



EuroMed Feminist Initiative
المبادرة النسوية الأورومتوسطية
Initiative Féministe EuroMed

In partnership with



COMMON AGENDA

FOR COMBATING VIOLENCE
AGAINST WOMEN AND GIRLS
AS A MAJOR BARRIER
TO WOMEN'S PARTICIPATION
IN SYRIA



This project is funded by
the European Union

COMMON AGENDA

FOR COMBATING VIOLENCE AGAINST WOMEN AND GIRLS AS A MAJOR BARRIER TO WOMEN'S PARTICIPATION IN SYRIA

Copyright © 2021 by EuroMed Feminist Initiative (EFI)
All rights reserved.

Contact:
EuroMed Feminist Initiative (EFI)
20, rue Soufflot
75 005 Paris, France
Phone: +33 1 46 34 92 80

This publication was produced with the financial support of the European Union. It summarises the discussions through a year-long consultation process with over 250 Syrian activists, gender, and legal experts from more than 100 organisations and initiatives. The content reflects the opinions of the participants and can in no way be taken to reflect the views of the European Union.

ACKNOWLEDGEMENT

The Common Agenda for Combating VAWG in Syria was developed through a one-year long consultation process with more than 250 Syrian activists, gender, and legal experts from over 100 organisations and initiatives. We would like to sincerely thank all participants for their valuable contribution.

The process was supported by EuroMed Feminist Initiative and led by three Syrian gender experts: Maya Alrahabi, Khawla Dunia and Sawsan Zakzak. The gender experts summarised the main outcomes of the discussions during two expert meetings, six consultations with main CSOs and 14 grassroots consultations. They further discussed the outcomes with the Gender Advocacy Group, constituted to help spreading knowledge on the Common Agenda and advocate for women's rights.

Boriana Jönsson and Lilian Halls French provided the expertise of EuroMed Feminist Initiative to support the process.

TABLE OF CONTENTS

- Acknowledgement 3
- List of acronyms 5
- Introduction 6
- 1. The consultation process 8
- 2. Combating VAWG in Syria : Values and action principles 9
- 3. Key areas for a Common Agenda to combat VAWG in Syria 11
 - 3.1. Women, Peace and Security Agenda, and women’s participation 11
 - 3.2. Legislation 13
 - 3.3. Women’s access to economic resources 17
 - 3.4. Justice and recovery 20
 - 3.5. Challenging gender stereotypes, changing public opinion on the importance of combating VAWG 22
- 4. Mechanisms for implementation of the Common Agenda: Strengthening alliances and advocacy 26

LIST OF ACRONYMS

BPA	Beijing Platform for Action
CBO	Community Based Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRSV	Conflict-Related Sexual Violence
CSO	Civil Society Organisation
HLP	Housing, Land and Property
HR	Human Rights
ICC	International Criminal Court
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDGs	Sustainable Development Goals
UN	United Nations
UNSCR 1325	United Nations Security Council Resolution 1325 on women, peace and security
VAWG	Violence Against Women and Girls
WPSA	Women, Peace and Security Agenda

INTRODUCTION

Conceptual framework

Violence against women and girls (VAWG), as defined in the United Nations Declaration on the Elimination of Violence against Women (1993)¹, is *"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."* VAWG ranges from legal, social, political, and economic violence to sexual, psychological, verbal, and physical violence. Manifestations of VAWG range from control over women's bodies and lives and their deprivation of liberty, to discriminatory laws that prevent them from enjoying and exercising their human rights.

Contributing factors to the still existing social tolerance include the persistence of gender stereotypes, the lack of affirmative measures for the advancement of women, such as quota, the lack of recognition of the value of women's economic contribution within the family and society, exclusion of women from the public sphere, and more concretely from the political sphere. All forms of violence are intertwined and have a negative impact on the roles and freedoms of women in society. Subsequently, violence must be addressed in a holistic way.

Preventing and addressing VAWG is "a legal and moral obligation that requires legislative, administrative and institutional measures and reforms and the elimination of gender stereotypes that condone or perpetuate VAWG and promote structural inequality between women and men".

United Nations High Commissioner for Human Rights (OHCHR)

For decades, women's rights organisations have struggled to convince the international community that VAWG was not just a private matter, but an actual violation of human rights, and that the State had an obligation to address it. Following the United Nations Declaration on the Elimination of Violence against Women, VAWG is now internationally recognized as the result of entrenched structural discrimination.

VAWG in the Syrian context

In Syria, VAWG is systematically practiced, underpinned by patriarchal values embodied in customs, traditions, and laws, especially personal status laws, derived mostly from religious authorities. The long-standing social tolerance of VAWG is reflected in the widespread culture of victim-blaming. Religious and political extremism, economic crises, and armed conflicts also contribute to increased VAWG. The Syrian legal framework is discriminatory under multiple laws.

[1] Declaration on the Elimination of Violence against Women Proclaimed by General Assembly resolution 48/104 of 20 December 1993.

It does not provide any protection from VAWG because of the lack of specific legislation and institutional mechanisms to address it. The articles of the penal code are also inadequate for the protection of women and girls.

Women in Syria suffered many forms of violence even before the outbreak of the armed conflict. However, since the beginning of the conflict, this violence has exacerbated unsurprisingly. Those most affected are refugee and displaced women, kidnapped or detained women, and women who live under siege in certain areas. Syrian women have faced the worst forms of violence, including slavery, in areas that were controlled by the Islamic State of Iraq and Syria (ISIS). Girls have suffered from forcibly being taken out of school, coerced into early marriage or faced the risk of human trafficking.

There has been a clear increase in rates of violence, particularly sexual violence, committed against women since the outbreak of the conflict, perpetrated by various militias and authorities inside and outside regime areas. Women have faced all forms of conflict-related sexual violence (CRSV) in Syria. VAWG and CRSV have been used as weapons of war by all antagonists, ranging from rape and sexual violence during raids at checkpoints and during arrest and detention, to forced and early marriages, as well as human trafficking.

The conflict economy model prevails now in the Syrian economic environment. All aspects of the economy are linked to the decisions of those who lead the conflict. This widens gender equality gaps and harms women's opportunities of access to the labour market or to responsibilities in the economic sphere. The poverty rate among the population has reached more than 80% across Syria. As always, women are at the forefront of poverty and exploitation, as they are more exposed to low-paid informal work.

The term CRSV refers to “rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced 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. This link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities or networks; the profile of the victim, who is frequently an actual or perceived member of a persecuted political, ethnic or religious minority, or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with State collapse; cross-border consequences, such as displacement or trafficking; and/or violations of the provisions of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence and/or exploitation, when committed in situations of conflict.”

The definition of CRSV is found in 2021 Secretary-General's report on conflict-related sexual violence (S/2021/312).

1. THE CONSULTATION PROCESS

The foundations of the Common Agenda for Combating VAWG in Syria were laid during a year-long consultation process with over 250 Syrian activists, gender, and legal experts from over 100 organisations and initiatives. As part of the EU-funded program *"Enhancing women's participation in decision-making and peace-building processes in Syria"*, two expert meetings took place in December 2019 to discuss a common strategy to address VAWG, bringing together over 40 representatives of 32 Syrian civil society organisations (CSOs). Following up on these recommendations, a wide consultative process was launched throughout 2020 with the objective of discussing VAWG in the Syrian context and developing a Common Agenda for combating it.

Participants agreed that VAWG is the main barrier to women's participation in decision-making and peacebuilding in Syria at all levels: international, national, and local. Over 100 representatives from 80 CSOs, gender and legal experts and representatives of three survivors' organisations were involved in the first series of six consultations. Over 115 leaders and influencers in local communities, activists from local initiatives and community-based organisations (CBOs) participated in the second series of 14 grassroots consultations. More than 50 local community members trained on VAWG and CRSV, women's political participation and UNSCR 1325 also contributed to the process. Participants joined from many different parts in the region, including North-West and North-East Syria, regime-controlled areas (Damascus and suburbs), Turkey, Lebanon, Europe and broader. Most of the meetings took place online, considering the circumstances of the spread of COVID-19.

The consultations enabled a better understanding of the reasons underlying VAWG and favored a debate on strategies to reduce all forms of violence and discrimination against women and girls in the context of Syria, while emphasizing women's agency and participation in all stages of decision-making. The outcome of all these discussions and the accumulated recommendations brought about a common agenda to combat VAWG as a main barrier to women's participation in decision-making and peacebuilding processes in Syria.

The Common Agenda is a tool to demand structurally improved access for women to decision-making to enable their participation on local, national, and international levels. It is also a tool to advocate for the inclusion of women's rights in all decision-making places. Moreover, it is a tool to raise broader awareness about VAWG, its devastating effect on women and how it is used to prevent women from public and political participation.

The Common Agenda urges decision makers more than ever to examine political solutions to the Syrian armed conflict and address the refugee crises and displacement through gender lenses.

2. COMBATING VAWG IN SYRIA : VALUES AND ACTION PRINCIPLES

Violence against Syrian women and girls cannot be separated from the Syrian context. The events in Syria started in 2011 with a peaceful revolution led by the Syrian people against the existing political regime. It was confronted with excessive violence by the regime, which resulted in its transformation into an armed conflict after months of its inception, fuelled by the interventions of several regional and international powers. This led to the ruthless killing of half a million Syrians, the physical disablement of about three million people, the internal displacement of millions of Syrians, the mass influx of millions of refugees into neighbouring countries, Europe and all parts over the world, as well as to enforced disappearances and the arrest of hundreds of thousands of Syrians.

The participants in the consultation process underlined that 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 building processes underlying post-conflict recovery. Some values and principles, which structured the next stage of the work, were therefore agreed upon at the outset as key guiding parameters laying the ground for the common agenda action.

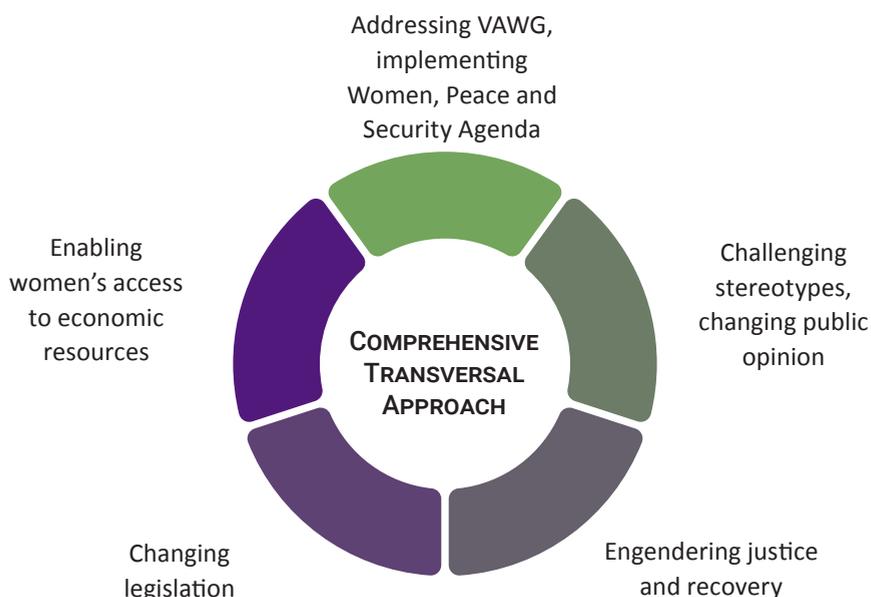
- * Women's rights are universal human rights, central to peace and democracy building, and cannot be deprioritized as a subject to interpretation by religion, tradition, or culture.
- * VAWG is known to exponentially increase in armed conflicts and is linked to all public political, military, legal, economic, and social situations. Combating VAWG cannot succeed without analysis of all the factors affecting it from a gender perspective and working to improve all conditions and factors that exacerbate VAWG. This ought to be done at several levels: political, legal, economic, and social.
- * The complex nature of violence and discrimination against women requires a multi-pronged, multi- sectorial approach and coordinated action among all stakeholders towards the same goal. Recognition of all actors – international and national political decision-makers, legislators, civil society, academia, and media – is an important step towards institutionalizing a meaningful cooperation.
- * Restoration of Syria as a unified State with full sovereignty over its lands, with a democratic system in which all different components are represented with the equal participation of women, and with a constitution and legislation based on the principles of gender equality and non-discrimination can be achieved only through the application of international resolutions related to Syria, notably United Nations Security Council Resolution (UNSCR) 2254, which must be approached together with all binding international women's rights instruments such as the Convention on the Elimination of all

Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (BpA) and the UNSCR 1325 on women, peace and security and the consecutive resolutions, the Sustainable Development Goals (SDGs), in particular Goals 5 and 16.

- * It is paramount that civil society, and in particular women's rights organisations and activists, are involved structurally at all stages of peace-negotiations, from the preparation to the monitoring of the implementation. Only a democratic and participatory approach can lead to sustainable peace, genuine development of legislation for women's rights and change in attitudes and stereotypes.
- * Global efforts should be better coordinated towards reaching a political solution to the Syrian conflicts and solving the situation of millions of refugees, which is an essential condition to the improvement of women's status and lives.
- * Gender-sensitive transitional justice and reconstruction is a necessary process towards the building of a democratic system and society which respect the human rights of both women and men.

3. KEY AREAS FOR A COMMON AGENDA TO COMBAT VAWG IN SYRIA

During the consultations, five areas for interventions were identified:



Prioritizing actions and a comprehensive empowerment approach in these transversal areas has been identified as a major step to strengthen the status of women's rights and improve Syrian women's participation in all discussions linked to Syria, from international to local levels.

3.1. Women, Peace and Security Agenda, and women's participation

VAWG is a structural and universal phenomenon, present in all regions, countries, cultures and social classes, affecting millions of women worldwide. It is defined by the United Nations (UN) as one of the most widespread violations of human rights (HR). Feminist theorists and UN reports have confirmed the continuum of VAWG in the contexts of peace and war/military conflicts. Yet, women's security is excluded from national and international security policies, and VAWG continues to deprive women of the right to live a life without fear, everywhere and at each moment of their lives.

The Women Peace and Security Agenda (WPSA) allows to broaden the scope of traditional security conception by highlighting the continuum of VAWG and the gender dimension in the response to threats, peace and security. The WPSA aims to ensure the implementation of UNSCR 1325 on women, peace and security, and its consecutive resolutions. It defines how security and peace should be sustained, and conflicts resolved with political means, applying the gender equality perspective. The WPSA stresses that gender equality is central to citizenship and democracy, and therefore to the peace and security of society. It states that addressing the root causes of VAWG is critical to preventing conflicts. It focuses not only on protecting women and girls from violence, but also on women's rights to participate in decision-making processes. In a nutshell, the WPSA applies the gender perspective and analyses in all areas of participation, prevention, protection, legislation, VAWG, equal access to power and resources, as well as to the labour market, recovery and transitional gender justice after military conflict, ending of occupation and militarization. It also requires that resources be allocated.

Therefore, increasing and strengthening the meaningful participation of women in decision making at all levels, in peace negotiations, constitutional processes and legal reforms was underlined as a key priority, which requires the development of a wide range of policies based on a comprehensive approach to combating VAWG. The following recommendations cover policies that can bring about social changes and environments where VAWG is reduced. With increased representation of women in decision-making positions, as well as understanding the application of gender analysis and capacity building of civil society organisations, practical steps can be taken to support and protect women and girls and implement their human rights.

The UNSCR 1325 on women, peace and security is a useful tool for women's and human rights CSOs to conceptualize a national plan for the implementation in Syria of UNSCR 1325, including the guarantee of the required freedom for CSOs and women's rights organisations, in particular in monitoring the implementation of the plan.

Recommendations

- * Stop all acts of aggression and enable the active participation of women at all stages of the peace-making process, apply the principle of women's quota by at least 30% until full parity, and introduce a gender perspective at the core of all issues relating to peace-making in Syria:
 - Implement all resolutions on Syria, most notably resolution 2245, which recognizes political change, so that representatives of all segments of the Syrian people are included in the political process and have representation of women by at least 30% of the delegations representing all Syrian regions and political forces.
 - Coordinate efforts towards the drafting of a comprehensive gender-sensitive constitution that guarantees the rights of both women and men, and the development of legislation based on equal citizenship and gender equality and the principle of non-discrimination based on gender, ethnicity, color, origin and other characteristics.

- * Guarantee transparency in choosing the representatives of the people in the negotiation committees and in the peace process as a whole so as to ensure women and women's rights activists' participation of no less than 30%.
- * Approach VAWG through analytical and quantitative studies that look at the Syrian context in its different aspects (armed conflict, laws, economic situation, displacement and refugeehood, forcibly detained and disappeared, documentation of violations, and the status of women activists).
- * Mainstream the gender perspective and address VAWG as a priority in all plans and projects of official institutions and emerging parties, as well as political and civil associations in Syria.
- * Apply gender analyses to all issues related to return to ensure women's rights to safe, dignified, and decent voluntary return. This includes, but is not limited to, supporting the right of women to identification papers, to housing and property, ensuring registration of women refugees in neighbouring countries at the UNHCR and the recognition of identity documents that have been issued in the northwest regions of Syria by Syrian CSOs in cooperation with international organisations.
- * Develop a national plan for the implementation of UNSCR 1325 in Syria, using the civil society recommendations from the national consultations² (9-10 March 2020) and engage a wider number of actors of civil society, especially feminists and human rights organisations.
- * Raise awareness of influential international powers to support Syrian women's CSOs in the implementation of the currently applicable parts of this plan.

3.2. Legislation

The demand for societal changes to end VAWG in Syria can only be fully realised if there is appropriate legislation, which means that fair gender-sensitive laws should be enacted and implemented. National legislation identifies women's rights and defines their violations based on international binding instruments. Governments have the primary responsibility of enacting and implementing laws and ensuring their harmonization with international conventions to prevent and combat VAWG. VAWG is now fully recognized as a human rights violation and therefore all its forms must be criminalized by national laws. Moreover, due to its complex and multifaceted nature, there should be a specific and comprehensive law to combat VAWG, even if certain forms are already criminalized under penal code.³

[2] This consultation was held in Beirut in cooperation between EFI and the Coalition of Syrian Women for Democracy, www.efi-ife.org

[3] Regional Index on Violence Against Women and Girls in the Southern Mediterranean, Regional Civil Society Observatory on VAWG, www.efi-ife.org

INTERNATIONAL BINDING INSTRUMENTS

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

Syria has ratified many international conventions, such as CEDAW. However, Syria has entered reservations on key elements of the convention, including the steps to be taken to eliminate discrimination, particularly Article 2, and the primacy of the existing personal status laws, particularly Articles 9, 15 and 16. By entering these reservations, Syria has indicated that it would not commit to equality between women and men and would not change discriminatory laws and policies pertaining to substantive issues for women such as nationality (Article 9), domicile (Article 15(4)), and equality in marriage and dissolution (Article 16).

→ The UN Rome Statute of the International Criminal Court

Syria is a signatory to the Rome Statute of the International Criminal Court (ICC) but has not ratified it. However, the signature imposes numerous obligations on the Syrian State, the first of which is the harmonization of national laws with the Statute, in particular the abolition of the exemption from accountability and of pardon based on legislative decrees, as well as the non-applicability of statute of limitations⁴. The Rome Statute of the ICC considers rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity as crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

→ The 1951 Refugee Convention

The 1951 Refugee Convention and its 1967 Protocol are the key legal documents that define the term 'refugee' and outline the rights of refugees, as well as the legal obligations of States to protect them.

The implementation of refugee conventions protect women, especially in the neighbouring countries of Syria, by granting refugees the identification papers that enable them to reside, work and obtain aid; it provides them with safety and enjoyment of all the rights that the citizens of the country of asylum have (except for political rights) and enables them to resort to the judiciary, should they be subject to any kinds of violence, and to settle their legal personal status. The convention grants women specifically the right to establish CSOs to defend the rights of women and assist them, as well as provide them and their children with health and education rights, without discrimination against them for any reason. The Convention also facilitates their obtaining of the nationality of the country in which they reside.

149 State parties have ratified either or both. It must be noted that countries neighbouring Syria are not bound by the 1951 Refugee Convention, except for Turkey, which ratified the 1951 Geneva Refugee Convention while retaining time and geographic conditions according to which

[4] With reference to Article 29 of the Rome Statute of the International Criminal Court (ICC), "The crimes within the jurisdiction of the Court shall not be subject to any statute of limitations", meaning that there is no specific length of time within which a claimant or prosecutor must file a case. Claims for such crimes may be brought at any time.

the right of asylum is granted only to those coming from European countries while those coming from other countries are granted temporary protection. The Syrians in Turkey are subject to a “temporary protection status” following a regulation adopted on October 22, 2014, which sets out the rights and obligations along with procedures for those who are granted temporary protection in Turkey.

NATIONAL LEGISLATION

→ Elaboration of a gender-sensitive Constitution

A gender-sensitive Constitution lays the legal basis for equal citizenship and the abolition of all forms of discrimination against women and girls. It is important to include the criminalization of all forms of violence against women and girls in the Constitution, which will lay obligations on legislators to further adopt laws eliminating all forms of discrimination and violence against them in the public and family fields.

Since 2012, it is worth noting that the Coalition of Syrian Women for Democracy has worked on conceptualizing a new Constitution guaranteeing gender equality and women's rights. It has also issued several handbooks in this regard: *Toward Democratic Constitution 2012*, *Gender-Sensitive Constitutional Principles 2014*, *Gendered Constitution Building Process: The basis of the constitutional declaration in the transitional period, and a foundation for the future permanent constitution in Syria 2016*⁵. Furthermore, Syrian feminist activists participated in the reference groups that developed the handbooks “ABC Gender Sensitive Constitution”⁶ and “ABC for a Gender Sensitive Legislation”⁷.

→ Discrimination against women under Syrian Laws

In Syria, discrimination against women persists among all sects mainly in the Personal Status Laws as well as several civil laws such as the Penal Code, the Nationality Law, the Labour Law, the Social Security Law.

Article 3 of the Syrian Constitution (2012) recognizes that the personal status of Syrian men and women is subordinate to their religious sects. Multiple personal status laws exist: the general law that applies to Muslims and contains a special article related to the personal status of the Druze sect, and five personal status laws for Christian sects as well as a personal status law for the Jewish communities. All these laws contain discriminatory articles against women on issues related to marriage, divorce, guardianship, custody and inheritance⁸, sexual and reproductive health, legitimacy of early marriage and polygamy⁹. They also discriminate between women themselves.

[5] Gender-Sensitive Constitutional Principles for Syria, EuroMed Feminist Initiative, 2016

[6] ABC for a Gender Sensitive Constitution, a guide for gender mainstreaming of the constitution, EuroMed Feminist Initiative, Paris 2016

[7] ABC for a Gender Sensitive Legislation, a guide for gender mainstreaming of the legislation, EuroMed Feminist Initiative, Paris 2020

[8] The inheritance is equal between men and women under the Christian sects laws.

[9] Polygamy is prohibited under the Christian sects law and the article related to Druze sect law

Furthermore, many articles still discriminate against women in the penal code, whether in terms of definition of crimes or in terms of unequal penalties for the same crime committed by women or men, or in terms of the inconsistency of punishment for the crime committed.

The Nationality Law prohibits women from passing on their nationality to their children.

Labour Law also discriminates against women. For example, it denies women who work in the agriculture sector and home factories the right to maternity leave. Furthermore, it does not include any provisions to prevent sexual harassment and protect workers in that respect.

In the context of legal discrimination, and increase of VAWG, there is an absence of a specific and comprehensive law that combats VAWG, criminalizes all its forms, punishes the perpetrators, protects women, plays a preventive role and provides support as well as service provision to victims.

Recommendations:

To align national laws with international treaties and resolutions on women's rights, urgent actions must be taken:

- * Lift all reservations to the CEDAW.
- * Sign and respect the Refugee Convention by countries hosting refugees from Syria.
- * Adopt a new gender-sensitive Constitution that:
 - Eliminates all articles that discriminate against women.
 - Expressly mandates for equality between women and men in all elected and appointed positions.
 - Provides for the establishment of a High Council for Women's Affairs, a High Council of Human Rights, and a High Information Council.
 - Guarantees independence and freedom of action, organisation, and movement to civil society organisations, including women's rights organisations and defenders and abolish articles of laws and measures curtailing them, including measures prohibiting their international and national financial support.
 - Consecrates the separation of powers and emphasize the independence of the judiciary
 - Prevents the formation of exceptional judicial bodies in all their forms and the trial of civilians before military courts
 - Restores respect for the Constitutional Court and its independence and allows for individual and collective appeals before it.
- * Cancel all articles or provisions of laws that discriminate against women and endeavour to

develop gender-sensitive legislation.

- * Adopt one unified Family Law that guarantees women's rights and ensures equal right for women and men in all issues of marriage and divorce, as well as inheritance rights, and ensure its application in all Syrian regions.
- * Develop and enact a comprehensive law that criminalizes all forms of VAWG, including domestic violence, sexual assault, and marital rape, to end impunity for perpetrators under any circumstances.
- * Simplify legal procedures to facilitate access of women victims to a fair trial and to the enforcement of sentences.
- * Guarantee the right to abortion, especially in cases of rape.
- * Develop an electoral law that supports and enhances the equal participation of women in politics, such as the adoption of proportional representation systems and the adoption of lists alternating between women and men. Also, bind parties to adhere to such a law.

3.3. Women's access to economic resources

Economic violence is a form of VAWG that is deeply entrenched in the Syrian society, where social customs and discriminatory laws put women at an economic disadvantage. In 2010, it was recognized that women's economic participation in Syria reached only 13% of the national workforce. Girls currently enjoy fewer opportunities to receive formal education, without which access to the labour market is minimal. This puts women and girls in a vulnerable position, with little hope of independence and lack of resources to resist other forms of violence.

The laws on Labour, Social Security and Agricultural Relations prohibit women working in family investments from receiving wages or insurance. Moreover, the new Labour Law abolished collective labour agreements that would have been beneficial to women's groups.

Inheritance is one of the sources of property ownership, yet most women in Syria are deprived of their right to inherit. The general Personal Status Law that applies to Muslims gives women half the share of men. However, many families even deprive women of this share, mainly because of the lack of legal deterrent penalties for family members who deprive women of their inheritance shares. This situation is further exacerbated by the conflict due to the absence of law or due to the *de facto* application of various authorities' own laws, and the existence of special situations, such as when the husband's family refuses to acknowledge the husband's death with the intent to deprive his wife from the inheritance.

Before the conflict, women's ownership of property was already minimal due to discriminatory laws and procedures, as well as lack of knowledge of land ownership rights. Even in situations when women had ownership, husbands controlled their wives' property. Due to displacement,

violence and destruction during the Syrian conflict, many women have also lost their ability to prove ownership of real estate. In some cases, documents are missing or remain unrecognized.

Although the Basic Law for Employees in the State¹⁰ states that women and men working the same job must be paid equally, the impediment of women's access to senior job positions automatically makes the average income of women much lower than that of men. Factors such as widespread corruption, weak oversight of the private sector, and a large informal sector, push women to work with low wages, far less than men.

Education, especially higher education, improves women's opportunities to enter the labour market, and work in income-generating jobs that may secure a better life for women. However, the armed conflict in Syria, the displacement of half of the population, and the targeting of schools have deprived many Syrian girls of the right to education, namely higher education. Systematic vocational trainings contribute to providing more opportunities for girls and women to enter the labour market.

Recommendations:

SUPPORT WOMEN'S ACCESS TO ECONOMIC RESOURCES:

- * Conduct in-depth research by women's organisations on women's economic participation to know, track and recognize various constraints faced by women to access the labour market in Syria's different localities and regions.
- * Encourage job creation for women by supporting enterprises as needed, and encourage the development of local activities, as well as the creation of training opportunities in innovative activities for women.
- * Support and finance small organisations that appeal to women because their impact on the field is important due to their close contact with women on the ground.
- * Support the formation of women-led and operated productive associations that benefit women.
- * In empowerment projects, pay special attention to female breadwinners, such as widows and divorcees.
- * It is urgent and of paramount importance to stop policies that allow looting and corruption, and the use of most of the country's economy for military actions.

INCREASE OPPORTUNITIES FOR GIRLS AND WOMEN TO EDUCATION:

[10] The basic law for workers in the state is the law that applies to workers in the public sector, while the law that applies to workers in the private sector is called the unified labor law.

- * Ensure access of girls to mandatory basic education and provide "educational subsidies" for low-income families and women breadwinners, covering costs such as transportation and food.
- * Ensure an appropriate and gender-sensitive school environment in terms of health, safety and working conditions, promote gender equality and address gender stereotypes in the school space.
- * Eliminate gender stereotypes in the school curricula and incorporate the concepts of human rights, women's rights, and gender equality in the curricula.
- * Establish special educational centres for girl dropouts and illiterates; train and recruit trained teachers in teaching methods for this category of girl students.
- * Provide scholarships to girl students who wish to complete their university studies, including studies that do not exist in Syria, such as gender studies.

SUPPORT VOCATIONAL TRAININGS FOR WOMEN AND GIRLS TO INCREASE THEIR PARTICIPATION IN THE LABOUR MARKET:

- * Provide adequate vocational programs and trainings for women and girls to qualify them to enter the labour market.
- * Train women in communication, negotiation, and practical skills, including market, feasibility, and supply studies.
- * Provide equipment based on their vocational needs and plans at the end of the training for those wishing to enter the labour market, with the aim of helping them start a professional activity.

PROVIDE LEGAL PROTECTION AND APPROPRIATE WORKING ENVIRONMENTS:

- * Enact laws that guarantee women's economic rights and equality between women and men within families.
- * Include family investments in labour laws and health/social insurance.
- * Enact and ensure the application of labour laws that demand the private sector to guarantee women their rights and compensation, protect their labour rights during childbirth/nursing; and provide for support services as childcare to facilitate/enable women's economic participation.
- * Criminalize sexual harassment at the workplace with complaint mechanisms that enable women to complain without fear of consequences. Stress the importance of setting codes of conduct which prevent inappropriate behaviour pushing women to leave work, such as verbal violence and harassment in the work environment.
- * Monitor and enhance women's employment and increase the participation of women in economic decision-making positions.

3.4. Justice and recovery

Mainstreaming gender is essential in the peace process and in the paths of justice, and more particularly transitional justice.

A gender-sensitive transitional justice is a compulsory path to build impartial and sustainable peace in Syria, and to address war crimes, crimes against humanity, genocide, and other grave human rights violations. Justice, peace, democracy, and gender equality should work effectively together in order to counter authoritarianism and establish a democratic system that respects the human rights of women and men, promotes the rule of law and fosters equal citizenship¹¹.

Despite the formation of multiple mechanisms in Syria such as the Independent International Commission of Inquiry on the Syrian Arab Republic (COI), the Joint Investigative Mechanism (JIM), and the International, Impartial and Independent Mechanism (IIIM), transitional justice has been absent from negotiations and peace talks. As stated in the UNSCR 1325, gender specific harms must be fully acknowledged and women must be recognized as key actors at the heart of the transitional justice process with pivotal and leading functions in formal peace negotiations, transitional decision-making bodies, state-building and post-conflict reconstruction. This entails the acknowledgement of women's experience of the armed conflict and the recognition of gender specific harms, including sexual crimes and other types of crimes in relation to political and socio-economic forms of violence.

In the same way that sexual violence cannot be separated from economic violence, psychosocial support systems cannot be dissociated from economic empowerment actions.

VAWG leads to serious effects on physical and mental health. Women in Syria cannot easily speak out about the violence they are subject to because reporting gender-based crimes and sexual crimes is not safe, especially for victims of sexual violence, as they also face societal stigmatization.

There are only a few shelters for women victims of violence in the various Syrian regions. Victims lack both access to information of available services and access to appropriate services. Another challenge is linked to lack of competence and skills of the service providers.

The prosecution systems are unfavourable and there are many flaws in the collection of forensic evidence and in the investigations of crimes against women, which makes many trials unfair, along with legal obstacles, such as not defining rape as a crime.

All these obstacles, among many others, contribute to silencing women and weakening their willingness to report. Victims of detention, kidnapping and sexual violence during the armed conflict face a lot of legal obstacles, security concerns, fears of recurrence of violence, limited responses, social stigma, threats of honour killings, divorce, deprivation of children/financial resources and family denial.

[11] Many participants in the consultative process were active in the international conference "*Gender-Sensitive Transitional Justice Process in Syria*" held on 20 – 21 February 2019. See Report Gender-Sensitive Transitional Justice Process in Syria, 2019.

In addition, women survivors of detention are subject to painful experiences, sometimes even re-traumatization, while reporting their testimonies to certain organisations. Workers from such organisations often lack sufficient experience and skills that are required to collect, document and make these testimonial indictments against perpetrators of violations in line with international standards.

Recommendations

SUPPORT THE ISSUE OF DETAINEES AND FORCIBLY DISAPPEARED PERSONS:

- * Demand the release of all detainees and pay special attention to women detainees against the background of post-2011 events through the following actions:
 - Establish independent commissions to investigate the conditions of women detainees kidnapped by all parties in the conflict in Syria and develop a comprehensive plan for the case of these detainees. Allow the International Commission of Inquiry, International Committee of the Red Cross (ICRC) and similar organisations to have access to women detainees, assess their humanitarian situations and investigate the fate of the forcibly disappeared.
 - Exert pressure on the UN Special Envoy for Syria to consider the issue of arbitrary detention and enforced disappearance as an urgent humanitarian issue and separate it from the political files.
 - Provide humane conditions of detention that consider the health, food, and psychological needs of women detainees, pending the release of detainees and kidnapped.
 - Abolish exceptional courts in Syria and refer the detainees to ordinary courts with fair trial guarantees.

SUPPORT VICTIMS AND SURVIVORS:

- * Work with survivors based on the survivor-centred approach and increase the number of support services.
- * Adopt trust-building measures to ensure that when women speak out about the violence they have faced, they will be heard, and that perpetrators will be brought to justice.
- * Establish a clear referral system for victim support services, ensuring the safety of victims and encouraging them to testify. A transparent referral system would encourage women and girls to seek justice and recovery.
- * Link psychosocial support to economic empowerment and financial security/job creation.

* Improve documentation:

- Create reliable documentation bodies that operate in accordance with international gendered standards.
- Continue capacity building to personnel involved in the documentation of crimes of sexual and gender-based violence.

3.5. Challenging gender stereotypes, changing public opinion on the importance of combating VAWG

Discrimination against women is deeply rooted in Syrian society, based on a prevailing patriarchal culture and gender stereotypes, which puts the blame on victims and legitimizes VAWG. VAWG is considered a legitimate right for men, and society does not tolerate women who speak up and expose the perpetrators of domestic or sexual violence against them. Instead, victims become further subject to exclusion and scorn from society. The family, society and the State are united in the continuation and cover-up of this violence.

Therefore, it is particularly important, but not enough, to seek to change from within the legal system that discriminates against women and legitimizes violence against them. Legal change, accompanied by a change in social and cultural awareness is a key for rejecting all forms of VAWG, supporting women to break the silence, and putting the light on the perpetrators, rather than blaming the victim.

Increasing knowledge on women's rights and gender equality, whether in translating international feminist references, or feminist Arabic literature, research and studies, is also a request to address the weakness of knowledge exchange among feminist circles, among women, and within all social spheres in general.

The importance of the role of the media in influencing public opinion is well established today, so the use of traditional media such as the press, radio, television, or alternative and social media is key to spreading awareness on women's rights and combating violence against them. Alternative Syrian media outlets have played an important role in facilitating the exchange of views among the Syrians, and these outlets could provide important tools and pathways to spread awareness about the necessity to combat VAWG.

Recommendations:

GENERAL RECOMMENDATIONS:

- * Highlight social norms that are unfair to women and draw attention to the various forms of violence, which are not considered as violence by many members of society, even by women themselves.
- * Raise awareness and disseminate information on international conventions that guarantee human rights in general, and women's rights.
- * Support outreach awareness-raising activities aimed at countering societal stigma associated with sexual and gender-based violence, lifting the blame away from victims and penalizing the perpetrator rather than the victim.
- * Raise awareness of secularism as the only way to preserve the religious beliefs of all and emphasize that defending women's rights and prohibiting violence against them do not conflict with the religious belief of individuals.
- * Address all members of society: women, men, youth, and children.
- * Account for the different needs of women depending on the region in Syria they live in and the authority controlling them de facto.
- * Build trust with local communities and provide special importance to raising awareness about VAWG in the marginalized Eastern areas that were under ISIS control; highlight violations against women and girl adolescents who are kidnapped for compulsory recruitment in the North-East areas and areas under the control of the Syrian Democratic Forces (SDF).
- * Raise awareness about the different forms of violence that emerge in times of armed conflict, as well as the forms of identity and location-related violence, occurring in host communities caused by displacement and asylum.
- * Raise awareness about the legal and societal status of women in countries of refuge and use the refugee experience to change the current and future realities of Syrian women upon their return to Syria.
- * Raise women's awareness of their rights according to the protective laws under which they live, in countries of asylum.

DEVELOPMENT OF FEMINIST EPISTEMOLOGY

- * Develop and launch a public debate to help in the application of International Human Rights laws and international women's rights mechanisms in the Syrian context.
- * Launch a feminist knowledge-building platform.

- * Support the development of feminist studies on the constitution and laws guaranteeing women's rights; conduct studies aimed at introducing the gender perspective into the analysis of the existing conflict and women's participation, and mainstream gender into all peace-making processes and transitional justice tracks.
- * Conduct studies to probe the reality of communities in all regions of Syria, the needs of women in each region, and the needs of different categories of the status of women (refugees, displaced women, survivors of detention, breadwinners, women missing identity papers, etc.).
- * Publish a feminist guide to provide information on existing services, such as hotline numbers and feminist organisations/centres operating on the ground in Syria and in neighbouring countries hosting refugees.

MEDIA:

- * Encourage the Media to raise awareness about combating VAWG and seek permanent channels of communication them.
- * Establish a feminist radio station to raise awareness, provide information on psychosocial support and legal support services for victims and allow sharing of women success stories.
- * Utilize social media to raise awareness, to create contact with/between victims and survivors.
- * Develop a plan to launch joint information campaigns focused on specific topics (such as marriage of minors, rape, honour crimes, polygamy, etc.).
- * Draw on the audio-visual media to contribute to the provision of advice and psychological support and to introduce women to hotlines, complaint mechanisms, and support centres for abused women.

THE COMMON AGENDA AT A GLANCE

IMPLEMENTATION OF WOMEN, PEACE AND SECURITY AGENDA AND WOMEN'S PARTICIPATION

- Develop action plan for UNSCR 1325 on women, peace and security, and its consecutive resolutions.
- Prioritise coordination on gender-sensitive Constitution and legislation.
- Apply gender analyses to all issues related to return to ensure women's rights to safe, dignified, and decent voluntary return.
- Gender mainstream and address VAWG in all emerging political parties and institutions.

WOMEN'S ACCESS TO ECONOMIC RESOURCES

- Encourage and support training opportunities and women-led actions on the field: job creation, enterprises, empowerment projects.
- Invest in education opportunities for girls and women (from gender sensitizing school curricula to subsidizing women breadwinners and scholarships to girl students).
- Provide vocational programs and equipment for women.
- Criminalise sexual harassment at work place.

CHANGING LEGISLATION

- Lift all reservations to the CEDAW, harmonize constitution and legislation.
- Simplify legal procedures for women victims/survivors.
- Legislate sexual and reproductive rights.
- Develop comprehensive law on VAWG that defines all forms of VAWG as per UN standards and criminalize them.
- Develop electoral law that enhance equal participation of women in politics (proportional representation system).

ENGENDERING JUSTICE AND RECOVERY

- Mainstream gender in the peace process, in the paths of justice and transitional justice.
- Apply survivor-centred approach.
- Support victims/survivors of VAWG.
- Increase the number and quality of support services.
- Improve skills and documentation of sexual and gender-based violence.

CHALLENGING GENDER STEREOTYPES, CHANGING PUBLIC OPINION

- Build trust with local communities.
- Unveil the structural link between VAWG, WPS, and democracy.
- Raise awareness about the different forms of violence in times of armed conflict, and violence in host communities caused by displacement and asylum.
- Consider the needs and the interest of women from local communities and host communities, caused by displacement and asylum.
- Raise awareness about the legal and societal status of women in countries of refuge and use their experience to change the realities of Syrian women upon their return to Syria.
- Outreach and counteract societal stigma on victims.

SUPPORT FREEDOM AND INDEPENDENCE OF CIVIL SOCIETY WHERE WOMEN'S RIGHTS CSOs PREPARE THE GROUND FOR A LONG-TERM PROCESS TOWARDS PEACE AND DEMOCRACY INTEGRAL OF GENDER EQUALITY

- Support the independent role and expertise of women's rights CSOs
- Support building of broad coalitions combating all forms of VAWG
 - Engage victims/survivors of VAWG in the peace process
 - Build and support Syrian Feminist Platform

4. MECHANISMS FOR IMPLEMENTATION OF THE COMMON AGENDA: STRENGTHENING ALLIANCES AND ADVOCACY

Local initiatives play an important role as a link between CSOs and communities on the ground. Local self-initiatives also ensure sustainability, continuity, and commitment to community interests. Moreover, women's rights initiatives are essential in challenging local and community power structures and building role models for society. However, there is a need for coordination in order to take advantage of the capacities of each organization and to share experiences while improving communication channels, exchanging information, resources and opportunities for holding regular meetings, both physical and virtual, thus expanding the efficacy and scope of these organisations' common benefit.

The protracted armed conflict, massive displacements, travel restrictions, ban on CSOs, have all hampered the development of sustainable communication channels among the Syrian feminist movement on the one hand, and with women activists from various local communities on the other hand. This has led to limited access of local community women activists to international decision-making centres. Interactive communication between the feminist movement and local community activists will contribute to amplifying the voices of women and disseminating the needs from the ground to international forums (negotiations, constitutional committee, UN, EU, etc.).

The coordination between Syrian feminist and HR organisations among themselves and with international organisations and actors influencing Syria should also be improved and consolidated. This would have an important bearing on the effective representation of women and women's rights activists in the ongoing negotiations under the umbrella of the UN for a political solution in Syria.

Being overwhelmed with addressing day-to-day challenges, the Syrian feminist movement has not been able to invest sufficiently in building capabilities to carry out advocacy campaigns in order to gain local and international support to their demands linked to implementing the principle of women's quota in all decision-making centres, protection of women and girls from all forms of violence, especially displaced and refugee women, and protection of their rights as refugees, as well as their rights to housing, property and ownership and identification papers. In this regard, more investment and capacity building initiatives are needed to advocate for the release of female detainees, and gender-sensitive transitional justice and accountability.

Coordination among donors to Syrian civil society remains further a challenge. It is necessary to read the funding landscape in Syria with a gender lens to understand how to better support both feminist organisations and local initiatives, as well as to efficiently enhance networking and alliance building among them for achieving the desired changes. It is vital to support the development and capacity building of local organisations and initiatives to become partners rather than only recipients and implementers of external projects. This helps develop projects that are tailored to local needs on the one hand and benefits local organisations from international expertise and experience on the other.

Recommendations

- * Improve coordination to exercise both external and internal pressure on the Constitutional Committee to adopt constitutional articles that define and criminalize VAWG.
- * Build coalitions with human rights, political activists, and legal experts to advocate for gender quotas, not only at the political level, but also in the supreme courts and trade unions and for appointments to be made away from any religious, sectarian, or ethnic allotments.
- * Promote coordination between Syrian and international organisations on integrating gender into the Housing Land and Property (HLP) files ensuring women's rights to property and housing and for all women to obtain identification papers and settle their legal status.
- * Develop alliances and coalitions within the women's movement to lobby and create impact in order to achieve justice for survivors.
- * Make coalitions with local initiatives and victim associations to exert pressure on the UN Special Envoy for Syria to prioritize the release of all women detained and kidnapped by other parties to the armed conflict in Syria (women political activists kept hostages, arbitrary arrests), and for the immediate and unrestricted access by the International Committee of the Red Cross (ICRC) and similar organisations to the detention centres of such parties.
- * Establish a broad coalition against all forms of VAWG, with the aim of effective coordination between feminist organisations, as well as women's organisations and human rights organisations that cover the entire Syrian territory and countries of asylum, and coordinate efforts based on the competence of organisations to avoid duplication of work.
- * Organise the exchange of experiences at national and international levels.
- * Facilitate the movement and travel of all Syrian women activists around the world to attend important international advocacy venues to give a voice to women inside Syria.

- * Apply the gender perspective in all stages of peacebuilding and transitional transformation justice by:
 - Preparing the grounds for a long-term process to achieving gender equality.
 - Engaging victims of VAWG in the peace process.
 - Creating spaces of solidarity, mutual support, and trust among and with victims/survivors of the atrocities and injustice as a prerequisite for common action towards peace and justice.
 - Respecting the role and mandate of the International Commission of Inquiry and the Red Cross on human rights violations.
 - Including gender-sensitive transitional justice program in any final peace agreement.
- * Establish a Syrian feminist platform.
- * Institutionalize cooperation mechanisms through an annual meeting.

The Common Agenda for Combating Violence against Women and Girls as a major barrier to women's participation in Syria is a tool to advocate for structural access of Syrian women to decision-making on local, national, and international levels. It is also a means to urge for the inclusion of women's rights in all decision-making and policy agendas linked to political transition towards democracy in Syria. The *Common Agenda* is also a tool to raise broader awareness about violence against women and girls, its devastating effect on women and how it is used to prevent women from public and political participations.

The Common Agenda was developed through a year-long consultation process with over 250 Syrian activists, gender, and legal experts from over 100 organisations and initiatives, as part of the program "Enhancing women's participation in decision-making and peace-building processes in Syria" funded by the European Union.

EuroMed Feminist Initiative (EFI) is a policy network that provides expertise in the field of gender equality as inseparable from democracy building and citizenship, and advocates for political solutions to all conflicts, and for the right of peoples to self-determination. Headquarters are in Paris, with regional office in Amman, Jordan and country offices in Amman, Beirut and Erbil.