

# كسر القوالب Breaking the mold

#Breaking\_The\_Mold

## Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Syria

### Domestic Violence Law in Syria: Constant Need and Shy Demands

| An Author and Journalist from Syria |

#### BACKGROUND

The Syrian Law does not criminalize domestic violence, which is the violence that occurs within the family against one of its members. No independent article exists in the Syrian Penal Code related to domestic violence<sup>1</sup>. However, the law imposes sanctions in some of its articles such as imprisonment and fines for crimes within the family, whether verbal, moral or physical, including libel, vilification, incest, child kidnapping, marital rape, beatings, abuse, assault, harassment and others.

Theoretically, this means that whoever has been subjected to emotional or physical abuse within the family can resort to the Syrian courts and file complaints and sanction the abuser. However, the reality proves the rareness of resorting to these courts in domestic violence cases, particularly by women due to the commitment to social norms and fear of being accused of neglect and being classified as unfit wives and mothers, so that the supreme authority in Syrian society remains for men, even though the Syrian Constitution provides full equality among Syrians, regardless of their gender. In addition, no safe and comfortable mechanisms are available to ensure that battered family members obtain protection and fairness in case they are exposed to some forms of domestic violence.

Furthermore, no official or unified statistics exist on the number of victims of domestic violence in Syria. Nevertheless, many reports and studies issued since the early 1990s until today have indicated the extent of this phenomenon and its spread in society, as the percentage of women exposed to physical and verbal violence

ranged between 20 And 50 percent of Syrian women, which dramatically increased during the war as a result of the social pressures that most Syrian families<sup>2</sup> have suffered from. Hence, statistics are scarce regarding violence against family members in general, whether they are women or children<sup>3</sup>.

<sup>2</sup> In this regard, the following links can be found:

Afra Muhammad, *The Syrian Woman a Victim of Violence and Social Traditions*, 2006, <https://goo.gl/D9HV6z>

The Syrian governments answers to the questions of the Committee concerning the Elimination of Discrimination against Women, 2007, <https://goo.gl/UCJsTQ>

Rahada Abdoush, *Oasis of Hope, a shelter for battered women*, 2007, <https://goo.gl/ywNQbt>

Ahmed Kamel, *Syria gathered to combat violence against women*, 2009, <https://goo.gl/cNN7bs>

Sabah al-Hallaq, *Violence against Syrian women*, 2010, <https://goo.gl/3iyCSM>  
Report on the analysis of the national situation in Syria from Euro-Mediterranean Gender Equality Program, 2010, [https://library.eunighbours.eu/sites/default/files/arabic\\_1.pdf](https://library.eunighbours.eu/sites/default/files/arabic_1.pdf)

One in three women experiences physical violence in Syria, 2010, <https://goo.gl/ULKYQ9>  
Amnesty International preparing a report on violence against women in Syria, 2010, <https://goo.gl/kyseSn>

Youssef Braik and Muhammad Akram Al-Qash, *Syrian Commission for Family Affairs and Population study on domestic violence*, 2010, <http://musawasyr.org/?p=1134>

Muhammad Manar Hamijo, *Nofal for "Al-Watan": Increased cases of harassment and 50% of women are beaten*, 2016, <http://alwatan.sy/archives/42620>

<sup>3</sup> In this regard, the following links can be found:

Yamen Sohail Mustafa, *Domestic Violence and its Relation to Psychological Consensus among Adolescents, A Field Study on High School Students in Damascus City Schools*, <https://goo.gl/MkC9SW>

Iman Ahmed Wannous, *Domestic Violence in Marginalized Environments Are More Dangerous*, 2010, <https://goo.gl/baWaBr>

The state of childhood in Syria, 2010, <https://goo.gl/JJGh73>

<sup>1</sup> The full text of the law is available on the Syrian Ministry of Justice website <https://goo.gl/Ycemxo>

## ISSUE'S TEMPORAL EVOLUTION AND CIVIL SOCIETY'S ROLE

The year 1995 can be considered one of the turning points in civil work in Syria in combating violence against women and the development of awareness of the domestic violence issue, as this year witnessed the first participation of the Syrian Women's League in the meetings of the Arab Permanent Court to Combat Violence Against Women, which was held for the first time at the level of the Arab world in Lebanon<sup>4</sup>. In this context, a member of the General Secretariat of the Syrian Women's League said, "At that time we really got to know the various forms of domestic violence, especially against women and in most Arab countries, and we pledged upon our return to turn this case into a public opinion issue in Syria"<sup>5</sup>.

Indeed, in 1995 a committee was established to support Syrian women in confronting all forms of violence directed against them as part of the work of the Arab Court. The Syrian Women's League entered as a member of the Coordinating Committee for the Work of the Arab Permanent Court to Combat Violence against Women, and many Syrian civil society organizations emerged to work on changing personal status laws and penalties, which are the main basis for all forms of domestic violence, especially against women.

In the same year, several human rights defenders and activists began working in combating violence against women after the Beijing Conference on Women. A lawyer active in this field said: "Since the beginning of my career in law, I have known the extent of injustice that women suffer as a result of discrimination in the Syrian laws and the practices associated with them. Starting in 1995, Syria witnessed great activity in cooperation with many feminist and human rights organizations, the General Women's Union, the Family Planning Association, and many jurists and activists to develop the reality of Syrian women and the family. Our activities included holding awareness-raising sessions, seminars and meetings, and drafting legal amendments that we believe are necessary to eliminate domestic violence"<sup>6</sup>.

With President Bashar Al-Assad taking over the country's governance in 2000 and the beginning of the Damascus Spring phase, which witnessed an unprecedented political, societal and civil movement locally despite its limitations, feminist organizations and activists in the field of women's rights took advantage of the new circumstances and the openness to other Arab civic experiences to re-raise women's and domestic violence's issues louder. A member of the General Secretariat of the Syrian Women's League said: "We have moved from the phase of thinking about domestic violence in general to entering into the details of violence directed against family members and how it is possible to work to resist each detail separately and with appropriate means"<sup>7</sup>. During that period and until 2011, the efforts aimed at combating various forms of domestic violence and adopting a law on domestic violence expanded with many organizations, human rights defenders, activists and the media. According to a lawyer active in the field of women and family rights, "After 2000, I felt that we became stronger and more numerous, our efforts were organized, and we now have well-defined goals"<sup>8</sup>.

4 The court was formally established in 1996 in Rabat, Morocco, as a popular symbolic court working to combat all forms of violence against women, after the 1995 Beirut meeting that held the name of the Arab Women's Court. For more, you can see the following link: <http://sudaneseonline.com/board/81/msg/1132339483.html>

5 Interview with a member of the secretariat of the Syrian Women's League on November 2018,<sup>7</sup>

6 Interview with a lawyer active in the field of women and family rights, on 15 March 2019

7 Interview with a member of the secretariat of the Syrian Women's League on November 2018,<sup>7</sup>

8 Interview with a lawyer active in the field of women and family rights, on 15 March 2019



After 2011, it can be seen that most of the campaigns and efforts focusing on adopting a special law on domestic violence have ceased almost completely, especially with the departure of many activists and actors in this field outside Syria. Their efforts and those who remained inside the country are directed towards the most urgent humanitarian, development or political issues, despite the great need to abolish discriminatory laws against women and adopt laws related to all forms of violence in society, mainly because the phenomenon of violence has expanded and became more evident during the war with the disintegration of many Syrian families and their falling under unprecedented social, economic and psychological pressures<sup>9</sup>.

## ADOPTED STRATEGIES AND TACTICS

During the various phases of the struggle to enact a law on domestic violence, change the relevant legislation and create a legal environment that helps combat domestic violence, many tactics and strategies have been used, including:

- Participating in the Arab campaign "I am not the captive; I am not the free woman, I am the woman partner", aiming to combat arbitrary divorce, which is one of the most practiced forms of domestic violence and has a negative impact on all family members.
- Implementing workshops in many Syrian governorates for media professionals and civil society workers to raise awareness about this issue.
- Signing hundreds of postcards to demand amendments to the Syrian Personal Status Law and sending a copy to the Republican Palace as a way to draw attention to the issue.
- The Syrian Women Support Committee raised media awareness about the issue by publishing periodic articles in some newspapers and magazines.

9 Interview with a lawyer and women's rights activist on November 2018,<sup>21</sup>



- Launching a campaign against honor crimes in 2005<sup>10</sup>, the perpetrator was granted a mitigating excuse for his crime. He is exempt from punishment according to the Syrian Penal Code issued in 1949.
- Developing the National Plan to Protect Women from Violence and the National Child Protection Plan in 2005 by the Syrian Commission for Family Affairs and Population and several civil society organizations and human rights and feminist activists. It included a set of short and long-term strategies and policies that span three levels: awareness and prevention, protection and support, treatment and reintegration, in addition to raising awareness about the dangers of domestic violence and trying to reduce its frequency in society.
- Drafting a law on protection from domestic violence in 2007 by a group of activists and feminist groups.<sup>11</sup>
- Opening some centers dedicated to serving domestic violence women victims, including the Good Shepherd Sisters Center<sup>12</sup> and the National Association for Women's Action in Development<sup>13</sup>
- The struggle for Syria to sign the "Convention on the Elimination of All Forms of Discrimination Against Women" agreement to combat all forms of violence against women, after many organizations and individuals worked to pressure it to sign it and raise awareness on the importance of joining this convention and effectively implementing it.

After 2011, limited efforts can be monitored by various organizations and associations in dealing with domestic violence cases, providing protection services to family members exposed to all kinds of violence, and organizing some awareness campaigns during The International Days for the Elimination of Violence against Women.<sup>14</sup> As for legal efforts and not adopting the domestic violence draft law proposed in 2007, the Syrian Women's League and some actors in the field of combating domestic violence in Syria signed the draft model law to combat violence against women and girls in Arab countries in 2017, issued by the Lebanese organization "KAFA (Enough) Violence & Exploitation", with the participation of Arab human rights defenders, to become a draft law aimed at protecting women from violence practiced against them in Arab societies."

## POLICY OUTCOMES

Since 1995, there has not been a single organized campaign to demand a law against domestic violence in Syria. Rather, efforts have focused from time to time around a set of demands that organizations and activists gather around to achieve. Most of the efforts were limited to media and awareness campaigns and to help victims overcome the effects of violence, instead of focusing mainly on adopting a law on domestic violence or including articles on domestic violence in the Penal Code to criminalize this abuse and amending the Personal Status Law that is discriminatory against women, meaning that most of these efforts are focused on treatment, not prevention of the root that caused the problem.

<sup>10</sup> The number of annual honor crimes in Syria before 2011 was estimated at ~200 300 crimes. It is difficult to determine accurate figures for them after 2011. For more, the following link is available on the Qantara website <https://goo.gl/YX26Xn>

<sup>11</sup> To view the text of the proposal, you can visit the following link on the Lawyer Net website <https://goo.gl/xQVKsD>

<sup>12</sup> The line of trust is the hope of every woman who has been a victim of violence, 2008, <https://goo.gl/XfEsVr>

<sup>13</sup> Hammam Kadar, an oasis of hope for battered women, 2011 <https://goo.gl/xLtuW5>

<sup>14</sup> Please review the following links in this regard: The Syrian Commission for Family Affairs and Population inaugurates the Family Protection Unit, 2017, <https://www.sana.sy/?p=519380> A workshop for the Syrian Commission for Family Affairs and the Childhood Committee in the People's Assembly, 2015, <https://goo.gl/VkMqGQ> Learn about the activities of the 16 Days to Combat Gender-Based Violence, 2018, <https://goo.gl/chSFut>

Thus, the success was partly in passing a domestic violence law, as it remained at a narrow level that does not exceed some articles in the Penal Code.

For instance, the campaign against honor crimes succeeded in achieving its goal after years of struggle, as the law was amended in 2009. The perpetrator imposed a penalty of no less than two years on the condition that there is an element of surprise in the flagrant delicto. In March 2020, the People's Assembly approved the abolition of Article 548 related to honor crimes in the Syrian Penal Code, which used to give an excuse to the perpetrators of these crimes, as they are now considered any other murder<sup>15</sup>.

The pressure on the Syrian government to sign the "Convention on the Elimination of All Forms of Discrimination Against Women" agreement succeeded in achieving its goal. Syria joined the agreement in 2002, but this success was considered incomplete because of Syria's reservation on many acts and articles of the agreement and not taking the necessary measures to actually activate the agreement and raise awareness about it within the Syrian society.

Moreover, the campaign's primary goal calling to enact a law on domestic violence in Syria has not been achieved, as the draft law that was drawn up in 2007 remains a mere draft that has not yet been adopted. A member of the General Secretariat of the Syrian Women's League said: "The truth is that we did not have sufficient tools regarding domestic violence, and the discussion in this area was less mature than the discussion in other campaigns, especially the campaign calling for a change in the nationality law, and the issue did not represent a priority for all civil society organizations and authorities"<sup>16</sup>.

Hence, the debate about domestic violence in Syria often revolves around violence against women and sometimes against children. According to the vision of those working in this field, despite the importance of talking about domestic violence as a whole, the division of work into smaller units makes work easier and more effective in light of the political and civil climates prevailing in Syria, which is characterized by the narrow margins available and the large number of red lines restricting work. This does not eliminate the need to enact a comprehensive domestic violence law.

## CONCLUSION

Despite the partial successes achieved by the Syrian civil society in adopting the domestic violence law, they are achievements that deserve to be appreciated and looked at positively, considering the difficulty of civil work in Syria and the great obstacles it faces. One of the female lawyers active in this field said: "We have had a role since 1995 in working to combat domestic violence and violence against women in Syria. Perhaps it is a simple role that does meet the hopes that we had. It may have achieved partial results or contributed to changes that are more like "patches". However, our work had a good resonance at the local and official media level and formed the basis for any subsequent work in this regard"<sup>17</sup>.

The factors impeding the struggle of civil society organizations over the enactment of the domestic violence law are similar to those associated with the amendments to the nationality law,

<sup>15</sup> The People's Assembly enacts three draft laws, including the abolition of an article from the Penal Code related to honor crimes, 2020, <https://www.sana.sy/?p=1122224>

<sup>16</sup> Interview with a member of the secretariat of the Syrian Women's League on December 2018, 26

<sup>17</sup> Interview with a lawyer active in the field of women and family rights, on 15 March 2019

in terms of the authorities' refusal to consent to the civil society except at a minimum that does not pose a threat to the political and civil stalemate in which the authorities prefer to keep the country within it, provided that they make a change that may undermine the state of balance existing with all parties, whether political, civil or religious, a situation that ultimately guarantees the continuation of this authority and the weakness of other players.

At the same time, civil society efforts in Domestic Violence Law seem to be more dispersed and inclined to engage in what is easier and less problematic. There is no problem in helping women or children who are victims of violence, but without looking into problem's origin and trying to solve it radically. This situation has greatly strengthened after 2011, as despite the emergence of hundreds of civil society organizations in Syria, their work remains within the permissible framework, as well as these associations prefer to remain within this framework for fear of permanently disrupting their work. According to the principle of "ophthalmia is better than blindness", a proverb means being satisfied with the bad to avoid what is worse than it. This situation has been reinforced by the Syrian authorities' taking the ongoing war in the country as an excuse for not giving priority to family and women's issues because of other more urgent humanitarian issues, which is a justification that only constitutes no more than an excuse, especially if we take into consideration that the changes undertaken by the Syrian authorities since the past decades are not serious and are just a signature that does not amount to radical transformations in the fundamentals of Syrian laws and related practices.

On top of that, the official and legal situation prevailing in Syria greatly impedes any alliances among civil actors, and these challenges take many forms, such as the difficulty in obtaining licenses for new associations and the security pressures imposed on workers in this field like security harassment and travel bans.

Hence, the importance of the cumulative work that may extend to many years to achieve the desired goal by adopting a Syrian Law on domestic violence, knowing the margins that the Syrian authorities allow for civil work and trying to benefit from and expand them when possible, which seems achievable in some cases, as well as the importance of uniting the efforts of Civil Society Organizations working to achieve this goal, and focus these efforts on everything that could be useful in this context, such as spreading legal and human rights awareness, especially among victims, and networking with the main actors and stakeholders in an attempt to turn this case into a public opinion issue, particularly when it became an urgent need after the outbreak of the war in Syria, hoping that this would contribute to pressure to enact the required law and put in place mechanisms to ensure its implementation and strategies to assure that family members can access their rights. A journalist active in the field of women and family rights said: "It is shameful that we do not have a law in Syria against domestic violence, and that we wait every time for decades to obtain some simple benefits. The family situation in general, and women in particular, may seem advanced, but it is an outward situation because reality and laws still need great efforts to develop them"<sup>18</sup>.

In this context, it is evident that civil tensions on both sides of the conflict and a divided society pose challenges to the Syrian civil society organizations to establish their legitimacy and their ability to work at the national level. The limited space available for civil work has prompted a focus on the priorities of donors rather than the needs of local beneficiaries and manipulation of the civil agenda to achieve political goals, whereby an "elite" was formed that relies on civil work and enhances its patronage networks, in exchange of its lack of sustainable resources and transparent administrative systems that affect its financial and political immunity, impede its effectiveness and prevent it from establishing networks and pressure groups on the Syrian authorities and external supporters.

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<sup>18</sup> Interview with a lawyer active in the field of women and family rights, on 15 March 2019

## BREAKING THE MOLD PROJECT

*In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.*

*Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.*

## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

*at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.*


## THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

*The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.*


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