabling women to exercise other equally important rights.

### **a) *Ensure women's rights to real estate that will be built or distributed during the reconstruction phase***

The housing sector is among the most damaged sectors in the Syrian war. Detailed figures reveal a tragic reality: in some governorates, such as Daraa, Raqqa and Deir ez-Zor, the destruction rate reached about 50% of the total housing units, while in Idlib, Homs and Hama, it was close to 40%. Therefore, securing decent and adequate housing is a fundamental goal of the reconstruction process.<sup>37</sup>

The main challenge that women will face in this case is how to ensure their property rights in real estate constructed during the reconstruction stage, whether as restitution, reparation, or through land that may be distributed, as well as in the case of alternative housing. There are two main issues that need to be considered:

1) During the building, distribution and allocation phases, the mechanism followed should not be aimed at returning the real estate situation to its pre-war context, as ownership at that time was characterised by the explicit exclusion of women, based on discriminatory legal texts and patriarchal societal norms and traditions. To prevent this, automatic registration of real estate properties under the names of men alone should be prohibited during the reconstruction phase. Instead, property registration should be joint and equal between women and men, depending on the nature of their relationship, especially in the case of marriage.

2) The mechanism adopted for distribution and allocation must take into consideration the special situations of specific categories of women. States typically establish criteria for the distribution of subsidised housing or land, and for alternative housing. These criteria are often based purely on patriarchal reasoning that tend to address men only, such as requirements related to

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<sup>37</sup> Policy gap analysis: An examination of the policy-based gaps hindering Syrian Arab Republic's peacebuilding process - United Nations Economic and Social Commission for Western Asia (ESCWA), Beirut, 2020 - p. 33

marriage, the number of dependents, and the financial ability to pay for housing or land. These criteria often create barriers for women and exclude large groups of women, such as unmarried women, widows, separated or divorced women, single breadwinners, single mothers, wives of missing persons and non-working women. These categories represent significant segments of the population that are frequently excluded and disregarded when setting criteria for entitlement to any benefits or subsidised services provided, particularly during the reconstruction phase. This should be prevented in any future reconstruction process in Syria.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Give priority in the reconstruction phase to the process of building housing and securing adequate and alternative housing, considering the large-scale real estate destruction that has affected many places and governorates in Syria.
- Establish criteria for housing entitlement based on full gender equality regarding real estate ownership, tenure and distribution. In particular, adopt the principle of joint and equal ownership between spouses for entitlement to housing, with proof and access to documents. This should be done through the registration of real property deeds for married couples in the names of both the husband and wife, with equal ownership shares. If the woman is not married, the registration should be in her name alone. Additionally, explicit legal and practical restrictions should be put in place to prohibit a woman from ceding this right to her male partner, at least for a relatively long period of time. This is necessary to prevent women from being pressured—whether through material or psychological coercion, or due to customs and traditions—into relinquishing their right in favour of men, as is often seen with real estate inheritance rights.
- Commit, under clear and explicit binding legal texts, to allocate an appropriate proportion of the real estate to be built or land that may be distributed to the most needy and eligible groups of women. This includes, in particular, unmarried women, widows, divorced women, single breadwinners, single mothers, wives of missing persons, non-working women and survivors of violence.<sup>38</sup> The appropriate proportion should be determined based on the actual number of eligible women and the available real estate that will be built, but in such a way that ensures all these categories of women are provided with adequate and decent housing, in accordance with the concepts defined by relevant international standards.

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38 A positive example in this regard is the World Bank project in Sri Lanka, which made efforts to give preference to female-headed families during the reconstruction of houses and the settlement of property titles for those affected by the war. See: *The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid*, Marcia E. Greenberg and Elaine Zuckerman, 2006 6-6/6-8

## B - DONORS

- Prioritise real estate construction in the reconstruction budgets of Syria to ensure access to housing, as this right is closely linked to all other human rights. Given its importance for women, housing will also play a key role in encouraging the return of stability and restoring the country's safety and well-being after years of war.
- Ensure adequate financing for the construction of social or cooperative housing that does not impose excessive financial burdens on beneficiaries in the short term, while guaranteeing the commitment of the stakeholders in this sector to comply with all the rules set out here to ensure women's real estate rights and equal treatment with men.
- Ensure that financing documents for real estate and housing construction include a commitment from the State and relevant implementing bodies, including local or international private sector companies, to uphold women's property rights. This includes, in particular, ensuring the protection of joint property rights in the case of marital unions and guaranteeing the allocation of a fair and effective percentage of housing to women, in accordance with the aforementioned criteria.
- Link real estate financing for Syria's reconstruction to the requirement that the housing meets "adequate" standards according to international criteria. In particular, ensure that housing provides tenure security, protecting residents from forced evictions, harassment and other threats, while also offering necessary services, equipment, facilities, infrastructure, and physical safety. Additionally, housing should be in areas that meet the needs of its residents. At the same time, the cost of these housing conditions should not compromise residents' ability to enjoy other human rights,<sup>39</sup> with particular emphasis on women to ensure their safety and access to adequate housing.

## C - CIVIL SOCIETY

- Mobilise efforts and resources to urge governmental entities and donors to fulfil the above pledges and demands.
- Build the capacities of community and feminist organisations to highlight the importance of adequate housing for women, the criteria that should be demanded (and not waived), and its connection to all other human rights.
- Provide ongoing, accessible and free legal counselling services to ensure women are aware of the importance of their real estate rights at this stage and know how to claim and protect them.

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39 The Right to Adequate Housing - Office of the High Commissioner for Human Rights – Fact sheet No. 21. Revision 1 – United Nations - p. 4

- Work towards creating accurate and reliable databases identifying the categories of women most in need and eligible for adequate housing during the reconstruction phase.
- Develop broader social awareness programmes to educate the public on women's real estate rights, strengthening their ability to claim and defend these rights.

### ***b) Secure real estate and personal documents that guarantee women's real estate rights***

A major challenge that will affect women's ability to exercise their real estate rights during the reconstruction phase in Syria is the lack of documents proving their various real estate rights.

Although many Syrian families have lost their personal or real estate documents during the war, either due to damage or because they were forcibly and abruptly displaced without any documents, the percentage of women who actually keep real estate documents in their names is always lower than that of men. This is often due to cultural, customary and social norms that favour registering property in the names of men (such as fathers, brothers, husbands, or even sons) rather than women.

Therefore, the issue of real estate documents for Syrian women is not only related to the loss of those documents due to the circumstances of the war but also to the fact that many women never possessed them in the first place, either because they were never issued or because their real estate rights were registered in the names of male family members.

Moreover, the issue extends beyond real estate documents to include all personal documents, such as those proving changes in women's personal and civil status (e.g., marriage, birth and death). Due to circumstances of war, many Syrian women were unable to obtain the necessary personal documents to prove and claim their real estate rights, or even to verify civil events such as marriage, birth, or the death of a husband or father. These civil records are essential, and without legal documentation, women may be unable to claim real estate rights that result from them, such as obtaining their inheritance shares in the event of the death of a father or husband.

### **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

#### **A - SYRIAN DECISION MAKERS**

- Remove gender-based obstacles hindering women from obtaining documents proving their real estate rights.
- Increase the number of real estate and Sharia judges, as well as staff in real

estate directorates and civil status departments, to facilitate women's access to these judicial bodies and help them obtain necessary real estate and personal documents.

- Simplify the procedures for reconstituting damaged or destroyed real estate documents while addressing gender-based obstacles hindering women from obtaining reconstituted documents proving their real estate rights.
- Simplify the procedures for obtaining real estate and personal documents, and introduce a provision for free services, particularly for women, including explicit provisions for exemption from fines for delays in obtaining documents beyond the prescribed time limits.

## **B - DONORS**

- Support the financing of gender-sensitive projects aimed at enabling women to obtain their real estate and personal documents.
- Allocate budgets for the rehabilitation and improvement of services provided by real estate directorates and civil status departments, ensuring women can access services easily and without being subjected to any harassment or barriers that prevent them from doing so.
- Support the automation of services related to obtaining personal and real estate documents, enabling women to access these services remotely and reduce the risks associated with physically visiting these offices.
- Require that real estate reconstruction projects incorporate measures to safeguard women's real estate documentation rights, ensuring the preservation of Syrian women's property rights throughout this process.

## **C - CIVIL SOCIETY**

- Implement initiatives aimed at raising awareness about the importance of women possessing real estate documents and provide free legal counselling to ensure women's access to this right.
- Provide information about available legal and other services that help women organise their real estate documentation.
- Monitor and oversee all reconstruction projects related to real estate, ensuring that these projects properly address women's real estate rights and prioritise women's access to documents proving those rights.

### **c) *Ensure women's participation in decision-making positions in dealing with real estate issues, restitution and claims***

The formation of ad hoc committees to address real estate issues and claims is one of the distinctive features of reconstruction processes at the real estate level and has been used in many countries that have undergone post-war and post-conflict reconstruction. In this context, both reality and international practice reveal that many women are likely to lose their real estate property during this stage, as their rights are ignored or because they lack adequate support due to poverty and gender inequality in accessing property restitution opportunities. International precedents indicate that the poorest families, especially those headed by women, face greater challenges in obtaining land. This occurred, for example, in Mozambique during post-war land redistribution by the State, as women there lacked the ability to navigate the official bureaucracy.<sup>40</sup>

There are many forms and types of such committees related to the restitution or compensation of such property, and their legal nature can differ. Some may be purely judicial or quasi-judicial in nature, as seen in Iraq and Colombia, while others may be administrative, such as the Post-Conflict Property Restitution Mechanism in Bosnia and Herzegovina, established in 1995. Additionally, some mechanisms are a combination of both, as in the case of the mechanism adopted in Kosovo at the beginning of the post-war phase. What all these mechanisms have in common is that their main purpose is to resolve real estate-related issues, such as property and housing restitution, proof of ownership, ruling on compensation for property damage, approving housing or land distribution mechanisms, and addressing other real estate concerns.<sup>41</sup> These are all issues that significantly impact women's real estate rights and their future, as they will be affected by the orientations of these committees and the mindsets that will govern and guide them. Therefore, it is crucial to ensure the effective and influential presence of women in these committees. Moreover, all committee members, women and men, should have appropriate qualifications and possess the gender awareness necessary to guarantee women's rights.

Rwanda serves as an example of good practice in this context. A few years after the genocide, Rwanda launched an ambitious land ownership reform programme aimed at eliminating all major forms of discrimination. It was mandated that women represent 30% of committee members and commissioners, including in each Land Committee or committee responsible for land delimitation, arbitration, dispute, objections and licensing. Regarding the inheritance of land, both men and women were required to be present during property registration. As a result, in March 2012, private land ownership by individuals was distributed as follows: 11% to women, 5% to men and 83% jointly owned by spouses.<sup>42</sup>

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40 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 - op cit, 6-6/6-8

41 Barbara McCallin, Mary Kostrz - Lessons Learned from International Experiences Relevant to Syria Housing Land and Property Issues - The Day After Organization – 2022 – p. 27

42 Preventing Conflict, Transforming Justice and Securing the Peace - A global study on the implementation of UN Security Council Resolution 1325 – UN Women - p. 82

In Colombia, the Victims and Land Restitution Law (2011) provides a good example—not in terms of women's representation on its committees but in terms of its recognition of women's rights and the sensitivity to their specific situation in this context. The law provides assistance and reparations to victims of the internal armed conflict, including the restitution of land lost arbitrarily or due to the conflict. The provisions of the law on land restitution include special measures to protect women's rights, such as prioritising legal and administrative procedures for women who are the heads of households. They are also given priority in accessing other benefits such as credit, education, training and subsidies. When a woman has a partner, title deeds must be registered in both names as co-owners. If property restitution is not possible, the woman receives material reparations.<sup>43</sup>

**The presence of women in Syrian committees/bodies established to address property issues and real estate restitution will:**

- Ensure that the real estate ownership challenges faced by Syrian women are brought to these committees/bodies, including the restrictions imposed on them in enjoying or proving such ownership.
- Urge the committees/bodies to find solutions for additional challenges, such as the loss of a spouse or inheritance provider, or the inability to obtain documents proving real estate rights.
- Speed up the process of claim adjudication, as women are more aware of the risks and difficulties caused by delays in processing real estate claims, which affect women more than men due to disparities in economic and financial capabilities.

**ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

**A - SYRIAN DECISION MAKERS**

- Ensure that programmes, policies and practices for the restitution of housing, land and property explicitly recognise the property rights of both women and men heading families as a fundamental component of the restitution process. These programmes, policies and practices should guarantee that all aspects of the restitution claim process, including grievance procedures, are fair, timely, accessible, free, and both age- and gender-sensitive, enabling women to participate equally in this process.
- Explicitly stipulate the civil—and not hereditary—nature of any compensation made in this context, ensuring women's rights to equal shares with men in any real estate restitution or compensation provided. This process must not

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43 Guidance Note of the Secretary-General, Reparations for Conflict-Related Sexual Violence, June 2014, p. 16

become a new opportunity to entrench discrimination against women or enforce economic violence against them.

- Ensure women's equal representation in all committees/bodies established to address property issues and real estate restitution, including the participation of women's rights defenders who have practical knowledge of on-the-ground realities.
- Ensure that all members of these committees/bodies, both women and men, possess the appropriate qualifications and competencies, particularly regarding women's rights and needs, to effectively perform their assigned tasks.
- Provide these committees/bodies with the appropriate authority to carry out their duties within specified timeframes, preventing unnecessary delays that disproportionately affect women.
- Allocate appropriate budgets to implement the decisions and rulings of these committees/bodies regarding restitution, reparation or distribution, ensuring their outcomes are actionable and effective.

## **B - DONORS**

- Allocate sufficient budgets for reconstruction processes to implement the decisions of these committees/bodies regarding restitution or reparation and ensure that they are inclusive of women's rights and women's participation.
- Ensure that real estate financing operations support the work of these committees/bodies, guaranteeing the participation of women and women's rights defenders while adhering to principles of transparency, integrity and neutrality.

## **C - CIVIL SOCIETY**

- Raise awareness and knowledge about the importance of these committees/bodies in resolving real estate problems during the reconstruction phase. Advocate for the participation of women and women's rights defenders in these bodies, while preparing and encouraging women to submit their claims and seek support from such committees.
- Provide counselling and training to women on how to appear before these committees/bodies and maximise the benefits from their proceedings. This includes providing support and free legal counselling for claim preparation, submission, and follow-up before these committees/bodies.
- Monitor and evaluate the work of these committees/bodies to ensure that the principles of transparency and accountability are upheld, that women's rights are respected, and that women's claims are granted fairly.

**d) *Support projects aimed at eliminating all discriminatory legal provisions and restrictions that limit women's ability to exercise their real estate rights***

International practice recommends that, in the post-conflict phase, all legislation related to housing, land and property be reviewed to identify discriminatory aspects or factors affecting security of tenure.<sup>44</sup> Applying this recommendation in the Syrian context calls for a review of many real estate laws that were in force before the armed conflict, as well as those issued during the Syrian war, such as laws on urban development and organisation. This review will reveal that Syrian women will face significant challenges during the reconstruction phase, as many legal texts and practices will hinder their ability to claim or regain real estate. For example, certain discriminatory articles in the Syrian Personal Law for Muslims grant women half the inheritance share of men, even in equal legal situations, including with respect to real estate inheritance.<sup>45</sup>

Legal provisions in the counterterrorism and judicial police laws that provide for the seizure, freezing or confiscation of all movable and real property belonging to individuals targeted by these laws, including women, should also be considered. The Counterterrorism Law grants the judicial police the authority to conduct "investigations of crimes against the internal or external security of the State. Law No. 19 dated 2-7-2012 requests in writing to the minister of finance to take the necessary seizure measures on the movable and immovable funds of the accused."<sup>46</sup> Moreover, the Counterterrorism Law allows the competent prosecutor general, or anyone authorised by them, to order the freezing of movable and immovable funds for anyone who commits one of the crimes related to the financing of terrorist acts.<sup>47</sup> Notably, the law also stipulates that "in all the crimes provided for in this law, the court shall rule by a guilty verdict and confiscate all movable and immovable property and its proceeds."<sup>48</sup>

It should be acknowledged that such legal texts, which include measures for confiscation or freezing property in cases of terrorism or crimes linked to State security, are commonly used in many legal systems. However, the issue in the Syrian context is that these accusations are now linked to the circumstances and reality of the war and to the political divisions that the war has created, making it difficult to separate legal considerations from political motives. Consequently, in the context of comprehensive national reconciliation and genuine amnesty laws, the initiation of recovery and reconstruction processes should be accompanied by decisions that repeal all extraordinary measures linked to the war. These legal texts should only be retained if amended to comply with international standards.

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44 Lessons Learned from International Experiences Relevant to Syria Housing Land and Property Issues - Barbara McCallin, Mary Kostrz - The Day After Organization, 2022 - p. 16

45 Personal Status Law of the Syrian Arab Republic - Acceleration Decree No. 59 dated 7/9/1953

46 Article 1 of the Law on the Powers of the Judicial Police - Legislative Decree No. 63 of 2012

47 Article 11 of the Counter-Terrorism Law - Law No. 19 of 2012

48 Ibid.

It is important to note that the Syrian Constitutional Declaration, issued on 13 March 2025, had already stipulated in Article 48 “the abolition of all exceptional laws that have caused harm to the Syrian people and conflict with human rights, as well as the abolition of the effects of unjust rulings issued by the Terrorism Court that were used to suppress the Syrian people, including restitution of confiscated property.” It is also important to monitor the implementation of this article to prevent such human rights abuses from being perpetuated in future legislation.

Another challenge Syrian women face in securing their real estate rights is the complex and restrictive process of obtaining clearance from the relevant security authorities for any real estate transaction. This applies whether the transaction is carried out directly by the stakeholders themselves or through a legal agency. Real estate assets have often been frozen due to women’s inability to obtain such security clearances, whether because of their political positions during the Syrian war, other legal issues, or their familial ties to individuals subject to legal or political prosecution. Thus, the persistence of such clearances and their restriction will hinder women’s ability to fully exercise their real estate rights during the reconstruction phase.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt explicit provisions in the Constitution, as the supreme law of the country, which include the affirmation of the State’s guarantee of gender equality in the right to housing, land and property restitution, in legal security of tenure, in ownership, in the equality of inheritance, as well as in the use, control and access to housing, land and property.
- Abolish all discriminatory provisions against women in the personal status laws, particularly those that discriminate against women in obtaining inheritance rights, including real estate inheritance rights.
- Cancel security clearances related to the circumstances of the Syrian armed conflict and subject all civil and real estate relations solely to the provisions of the relevant substantive and procedural civil laws.

### **B - CIVIL SOCIETY**

- Continue and strengthen advocacy for a gender-sensitive constitution, ensuring the participation of women’s rights activists, legal scholars and experts in the constitution-building process.
- Enhance awareness-raising efforts on the importance of an inclusive and participatory gender-sensitive constitution-building process.
- Strengthen advocacy for the inclusion and mainstreaming of women’s rights in the new constitution.

**e) *Support activities and projects that address the social and cultural root causes preventing women from exercising their real estate rights***

Data from the Central Bureau of Statistics for some governorates in 2019 show that the percentage of male owners of economic and social facilities was 85.48%, while the percentage of female owners was only 8.43%, a ratio similar to pre-war levels. The first National Report on Sustainable Development states that in 2010, the percentage of female real estate ownership was 8% in Damascus Governorate and 7% in Rural Damascus Governorate. It attributes this disparity primarily to social factors.<sup>49</sup> Field studies conducted before the armed conflict concluded that 17.4% of the women did not receive any of their inheritance rights, and 24% only received compensation for part of their inheritance.<sup>50</sup>

Both before and after the war, a patriarchal system of customs, norms and traditions has prevented women from enjoying their real estate rights, using various pretexts and arguments that ultimately lead to the registration of property or real estate tenure solely in the husband's name. These norms also deprive women of inheritance rights under the pretext that the family real estate must remain under the exclusive ownership of male family members. Women living in large cities and from better-off families working in trade are in a relatively better situation. "However, for women who inherit or own land or businesses in regions far from the centres of these cities, they find themselves under the grip of a patriarchal system that limits the possibility of women to manage their property on their own."<sup>51</sup> According to one expert, "women in North-East Syria who own properties, such as a land or a house are few. They appoint men to manage these properties, therefore, rare are the women who own businesses all by themselves."<sup>52</sup>

The reconstruction process should address this discrimination and adopt a comprehensive vision aimed at achieving tangible results in enhancing women's access to their real estate ownership rights. This process should not be limited to physical reconstruction and legislation but should also consider how these real estate and legal projects are implemented on the ground, and to what extent they benefit women. Achieving this requires supporting activities and projects that confront prevailing patriarchal customs, traditions, norms and practices, which reinforce male dominance in real estate ownership, hindering women's ability to benefit from and enjoy that property, even if the law stipulates their right to it.

This stage can provide an opportunity to transform women's lives and social realities. International practices show that countries before conflict were often

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49 The First National Report on Sustainable Development - Syrian Arab Republic - Planning and International Cooperation Commission - Damascus 2019 - p. 28

50 A field study conducted in 2005 in cooperation between the General Union of Syrian Women, the Syrian Commission for Family Affairs, the Central Bureau of Statistics and the United Nations Population Fund (UNPF), referred to in: Property Rights in Syria from a Gender Perspective – p. 26

51 Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes, Study, published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

52 Ibid., p 68

characterised by institutional gender inequality, while the post-war reality offers an opportunity to overturn the old social order and create space for people who were in unequal positions during previous stages. This is a historic opportunity that should be seized to bring about change in women's lives.<sup>53</sup>

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Introduce amendments to the laws criminalising the deprivation of women's real estate rights, particularly those stemming from inheritance or other sources. These amendments should recognise the deprivation of such rights as a form of violence against women, making it punishable under the criminal laws in force.
- Establish legal restrictions to strengthen women's property rights and prevent their waiver under the influence of social customs and norms. For example, explicitly stipulate in the personal status laws in force that the registration of any dissociation (takharuj) or waiver of inheritance shares by inheriting women to the male heirs should not be allowed until after a reasonable period of time, no less than six months, to ensure that the inheriting woman is not influenced by the emotional distress following the giver's death, as is often the case now.<sup>54</sup>
- Adopt comprehensive information, educational and social policies to counter customary and traditional practices that deprive women of their real estate rights.

### **B - DONORS**

- Allocate budgets to support programmes and projects aimed at raising public awareness and changing traditional societal roles and perceptions related to real estate ownership for women.

### **C - CIVIL SOCIETY**

- Develop and implement community advocacy campaigns to challenge traditional norms that deprive women of their human rights, including real estate rights.

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53 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 – op cit, 6-6/6-8

54 This restriction was applied in Jordan with the aim of protecting the inheritance rights of women heirs. In 2011, the instructions for the regulation and registration of dissociation transactions were approved, and it was clearly stipulated that no public or private dissociation should be registered until three months after the death of the giver. Note that in 2020, this period was increased from three to four months.

- Develop programmes and campaigns to raise women's awareness of their real estate rights and enhance their ability to claim and defend these rights.
- Provide free legal counselling services and programmes for women.

## 2 • Women's labour rights

Before and during the war, women in Syria faced many restrictions and obstacles that limited their ability to enter the labour market on an equal basis with men. The challenge now is to find solutions that do not perpetuate these restrictions and obstacles during the reconstruction period, while also addressing new challenges that arise in this phase.

Overall employment fell sharply during the armed conflict, from 5.18 million jobs in 2011 to 2.25 million in 2016. The labour market lost 2.2 million jobs compared to pre-conflict levels in 2010. This led to an increase in the economic dependency ratio, rising from 4.13 people per worker in 2010 to 6.4 people in 2020. As a result, the growing number of people dependent on fewer workers has caused a decline in income per capita, while needs have continued to rise. Although the nominal value of wages increased from 12,400 Syrian pounds in 2010 to 49,700 Syrian pounds in December 2019, real wages in 2019 were only 30% of their 2010 value. Furthermore, due to the increase in the dependency ratio, real wages per capita in 2019 were equivalent to just 19% of their 2010 level.<sup>55</sup>

The challenges Syrian women are expected to face in the labour market during the reconstruction phase must be addressed to ensure that their right to decent job opportunities is guaranteed:

### **a) *Ensure women are safeguarded against layoffs from current jobs and exclusion from future employment***

Initially, the priority at this stage should be planning to ensure that women benefit from the diverse job opportunities created by the reconstruction phase, which is not only important but necessary. However, both reality and international precedents present a challenge: how to ensure that women retain the jobs they held during the war and conflict period. This concern is based on international observations, which affirm that "in countries emerging from conflict, at the reconstruction phase, women are usually the first to be laid off from work and the last to be rehired."<sup>56</sup>

This situation arises primarily because many donor-funded projects and activities focus at this stage on income-generating activities exclusively for men,

<sup>55</sup> Syria. Justice to Transcend Conflict - Impact of the Syrian Conflict Report (2016-2019) – March 2020 - p. 67, <https://scpr-syria.org/publications2/justice-to-transcend-conflict/>

<sup>56</sup> The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 – op cit 6/18 – 6/19

particularly demobilised soldiers and former combatants, out of fear that they might return to bearing arms or resume illegal activities that they practised during the war. To encourage their reintegration into peace and deter them from returning to armed conflict, there is a focus on guided and specialised programmes and projects that prioritise these men, often at the expense of women. As a result, women not only miss out on participating in these projects and activities, but they may also be laid off from their jobs under the pretext that men returning from the fronts will reclaim their previous jobs. This perpetuates the traditional view that men are the “primary breadwinners,” despite the increasing number of female-headed households and the theoretical equal rights usually provided for by national constitutions and laws.

This exclusion of women from new job opportunities and their layoffs from their jobs during the reconstruction stage has occurred in several countries that faced similar conditions. For example, in Iraq, it was observed that demobilising armies and fighters without providing alternatives turned them into potential threats, akin to time bombs ready to explode at any moment. As a result, the focus shifted to prioritising the reemployment of men, while women were largely ignored. A similar situation occurred in Nicaragua, where 16,000 women lost their jobs due to the return of men from war and the subsequent prioritisation of their reemployment.

Documents on post-war situations also indicate that women in general faced greater difficulties than men in entering the formal labour sector, such as government employment. These challenges stemmed from a combination of factors, including social perceptions of the “appropriate” role of women, the complexities of the labour market, the increasing male workforce following militarisation, heightened competition due to repatriation, as well as women’s limited access to skill training opportunities. The issue of women’s employment in the formal sector is closely linked to many questions related to access to education and skill training, as well as how gender roles are politically addressed in light of economic priorities. International practices reveal disparities in terms of post-war policies. In some countries, there is a need to develop human resources and encourage women to enter formal employment, even when this contradicts traditional gender roles. This typically occurs in situations of labour shortages in the formal sector. In contrast, in other countries, the high rate of male unemployment due to demobilisation and the deterioration of the economic situation and restructuring<sup>57</sup> may lead to women’s exclusion from the formal sector, regardless of their qualifications.

Another factor contributing to the economic marginalisation of women in post-war societies is budget cuts in the social sector, often implemented in response to financial deficits. As the social sector is a major employer for women, these cuts result in the loss of a significant source of income for many women.<sup>58</sup>

In the Syrian context, donors and supporters of the peace process should recognise that focusing solely on hiring men may provide a short-term solution, but it overlooks the long-term benefits of including women in economic activities

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57 Sorensen, Birgitte (1998): Women and Post-Conflict Reconstruction: Issues and Sources, WSP Occasional Paper, No. 3, United Nations Research Institute for Social Development (UNRISD), Geneva pp24-27

58 Ibid.

during the reconstruction and rebuilding phase. Excluding women from these opportunities essentially abandons a strategy in which working women can contribute to household income, national economic growth and job creation, just like men. Unfortunately, this is often overlooked.<sup>59</sup> Consequently, adopting exclusionary policies during the reconstruction phase not only fails to address gender discrimination, but also unintentionally reinforces it, perpetuating gender disparities and stereotypical attitudes that fuel discriminatory employment practices.

“In countries emerging from conflict, at the reconstruction stage, women are usually the first to be laid off from work and the last to be rehired.”

*Gender Dimensions of Post Conflict Reconstruction:  
The Challenges in Development Aid*

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Prohibit all forms of discriminatory layoffs that target women, whether explicit or implicit, in both the public and private sectors, and across all places of work.
- Ensure that the rehabilitation of ex-combatants does not come at the expense of women's labour rights.
- Commit to gender-neutral hiring practices, ensuring that men are not privileged over women for specific jobs or projects and that women have equal access to all available job opportunities.
- Allow women to work in civil service jobs, construction and other sectors where jobs are more abundant due to their connection with the reconstruction process.
- Offer incentives to employers who hire women at a certain percentage, up to parity, through tax and financial exemptions.

### **B - DONORS**

- Adopt a code of conduct that ensures Syrian women's right to work in reconstruction projects, prohibiting any form of discrimination or violence against them. The code should require that a certain percentage of jobs be allocated to women and make compliance with this code a condition for access to and continued funding for all partners, beneficiaries and project executors.

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59 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 – op cit, 6/18 – 6/19

- Commit to not finance any projects or activities that exclude women from the labour market or aim to replace women with men in jobs they previously held.
- Engage gender and women's labour rights experts during the design and financing of any projects related to the reconstruction process.
- Adopt a gender-inclusive vision of the peace-building process in Syria, ensuring that no goals overshadow others, such as sacrificing women's rights to work in favour of job opportunities for ex-combatants.
- Allocate a percentage of reconstruction budgets to support and finance gender-sensitive activities in the workforce.

## C - CIVIL SOCIETY

- Follow up, monitor and enforce the above-mentioned international and domestic obligations to ensure women's right to work.
- Raise community awareness about women's rights in the workplace, especially in cases of arbitrary or discriminatory dismissal from work, as well as exclusion from applying for or filling specific jobs and job opportunities, through the organisation of outreach activities and publications.
- Provide free legal support and counselling services to women affected by exclusionary or discriminatory labour policies during the reconstruction phase.

### ***b) Prevent gender-based job stereotyping and the deepening of inequalities between women and men***

In Syria, as in many other countries, there is a traditional patriarchal division of labour, where men typically occupy certain high-value, high-return professions and jobs, while women are excluded from these roles and restricted to traditional activities and small enterprises that offer less impact and limited financial return. This division is reinforced and protected by various legal, social and financial controls, such as lending policies and guarantees, which usually target men and exclude many women.

The reality and international practices reveal that work stereotypes and gender inequality are often reinforced and entrenched by post-conflict reconstruction policies and projects. During the reconstruction phase, women's work is often limited to specific projects that push them toward, and often confine them to, traditional activities such as domestic skills, cooking, sewing and hairdressing. Alternatively, they may end up in the so-called "unprotected" sector where they face harassment and are forced to work under the employer's terms. Some women work as daily labourers on farms, while others engage in small-scale

activities to produce items that can be sold in the market.<sup>60</sup> This is a mistake that many internationally managed programmes have made in the past. For example, female ex-combatants often had limited options, such as hairdressing or sewing clothes, both of which expose them to low wages and poor working conditions. The challenge lies in the fact that, during the reconstruction phase, economic recovery for women is often reduced to micro-credit or micro-enterprises only, while men continue to dominate larger-scale enterprises.<sup>61</sup>

To reinforce and entrench this stereotypical discrimination, a “justification” is often provided, leading to women being excluded from the necessary qualifications and training opportunities needed to fill jobs during the reconstruction phase. The pretext commonly used is that the transition from the old economy to modern industries and a new economy requires specialised skills that women are presumed not to possess. As a result, most of the employment and on-the-job training programmes during the reconstruction phase are targeted at men, especially male ex-combatants, as previously mentioned.

In the Syrian context, this traditional view should be overcome during the planning and financing of reconstruction projects to avoid perpetuating the traditional division of labour. The reconstruction phase presents an opportunity to establish a new work system based on full gender equality in employment opportunities and fields, free from exclusion, gender-based stereotyping or discrimination.

Furthermore, to enable economic recovery during the reconstruction phase that addresses and transforms gender inequalities in employment, women must be provided with unrestricted, non-discriminatory opportunities for employment, training and vocational qualification, free from entrenched gender inequalities and stereotypes. This necessitates expanding opportunities for women into sectors traditionally dominated by men. Moreover, a transformative vision for economic recovery during the reconstruction phase must be long-term, considering not only the state of the existing economy, but also its future trajectory, and how women can be put in positions to lead, contribute to and benefit from a truly transformative recovery programme.<sup>62</sup>

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60 Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding (Progress of the World's Women 2002, Vol. 1) - United Nations Development Fund for Women- 2002, pp. 131-132

61 Preventing Conflict, Transforming Justice and Securing the Peace - A global study on the implementation of UN Security Council Resolution 1325 – UN Women – 2015 - pp. 173-174

62 Ibid., pp. 173-174

### **Declaration on Women's Economic Empowerment for Peacebuilding, 2013**

All Member States should “take measures to promote sustainable livelihoods for households led by women, especially widows, in post-conflict societies, including through financial support and access to productive resources and sustainable income-generating activities” and “assist post-conflict countries in creating favourable conditions that can generate decent jobs for women, nurture their business skills, encourage them to join the workforce, and deliver the financial services that these women need, both in the formal and informal sectors.”

*General Assembly – Security Council – 26/9/2013*

### **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

#### **A - SYRIAN DECISION MAKERS**

- Organise vocational training activities and programmes to enable women to develop their skills and abilities and guide them toward professions and jobs in demand within the labour market during the reconstruction phase.
- Commit to changing and overcoming any legal, societal or discriminatory obstacles that hinder women from accessing all available and advertised job opportunities.

#### **B - DONORS**

- Allocate budgets to support training and vocational rehabilitation to ensure the integration of women into the labour market during the reconstruction phase.
- Support women's economic empowerment programmes that enable women to start their own enterprises and businesses.

#### **C - CIVIL SOCIETY**

- Organise initiatives to combat gender-based stereotypes related to gender roles and the division of labour.
- Support the rehabilitation of women to gain the necessary experience and skills for the labour market during the reconstruction phase.
- Provide professional counselling services on job options and opportunities to facilitate and enhance Syrian women's ability to access and benefit from them.
- Start immediate work on gender studies and statistics to determine the

capabilities and skills of women, both inside Syria and in the countries of asylum. These studies should identify gaps requiring rehabilitation and training, aligning efforts with the sectors prioritised during the reconstruction phase. Begin designing and implementing rehabilitation and training programmes to ensure readiness upon return and at the outset of reconstruction.

### **c) *Commit to prohibiting discrimination against women in the workplace***

Women in the post-conflict and reconstruction process may access jobs and employment opportunities, but international precedents reveal that the terms and conditions are usually discriminatory. Specifically, women are usually paid less than men and are expected to work longer hours. The UN mission in Sarajevo reported that most workplace discrimination complaints came from women.<sup>63</sup>

Therefore, many countries in the post-conflict and reconstruction phase adopt new laws prohibiting discrimination in various areas, including employment. However, employers often ignore these legal norms, as evidenced by international practices in many countries. China and Vietnam, for example, adopted laws prohibiting gender-based discrimination in employment during the post-conflict phase, but the reality has shown that these laws had no effect on the ground. One key issue is that employers continue to discriminate against women in the reconstruction phase, often citing low academic achievement as a justification. This reinforces the importance of encouraging girls to complete their education, both academic and vocational, as it is closely linked to their ability to work and succeed in the job market.<sup>64</sup>

In the Syrian context, there should be clear legal provisions prohibiting gender-based discrimination and ensuring equal pay. It is important to note that there is no provision, neither in the Basic Law on State Employees of 2004 nor in the law regulating agricultural relations of 2004, regarding gender equality, non-discrimination or the affirmation of equal pay between women and men.<sup>65</sup>

The absence of specific provisions in Syrian labour laws has been justified by the fact that the term “worker” in these laws is considered gender-neutral, applying to both men and women. Syrian labour laws adopt this definition, implicitly assuming it applies to males and females without distinction or discrimination. As a result, the Syrian government affirms in its periodic reports that “national legislation does not discriminate in terms of gender rights at work, in any legal

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63 Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding (Progress of the World's Women 2002, Vol. 1) - United Nations Development Fund for Women- 2002- pp. 137-138

64 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 - op cit, 6-8.

65 The Labor Law No. 17 of 2010 contains more than one provision emphasising gender equality between workers, prohibiting discrimination between them, and providing for their right to receive equal pay for the same work.

text in force in the Syrian Arab Republic, whether for the public, private or joint sector.”<sup>66</sup> However, CEDAW regularly expresses “concern about the persistence of the gender pay gap.”<sup>67</sup> It urges the government “to take effective measures in the formal labour market in order to eliminate occupational discrimination, both horizontally and vertically, and to narrow and close the gender pay gap.”<sup>68</sup>

Official figures issued by the Central Bureau of Statistics in Syria reveal a significant gender imbalance in state employment. According to 2016 data, there were 922,285 state employees, of whom 59.19% were men and 40.81% were women.<sup>69</sup> These figures also highlight a notable gender disparity in wages.<sup>70</sup> It is noteworthy that the first National Report on Sustainable Development in Syria shows that in the government sector, men’s wages increased by 2% more than women’s in 2016, and this gap widened to 4% in 2018. In the private sector, the pay gap is even more pronounced, as men’s wages increased by 23% more than women’s in 2016 and then to approximately 39% in 2018.<sup>71</sup>

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Introduce amendments to the existing labour laws in Syria to include legal provisions that ensure the achievement of gender equality in the workplace, both in theory and in practice. These amendments should guarantee actual equality and non-discrimination across all fields of work, specifically addressing the following areas:
  - ▶ Equal opportunities and equal treatment in the workplace
  - ▶ Equal remuneration for work of equal value
  - ▶ Equal access to a safe and healthy work environment, including social security
  - ▶ Equal rights and freedom of association
  - ▶ Equality in access to job promotions
  - ▶ A fair balance between work and family life for both women and men
  - ▶ Equal participation in decision-making

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66 Committee on the Elimination of Discrimination Against Women - Consideration of reports submitted by states parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women. Initial reports of the states' parties, Syrian Arab Republic - See UN document: CEDAW/C/SYR/1 – 15 Sep 2005

67 Committee on the Elimination of Discrimination Against Women - 38th session, 14 May - 1st of June 2007 -Concluding comments of the Committee on the Elimination of Discrimination Against Women, Syrian Arab Republic. See the United Nations document: CEDAW/C/SYR/CO/1 - 11 Jun 2007

68 Ibid.

69 Central Bureau of Statistics in Syria, <http://www.cbssyr.sy/yearbook/2017/Data-Chapter3/TAB-9-3-2017.pdf>

70 Ibid.

71 The First National Report on Sustainable Development - Syrian Arab Republic – Damascus 2019 - p. 41

- Establish specialised committees to monitor and combat discrimination against women in all fields, including in the workplace. These committees may be governmental or parliamentary, provided that their formation considers the equitable representation of women and active participation from representatives of CSOs.

## **B - DONORS**

- Ensure that a just legal environment for women is established, prohibiting gender-based discrimination in all funded employment projects and activities.
- Ensure that donor-funded projects, whether from countries or organisations, focus on employment and promotion without sexism, and that women benefit from on-the-job training and work experience on an equal basis with men.
- Support civil society activities aimed at fulfilling these obligations.

## **C - CIVIL SOCIETY**

- Monitor and evaluate the degree of compliance, both theoretical and practical, with the prohibition of gender-based discrimination in the labour market in Syria.
- Provide free legal advice and protection services to women affected by any form of discrimination.
- Raise awareness within the community and among employers about the risks of discrimination and its legal and societal consequences.

### ***d) Provide both de jure and de facto protection to ensure decent work for all women***

For Syrian women to effectively enter the labour market through reconstruction projects, an enabling working environment is essential, along with both legal and practical protection for all working women across all sectors. This should be supported by free and independent labour associations and unions, where women are proportionally and effectively represented, ensuring the protection of their rights and interests in the workplace.

It is important to note that in post-conflict and reconstruction programmes, the value and skills of women, along with their contribution to the informal sectors, are usually overlooked, as these sectors are largely ignored. Many of

the productive activities carried out by women, which contribute to economic growth, are also disregarded.<sup>72</sup>

In the Syrian context, the situation is even more dire. Some contributions are not only ignored and overlooked, but, more dangerously, completely excluded from the realm of legal protection. Certain labour and social insurance laws specifically exempt some groups from their provisions. These exceptions include dependent family members<sup>73</sup> and family-run agriculture investments where the business owner and their family members work together. The family, in this context, includes the husband and wife, ascendants and descendants, siblings and their children, as well as sons-in-law.<sup>74</sup> This approach has faced criticism, especially since women make up the largest segment of those excluded from the provisions of these laws. Even though this segment of female workers works in a “family framework,” this does not justify depriving them from the provisions of the *Labor Law* and the benefits of sick leave, paid leave, or social security coverage. Consequently, CEDAW expressed its “concern about leaving women in the informal sector without social security or any other benefits,” and encouraged the Syrian government to establish regulations for the informal sector to ensure that women are not exploited and to provide them with social security and other protections and benefits they are entitled to.<sup>75</sup>

Providing an appropriate working environment for Syrian women in the reconstruction phase also requires ensuring their protection from all forms of sexual harassment in the workplace. Experts from the International Labour Organisation (ILO) confirm that sexual harassment is a form of gender-based discrimination. It threatens equality in the workplace, compromises the integrity, dignity and safety of workers, and also harms the establishment by weakening the foundations of workplace relations and hindering productivity.<sup>76</sup> However, Syrian labour legislation lacks any mention of or criminalisation of sexual harassment in the workplace. According to government reports to the CEDAW Committee, it is explicitly stated that “there are no specific articles in the labour law on sexual harassment.”<sup>77</sup>

This omission has been criticised in several reports issued by CEDAW while reviewing the Syrian government’s reports.<sup>78</sup>

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72 Women, War, Peace: The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peace-Building - op cit – pp. 131-132

73 Article 5 of Law No. 17 of 2010 on Work Regulation in the Private, Cooperative and Joint Sectors

74 Article 164 of Law No. 56 of 2004 on the Regulation of Agricultural Relations

75 Committee on the Elimination of Discrimination Against Women - 38th session, 14 May - 1st of June 2007 -Concluding comments of the Committee on the Elimination of Discrimination Against Women, Syrian Arab Republic. See the United Nations document: CEDAW/C/SYR/CO/1 - 11 Jun 2007

76 Violence and Harassment Against Women and Men in the World of Work, Trade Union Perspectives and Action, International Labour Office, Bureau for Workers’ Activities (ACTRAV), Geneva, ILO, 2017, p. 19

77 Committee on the Elimination of Discrimination Against Women - Consideration of reports submitted by states parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, initial reports of states parties, Syrian Arab Republic - See UN document: CEDAW/C/SYR/1 - 15 Sep 2005

78 Committee on the Elimination of Discrimination Against Women - 38th session, 14 May - 1st of June 2007 -Concluding comments of the Committee on the Elimination of Discrimination Against Women, Syrian Arab Republic. See the United Nations document: CEDAW/C/SYR/CO/1 - 11 Jun 2007

Furthermore, it is important to emphasise that the protection of women, whether during the reconstruction stage or at all other stages, requires effective and independent civil society associations and trade unions capable of intervening to safeguard the rights of working women and defend their interests. Unfortunately, this is lacking in Syria, where the establishment of non-governmental associations is governed by Law No. 93 of 1958 on private associations and institutions. This law regulates the creation of any kind of association or organisation in Syria, based on the fundamental notion that the State has control over society and has the right and responsibility to direct it. As a result, Law No. 93 and its executive regulations grant significant authority to the State to intervene in the establishment of associations, as well as in their internal management and daily operations.

This law grants extensive powers to the executive branch not only in the formation of associations but also in their mergers and dissolution. Additionally, it has severely restricted the financial sources of civil society, which relies on donations and grants. These associations are treated like public sector institutions, required to prove their efficiency before the State under the threat of dissolution. In addition, the law provides many powerful ways for government officials to intervene in the internal administration and daily operations of these associations, strictly regulating their interactions with the outside world.<sup>79</sup> This paralyses the work of these associations, limits their capacity, and deprives working women of an important platform to defend their interests and protect their rights.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Amend existing laws to ensure that all working women enjoy legal and social protection, without any exception, exclusion, discrimination or restriction—especially those working in family, home-based businesses (HBB) and agricultural activities.
- Adopt a law that specifically prohibits sexual harassment in the workplace, aligning with relevant international obligations and standards, and provide protection and care services to women victims of sexual harassment in the workplace.
- Abolish all legal and de facto restrictions that hinder the work of relevant CSOs and prevent the existence of independent trade unions and other unions. These organisations and unions should be able to intervene actively and effectively to protect the interests of their members, both women and men, while ensuring women's fair and equitable representation in the membership of those associations and unions. This requires the issuance of a new law regulating civil action in Syria, which includes, at a minimum:

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79 Constitutional and Legal Frameworks of Syrian Civil Society Organizations. Critical Reading and a Reformist Vision - Basel space - Aug 2020 - p. 10

- ▶ Adopting more flexible licensing, registration and recognition procedures for these associations.
- ▶ Ensuring the freedom of civil action.
- ▶ Facilitating access to funding sources to ensure transparent and legal operations of these associations, including independent funding.
- ▶ Ensuring gender justice by adopting clear legal texts that guarantee women's participation in boards of directors and administrative positions.
- ▶ Ensuring gender sensitivity in all activities and programmes of these associations.<sup>80</sup>

## **B - DONORS**

- Ensure the establishment of a legal environment that guarantees protection for women in all funded reconstruction work, enterprises and activities.
- Allocate adequate budgets to support activities aimed at countering sexual harassment in the workplace and providing care for its victims.
- Support women's rights programmes aimed at raising awareness about women's protection in the workplace and women's labour rights.

## **C - CIVIL SOCIETY**

- Provide psychosocial and legal services to women victims of sexual harassment in the workplace.
- Raise awareness and conduct advocacy campaigns to address workplace harassment issues.
- Provide free counselling and legal assistance services to working women affected by harassment.

### **e) *Empower women's role in agricultural work***

In many countries that have undergone post-conflict reconstruction, agriculture remains a primary source of livelihood security and income for the population. However, the agricultural sector in the post-war period faces significant challenges, including the mass destruction of physical infrastructure, environmental degradation, land mines in agricultural areas, displacement and forced migration, lack of agricultural tools and ineffective management.

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<sup>80</sup> Ibid., p. 28

Women working in this sector face these challenges but also encounter additional obstacles, particularly related to inheritance and property laws which usually do not guarantee them legal rights to land, agricultural tools and other resources necessary for agricultural production.

Even if ownership or access to land is guaranteed, women may lack the necessary social networks that enable them to secure the elements needed for the agricultural process, such as access to tools, labour or supply chains. In this context, some countries have enhanced the role of cooperative associations during the reconstruction phase. These cooperatives enhance women's capacity to manage agricultural production and provide them with essential experience, advice and effective management skills to do so. In countries like Chad, Libya and Sierra Leone, these cooperatives have played a critical role at the local level in post-conflict recovery by mobilising resources, re-creating a sense of belonging and strengthening the capacities of marginalised social groups, especially women.<sup>81</sup>

Syrian law overlooks women farmers because the agricultural system is based on family units where all family members work on the father's land. All farmers in Syria are registered with unions and federations; however, only the father, as the landowner, is required to register with these entities, excluding other family members working with him on the land. This means that compensation and insurance are granted exclusively to the father. As women farmers are absent from State records, their role in the peasant family labour system is overlooked. Despite working equally to men in all agricultural processes, women are not eligible for treatment or compensation if they fall ill or are injured at work, as they are not provided with health insurance from unions and federations.<sup>82</sup> Women agricultural workers employed on lands not owned by their husbands or fathers also face challenges. They receive low wages, lack health insurance, and work under poor conditions without employment contracts. Because their labour is unregistered, they have no legal recourse and cannot even file complaints.<sup>83</sup>

Therefore, it is essential to prepare for these challenges, especially given the impact of the war. During the conflict, the rural workforce significantly decreased, especially among young people, due to migration and participation in the war. As a result, the percentage of women in rural areas has risen to 75% of the total resident population. This shift has made the workforce increasingly scarce and expensive, negatively affecting agricultural production costs. Upon the return of displaced inhabitants to their areas of residence, the shortage of agricultural labour will likely worsen, and women will face significant difficulties that will hinder agricultural investment.<sup>84</sup>

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81 Sorensen, Birgitte (1998): *Women and Post-Conflict Reconstruction: Issues and Sources*, op. cit. pp. 19-20

82 *Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes, Study*, published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

83 Ibid.

84 *Agricultural Policy Gap Analysis Study – National Agenda for the Future of Syria Program - ESCWA – United Nations - Beirut 2018* - p. 32

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Implement specialised rehabilitation and training programmes linked to agricultural work, aimed at training women on modern methods of agricultural investment and equipping those without prior knowledge for agricultural work.
- Place special emphasis on programmes that empower rural women, enabling them to acquire the means of production and engage in agricultural and commercial activities.<sup>85</sup>
- Support the establishment of participatory agricultural cooperatives to strengthen women's involvement in this sector and provide them with the necessary services, enabling them to compete in the labour market.
- Invest in rural infrastructure. It is necessary to redirect a portion of government spending to infrastructure sectors in rural areas, as this is a key factor in attracting private investment. It also reshapes the development landscape in these areas and indirectly boosts opportunities in the agricultural sector. The reconstruction of roads, bridges, water networks, power plants, telephone networks and internet services will serve as key factors for investment. This, in turn, will redistribute employment opportunities between women and men in rural areas. Additionally, these projects can also alleviate the time burden on women by reducing the need to fetch water, gather firewood, or travel long distances to fields or other jobs. As a result, women's labour can be more effectively directed towards productive, income-generating work that contributes to their economic security.<sup>86</sup>

### **B - DONORS**

- Support activities and projects that provide small and medium-sized loans for women to establish income-generating enterprises and create specialised markets for products produced by rural women.
- Allocate dedicated budgets for vocational training and skills development in income-generating activities.
- Support projects that facilitate access to land, long- and short-term credit facilities, productive resources and other business support services, including agricultural extension services.
- Support projects aimed at clearing landmines and explosive remnants of war, which pose significant obstacles and risks to the use of agricultural land by rural women.

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<sup>85</sup> Ibid, p. 43

<sup>86</sup> Gender-Sensitive Economic Empowerment Policies. Proposed Post-Crisis Policies – “National Agenda for the Future of Syria”  
- ESCWA - 2015 – p. 54

## C - CIVIL SOCIETY

- Provide the necessary expertise and counselling to support rural women in agricultural and economic activities.
- Raise awareness and disseminate knowledge about the risks associated with using agricultural land contaminated by mines and explosive remnants of war.

### 3 • Funding

One of the main challenges for women's rights during the reconstruction phase is translating demands, projects and ideas into tangible actions and positive outcomes that lay a strong foundation for improving women's lives and future.

Frustration arises when ideas, programmes and projects related to women's rights remain confined to paper and fail to reach implementation. This is due not only to legal or societal barriers, but primarily to financial constraints. These obstacles prevent women from accessing the necessary loans and funds to support their economic activities and are compounded by the absence of gender-sensitive reconstruction budgets.

#### *a) Overcome obstacles to women's access to loans*

Loans play a crucial role in meeting the financing needs of individual projects. Their importance increases during the reconstruction phase, when there is an urgent need to access financing to initiate economic activities and restore life in the post-war period.

During the reconstruction phase in Syria, women will be in dire need of securing the necessary funding to support their economic activities and livelihoods, especially as their roles have expanded due to the war. Many women have had to assume family and community responsibilities that were not traditionally assigned to them.

Experience, precedents and international practices indicate that Syrian women's access to the necessary loans during the reconstruction phase will be challenging. They are likely to face various restrictions and obstacles that must be identified and addressed early on through the development of solutions, alternatives and strategies.

Some challenges women in Syrian may encounter in accessing loans include:

**Limited funding availability:** There is a lack of resources to grant loans and a failure to prioritise funding for women's projects, as priority is given to men's projects. This stems from prevailing patriarchal norms and the assumption that men are the sole providers for families.

**Limited managerial experience:** Many women lack the skills required to apply for project financing and loans due to decades of isolation, marginalisation and exclusion from qualification, training and experience opportunities, particularly in rural areas or for micro-enterprise funding.

**Inability to provide guarantees:** Many loan applications require proof of real estate ownership as collateral as a prerequisite for approval. While this is standard practice in professional banking contexts, it will be impossible for many women to fulfil these requirements due to their traditional exclusion from real estate ownership.

**Gender bias from loan providers:** Banks and financial institutions, which are often dominated by men, may exhibit gender bias in their lending decisions, as women's representation in these institutions remains limited.<sup>87</sup>

In Liberia, for example, women reported that their role was limited to receiving small loans, while only men and male-owned companies succeeded in obtaining large contracts from the World Bank and various other projects due to their broader networks and stronger presence in the economic market.<sup>88</sup>

Placing restrictions on women's access to medium or large-sized loans forces them to rely on small loans, which are often seen as a tool to combat the feminisation of poverty. As a result, women are the primary clients of microfinance institutions. A global study of microfinance repayment rates, covering data from 350 institutions in 70 countries over a period of ten years, found that women represent 73% of microfinance clients.<sup>89</sup> The Rwandan case of granting women small loans during the reconstruction process has often been highlighted. These loans were said to have supported many displaced and widowed women by financing activities such as agriculture, animal breeding and household product production. This not only enhanced women's capabilities but also boosted their self-esteem, particularly when small loans were also made available for education and other needs.<sup>90</sup>

In the Syrian context, directing and limiting women primarily to microloans and microfinance may appear to be a plausible option, especially given the existence of legal frameworks supporting microfinance institutions.<sup>91</sup> The law on microfinance banks, aimed at supporting projects for limited and low-income populations, was issued in 2021 and enables the Credit and Money Council in Syria to license the establishment of banks as joint-stock companies in order to provide microfinance.<sup>92</sup> Currently, there are financial institutions in Syria that offer such small loans of various names and types.

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87 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 – op cit - 6/12 – 6/14

88 Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-Building - op cit- pp. 126-128

89 Gender-Sensitive Economic Empowerment Policies. Proposed Post-Crisis Policies "National Agenda for the Future of Syria" - ESCWA – 2015 - op. cit. - p. 15

90 Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-Building - op cit – pp. 126-127

91 The Law on Microfinance Banks Aiming at Supporting Projects of Limited and Low-Income Population – Law No. 8 of 2021

92 Article 3 - of Law No. 8 of 2021

While this step holds significant potential to benefit large numbers of women, particularly during the reconstruction phase, it should not be treated or promoted as the primary or default option for women. Allocating large and medium-sized loans predominantly to men while relegating women to small loans except in rare cases reinforces the traditional patriarchal division of labour in society. This approach confines women to small-scale enterprises reliant on limited and meagre sources of finance, leaving them without the capacity or opportunity to transform and improve their circumstances.

It is not permissible to overlook other challenges that Syrian women might face, similar to the experience of women in other countries during their reconstruction phases. Women were often used as a legal front to obtain loans, while the men in the family took control of the management, investment and use of the loans. Women were also left to bear the risks and repercussions of failed investments and loan repayment, as they lacked the necessary economic, professional and financial skills. This lack of empowerment was due either to decades of exclusion and marginalisation or to the deteriorating general economic conditions and limited purchasing power for many citizens in the post-war period.

This happened, for example, in the Democratic Republic of Congo, where the loans granted to women did not achieve their intended purpose. Although many women started small businesses, there were no buyers or no customers for their products. This demonstrates that microcredit schemes can succeed in some contexts and fail in others, underscoring the need for thorough economic studies.<sup>93</sup>

An analysis of a sample of microfinance mechanisms for small enterprises in Syria highlights the extent of the discriminatory challenges and restrictions that Syrian women will face in accessing microloans, both now and during the future reconstruction phase, if these issues are not addressed and resolved. For example, Al Wataniya Microfinance Bank was established in 2011 with the aim of providing financing solutions to enhance the capabilities of small enterprises. The bank offers financing facilities not available through traditional banks, such as short-term loans ranging from 250,000 to 30 million Syrian pounds.

Two main observations emerge when reviewing the various services and types of loans offered by the bank.<sup>94</sup> The first observation is that loans for financing investment and production projects always require “proof of ownership of the property or land on which the project will be built.” Similarly, agricultural loans, which target owners of small and micro agricultural ventures, require “proof of ownership of the project location.” The same applies to the “productive loan,” which targets small and micro-entrepreneurs—such as shop owners, self-employed individuals, craftspeople and owners of industrial workshops—and also requires “proof of ownership of the project location.” Even the “Build it loan,” designed for residential real estate owners, workshop owners, self-employed

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93 Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-Building- op cit- pp. 126-127

94 See all the information on the official page of AlWataniya microfinance bank, <https://alwataniya.sy/>

individuals and shop owners in the Old City areas of Aleppo, Homs and Deir ez-Zor, requires “proof of property ownership” as a condition for restoration of enterprises and/or housing in these historic cities. Although the requirement for such guarantees is common practice in traditional financing and lending processes, it disproportionately affects women due to the traditional legal and social restrictions that prevent them from legally owning real estate, even property acquired through inheritance or co-financing, as previously mentioned. Therefore, it is necessary to consider unconventional mechanisms and solutions to address this challenge, rather than automatically applying processes that exclude women from funding opportunities.

The second observation is that some loans have been allocated exclusively to men, with no similar allocation for women. For example, the Watani Loan targets male entrepreneurs from families of martyrs, injured individuals and demobilised members of the army and internal security forces due to injury after 15 March 2011. Similarly, the Watani PLUS Loan is aimed at existing male entrepreneurs or those with established projects who were demobilised after 15 March 2011 from compulsory or reserve service in the army and internal security forces. While recognising the importance of supporting ex-combatants in their transition to civilian life, there is no similar allocation for women—not even for the most vulnerable and needy groups, such as female breadwinners and victims of war or violence.

### Good Practices

In **Colombia**, a significant proportion of participants in illicit crop substitution programmes and recipients of rural property titles, as part of the peace agreement implementation, are women.

In **Niger**, support from the Peacebuilding Fund has helped to increase the number of women in land commissions in certain areas.

In **Iraq**, banks allocate 25% of business loans to female entrepreneurs, while in **Nepal**, women benefit from tax exemptions for owning real estate and have access to loans either interest-free or at low rates.

In **South Sudan**, the World Bank announced a USD 70 million grant to fund socio-economic empowerment programmes for women and girls.

*See UN Secretary-General Report on Women, Peace and Security 2022*

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Commit to addressing the root economic, professional, legal and societal causes that hinder women from making optimal use of the lending system during the reconstruction phase.
- Develop mechanisms to equip women with new, non-traditional skills and technologies to enhance their access to markets and financial institutions, thereby improving their ability to grow and compete.
- Ensure gender equality in employment within banks and financial institutions involved in granting loans, to prevent men from monopolising decision-making processes.
- Amend loan guarantee requirements that obstruct women's access to loans, specifically those related to real estate ownership. This could include accepting personal or non-real estate-related guarantees for these loans, recognising that many women lack such ownership due to long-standing exclusion and deprivation.
- Establish criteria and mechanisms for allocating loans specifically targeting women, similar to those supporting men, with a focus on the most vulnerable groups of women, such as female breadwinners and victims of all forms of violence.

### **B - DONORS**

- Allocate gender-sensitive budgets to institutions granting loans related to the reconstruction process, with consideration of the challenges women face as described above.
- Allocate a percentage of loans specifically for women, ensuring these include large and medium-sized loans rather than just small loans.
- Support activities aimed at enhancing women's qualifications and providing training on loan access, management and successful loan investment strategies.
- Finance the establishment of a loan risk management fund to protect women from the risks associated with unsuccessful loan investments.

### **C - CIVIL SOCIETY**

- Provide vocational training to enhance women's capacity in obtaining and effectively investing loans.

- Develop economic empowerment incubators to provide free legal and financial counselling to women on all aspects of obtaining and managing loans.
- Ensure oversight and monitoring to verify compliance with transparency, justice and equality in the loan granting process, preventing the exclusion of women based on gender.
- Support networking and the exchange of experiences and best practices among women regarding loan acquisition and management.

## ***b) Adopt gender-sensitive budgets within the reconstruction plan***

The economic system, in general, is rooted in patriarchal perceptions that fail to reflect the needs, rights and interests of women. This not only deprives women of their basic rights and opportunities for progress and development but also perpetuates the stereotypical status quo in favour of men regarding power relations.<sup>95</sup> Hence, it is crucial to demand that reconstruction budgets be gender-sensitive, fair to women's rights and respectful of their interests.

A gender-sensitive budget is one that considers the economic, social and cultural needs of both women and men through targeted programmes at the national level to address these needs and reduce disparities between women and men across all economic and social fields.<sup>96</sup> This does not mean that it is a special budget exclusively for women. Instead, it ensures that the requirements and needs of both women and men are appropriately addressed. It does not imply that resources and disbursements should be equal for women and men but rather that they are allocated in a way that adequately meets the specific needs and requirements of each and supports them in realising their rights.<sup>97</sup> Such a budget contributes to the achievement of justice and equity by giving special attention to the most disadvantaged and marginalised women.<sup>98</sup>

The absence of a gender-sensitive budget—meaning the failure to allocate sufficient funds to support activities focused on women's rights—represents one of the most prominent and serious challenges to ensuring women's involvement in reconstruction processes. This situation is particularly evident in post-conflict situations, where there is an urgent need for activities that strengthen women's presence and fortify their rights. Unfortunately, this is not happening, even though budgets are often generously allocated.<sup>99</sup>

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95 Towards More Integrated Gender-Sensitive National Institutions. Concepts and Guidelines – United Nations – ESCWA – Beirut 2021 – p. 45

96 Gender-Sensitive Economic Empowerment Policies. Proposed Post-Crisis Policies - "National Agenda for the Future of Syria" - ESCWA - 2015- op. cit. - p. 26

97 Towards more Integrated Gender-Sensitive National Institutions. Concepts and Guidelines – United Nations – ESCWA – Beirut 2021 op. cit. - p. 45

98 Gender-Sensitive Economic Empowerment Policies. Proposed Post-Crisis Policies- "National Agenda for the Future of Syria" - ESCWA – 2015 - op. cit. - p. 26

99 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 – op cit - 6-9/6-10

In Afghanistan, for example, although the 2002 needs assessment developed by the World Bank and the Asian Development Bank took significant steps to improve the status of women, it did not identify women's issues as a specific challenge. Only 0.7% of the funds were allocated to projects for women within the immediate and transitional assistance programmes for 2002-2003, which were sponsored by the UN with a budget of USD 1.7 billion at the time. Similarly, the development programme in Bosnia and Herzegovina lacked a gender analysis component and mentioned women only once, in the microcredit section. In Kosovo, the Kosovo Transitional Support Strategy made no mention of gender or women at all. The consolidated 2001 budget of the UN Mission in Kosovo excluded activities related to gender issues and women's rights, except for a single training project on gender costing USD 31,000—approximately 0.006% of the USD 467 million budget. In East Timor, the draft national budget allocated the Equality Office only six employees out of nearly 15,000 civil servants, with a budget of less than half a percent (USD 38,000 out of a total budget of around USD 77 million).<sup>100</sup>

The UN Secretary-General's 2020 Women, Peace and Security report highlights the continued use of this exclusionary financial approach. The report notes that little is known about the financing of gender priorities in reconstruction. Recent studies on the implementation of peace agreements in Colombia and the Philippines, as well as on reconstruction efforts in Iraq, reveal that less than 2% of the official development assistance currently targets gender equality as a primary goal.<sup>101</sup>

These examples highlight the gaps between gender rhetoric and funding. While funders may produce excellent studies on gender and use eloquent gender-focused discourse, they often fail to translate these into tangible investments.

An analysis of post-conflict reconstruction projects at the World Bank revealed that despite the generous financial support these programmes receive, they allocate minimal funding to women-focused activities. For example, the third lending project launched by the World Bank for the rehabilitation and economic recovery of Sierra Leone did not include loans for women. Similarly, in East Timor, two independent missions identified ex-combatants and veterans and developed expanded support programmes. However, these programmes failed to include gender-sensitive budgets or provisions for women's needs. As a result, more than 10,000 men were registered, while female ex-combatants were excluded.<sup>102</sup>

It is important to note that the challenge is not limited to securing initial funding but also extends to maintaining and sustaining this financing over time. In many cases, initial funding has been secured due to international pressure, enthusiasm and societal initiatives addressing women's issues. However, there remains a persistent risk, despite the achievements that have been made. For instance, in Kosovo, there was a significant risk of reduced funding for initiatives

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100 Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-Building - op cit- pp. 124-125

101 Report of the Secretary-General on Women, Peace and Security 2020 - cf. UN document: S/2020/946- 25 Sep 2020

102 Women and Wars - edited by Karl Cohen - translated by Ruba Khaddam Al Jamee - Al-Nacher Al-Rahba publishing and distribution - Damascus - First Edition 2017, p. 495

and activities aimed at enhancing women's presence during the reconstruction process. Therefore, beyond securing initial financing, it is essential to consider strategies for ensuring continuous and sustainable financing.<sup>103</sup>

Consequently, in his 2022 Women, Peace and Security report, the UN Secretary-General called for addressing the funding deficit for gender equality and strengthening the protection of women's and girls' human rights in conflict-affected countries. He announced that UN agencies would urge member states and other stakeholders to ensure that donor conferences and resource allocations set specific targets to close the funding gap and address the insufficient resources available for this plan. These goals include increasing funding levels for women's organisations fivefold and enhancing donor coordination.<sup>104</sup>

To maximise the use of available budgets, despite their limitations, early attention must be given to coordinating the efforts of international and national CSOs. This will help avoid duplication or over-concentration of activities in one area, which can diminish the overall impact and deprive other women of the opportunity to benefit from these projects and activities.

One of the lessons learned in this regard is the case of Kosovo, where the growth of the local non-governmental organisations (NGOs) was initially uneven, largely due to a lack of planning and coordination and the bias of international non-governmental organisations (INGOs), which worked predominantly with the educated elite in urban areas. An early civil society study conducted in 2000 revealed that two-thirds of registered local NGOs were concentrated in the capital, Pristina, while in many rural areas and small municipalities, there was a complete absence of NGO activity. The overcrowding of INGOs and their uneven distribution led to many cases of duplication, creating unhealthy competition both among local NGOs and between INGOs and local NGOs. This ultimately affected the sustainability of projects.<sup>105</sup>

In Syria, women's rights organisations and local women's initiatives have played a critical and indispensable role in sustaining the local communities despite the many challenges that have hindered communication channels among them throughout the armed conflict. During the side-events of the Brussels Conference on Supporting the Future of Syria and the Region in 2023, they highlighted the lack of adequate support and budget allocations aimed at achieving gender equality and empowering women across all fields. This lack of support poses significant challenges to achieving full and meaningful

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103 The Gender Dimensions of Post-Conflict Reconstruction: The Challenges in Development Aid, Marcia E. Greenberg and Elaine Zuckerman, 2006 – op cit - 6-9/6-10

104 Report of the Secretary-General on Women, Peace and Security 2022 - cf. UN document: S/2022/740- 5 Oct 2022

105 Amina Zogheib - The Strategy of International Organizations in the Post-War Reconstruction (the model of the territory of Kosovo) – Master's thesis – Hadj Lakhdar University of Batna – Algeria - 2011-2012, pp. 165-166. She provides an illustrative example of this at a women's centre in Mitrovica, a town ethnically divided during the first months after the war. The Motral Qiriaz Association opened a counselling centre near the town centre to support traumatised women and their children. Two months later, an Italian-German NGO, ADAB, opened a similar centre next to it without prior notice, targeting the same group of women already receiving help from the Motral Qiriaz centre. Earlier that summer, the Danish Refugee Council had established an NGO support centre on the same street. At the same time, Care International announced plans to open yet another counselling centre dedicated to traumatised women, also on the same street.

participation of women in decision-making processes during the reconstruction phase.<sup>106</sup>

One of the key recommendations they provided was to “enable the participation of women’s rights organisations and local women’s initiatives in designing, implementing and monitoring early recovery projects.”<sup>107</sup> This would help integrate gender perspectives into budgets for the reconstruction phase.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Ensure that reconstruction plans developed by government agencies are based on gender-disaggregated data and support the inclusion of women’s needs and priorities.
- Ensure the availability of gender expertise and the participation of women’s rights experts at all stages of data collection, needs identification, budgeting, monitoring and evaluation. This also requires the development of human resource capabilities to address these issues over the long term.
- Conduct continuous follow-up and monitoring of the implementation of reconstruction-related plans in the short and medium term and identify and address any gender gaps in these plans.
- Consult and coordinate with women’s rights organisations and relevant CSOs in the design, implementation and monitoring of reconstruction plans and projects to ensure that women’s needs are reflected in the plans’ budgets.
- Commit to adopting legislation, policies, and administrative systems necessary to establish a budget that incorporates gender equality and requires ministries to provide the necessary information for budget development, monitoring and evaluation.<sup>108</sup>
- Include budgets that clearly address expenditures with a gender dimension in the most critical priority areas for Syrian women during the post-conflict and reconstruction phase, such as:
  - ▶ **Programmes to teach girls some handicrafts and vocational skills:** Designed to increase women’s economic empowerment, provide essential skills and income opportunities, and reduce marginalisation and poverty among women.
  - ▶ **Empowerment programmes for non-working women:** Aimed at helping

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106 Side-event to Brussels Conference on Supporting the Future of Syria and the Region 2023: The Key Role of Syrian Women’s Rights Organisations in Shaping the Future of Syria: <https://www.efi-ife.org/en/extra/hub/newsroom-statements>

107 Ibid.

108 Towards More Integrated Gender-Sensitive National Institutions. Concepts and Guidelines – United Nations – ESCWA – Beirut 2021, - op. cit. - p. 46

women secure job opportunities through training initiatives, simplified business administration and marketing courses, language improvement (where possible) and training in computer use and office skills.

- ▶ **Maternal health care programmes before childbirth and during delivery:** Aimed at preserving the health of mothers and newborns, reducing infant mortality rates and encouraging women to adopt modern family planning methods.
- ▶ **Equipping health centres for maternal and reproductive health care:** Aimed at providing effective and modern health education and services to reduce risks to women and newborns.
- ▶ **Scholarships for girls:** Intended to increase enrolment rates of girls in primary education, reduce school dropout rates, promote literacy and help maintain educational levels for girls comparable to their male counterparts.
- ▶ **Social protection programmes for women:** These programmes should ideally be linked to specific health and educational requirements.
- ▶ **Awareness-raising campaigns against violence:** Aimed at reducing domestic and marital violence affecting women, including by integrating non-violence education into school curricula and courses, organising information campaigns and promoting awareness through various initiatives.<sup>109</sup>

## B - DONORS

- Allocate special budgets for priority projects benefiting Syrian women, and incorporate the gender dimension into all programmes, plans and funding applied in the Syrian context.
- Adhere to the repeated recommendation of the UN Secretary-General, as outlined in his reports on Women, Peace and Security, urging donors to allocate at least 15% of official development assistance to conflict-affected countries to promote gender equality. Additionally, ensure the remaining 85% integrates gender considerations and includes a fivefold increase in direct assistance to women's organisations, which currently receives only 0.2% of such funding.<sup>110</sup>
- Provide long-term funding for women's rights organisations and local women's initiatives, allocating at least a 30% quota of the financial resources granted to Syrian civil society.<sup>111</sup>
- Ensure the gender dimension is a fundamental criterion for funding any projects or activities carried out during the reconstruction process in Syria.

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109 Gender-Sensitive Economic Empowerment Policies. Proposed Post-Crisis Policies - "National Agenda for the Future of Syria" - ESCWA – 2015 - op. cit. – pp. 20-29

110 Report of the Secretary-General on Women, Peace and Security 2020 - cf. UN document: S/2020/946- 25 Sep 2020

111 Side-Event to Brussels Conference on Supporting the Future of Syria and the Region 2023: The Key Role of Syrian Women's Rights Organisations in Shaping the Future of Syria: <https://www.efi-ife.org/en/extra/hub/newsroom-statements>

Submission and evaluation criteria should assess how the project reflects the realities of Syrian women, benefits them and serves their interests.

- Require and support the establishment of a dedicated section for gender oversight in the submission of budgets, allocation of funding and subsequent monitoring of implementation.
- Adopt a funding evaluation mechanism to assess the integration of gender-sensitive budgets and expenditures dedicated to improving women's circumstances. Make this a condition for approving subsequent stages of funding.
- Ensure the sustainability of funding for gender-related activities, extending beyond the initial stage of reconstruction. Budgets should be allocated to ensure the sustainability of funding until the intended objectives are achieved. Alternatively, consider supporting profitable investment activities, with returns earmarked for financing gender-focused activities and projects.
- Facilitate and fund coordination mechanisms between international and national CSOs to enhance collaboration and effectiveness.

## C - CIVIL SOCIETY

- Raise awareness and advocate for the importance of incorporating the gender dimension in the completion and submission of budgets during the reconstruction phase.
- Train experts and specialists, both women and men, on how to prepare gender-sensitive budgets and develop follow-up mechanisms for monitoring and evaluating expenditures.
- Establish specialised centres to monitor compliance with this obligation, including the publication of periodic bulletins for monitoring, accountability and evaluation.





# 3 LEGAL RECONSTRUCTION

The conflict is often linked to the failure of governance systems and the collapse of the rule of law. Consequently, the reconstruction phase presents an opportunity to rebuild society, not only in material terms but also in legislative and institutional terms. This process requires significant transformations in post-conflict societies, which are often accompanied by constitutional and legal reforms. In most cases, these reforms do not simply aim to restore the pre-conflict status quo but rather seek to address the underlying factors and circumstances that may have triggered or exacerbated the conflict in the first place,<sup>112</sup> offering a new and more resilient vision for the future.

The reconstruction phase in Syria also presents an opportunity to advance women's rights, including from a legal perspective, in parallel with the broader improvements and developments the country is expected to undergo. This is underscored by the UN Secretary-General in his report on Women, Peace and Security, where he highlights the crucial role of legal reforms in protecting women in the post-conflict phase. He emphasises that:

*Rebuilding justice and the rule of law are of paramount importance in protecting women's equal rights in the aftermath of conflict. Therefore, priority should be given to gender mainstreaming in the context of law and institutional reform, in accordance with international standards, with the aim of reducing persistent violence against women, and protecting social and economic rights so as to enable women to participate fully in recovery efforts.*<sup>113</sup>

Thus, the reconstruction process must also encompass the legal sphere, as it is the primary guarantor of providing women with a safe life, enabling them to enjoy their rights and freedoms, fulfil their duties and assume responsibilities. A reconstruction process that considers women's needs and interests at the political, economic and social levels is crucial. However, its impact will be limited if it is not reinforced by clear and binding constitutional or legal provisions that ensure sustainability and allow for accountability in cases of non-compliance

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112 Gender, Conflict, and Development, Tsjeard Bouta, Georg Frerks, Ian Bannon - The World Bank Washington, D.C. pp. 77-78.

113 Report of the Secretary-General on Women, Peace and Security 2013 - cf. UN document: S/2013/525- 4 Sep 2013

with prior commitments. In the post-conflict phase, legal reconstruction for women should involve a comprehensive review of the existing legal system, including the constitution, legislation, institutions and policies, to assess whether they support or hinder women's participation and rights. This process should also revise and implement necessary amendments. Legal reconstruction is a multifaceted, complex and trans-textual process. It requires cancelling outdated laws, amending existing provisions, endorsing new legislation, establishing institutions and adopting policies that were previously absent.

## 1•The Constitution

The Constitution holds paramount importance as the supreme law of the State, which must not be violated by any other national legislation. All existing policies and institutions should be aligned with its provisions. A democratic and inclusive constitution should be gender-sensitive,<sup>114</sup> reflected in the principles on which it is based, the rights it ensures, the language it uses, and the guarantees it provides to enable women to benefit from its fair provisions. This ensures that its principles are not merely theoretical but effectively enforced and applied.<sup>115</sup>

The Constitution in Syria has traditionally lacked gender sensitivity and has failed to provide sufficient guarantees to protect women's rights. Since 2011, despite repression, war crimes, crimes against humanity and ongoing human rights violations, women's rights activists have organised and played a crucial role in the struggle for freedom and democracy. Already in 2012, the Coalition of Syrian Women for Democracy (CSWD) started working on engendering the Constitution and the constitution-building process and developed principles for an inclusive and gender-sensitive constitution that upholds women's rights, aiming to prepare for the future political phase in Syria.<sup>116</sup>

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114 A gender-sensitive constitution integrates the establishment of the rule of law, equality between women and men, respect for the human rights and dignity of both women and men alike. Such a constitution adopts a gender perspective, ensuring that gender-related issues are addressed and that its provisions consider their impact on gender equality. It employs gender-sensitive language and includes explicit provisions to promote gender equality. While social, political and cultural contexts may vary, a gender-sensitive constitution is framed by norms and standards rooted in the universality and indivisibility of human rights for both women and men. Cf.: ABC for a Gender Sensitive Constitution Suteu and Draji – EuroMed Feminist Initiative, 2015 - p. 11.

115 ABC for a Gender Sensitive Constitution, Suteu and Draji, EuroMed Feminist Initiative, 2015, p. 13, <https://www.efi-ife.org/en/extra/hub/publications-handbooks-and-booklets>

116 CSWD has, since its inception in 2012, put forth constitutional principles to guide a gender-sensitive transition towards democracy in Syria, as outlined in the Strategic paper: Equality First -Towards a Democratic Constitution (2012) [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#). While working towards its goals, CSWD has built upon lessons learned from the experiences of other countries. It published recommendations for "Promoting non-violent transition towards democracy through engendering a constitution building process in Syria," based on the international conference held in 2014 and the 2016 high-level conference of legal and gender experts, "Building an Inclusive Gender-Sensitive Constitution: A Syrian Path Towards Democracy."

## **a) Provide constitutional measures to eradicate VAWG and protect victims of VAWG**

VAWG severely hinders women's ability to exercise their rights and constitutes a major violation of their rights to life, physical integrity, and human dignity. It is a global issue, systematically used to deny women and girls security, freedom, and their fundamental rights. It is essential to recognise that not only acts of violence, but also the threat of violence serve as a significant barrier to freedom. Therefore, constitution-makers must prioritise this issue and allocate resources to effectively combat it.<sup>117</sup>

UNSCR 1325 explicitly states in Clause 8(c) the obligation of States to take: "Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary."

Syrian constitutions have so far failed to address VAWG and to provide protection for women. The severity of this issue is further compounded by the fact that "there is no specific Syrian law on VAWG, nor any strategy to combat it, neither separately nor even as part of a comprehensive strategy on women."<sup>118</sup>

Although the Constitutional Declaration from 13 March 2025 stipulated in Article 21 that the State is committed to protecting women from "all forms of oppression, injustice, and violence," its implementation on the ground will determine the extent of its effectiveness, particularly since the same article also includes the State's commitment to preserving "the social status of women and their role within the family and society." This raises concerns, as women's traditional social status within the family and society is one of the main factors contributing to their exposure to injustice and violence.

The danger faced by women in this regard is not limited to direct violence but also extends to indirect violence rooted in religious beliefs or prevailing social norms. The Syrian regime had previously recognised such norms but consistently attributed them to customs and traditions—for example, justifying child marriage by referring to "religious norms and beliefs."<sup>119</sup> Therefore, it is essential to explicitly affirm the right to protection from VAWG in a dedicated article when drafting constitutional provisions related to protection.

### **Best Practices:**

#### **Tunisian Constitution, Article 46:**

"The State takes all necessary measures in order to eradicate violence against women."

117 ABC for a Gender Sensitive Constitution, Suteu and Draji, EuroMed Feminist Initiative, 2015, p. 60, <https://www.efi-ife.org/en/extra/hub/publications-handbooks-and-booklets>

118 Status of Arab Women Report 2017 - Violence Against Women, What is the Extent of the Damage? ESCWA, Beirut, 2017 - Table 2 - p. 15.

119 Human Rights Committee - The International Covenant on Civil and Political Rights - examining reports submitted by States Parties - Third periodic report, Syrian Arab Republic, paragraph 353 - cf. United Nations document: CCPR/C/SYR/2004/3 - 19 Oct 2004

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- **Regarding direct violence:** Adopt an explicit constitutional provision that unequivocally prohibits all forms of VAWG, ensuring that the text includes:
  - ▶ The State's obligation to prohibit and eradicate VAWG, rejecting any justification for its commission under any circumstances, whether in a woman's private or public life.
  - ▶ The State's commitment to criminalise all forms of VAWG and penalise the perpetrator, without any exception, justification or mitigation.
  - ▶ The State's obligation to provide comprehensive protection and support for women victims of VAWG.
- **Regarding indirect violence:** Adopt an explicit constitutional provision ensuring that cultural and social norms cannot be used to infringe upon women's constitutional rights or justify violence against them. The application of such provisions and customs must be subject to compliance with the Constitution, not the other way around.

### **B - DONORS**

- Encourage Syrian parties, in the context of any future constitutional process, to ensure the inclusion of provisions and mechanisms addressing VAWG in any future constitutional framework.
- Incorporate the implementation of constitutional provisions on the protection of women from violence into reconstruction budgets and projects, including funding for victim shelters, health and psychological support services and vocational rehabilitation initiatives.

### **C - CIVIL SOCIETY**

- Organise grassroots mobilisation and advocacy campaigns to ensure that any new constitutional text incorporates these proposed provisions, preventing them from being ignored or overlooked in potential negotiations between politicians and religious figures.
- Conduct regulatory studies and compile data on the prevalence and impact of VAWG in Syria to underscore the urgency of addressing this issue and to prevent its exclusion from constitutional discussions.
- Engage with constitutional committees and bodies to ensure that VAWG is explicitly addressed in the constitutional drafting process.
- Build on existing work and provide further expertise to actors in the

constitutional process, for example, through a dedicated electronic platform offering possible options and alternatives based on established principles and tools such as the ABC for a Gender Sensitive Constitution.<sup>120</sup>

## ***b) Adopt gender-inclusive language in constitutional drafting***

The use of gender-inclusive language in the drafting of constitutions is extremely important to prevent any form of exclusion or misinterpretation, whether intentional or unintentional, that may result in depriving women of their rights.

It is well known that the choice of words is not neutral; it can reflect and reinforce stereotypical gender roles, which are then perpetuated in constitutional texts. For this reason, constitutional and legal documents should be written in “gender-inclusive” rather than “gender-exclusive” language. The so-called “masculine rule”—the assumption that the masculine third-person pronoun (he) automatically includes the feminine (she)—was not a mere coincidence. Rather, it has historically contributed to the systematic omission of women from legal and constitutional texts. This linguistic practice should therefore be abandoned, particularly in constitutions and laws, where the use of masculine terminology often renders women invisible, excluding them from protection and rights.<sup>121</sup>

Gender-inclusive language was not considered in the drafting of any previous Syrian constitutions, from the 1920 draft to the current Constitutional Declaration from 2025. These documents were largely exclusionary and patriarchal, both in their terminology and in their failure to acknowledge women when stipulating rights and entitlements. The omission of gender-inclusive language has led to ambiguity regarding women’s rights. Vague wording, easily exploited or interpreted in bad faith, has been used to deprive women of rights and exclude them from exercising those rights.

One such controversy arose regarding Article 84, paragraph 4 of the 2012 Constitution, which defines the conditions for candidacy for the presidency of the Republic. The article states that “a candidate for the post of President of the Republic is required” to meet certain conditions, including: “not to be married to a non-Syrian woman.” This phrasing sparked controversy as some interpreted this wording to mean that only men could run for president. This example underscores the urgent need for clear and inclusive gender-inclusive language in the drafting of the future constitution to prevent discrimination and misinterpretation.

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120 ABC for a Gender Sensitive Constitution, Suteu and Draji, EuroMed Feminist Initiative, 2015, <https://www.efi-ife.org/en/extra/hub/publications-handbooks-and-booklets>

121 Ibid, p. 76.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Commit to ensuring gender-inclusive language in the future Syrian constitutional drafting to prevent misinterpretations and abuse, thereby guaranteeing women's rights on an equal basis with men.
- Use explicit language that unequivocally includes both women and men, such as, male citizens and female citizens, male voters and female voters, the wife of the male candidate or the husband of the female candidate to avoid ambiguity.
- Ensure consistency in constitutional wording by repeating nouns where necessary to avoid reliance on exclusive use of pronouns. Where pronouns cannot be avoided, use the plural pronoun (they) instead of singular pronouns, or explicitly include both feminine and masculine pronouns.
- Prioritise clarity over ambiguity in constitutional language to prevent discriminatory interpretations. This issue goes beyond grammar—it requires precise and explicit phrasing that guarantees women's rights. For example, when defining the right to health, it should be explicitly stated that this includes women's sexual and reproductive health rights. This ensures that women have access to reproductive health care services in sufficient numbers, effectively and without discrimination. Additionally, it should be clearly established that women's access to these services must not be subject to third-party approval, thereby protecting them from continued violations of this right.

### **B - CIVIL SOCIETY**

- Organise grassroots mobilisation and advocacy campaigns to ensure that any new constitutional text explicitly includes these proposed provisions on gender-inclusive language, preventing them from being ignored or overlooked.
- Engage with members of the current constitutional committee, or any future constitutional body, to ensure that gender-inclusive language is actively discussed and integrated into the constitutional drafting process.
- Provide access to international expertise and comparative experiences by making relevant legal precedents and best practices available to constitutional actors. This could be facilitated through a dedicated electronic platform, offering possible options and alternatives based on international constitutional frameworks.

### **c) *Ensure access to the Supreme Constitutional Court***

Constitutional courts play a crucial role in national legal systems, as they are responsible for ensuring compliance with constitutional provisions and guaranteeing their implementation. They serve as the highest constitutional and legal authority, whose ruling cannot be violated. Additionally, they act as the final resort for individuals whose constitutional rights have been infringed upon, particularly when regular litigation avenues fail to deliver justice.<sup>122</sup>

During Syria's reconstruction phase, the significance of this court increases, especially for women, given the widespread forms of VAWG that are either sanctioned or perpetuated by existing legal provisions, administrative actions or decisions issued by various State authorities. Legal violence occurs when women are denied rights explicitly under the law, such as in the case of the Nationality Law, which deprives women in Syria from passing their nationality to their children. Similarly, economic violence can be justified by legal texts, as seen in the penal and personal status laws, which legitimise certain forms of physical and economic violence against women. In such situations, the Supreme Constitutional Court should serve as a protective authority, ensuring access to constitutional litigation for women whose rights are violated.

The Syrian constitution of 2012 imposes severe restrictions on access to the Supreme Constitutional Court, creating significant procedural and institutional barriers that severely limit individuals' ability to seek its protection. According to the Constitution, access to the court is only possible through an intermediary court, and the legislature imposes multiple additional conditions that restrict this indirect access.<sup>123</sup>

Furthermore, the Court of Second Instance should have the authority to refer cases concerning the unconstitutionality of the legal texts to the Supreme Constitutional Court. However, it has discretionary power to dismiss appeals without referral, thereby blocking individuals from accessing the Supreme Constitutional Court—the only legal avenue for constitutional challenges.

As a result, claims of unconstitutionality are not automatically considered matters of public order. If a claimant raises such a challenge, its seriousness is left to the absolute discretion of the court hearing the appeal. This discretionary approach creates inconsistencies in jurisprudence, as one court may consider a claim valid while another may dismiss it, even when dealing with the same legal text.<sup>124</sup> In 2020, the Supreme Constitutional Court of Syria ruled that these procedural conditions were matters of public order, leading to the rejection of claims on procedural grounds due to non-compliance with these conditions.<sup>125</sup>

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122 Dr. Ibrahim Draji - The Constitutional Court in the Syrian Constitutions. Comparative historical legal reading, The Legitimacy and Citizenship Programme in the Arab World. Conflict and Civil Society Research Unit at the London School of Economics and Political Science LSE – July 2020 – p. 9.

123 Dr. Hassan Mustafa Bahri - The Constitutional Judiciary. Comparative Study – First Edition 2017

124 Ibid., p. 169.

125 Supreme Constitutional Court - Pillar No.3 of 2020. Decision No. (3) pp. 4-5– published in the Official Gazette of the Syrian Arab Republic – Part I – No. 9 – March 4, 2020 – p. 189.

This highly restrictive system has been widely criticised for failing to provide the necessary constitutional guarantees for women. The current mechanism does not allow individuals, whether natural or legal persons, to directly access the Supreme Constitutional Court. This barrier is particularly concerning in the context of reconstruction, as many of the existing discriminatory laws, such as nationality laws, personal status laws, the penal code and real estate regulation laws hinder women's effective participation in rebuilding Syria. With an accessible and transparent mechanism, these laws could have been challenged on constitutional grounds.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- In the new Constitution, ensure individuals have both direct and indirect access to the Constitutional Court by removing legal barriers and streamlining procedures, as follows:
  - ▶ Allow individuals to challenge the constitutionality of laws before Courts of First Instance, rather than limiting this right exclusively to Courts of Second Instance.
  - ▶ Remove the absolute discretion granted to courts in determining whether to refer a constitutional challenge to the Supreme Constitutional Court and establish objective criteria to govern the referral process.
  - ▶ Provide direct access to the Constitutional Court for natural or legal persons, including CSOs that have standing and a legitimate interest in matters of public concern. This mechanism should be structured within objective legal frameworks, following best practices from countries that provide individuals direct access to constitutional justice.

### **B - CIVIL SOCIETY**

- Provide access to international expertise and comparative experiences by making relevant legal precedents and best practices available to constitutional actors. This could be facilitated through a dedicated electronic platform, offering possible options and alternatives based on international constitutional frameworks.

## **d) *Establish new constitutional bodies***

It has become common for many constitutions to establish independent constitutional entities tasked with specific responsibilities, such as holding State institutions accountable (e.g., Human Rights Commission or General Auditors), handling complaints against government agencies for mismanagement or unfair discrimination (e.g., the Ombudsman), combating corruption and overseeing politically sensitive tasks (e.g., the Anti-Corruption Commission,

Independent Electoral or Media Administration Commission). Additionally, some constitutional bodies focus on upholding fundamental values and rights, such as ensuring equality and non-discrimination.<sup>126</sup>

In the Syrian context,<sup>127</sup> particularly during the reconstruction phase, it would be beneficial to establish two constitutional bodies that are of high priority for women, namely a constitutional entity for equality between women and men and a constitutional entity for combating corruption and ensuring transparency.

Constitutional entities dedicated to equality between women and men are crucial tools for safeguarding women's rights, addressing discrimination, and responding to violations. Their mandate and scope differ from broader human rights councils or legal institutions, which typically cover general human rights issues, including women's rights, but do not focus exclusively on gender equality. By contrast, gender equality councils are designed specifically to advance this issue, increasing their likelihood of success in fulfilling their purpose.

No Syrian constitutions have included provisions for such councils. The 2012 Constitution merely states that "the State provides women with all opportunities that allow them to effectively and fully contribute to political, economic, social and cultural life, and works on removing restrictions that prevent their development and participation in building the society."<sup>128</sup> However, this provision has been widely criticised for being overly vague, lacking mechanisms or dedicated institutions to implement its commitments to "removing restrictions" and "providing opportunities." Without clear structures or enforcement bodies, such commitments remain theoretical rather than actionable.

Another constitutional body relevant to the Syrian context is an Anti-Corruption Commission, aimed at ensuring transparency in the management of the reconstruction process. A reconstruction process that is transparent, guided by objective criteria and equipped with accountability mechanisms will primarily benefit women by safeguarding their participation and preventing their exclusion or marginalisation. Moreover, such a commission would help prevent the emergence of an environment conducive to corruption, abuse of power or systematic discrimination that may further disadvantage women.<sup>129</sup>

It is worth noting that, according to international best practices, constitutions do more than establish such bodies in principle; they also provide detailed provisions on their functions, membership and operational mechanisms. This

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126 Yash Guy. Jill Cotterell - The Millennium Declaration, Rights and Constitutions – United Nations Development Programme (UNDP) - pp. 182-183.

127 The government of the Syrian Arab Republic has approached human rights issues as cross-sectoral issues, assigning responsibility for different aspects of human rights conventions to various ministries and relevant bodies based on their respective mandates. Syria's development framework is structured around ministerial committees, including the Ministerial Committee for Human Development, which is tasked with examining and approving key policies related to human development, an overarching framework that encompasses human rights. Cf.: First National Report on Sustainable Development - p. 31.

128 Article 23 - Constitution of 2012.

129 The Syrian regime considered combating corruption to be part of administrative and institutional reform. As a result, the responsibility for addressing corruption fell on several national bodies, the most significant being Ministry of Administrative Development, the Central Authority for Supervision and Inspection, and the Central Financial Supervision Authority. Cf.: First National Report on Sustainable Development- Op. cit. - p. 32.

ensures that these institutions are effectively structured and empowered to achieve their intended purpose—whether promoting equality between women and men or combating corruption—rather than existing as symbolic entities without real impact.

### Best Practices

The Constitution of South Africa provided for the establishment of the Commission for Gender Equality—one of its tasks is to “promote respect for, protect and develop gender equality.” “This Commission, based on the national legislation, has all the necessary powers to carry out its mission, including monitoring, investigation, research, awareness raising, lobbying, counselling and submitting reports on gender equality issues...”

*The Constitution of South Africa - Article 187*

Tunisia's constitutionally established Good Governance and Anti-Corruption Commission enhances good governance and combats corruption by promoting transparency and accountability. It monitors corruption in both the public and private sectors, reviews draft laws, and provides expert opinions on regulatory texts.

*The Constitution of Tunisia of 2014 - Article 130*

## ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:

### A - SYRIAN DECISION MAKERS

- Explicitly mention in the Constitution the establishment of a number of independent constitutional bodies tailored to the Syrian context, including a Commission on Equality between Women and Men and an Anti-Corruption Commission.<sup>130</sup>
- Ensure the Constitution provides all necessary elements for the effective functioning of these bodies, including:
  - ▶ Guaranteeing their independence and impartiality in terms of appointment, subordination, accountability and reference.
  - ▶ Granting these bodies full decision-making powers, rather than limiting them to an advisory role or the mere issuance of recommendations and reports.
  - ▶ Ensuring that all necessary provisions and guarantees are enshrined in the Constitution itself, rather than deferring their implementation to subsequent national legislation, which either may never be enacted or be formulated in a way that undermines the effectiveness and influence of these bodies.

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<sup>130</sup> Issuing special laws to combat corruption and promote transparency and accountability will be necessary. However, it would be more appropriate for the Constitution to stipulate the principles and standards that these laws must achieve within its own text.

- Specify a clear time frame in the Constitution for forming these bodies and ensure that they promptly begin exercising their mandates to implement and uphold their constitutional responsibilities.

## **B - DONORS**

- Support these constitutional bodies, when established, by allocating appropriate budgets within the reconstruction process to enable them to effectively carry out their assigned roles and responsibilities.

## **C - CIVIL SOCIETY**

- Carry out mobilisation and advocacy efforts to ensure that the Constitution includes provisions supporting the establishment of such entities.
- Provide capacity-building to develop human resources capable of facilitating the work of these entities and ensuring their effective operation.
- Strengthen the capacities of those involved in the constitutional process by providing studies and training manuals on the benefits of establishing such bodies, along with international best practices, to support their arguments and secure appropriate constitutional provisions.

### **e) *Establish the status of international treaties within the national legal system***

Establishing the status of international treaties within the Constitution has been a long-standing demand of the Syrian women's rights movement and its supporters, aimed at strengthening the implementation of international women's rights treaties ratified by the Syrian State.

Many countries explicitly define the hierarchy of international treaties in their national legal systems to confirm their supremacy over national laws and establish them as a reference for legal interpretation. However, Syrian constitutional texts have historically omitted such provisions. Unlike most constitutions worldwide, they have largely ignored international law, including human rights conventions, referencing them only briefly and minimally when absolutely necessary. In contrast, many constitutions explicitly recognise international treaties as guiding references, some even prioritising treaty provisions when they grant broader rights than the Constitution itself. The absence of such references in Syrian constitutions weakens legal protections and accountability. Including them reinforces the Constitution's legal and moral authority, ensuring that legislators and law enforcement uphold these commitments.

This issue is particularly critical for women, especially during the reconstruction phase. Many essential rights necessary for creating a peaceful and inclusive

environment—such as protection from violence and discrimination, access to property, decent work, political participation and citizenship rights—are guaranteed under international treaties ratified by the Syrian State. Ensuring their constitutional recognition would empower women to participate fully in the reconstruction process and contribute effectively to rebuilding Syrian society.

Given the significance of these considerations, it is essential to include a clear and explicit constitutional provision on the status of international treaties in any future Syrian constitutional document.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt a clear constitutional article defining the status of international treaties, ensuring they hold higher authority than national legislation, as in accordance with established international legal principles. This guarantees that domestic laws conflicting with binding international treaties are ruled invalid.
- Affirm in the Constitution that duly ratified international treaties, once meeting all formal and objective conditions, must be directly applied and enforced. Law enforcement agencies must respect and implement them, and individuals should have the right to invoke and enforce them.
- Explicitly reference key human rights treaties in the Constitution, particularly the CEDAW Convention. These treaties should serve as the interpretive framework for constitutional rights and duties. If they provide stronger protections than national laws, they must take precedence, as they are legally binding under international law.

### **B - CIVIL SOCIETY**

- Conduct mobilisation and advocacy efforts to ensure that these principles are enshrined in the Constitution.
- Raise awareness and provide training for members of the judiciary and law enforcement agencies on applying international treaties within the national legal framework and enforcing them in practice.

## **f) *Overcome obstacles to return to ensure women's engagement in the reconstruction process***

Human losses are among the most serious consequences of war and armed conflict. These losses extend beyond the dead, wounded and disabled to include

displaced persons and refugees, both women and men, who have been forced to leave their home and have been deprived of their right to return. Many have gone from being citizens in their own country to internally displaced persons or refugees abroad, unable to return due to fear during the conflict, or, after the conflict, due to loss of identification documents, property, or concerns about legal or political persecution.

By the end of 2021, Syrian refugees accounted for 27% of the world's refugee population. They remain the largest displaced population globally, with 6.8 million Syrian refugees hosted in 129 countries. The majority (83%) have sought asylum and protection in neighbouring or regional countries. According to figures from the United Nations High Commissioner for Refugees (UNHCR), updated as of 28 February 2023, the number of Syrian refugees in neighbouring countries and the region alone has reached 5,424,016 women and men.<sup>131</sup>

Countries outside the region have also received significant numbers of Syrian refugees. Between 2010 and 2019, Germany received over 2.1 million new asylum applications, one-third of which (619,000) were from Syrians. By the end of 2019, 572,800 Syrians had been granted asylum or protection in Germany, a number that increased to 621,700 in 2021. Sweden, as of the same date, hosted 113,400 Syrian refugees.<sup>132</sup>

As previously mentioned, one of the key principles of Syria's reconstruction process must be inclusivity, ensuring that all individuals, both women and men, can participate without any exception, exclusion or discrimination. Achieving this requires removing obstacles to return for displaced persons and refugees. This issue is of particular importance to women in Syria, as their ability to return and reintegrate is essential for their active role in the reconstruction phase.

Some may argue that issues of displacement and return do not typically belong in constitutions and should instead be addressed through public laws or even special laws issued to face such challenges. While this may be true under normal circumstances, Syria's extraordinary situation—marked by a devastating war that has displaced more than half of its population—demands a constitutional commitment. Relying solely on national legislation to address this crisis would be insufficient, especially given concerns about transparency, enforcement and political will.

A constitutional provision on the right to return, developed through comprehensive and transparent national consultations, would reflect a broad national consensus and serve as a critical guarantee. Such a provision would affirm the commitment to removing restrictions and obstacles that prevent displaced persons and refugees, both women and men, from returning home.

Guaranteeing this right in the Constitution is not just a legal necessity but also a fundamental prerequisite for Syria's inclusive and sustainable reconstruction.

Although the Syrian Constitutional Declaration of 2025 stipulated in the

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131 The operational data portal on the numbers of Syrian refugees on the UNHCR website:

<https://data.unhcr.org/en/situations/syria>

132 UNHCR's Annual Global Trends Report in 2019, published 18 June 2020 - op. cit – p. 20, p. 40.

second paragraph of Article 8 that “the state shall work in coordination with relevant countries and international organizations to overcome obstacles to the voluntary return of refugees, displaced persons, and all forcibly displaced persons,” this constitutional obligation should also extend to the country’s permanent constitution because the path of return may take long periods of time beyond the duration of the current transitional phase until the security and political situation in the country stabilises, creating conditions for the voluntary and safe return of forcibly displaced Syrian women and men.

Article 2 of the 1995 **Constitution of Bosnia and Herzegovina** guarantees the right of return, restitution or compensation for property, and the annulment of any decision or action that contradicts these rights. Its fifth paragraph explicitly states that “all refugees and displaced persons have the right to freedom of return to their places of origin.”

Similarly, the 2001 **Transitional Constitution of the Republic of Burundi** established the National Commission for the Rehabilitation of Victims, composed of representatives from different ethnic and political groups. This commission was tasked with supporting and rehabilitating victims, facilitating their reintegration, and coordinating for the organised return of refugees.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- The Constitution should explicitly guarantee the right of all women and men refugees and displaced persons to return. It must also ensure that any legal or factual obstacles preventing their return are addressed. The return process should be voluntary, safe and based on free and informed consent from both women and men.
- A constitutional provision should guarantee returnees (women and men) the right to recover or receive compensation for real or movable property, including those who have received protection in a third country. A transparent and effective mechanism must be established to facilitate the recovery of property seized illegally during the war years.
- A constitutional provision should affirm returnees (women and men) have the right to choose their place of return, whether to their former residence, or any other location within the country. They must also have access to reliable and comprehensive information to assess local conditions in potential return areas.
- A constitutional provision on amnesty should be granted to returnees (women and men) for offenses that do not involve physical violations of international humanitarian law or human rights law. However, crimes of sexual violence against women, war crimes, and other grave human rights violations must be explicitly excluded from amnesty.

- A clear, transparent and independent mechanism should be established to oversee and monitor the implementation of this amnesty, ensuring it is applied fairly and does not shield perpetrators of serious crimes from accountability.
- Adopt temporary exceptions specifically for the children and husbands of Syrian women married to non-Syrians so that they can return with their Syrian mothers or wives.

## **B - DONORS**

- Ensure that reconstruction projects and budgets prioritise creating a favourable environment for the return of women and refugees by:
  - ▶ Supporting the establishment of a compensation mechanism for damages caused by the war.
  - ▶ Supporting housing projects to accommodate returnees, allocating a percentage adequately corresponding to the percentage of widowed or single women.
- Avoid supporting reconstruction projects or activities that discriminate against women refugees. This includes restricting projects to men without allowing women to work in or benefit from them, as well as excluding refugees or displaced persons from benefiting from reconstruction projects.

## **C - CIVIL SOCIETY**

- Organise and conduct consultations with refugees, both women and men, regarding their return, ensuring their inclusion in discussions on the constitutional provisions relevant to their situation to prevent their exclusion from this stage.
- Ensure women's participation in decision-making about whether or not to return, while raising awareness and disseminating information within refugee and displaced communities.
- Organise surveys and establish databases with the broadest possible participation of refugees to understand their priorities and specific conditions for a safe and dignified return.
- Exercise public oversight to ensure that refugees return voluntarily and not under pressure from their countries of residence.
- Develop the educational and vocational capabilities of refugees in host countries in line with the labour market needs during the reconstruction phase to ensure their effective participation in that process, with a particular focus on the development of women's skills and opportunities.

## 2•Laws

The law establishes standards and guides individuals' behaviour in society, aiming to achieve fairness and justice by ensuring the rights and freedoms of all persons, both women and men, equally. In this sense, the law should serve as a source of protection, not danger, and as a refuge for victims, not a tool for abuse or the justification of injustice.

Unfortunately, the law does not always fulfil its intended purpose when it is misused to impose injustice rather than eliminate it or to justify violence instead of preventing it. This occurs when the law itself contains discriminatory provisions that undermine fairness and justice or fails to adopt necessary measures to ensure equality and eliminate injustice.

For decades, women in Syria have suffered legal violence through laws that legitimised injustice and inequality or failed to provide necessary protection. The reconstruction process in Syria requires the efforts and capabilities of all its citizens, both women and men, and can only succeed if legal provisions justifying violence against women are abolished, women's rights are guaranteed, and victims are protected.

In the previous chapters, we have examined various legal texts that impact Syrian women's role in the reconstruction process. We have also put forward necessary proposals and recommendations regarding laws on political participation, employment and real estate ownership. In the following section, we will briefly review additional legal texts that have not yet been addressed.

### a) *Penal Code*

The current Syrian Penal Code was enacted by Legislative Decree No. 148 on 22 June 1949 and came into force on 1 September 1949, replacing the Ottoman Penal Code, which had been in effect in Syria since 1858. The Syrian Penal Code is identical to the Lebanese Penal Code issued in 1943, with its provisions largely derived from the French Penal Code of 1810, alongside minor amendments influenced by Italian and German penal codes.<sup>133</sup>

It is worth noting that the explanatory memorandum to the 1949 Syrian Penal Code stated that the Ottoman Penal Code had "become unviable" due to changes in Syria's governance system, intellectual and social development, and evolving economic and commercial conditions, which necessitated a new penal framework.<sup>134</sup> Now, more than seventy years after that memorandum was written, the same argument may apply to the current Syrian Penal Code. Many of its provisions, drafted in 1949 and earlier, are no longer suitable for regulating society or protecting women's rights in 2025, despite numerous amendments.

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<sup>133</sup> The Ottoman Penal Code was a word-for-word translation of the French Penal Code of 1810, commonly known as the "Napoleonic Code." In 1858, this law was translated from Turkish into Arabic for implementation in the Arab territories under Ottoman rule. Cf.: Dr. Abboud Sarraj, explanation of the General Penal Code, op. cit, pp. 99-101.

<sup>134</sup> Syrian Penal Code, Explanatory Memorandum, Minister of Justice Asad Kurani, Damascus, 22 June 1949.

Some of these so-called “improvements” have, in fact, harmed women and their rights rather than providing meaningful benefits or protection.

The Syrian Penal Code contains numerous discriminatory provisions against women, creating significant issues when they condone, justify, or even incite certain forms of violence. These provisions offer perpetrators legal justifications and excuses, elevating them from “criminals” deserving the full extent of legal and social punishment to “heroes” driven by an “honourable motive.” As a result, crimes that should be condemned become legally justified and consequently socially acceptable. Furthermore, the absence of essential legal protections leaves female victims even more vulnerable.

One of the most problematic provisions is the so-called “honourable motive” in Article 192 of the Penal Code. Historically, the judiciary has used this provision to impose minimal sentences on male family members who commit murder or abuse against women under the pretext of “restoring family honour.” This justification continues to be used to reduce penalties for what are unjustly called “honour crimes”—acts of violence, often resulting in death, carried out by one or more male relatives against women suspected of “inappropriate” behaviour or accused of violating “morals and public decency” in a society shaped by entrenched cultural and social norms.<sup>135</sup>

In practice, such crimes are not always driven by actual or perceived suspicions. “Honour” is often used as a pretext for murder or abuse to achieve other objectives, such as seeking control and revenge or depriving women of their inheritance, as has been documented in various cases across different countries. These so-called “honour crimes” involve:

*Aggression against the female victim, a waste of her rights to life, physical, material and moral integrity, and also a return to the law of the jungle and the time of individual retribution, as well as the absence of the human right to a fair trial before a competent judiciary, and punishment imposed and enforced by a judicial authority.*<sup>136</sup>

Another issue in the Penal Code is the criminalisation of extramarital sex between consenting adults (adultery) under Articles 473, 474 and 475. Treating consensual sexual relations as a criminal offence violates the right to privacy and contravenes the International Covenant on Civil and Political Rights. Research shows that “adultery” laws disproportionately target women and girls, as their penalties, despite appearing gender-neutral, almost always discriminate against

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135 Honor killings - A Form of Violence Against Women, المرأة، صورة من العنف المؤجّه ضد المرأة، جرائم الشرف Dr. Mahmoud Abdul Rashid and Dr. Zein El Abidine Makhoul, Center for Egyptian Women's Issues, p. 10.

136 The Position of Sharia and the Law on Crimes Committed in the Name of Honor الشرف، موقف الشريعة والقانون من الجرائم التي ترتكب باسم الشرف، scientific research conducted under the supervision of the General Union of Syrian Women and the United Nations Entity for Gender Equality and the Empowerment of Women, Damascus, February 2011 - p. 1.

women in both law and practice. The CEDAW Committee and the Human Rights Committee have urged the repeal of “adultery” provisions to prevent women from being deterred from reporting rape due to fear of being accused of adultery.<sup>137</sup> In 2012, the UN Working Group on Discrimination Against Women in Law and in Practice called on governments to abolish such laws.<sup>138</sup>

Although modern Syrian legislation has moved towards eliminating distinctions between a husband’s and a wife’s adultery in line with justice and equality before the law,<sup>139</sup> the Syrian legislator has retained significant discrepancies. Under these articles, women face harsher penalties, with fewer conditions required to prove their guilt, while men receive lighter sentences, with stricter conditions for conviction. This bias further demonstrates that criminalising “adultery” primarily targets women and girls. Therefore, these provisions should be repealed.

The provisions on rape in the Syrian Penal Code are also discriminatory. Article 489 criminalises rape but adopts a narrow definition, limiting it to traditional forms of sexual intercourse while excluding other forms of sexual exploitation. Furthermore, it allows rapists to receive a reduced sentence if they marry their victim and does not criminalise marital rape.

It is also important to highlight that the Syrian Penal Code restricts women’s ability to exercise certain health and reproductive rights. Women’s human rights include the freedom to make decisions about their sexual and reproductive health, free from coercion, discrimination or violence. However, this contradicts provisions in the Penal Code that criminalise the prescription or dissemination of information on pregnancy prevention, as well as the sale or facilitation of contraceptive use. The third chapter of the Penal Code, titled “Contraceptive Methods and Abortion,” specifically includes Articles 523 and 524, which impose these restrictions.

Finally, the absence of a specific and comprehensive law in Syria to eliminate and prevent violence against women remains one of the greatest legal challenges for Syrian women. Unlike many countries, including those in the Arab region,<sup>140</sup> Syria has yet to criminalise numerous forms of VAWG, resulting in limited protection mechanisms for victims and inadequate penalties for perpetrators.

Without such legal protections, creating a safe environment for Syrian women—an essential condition for the country’s reconstruction—will be impossible.

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137 Regional Index on VAWG, EuroMed Feminist Initiative, p. 14, <https://www.efi-rcso.org/>

138 See “Joint Statement by the United Nations Working Group on Discrimination Against Women in Law and in Practice” of 18 Oct 2012, see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12672&LangID=E>

139 Lawyer Mazen Hanbali, *Prostitution Crimes* جرائم البغاء, legal library, Damascus, first edition, 2004, p. 186.

140 For example, Tunisia adopted Basic Law No. 60 (2016) on the elimination of violence against women, Morocco enacted Law No. 103-13 on combating violence against women (2018), Jordan implemented Law No. 6 (2008) on protection from domestic violence; and Lebanon introduced Law No. 293 (2014) on the protection of women and other family members from domestic violence.

## ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:

### A - SYRIAN DECISION MAKERS

- **Regarding the “honour” motive:** Abolish Article 192 entirely or exclude its application to perpetrators of murder, including those who commit crimes under the pretext of “honour.” This should be accompanied by the adoption of clear legal provisions ensuring the protection of individuals who report such crimes, as well as women at risk of becoming victims.
- **Regarding “adultery”<sup>141</sup>:** Abolish Articles 473, 474 and 475, as the criminalisation of “adultery” disproportionately targets women and girls, with penalties that discriminate against them in both law and practice. Moreover, maintaining “adultery” as a criminal offence may deter women from reporting rape or sexual assault for fear of prosecution.<sup>142</sup>
- **Regarding the crime of rape:**
  - ▶ Amend the relevant article to align the definition of rape with that of the World Health Organization, which uses an expanded definition.
  - ▶ Criminalise all forms of rape, regardless of marital or other relationships between the perpetrator and the victim.
  - ▶ Abolish all provisions that allow rapists to receive reduced sentences by marrying their victims.
- **Regarding women’s reproductive and health rights:**
  - ▶ Repeal Articles 523 and 524 of the Penal Code in their entirety.
- **Regarding the lack of a specific law to protect women from violence:**
  - ▶ Adopt dedicated legislation on violence against women, rather than a “family or domestic violence” law that integrates women’s issues with those of children, the elderly and other family members. This approach risks diluting the specific challenges faced by women. Therefore, it is strongly recommended to develop and adopt a law on the elimination of violence against women, similar to those enacted in Tunisia and Morocco.
  - ▶ Issue independent legislation rather than introducing scattered amendments to multiple articles in the Penal Code or other laws. A fragmented legal framework weakens enforcement, as specific provisions may be ignored, inconsistently

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141 In this regard, it is important to highlight the global feminist and human rights movement advocating for the abolition of legal provisions criminalising adultery. This movement argues that such laws are socially and legally hypocritical, as they disproportionately affect vulnerable women while generally exempting powerful individuals, particularly men. The criminalisation of adultery and associated punishment of imprisonment are disproportionate to the nature of the act and fail to promote repentance, forgiveness, or reform. Instead, imprisonment may push women into deeper hardship and cause irreparable harm to their families. Furthermore, the legal systems that once influenced legislators in the region have abolished adultery laws, with France decriminalising adultery in 1975. Refer to the presentation of this opinion: Dr. Fahmiya Sharafeddine, The Third Lebanese Document to Abolish all Forms of Discrimination Against Women in Lebanese Laws 2014, الوثيقة اللبنانية الثالثة لإلغاء جميع أشكال التمييز ضد المرأة في القوانين اللبنانية, p. 21.

142 Syria: Gender Justice and the Law, UNDP, United Nations Population Fund (UNFPA), ESCWA, 2018, at <https://arabstates.unfpa.org/en/publications/gender-justice-law-syria>.

applied, or overridden by conflicting laws. A comprehensive law on combating violence against women would ensure clarity and consistent enforcement without reliance on judicial interpretation to determine which provisions apply.

- In addition to legal reform, develop and implement national strategies to combat VAWG. These strategies should complement legal reforms, rather than replace them, and focus on policy changes that support long-term systemic improvements.
- The specific law on combating VAWG should adopt a definition aligned with the UN definition: “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” The law should:
  - ▶ Criminalise all forms of violence against women.
  - ▶ Include prevention measures and protection orders.
  - ▶ Provide for support services for women victims of VAWG, including health, economic, social, psychological, and legal assistance.
  - ▶ Ensure strict penalties for perpetrators.
  - ▶ Mandate training for police, judicial officials and service providers to improve responses to VAWG cases.
  - ▶ Facilitate collaboration between key institutions, including relevant ministries, law enforcement, courts, social services and health care providers.
  - ▶ Require systematic data collection and research to inform policy development.
  - ▶ Ensure the establishment of monitoring and evaluation mechanisms to oversee the implementation of legislation, with regular reports submitted to Parliament.
- The law should explicitly outline the rights of women victims of violence. It must also ensure access to comprehensive support services, including measures to expand the establishment of more shelters for women at risk. Additionally, the law should establish a clear and accessible referral mechanism for victims seeking shelter and remove barriers that hinder CSOs from providing essential protection and care.

## **B - DONORS**

- Support advocacy and legal reform efforts by funding initiatives that highlight the prevalence of violence against women and discriminatory provisions in existing laws.
- Support capacity-building programmes for civil society and relevant authorities to strengthen their ability to implement a victim-centred approach in service provision, including shelter management.

- Fund and support long-term awareness-raising initiatives on VAWG, its root causes and its consequences, promoting a culture of equality and non-discrimination.
- Provide financial support for establishing a national observatory on VAWG to monitor progress, track data and ensure accountability.
- Support legal aid and counselling services for victims of VAWG, ensuring access to justice and protection.

## **b) Personal Status Laws**

The existing Personal Status Law in Syria was issued on 17 September 1953 through Legislative Decree No. 59 of 1953. Article 306 of the law stipulates that it applies to all Syrians, except for two articles that exclude Druze, Christian and Jewish communities from its special provisions, allowing them to follow their respective religious legislation.

Thus, Syrians are governed by different personal status laws based on their religious and sectarian affiliations. Article 308 states that:

*The religious legislative provisions of each sect related to engagement, conditions of marriage and its contract, follow-up, marital alimony and child alimony as well as the invalidity of the marriage, its dissolution, the dissolution of its bond, and the dowry and custody shall apply to the Christian and Jewish confessions.*

This means that, aside from these specified matters, members of Christian and Jewish communities remain subject to the General Personal Status Law for Muslims.<sup>143</sup>

On 27 September 2010, Legislative Decree No. 76 was issued, amending Article 308 to include inheritance and wills, thereby allowing members of these communities to follow their religious legislation on these matters as well. Consequently, several religious legislations have since been enacted to regulate these matters.<sup>144</sup>

It is difficult to present the discrimination against women embedded in Syria's

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143 Among the legislations in force are the Greek Orthodox Personal Status Law No. 23 of 2004, the Syrian Orthodox Personal Status Law No. 10 of 2004 and the Catholic Personal Status Law No. 31 of 2006.

144 For example, Legislative Decree No. 7 of 2011, containing the inheritance and will law for the Greek Orthodox and Syrian Orthodox; Legislative Decree No. 7 of 2012, containing the will and inheritance law for the Armenian Protestant Community; Law No. 4 of 2012, containing the will and inheritance law for the Armenian Orthodox community; and Law No. 2 of 2017, containing the inheritance and will law for members of the evangelical community in Syria.

personal status laws—not due to the scarcity or limitations of these texts, but rather their abundance and interconnectedness. The former Syrian government itself acknowledged this before the CEDAW Committee in 2005, stating in its report that “most of the articles of the Personal Status Law are discriminatory.”<sup>145</sup>

Discrimination is evident in marriage-related provisions, particularly in the judge’s discretion to permit the marriage of underage girls, the mandated conditions in the marriage contract, and the consequent restrictions on a wife’s right to work and movement, as well as the legalisation of polygamy. The same applies to the dissolution of marriage, where the law grants men the exclusive right to terminate a marriage at will through divorce, treating it as an inherent right. Women, however, can only exercise this right under exceptional circumstances. Additionally, men alone have the authority to reclaim a divorced wife without her consent, and the law fails to protect women from arbitrary divorce. Discrimination against women is also evident in inheritance and child custody laws. Inheritance provisions grant men preferential treatment in matters of inheritance, while child custody laws impose unjust restrictions on women’s movement, housing, work, and remarriage—restrictions that do not apply to men.

Given the interdependence and overlap of the provisions of the Personal Status Law, it is impossible to demand isolated amendments to specific articles. Any modification to one article would inevitably require changes to numerous interconnected provisions that support and reinforce it.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt a civil Personal Status Law that applies to all Syrians, regardless of religion or sect, ensuring alignment with both previous constitutional requirements and Syria’s future Constitution.

### **B - CIVIL SOCIETY**

- Lead mobilisation efforts and advocate for a civil family law based on the principles of citizenship and equality.
- Raise awareness and coordinate the efforts of human rights defenders, both individuals and organisations, to advocate for the adoption of a civil family law.

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<sup>145</sup> Committee on the Elimination of Discrimination Against Women - Examination of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of all Forms of Discrimination Against Women, preliminary reports of States Parties, Syrian Arab Republic - cf. UN document: CEDAW/C/SYR/1 - 15 Sep 2005

### c) *Nationality Law*

The Syrian Nationality Law, issued by Legislative Decree No. 276 of 1969, presents several issues of discrimination against women in its provisions. Perhaps the most well-known and most significant example is the inability of Syrian women married to foreign nationals to pass their citizenship to their children. However, discrimination is not limited to this case; it also extends to other provisions, such as the ability to confer nationality on a spouse upon marriage and the potential loss of Syrian nationality for women who marry a foreign national.

Regarding discrimination in granting citizenship based on the right of blood, the law explicitly favours paternal lineage. Article 3 of the Syrian Nationality Law states: “One is legally a Syrian Arab if (a) one was born in the country or abroad to a Syrian Arab father.” It is clear from the previous text that the Syrian legislator grants nationality solely through paternal lineage, as Syrian Arab nationality is automatically conferred on individuals born to a Syrian Arab father, regardless of whether they were born inside the country or abroad, and irrespective of whether the mother is Syrian, foreign or stateless. This distinction is evident in the fact that the Syrian legislator does not grant nationality through maternal lineage, except in a narrow and specific case outlined in Paragraph B of Article 3, which states that one is legally considered a Syrian Arab if: “One was born in the country to a Syrian Arab mother and their descent from their father was not proven.”

The Syrian Nationality Law discriminates against women by denying them the right to pass their nationality to their children if they marry a non-Syrian, even if the child is born in Syria. In contrast, Syrian men automatically confer nationality on their children, regardless of birthplace.<sup>146</sup> This issue has worsened with the influx of foreign fighters in Syria, leading to both forced and voluntary marriages with local women. As a result, many children from these unions risk becoming stateless, depriving them of basic rights.<sup>147</sup>

Discrimination also exists in granting nationality to a spouse. While a foreign woman married to a Syrian man can acquire Syrian nationality under favourable conditions, a foreign man married to a Syrian woman has no such pathway.<sup>148</sup> Additionally, women face the risk of losing their nationality upon marriage to a foreigner. Article 12 of the Nationality Law states that a Syrian woman may lose her nationality if she chooses to adopt her husband's nationality, provided his country's laws allow it.

There is no inherent issue with the provisions allowing a Syrian woman to lose or regain her nationality upon marriage to a foreigner. However, the problem lies in the legislator's failure to apply the same rules to Syrian men. While a Syrian woman may lose her nationality upon marrying a foreigner, there is no equivalent provision affecting a Syrian man who marries a foreigner. This double standard reinforces discrimination against women, suggesting that men are first-class citizens whose nationality must be preserved, while women are

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146 Human Rights and Equality for Women in Syria - op.cit. - p. 25.

147 Gender Justice and Equality before the Law: Analysis of progress and challenges in the Arab States Region – UNDP in partnership with UNFPA, UN Women, and ESCWA – December 2019 - p. 45. Gender Justice & Equality before the law | United Nations Development Programme

148 Dr. Fouad Deeb, Private International Law 1, القانون الدولي الخاص ١, Syrian Virtual University Publications, Damascus, 2018 - p. 68.

second-class citizens whose nationality can be disregarded. To ensure equality, uniform nationality provisions should apply to both men and women in cases of marriage to a foreigner.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- **Regarding the granting of nationality by blood:** Amend Paragraph A of Article 3 to eliminate discrimination and ensure equality between women and men in nationality rights, so that the text reads: “One is legally considered Syrian Arab if (a) born in the country or abroad to a Syrian Arab father or a Syrian Arab mother.”
- **Regarding the granting of nationality to a husband or a Syrian woman acquiring her foreign husband’s nationality:** Ensure equal treatment for both Syrian men and women by applying the same nationality acquisition rules, regardless of whether a Syrian citizen marries a foreign man or woman.

### **B - CIVIL SOCIETY**

- Organise national and community campaigns to raise awareness of the harm discriminatory nationality laws cause to Syrian women and their families.
- Highlight examples from Arab countries with similar legal and political contexts that have achieved equality between women and men in nationality laws.
- Highlight the scale and risks of statelessness resulting from these discriminatory provisions.

## **d) Good Governance Principles**

To ensure a transparent reconstruction process that aligns with good governance principles, all stages must fully respect human rights, the rule of law and effective participation. This includes multi-stakeholder partnerships, political pluralism, transparency, accountability, an efficient and effective public sector, legitimacy, access to information and education, political empowerment, equality, sustainability, and values that promote responsibility, solidarity and tolerance.<sup>149</sup>

Therefore, the reconstruction process should be accompanied by the adoption of a new legal framework that upholds the rule of law and applies equally to

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<sup>149</sup> United Nations - High Commissioner for Human Rights,  
<https://www.ohchr.org/ar/good-governance/about-good-governance>

all, without exception. This is particularly important for Syrian women, as it ensures fairness and equality in the process. A reconstruction process based on good governance standards will ensure that women and men benefit equitably, without exception, exclusion or discrimination. It will also ensure that all individuals have equal opportunities to improve their circumstances.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt a specialised anti-corruption law in line with relevant international standards.
- Adopt new laws on transparency in line with international standards.
- Adopt a right-to-information law guaranteeing public access to information in line with international standards.
- Adopt a law on associations that removes barriers to the establishment and operation of CSOs, enabling them to monitor and ensure compliance with good governance standards in the reconstruction process and the management of State affairs as a whole.

### **B - DONORS**

- Ensure that the reconstruction process, including its financing and expenditure monitoring, complies with good governance principles and standards.
- Support the development of necessary structures and institutional mechanisms for good governance by funding expertise, capacity-building initiatives, and the sharing of best practices during the design and implementation of Syria's reconstruction process.
- Allocate funding to support access to information initiatives, strengthen anti-corruption institutions and promote public participation in the reconstruction process.

### **C - CIVIL SOCIETY**

- Build local capacities to raise awareness of the importance of good governance principles and provide training on their application.
- Establish specialised observatories to monitor compliance with good governance requirements during the reconstruction process and publish periodic reports.
- Commit to applying good governance standards within internal structures and operations, setting an example for government institutions to follow.

### 3 • Legal mechanisms for reparations for women victims of CRSV

CRSV is among the most severe and brutal atrocities committed in armed conflicts. Its impact extends beyond the grave violations inflicted on victims, leading to lasting physical and psychological harm for survivors and witnesses. Additionally, CRSV can exacerbate ethnic, sectarian and social divisions, potentially reigniting conflict, hindering peace efforts and obstructing stabilisation initiatives.<sup>150</sup>

CRSV refers to forms of sexual violence that occur in conflict or post-conflict settings and are directly or indirectly linked to the conflict. The UN Secretary-General, in his report on such violence, defines CRSV as:

*Rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, forced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. [...] The term also encompasses trafficking in persons for the purpose of sexual violence and/or exploitation, when committed in situations of conflict.*<sup>151</sup>

Although CRSV affects both women and men, women and girls experience it in greater numbers. The harm extends beyond direct victims to their families, children born from rape, dependents, and those who intervene to assist victims, all of whom may suffer as a result of the violation. Depending on the circumstances, sexual violence may constitute a war crime, a crime against humanity, genocide, torture or other grave violations of human rights and international humanitarian law.<sup>152</sup>

Sexual violence has been used in many armed conflicts, including Syria, where the CEDAW Committee has recommended that rape be defined as a war crime in its domestic laws,<sup>153</sup> a measure that has not yet been adopted. In response to widespread violations, the UN General Assembly established the International, Impartial and Independent Mechanism (IIIM) on Syria in 2016 to investigate war crimes, while the UN Human Rights Council formed the Independent International Commission of Inquiry (COI) on the Syrian Arab Republic in 2011. In its 2018 report on sexual and gender-based violence, the Commission confirmed that “women and girls [were] disproportionately affected and were abused for many reasons, regardless of the perpetrator or geographical area.”<sup>154</sup>

The 2022 UN Secretary-General’s report on CRSV further documented that multiple parties to the Syrian conflict, including ISIS, had committed sexual

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150 International Protocol for the Investigation and Documentation of Crimes of Sexual Violence in Conflict Situations—British Foreign Office - First Edition: June 2004 - p. 4.

151 Conflict-Related Sexual Violence. Report of the UN Secretary-General for 2021 - cf. UN document: S/2021/312 - 30 Mar 2021.

152 Guidance Note of the Secretary-General, Reparations for Conflict-Related Sexual Violence June 2014- pp. 2-3.

153 CEDAW Committee - Concluding Observations. Syrian Arab Republic - 18 Jul 2018 - cf. document: 2./CO/SYR/C/CEDA

154 “I Lost My Dignity.” Sexual and Gender-Based Violence in the Syrian Arab Republic «فقدت كرامتي». العنف الجنسي والجنساني في الجمهورية العربية السورية – conference room paper of the Independent International Commission on the Syrian Arab Republic - 8 Mar 2018. 3.CRP/72/37/HRC/A

violence as a tactic of war. The COI on the Syrian Arab Republic concluded that ISIS carried out sexual violence with the specific intent of “deliberate genocide.” The Secretary-General’s report also indicates that women and girls who survive CRSV often face ostracisation and honour-based violence from their families, as well as increased risks of further sexual violence, especially in displacement camps. Some remain in camps for fear of being subjected to sexual violence again if they return home. They also face barriers in accessing medical care, difficulties raising children born from rape and threats of retaliation from perpetrators, compounded by a lack of essential support services.<sup>155</sup>

This issue must be given significant priority during the reconstruction process in Syria to ensure that victims receive justice, rights, equality and fairness, which in turn strengthens the prospects for lasting peace. International precedents highlight the serious risks faced by women survivors of CRSV if this issue is neglected, delayed or not given priority in post-conflict recovery and peace processes. Failing to address these violations can lead to ongoing suffering for decades after the conflict ends.

For example, in the Western Balkans, despite a compensation plan for CRSV survivors in Bosnia and Herzegovina, progress has been insufficient even 30 years after the conflict. Reparation orders are rarely enforced, witness protection in civil proceedings is inadequate and legal, psychological and social support remains scarce. Additionally, filing civil claims for reparation from the Republika Srpska requires plaintiffs to pay legal fees if they lose their cases, further discouraging their pursuit of justice.

Similarly, in Nepal, 16 years after the 2006 Comprehensive Peace Agreement, accountability for CRSV remains limited, and survivors—both female and male—continue to face barriers to accessing services, compensation and justice. Although two transitional justice commissions were established in 2020, little progress has been made in investigating the 66,147 human rights violations complaints.<sup>156</sup>

Therefore, women victims of CRSV in Syria must not be neglected or their suffering ignored during the reconstruction phase. This applies to all women victims, without exception, exclusion or discrimination—regardless of who committed the violation.

Based on an approach grounded in the Syrian reality, centred on the needs and recognition of survivors, efforts should address the following key issues:

### **a) Criminalise CRSV**

Internationally, CRSV has been recognised in the statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda, the Rome Statute of

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<sup>155</sup> Conflict-Related Sexual Violence. Report of the UN Secretary-General for the year 2022 -cf. UN document: S/2022/272 - 29 Mar 2022.

<sup>156</sup> Ibid.

the International Criminal Court (ICC) and the Special Court for Sierra Leone. These frameworks classify rape, trafficking for sexual exploitation during armed conflict, torture, enslavement and other forms of gender-based violence as war crimes, crimes against humanity or acts of genocide.<sup>157</sup> Many countries have already criminalised these violations under their national laws.

In Syria, some acts constituting CRSV are already criminalised under existing legislation, allowing perpetrators to be held accountable based on the legal principle of *Nullum crimen sine lege* (“No crime without law”), an internationally recognised rule ensuring the legitimacy of crimes and punishments. However, Syrian penal code—whether general or specific—fails to explicitly recognise CRSV as a crime against humanity.

For instance, Title VII of the Syrian Penal Code (1949) covers “crimes against decency and public morals,” and the 2010 Syrian Anti-Trafficking Law criminalises certain forms of sexual exploitation and violence. However, these laws treat such offences as ordinary crimes and fail to acknowledge CRSV as a distinct and grave violation linked to armed conflict. This legal gap is a major shortcoming that must be addressed, as the same act carries vastly different legal and moral weight depending on the context in which it is committed.

The existing gaps in the national legal system could lead to impunity for some perpetrators, allowing them to escape punishment or receive mitigated sentences under traditional crime classifications. This would deprive many women victims of the protection and reparation they deserve as survivors of CRSV. Furthermore, such legal tolerance or failure to criminalise and appropriately sentence these crimes risks encouraging their future perpetration.

## **b) Establish special procedural mechanisms**

One of the major challenges faced by CRSV victims is the difficulty of proving the crime and identifying the perpetrator. This is due to several factors. CRSV often occurs in areas controlled by perpetrators, such as detention centres, where access is restricted. Witnesses may be unwilling or unable to testify, either out of fear or because they lack legal protection. Additionally, there may be no authorities to report the crime to, nor medical facilities where victims can seek help. Even when victims do come forward, authorities may fail to investigate properly, leading to loss of evidence and perpetrators escaping accountability. To address these challenges, special procedural rules should be established in judicial and administrative proceedings related to sexual violence, ensuring that victims' rights are protected while upholding due process guarantees for the accused.<sup>158</sup>

The ICC has established evidentiary principles for CRSV cases, which should guide legal frameworks in handling such crimes.<sup>159</sup> These principles state that:

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157 Report of the Secretary-General on Women, Peace and Security 2002 - cf. UN document: S/2002/1154 - 16 Oct 2002.

158 Guidance Note of the Secretary-General, Reparations for Conflict-Related Sexual Violence June 2014-op cit-pp. 13-14.

159 The International Criminal Court. Rules of Procedure and Evidence - adopted by the assembly of States Parties to the Rome Statute of the International Criminal Court at its first session, held in New York from 3 to 10 September 2002

- ▶ Consent cannot be inferred if the victim's ability to give voluntary and genuine consent was compromised through force, threats, coercion or exploitation of a coercive environment.
- ▶ Consent cannot be assumed from any words or behaviour if the victim was incapable of giving genuine consent.
- ▶ Silence or lack of resistance does not imply consent.
- ▶ The credibility of a victim or witness cannot be questioned based on their past or subsequent sexual behaviour.

In Syria, no special procedural rules exist to address CRSV, which will complicate justice efforts for victims and survivors. It is essential to develop procedures tailored to handling these violations, ensuring confidentiality, sensitivity, and victim-centred approaches throughout the process.

For example, in Guatemala, confidentiality was breached when reparation payments to CRSV victims were labelled as compensation for sexual violence. This public disclosure resulted in unnecessary social stigma and shame.<sup>160</sup> Therefore, confidentiality must be upheld at all stages to encourage victims to come forward, build trust in the process, and protect them from further harm.<sup>161</sup>

### **c) *Ensure women's representation***

Women's representation must be guaranteed in all mechanisms established to address CRSV, including both the investigation and prosecution of perpetrators and the protection and recovery of victims. Ensuring women's participation centres the process on victims' needs, rather than allowing it to become a political or media spectacle focused solely on demonstrating compliance with international standards.

For example, in Sierra Leone, women's participation in designing the Truth Commission led to the establishment of a special unit dedicated to investigating war crimes from a gender perspective. Additionally, the Women's Task Force—which included members from women's organisations, UN agencies, law enforcement and the legal profession—helped ensure gender balance and sensitivity within the commission.<sup>162</sup>

Ensuring women's representation also accounts for the specific cultural and social contexts within different communities, even within the same country. In some cultures, women and girls may not be accustomed to speaking out and require a safe, supportive and fully confidential environment to share their experiences. Failing to consider this due to a lack of female representation can undermine the entire process.

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160 Guidance Note of the Secretary-General, Reparations for Conflict-Related Sexual Violence June 2014, op. cit. - p.16.

161 Ibid., pp. 10-11.

162 Advancing Women's Participation in Post-Conflict Reconstruction. This report was commissioned by the Permanent Mission of the United Arab Emirates to the United Nations and was written by a team at the Georgetown Institute for Women, Peace and Security - Permanent Mission of the UAE to the UN 2020 – p. 31.

For example, in Timor-Leste, women's involvement in truth and reconciliation efforts was minimal, which led to poorly structured initiatives to address the impact of conflict on women. When the Truth and Reconciliation Commission eventually dedicated a plenary session to women's experiences, concerns arose about insufficient time and inadequate support for victims testifying. Additionally, fear of reprisals prevented many women victims and witnesses from coming forward to share their stories.<sup>163</sup>

In Syria, this issue must be addressed from the outset to ensure women's meaningful, effective and influential participation in program design, rather than limiting their role to implementation.

#### **Representation of Women in Reconciliation and Investigation Committees Addressing Conflict-Related Violence**

Since 2000, women have made up an average of 25% of truth and reconciliation commission members. Among these commissions, 15 out of 20 had at least 20% female representation, while 8 had 33% or more.

*2011 Report of the UN Secretary-General on Women, Peace and Security*

#### **d) Provide reparations for victims**

International law and case law guarantee victims of grave violations of international humanitarian and human rights law the right to effective reparation. In 2005, the UN General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

In cases of CRSV, reparation can take multiple forms, including financial and moral compensation, satisfaction measures, victim rehabilitation and guarantees of non-recurrence. The fundamental principle of reparation is that they must be proportionate to the severity of the violations and the harm inflicted on the victims. Reparation should also be transformative, whether applied at an individual or collective level, and should recognise the importance of symbolic measures in acknowledging victims' suffering. Additionally, temporary reparation measures may be necessary for victims of sexual violence and should be considered when designing compensation programmes.

**Transformational reparation:** Sexual violence is often rooted in structural systems of subordination, gender inequality and pre-existing discrimination. These inequalities not only contribute to the commission and recurrence of such crimes against women but also exacerbate their consequences. Therefore, reparations should have a transformative effect, meaning they must actively work to address and eliminate these inequalities rather than merely restoring

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163 Report of the Secretary-General on Women, Peace and Security 2004 - cf. UN document: S/2004/418 - 13 Oct 2004

the previous conditions that enabled such violence. Rather than reinforcing structural discrimination, reparations should aim to drive systemic change.

The 2007 Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation emphasised this principle, stating that "justice and reparations must go beyond the direct causes and consequences of crimes and violations; they must aim to address the political and structural inequalities that negatively affect the lives of women and girls."<sup>164</sup>

To achieve this transformative goal, reparations should incorporate multiple forms of redress. In some contexts, economic compensation, access to productive resources, or credit for women can promote economic empowerment and autonomy, making reparations truly transformative. Similarly, guarantees of non-recurrence, such as structural and institutional reforms, play a critical role in preventing future violations.<sup>165</sup>

An example of transformative reparations is the Sierra Leone Truth and Reconciliation Commission, which recommended comprehensive reparations aimed at improving the lives of women and children. These recommendations included free health care, including psychological care; educational support for victims' children; skills training and microcredit opportunities to enhance economic independence; community-based compensation and symbolic reparations; housing and social pension allocations; and urgent temporary reparations for specific groups, including victims of sexual violence, war widows and conflict-affected children.

Additionally, the recommendations include gender-sensitive legal and institutional reforms, such as abolishing all discriminatory legislation, enacting progressive gender-sensitive laws, and ensuring that at least 30% of candidates in general elections are women. As a direct result of the recommendations, the parliament of Sierra Leone approved three draft laws aimed at addressing key aspects of gender inequality.<sup>166</sup>

Some reparation schemes have also addressed the fate of children born as a result of CRSV-related rape. From northern Uganda and Sierra Leone to Colombia and the former Yugoslavia, many children have been born to mothers who were victims of wartime rape. These children often face severe stigma and social exclusion, as they are seen as visible reminders of wartime violence. The consequences for these children can be severe, including infanticide, abandonment, trafficking, statelessness, identity uncertainty, and discrimination in access to family land and inheritance. Recognising these challenges, Peru's compensation plan classified children born of rape as a distinct category of beneficiaries, granting them economic compensation until the age of eighteen and prioritising their access to education services.<sup>167</sup>

**Collective reparation:** Reparation can be provided to individuals or groups, with collective reparation complementing individual compensation. However, collective measures should not replace individual reparation, as they serve

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164 Advancing Women's Participation in Post-Conflict Reconstruction. op cit. pp. 31-32.

165 Guidance Note of Secretary-General, Reparations for Conflict-Related Sexual Violence, June 2014. op. cit. pp. 8-9.

166 Ibid., p. 9.

167 Ibid., p. 15.

different purposes. While there is no formal definition of collective reparation in international law, the term is commonly used to describe reparation provided to groups affected by exceptional circumstances, such as victims of CRSV.

One advantage of collective reparation is that it can help prevent stigma, as victims are not required to be publicly named or disclose details of their abuse. However, individual survivors must still benefit directly from collective compensation and should not feel excluded, marginalised or further stigmatised by these measures.

There is also a risk that collective reparation may disproportionately benefit men if it increases access to family or community economic resources in contexts where women have little or no control over these assets. In South Africa, reparation took the form of a one-time payment of approximately USD 4,000. However, the policy failed to consider power imbalances within families or the fact that many women lacked access to bank accounts. As a result, payments were often made to male family members, leaving many women with little or no control over the funds. In some cases, disputes over how to spend money in the household led to domestic violence.<sup>168</sup>

To prevent such issues, collective reparation measures must be designed with input from survivors, ensuring that their voices are heard in safe spaces, with support of trusted facilitators if needed. Courts and administrative bodies responsible for awarding collective compensation must also consider the cultural and social context of CRSV survivors, the harm they have suffered, their specific needs and the barriers they may face in accessing compensation.<sup>169</sup>

**Symbolic reparation:** Symbolic reparations include public apologies, reburial ceremonies, memorials to commemorate victims and the naming of streets and public buildings. An example is the apology offered by the president of Sierra Leone, Ernest Bai Koroma, to the women of his country on 27 March 2010, during International Women's Day. He acknowledged that "the State failed in its duty to adequately protect women from the atrocities of the armed conflict" and apologised for the wrongs committed against them. Speaking on behalf of the armed forces, he sought their forgiveness and pledged to protect women's rights.<sup>170</sup>

However, symbolic reparations must not only acknowledge past suffering but also highlight women's resilience and strength. These measures should avoid reinforcing stereotypes that portray women solely as victims; instead, they should recognise their agency, resistance, and contributions to rebuilding society.

**Temporary reparation:** Providing comprehensive redress to victims requires time, resources, coordination, expertise and political will. In most cases, reparations have been provided only years after conflicts or periods of repression, often after violations have worsened. For this reason, urgent interim reparations must be prioritised to address the immediate harm faced by victims of CRSV.<sup>171</sup> An example is Timor-Leste's Truth and Reconciliation Commission,

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<sup>168</sup> Ibid., p. 17.

<sup>169</sup> Ibid., pp. 7-8.

<sup>170</sup> A Good Opportunity: Making Transitional Justice Fair to Women – UN Women – Second Edition 2012, p. 18.

<sup>171</sup> Guidance Note of Secretary-General, Reparations for Conflict-Related Sexual Violence June 2014. op. cit. pp. 12-13.

which developed an urgent reparation scheme for the most vulnerable victims, including those affected by CRSV. As part of this initiative, USD 200 was provided to each of the 712 victims with urgent needs. They were also assisted in accessing services and, in some cases, supported in attending workshops and public hearings organised by the commission. Additionally, the commission, in collaboration with NGOs, developed pilot projects for collective urgent reparations in severely affected communities. However, after completing this initial work, no further efforts were made to follow up on rehabilitation services for victims.<sup>172</sup>

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Criminalise all acts constituting CRSV crimes under Syrian penal laws, recognising them as gender-based crimes—particularly in times of war—that may amount to war crimes, genocide or crimes against humanity.
- Repeal any legal provisions granting immunities, pardons or mitigating excuses to individuals accused of committing such crimes.
- Adopt special procedural rules for handling CRSV cases, moving away from traditional evidentiary and due process laws to ensure mechanisms effectively address the challenges specific to these crimes.
- Adopt special procedural rules to ensure confidentiality and privacy in all aspects of addressing CRSV, including protection and care mechanisms for survivors. The best interests of the victim must always be prioritised.
- Explicitly mandate in all political settlement documents, that women, women's rights defenders, and victim representatives be fairly and equitably represented in all mechanisms and committees addressing CRSV, from the design phase to implementation, evaluation and follow-up.
- Ensure survivors are involved in decision-making by designing a participatory, grassroots process that includes all victims, allowing them to assess realities, identify needs and contribute to programme design.
- Enact a specialised law for the redress and compensation of CRSV victims in Syria.
- Ensure that the new law guarantees all rights for women survivors of CRSV, including:
  - ▶ Free health care
  - ▶ Free psychological care

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172 Ibid., p. 13.

- ▶ Special care and protection shelters for victims
  - ▶ Educational support for children of victims
  - ▶ Free legal counselling
  - ▶ Skills training
  - ▶ Access to microloans
  - ▶ Support for microenterprises
  - ▶ Priority access to housing and social pensions
  - ▶ Urgent temporary reparations for specific categories, based on assessment
  - ▶ Recognition of children born from CRSV-related rape, ensuring they receive nationality to prevent statelessness
- Guarantee that all women victims of CRSV in Syria receive equal protection and care under the law, without discrimination based on colour, ethnicity, age, political affiliation, social class, marital status, sexual orientation, nationality, religion, or any other characteristic.
  - Stipulate mechanisms in the law to overcome barriers preventing victims and survivors from accessing protection, ensuring displaced women and refugees can claim their entitlements regardless of their location.
  - Stipulate in the same law a set of symbolic collective compensations to address societal stigma, coordinate the activities of ministries and relevant entities to shift societal perceptions and direct community support to women victims.

## **B - DONORS**

- Require that all reconstruction agreements or projects include effective plans and activities to support the protection of women victims of CRSV.
- Support capacity-building initiatives for relevant actors on international standards for CRSV protection and support.
- Allocate dedicated budgets within the overall reconstruction budget to fund protection and care measures for victims.
- Support resettlement options for victims unable to reintegrate into their communities due to the repercussions of CRSV, including funding for relocation programmes, safe housing, and long-term support services.

## C - CIVIL SOCIETY

- Prioritise the protection and support of CRSV survivors in post-conflict efforts.
- Conduct support and advocacy campaigns to shift societal perceptions, ensuring victims receive community support and that shame is placed on perpetrators, not victims.
- Pressure the government and donors to address CRSV and ensure it is not overlooked in the reconstruction process.
- Monitor compliance with obligations toward victims, including the criminalisation of CRSV and the prosecution of perpetrators.
- Strengthen community capacities to identify, confront, and respond to sexual violence, provide victim support and prosecute offenders.
- Build the capacity of service providers to adopt a victim-centred approach in delivering support services.
- Establish virtual networks—including medical, psychological, and legal services—to provide counselling and support while protecting victims' privacy and anonymity.
- Identify and address legal, cultural and economic barriers faced by victims, including security concerns, lack of resources and fear of reprisals or ostracism.
- Initiate symbolic reparations, such as preserving victims' memories, establishing memorials and other forms of public recognition.

## 4•Barriers to women's access to justice and legal protection

During the reconstruction process, women often seek justice to assert their rights, defend their interests and ensure their participation. This requires a justice system that is accessible, supportive and free from barriers—one that assists and encourages women rather than alienating or deterring them. For women, seeking justice extends beyond access to judicial and arbitration mechanisms. It also includes the right to legal protection and assistance, equal access to courts and legal institutions, and fair remedies for violations, without any form of discrimination.<sup>173</sup>

Therefore, the reconstruction process in Syria must incorporate a proactive and comprehensive vision of the challenges Syrian women face in their efforts to contribute. While adopting constitutional protections for women is important,

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173 Seek Justice for Women and Girls: From the Ratification of International Instruments to their Implementation التبا النساء والفتيات - العدالة: من تصديق الصكوك الدولية إلى تطبيقها - report on the status of Arab women - United Nations. ESCWA p. 11.

enacting supportive laws, allocating gender-sensitive budgets and designing inclusive projects are also necessary. These efforts must be reinforced with research to assess whether Syrian women can effectively benefit from these measures in practice. Hidden barriers and restrictions—often less visible but still powerful—can undermine legal and policy efforts, preventing women from accessing the justice and protection they require.

Women seeking justice in the reconstruction process face numerous obstacles. These obstacles may be legal, financial, systemic or environmental, or they may stem from a lack of awareness among women about their rights and how to exercise them effectively.

### **a) Legal barriers**

Legal obstacles primarily revolve around two key issues: (1) ensuring the independence of the judiciary and its sensitivity to gender considerations, and (2) ensuring that Syrian women possess legal documents to prove their rights.

Judicial independence is a fundamental pillar of the Constitution, the rule of law, and the integrity of the State itself, as justice is the foundation of governance. Constitutional protections, declarations of individual rights and freedoms, and the separation of powers cannot be effectively upheld without an independent judiciary capable of holding the legislative and executive branches accountable. Without judicial independence, women risk being subjected to biased, patriarchal quasi-judicial systems that apply religious rulings or social norms instead of legislation that is fair to women.<sup>174</sup> An impartial and gender-sensitive judiciary is therefore essential to ensuring that legal protections for women are enforced, upholding women's human rights, achieving gender equality and integrating gender-sensitive approaches into the justice system.<sup>175</sup>

Another significant legal challenge affecting Syrian women's ability to seek justice and legal protection during the reconstruction phase is the absence of essential legal documents—civil, real estate and educational records—which are necessary to prove rights and access legal protections. Since personal documents are a prerequisite for acquiring rights and establishing legal identity, their absence poses serious barriers for many women. Many of these documents were lost during the war—left behind while fleeing, seized or destroyed, or deliberately disposed of to prevent risks. Others were never obtained due to the conflict, such as undocumented or unregistered births, or the non-issuance of personal identification documents like ID cards and passports. Some documents, such as passports, have expired, while others, including educational records, are no longer legally recognised. Additionally, many women possess documents issued by unrecognised authorities, non-

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174 ABC for Gender Sensitive Legislation, Suteu, Draji, and Klibi, EuroMed Feminist Initiative, 2020, - p. 170 <https://www.efi-ife.org/en/extra/hub/publications-handbooks-and-booklets>

175 Report of the Special Rapporteur on the Independence of Judges and Lawyers - Human Rights Council cf. UN document: A/HRC/17/30 - 29 Apr 2011

governmental bodies or foreign administrations which have not been legally validated under Syrian law. In some areas, civil and real estate registry records have been destroyed or burned, further complicating efforts to verify legal claims.

Another critical issue is the registration of children and the ability of Syrian women to legally establish their relationship with them, which poses a serious risk to the rights of both mothers and children. A lack of legal documentation can result in children being unable to access basic rights and services, while mothers may face difficulties in asserting legal guardianship or securing their children's future.

In 2010, before the war, 2.6 million children under the age of five were registered with the civil registry in Syria. However, by 2015, this number had decreased to about 1.6 million, marking a 40% decline in just five years. Several factors contributed to this decline, including parents' inability to register their children due to the ongoing conflict and widespread violence. In many areas, civil registry offices were destroyed or rendered inoperable, preventing families—especially displaced families—from accessing official records.

Additionally, the mass displacement of Syrians abroad has sharply increased unregistered births, as many parents have been unable to register their children due to the absence of Syrian diplomatic missions in their host countries. Data on children registered outside Syria illustrates this decline: in 2016, approximately 1.88 million children were registered abroad. By 2018, this number had fallen to 1.64 million, marking a 13% decline. In 2019, it dropped even further to 1.5 million, reflecting an additional 9% decline compared to 2018.<sup>176</sup>

The absence of legal and civil documentation may prevent individuals from crossing the border to return and significantly impact male and female returnees' ability to exercise their human rights. It will also increase their vulnerability to protection risks upon return, including restrictions on freedom of movement, risk of arrest, trafficking, sexual exploitation, child marriage, family separation and statelessness. Additionally, returnees may face numerous obstacles in accessing education, health care, and humanitarian or development assistance.

The war has severely impacted real estate areas, causing damage to infrastructure, buildings, machinery and equipment, which in turn has disrupted real estate registration and documentation processes. A statistical study on the damage to the real estate register indicates that certain real estate directorates have ceased operations entirely, including those in the governorates of Deir ez-Zor, Raqqqa and Idlib, while others, such as those in Rif Dimashq, Homs and Aleppo, have only been able to operate partially. Many documents stored in these offices were destroyed or remain unaccounted for.<sup>177</sup>

In Rif Dimashq, some real estate records in the Arbin and Douma districts were destroyed, with estimates indicating that 400 records and their appendices

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176 The First National Report on Sustainable Development - Syrian Arab Republic - op. cit. pp. 30-31.

177 The Impact of the Syrian Crisis on Real Estate Registry Documents أثر الأزمة السورية على وثائق السجل العقاري - Muntaser Ghaleb Hamandi - Master's thesis - Faculty of law - Damascus University - 2019, p. 43.

were burned in Arbin alone. In Aleppo, several real estate records were damaged by flooding after they were relocated to the basements of the directorate in 2013. A total of 1,586 records were affected out of Aleppo's total of 9,368 records, impacting approximately 330,605 real estate entries to varying degrees. Additionally, some real estate records remain inaccessible, with no confirmed information on their status—whether destroyed or damaged—including 4,900 records belonging to the rural districts of Aleppo (Al-Bab, Azaz and Al-Atarib).<sup>178</sup>

It is also important to acknowledge that some individuals have exploited the absence of real estate owners who have left the country due to migration and displacement. In many cases, properties have been illegally occupied or transferred without the consent of their rightful owners. This has been done through forged contracts, fraudulent or expired powers of attorney and identity fraud.

All these factors create significant challenges for women in proving their property rights, which must be addressed carefully in the reconstruction process.

## **b) Financial barriers**

Financial constraints affect the extent to which women can afford access to legal services related to their rights. The Special Rapporteur on the Independence of Judges and Lawyers has expressed grave concern over economic disparities that seriously hinder women's ability to exercise their human rights and access justice.<sup>179</sup> Similarly, the Special Rapporteur on Extreme Poverty has noted that economic barriers to seeking justice "pose a great challenge and are unacceptable in the case of all people suffering from poverty, but women are the most affected group, due to the unequal distribution of resources within the family and society."<sup>180</sup>

This issue is particularly critical in Syria, where the economic deterioration caused by the war has further limited women's ability to afford legal services. The cost of obtaining personal documents has become prohibitive for many women, especially given the rising cost of legal services. Additionally, fines and penalties for delayed registration of marriages, births or deaths, along with high real estate sales taxes, create further obstacles for women seeking to claim or prove their property rights. The cost of legal consultations and lawyer fees further compounds these challenges. These financial barriers must be seriously considered, as they prevent women from accessing legal protection—even when their rights exist in theory or on paper.

The cost of obtaining a lawyer is another major obstacle to accessing justice.

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178 Ibid., p. 49.

179 Report of the Special Rapporteur on the Independence of Judges and Lawyers - Human Rights Council - cf. UN document: A/HRC/17/30 - 29 Apr 2011.

180 Seek Justice for Women and Girls: From the Ratification of International Instruments to Their Implementation - report on the status of Arab Women - United Nations - p. 9.

Although Syria has a special law on judicial aid<sup>181</sup> aimed at exempting individuals from legal fees and providing free legal representation,<sup>182</sup> it does not offer adequate protection for women due to complex application procedures and discretionary decision-making.

To obtain legal aid, an applicant must submit a request to the competent primary judge, accompanied by a poverty certificate from the mayor, certified by the municipality, and a statement from financial departments detailing the applicant's tax situation for the two years preceding the application. The judge has full discretion in verifying these documents and deciding whether to grant or deny the request. Additionally, this decision can be challenged by the opposing party, the Ministry of Finance or the Bar Association, and in some cases, approval for aid may be retroactively revoked.<sup>183</sup> These procedural complexities make it extremely difficult for women—not only because they may be unaware of these requirements, but also because they may struggle to meet the conditions, ultimately hindering their ability to access justice.

Furthermore, Syria lacks a formal legal aid system, meaning that the absence of voluntary services disproportionately affects women. While Syrian law does not prohibit women from holding private bank accounts or managing their own money, in practice, men often control family finances, preventing women from securing private legal assistance when needed.<sup>184</sup>

### **c) *Barriers to accessing legal services and law enforcement***

Another challenge Syrian women may face in the reconstruction phase relates to the environment in which legal services are provided and law enforcement agencies responsible for upholding legal protections.

Many women fear visiting courts, civil registries or real estate directorate due to the damage sustained by government buildings during the war. In many cases, service centres have been relocated and merged into other facilities that are overcrowded, poorly organised and unsuitable for women. These conditions increase the risk of violence and harassment, creating an additional barrier that may deter women from seeking essential legal services. The distance of relocated service centres from women's homes further exacerbates this issue, as was the case in Idlib, where an entire governorate's services were transferred to other regions, making access particularly difficult.

Another significant concern is the presence of landmines and remnants of war, which continue to cause casualties daily, especially in former conflict zones.

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181 Legal Aid Law in Syria قانون المعونة القضائية في سورية - Legislative Decree No. ٢٩ of ٢٠١٣.

182 Article 1 – Legal Aid law in Syria - Legislative Decree No. 29 of 2013.

183 Articles 3-4-5-11- Legal Aid Law in Syria - Legislative Decree No. 29 of 2013.

184 Syria 2017 - Rule of Law Assessment Report prepared by the International Legal Aid Consortium (ILAC) تقرير تقييم سيادة القانون المعد من قبل الاتحاد الدولي للمساعدة القانونية p. 0V.

Additionally, the devastating earthquake of February 2023 further damaged government buildings in Aleppo, Idlib, Latakia and Hama, including those dedicated to providing legal services.

The slow and complex nature of legal service delivery and case adjudication presents additional barriers, often discouraging women from seeking judicial protection. As a result, many women are forced to turn to personal mediations or traditional justice institutions, which are typically male-dominated in both number and approach. Official data highlights the lengthening of litigation times due to the disproportionate number of judges relative to the volume of cases. This is evident in the increasing percentage of cases that remain unresolved or are repeatedly postponed. Between 2013 and 2016, such cases made up approximately 13% of the total cases, rising to 14.3% between 2017 and 2019. Several factors have contributed to this backlog, including damage to court buildings during the war, a growing number of pending cases compared to the number of judges, outdated technical systems for copying, file organisation and archiving, a shortage of judicial assistants and inadequate training for court staff, particularly in subpoena and reporting procedures.

The ratio of resolved lawsuits to total registered lawsuits has also declined sharply since the war began. In 2011, this ratio stood at 64.5%, dropping to 57.7% in 2015, and continuing its decline until reaching 23% in 2019. This dramatic reduction is largely due to the decrease in the number of judges and the extensive damage to both the physical and human judicial infrastructure.<sup>185</sup>

Law enforcement agencies must be equipped to address the challenges and barriers that prevent women from seeking justice. Many women fear or hesitate to report violence or harassment to the police due to a lack of trust that their complaints will be handled seriously. Some worry they will be blamed for the harm or harassment they have suffered, while others fear they will be pressured into reconciliation based on social customs and patriarchal norms. In some cases, women may even face greater risks after reporting an incident.

This pattern of neglect and bias is not limited to police units; it is also observed in public service institutions, where women frequently experience disrespect or improper treatment. As a result, they are often forced to choose between asserting their rights and preserving their dignity, when justice should ensure both without compromise.

This situation is exacerbated by the low representation of women in the Syrian judiciary. In 2018, female judges made up only 17.5% of the judiciary.<sup>186</sup> The Supreme Constitutional Court had only three female judges out of a total of eleven in its most recent composition.<sup>187</sup>

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185 The First National Report on Sustainable Development - Syrian Arab Republic - op.cit. p. 31.

186 Women in the Judiciary. A Step Towards Achieving Gender Justice - ESCWA – 2018 - p. 8.

187 Decree No. 127 dated 15 May 2022.

#### **d) Lack of legal awareness as a barrier**

A significant challenge for women in accessing justice is their lack of awareness of their rights, which stems from the absence of a strong human rights culture in Syrian society as a whole. This lack of legal knowledge affects many women, as they may be unaware of their rights and the legal protections available to them or they may not know how to assert or benefit from these rights. If this lack of awareness poses challenges for women in claiming their basic rights, the issue becomes even more complicated in areas of law that are vague, overlapping or complex, such as real estate rights. Many women may be unable to assert their property rights or may lose them altogether if they fail to meet legal deadlines for filing claims. This is particularly concerning in cases involving new real estate regulatory zones. Many displaced and refugee women live in circumstances where they lack access to legal information about their rights, making it impossible to complete the required procedures within the designated time limits.

Due to these challenges in accessing the formal justice system, including legal barriers, procedural complexities and social pressures, many women turn to informal justice systems. These systems often rely on mediation by male-dominated community structures, where women's voices are marginalised, and their rights are not always fully protected.<sup>188</sup>

### **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

#### **A - SYRIAN DECISION MAKERS**

- Amend relevant constitutional provisions and judiciary laws to ensure judicial independence in line with international standards.
- Establish a gender-sensitive judiciary by assessing its structure and composition, creating the necessary conditions to promote gender equality.
- Ensure fair representation of women in the judiciary and uphold equity at all levels of judicial work.
- Integrate gender sensitivity into the operations, policies and planning of the judicial sector.
- Provide regular capacity-building programmes for judges, judicial staff and law enforcement authorities to ensure women can effectively access the legal system and exercise their rights.
- Prioritise the reconstruction of legal service centres, including courts and personal or real estate documentation offices, ensuring that their facilities

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<sup>188</sup> Syria 2017 - Rule of Law Assessment Report prepared by the International Legal Aid Consortium (ILAC) – Editor Michael Eckman – p. 57.

safeguard women's privacy and safety and encourage them to seek legal services without fear.

- Amend the legal aid law to simplify eligibility criteria and procedural requirements, prioritising the most vulnerable women.
- Address the issue of missing, damaged or lost personal, real estate and civil documents by simplifying the procedures under the 2017 law on document restoration, reducing fees for document issuance, and exempting individuals from fines for delayed registration due to war-related circumstances.
- Streamline procedures by deploying mobile teams to assist women and others in need at their place of residence, including displacement or asylum sites.
- Ensure legal awareness and accessibility by integrating legal education into school curricula and embedding provisions for public legal information dissemination in the law itself.
- Establish legal assistance systems to remove barriers to justice, offering free legal advice, assistance and representation for those in need, particularly individuals who lack financial resources. This should also include legal education and access to legal information to ensure widespread awareness.
- Allocate adequate and sustainable funding for legal support services for women and the development of legal and justice systems, ensuring a dedicated budget line within the State's general budget.

## **B - DONORS**

- Direct reconstruction budgets toward overcoming barriers to women's access to justice, with a focus on establishing and improving legal service centres, including courts, real estate directorates and civil and real estate documentation offices, ensuring their functionality and continuity.
- Require all supported projects to explicitly address and safeguard women's rights and interests as a condition for funding and approval.
- Support initiatives that strengthen the capacity of Syrian civil society to enhance its role in providing legal advice and assistance services.
- Allocate funds to provide financial aid to women who face barriers to seeking justice due to financial or other limitations.
- Conduct regular assessments to evaluate progress on previous commitments, identifying achievements and gaps in implementation.
- Support the participation of women and women's rights defenders in shaping the reconstruction process, ensuring that their needs and perspectives are considered to remove obstacles to accessing justice.

## C - CIVIL SOCIETY

- Conduct an in-depth study on the obstacles Syrian women face in seeking justice, identifying both challenges and solutions.
- Implement projects and activities that provide legal support, advice and services to women, ensuring accessibility for those with varying levels of awareness and legal knowledge.
- Remove barriers to legal assistance by offering electronic services, hotlines and field visits to locations where women are present. Ensure the preparation and dissemination of key legal information and establish regularly updated websites to provide access to legal guidance.
- Ensure inclusivity in project design and implementation, reaching all segments of women, including illiterate women, women with disabilities, survivors of violence, refugees and displaced women, wherever they reside.





# 4 POLITICAL RECONSTRUCTION

The political reconstruction processes aim to establish a stable political environment and foster a political culture by developing institutions capable of ensuring minimum security and safeguarding the rights of all citizens, women and men alike. The ultimate goal is to promote sustainable peace and create a safe environment that serves as the foundation for economic and social development. This, in turn, will foster stability and an atmosphere characterised by positive dynamics among individuals, as well as between institutions and individuals. Additionally, it seeks to bridge the societal divisions that have been deepened during years of conflict and war.

To this end, institutional roles must be strengthened, and obstacles preventing citizens, both women and men, from full participation must be addressed. This process should enhance community stability and security by ensuring access to rights and justice, fostering a sense of belonging. Such efforts will have a positive impact on the status of women and expand their opportunities to contribute effectively to society.

Research indicates that women are leading efforts to promote good governance by combating corruption, demanding accountability, and ensuring transparency at both national and local levels. They also play a key role in advocating for women's participation in various structures, including the constitutional processes and local and national legislatures. These efforts lay the groundwork for institutional reforms that enhance women's political decision-making power.

Despite these contributions, women remain underrepresented in political institutions. According to the 2019 UN Security Council update on Women, Peace and Security, "In 2018, the global share of parliamentary seats held by women only slightly increased to 24.3 per cent, while for conflict and post-conflict countries, the average stands at 19 per cent."<sup>189</sup> This disparity underscores the urgent need for greater inclusion of women in peacebuilding and political reconstruction processes.

Across various peace processes worldwide, women's contributions to peace-making have consistently been significant at different levels and in various forms. These include engagement at the local level through local administrations, civil organising through CSOs and platforms and advisory roles in transitional processes. To translate this contribution into tangible improvements in the

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189 UNSC. 2019. "Women and Peace and Security: Report of the Secretary-General." S/2019/800, 9 Oct 2019. [www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2019\\_800.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2019_800.pdf)

situation of women on the ground, women must be represented and actively participate in the formal decision-making arenas at both local and national levels, as well as in political negotiations.

Women's political participation is a fundamental expression of citizenship and democratic values. Therefore, political processes during reconstruction must uphold this principle, ensuring both women's representation in decision-making and the inclusion of their priorities and rights on political agendas.

## 1• Women's equal political representation

In Syria, women's participation in political life, public affairs and decision-making positions has remained below the required level and cannot be considered in isolation from the broader political landscape. Data on women's representation in the parliament (People's Assembly) between 2003 and 2018 (2003, 2007, 2012, 2018) indicate that it has remained stagnant at 12%, while the proportion of female ministers has stood at 10%.<sup>190</sup> This consistency suggests a persistent lack of political will to increase women's representation. Moreover, women's roles in government have been largely confined to portfolios that reinforce traditional gender stereotypes, such as the Ministry of Social Affairs and Culture. This pattern has perpetuated the perception that women are suited only for social, cultural, or administrative roles.

### a) *Address challenges to women's political representation*

Syrian experts have identified three primary reasons for women's weak political participation. The first is the political system itself, which reinforces stereotypes depicting women as unqualified and lacking the necessary competencies and experience to hold decision-making positions. This perception has prevailed both in regime-controlled and opposition-controlled areas. Secondly, there are no legal provisions, such as quotas, to facilitate women's entry into parliament or ministerial positions, nor are there supportive measures within electoral laws, associations, media, or political parties to promote women's representation. Thirdly, a deeply entrenched patriarchal mindset continues to discourage women's participation in all fields, including politics.<sup>191</sup>

Following the 2011 movement, women took on managerial positions in relief, media, cultural and humanitarian institutions and organisations, achieving recognition from both Syrian society and the international community. Due to the efforts of the women's rights movement, women's rights have become

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190 Innovative Mechanisms to Support Women's Political Participation, unescwa.org

191 Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes, Study, published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG, p. 70, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

a central issue in Syria's political and peace processes. This shift is reflected in most political documents related to the political process and in literature presented by participating political entities, including the High Negotiations Committee (HNC).

One of the most significant political gains for the women's rights agenda has been the successful advocacy for the establishment of the Women's Advisory Board under the office of the UN Special Envoy for Syria in 2016, ensuring that women's voices are represented in the political process. However, despite its importance, this role has not fully met the demands of Syrian women's movement, which has consistently called for formal and structural representation at the negotiating table, not merely in an advisory role, as well as the establishment of a minimum quota for women in institutions and decision-making bodies.

As a result of these efforts, women constituted nearly 30% of the Constitutional Committee members established under UN Security Council Resolution 2254. Additionally, Syrian women have successfully advocated for the inclusion of gender-sensitive language in key political documents related to the political process.<sup>192</sup> They have also pushed for women's rights to be addressed in constitutional debates and for legal amendments, including revisions to the Personal Status Law.

## ***b) Increase women's participation in political decision-making at all levels***

Increasing the meaningful participation of women in decision-making at all levels—including in peace negotiations, the constitutional process, and legal reform—has been a key priority for the Syrian women's movement. In 2016, CSWD advocated for the development of a National Action Plan (NAP) for the implementation of UNSCR 1325, aiming to increase women's participation in decision-making positions.<sup>193</sup> This work continued in 2018, 2019 and 2020, during which the CSWD accumulated experience and provided in-depth recommendations on ways to implement UNSCR 1325 in Syria, engaging a broader range of actors. In 2020, discussions and consultations from this process resulted in guidelines for implementing the Women, Peace and Security Agenda (WPSA) in Syria and underscored its importance for the region.

The Syrian Women's Political Movement was established in 2017, providing a space for women's organising with a focus on political participation, while also advocating for "women's representation of at least 30% in all decision-making institutions and entities."<sup>194</sup>

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192 The Participation of Syrian Women in the Syrian Political Process: The Development of Advocacy for Peace مشاركة المرأة السورية في العملية السياسية السورية: بلورة المناصرة من أجل السلام UN Women-Arab states, unwomen.org

193 International Conference Implementation in Syria of UNSCR 1325 on Women, Peace and Security, Outcomes, 8 Dec 2016 Beirut <https://www.efi-ife.org/en/extra/hub/publications-policy-briefs-and-recommendations>

194 In Our Mission: "Raising the Level of Women Political Participation" <https://syrianwomenpm.org/>

However, although women have taken on leadership roles in humanitarian work, civil society, and local mediation efforts, they continue to face substantial challenges in gaining representation in political life. Although the number of women influencing and participating in civil action across various geographical regions has increased, their direct participation in political decision-making must also rise to align with this reality.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt affirmative measures, including a minimum 40% quota for women in all elected councils, government bodies and institutions, and administrative units at various levels, as a temporary mechanism to enhance women's participation in decision-making processes during reconstruction, ensuring full opportunities for women until complete equality is achieved. These measures should build on women's roles and contributions during the conflict.
- Develop a NAP for UNSCR 1325 to ensure women's participation in the political process. This should be carried out in cooperation with women's rights organisations and incorporate civil society recommendations from the national consultations.<sup>195</sup> A broader range of civil society actors, particularly those focused on women's rights and human rights, should be engaged in this process.<sup>196</sup>
- Establish a specialised ministerial body with the authority to coordinate all actions and decisions across ministries regarding equality between women and men. This body should advance the women's rights agenda and ensure equal representation of women in decision-making structures.<sup>197</sup> Establish units in each ministry responsible for advancing women's rights and equality.

### **B - DONORS**

- Set a minimum 30% quota for financial pledges directed towards Syrian feminist organisations and women-led organisations and initiatives.<sup>198</sup>
- Establish support mechanisms to enhance women's political participation, working in coordination with women's rights organisations. This should include the development of clear, measurable indicators for monitoring inclusion.

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<sup>195</sup> This consultation was held on 9-10 March 2020 in Beirut in cooperation with EFI and the CSWD, [www.efi-ife.org](http://www.efi-ife.org)

<sup>196</sup> Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women's Participation in Syria, EuroMed Feminist Initiative, 2021, p. 13, [Policy Briefs and Recommendations | EuroMedFeminist Initiative](#)

<sup>197</sup> Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes, Study, published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG, p. 77, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

<sup>198</sup> Ensuring Mechanisms to Combat Violence Against Women and Girls in Syria During the Early Recovery Phase, Syria Gender Advocacy Group Side-Event to Brussels Conference "Supporting the Future of Syria and the Region" Statement, 29 April 2024, Brussels, <https://www.efi-ife.org/en/extra/hub/newsroom-statements>

- Establish support mechanisms for women's empowerment at both individual and institutional levels, enabling them to take on meaningful roles in the political process and future governance.
- Strengthen coordination among donors and supporting entities on the women's rights agenda to maximise effectiveness and impact.
- Establish rapid funding mechanisms, such as the Women's Peace and Humanitarian Fund, to provide swift support to women's CSOs during the post-conflict period.
- Support local small- and medium-sized women's organisations, women's rights civil organisations and women-led initiatives to strengthen women's social and political status, improve their communities, and increase their opportunities to attain public and political positions at higher levels, whether through appointment or election.
- Support women's and women's rights initiatives at the local level, particularly those addressing community challenges, enhancing security and promoting stability in the post-conflict period.
- Adopt long-term, flexible funding mechanisms to strengthen women's leadership and support effective civil society initiatives. Prioritise expanding opportunities for women to run for public office, whether in local administrations or parliament, enabling meaningful political participation.

## C - CIVIL SOCIETY

- Work across political parties and alliances to promote broader inclusion of women across various sectors and electoral lists.
- Provide capacity-building training for women to support their participation in voting and running for public office.
- Integrate women's rights agendas within the broader objectives of Syrian civil society actors.
- Apply gender analysis tools across all projects implemented on the ground, ensuring that gender-responsive policies and outcomes effectively address the needs and interests of both women and men.
- Foster cross-party coalitions to lead advocacy campaigns that encourage women's political participation, promote women's voter engagement, and advance women's priorities in constitutional reform processes.
- Launch awareness-raising campaigns targeting women across all sectors of post-conflict governance to increase their political participation.

## 2•The electoral process and political parties

Elections are one of the most important mechanisms for overcoming crises and contributing to peace, rather than perpetuating division or enabling the domination of one party over others. Elections constitute a political right of paramount importance for both women and men, guaranteeing their participation in governance and in the management of the country's affairs. Both women and men have the right to vote and to stand for election in periodic elections without being subjected to any discrimination. Elections ensure power-sharing, contribute to a deeper sense of citizenship and the rule of law and allow for peaceful competition. The will of the people, expressed through the ballot box, is the foundation of power in democratic governance.<sup>199</sup>

### a) *Enable women's equal participation in the electoral process as both voters and candidates*

The electoral process cannot proceed without the full and active participation of women as candidates, voters, and civil and political leaders. Women's leadership in supporting democratic transition requires their fair and equal participation throughout the entire electoral process. The challenges hindering their participation, representation in elections and access to decision-making positions must be identified and addressed.<sup>200</sup>

Reflecting on past electoral experiences in Syria, whether at the parliamentary or local level, it can be noted that there was no genuine citizen participation and no meaningful role for civil actors. This, in turn, affected both the nature and extent of real engagement in the process. True participation can only be achieved within a pluralistic democratic system that includes political parties and independent elections, where both women and men can exercise their democratic and human rights.

#### Best Practices

Women in **Rwanda** have established a multi-party caucus to address sensitive issues related to land rights and food security.

In **South Africa**, women's demands for gender equality within the African National Congress led to the adoption of a party quota during the post-apartheid transitional period.

199 Reforming the Legislative Election System in Syria - A Gendered Approach إصلاح نظام الانتخابات التشريعية Coalition of Syrian Women for Democracy, cswdsy.org في سوريا - مقاربة من منظور جندري،،

200 Ibid.

## ***b) Facilitate women's participation and adopt a women's rights agenda in political parties***

Women politicians—defenders of women's rights—define political participation as a development process linked to equal opportunities and equal access to resources.<sup>201</sup> Despite several international agreements guaranteeing women's right to political participation, the transition from current realities to the envisioned normative frameworks for women's role in the electoral process requires significant efforts at various levels. One key area is the reform of political parties, which serve as the primary gateways for communities to engage in governance at both local and national levels.

Political parties play a crucial role in enabling women's participation in the political sphere, as they provide the most direct route for women to access elected positions in the State or within political leadership.<sup>202</sup> They are also instrumental in mobilising communities to exercise their electoral rights after prolonged periods of political disengagement and in supporting candidates. The structures, policies and decision-making mechanisms of political parties have a profound impact on the nature and extent of women's participation in political life. Political parties that embrace a women's rights agenda tend to achieve greater engagement at the local level, develop electoral and service programmes that reflect societal realities, and strengthen social and economic networks. This, in turn, enhances their credibility, expands their voter base, and reinforces their legitimacy and influence.<sup>203</sup>

In the Syrian context, political parties remain largely male-dominated, failing to facilitate women's participation in decision-making within party structures, and, in many cases, actively restricting it. This has significantly hindered women's ability to join parties, participate effectively, and advocate for women's rights within party agendas. Even parties that claim to support women's freedom and political presence often do not prioritise a women's rights agenda.

Addressing these challenges requires a thorough review of political engagement mechanisms and the laws governing them, particularly legislation related to political parties and associations.

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201 Women and Politics, 2010, Alexandria Appeal to the United Nations Secretary-General Mr. Ban Ki-Moon and Under-Secretary-General of UN Women Ms. Michelle Bachelet, <https://www.efi-ife.org/en/extra/hub/publications-policy-briefs-and-recommendations>

202 Empowering Women for Stronger Political Parties | International Knowledge Network of Women in Politics, [iknowpolitics.org](https://www.iknowpolitics.org)

203 Advancing Women's Participation in Post-Conflict Reconstruction, Georgetown Institute for Women, Peace and Security, 2020, <https://giwps.georgetown.edu/wp-content/uploads/2020/11/Advancing-Women's-Participation-in-Post-conflict-Reconstruction.pdf>

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Introduce laws and regulations for political parties and candidates, as key stakeholders in the new political system, that define their roles, registration requirements, and functions under the new constitution and a new party law. These laws should include administrative and legal provisions to prevent discrimination against women.
- Enact legislation to ensure that political parties incorporate a women's rights agenda into their political programmes.
- Implement legislated quotas requiring a minimum of 40% women's participation in political parties, including in senior management structures and leadership positions. This should serve as a temporary affirmative measure until full equal representation is achieved, with clear enforcement mechanisms.
- Ensure the affirmative measures, such as quotas guaranteeing at least 40% women's representation at all levels of political participation, are effectively implemented and monitored. Compliance should be enforced through sanctions for non-compliance, including financial penalties, and by granting electoral authorities the power to reject political parties' candidate lists that do not meet the required gender representation.
- Involve women's rights experts and legal specialists with expertise on women's rights in the development of the new party law.

### **B - DONORS**

- Support capacity-building programmes for women to enter politics, including those preparing them to run for office.
- Support capacity-building programmes for stakeholders involved in drafting the party laws and related legislation to ensure that these laws do not discriminate against women and actively promote women's rights, enabling their equal participation.

### **C - CIVIL SOCIETY**

- Conduct joint information and awareness-raising campaigns on the importance of women's political participation, as well as women's rights and equality, as priorities for political party agendas. Apply pressure to ensure women's participation at both local and national levels.
- Develop training programmes for political party members on integrating women's rights agendas into party policies and strategies.

- Mainstream a women's rights perspective and prioritise addressing VAWG in all plans and projects of official institutions, emerging parties, and political and civil associations in Syria.
- Build coalitions with human rights organisations, political activists, and legal experts to raise awareness about the quota system and its significance for the democratic functioning of political parties.
- Conduct regular studies at national and local levels to identify the obstacles women face in entering the political sphere. Use the findings to produce policy recommendations for political parties and the government, advocating for measures to address these challenges and to develop gender-sensitive statistics.
- Support women in politics across different political parties in developing strategies to advocate for women's rights within their party agendas.

### 3•The electoral process and electoral systems

Electoral systems form the foundation of an integrated electoral process. It is therefore essential to intensify efforts to establish a comprehensive electoral system and its governing frameworks, as these are among the most critical components of electoral law. The electoral system regulates the relationship between the election process and the elected representatives, determining how the votes of women and men voters are translated into political representation.

#### **a) *Choose an electoral system that enables both women and men to have equal opportunities to participate and be represented***

Choosing an electoral system is one of the most significant decisions in the reconstruction phase, ensuring that the post-conflict country transitions towards an inclusive and participatory democracy. This transition must guarantee that both women and men have equal opportunities to participate and be represented, in line with the aspirations of the population. It is well recognised today that while different electoral systems have their advantages and disadvantages, none are entirely gender neutral.

However, data indicates that countries with proportional representation systems have, on average, the highest level of women's political representation (25%), compared to countries with plurality/majority systems (19%), while mixed systems fall in between (22%). These differences largely stem from the way

political parties select and nominate candidates.<sup>204</sup> In countries using party-list proportional representation with closed lists, an electoral mechanism known as “zipper system” or “vertical parity” enforces parity between women and men by requiring parties to alternate between female and male candidates on their candidate lists, meaning that 50% of the candidates on the list are women and 50% are men. This system has been used in countries with political will to enhance women’s representation in the political field, to full equality.

In conflict and post-conflict contexts, where societies often lack an environment conducive to fostering an egalitarian understanding of gender roles, the voting system can play a decisive role in promoting women’s participation. Indeed, the choice of an electoral system can create opportunities for women’s voices to be heard, helping to redress the historical imbalance in their political participation, whether as candidates or voters, in a fair and equitable manner.

*International Conference on “Electoral Systems and Gender Equality in Democratic Transitions” 28-29 February 2018, Geneva, CSWD, EFI.*

In post-conflict countries, there is often an expectation that the whole society, women and men, will be free to participate in and stand for election once the conflict ends. However, historical data demonstrates that free elections alone are insufficient. Affirmative measures and targeted actions are necessary to address the entrenched power structures within political parties that continue to exclude women and limit their representation.<sup>205</sup>

Around 90 countries worldwide have adopted affirmative measures such as gender quotas for political elections in their constitutions or electoral laws. When enshrined in the Constitution or electoral law, quotas become legally binding for all political parties.

In approximately 40 countries, some political parties have voluntarily adopted party quotas for their electoral lists, as for example in Sweden, Norway and South Africa. These parties have incorporated quota regulations into their statutes, setting minimum thresholds of 50%, 40%, or 25% of candidates from each gender on their electoral lists.

Collectively, this means that more than half of the countries in the world have implemented some form of gender quota system in their electoral processes.

Drude Dahlerup in Study: Acts of Conference - Electoral Systems and Gender Equality in Democratic Transitions, International Conference 27-28 February 2018, Geneva

204 Drude Dahlerup in Study: Acts of Conference - Electoral Systems and Gender Equality in Democratic Transitions, International Conference 27-28 February 2018, Geneva <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

205 The first free election in Egypt after the fall of President Mubarak confirmed that women secured only 2% of all seats.

In Syria, UNSCR 2254 calls for elections following the drafting and adoption of a new, fair and legitimate Constitution. The extent to which Syrians involved in the electoral process approve of the mechanism for selecting those who draft the Constitution, the process for ratifying it, and its contents will determine whether this fundamental condition is met before the first elections take place.<sup>206</sup>

## **b) Adopt electoral laws and institutions that enable women to participate equally in the electoral process**

This process is one of the most significant indicators of democratisation in the country and must be protected and safeguarded by the Constitution, with guarantees provided by an electoral law that regulates the process as a whole. Therefore, reviewing the electoral system is one of the most critical steps in the reconstruction phase. In Tunisia, for example, the reform of municipal electoral regulations included both horizontal and vertical gender considerations. This considerably strengthened the requirements for equal representation of women in the 2018 municipal elections.

It is essential to ensure that the system accounts for societal and political divisions and serves as a guarantor of civil and community peace through fair representation. Additionally, it must work to eliminate structural, political, legal, economic and social barriers so that all women and men can participate on an equal footing.

*Electoral laws and institutions should enable women to participate in the electoral process as candidates, voters and leaders in the management of the electoral process itself, whether in the national electoral management body or in the bodies responsible for monitoring and resolving elections-related disputes. The legal framework includes the laws pertaining directly to the electoral process itself, as well as the legal provisions guaranteeing freedom of movement for all parties involved in the democratic process, including laws governing political parties, civil society organisations, electoral monitoring organisations, [and] the media. The legal framework also includes laws that generally guarantee freedom of expression, the establishment of associations, freedom of assembly, and other rights necessary for democracy. To ensure the constitutionality and integrity of these laws, independent judicial institutions must be established, with the authority to review laws and amend those that do not meet constitutional or international standards.<sup>207</sup>*

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206 Ms. Rana Mitri, National Agenda Program for the Future of Syria (NAFS), Team Leader for Governance, Institutions Building and Democratization, ESCWA

207 Ibid.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt structural reforms of the electoral process and system that incorporate women's rights and equality and ensure a minimum of 40% representation of women at all levels, whether in the national electoral management body or in the bodies responsible for monitoring and resolving election-related disputes.
- Enact electoral laws that provide for temporary affirmative measures, including a minimum quota of 40% representation for women, to enable their participation at all stages of the electoral process and within electoral institutions, including the management of the electoral process itself, thereby promoting full equality. Such measures should be inclusive of all age groups, especially young women, as well as women with disabilities, internally displaced people (IDPs) and refugees.
- Ensure that the Constitution provides for an independent body to oversee elections, and that this body comprises at least 40% women.
- Adopt an electoral system that facilitates women's representation both through party lists and individual voting in small constituencies by implementing temporary affirmative measures with quotas of no less than 40%.
- Guarantee that CSOs, including women's rights organisations, are free to monitor the electoral process and to raise community awareness.

### **B - DONORS**

- Support the adoption of temporary affirmative measures, including a minimum quote of 40% for women's representation, across all stages and levels of the electoral process and within all relevant institutions, including those responsible for managing the process. Such measures should be inclusive of all age groups, especially young women, as well as women with disabilities, IDPs and refugees.
- Support initiatives that help build a new social contract among Syrian women and men by fostering stakeholder dialogue and consensus on the political and electoral process. Donor support should aim to embed women's rights and equality within these efforts, targeting a minimum of 40% representation of women in all electoral bodies and institutions.
- Support strategies that monitor the implementation of women's rights and the participation of women throughout the electoral cycle, before, during and after elections.
- Support and request the involvement of women's rights organisations at all stages of the electoral process, especially during the candidate nomination and observation stages.

## C - CIVIL SOCIETY

- Promote and defend the role of CSOs in voter registration and in encouraging participation.
- Conduct advocacy and awareness-raising on the role of the media in promoting female candidates and ensuring equal media coverage for both female and male candidates.
- Conduct awareness-raising campaigns and actions among women voters in local communities about the importance of voting, active participation and women's representation in the electoral process.
- Provide capacity-building programmes for women candidates and women voters on electoral systems, and facilitate discussions on local affairs, highlighting the needs and interests of women.
- Conduct advocacy for the inclusion of women's rights agendas in electoral programmes and for women's representation in the electoral process and in all established bodies.
- Advocate for and exert pressure to ensure the involvement of women's rights organisations at all stages of the electoral process, especially during the candidate nomination and observation stages.

## 4•Security and safety of women voters and political leaders

Women face significant harassment and intimidation, including gender-based violence—as voters, leaders, public actors and in more private political spaces. In recent years, women politicians have been targeted with various forms of violence, including physical and verbal abuse, arrests, kidnapping, bullying, and electronic blackmail, through campaigns designed to distort their roles, diminish their status and prevent them from occupying key positions in the political process. Such actions represent a disturbing manifestation of political violence, sometimes escalating to direct targeting and even murder.<sup>208</sup> Although numerous human rights networks have documented violations against women by all parties involved in the conflict, these reports have not been adequately reflected in media coverage, which in turn reinforces societal perceptions that trivialise such violence.

To promote peace, it is necessary to ensure the safe participation of women from diverse community backgrounds in both political and civic activities. If these security challenges are not addressed—given their significant impact on the health and lives of women, particularly those engaged in post-conflict

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208 Targeting Women Working in Public Affairs: Syrian Women Between Facing Blackmail and Fear of Society - Syria Direct استهداف النساء العاملات في الشأن العام: سوريات بين مواجهة الابتزاز والخوف من المجتمع

political affairs—they will fundamentally undermine efforts to strengthen local peace and stability and prevent women from fully exercising their roles.

Addressing these issues requires action at multiple societal levels, including raising awareness of the devastating consequences of violence against women and promoting women's human rights as a central component of democratic reconstruction. It is also crucial to support women's rights organisations that provide a protective and empowering narrative for women, all within a legal and constitutional framework that aims to safeguard women and eliminate discrimination that excludes them from public affairs.

### **Best Practices**

In **Sri Lanka**, security services, electoral security providers and police forces receive special training in gender-sensitive election security.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Adopt a comprehensive law to combat VAWG, including political violence.
- Ensure the protection of electoral centres to prevent violence against voters, especially women voters.
- Ensure continued efforts to increase women's representation beyond the post-conflict period to prevent the reversal of progress.
- Take legal and practical actions to address harmful norms and stereotypes within institutions, ensuring that affirmative measures like quotas result in meaningful and influential political power for women.

### **B - DONORS**

- Support independent monitoring of human rights and women's rights before, during, and after an election to foster an environment conducive to inclusive elections, ensuring respect for international women's rights norms, including freedom of expression, peaceful assembly, association, movement, and protection from discrimination and fear, particularly gender-based discrimination.
- Support programmes providing technical assistance and capacity-building to government counterparts, civil society, the media and all relevant stakeholders involved in the electoral process, contributing to an environment that guarantees peaceful, free, fair and transparent elections.

## C - CIVIL SOCIETY

- Conduct awareness and information campaigns at both national and local levels to enhance understanding of the electoral process, the role of local communities, and to support women in exercising their electoral rights as both candidates and voters, thereby strengthening democracy and local governance.
- Design and implement capacity-building programmes to strengthen women's leadership, representation and effective participation in programming, planning and implementation processes.
- Raise awareness of the media's role in combating VAWG in both the public and private sectors and in challenging stereotypical representations of women, to help reduce voter bias against female candidates.

## 5 • Decentralisation and local governance structures

The prolonged armed conflict in Syria has had substantial repercussions on all aspects of life, from urbanisation, infrastructure and services to the catastrophic impact on human capital and significant societal fragmentation. The situation has been exacerbated by the weakness of central and local resources in addressing the new realities and responding to citizens' needs. However, at the same time, some local resources have taken on more prominent roles, especially in areas outside the control of the previous central government. Moreover, civilian actors have demonstrated greater effectiveness in engaging with local councils and municipalities, especially in relief work and community activities.

Numerous papers and political statements by various parties involved in Syria's political process have affirmed the acceptability of introducing decentralisation, though the specific model of decentralisation remains unclear. Nevertheless, all parties agree that decentralisation can serve as a crucial tool to strengthen local governance and empower communities—the backbone of the reconstruction process—by initiating rehabilitation, empowering local actors, and enabling sustainable reconstruction efforts. Local communities must also play a vital role in ensuring that the voices of Syrian women and men are heard in discussions on reconstruction and resettlement.<sup>209</sup>

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209 Syria's Decentralization Roadmap - Carnegie Endowment for International Peace, 2017

## **a) *Ensure women's engagement and participation in community-led development and local governance***

Accordingly, reconstruction-related programmes should be developed in consultation with local leaders, ensuring that women participate on an equal footing with men through local systems, institutions and women's organisations and initiatives. It is also important to enhance the capabilities and tools of localities and to improve their effectiveness, thereby reducing the risk of eroding local identities during the reconstruction process, while providing opportunities for capacity-building, empowerment, and rehabilitation for Syrian labour. This approach underscores the importance of focusing on the role of local councils in driving positive change, improving social conditions and achieving local development. It will promote public ownership of programmes and guarantee women's participation in local decision-making processes.

Moreover, it is essential for citizens to participate in elections, as participation is both a right and a duty in a democratic society. Effective coordination among all stakeholders will further ensure that community priorities are implemented and that local resources are optimally utilised. This approach is particularly valuable for displaced persons and returnees, as it creates spaces for rehabilitation, integration and participation in reconstruction while safeguarding citizens' well-being and reducing reliance on external resources.

Enabling women's engagement and participation in community-led development and local governance is an effective means of incorporating a women's rights perspective into the design of services, infrastructure and social protection systems, thereby preventing discrimination. It also supports concrete measures to amplify the voices of women and girls as beneficiaries of these systems while strengthening their representation and leadership. The better the social services provided to all citizens, the higher the level of social justice, which forms the foundation of sustainable development.

It is vital to enable women's participation in all community-led development programmes at various stages of the process and to harness women's experiences in managing resource shortages, such as water and energy, and in devising alternatives to education and housing. Women have developed these local skills as a result of years of conflict, responding to the needs of their families and addressing challenges like drought and water outages by adopting innovative measures to cope with the situation.

### **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

#### **A - SYRIAN DECISION MAKERS**

- Ensure that women are actively involved in all local political actions, programme development and local government structures, and that their needs and priorities are reflected in local planning and budgeting.
- Consult women's rights activists at the local level to integrate women's needs

and interests into the design and implementation of local development programmes, including in agriculture, health, education and livelihoods.

- Design and develop monitoring and evaluation tools based on gender assessment studies with the involvement of the women's rights organisations.
- Ensure equal representation of women in local councils through legal reform.

## **B - DONORS**

- Support women's empowerment and rehabilitation programmes targeting local government bodies.
- Support initiatives that ensure the inclusion of both women and men in consultations for community-based development programmes.
- Support capacity-building and awareness programmes at the community level by funding targeted training and community engagement initiatives that empower local institutions, promote inclusive participation, and effectively address women's needs and interests.
- Support initiatives that provide technical assistance and capacity-building to local self-government stakeholders, civil society, and relevant policymakers on inclusive planning and local programme development that is sensitive to women's needs and interests.

## **C - CIVIL SOCIETY**

- Advocate for the inclusion of women's needs and the advancement of women's status in the Local Administration Law.
- Unite women's efforts to push for a binding legal framework requiring all local councils and administrations to adopt gender-sensitive protection policies and to include provisions for women's engagement on an equal footing with men.
- Establish partnerships between women's rights organisations and executive and legislative bodies to ensure that new local governance legislation meets women's needs and provides communities with access to basic services responsive to those needs.
- Conduct leadership training for women council members to strengthen capacity and provide the necessary skills to analyse social problems and development issues.
- Provide awareness training for local technical staff responsible for implementing policies and advising politicians on key issues.

## 6 • The reform of the security sector

Security sector reform, as defined by the UN, is described as “the process of assessment, review, implementation, as well as monitoring and evaluation led by national authorities aimed at strengthening the effective and responsible security of the State and its people without discrimination and with full respect for human rights and the rule of law.” This process includes a wide range of activities, such as legislative initiatives, awareness-raising campaigns, capacity-building and infrastructure development.

Throughout the years of conflict in Syria, numerous human rights violations were committed across various areas and under different political, security and military controls, carried out by State security forces as well as by various opposition armed factions. These violations have been characterised as serious human rights infractions, war crimes and atrocities against civilians, including the destruction of resources and infrastructure, the pollution of natural resources and acts of sexual and gender-based violence.<sup>210</sup>

This situation underscores the need for comprehensive security sector reform in the post-conflict period, which presents both new opportunities as well as responsibilities for establishing more inclusive and gender-responsive security institutions.<sup>211</sup> The aim of such reform is to improve the delivery of security services, strengthen local ownership of security institutions, and ensure sustainability.

The UN’s 2012 Integrated Technical Guidance Notes on security sector reform, along with Security Council Resolution No. 2151 (2014), clearly state that measures must be gender-responsive and ensure that women and girls feel safe and secure.

**UNSCR 2151** of 2014 confirms that security sector reform in post-conflict environments is crucial for consolidating peace and stability, promoting poverty reduction, the rule of law and good governance, extending legitimate state authority, and preventing countries from relapsing into conflict. It further affirms that the availability of an effective, professional and accountable security sector, as well as accessible and impartial law and justice systems, is equally essential for laying the foundations for peace and sustainable development. It recognises that security sector reform is a key element in the political processes of states during the recovery phase from conflict and in strengthening the rule of law institutions.

210 A/HRC/51/45 (un.org) - Report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the 51st Regular Session of the Human Rights Council

211 Women and Post-Conflict Reconstruction: Issues and Sources - Birgitte Refslund Sørensen - Google Livres

### ***a) Include women and consult women's rights organisations in post-conflict security sector reform***

Women are frequently excluded from security sector reform because these processes often take place within male-dominated cultures in military and security institutions. Such environments create significant barriers for women seeking security positions and leadership roles within government agencies. Addressing this bias and promoting meaningful participation of women in security sector reform and overcoming the substantial gender gap in leadership roles and inequality within security agencies requires strong national political will and long-term political commitment. There is growing evidence that increasing the participation of women in national security forces, including the army and the police, not only better meets the needs of both women and men but also enhances overall operational effectiveness, accountability and community support.

In post-conflict contexts, women play a crucial role in highlighting issues of sexual and gender-based violence, thereby increasing the likelihood of abuse incidents being reported. Moreover, they serve as guarantors to ensure that the security needs of women and girls are addressed during security sector reform processes. This should also involve engaging women's rights organisations to support the reform and strengthen local ownership, ensuring active participation of women and women's rights activists throughout the process.

Addressing this bias also requires promoting a transformational change in societal roles in post-conflict situations and building alliances with supportive men. Women's inclusion in the security sector can be improved by increasing their participation, addressing the patriarchal structures and cultures prevalent in the security sector and promoting positive behaviours to support and advance gender equality.<sup>212</sup> Measures such as training programmes, providing trauma counselling training for security forces, and initiatives to strengthen communication skills and active listening techniques among security providers can enhance the legitimacy of the security sector and build trust in local institutions.

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212 Advancing Women's Participation in Post-Conflict Reconstruction, Georgetown Institute for Women, Peace and Security, 2020, <https://giwps.georgetown.edu/wp-content/uploads/2020/11/Advancing-Women's-Participation-in-Post-conflict-Reconstruction.pdf>

### Best Practices

In **Liberia**, women were encouraged to establish a Women and Child Protection Section within the national police. This section trained personnel to deal with cases of sexual and gender-based violence, thereby increasing women's safety and their willingness to report such crimes. Raising the proportion of women in the police force also strengthened public confidence, particularly in actions against domestic violence. Women-led CSOs have fostered dialogue between local communities, policy makers and security sector personnel, engaging the local population via both formal and informal channels. They have also participated in the disarmament, demobilisation and reintegration process, and have collaborated with security agencies to provide information on local security threats.

Research in the **Democratic Republic of the Congo** and **Sierra Leone** found that women who had experienced such violence were more likely to report incidents to a female officer rather than a male officer.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Ensure concerted action to address local distrust of security institutions, which stems from a weak rule of law, corruption and gender-based atrocities committed during the conflict. These challenges must be tackled as part of the security sector reform.
- Engage women's organisations and experts in the security sector reform process to provide specialised expertise on incorporating women's rights in the creation of inclusive security institutions.
- Adopt affirmative measures, such as quotas, to ensure women's participation in the security sector. This should include appointing women to high-level defence and security positions and organising campaigns to recruit more women into security institutions.
- Establish dedicated protection units for women within police departments, specifically tasked with combating VAWG.
- Treat disarmament, demobilisation and reintegration processes as crucial steps in stabilisation and reconstruction and include women's rights experts to assist in designing and implementing these plans.
- Develop and implement accountability mechanisms within security sector institutions to address issues of harassment and sexual violence against women, while adhering to "zero tolerance for VAWG" policies in the military and security sectors.

## **B - DONORS**

- Encourage all actors in the stabilisation and reconstruction process to submit plans that ensure women's involvement in the reconstruction process.
- Support specialised training programmes on gender sensitivity for both male and female military personnel, police and civil servants.
- Support initiatives that ensure the inclusion of women in disarmament, demobilisation and reintegration processes, and engage gender experts to assist in the design and implementation of these plans.
- Support initiatives that ensure women's participation and the integration of a gender perspective in all interventions, including the ceasefire and peace process, disarmament, demobilisation and reintegration, and security sector reform.
- Support initiatives that explicitly incorporate a gender perspective into the mandates of international delegations, ensuring that well-resourced gender units are established within these missions.

## **C - CIVIL SOCIETY**

- Organise awareness campaigns highlighting violations against women, condemning such abuses, and urging all parties to uphold human rights.
- Provide specialised training on women's rights for military personnel, police, and civil servants.
- Provide training to relevant ministerial and police staff on the prevention and response to gender-based violence.
- Conduct assessments to identify political, cultural, and institutional barriers that prevent women from joining, retaining positions, or advancing within the security sector.





# 5 SOCIAL RECONSTRUCTION

Social capital suffered significant damage during the years of the armed conflict, evident in the disintegration of social ties and networks due to displacement and migration, as well as the sharp polarisation between communities. Many binaries—political, religious, ethnic, ideological, urban and others—surfaced, accompanied by a significant deterioration in trust at various levels, including between communities, between society and authorities, between society and civil actors, and between civil actors and authorities. Manifestations of social violence spread, including hate speech, incitement and pathological societal phenomena such as kidnapping, extortion, trafficking of children and women, as well as the proliferation of weapons and the absence of the rule of law. All of this has had a disproportionate impact on women.

Human capital also suffered severe damage due to widespread death, disappearance, migration and injury, all occurring under difficult living conditions and a significant decline in the standard of living. This decline was further aggravated by escalating violence, widespread chaos, and soaring prices throughout the prolonged years of conflict.<sup>213</sup>

Stereotypes surrounding women's roles—reinforced by political narratives promoted during the conflict—have exacerbated the challenges women face in Syrian society. These narratives have sought to define women's roles, appearance, and aspirations according to political agendas, further restricting their opportunities and reinforcing limiting social norms.<sup>214</sup> As a result, women's personal safety, professional life, legal rights and political participation have been negatively affected.

As underlined in the previous chapters, women have played critical roles throughout the conflict in relief and humanitarian work, local and national mediation to secure the release of detainees and broader civil action aimed at rebuilding their communities and fostering resilience. Recognising these evolving roles is essential for a socially transformative reconstruction process—one that removes structural and social barriers preventing women from asserting their rights and capabilities, thereby ensuring their full participation in Syria's post-war reconstruction. A transformative approach to social reconstruction must include developing effective measures to promote positive change in societal perceptions of women and ensuring that women's rights are fully integrated into the reconstruction process.

During the reconstruction phase, there is also an opportunity to design

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213 Social Rifts in Syria – Syrian Center for Policy Research SCPR, التصدع الاجتماعي في سوريا, [scpr-syria.org](http://scpr-syria.org)

214 Both Sides in Syrian Conflict Use Media to Stereotype Women, Zaina Erham, 2018, <https://www.truthdig.com/articles/both-sides-in-syrian-conflict-use-media-to-stereotype-women/>

essential services, infrastructure and social protection systems in ways that prevent discrimination and ensure equal space for women and girls. Concrete measures should be taken to strengthen the voices of women and girls as beneficiaries of these systems, reinforcing their representation and leadership. Gender-sensitive approaches should be embedded in health, nutrition and education programmes, ensuring that women are actively engaged in policy discussions to address any structural barriers. Strengthening social services for both women and men fosters greater social justice, forming the foundation of sustainable development.<sup>215</sup>

## 1•Address violence against women and girls as a priority

VAWG, in all its forms—psychological, verbal, physical, economic, sexual and others—is widespread in Syrian society. It is systematically practised, underpinned by patriarchal values embodied in customs, traditions and laws, especially personal status laws. The long-standing social tolerance of VAWG is reflected in the widespread culture of victim-blaming. Social and political extremism, economic crises and armed conflicts also contribute to increased VAWG. The Syrian legal framework is discriminatory under multiple laws. It does not provide any protection from VAWG due to the absence of specific legislation and institutional mechanisms to address it. The articles of the penal code do not offer sufficient protection for women and girls, while some of them are also discriminatory against women.<sup>216</sup>

The protracted armed conflict has exacerbated VAWG in terms of prevalence, frequency and severity, leading to the emergence of new forms, most notably CRSV.<sup>217</sup>

International and national reports confirm the high levels of sexual violence against women and girls. The International Rescue Committee (IRC) and the International Federation for Human Rights (FIDH) have reported that most allegations of rape and other forms of CRSV have been committed by military forces and militias, particularly at checkpoints and in detention centres.

Some victims were raped and killed, with the perpetrators facing no accountability. Human Rights Watch (HRW) has documented the use of sexual violence by Syrian government forces as a method of torturing detained women. Human trafficking is also widespread, most commonly in the form of child marriage, particularly in refugee camps.<sup>218</sup>

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215 Presentation paper: A Feminist Perspective on Reconstruction in Northern Syria 18883 18883 [ورقة تقديمية: منظور نسوي لإعادة الاعمار في الشمال السوري.pdf \(fes.de\)](#)

216 Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women's Participation in Syria, EuroMed Feminist Initiative, 2021, p. 6.,

[Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

217 Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes, Study, published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG:

<https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

Societal acceptance, discriminatory legal practices, the absence of laws addressing and deterring VAWG, and the lack of services for victims continue to perpetuate VAWG.<sup>219</sup> “Shame,” “rejection or being ostracised by family and friends,” and “fear of consequences and the threat of the perpetrator” are key barriers preventing women from reporting violence.<sup>220</sup> This has increased the burden on women at multiple levels and further weakened the services provided by local civil actors. Women continue to suffer from its consequences, which affect their livelihoods, professional and educational opportunities, and ultimately limit their ability to actively participate in various aspects of reconstruction. The seriousness of VAWG lies in the fact that it is one of the most widespread human rights violations worldwide. It deprives women and girls of equality, security, dignity, and consequently self-esteem, as well as their fundamental right to exercise their freedoms. Moreover, it occurs across multiple spheres, including the family, community, private sector, state institutions and local and civil society.<sup>221</sup>

During the Syrian Civil Society Women’s Rights Conference in 2021, the role of women was highlighted, emphasising that they:

*Have been at the forefront from day one of the peaceful protests and never backed away from the goal of reaching a political transition in Syrian towards democracy. For this to happen, violence against women should be addressed to structurally ensure women’s participation. Women’s participation in the peace process is critical to its success as women’s involvement is not only ensuring a lasting and durable peace but is also a matter of justice.*<sup>222</sup>

A year-long consultative process involving over 250 Syrian activists, gender and legal experts from more than 100 organisations and initiatives, as well as representatives from survivors’ organisations, led to the development of the Common Agenda for Combating VAWG as a Major Barrier to Women’s Participation in Syria. This agenda affirms that VAWG is the primary barrier to women’s participation in decision-making and peacebuilding in Syria at all levels—international, national, and local.

“Combating VAWG and the promotion of women’s rights can be neither separated from the armed conflict in Syria, nor from the peace and democracy-

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218 Tenth Annual Report on Violations Against Females in Syria, Syrian Network for Human Rights (SNHR), 2021. Available at: <https://reliefweb.int/report/syrian-arab-republic/international-day-elimination-violence-against-women-tenth-annual-report>, quoted in Violence Against Women and Girls: Laws, Knowledge, Awareness, Attitudes, Study published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG, p. 6, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

219 The Urgent Need for a Comprehensive Legal Framework to Combat Violence Against Women and Girls in Syria, Policy Brief, Equal Citizenship Centre (ECC), 2023, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

220 Ibid., p. 40

221 Policy Brief- Farah Hwijeh, Common Space Initiative CSI | Farah Hwijeh - Academia.edu

222 Brief: Syrian Civil Society Women’s Right Conference, 2021 <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

building processes underlying post-conflict recovery.”<sup>223</sup> The reconstruction phase must therefore prioritise measures to address this issue, recognising it as a threat to women’s lives and safety as well as to community peace.

***The Declaration on the Elimination of Violence Against Women by the UN General Assembly defines violence against women as:***

“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including the threat of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private.”

**ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

**A - SYRIAN DECISION MAKERS**

- Develop a comprehensive law to eliminate VAWG that defines and criminalises all forms of violence against women; protects and assists women victims and their children; penalises perpetrators; ensures coordination between all relevant actors, including civil society; and includes reporting and referral mechanisms, training for service providers, public awareness-raising, monitoring and evaluation, data collection and dissemination of information on services available for victims of VAWG.<sup>224</sup>
- Develop special procedures and mechanisms to enforce the law, including protection measures.<sup>225</sup>
- Allocate sufficient funds in the State’s budget for combating VAWG and providing services for women victims.<sup>226</sup>
- Adopt one unified Family Law that guarantees women’s rights and ensures equal rights for women and men in all matters related to marriage, divorce and inheritance.
- Design and implement trainings programmes for judicial, security and police personnel on VAWG as well as mechanisms for handling cases of human trafficking and CRSV.
- Involve civil society women’s rights organisations and legal experts who have already been working on these legislative matters and developed these training programmes to ensure alignment with international standards.

223 Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women’s Participation in Syria, EuroMed Feminist Initiative, 2021, p. 9, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

224 The Urgent Need for a Comprehensive Legal Framework to Combat Violence Against Women and Girls in Syria, Policy Brief, Equal Citizenship Centre (ECC), 2023, p. 16 [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

225 Ibid., p. 17

226 Ibid., p. 17

## B - DONORS

- Support efforts to enact measures and actions that address VAWG, including funding women's rights organisations and programmes and community-based initiatives that combat VAWG.
- Consult women's rights organisations and coordinate actions and programmes with them to address VAWG.

## C - CIVIL SOCIETY

- Organise awareness-raising campaigns on root causes of VAWG. These campaigns should include, but not be limited to, raising awareness of all forms of VAWG, shifting the blame from victims to perpetrators, challenging stereotypes about gender roles, promoting equality between women and men in mobility, advocating for equal access to and control over financial and economic resources, and spreading information about available services.<sup>227</sup>
- Strengthen advocacy efforts for the development of a comprehensive law on VAWG and the elimination of gender-based discrimination.
- Conduct ongoing studies and research on VAWG to collect data and regularly assess the scale and dimensions of the issue.
- Build the capacities of all service providers—including personnel within the legal system, criminal justice, law enforcement, judiciary and health care—by providing training and skill development programmes on receiving and caring for women victims.<sup>228</sup>
- Establish a broad coalition against all forms of VAWG to enable effective coordination among women's organisations, women's rights organisations and human rights organisations. This coalition should operate across the entire Syrian territory and countries of asylum, ensuring that efforts are aligned with organisational expertise to prevent duplication of work.<sup>229</sup>

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227 Violence Against Women and Girls in Syria: Laws, Knowledge, Awareness, Attitudes, Study, published June 2024, EuroMed Feminist Initiative, Regional Observatory on VAWG, p. 79, <https://www.efi-ife.org/en/extra/hub/publications-reports-studies-and-fact-sheets>

228 Ibid., p. 17

229 Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women's Participation in Syria, EuroMed Feminist Initiative, 2021, p. 27, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

## 2 • Engender the transitional justice process

Transitional justice has been defined as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, to ensure accountability, serve justice and achieve reconciliation.”<sup>230</sup> These processes encompass various mechanisms and means to understand and address past crimes and human rights violations by exposing the facts, holding perpetrators accountable, and providing victims with reparation and rehabilitation. The UN has also acknowledged in UNSCR 1325 (2000) and its subsequent resolutions on Women, Peace and Security, including UNSCR 2122 (2013), that gender-specific harms must be fully recognised and that women should be regarded as key actors in the transitional justice process. They play a pivotal role in formal peace negotiations, transitional decision-making bodies, state-building and post-conflict reconstruction. Women must also be included in the design, implementation, and evaluation of transitional justice processes.

Recent literature has called for a transformative approach to transitional justice that leads to deeper systemic change.<sup>231</sup> Such an approach broadens the scope beyond the provision of remedies for violations through truth commissions, amnesties, and prosecutions, to address structural violence, including structural VAWG, which produces and reproduces rights violations in times of both conflict and peace. The social roles of women and men before conflicts exacerbate this violence, which explains why, in times of conflict, rape is used as a weapon. Women in armed conflicts continue to be stereotyped, their narratives undermined and marginalised, and the crimes perpetrated against them dismissed as “collateral damage.” A transformative approach to transitional justice that is sensitive to women’s experiences is therefore a tool to correct this and to structurally address VAWG.

There is no single model for gender-sensitive transitional justice. Tunisia chose to adopt a transformative approach to transitional justice by revising its legislation to prevent the recurrence of past violations and by implementing legislative and institutional reforms. The Organic Law on Establishing and Organising Transitional Justice (Law 53/2013) defines transitional justice in Section 1, Part 1 as a “transition from an authoritarian to a democratic system which contributes to consolidating the system of human rights.”<sup>232</sup> In Section 2, Article 19, the law states that the Commission “shall consist of 15 members, provided that each gender is represented by one third of the members at least. The Commissioners shall be chosen by the legislative council among personalities known for their neutrality, integrity and competence.”<sup>233</sup> The Women’s Committee of the Truth and Dignity Commission also contributed to this effort by working on

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230 The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, Report of the Secretary-General, 23 Aug 2004

231 Paul Gready, Simon Robins, “From Transitional to Transformative Justice: A New Agenda for Practice, *International Journal of Transitional Justice*,” Volume 8, Issue 3, November 2014, pp. 339–361

232 Organic Law on Establishing and Organizing Transitional Justice No. 53, 2013, <https://www.ohchr.org/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>

233 Ibid.

Law 58/2017 on the Elimination of Violence against Women. While discussing the law in Parliament, the president of the Women's Committee addressed the members of Parliament, focusing her recommendations on the types of violations reported by women victims in their grievances.<sup>234</sup>

In Syria, women and girls have suffered from discrimination, restricted freedom of movement, sexual and CRSV and arbitrary executions perpetrated by armed opposition groups. There are now multiple mechanisms in place, such as the COI on the Syrian Arab Republic, the Joint Investigative Mechanism (JIM), and the IIM. Syrian women's rights experts and civil society activists have collaborated with these mechanisms to ensure that women's perspectives are included in transformative transitional justice during the reconstruction period.

**Good Practices**  
**Example of Transformative Transitional Justice as a**  
**Tool for Change: The Tunisian Experience**

The transitional justice process was participatory and contributed to the advancement of women in both law and public life. Following the 2011 elections, the Ministry of Human Rights and Transitional Justice was established. It held a series of national consultations across Tunisia with CSOs, including women's rights organisations, political parties, and victims, under the supervision of a technical committee. The Ministry was mandated to draft a transitional justice law based on these consultations. The supervisory technical committee included three women, one of whom was later appointed to the law's drafting committee.

Such an inclusive approach to transforming transitional justice is seen as:

*A necessary process towards a just and sustainable peace in Syria and a transition from a totalitarian to a democratic regime which respects the human rights of both women and men. Syrian women, who have constantly struggled against social and institutional patriarchal culture, have intensively engaged in multiple forms of resistance during the last years. They have experienced the different forms of violence practiced by the regime against the individuals and communities who have taken part in the revolution. These include political violence (arrest, torture, enforced disappearance, and murder) and mass crimes and their consequences (targeting civilians with prohibited weapons, displacement and forced migration).<sup>235</sup>*

234 Gender-Sensitive Transitional Justice Process in Syria, Report International Conference, 2019, [Reports, Studies and Fact sheets | EuroMed Feminist Initiative](#)

235 Ibid.

A transformative and inclusive transitional justice process in Syria should build on the critical role played by Syrian women, as they have assumed new economic and social leadership roles during the armed conflict. Such a process requires a holistic approach to address the root causes of political, economic, social, and legal VAWG, as well as the power structures that have sustained and reproduced inequalities, leading to an escalation of VAWG during the military conflict. These structures include discriminatory legislation and the exclusion of women from meaningful participation in social, economic, and political spheres.

The deliberate use of CRSV by all parties, along with the physical and psychological harm inflicted on survivors, their families, and communities, must be addressed. This requires taking into account the stigmatisation and intimidation that have prevented many CRSV cases from being documented.<sup>236</sup>

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Establish independent commissions to investigate the conditions of women detainees kidnapped by all parties in the Syrian conflict and develop a comprehensive plan to address these cases. Grant the International Commission of Inquiry, the International Committee of the Red Cross (ICRC) and similar organisations access to women detainees to assess their humanitarian situations and investigate the fate of those forcibly disappeared.<sup>237</sup>
- Ensure equal representation of women and men at all levels of appointment and recruitment within the commission/s, including in community liaison roles and investigations. Members should also have expertise in women's rights and related fields.
- Cooperate and consult women's rights organisations on all matters related to the transitional justice process.
- As part of policy reform, amend the police mandate to enable it to combat sexual and gender-based crimes against women and girls effectively.
- In cooperation with women's rights organisations, provide training and capacity-building for the police to counter sexual violence, assist victims, and investigate and prosecute such crimes.

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<sup>236</sup> Ibid.

<sup>237</sup> Common Agenda for Combating Violence Against Women and Girls as a Main Barrier to Women's Participation in Syria, EuroMed Feminist Initiative, 2021, p. 21, [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

## B - DONORS

- Support the equal representation of women in transitional justice processes at all levels, including as judges, commissioners, prosecutors, defence lawyers, investigators, witnesses and observers.
- Provide support for training international, national and local staff involved in implementing transitional justice by leveraging the expertise of women's rights organisations, particularly on gender issues, including rape and sexual assault.

## C - CIVIL SOCIETY

- Support women appointed to the commission/s so they can effectively advocate for issues affecting women.
- Conduct awareness-raising campaigns and provide training for security and justice personnel on women's rights and the provisions of international law, particularly international human rights law and international humanitarian law.
- Monitor and advocate for equal representation of women and men at all levels of appointment and recruitment within the commission/s, including in community liaison roles and investigations.

## 3 • Expand social protection

Social protection is linked to citizenship rights and the principles of social justice. It represents the just redistribution of wealth, using government spending to finance programmes that guarantee everyone's right to social security. Social protection programmes provide individuals with sustainable access to services that help them maintain a decent standard of living, and protect them from risks such as hunger, destitution, lack of health coverage and lack of educational services that enable them to develop their capabilities.<sup>238</sup> Based on this concept, social protection programmes include a set of policies designed to address the risks and vulnerabilities of both able-bodied and vulnerable individuals and groups, protecting them from social and personal risks. These programmes generally consist of two parts: the first includes basic income security measures and procedures, such as social cash transfers (conditional or unconditional) or need-based in-kind assistance; the second focuses on the ability of governments to subsidise the cost of basic social services, such as housing, health care, education and food security through direct public spending.<sup>239</sup>

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238 Syria's Post-War National Development Program "Syria 2030 Strategic Plan" – Prime Minister's Office – Planning and International Cooperation Commission - May 2020 - p. 66.

239 Gender-Sensitive Economic Empowerment Policies. Proposed Post-Crisis Policies - "National Agenda for the Future of Syria" - ESCWA – 2015 - op. cit. - p. 4.

Since the pre-conflict period, Syria has implemented various systems of social protection programmes, including social insurance (such as pension and old-age pension programmes, occupational injury benefits, voluntary insurance, inheritance pensions, paid sick leave, maternity social protection, and unemployment insurance), social assistance (including commodity subsidies, in-kind assistance, cash transfer programmes, microfinance programmes, and support through government-backed charitable foundations), and health care (including public health care services, services provided by private companies and professional associations, health care through government-supported charitable foundations, social health insurance, family protection units, and support for female-headed households).

However, before the war, many social groups did not benefit from any social protection. This was either because they were unable to contribute to contribution-based protection systems, or due to the lack of targeted protection through non-contribution-based government programmes funded by the State budget. This gap in coverage broadened the scope of marginalisation, reduced social justice and reinforced inequality and disparities, particularly during the economic transition and transformation period. These changes were accompanied by liberal policies, both internal and external economic liberalisation, and a reduced role for the State, without the establishment of social pressure mechanisms to safeguard socio-economic rights.<sup>240</sup>

Regarding women, many programmes suffered from gender-related issues during the pre-conflict period. For example, several aspects of the Syrian Social Insurance Program reflect and perpetuate socio-economic gender inequalities. According to an assessment conducted by the World Bank, gender-disaggregated data in Syria indicate that employers are less likely to enrol female employees compared to male employees in the social insurance system. Consequently, the number of women enrolled in the program is less than that of men. This disparity can be explained by considering the exceptionally low rate of women's participation in the labour market, both nationally and in regional comparison. As a result, a significant portion of the female population is either not covered by social insurance or is covered only indirectly through a family member. This situation may lead to dependence on husbands and weaken women's socio-economic status, leaving them in a vulnerable position.<sup>241</sup>

These programmes are increasingly important during times of war and conflict recovery, as well-designed and effectively implemented social protection policies and programmes can mitigate the effects of conflict, reduce poverty and inequality, build inclusive societies and ensure that no one is marginalised. When tailored to meet the specific needs of women, such programmes can play a critical role in addressing the vulnerabilities that women face in conflict situations.<sup>242</sup>

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240 Ibid., p. 5

241 Social Protection in the Syrian Arab Republic – United Nations, ESCWA – Beirut – 2020 - p. 59

242 Ibid., p. 4

The reality in Syria reveals that during the armed conflict, when the importance of this social protection sector increased and the need for its services grew, the opposite occurred: its services decreased, and its impact and effectiveness weakened. This was due to the conflict conditions, limited resources and shifts in spending priorities. Hence, several social protection programmes were halted, even though they were already insufficient even before the conflict and were not designed to provide an adequate response to trauma. The war has also had a significant impact on the existing institutions responsible for delivering social protection services, as many of them ceased operations due to being targeted or sabotaged. Some have been repurposed into temporary shelters to meet more urgent needs, while others continued to operate, although their services were affected by the economic realities and supply difficulties.<sup>243</sup> In response to this deficit and failure, informal systems played a major role, with much of the support and assistance being provided by faith-based organisations, non-governmental associations and relatives, both domestically and abroad. It is important to emphasise that many of these informal actors providing assistance in the country also faced significant challenges and obstacles in managing and completing this process effectively.<sup>244</sup>

In this context, attention should be drawn to the impact of the war on women-specific facilities and sectors, such as shelters and care centres for women victims of violence. These facilities play a crucial role in social welfare, providing direct service welfare and empowerment development for vulnerable groups. There are two types of these centres in Syria: government-run centres operated by the Ministry of Social Affairs and its directorates, and civil centres managed by non-governmental organisations and institutions, licensed under the technical supervision of the Ministry of Social Affairs and Labour. Prior to the war, the number of these shelters and centres in Syria was limited and insufficient, and this situation may persist during the post-war reconstruction phase, despite the growing number of women who are entitled to and in need of such support and care. Although pre-war development plans in Syria had acknowledged the insufficient number of these centres and had aimed to increase them, the war severely impacted the implementation of such plans.

Furthermore, research conducted in 2023 highlights the lack of proper documentation and reliable statistics.<sup>245</sup> The research aimed to comprehensively map and analyse the entities providing crucial services to women and girls affected by VAWG across different regions of Syria. The mapping identified 65 entities offering services to victims of VAWG across the different areas of Syria, though the level of specialisation varied between regions.<sup>246</sup> The majority of services were provided by CSOs, with varying levels of knowledge and application of a victim-centred approach. Common challenges across all regions include a “discrepancy between the scope of services offered,

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243 Syria's Post-War National Development Program – “Syria 2030 Strategic Plan”- p. 67

244 Ibid., p. 22

245 Syria: Violence Against Women and Girls - Mapping of Services & Identification of Gaps, EuroMed Feminist Initiative, June 2023

246 Ibid., p. 6

the definition of violence against women and girls, security limitations and capacity. Lack of specialisation among organisations appears in different levels and a tendency towards a fund-centric approach that can hinder the development of expertise.”<sup>247</sup> The recommendations emphasised the need for “enhanced knowledge, staff training, robust referral systems, capacity-building, and the creation of a comprehensive observatory platform for VAWG in Syria, fostering knowledge exchange through study trips, and promoting trust line implementation.” The recommendations also stressed the importance of specialisation among service providers and the digitisation of data to improve accuracy and efficiency in operations.<sup>248</sup>

The number of elderly care homes (both public and private) in the Syrian Arab Republic reached 24 in 2010. They provided health, psychological, social and physiotherapy services. This number decreased to 18 in 2015, with 6 going out of business due to the conditions of war. In 2011, there were 32 orphanages. They provided orphans with all necessary services (educational, health, social, rehabilitation and vocational empowerment) and accepted orphans from birth to 18 years of age. However, their number decreased to 13 in 2015, as 19 orphanages went out of business.

There were 38 institutes for the care of people with disabilities. They provided care services, including education, vocational training and intellectual development. Their number decreased to 26 in 2015, as 12 institutes went out of business.

As for the care homes for persons of unknown parentage, there were 3 in 2011, and they are still in service. However, there are only two centres for women victims of violence. This highlights the need to prioritise this sector in the reconstruction projects in Syria.

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Design qualified social protection systems, through early warning programmes and crisis management plans to handle any emergency. Ensure that these protection systems are long-term, sustainable, flexible and developed through a transparent, gender-transformative and participatory process of consultations with women’s rights CSOs.
- Prioritise non-contributory social protection programmes and networks, given the anticipated significant rise in unemployment and poverty rates, which are expected to disproportionately affect women. This approach acknowledges that poor and unemployed groups, where women are predominantly represented, will not likely be able to contribute to social security programmes. Consequently, the State must assume responsibility

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<sup>247</sup> Ibid., pp. 6-7

<sup>248</sup> Ibid., p. 7

for providing social protection, either temporarily or permanently, depending on the nature of the anticipated protection needs.

- Expand the establishment of shelters and care centres for women across all stages of life and in their various legal, economic and social situations (including women of unknown parentage, orphans, people with disabilities, victims of CRSV, victims of all forms of VAWG and elderly women) and in all geographic areas in Syria.
- Adopt a referral system that facilitates access to these shelters and centres, ensuring a significant role and budget to women's rights CSOs with on-the-ground expertise.
- Enhance knowledge and foster urgency to develop a deeper understanding of VAWG and the need for swift response mechanisms. Conduct public awareness campaigns to inform women about the available services.
- Establish an observatory platform for VAWG in Syria, ideally managed by a coalition of civil organisations spanning all geographical areas. This platform should serve as a reliable source for documenting and providing data on VAWG. While the long-term goal is to establish a government-managed national observatory, civil society can play a pivotal interim role in its establishment and operation. This collaborative approach ensures comprehensive coverage across diverse contexts and de facto authorities in Syria.<sup>249</sup>

## **B - DONORS**

- Mobilise resources to support the reform of social service facilities.
- Support gender-sensitive social science research and data collection to address gaps in knowledge and establish a reliable and transparent information repository and databases that are regularly updated and can be used to identify groups eligible for support, social and economic protection, and entitlement.
- Implement a donor coordination mechanism to prevent resource duplication and ensure prioritisation of projects, particularly for those benefiting women.

## **C - CIVIL SOCIETY**

- Build internal capacities and strengthen community capabilities to monitor the social protection needs of both women and men and encourage other actors to intervene constructively to achieve the goal of equal treatment.

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249 Ibid., p. 43

- Raise community awareness and advocate to policymakers and donors to prioritise and adopt gender-transformative social protection programmes.
- Provide support and social and legal counselling to women to increase their knowledge and empower them to defend their rights within social protection programmes.
- Conduct regular public awareness campaigns to inform women about available services.
- Develop a comprehensive manual on addressing VAWG as a practical resource for organisational staff.<sup>250</sup>
- Strengthen the capacities and knowledge of CSOs to manage shelters and care centres for women, provide victim-centred services and develop effective referral mechanisms.
- Design and implement rehabilitation and training programmes for shelters and care centres, whether they are operated by government or non-government organisations or agencies.

## 4 • Close the gender gap in education

The conflict has exacerbated the gender gap in school enrolment, retention and literacy. In conflict-affected countries, resources are often diverted away from education. Growing insecurity disproportionately drives girls out of classrooms. Families often prefer to keep girls at home, influenced by coping strategies to manage resource scarcity or insecurity, as well as gender norms that prioritise boys over girls.<sup>251</sup>

In Syria, the education system has been severely damaged, with many schools now completely or partially destroyed. A significant number of children have dropped out of school or are at risk of doing so. Widespread poverty and unemployment have forced many children to abandon their education in order to work and support their families.<sup>252</sup>

CEDAW has expressed concern about the level of disruption to basic service delivery, particularly in education. It has warned about the rise in the already high rates of girls dropping out of school, exacerbated by pre-existing patriarchal attitudes and stereotypes, as well as an increase in cases of child and/or forced marriages.<sup>253</sup>

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250 Ibid., p. 43

251 Preventing Conflict, Transforming Justice and Securing the Peace - A Global Study on the Implementation of UN Security Council Resolution 1325 – p. 81

252 United Nations - Syrian Arab Republic. United Nations Strategic Framework (2022-2024) – pp. 15.

253 Committee on the Elimination of Discrimination Against Women - Concluding Observations on the Second Periodic Report of the Syrian Arab Republic - 2014 - See UN document: CEDAW/C/SYR/CO/2 - 24 Jul 2014.

The literacy gender gap in the country has historically persisted. Although the illiteracy rate among the population aged 15 and over decreased to approximately 12% in 2010, a significant gender disparity remained, with rates at 1.6% for males and 18.1% for females. The first National Report on Sustainable Development in Syria projected a rise in illiteracy rates in subsequent years due to the decline in the implementation of literacy programmes during the war across all Syrian governorates and regions. This decline, combined with an increase in the dropout rate from basic education (rising from 3.6% in 2010 to 29% in 2015),<sup>254</sup> has severely impacted literacy efforts.

As a result, the literacy rate among the population aged 15 to 24 years is expected to decrease significantly in the coming years. This decline can be attributed to the high dropout rate from basic education, the low net enrolment rate in basic education and the diminishing efforts to combat illiteracy. Contributing factors include instability in areas with high illiteracy rates and the low financial allocations dedicated to literacy, as it is not a priority at this current stage.<sup>255</sup>

Some CSOs have stepped in to provide limited services, mainly by:

*Filling in gaps not covered by regular schools or the private sector, focusing on non-formal education, emergency education, and remedial educational programmes to help students who dropped out of school to start over again. In many cases, CSOs are providing psychosocial support to students and in most cases, they provide critical supplies and logistics needed to operate regular schools.*<sup>256</sup>

Furthermore, while most CSOs strive to deliver their services equitably to both males and females, the situation on the ground is influenced by several factors. Some of these are tied to parental preferences, while others stem from policies of gender segregation in schools, which often disadvantage girls. Violence is a significant concern for parents when deciding whether to send their children, especially daughters, to schools, contributing to higher dropout rates. Although CSOs tend to provide safer school environments, access to education remains fraught with risks.<sup>257</sup>

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254 The First National Report on Sustainable Development - Syrian Arab Republic - p. 31

255 Ibid., p. 70

256 The Engagement of Civic Actors in the Education Sector in Syria: Lessons Learned and Recommendations, Policy Brief, Duder, September 2024 – p. 3 [Policy Briefs and Recommendations | EuroMed Feminist Initiative](#)

257 Ibid., p. 4

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Ensure the prompt repair and reconstruction of educational infrastructure, including schools, associated facilities and teaching and educational staff. The restoration or reconstruction process should address the specific needs of girls, including health facilities and other essential services.
- Develop programmes for girls who have dropped out of school or have been subjected to CRSV or other forms of VAWG and ensure that they have opportunities to re-enrol in schools or universities during the post-conflict phase.
- Adopt a flexible mechanism to recognise the educational documents, stages and levels achieved by Syrian girls and women during the war and amend national laws and legislation to ensure this goal.
- Review the Syrian curricula through a consultative, participatory and transparent process to achieve gender-equality objectives. Ensure that they are revised to eliminate any content that directly or indirectly promotes or supports discrimination or incites violence, discrimination or hatred.
- Design targeted programmes and mechanisms to address illiteracy and school dropouts, which disproportionately affect girls. Recognise that pre-war mechanisms, laws and systems—due to their traditional and rigid nature—were unable to respond effectively to exceptional and emergency situations.
- Develop programmes, policies and legislation to remove barriers to women's effective participation in the reform and management of the educational sector. Ensure fair and equal employment practices that guarantee women a significant and influential presence.
- Adopt policies to leverage the expertise of Syrian educational professionals who sought asylum or migrated during the war. Facilitate their contribution to the reconstruction and sustainability of the education sector by addressing obstacles to their return or re-employment in their previous jobs.

### **B - DONORS**

- Allocate sufficient budgets and resources to support the comprehensive reform of the educational sector, encompassing infrastructure—such as schools, facilities and logistics—and its human structure, including teaching and educational staff, as well as the educational curricula.
- Facilitate access to global information sources and technologies to advance the objectives of a gender-transformative educational process.

- Provide long-term funding to programmes led by women's rights CSOs that support a gender-sensitive reconstruction of the educational sector, ensuring the sustainability of their work throughout the reconstruction phase.

## C - CIVIL SOCIETY

- Conduct advocacy and awareness-raising campaigns to highlight the importance and prioritisation of the education sector, with a particular focus on its impact on girls.
- Continuously monitor progress in overcoming obstacles to the enrolment of girls in schools and the employment of women in jobs associated with the education sector.
- Establish an Educational Observatory to evaluate compliance with obligations related to the right to education. The observatory should identify existing or potential obstacles and restrictions and provide options and alternatives to address them.
- Support networking among Syrian women and men with educational expertise, both within Syria and abroad, to facilitate the exchange of experiences and knowledge and to apply them effectively in the Syrian context.

## 5• Strengthen the health sector and improve reproductive health care

Basic health care for women and girls in conflict-affected areas is not only a fundamental human right, but also a cornerstone for overcoming the devastation of war. However, the reality shows that among the various challenges, perhaps the greatest impacts on the health of women and girls are reproductive health care and gender-based violence. Maternal mortality and morbidity rates are highest in crisis-affected countries, with more than half of the world's maternal deaths occurring in conflict-affected and vulnerable countries—most of which are preventable.<sup>258</sup>

Before the war, health care in Syria had undergone a remarkable development, with the country ranked among those that achieved the Millennium Development Goal for health early on. One of the most significant strengths of the Syrian health system was the marked improvement in life expectancy at birth, which rose to 73 years in 2010. This improvement was largely due to the

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258 Preventing Conflict, Transforming Justice and Securing the Peace - A Global Study on the Implementation of UN Security Council Resolution 1325 - p. 77

decline in child mortality, driven by improved nutritional conditions, increased focus on reproductive health and reduced maternal mortality.

Contributing factors included widespread vaccination programmes and the relative improvement in health care at birth. Other key factors supporting this progress were the availability of clean water, the expansion of education, the emergence of environmental awareness and efforts to combat septic and infectious diseases. Additionally, there was an increase in the number of hospitals, a rise in the average number of hospital beds per thousand people, the establishment of an extensive network of public health centres in both rural and urban areas, and advancements in the Syrian pharmaceutical industry.

However, the war and its aftermath severely disrupted health facilities and human resources, significantly reducing the population's access to health care services. Women's access to reproductive health services declined, and there was a decrease in the number of births performed by specialists, leading to an increase in the number of maternal deaths during childbirth. After years of progress in health indicators, maternal mortality began to rise with the onset of the Syrian crisis, increasing from 58 deaths per 100,000 live births in 2011 to 67 deaths per 100,000 live births in 2015.<sup>259</sup>

Attacks on health facilities have further exacerbated the impact of the conflict on health sector personnel. By early 2017, a study conducted by the World Bank in ten Syrian cities revealed that six out of ten health facilities in these cities—including hospitals, dispensaries and medical centres—had been damaged. Of these, 16% were completely destroyed and 42% were partially damaged.

The number of health workers, including doctors and nurses, has also decreased significantly, with a particularly sharp decline in the number of female doctors, which will have negative effects on women's health.<sup>260</sup> Women and girls have been disproportionately affected by the lack of access to sexual and reproductive health care services. Additionally, the protracted crisis has heightened the urgent need for mental health care and services for people with disabilities.<sup>261</sup> This situation reveals that access to health care services in the future will be very limited, particularly those critical for women. Addressing these challenges must be prioritised as part of Syria's reconstruction framework.

It is important to recognise that the violence of war can continue to shape societies long after hostilities have ended. As a result, populations emerging from conflict are often exposed to new forms of institutionalised violence. Projections suggest that Syria will experience a shift in the death toll during the post-conflict phase.

It is well established that women and children bear the longest-term burden of conflict and post-conflict deaths. Alarming, conflict-related deaths often increase after the intensity of the conflict subsides. Indirect deaths and

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259 The First National Report on Sustainable Development - Syrian Arab Republic - p. 38

260 Social Protection in the Syrian Arab Republic – United Nations - p. 59

261 United Nations - Syrian Arab Republic. United Nations Strategic Framework (2022-2024) - p. 15

health burdens are expected to rise in the future, even after the cessation of the war. This is due to the deterioration of the health system, worsening living conditions, food scarcity, and declining education and environmental conditions. Additional contributing factors include increasing poverty, the growing size of marginalised groups, the large number of injured and disabled individuals, and the prevalence of psychological trauma.<sup>262</sup>

## **ALL OF THE ABOVE REQUIRES THE FOLLOWING FROM:**

### **A - SYRIAN DECISION MAKERS**

- Ensure the prompt reconstruction of medical infrastructure.
- Strengthen the health sector to prevent further shortages of already limited health services, including sexual and reproductive health services and information available to women.
- Prioritise access to maternal health care services, including obstetric services provided by skilled personnel for pregnant women.
- Develop health and psychological care programmes for girls affected by the conflict, including victims of sexual violence, girls with disabilities, and survivors of mines and remnants of war, ensuring the provision of all necessary care and supporting their empowerment.
- Adopt policies to utilise the expertise of Syrian medical professionals who sought asylum or migration during the war. Facilitate their contribution to the reconstruction and sustainability of the health sector by addressing barriers to their return, whether temporarily or permanently, and enabling them to resume their previous roles.

### **B - DONORS**

- Support the provision of adequate funding to ensure renewed support for the health sector and establish the necessary mechanisms and controls to guarantee that this funding is utilised effectively for its intended purpose.
- Incorporate gender-sensitive expertise and consult women's rights experts when developing plans and projects. Monitor budgets related to this sector to ensure that women's specific challenges are addressed, and their rights are upheld.
- Remove barriers to accessing the expertise and technologies necessary to support the health sector, ensuring unrestricted access to the necessary

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<sup>262</sup> Justice to Transcend Conflict - Impact of Syrian Conflict Report (2016-2019), The Syrian Center for Policy Research – March 2020 - p. 92, <https://scpr-syria.org/publications2/justice-to-transcend-conflict/>

equipment, devices, health and pharmaceutical materials, and international information and technologies, free from complications arising from political positions.

## C - CIVIL SOCIETY

- Organise advocacy and awareness-raising campaigns to highlight the importance and prioritisation of the health sector, particularly its impact on women and girls, and ensure continuous monitoring of implementation.
- Support networking among Syrian women and men with medical expertise, both inside Syria and abroad, to facilitate the exchange of experiences and knowledge and contribute effectively during the reconstruction period.



# FURTHER READING

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- Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding.

Rebuilding Syria on democratic principles necessitates the inclusion of women in all aspects of reconstruction, extending beyond the traditional understanding of this phase. This means ensuring equality at the legal, social, political and economic levels and enabling women to participate equally in all transitional bodies and transitional justice processes. Reforming the educational system to eliminate harmful stereotypes that perpetuate inequality between girls and boys is also a priority. Enhancing girls' access to compulsory basic education is essential to reconstruction efforts, ensuring that girls can play an active role in their communities in the future.

Over the past 13 years, Syrian women's rights activists, organisations and alliances have relentlessly advocated for women's political participation in peace processes and negotiations, transitional justice and post-conflict reconstruction. At the same time, they have collaborated with Syrian and international activists and experts to produce extensive research and publications that are highly relevant to the current transitional period in Syria.

Involving women's rights activists in the reconstruction process in Syria remains pivotal for the country's future, ensuring that women's needs, interests and concerns are considered on an equal footing with those of men. Including civil society organisations and activists—both women and men—working on women's rights in the transitional process, and drawing on their accumulated expertise from past years, remains a cornerstone of the democratic process.

Today, more than ever, Syria needs the expertise of women's rights defenders and civil society as a whole to facilitate the transition to a democratic State that recognises and addresses the needs, interests and rights of all people based on the principle of equality between women and men.



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