

SYRIA



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The colour codes indicate whether the laws comply with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women, and recommendations of the country's Universal Periodic Review.

Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Syria ratified CEDAW in 2003, subject to reservations to Articles 9(2) (nationality), Article 15(4) (domicile and residence), Article 16(1)(c), (d), (f), and (g) (marriage and divorce), Article 16(2) (child marriage), and Article 29(1) (arbitration of disputes).

Constitution

Article 33 of the 2012 Constitution states that citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion, or creed.

NATIONALITY LAW

NATIONALITY

According to the Nationality Law of 1969, women do not have the same rights as men to pass citizenship to their children or a foreign spouse.

CRIMINAL LAWS

Domestic violence

Syria does not have domestic violence legislation.

Marital rape

Marital rape is not specifically criminalized. The rape offence excludes rape of a spouse.

Rape (other than of a spouse)

Article 489 of the Penal Code No. 148 of 1949 criminalizes rape, other than of a female spouse. The death penalty applies to rape if the victim is under 15 years or if the offence took place under the threat of the use of a firearm.

Exoneration by marriage

There is no provision fully exonerating an offender who marries his victim. However, a perpetrator of rape and certain other crimes may have his penalty reduced if he marries his victim under Article 508 of the Penal Code. A minimum penalty of two years imprisonment applies for rape.

Abortion for rape survivors

Abortion is prohibited by Articles 525–532 of the Penal Code, including for women who have been raped.

Sexual harassment

There is no specific sexual harassment offence in the Penal Code or Labour Law. However, according to the Penal Code criminal conduct includes indecent touching.

Femicide: Mitigation of penalty (so called 'honour' crimes)

Article 192 of the Penal Code provides for reduction of sentences if the judge finds that the motive was 'honourable'. Article 548 allows for reduction of the sentence of a man who injures or kills a spouse caught in the act of committing adultery.

Adultery

Adultery is a criminal offence under Articles 473–474 of the Penal Code.

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. The practice is not reported to occur in Syria.

Human trafficking

The Law Against Trafficking in Persons No. 3 of 2010 provides comprehensive measures against human trafficking.

Sex work and anti-prostitution laws

Prostitution is prohibited by Article 513 of the Penal Code and the Law on Suppression of Prostitution of 1961.

PERSONAL STATUS LAWS

Minimum age of marriage

Decree no. 20 of 27 June 2019 established that the minimum age of marriage is 18 for boys and girls. Under Article 18 of the Personal Status Law, a judge can authorize the marriage of a child aged 15 years or over who has reached puberty and requests to be married.

Male guardianship over women

Under the Personal Status Law a valid marriage requires the woman's consent. If a woman who has attained the age of 18 years wants to marry, the judge is required to ask her guardian to give his opinion on the marriage within 15 days. If the guardian does not object to the marriage, or if his objection is not convincing, the judge shall authorize her marriage on the condition of competence and dowry.

Marriage and divorce

Syria has updated the Personal Status Law by Law no. 4 of 2019 to improve the rights of women in marriage and divorce. The wife or husband can request conditions in the marriage contract. However, inequalities remain in some areas. A husband can choose arbitrary divorce by his own will.

Polygamy

Polygamy is permitted by the Personal Status Law subject to court permission. The husband must have a lawful justification and be able to support more than one wife.

Guardianship of children

Guardianship is normally granted to the father, but may be awarded to the mother with the consent of the judge. If the father dies, the mother acts as guardian of her children, rather than the father's brother.

Custody of children

The mother is entitled to keep custody of her children until they reach 15 years of age, provided the mother does not remarry a stranger. A child who has reached the age of 15 can choose to live with the mother or father.

Inheritance

The Personal Status Law defines the rules of inheritance for Muslims, which follow Sharia principles. Muslim women have a right to inheritance, but in many cases receive less than men. Women and men have equal rights to agricultural land, and Catholic women and men have equal inheritance rights.

LABOUR LAWS

Right to equal pay for the same work as men

Article 75 of the Labour Law recognises the principle of equal pay for equal work.

Dismissal for pregnancy

Article 67 of the Labour Law prohibits employers from dismissing a worker because of her pregnancy.

Paid maternity leave

Articles 121 and 122 of the Labour Law state that women are entitled to maternity leave, which employers are liable to pay. The entitlement is 120 days for the first child, 90 days for the second child, 75 days for the third child. This entitlement partially complies with the ILO standard of 14 weeks.

Domestic workers

Article 5 of the Labour Law excludes domestic workers from the protections of the Labour Law. There are some protections for domestic workers provided by decisions of the Interior Ministry and the Minister of Social Affairs on work contracts and by-laws relating to work visas and the working conditions of migrants.

Legal restrictions on women's work

Article 120 of the Labour Law states that the Minister shall determine circumstances where women shall be allowed to perform night work or harmful, arduous, immoral, or other work prohibited to women.