

# **Syrian Women and Human Rights**

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## **I- Importance and Plan of the Presentation**

The issue of women's rights has gained special significance since 1975. Its importance began to escalate with every international conference each decade (1985, 1995, 2005). Syria was in the vanguard among the states concerned with women's rights, because of its prevailing political thought, open unto the principle of women's equality to men. There was also an official desire to respond to the international concern with these rights. Syria today is witnessing great activities by women groups and other bodies interested in women's rights and human rights, and in certain specific points in this issue. Foremost among these points is the issue of the right of Syrian mothers to give their nationality to their children, as well as the amendment of the penal law concerning the so-called "crimes of honour".

The subject of "Syrian Women and Human Rights" can be tackled according to various research plans. I have chosen to deal with it starting with a historical background, moving to three definite titles, namely, women's economic, social and cultural rights, women's civil, political and family rights. The last part of the presentation contains concluding remarks.

## **II Historical Background**

Syria was historically advanced in the field of women's rights, compared to all the Arab countries, except Lebanon and Egypt. Women's cultural activities began in Aleppo and Damascus since the late 19<sup>th</sup> century. In March, 1878, during the rule of Jevdat Pasha, women demonstrated "t protest against the bad quality ad high prices of bread. They stormed the government building... [and invoked] harsh curses on the Sultan and his government for the adversities that befell them recently." (Butrus Abu Mennah, "Medhat Pasha in Syria, 1878-1880", in *Al-Ijtihad* magazine (winter & spring, 2000), pp.169-187; and *Al-Muqtataf* , p. 171). The General Syrian Conference discussed the question of equality between women and men in the meeting f 1919 and 1920, at the request of Da'ass Al-Jerjis, who represented the coastal area. The woman of letters Marie Ajami established the Women's Literary Club in 1919. This club, still active today, is the oldest non-government organization in Syria. The early days of the French Mandate witnessed a women's demonstration against the Mandate in Damascus. Leading women emerged at that time, such as the educationist Adela Bihum Al-Jaza'iri. On July 30, 1953, women were given the right to vote and to be nominated in legislative elections. Syrian women had two seats in the National Assembly during the rule of president Nasser on July 21, 1960. Since then, there has never been any absence of women from legislative councils, except from the House of Representatives of the era of secession, towards the end of 1961. Syria also approved the Universal Declaration of Human Rights, while two other Arab states abstained for reasons some of which were said to be related to women's rights.

### **III Women's Economic, Social and Cultural Rights**

On April 21, 1969, Syria endorsed the International Convention of Economic, Social and Cultural Rights, and published it in the official gazette. This Convention came into force on Jan. 3, 1976, and thus became binding to Syria and other states that endorsed it. Article 3 of this convention provides for the commitment of states to “ensure the equality of males and females in the enjoyment of all the economic, social and cultural rights listed therein”.

A survey of Articles 6, 7, 8, and 9 of the Convention shows that Syrian women are equal to men in enjoying the rights provided for in these articles, according to the following details:

Article 6 provides for the states' recognition of the right to work. Syria recognizes this right for both women and men.

Article 7 provides for “the right of enjoying fair and satisfactory conditions of work.” There is no discrimination between men and women in this respect in Syria, where pregnant women and mothers are given the advantage of motherhood leave of work for several months from the late days of pregnancy and the early days after birth. The equal wages for men and women in Syria should be compared to the situation of some European countries, where there is discrimination till now, as men sometimes get wages higher than those of women. As for the private sector, women may be having less wages than men for the same type of work. I do not think that we have precise and specialized studies in this respect in Syria.

Article 8 provides for the right of forming Trade unions. Syria makes no discrimination in this field. However, no female trade union activists have actually emerged with the male activists.

According to Article 9, the member states recognize everybody's right to social security. In Syria, there is no discrimination between women and men in thus respect.

Article 10 and 11 deal with the subject of family protection. Article 10:2 provides for special protection of mothers before and after giving birth. We have just mentioned above that Syria guarantees this right of special protection. Article 11 provides for “everybody's right to enjoy a standard of living adequate for him and his family.” There is no discrimination between male and female in this respect in Syria at all. Yet, there is some doubt (which should be ascertained) that women suffer more than men from low standards.

What is true of Article 11 also applies to Article 12 concerning physical and mental health, and Article 13 concerning every individual's right to education. However, there is a point that deserves to be observed about Article 13. In many Syrian families, there is a tendency to care for the education of males more than females; but we also notice that this trend is declining. Article 14 provides for the commitment of each member state to ensure free and compulsory primary education, and to design “a detailed plan for the actual and gradual implementation of the principle of free and compulsory education for all”. In this regard, Syria is carrying out this commitment, and following up its serious efforts in this field.

Finally, Article 15 concerns culture and everybody's right to take part in the cultural life. Syrian women enjoy equal rights to men in this respect.

This is a general view of the ten essential Articles of the International Convention Social, Economic and Cultural rights and Syrian women's enjoyment thereof. The rest of the Articles deal with procedural matters that are not relevant to this presentation.

#### **IV Women's Civil and Political Rights**

On April 21, 1969, Syria endorsed the International Convention of Civil and Political Rights, which came to force on March 23, 1976. Article 3 of this Convention, like its counterpart of the previous one, provides for equality between males and females.

Article 6 deals with the right to life and deprivation thereof by execution. It urges for the reduction of resort to execution. In Syria, the enforced laws allow the execution of women as well as men. However, it is my duty to mention that, as far as I know, no woman has ever been executed in Syria.

Article 7 prohibits the subjection of anybody to torture. Sometimes, there are references to torture in Syria. There are those who claim that some cases of torture ended in death. At any rate, I know of no woman who has been tortured, or died as a result of torture. It is worth mentioning that Syria has recently joined the International Agreement against torture.

The first paragraph of Article 8 provides that it is prohibited to enslave anybody, and that slavery and slave-trade are banned in all forms." Syria, of course is committed to this prohibition. Yet, an issue relevant to this paragraph can be seriously discussed. In the past, there used to be cases of young girls hired to serve in the houses of the rich; and contacts between such girls and their folks were often cut off for good. Now, was this hiring a form of slavery? These cases are receding; but have they ended completely? These are two open questions. Paragraph 2 and 3 of the same Article (about slavery and forced labour) also raise the same set of the previous questions.

Article 9 deals with everybody's right to freedom and personal security. There is no discrimination between women and men in the enjoyment or deprivation of this right. However, it is proper to note that women are less deprived of this right than men, not only because they are less involved in political issues which may cause such deprivation of freedom, but also because the government is more cautious of arresting women than men.

Article 10 and 11 of the Convention contain nothing that calls for any comment here.

Article 12, together with article 13, about the freedom of movement and the right of departure raise some meditation. The rules of departure constrain a wife's right, since she cannot leave Syria without permission from her husband. However, this restriction has no significance in case of full understanding between the spouses; but it has great significance when such understanding is shaken. The advocates of women's rights in Syria are actively trying to abrogate this restriction, whose implications become more complex when the wife non-Syrian nationality or ethnicity. The attempts of non-Syrian wives of Syrians to run away with their children from Syria are not rare. I have no precise statistics about this; and there is no general rule that applies to all cases. Each case has its own peculiarities, and each judge has his own discretion in assessing the justice of each case.

Article 14, providing that “all people are equal before the law”, is applied in Syria without any discrimination between men and women. At any rate, it is known that there is a law of emergency which may contradict this Article in some of its items; but there is no suspected discrimination in this law.

What is true of Article 14 is also true of Articles 15, 16 and 17 of the Convention.

Article 18 invites some meditation. It concerns the freedom of creed and the freedom of every individual to embrace any religion he/she may choose. Here there are factors suspected of contributing to the change of religion without real conviction of the newly-adopted religion. How? In Syria, a Muslim man may marry a non-Muslim wife, often Christian; but a non-Muslim man (a Christian) cannot marry a Muslim woman. A non-Muslim wife has full freedom to retain her religion. But the inheritance system prevents inheritance when the religions are different. So, a Christian woman will lose her natural right to inherit her husband if she keeps her religion. Thus, there is a factor to convince her to embrace Islam, even if she is not convinced of it. Is there a way to prove non-conviction? This is difficult to the degree of being impossible; but the inheritance system allows the meditation of this point.

Some of the above applies to Article 19, concerning the freedom of adopting opinions without harassment. How far can it be conceived that no injustice will befall a woman whose political opinions differ from those of her husband? At any rate, here we find no direct, material factor to convince a woman to relegate her opinions in favour of her husband's.

Article 20, 21 and 22 raise no doubt of any discrimination between men and women. They deal respectively with prohibiting war propaganda, the right of peaceful association and the formation of societies.

Article 23 is subtle. It consists of 4 paragraphs. It may be better to cite the text of the third and fourth thereof:

Paragraph 3: No marriage deed is concluded except with the full consent of both would be spouses, with no coercion.”

“Paragraph 4”:-“States shall take... proper measures to ensure equal rights and duties of spouses at the marriage conclusion, duration and dissolution. In the latter case, there should be arrangements to ensure the necessary protection of children, if there are any”.

Article 3 raises the subject of full consent with no coercion. In the Syrian community, this consent is sometimes beset with family and social pressure to show approval. The consent may be absent through the agency during the conclusion of the marriage deed. Of course, it is very difficult to verify the extent of doubt besetting this consent. It remains, however, that the general trend is towards abiding by the conditions of full consent.

Paragraph 4, providing for “equal rights and duties of both spouses at the marriage conclusion” raises the question of crimes of passion. The law does not treat man and woman on equal footing in cases of marital infidelity. In Syria, campaigns have been escalating to amend Articles 239-242 and 548 of the penal code, which discriminate between men and women in this regard. The Minister of Religious endowments, the Mufti of the Republic and some clerics have called for the abrogation of Article 548. The People's Assembly is expected to deal with this subject during 2006.

The People's Assembly, in its current legislative session (the eight session, of 2003-2007) has improved the arrangements of necessary protection of children upon the marriage dissolution. It has increased the period of the mother's custody, in 2004. The improvement has come in response to paragraph 1 of Article 24 of the Convention, concerning the protection of minors.

Syria is proud of its established traditions concerning Women's participation in public life, according to the provisions of Article 25.

Paragraph (a) of that Article provides for the right of participating in the management of public affairs; and Syria has known the first Arab woman to hold a diplomatic mission, in 1957. It also witnessed the first woman to hold a judiciary position in 1975. In 1976, a woman became members of the Central Leadership of the National Progressive Front, and were elected members of the Regional Leadership of the Party, which leads the state and the community, in June 2005.

Paragraph (b) of Article 25 affirms the right of election and nomination. Syrian women have known this right since 1953. They have also joined legislative councils since 1960. There are now 30 women out of 250 members of the People's Assembly.

Equality before the law is the essence of Article 26. In Syria, women are equal to men before the law, except what we have mentioned above with reference to Article 23.

As for Article 27, concerning the rights of minorities, it is not relevant to this presentations.

This is a general view of the essential Articles 6-27 of the International Convention of Civil and Political Rights. The rest are procedural Articles not relevant to this presentation.

## **V Family Rights**

The third and fourth parts of this presentation contain several references to family rights, or the so-called Family Law. However, I have chosen under this title to follow up the subject of the convention to eliminate all forms of discrimination against women, adopted by the UN in 1979, and entered into enforcement in 1981. It is now a prime term of reference in Syria concerning women and human rights. In essence, this convention gave detailed provisions of the contents of the two previous conventions, as far as women's rights were concerned.

Article 2 of the convention provides for the duty of purging constitutions and legislations of every discrimination against women. Paragraph (g) provides for "the abrogation of all national laws that constitute a discrimination against women." I have referred above to attempts to amend the Syrian penal law. I expect these attempts to give fruit soon.

Nothing in Article 3 concerns us here; but Article 4 give legitimacy to "special temporary arrangements aiming at the acceleration of actual equality between men and women"... These are called "positive discrimination", or "positive action". In the larger domain of human rights, they apply to all the marginalized categories, such as the descendants of African origins, the minorities, the handicapped and others. Syria practices this positive discrimination, witness the fact that the nominee lists of the National Progressive Front in local and legislative elections include a rate of women

more than that gained by women when they compete for the seats of independent nominees.

Article 5 concerns the necessity to modify the social and cultural patterns of behaviour by both men and women. Syria is giving this issue some escalating attention in all fields, including special programmes carried out by the Ministry of Religious Endowments, in collaboration with the UNDP.

Syria is fully applying Article 6, concerning the combating “all types of trading in women and exploiting women’s prostitution”.

Syria also fully applies Article 7, which provides for taking “all appropriate measures to eliminate discrimination against women in the political and public life”.

Article 8 deals with the necessity of enabling women to “represent their government at the international level, and to take part in the work of international organizations”. It has been mentioned above that Syria was the first Arab country to appoint women as diplomats.

As for Article 9, concerning **nationality**, women in Syria are still suffering from some discrimination. There are current attempts to allow women to “gain equal rights to men in giving nationality to their children”.

Article 10 deals with the **education** of women. Syria is fully applying all the provisions of this Article.

Syria also fully applies all the provisions of Article 11, concerning the prohibition of discrimination against women in **work**, as well as the two paragraphs of Article 12, concerning the prohibition of discrimination against women in **healthcare**.

I think that Syria is also fully applying Article 13, with its three paragraphs, as well as Article 14, concerning **rural women**. **Ferdous** is a non-governmental organization recently established in Syria to take care of the countryside.

This also applies Article 15, in its first three paragraphs. As for paragraph 4, which provides for equality in the rights of individuals’ movement and the freedom of choosing the place of residence, there is still some advantage in men’s favour, although this needs more verification.

Article 16 about marriage and family relations raises a great deal of meditation. It would be useful to deal with it in a separate presentation. I have already referred to the most important obstacles hindering women’s enjoyment of equality with men therein.

## **VI Concluding Remarks**

Women in Syria enjoy their rights more than in most Arab and Islamic countries. This has been the result of a large scale of opening-up to contemporary civilization at an early stage in which only Egypt and Lebanon have preceded Syria.

The government in Syria is keen on empowering women, capable of this, and practices it. Therefore, the official public orientations always include a persistence on equality between men and women.

N Sep. 25, 2002, Syria endorsed CEDAW, with reservation, due to certain norms and religious conditions. However, the government is endeavouring to end the reservation, or to modify some of its items. Several non-governmental organizations are urging it to do so. Some influential religious bodies accept these government intentions.

I conclude with something that happened several years ago. I was teaching the subject of human rights in a course of the high police command (of colonels nominated to be promoted to the rank of brigadier). I found it difficult to convince them to accept the ideas of Fatema Al-Mernissi about women, or to take them seriously. The colonels vied with each other in speaking against equality between men and women. That was years ago; but I think the situation has already undergone a radical change since then.