

(Translated from Arabic)

Questionnaire

I. Prevention of sex discrimination in the enjoyment of the right to health and safety

A. Health

1. Does your country have regulations (in the Constitution, legislation or in other legal codes) that guarantee:

(Please specify in the space provided for this purpose “yes” or “no”)

(Yes) the right to equal access for women and men to all forms of health care, at the highest available level, including access to alternative health provisions such as homeopathy, naturopathy, etc.

The Constitution of the Syrian Arab Republic promulgated by Legislative Decree No. 94 of 28 February 2012 stipulates in article 20 that:

1. The family shall be the nucleus of society and the law shall maintain its existence and strengthen its bonds.

2. The State shall protect and encourage marriage, and shall seek to eliminate any material and social obstacles that impede it. The State shall also protect maternity and childhood, take care of children and young people, and provide suitable conditions for the development of their faculties.

Article 22 stipulates that:

1. The State shall safeguard all citizens and their families in cases of emergency, sickness, disability, orphanhood and old age.

2. The State shall protect the health of citizens and provide them with means of prevention, treatment and medication.

Article 25 stipulates that:

Education, health and social services shall be the basic pillars for building society, and the State shall take steps to achieve balanced development for all regions of the Syrian Arab Republic.

Legislative Decree No. 111 of 1966 specifies the functions of the Ministry of Health in article 1:

Paragraph 2: “It shall develop, advance and expand the scope of health-care services, and improve the general state of health”;

Paragraph 4: “It shall guarantee all medical services to low-income citizens”;

Paragraph 5: “It shall make health services accessible to all citizens”.

(Yes) access to sexual and reproductive health services

(Yes) women’s rights to make autonomous decisions regarding their sexual and reproductive lives

However, customs and traditions sometimes impede women from complaining to their husbands about their sexual lives.

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2. Are medical services related to women's sexual and reproductive life and/or violence against women covered by universal health coverage?

Yes (Yes) No ()

If yes, what kind of medical services are free of charge?

(Please specify)

This is covered by article 22 of the Constitution, which has already been quoted, and by article 1 (9) of Decree No. 111 of 1966 concerning the functions of the Ministry of Health:

Provision of health care for pregnant women, infants and children and for students; ensuring oversight of health-care conditions for workers, prisoners, nurseries, convalescent homes, homes for persons with disabilities and youth centres; and establishment of health-care facilities for mothers and children;

Development, advancement and expansion of the scope of health-care services for all citizens; guaranteeing all medical services to low-income citizens; and establishment of a number of free maternity hospitals;

Training of specialists in emergency obstetric care in cooperation with the United Nations Population Fund (UNFPA); training of 4,000 young people in reproductive health and treatment of patients; and awareness-raising programmes on pre-marital medical examinations, which are compulsory in Syria.

3. Are there any provisions which restrict women's access to health services? In particular which:

(Please specify in the space provided for this purpose "yes" or "no")

(No) require the consent of a male relative/husband for a married woman's medical examination or treatment or access to contraceptives or abortion;

(No) require parental consent in the case of adolescents' access to contraceptives or abortion;

Contraceptives and abortion are reserved for adolescent or adult women who are married. Such cases are exceptional and rare in our country. Abortion is a crime unless it is required on medical grounds. Contraceptives are available in pharmacies.

(No) allow medical practitioners to refuse provision of a legal medical service on grounds of conscientious objection;

(No) prohibit certain medical services, or require that they be authorized by a physician, even where no medical procedure is required, in particular:

() IUDs (intrauterine devices) or hormonal contraceptives;

There are no such cases in our country.

(Yes) Emergency contraceptives, including the morning-after pill;

() Sterilization on request (please also include information regarding whether non-therapeutically indicated sterilization is allowed for men);

This type of treatment does not exist in our country.

(No) Early abortion (in first trimester of pregnancy) at the pregnant woman's request;

Abortion is an offence under the Criminal Code.

(Yes) Medically assisted reproduction (e.g. in vitro fertilization).

If yes, please indicate the relevant legal regulations and indicate the sources.

Article 523: Anyone who uses one of the means specified in paragraphs 2 and 3 of article 208 to describe or disseminate methods conducive to the prevention of pregnancy or who offers to disseminate them with a view to generating publicity for the prevention of pregnancy shall be punishable with a term of imprisonment of between 1 month and 1 year and with a fine of 100 Syrian pounds (LS).

Article 524: A similar penalty shall be imposed on anyone who sells or offers to sell any substance conducive to the prevention of pregnancy, who acquires the substance with a view to selling it or who facilitates its use in any way.

The following articles of the Criminal Code are applicable to abortion:

Article 525: Any publicity conducted by one of the means specified in paragraphs 2 and 3 of article 208 with a view to propagating, promoting or facilitating the use of means of abortion shall be punishable with a term of imprisonment of between 2 months and 2 years and with a fine of between LS 100 and LS 250.

Article 526: A similar penalty shall be imposed on anyone who sells or offers to sell any substance conducive to abortion, who acquires the substance with a view to selling it or who facilitates its use in any way.

Article 527: Any woman who aborts by using, or allowing another person to use, means to that effect shall be punishable with a term of imprisonment of between 6 months and 3 years.

Article 528:

1. Anyone who performs or seeks to perform an abortion on a woman by any means, with her consent, shall be punishable with a term of imprisonment of between 1 and 3 years.
2. If the abortion, or the means used to perform such an abortion, leads to the death of the woman, the perpetrator shall be punishable by imprisonment with hard labour for between 4 and 7 years.
3. A term of imprisonment of between 5 and 10 years shall be imposed if death ensues from the use of more dangerous means than those for which the woman provided her consent.

Article 529:

1. Anyone who intentionally causes an abortion without a woman's consent shall be punishable by imprisonment with hard labour for at least 5 years.
2. The term of imprisonment shall not be less than 10 years if the abortion or the means used lead to the woman's death.

Article 530: Articles 528 and 529 shall be applicable if the woman subjected to means of abortion was not pregnant.

Article 531: A woman who performs an abortion on herself to protect her honour shall benefit from mitigating circumstances. A person who commits one of the offences defined in articles 528 and 529 to protect the honour of a descendant, or a relative up to the second degree, shall also benefit from mitigating circumstances.

All the provisions of article 532:

1. If the perpetrator of one of the offences defined in this chapter is a physician, a surgeon, a midwife or a pharmacist, or one of their employees acting as a principal, an abettor or an accomplice, the penalty shall be increased in accordance with article 247.
2. The same provision shall apply if the perpetrator habitually sold medication and other substances conducive to abortion.
3. The perpetrator shall, in addition, be prohibited from practising his profession or occupation even if the profession or occupation is not based on a licence or certificate.
4. The penalty may also include closure of the business.

4. Are the following acts criminalized?

(Please specify in the space provided for this purpose "yes" or "no")

(Yes) transmission of HIV or other venereal diseases by women only

Articles 20 and 25 of the Constitution, article 22 of the Constitution, which stipulates that the State shall protect the health of citizens and provide them with the means of prevention, treatment and medication, and the previously cited articles of the Criminal Code.

(Yes) female genital mutilation

The Criminal Code: Transmission of HIV and female genital mutilation are both offences under the Criminal Code and may in some cases constitute felonies.

(Yes) child marriage

(No) home births with an obstetrician or midwife

The physician and midwife are required to possess the qualifications that entitle them to conduct home births.

(Yes) abortion

Articles 525 to 532 of the Criminal Code cited above.

If yes, are there any exceptions to these prohibitions and under what circumstances do exceptions apply?

Please give legal references and provisions.

There are no exceptions to the criminalization of acts that constitute offences against women.

Exceptions are listed in article 18 of the Personal Status Act.

With regard to child marriage, the Personal Status Act permits a minor to marry a girl of 13 years of age provided that a judge consents to the marriage.

And who is criminally responsible? *(Please circle the appropriate answer)*

The woman, the doctor, other persons directly or indirectly related with the pregnancy or abortion.

Please give legal references.

Pursuant to articles 525 to 532 of the Criminal Code, any person who perpetrates acts that are criminalized by law is responsible in cases of pregnancy and abortion.

B. Safety

5. Does your country have regulations (in the constitution, legislation or other legal codes) that guarantee:

(Please specify in the space provided for this purpose “yes” or “no”)

(Yes) Special protection against gender-based violence

Articles 542 and ff. of the Criminal Code make no distinction between men and women in the penalties prescribed for subjection to violence ranging from minor injuries to death.

(Yes) Equal access for women to criminal justice

The Syrian courts make no distinction between women and men in legal proceedings. Any complaint lodged by a woman concerning violations of her rights or the perpetration by any party of violent acts against her is investigated by the judicial authorities, who issue rulings against the perpetrator in accordance with the law. Women’s access to criminal justice is therefore facilitated by the Syrian justice system. Article 1 of the Code of Criminal Procedure stipulates that the Public Prosecutor’s Office is required to initiate proceedings if the aggrieved party files a personal complaint.

6. Are the following acts criminalized?

(Please specify in the space provided for this purpose “yes” or “no”)

(Yes) adultery

By articles 473, 474 and 475 of Criminal Code No. 148 promulgated in 1949, as amended.

(Yes) prostitution

By Act No. 10 of 1961.

(If yes, who is criminally responsible – please circle the appropriate answer

The sex worker, the procurer and/or the customer)
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(Yes) sexual orientation and gender identity (homosexuality, lesbianism, transgender, etc.)

(No) violations of modesty or indecent assault (e.g. not following dress code)

Please give legal references and provisions.

Indecent assault is punishable under articles 504 to 507 of the Criminal Code promulgated by Decree No. 148 of 1949.

No law prescribes how girls should dress and there are no laws whatsoever in the Syrian Arab Republic that establish a dress code for women.

7. Are there any provisions in criminal law that treat women and men unequally with regard to:

(Please specify in the space provided for this purpose “yes” or “no”)

(No) Procedure for collecting evidence

(No) Sentencing for the same offence, especially capital punishment, stoning, lashing, imprisonment, etc.

There is no provision for stoning or lashing in Syrian law.

(No) So-called “honour crimes” (are they tolerated in order for the perpetrator to avoid prosecution or to be less severely punished if the woman is killed?).

The Criminal Code has been amended so that perpetrators are prosecuted for all acts pertaining to honour crimes. Article 548 of the Syrian Criminal Code was amended by article 15 of Decree No. 1 of 2011. Perpetrators benefit from mitigating circumstances but are subject to imprisonment for a term of between 5 and 7 years, whereas they had previously been exempted from prosecution.

II. Diagnosing and counteracting possible sex discrimination in practice in the area of health and safety

A. Health

8. Are there legal obligations to provide health education in school?

Yes (Yes) No (...)

If yes, does it cover: *(Please specify in the space provided for this purpose “yes” or “no”)*

(Yes) prevention of sexually transmitted diseases

(Yes) prevention of unwanted pregnancies

(Yes) promotion of a healthy lifestyle, including prevention of dietary disorders of teenage girls, including anorexia and bulimia

(Yes) psychological/psychiatric training in self-control of aggression, including sexual aggression

Please indicate any relevant legal regulation or programmes regarding the above.

Legal provisions: According to article 1 (2) and 1 (3) of Decree No. 111 of 1966, the functions of the Ministry of Health include ensuring full preservation of citizens’ health by providing health-care services to all citizens and by establishing hospitals and health-care centres.

Pursuant to article 1 (15), the functions of the Ministry of Health include improving the state of health of the Syrian people, using all available means to generate publicity, communication and guidance, and disseminating a health-care culture.

Article 7 (14) of Decree No. 111 of 1966 stipulates that the functions of the Department of Preventive Services of the Ministry of Health shall include cooperation with the Ministry of Education in overseeing school health, promoting appropriate health conditions in schools and monitoring their application.

Article 8 provides for the establishment of divisions of the Ministry of Health, such as the Department of Child and Maternal Health, and the Department of Health Culture and Social Health.

9. Are there any statistical data disaggregated by age and/or sex (collected over the last 5 years) regarding:

(Please specify in the space provided for this purpose “yes” or “no”)

(Yes) malnutrition

(...) maternal mortality

(Yes) maternal morbidity, including obstetric fistula

() adolescent childbearing

() health consequences of physical, psychological, sexual and economical gender-based violence

(Yes) incidence of HIV/AIDS and sexually transmitted diseases

The Ministry of Health has established a strategic framework to combat AIDS and has adopted a number of measures such as effective control of blood and its derivatives in the event of a transfusion, conduct of medical examinations prior to marriage and enactment of laws concerning AIDS. It should be noted that the incidence of the disease is low in Syria.

(Yes) drug abuse

(Yes) alcohol addiction

(No) legal abortions

(No) death resulting from legal abortions

(Yes) illegal abortions

(Yes) death resulting from illegal abortions

() use of contraceptives, including mechanical and hormonal (including emergency contraceptives)

(...) sterilization on request

There are no such cases in our country.

If “yes”, please provide for data and resources.

The health sector has made considerable progress in lowering the mortality rate, particularly the infant and maternal mortality rates, by improving health-care services and expanding access to remedial care by increasing the number of hospitals, including those providing specialized services. It has also promoted awareness of healthy lifestyles.

The Ministry of Health has developed health-care programmes focusing on women’s health. In addition, the healthy village programme was catering for 513 villages by the end of 2010.

The Ministry has also implemented a health-care programme for adolescents and has organized training courses for 400 young people on coping with puberty, reproductive health, mental health and living skills.

Syria has committed itself to reducing maternal mortality as a development goal and has established teams to provide training in obstetric care. The State is also preparing a comprehensive national guide on pregnancy complications and difficult deliveries.

With regard to illegal abortion, no abortion is legal and abortion is punishable in the Syrian Arab Republic under article 525 and the following articles of the Criminal Code promulgated by Decree No. 148 of 1949, as amended.

There are few deaths due to abortion because it is prohibited by law.

10. Are there any statistical data and/or estimates regarding the number of report and/or unreported cases and convictions for:

(Please specify in the space provided for this purpose “yes” or “no”)

(No) female genital mutilation

No such acts exist in the Syrian Arab Republic.

(Yes) illegal voluntary abortion

Very few cases because it is prohibited by law.

(Yes) forced abortions

(No) forced sterilizations

This does not exist.

(Yes) malpractices in cosmetic medicine

(No) obstetric violence

If “yes”, please give further references.

As we already pointed out, the Syrian Criminal Code renders abortion punishable under articles 525 to 532 of the Criminal Code. Any doctor, midwife or pharmacist who breaches the provisions of the Code is subject to the prescribed penalties. The same applies to cosmetic medicine and obstetric violence.

11. Is the gender perspective included in national health-related policies:

Yes () No (No)

In particular: *(Please specify in the space provided for this purpose “yes” or “no”)*

(No) in planning the distribution of resources for health care

(No) in medical research on general diseases, with proper and necessary adaptations to the different biological make-up of women and men

(No) in geriatric service provision

(No) in State custodial decisions to institutionalize children between 0 and 3 years old

Explanation: *The need for a gender-based approach to public health is connected with the necessity to identify ways in which health risks, experiences and outcomes are different for women and men and to act accordingly in all health-related policies.*

There were 702 clinics at the end of 2010. They conduct examinations of persons suffering from chronic diseases such as diabetes and blood pressure. A medical commission on geriatric care has been established and two towns, Hama and Deir Atiya, have been declared friends of older persons in Syria.

B. Safety

12. Are there any national policies regarding women’s safety in public spaces?

Yes (Yes) No (...)

If “yes”, please give references.

All Syrian legislation, including the Constitution, the Criminal Code and a number of specific laws, prohibit all forms of molestation and assault perpetrated against women in public places.

In addition, certain articles of the Criminal Code penalize any attack perpetrated against a woman that involves beating, abuse or sexual assault in either public or private places. Whenever a woman files a complaint concerning an attack, the Public Prosecutor’s Office is required to initiate proceedings in accordance with the aforementioned provisions of article 1 of the Code of Criminal Procedure.

13. Have there been any public opinion research polls on the fear of crime among women and men (over the last five years)?

Yes (...) No (No)

If “yes”, please give references and the outcomes of such research polls.

Any crime committed by a man or a woman is fully recorded in all Syrian files and the perpetrator is prosecuted in accordance with the criminal legislation in force. During the last five years, places located beyond State control have been the scene of crimes of murder and assault on women and children, and the perpetrators have remained unpunished because of the lack of official judicial institutions in the areas concerned.

14. Are there any measures and programmes undertaken in order to increase women’s safety, i.e. in public urban spaces, in public transportation, etc.?

Yes (Yes) No (...)

If “yes”, please give references.

Article 1 of Legislative Decree No. 11 of 1966, which specifies the functions of the Ministry of Health, and the Syrian Criminal Code.

15. Are there any statistics on crimes amounting to violence against women in public spaces and/or domestic violence?

Yes (Yes) No (...)

If “yes”, please give references.

Any woman who is the victim of a crime either in a public place or in her home may file a complaint with the Public Prosecutor’s Office, which institutes proceedings against the perpetrator with a view to seeking justice in the Syrian courts. In some cases, however, a woman is deterred by customs and traditions from filing a complaint if she has been subjected to domestic violence by a family member.

16. Is the sex of the victims reflected in the police, prosecutors’ and court records?

Yes (...) No (No)

If “yes”, please give references.

The law makes no distinction between men and women when it comes to filing a complaint pursuant to article 1 of the Code of Criminal Procedure. Moreover, pursuant to Act No. 29 of 2013 concerning legal aid, any person who lacks the necessary resources may obtain legal assistance in order to seek justice.

C. Health and safety**17. Are there any data and/or results of research on the detrimental influence of the feeling of insecurity and unsafety on women’s mental health?**

Yes (...) No (No)

*If “yes”, please give references.***18. Are there specific health and safety protective measures for women, and/or with special provisions for mothers with young children, in “closed” institutions, including in:***(Please specify in the space provided for this purpose “yes” or “no”)*

(Yes) prisons (e.g. measures similar to the Bangkok Rules)

(Yes) police detention cells

(Yes) psychiatric hospitals

(No) pre-deportation centres

There are no such places in Syria.

(Yes) camps for displaced women and families (if relevant)

Health care is provided in the sheltered accommodation provided by the State for displaced families. There are no camps in Syria for displaced or refugee women.

(Yes) nunneries

(No) women's shelters

There are none in Syria.

If "yes", please provide any information about the protective measures established.

Comprehensive medical care is provided in the sheltered accommodation by means of regular visits by specialist physicians, continuous care for the ill, provision of the requisite treatment, and special health care for mothers and children.

19. Are there specific training programmes for medical and legal professionals on the issue of gender-based discrimination in the area of health and safety?

Yes (Yes) No (...)

Do they cover: *(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) the issues connected with specific women's needs in the area of health

They cover areas such as reproductive health, the health of pregnant and nursing women, and mental health. Training teams for emergency obstetric care have been established at governorate level. A number of workshops have been held to raise awareness of AIDS and to protect mothers and children. There are also health programmes for adolescents, and training courses have been provided for psychological counsellors in schools on psychological aid for adolescents experiencing crises and psychological mutation.

(No) specific women's vulnerability to be victims of gender-based violence or specific crimes, covering e.g. the issues of:

(No) the nature of gender-based violence

(No) its occurrences and symptoms

(No) methods of detection

(No) medical protocols

() influence of gender-based violence, in particular of sexual violence, on the future behaviour of victims (post-traumatic stress symptoms, etc.)

No law in the Syrian Arab Republic makes a distinction between the sexes in the area of public health. The Ministry of Health has organized a number of health-care training courses. For instance, it established training teams specializing in emergency obstetric care in cooperation with the United Nations Population Fund (UNFPA). It also established healthy village programmes, health programmes for adolescents and mental health programmes.

III. Could you please indicate any legislative reform, policy or practice that you consider “good practice” regarding health and safety for women in your country?

If yes, please indicate on which criteria your definition of “good practices” is based.

The Constitution, the amended Criminal Code, the Act concerning legal aid, the Labour Code, the Act concerning human trafficking, the programmes of the Ministry of Health concerning reproductive health, mental health and the health of older persons, the healthy villages and healthy desert programmes, and the premarital medical examination programme.
