



Towards Equal Citizenship

Advancing Policies Aligned with Women's Rights and Gender Equality in National and International Political Processes

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Introduction

Gender equity and inclusive democracy require the active involvement of women in national and international political processes. Some define democracy as free and fair elections, transparent and accountable political institutions, low corruption, an independent judiciary, rule of law, minority rights, and freedom of the press, expression, and assembly. Nevertheless, we must look beyond these parameters and ensure that those elected represent the diverse demographics of the population, including women, men, and minorities. In this case, male-dominated parliaments cannot be considered legitimate democratic bodies.

The international community has endorsed treaties that guarantee women's political equality, such as the Convention on the Political Rights of Women, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Security Council Resolution No. 1325, and its subsequent resolutions. However, male-dominated power structures and societal norms aimed at preserving men's control and interests, along with a legal environment that does not adequately support women's participation, have impeded the realization of true equality. Unfortunately, the gender gap in political participation continues to be immense to this day.

To bridge this gender gap, democracy must be founded on inclusion and pluralism. This requires adopting gender-sensitive secular constitutions, enshrining women's rights in the law, repealing all discriminatory legal provisions, and enforcing a quota that guarantees gender parity in all elected bodies, state institutions, and international bodies. States must also ensure that all citizens have an equal opportunity to be elected to office. To this end, they should enact fair electoral laws that create equality of opportunity and outcome for all citizens, and they should adopt a gender-sensitive electoral system, such as proportional representation.

Moreover, the laws governing political parties must include provisions that oblige them to advance women's political engagement. Stipulating that a particular percentage of members and founders be women is one way to do so. Additionally, these laws should mandate political parties to uphold gender equality in all of their statutes and ensure that these statutes are gender-sensitive. Political parties should also take measures to encourage women to run for office. One

way to achieve this is by placing female candidates on their electoral lists in a manner that increases their chances of winning. Another way is to involve them in monitoring the electoral process.

When men and women have equal representation and participation in decision-making, the resulting political system becomes more reflective of the composition of society. This balance, in turn, can help rebuild the political system and fortify democracy.

Written at a critical stage in Syrian history, this paper examines the gender dynamics of political participation in Syria and the extent to which women enjoy political and civil rights. At present, the political and civil rights of all Syrian men and women have been undermined by the de facto political and military authorities controlling Syria's three regions of influence: the regime-held areas, Northeastern Syria, and Northwestern Syria.

The Syrian regime suppresses any genuine political opposition. Political pluralism is now allowed in Syria, and dissenting opinions, protests, and associations are subdued. As for the areas held by the opposition factions, human rights are violated in additional ways. These factions do not uphold freedom of thought and belief, imposing behavioral norms and dress codes that force women to wear the niqab. The freedom of movement of women is also restricted, and women from minority communities are subjected to abuse and assault. In addition, these areas suffer from extremely high rates of kidnapping and rape.

The aim of this research is to put forward a set of recommendations to promote the participation of Syrian women in the national and international political process. To this end, the research conducts an analysis of the legal, political, and social context in each of the three Syrian regions to answer three fundamental questions:

- ◆ What is the legal framework at the national and international levels that governs the political participation of women?
- ◆ How do the varying ideologies of the de facto powers impact women's participation in political processes?
- ◆ What measures should be taken to foster meaningful participation of Syrian women in national and international political processes?

This paper begins with the hypothesis that women's involvement in political processes is dialectically related to:

- ◆ The scope of freedoms and political rights safeguarded by the de facto powers
- ◆ The level of despotism and radicalism exhibited by the de facto powers
- ◆ Social culture

This descriptive and analytical paper takes a holistic approach. It begins by analyzing the general state of political rights in the country and the mechanisms for ensuring that they are respected. The analysis then deepens to illustrate the state of human rights in Syria from a gender-sensitive lens. Next, it analyzes the commitments that the Syrian government has made to the international community with regard to women's rights. Subsequently, it analyzes the role that women have played in the international political process. After that, through an overview and examination of press reports, academic studies, and reports that have been issued by international bodies on women's rights in Syria, it unpacks the local and national laws of Syria, the various forces dominating the country, and their violent ideologies that discriminate against women. Finally, a set of structured qualitative interviews were conducted with feminists, jurists, human rights activists, politicians, and researchers in all three regions.

International Human Rights Law and International Humanitarian Law

International Human Rights Law: Signing, Ratifying, and Making Reservations

Syria took part in drafting the International Bill of Human Rights (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights), and it has ratified eight human rights treaties. However, it has abstained from ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, making it far more difficult to uncover the fate of the men and women who have been forcibly disappeared since 2011.

An overview of the most significant international accords tied to the political participation of women is presented below:

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was ratified by Legislative Decree No. (333) of (2002). However, reservations were made with regard to the stipulation listed below. It is important to note that any reservation regarding any CEDAW provision discriminates against women. The reservations of the government have reinforced discriminatory Syrian legislation that had already been in place, including personal status laws, penalties for certain crimes, and nationality laws. The reservations also made these laws harder to repeal. Nonetheless, ratifying CEDAW obliges the Syrian government to make certain changes, which is particularly explicit in Article 1. The CEDAW Committee often sends the Syrian government feedback and recommends repealing discriminatory laws and practices.

- ◆ Article 2 Parties to the agreement must fight discrimination against women in all its forms by enshrining gender equality in their national constitutions and laws, taking legal measures and passing legislation that penalizes any form of discrimination against women, establishing legal protections of the rights of women, and repealing all national penal provisions that discriminate against women.

The Syrian government eventually retracted its reservation to this article by virtue of Decree No. 320 of 2017 but stipulated that exceptions would be made in instances when compliance with this article contradicts Islamic law.

- ◆ Article 9 Paragraph 2: Women must have an equal right to pass their nationality on to their children.
- ◆ Article 15 Paragraph 4: Both women and men must be free to choose their place of residence and enjoy freedom of movement.
- ◆ Article 16 paragraph 1 item c, d, f, g: Parties to the agreement must do everything needed to eliminate discrimination against women in personal status laws. Men and women must enjoy the same rights with regard to their marital duties, ending their marriage, deciding whether to have children and how many to have, guardianship and adoption, and choosing their family name, profession, and occupation.
- ◆ Article 29 Paragraph 1: In the event that two or more countries fail to negotiate a settlement to a dispute about the interpretation or application of this agreement, it can be submitted to the International Court of Justice for arbitration.

The Syrian government refused to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which tasks the Committee on the Elimination of Discrimination against Women with receiving and considering complaints sent by individuals or groups claiming to have had any of the rights mentioned in CEDAW violated.

The Protocol also identifies the specific measures the Committee takes to verify these complaints and the steps that the state itself must take in investigating them, which include submitting reports to the Committee. Ratifying this Protocol is pivotal to ensuring that parties to the agreement respect the provisions of the Convention, and it contributes strongly to the effort to do away with all forms of discrimination against women.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified by Legislative Decree No. (39) of (2004), but reservations regarding Article 20 were made. Article 20 stipulates the formation of a Committee against Torture to investigate violations of this Convention in the event of the emergence of reliable information of systematic torture.

The Syrian government also refused to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This Protocol tasks the Subcommittee on Prevention of Torture with conducting visits to detention centers (prisons, places of detention, and security centers) to verify that the provisions of the Convention are not being violated and that all international human rights standards are met.

Security Council Resolution 1325 (Women, Peace and Security) of 2000 and subsequent resolutions

- ◆ Resolution 1325 of (2000): Emphasizes the importance of women being equally and fully involved in efforts to prevent and resolve conflicts and build peace.
- ◆ Resolution 1820 of (2008): Recognizes rape and other forms of sexual violence as war crimes, crimes against humanity, or genocide. It prohibits granting amnesty for conflict-related sexual violence under any circumstance.
- ◆ Resolution 1888 (2009): A follow-up to Security Council Resolution 1820, it tasks peacekeeping missions with protecting women and children from sexual violence during armed conflicts. It also calls on the Secretary-General to appoint a special representative for sexual violence in armed conflicts in order to expedite reporting on sexual violence in armed conflicts and develop better mechanisms for monitoring and reporting such violations.
- ◆ Resolution 1889 (2009): Calls for continuing to strengthen the participation of women in peace processes, developing strategies to increase women's involvement in conflict resolution, and identifying indicators through which to measure the progress being made in implementing Resolution 1325.
- ◆ Resolution 1960 (2010): Complements previous resolutions on violence against women in armed conflicts and recommends measures to prevent it.
- ◆ Resolution 2122 (2013): Calls on all Member States to take stronger action against impunity for sexual violence.

The importance of Resolution 1325 and those that followed stems from the fact that they allowed the women of Syria to have their say in the international political process. The following bodies were formed as a result of these resolutions:

1. Syrian Women's Advisory Board (SWAB): established in 2016 by the Office of the Special Envoy, Staffan de Mistura, the idea behind this Board is to ensure that women's perspectives are considered and that all the key junctures of the UN political peace process for Syria¹ are gender-sensitive. However, it has been sharply criticized for its

¹ Office of the Special Envoy of the Secretary-General for Syria, Syrian Women's Advisory Board, <https://2u.pw/aP3qWt>

lack of transparency, violating confidentiality, failure to voice the perspectives of the women on the ground, and being monopolized by a small group of women for over seven years.

Recommendations - Syrian Women's Advisory Board:

- ◆ End the secrecy around the work of the SWAB, and develop a framework for ensuring greater transparency. This can be done by regularly issuing newsletters about its activities.
- ◆ Develop a mechanism for communicating with feminist and civic organizations and activists across Syria (annual meetings, dialogue sessions, visits to camps, and interviews).
- ◆ Appoint new members to the SWAB to avert leaving it monopolized by a few women.
- ◆ Add women from minority backgrounds to the Board.
- ◆ Use/ Activate the advisory role of the Board and stop making non-binding recommendations.
- ◆ Develop frameworks for coordination and cooperation between the Syrian Women's Consultative Board and the Syrian Constitutional Committee.
- ◆ Exchange experiences, studies, working papers, and advice with members of the Constitutional Committee.

2. Women's participation in the Syrian Constitutional Committee: The United Nations wanted to ensure that women make up no less than 30% of the Syrian Constitutional Committee and called on all parties to meet this quota. The United Nations compensated for the limited representation of women in the delegations of the government and opposition by raising the percentage of women representatives of civil society to as high as 28% at its peak.²

² Friedrich Ebert Stiftung, Women's Political Participation in Syria - Legal Analysis, p. 22, 2022, <https://2u.pw/N78x16>

Special recommendations - Syrian Constitutional Committee

- ◆ Put the feminist agenda on the negotiating table.
- ◆ Establish an independent committee of female gender experts to monitor the gender sensitivity of the Constitutional Committee, and allow these experts to attend sessions as observers and submit reports on them.
- ◆ Develop a framework for communication between the Constitutional Committee, the Women's Advisory Board, and Syrian women's organizations.
- ◆ Continue to advocate for a gender-sensitive constitutional process.

3. High-level briefings to the Security Council: Nine Syrian women have given high-level briefings to the Security Council since 2019. Prior to this date, no woman representing civil society had given a high level briefing to the Security Council³.
4. Civil Society Support Room: UN Special Envoy Staffan de Mistura established the Civil Society Support Chamber to represent Syrian organizations in Turkey, Jordan and Lebanon. 45% of its members are women⁴.

The tyranny of the various de facto authorities in Syria and the patriarchal nature of Syrian society are among the most prominent obstacles to the implementation of Resolution 1325. This is evident from the Syrian government's refusal to develop a national plan for Resolution 1325 despite the immense efforts of women's organizations.

³ Friedrich Ebert Stiftung, Women's Political Participation in Syria - Legal Analysis, p. 22, 2022, <https://2u.pw/N78x16>

⁴ Omran for Strategic Studies, Diaa al-Shami, A Study On The Participation of Syrian Women in Politics, p. 24.

Recommendations - International Human Rights Law:

- ◆ Add an article to the constitution stipulating that international agreements take precedence over national legislation.
- ◆ Lift all reservations to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)
- ◆ Ratify the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women. This would grant individuals and groups the opportunity to communicate with the committee directly and submit complaints in cases of discrimination and violence against women.
- ◆ Repeal the reservations to The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as they hinder its implementation.
- ◆ Ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This would allow the Subcommittee on the Prevention of Torture to conduct visits to detention centers and verify that the Convention is being respected and that all international human rights standards are being met.
- ◆ Ratify the International Convention for the Protection of All Persons from Enforced Disappearance. This is pivotal for uncovering the fate of the many Syrian citizens who have been disappeared since 2011.
- ◆ Educate women, feminist and civic organizations on:
 - The role of the Special Rapporteur on Violence against Women and Girls, as well as how to submit reports on violence against women and girls, as well as other non-contractual international human rights instruments (the Special Rapporteurs, the Universal Periodic Review, and the System of Special Procedures) for *creating coalitions* and submitting reports and complaints.
 - Writing shadow reports, forming alliances to submit them, and pressuring the government to submit its periodic reports.
 - Mobilization and advocacy skills; which can be used to pressure the Syrian government to cooperate with all United Nations bodies and contractual and *non-contractual instruments*. These skills are especially relevant given Syria was among the first countries to sign the Universal Declaration of Human Rights and ratify several of the world's foundational international human rights treaties.
- ◆ The need to respect Security Council Resolution No. 1325 and subsequent resolutions, especially Resolution 1820, which recognizes all forms of sexual violence against women as a war crime or a crime against humanity.

International Humanitarian Law

The Syrian government has ratified the four Geneva Conventions and both the supplementary protocols added in 1977. The provisions of these pillars of international humanitarian law are intended to make wars less barbaric and protect those who are not taking part in the hostilities. They also emphasize respect for gender equality must be respected in times of war and that special protections from rape, sex slavery, forced prostitution, and any form of degrading violence must be afforded to women.

Recommendations - International Humanitarian Law:

Pressure the Syrian government to ratify the Rome Statute (International Criminal Court), which recognizes rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of this gravity as a crime against humanity and a war crime. It also stipulates that special protection from all forms of assault, sexual harassment, rape, degrading treatment, and torture must be afforded to women.

International Criminal Law

The Syrian government has signed but not ratified (it is not obligated to) the 1998 Rome Statute of the International Criminal Court, which established the International Criminal Court and recognized rape, sexual slavery, forced prostitution, forced pregnancy, sterilization and any other form of sexual violence of this gravity as a crime against humanity and a war crime. It also stipulates special protections for women from all forms of assault, sexual harassment, rape, degrading treatment, and all forms of torture.

Despite the significance of all of these international agreements, the Syrian constitution of 2012,⁵ which was adopted to give the false impression that the ruling authorities were responding to the people's demand for change, did not make any alterations to the articles in the (1973)⁶ constitution that define the basis of legislation.⁷ "Islamic jurisprudence" continued to be the "primary source of legislation." Moreover, the new constitution did not make any mention of any of the legal foundations nor stipulate that national laws must be aligned with those other sources. The fact that the primacy of international law over national legislation is not stipulated in the constitution means that the legislator must not traverse the confines of Islamic law when passing legislation.

⁵ Article 3- Paragraph 2 of the Constitution (2012): "Islamic jurisprudence is the primary source of legislation."

⁶ Article 3- Paragraph 2 of the Constitution (2012): "Islamic jurisprudence is the primary source of legislation."

⁷ Article 3- Paragraph 2 of the Constitution (1973): "Islamic jurisprudence is the primary source of legislation."

Areas Controlled by the Syrian Government

First: Constitutional and Legal Context

Emergency Law and the Absence of Partisan and Political Pluralism

A state of emergency was declared in Syria On March 8, 1963, through Legislative Decree No. 51 of 1962 (better known as the Emergency Law).⁸ Despite the fact that the president of the republic ended the state of emergency on March 21, 2011, it is still in effect today. This law imposes restrictions on freedom of assembly and movement, as well as allowing for the preventative detention of those suspected of posing a threat to security and public order. In addition, it allows the authorities to investigate anyone at any time and place, surveil messages and communications of any kind, and to monitor newspapers, pamphlets, art, magazines, TV and radio broadcasts, and to monitor all forms of media means of communication and expression before they are made public; these materials can be seized, and the institutions or outlets behind them can be shut down.⁹ The authoritarian regime has terrorized the population through this law, which left both men and women far less interested in engaging in politics, giving rise to a broadly politically illiterate population, whose difficulty understanding the world of politics was exacerbated by the total absence of political pluralism.

Indeed, one party has dominated the political history of Syria since 1970, as the 1973 constitution made the Arab Socialist Baath Party the "leading party of the state and society."¹ It put a "people's democracy" forward as an alternative to political pluralism and encouraged all segments of society to join Baathist organizations. Thus, the party, its theoretical foundations, and the vision of its leader became the only permissible channels for political action. Any individual, group, or party that did not share the ideas and ideology of the Baath Party was sidelined.

Although the 2012 constitution that emerged through Legislative Decree No. (94) of (2012)¹ was nothing more than an attempt by the authorities to give the impression that they were responding to popular demands for change, it did abolish Article 8, making the formation of political parties permissible. However, it did not add any other provisions in this regard, leaving the specifics to national legislation. It did not add any mechanisms for upholding political pluralism and safeguarding the rights and freedoms of individuals engaging in politics either,¹

⁸ The State of Emergency Law Promulgated Through Legislative Decree No. 15 of 1962, Syrian Human Rights Committee, <https://2u.pw/xxEacA>

⁹ Article 4 of Legislative Decree No. 51 of 1962 - Emergency Law.

¹ Article 8 of the Constitution of 1973: "The leading party in the society and the state is the Socialist Arab Baath Party. It leads a patriotic and progressive front seeking to unify the resources of the people's masses and place them at the service of the Arab nation's goals."

¹ Constitution of the Syrian Arab Republic, 2012, <https://2u.pw/UnWd9>

¹ Article 8 of the Constitution of 2012

1- The state's political system is based on the principle of political pluralism, and power is exercised democratically through voting.

2- Licensed political parties and electoral groupings shall contribute to the national political life, and shall respect the principles of national sovereignty and democracy.

3- The law regulates the provisions and procedures related to the formation of political parties.

nor did it obligate the state to take any meaningful measures to enhance the political participation of women, such as enforcing a gender quota on elected and appointed bodies. Women continue to be excluded from the political decision-making process, making up no more than 11 percent of the deputies in the People's Assembly and 7 percent of the ministers in government.¹

3

Recommendations - Secularize the Constitution and Laws of the Country and Make Them Gender-Sensitive (1/2):

Adopt a new constitution with more precise provisions regarding political rights, freedoms, and the political participation of women, including:

- ◆ Explicitly stipulate that women and men enjoy all the equal rights mentioned in international human rights law.
- ◆ Explicitly prohibit discrimination on the basis of gender and enshrine equality before the law.
- ◆ Explicitly stipulate the international human rights law, international humanitarian law, and the international agreements tied to these laws take precedence over state laws.
- ◆ Develop a constitutional framework that guarantees political pluralism, the peaceful transfer of power, and the separation and independence of the different branches of government.
- ◆ Adopt an electoral system for the executive and legislative that:
 - Guarantees free, fair, and transparent elections.
 - Enables women to run in and win presidential elections.
 - Enforce a fifty-percent quota for women in all state bodies and institutions.
- ◆ Adopt a system of government in which power is fairly divided among the branches of government, thereby guaranteeing their independence, removing impediments to political participation, ensuring the peaceful transfer of power, and reinforcing the rule of law.
- ◆ Explicitly allow the formation of political parties.

4- It is not permissible to engage in any political activity or establish political parties or groupings on a religious, sectarian, tribal, regional, factional or professional basis, or based on discrimination based on gender, origin, race or color.

5- It is not permissible to harness the public office or public money for a political, partisan or electoral interest

¹ Enab Baladi, Syrian women's representation...between zero percent and the highest in the world, 2021, <https://2u.pw/lpxtm0>

Recommendations - Secularize the Constitution and Laws of the Country and Make Them Gender-Sensitive (2/2):

- ◆ Include constitutional mechanisms that safeguard freedom of expression (for example: add a provision to the constitution that establishes an independent body tasked with protecting media and press freedoms).
- ◆ Enshrine the right to form professional associations and non-governmental organizations in the constitution.
- ◆ Make all constitutional texts gender-sensitive, mentioning both genders in all provisions.
- ◆ Explicitly stipulate that international agreements take precedence over national laws
- ◆ Stipulate the establishment of oversight and protection bodies that ensure respect for gender equality in the constitution:
 - Establish a national human rights commission.
 - Establish a national commission for gender equality.
 - Form a Board of Grievances that prosecutes those guilty of gender discrimination and is financially and administratively independent of all other authorities.
 - Establish a financially and administratively independent media commission, and abolish the ministry of information.
 - Form an independent national commission that conducts regular visits to prisons and detention centers to monitor the conditions of female and male detainees, as well as addressing reports and complaints of violence.
 - Establish a national observatory to monitor discrimination and violence of all kinds, and follow up on the compliance of state agencies and institutions, holding them accountable if they violate these laws..

Political Parties and Oversight of the Government and Security Agencies

The laws that govern political parties changed through Article 2 of Legislative Decree No. (100) of (2011),¹ which gave the citizens⁴ of the Syrian Arab Republic the right to establish and join political parties. However, several obstacles prevented the people of Syria from establishing real, independent parties. In fact, the conditions for establishing a party laid out by the law itself made it nearly impossible. Surveillance was another impediment. The amendments to the law regulating political parties also failed to do anything to enhance the representation of women or encourage them to join in political parties.

Exclusion and Discrimination on the Basis of Gender, Nationality and Religion in Who Can Become President

The 1973 constitution deprives many citizens of the right to run for the presidency of the republic, as it stipulates that the candidate must be a male Muslim Syrian Arab.¹ Not only did the 2012 constitution maintain these requisites, it also added new ones, thereby excluding a larger segment of the population. The most consequential of these new exclusionary requirements are that the president must be born to a Syrian mother and father, married to a Syrian, and a permanent resident for at least the preceding ten years to apply. These criteria clearly discriminate on the basis of gender, *nationality/ ethnicity*, and religion, as well as deny every Syrian residing outside Syria or born to a non-Syrian mother from exercising their right to run for this position.

5

Electing Legislative Representatives: A Gender-Insensitive Electoral System

The Syrian Electoral Law No. 26 of 1973, which regulates the People's Assembly elections adopts a majoritarian¹ block voting¹ electoral system, which⁷ deprives women and ideological, ethnic, and religious minorities from the chance to be represented. It also facilitates corruption and the purchase of votes, thereby encouraging citizens to vote based on inherited kinship, clan, and other loyalties rather than the merits of their electoral programs.

Electoral Law No. 5 of 2014 maintained this electoral system but introduced amendments. The “Supreme Judicial Committee for Elections” was formed and tasked with ensuring the freedom and integrity of the elections as a result of these amendments. However, the government controlled this Committee, rendering it ineffective. The non-independence of this Committee

¹ Legislative Decree No. 100 of 2011 which includes the Political Parties Law, <https://2u.pw/N84Wli>

¹ Article 83 of the Constitution of 1973: "Any candidate to the presidency of the Republic must be a Syrian Arab and shall enjoy his civil and political rights and freedoms."

¹ A majoritarian system, or a winner-takes-all system in which losing lists are not given seats regardless of the margin by which they lose. Directory of the International Institute for Democracy and Elections - first edition in 2005, p. 5.

¹ In block voting electoral systems³, several seats are voted on in each district, and constituents vote for as candidates as there are seats. Constituents can vote for whichever candidates they want, which encourages constituents to vote for individual candidates rather than lists put forward by parties encouraging. The candidates who receive the highest number of votes are then elected to these positions. This system is typically adopted in countries with weak political parties or currents, Directory of the International Institute for Democracy and Elections - first edition in 2005, p. 64.

greatly undermined voter confidence in the results of these elections and left most constituents with the impression that voting is futile.

Recommendations - Political Parties Law (1/2):

Pass a new gender-sensitive laws regulating political parties that prevents state overreach, facilitates and simplifies the procedures for establishing a political party or registering an organization as a party, and safeguards the right to political participation (joining, influencing, and establishing political parties, and running for office in national elections):

- ◆ Obligate political parties to stipulate that they support enforcing fifty-percent quotas for women in all their statutes. The parties should also be made to commit to gender parity within the party in their bylaws, thereby ensuring that women are well represented in positions of power within the bodies of these parties and on their electoral lists.
- ◆ Obligate parties to stipulate, in their bylaws and electoral platforms, a commitment to vertical and horizontal rotation between men and women in their electoral lists.
- ◆ Add penal codes that punish those who are violent with female party members.
- ◆ Obligate parties to allocate funds toward training women and supporting their electoral campaigns.
- ◆ Bar or impose heavy economic penalties on parties whose members are exposed as having committed acts of violence against women in politics. Denying party members guilty of violence against women the right to future elections should also be considered.

Recommendations - Political Parties Law (2/2):

- ◆ The by-laws of political parties must endorse a set of policies that facilitate the meaningful participation of women in politics:
 - Make achieving gender equality part of the electoral platform of the party.
 - Commit to fighting violence and harassment against female party members.
 - Create an office to receive and investigate complaints of violence, with penalties up to the revocation of membership. This office should be given the authority to refer the case to the public prosecutor in the event that the violent act constitutes a crime.
 - Establish a body/committee to monitor the internal electoral process of parties in all of its stages, from when candidates are nominated to when votes are counted and the results are announced. The task of this office should be ensuring the meaningful participation of women in all stages of the internal election process of the party.
 - Offer women support to encourage them to join the party, vote, and run for office. Offering women training and daycare and mobilizing the support of women voters can help in this regard.
 - Adopt a "code of conduct" that emphasizes gender-sensitivity within the party. All members, men and women, should be made to sign this code of conduct upon joining the party, and disciplinary action must be taken against those who violate it.
 - Ensure the safety of women candidates during campaigns.
 - Provide immediate and direct support and guidance to female candidates.
 - Ensure that women take part in monitoring all stages of the internal electoral process of the party.
 - Media coverage of electoral campaigns must not discriminate between male and female candidates.

- ◆ Mention both genders in all the provisions of this law

Recommendations - Election Law:

Issue a new gender-sensitive electoral law that guarantees equality of opportunities and outcomes, be it in executive or parliamentary elections:

- ◆ Introduce a fifty percent quota for women.
- ◆ Adopt a "proportional representation electoral system." This system is best placed to enhance women's political participation, as it ensures that no social group is excluded and guarantees fair representation and that women's representation is commensurate with the number of votes they receive.
- ◆ Adopt multi-seat districts. They make gender representation in electoral seats more balanced, as they allow parties to include both men and women on their lists and avert competition for the one candidacy put forward by the party.
- ◆ Closed lists in the proportional system encourage parties to develop more balanced lists, as it allows for the enforcement of gender quotas.
- ◆ Mandate parties to vertically and horizontally rotate between men and women in their electoral lists.
- ◆ Disqualify lists that do not meet the quota and rotate between women and men.
- ◆ Establish a special bureau associated with the General Authority for Election Monitoring whose task is investigating acts of violence committed against women candidates during the electoral campaigns and on voting day(s). This office must be granted the authority to receive and investigate complaints and refer the perpetrators to justice.
- ◆ Introduce legal penalties for violence against women in politics that deter recurrence, including moral and material compensation.
- ◆ Make the conditions for candidacy to the presidency fair and allow women to run for and win presidential races.
- ◆ Use gender-sensitive language.

Recommendations - The Syrian People's Assembly's Bylaws:

Amend the bylaws of the People's Assembly's to create a safe environment for women that is free of violence:

- ◆ Provide mechanisms for reporting any form of violence against female deputies.
- ◆ Provide specific mechanisms that can be used by women deputies in the event that they are subjected to any kind of violence.
- ◆ Establish an independent bureau tasked with investigating complaints submitted by women who are subjected to violence. Mention the mechanisms through which these complaints are investigated and ensure that complaints are kept confidential. This bureau should be given the authority to punish offenders, such as lifting their parliamentary immunity so that they can be prosecuted.
- ◆ Set a code of conduct that penalizes violence and bullying against women deputies.
- ◆ Compel all deputies to pledge to abide by the code of conduct, clearly stating the penalties for violating it.

Peaceful Demonstration Law:

Legislative Decree No. 54 of 2011, which regulates peaceful demonstrations,¹ sets impossible conditions for obtaining a permit. This law grants the Ministry of Interior the authority to issue licenses and permits and holds the applicant fully responsible for any damages caused by the demonstrations.¹

8

Recommendations - Peaceful Demonstration Law:

Enact a fair law that guarantees the right to peaceful demonstration and freedom of opinion and expression. This law must also prohibit any incitement to violate women's rights, as per international human rights law, specifically the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

¹ Syrian People's Assembly, Legislative Decree No. 54 of 2011 Regulating Citizens' Right to Peaceful Demonstration, 2011, <https://2u.pw/MY5B4U>

¹ Article 1 Paragraph A and Article 4 of Legislative Decree No. 54 of 2011: "Article 1- Paragraph A the following terms, in the context of applying the provisions of this Legislative Decree, mean the meanings indicated opposite each of them. A- The Ministry... The Ministry of the Interior. Article 4: A specialized committee is formed in the Ministry to consider applications for licensing the organization of demonstrations in accordance with the provisions of this legislative decree.

Professional Unions and Civil Associations - Prohibitive Laws and the Executive's Total Control Over Security Services

According to the Syrian Penal Code, the establishment of any association that undermines the economic or social status of the state or disrupts the basic conditions of society is strictly prohibited, and such an association is subject to legal dissolution.² Additionally, non-governmental organizations and private charities are regulated through Law No. 93 of 1958, which includes several articles that make it exceedingly difficult to establish such institutions. The most concerning provision grants the executive authority and its security agencies the power to approve or deny a license for the establishment of associations.² The Ministry of Social Affairs has a general policy of denying licenses to associations, including women's organizations, claiming that their goals and activities overlap with those of popular organizations and trade unions affiliated with the Baath Party. However, it is worth noting that some women's organizations have managed to obtain licenses despite the existence of the General Women's Union.

² Article 306 of the Penal Code promulgated by Legislative Decree No. 148 of 1949: "1- Every association established with the intention of changing the state's economic or social entity or the basic conditions of society by one of the means mentioned in Article 304 shall be dissolved and its members shall be sentenced to temporary hard labor. 2- The punishment of the founders shall not be reduced. And the managers for seven years.

² Article 6 of Executive Regulations No. 1330 of 1958 for the Law of Associations and Private Institutions applied by Law No. 93 of 1958: The Directorate of Social Affairs and Labor (Department of Associations and Clubs) in the central administration of the aforementioned ministry or the Department of Social Affairs and Labor in the governorate shall study the application upon receipt and conduct an investigation on the founders through the Public Security Department. It shall also study the internal system from the legal point of view and in terms of the importance of the objectives of the association. the region's needs for its services.

Recommendation - Laws for the formation of trade unions and professional associations:

- ◆ Enact new laws to guarantee the freedom to establish trade unions, professional syndicates, and associations. Such laws should aim to prevent the executive authority and security services from exerting control over these organizations.

Recommendations - The law of formation of non-governmental organizations:

- ◆ Enact a new law to regulate the formation of non-governmental organizations (Law on Associations and Private Societies). This law should ensure the independence and freedom of these organizations and promote women's participation in them, and to that end it must:
 - Avoid restricting the right to form non-governmental organizations based on the similarity of their goals, as all women's and feminist organizations aim to defend and promote women's human rights.
 - Set a quota for women to ensure gender parity in the by-laws, documents, decision-making structures, and candidacy for trade unions and associations.
 - Establish a bureau to receive and investigate reports of violence, with the power to apply penalties up to dismissal, and refer cases to the Public Prosecution if they constitute a crime.
 - Create an observatory dedicated to monitoring violations of trade union rights of working women.
- ◆ Use gender-sensitive language.

Children Deprived of Political and Social Rights

Legislative Decree No. 276 of 1969, also known as the Syrian Nationality Law, grants Syrian men the right² to pass their nationality to their children, regardless of where they are born. Meanwhile, denying Syrian women this same right.² This creates a situation where Syrian women are essentially treated like foreigners and stripped of their political rights as Syrian citizens. As a result, mothers face discrimination and they and their children encounter countless problems throughout their lives.²

Personal Status Laws are Discriminatory Laws Par Excellence

The personal status laws of all religions and sects discriminate against women, perpetuate subjection to violence, and enshrine men's guardianship over them. They deprive Syrian women of all their rights, allowing for patent discriminating against women with regard to marriage, divorce, polygamy, custody of children, alimony, travel, movement, work, and inheritance. Additionally, the law grants judges the authority to authorize the marriage of minors, further exacerbating the problem.

The Penal Code Perpetuates Violence Against Women and Girls

The Syrian Penal Code contains many provisions that discriminate against women² and violates international human rights law and CEDAW. These provisions stand in the way of women's advancement and prevent their empowerment and their engagement in public life. They are especially obstructive to working women. Their leaving their home to work gives men the opportunity, and often the pretext, to commit violence against women in work.

The Syrian Penal Code penalizes sexual assault, immodest and indecent behaviors, incest, kidnapping, fornication, intercourse with the promise to marry, incitement to debauchery, indecent assault, child molestation, and rape outside wedlock, all of which are punishable by various penalties. However, these same articles perpetuate violence against women, and instead of protecting them, present the bodies of women as an extension of the honor of male family members and society. Sentences are mitigated for perpetrators of so-called "honor crimes," and marital rape is not a crime.²

When it comes to the issues of women, the public and private spheres are intimately linked, and political and religious oppression are interconnected. The Syrian regime is invested in maintaining the status quo. It allows the regime to satisfy the religious authorities and conservative segments of society, as well as perpetuate sectarianism, which ensures its continuity. It is impossible to change discriminatory laws or achieve women's protection without constitutional amendments, as the constitution is the

² Syrian People's Assembly, Legislative Decree No. 276 of 1969, 1969, <https://2u.pw/FIZmbC>

² Article 3 of the Nationality Law promulgated by Legislative Decree No. 276 of 1969: "A Syrian Arab is de jure: A- Anyone born inside or outside the country to a Syrian Arab father..."

² Article 3 promulgated by Legislative Decree No. 276 of 1969 - The Syrian Nationality Law: "Whoever is born in the country or abroad to a Syrian Arab father..."

² Syrian People's Assembly, Penal Code, General Provision 148 of 1949 Amended by Legislative Decree 1 of 2011, 1949: <https://2u.pw/mYH9DK>

² Article 489 of the Penal Code promulgated by Decree 148 of 1949: "1- Whoever coerces someone other than his wife, by violence or threat, into sexual intercourse, shall be punished with hard labor for at least fifteen years... 2- The penalty shall not be less than twenty-one years if the victim has not completed fifteen years of age."

supreme law of the land. Thus, constitutional amendments are crucial for addressing the historical under-representation and inequality of women.

Recommendations - Comprehensive Law to Combat all Forms of Violence Against Women and Girls:

Passing a comprehensive law that protects all women and girls in all settings (private and public) is crucial for addressing violence against women and girls, which must be criminalized regardless of the perpetrator's relationship with the victim. The law should cover prevention, protection, investigation, deterrence, and compensation and reparations. Addressing violence against women in politics is of particular consequence.

- ◆ Develop accessible and swift reporting mechanisms, such as hotlines or online applications, that are available 24/7 to receive reports of violence against women in politics.
- ◆ Establish a specialized prosecution unit dedicated to receiving and investigating reports and complaints submitted by women who have experienced violence for exercising their right to vote or run for office.
- ◆ Ensure timely access to free legal, psychological, medical, and social services for women candidates, Legislative Council members, public sector employees, feminists, activists, and political prisoners.
- ◆ Establish a mechanism for coordination between various authorities that address violence against women in politics (criminal and civil courts, electoral appeals courts, and the Ministry of Justice) to investigate and take immediate action against perpetrators. This mechanism should also include guidelines for investigating the resignation of elected women and addressing complaints of harassment and violence against women candidates during elections.
- ◆ In addition to legal penalties, impose immediate penalties to prevent future incidents. If members are found guilty of violence against women during elections, parties could be heavily fined or have their registration/license revoked. Individuals found guilty of such violence could be barred from running for office in future elections.
- ◆ Establish mechanisms for reparations and compensation, including material compensation or moral compensation, such as public apology.
- ◆ Ensure women's right to access justice in a secure and confidential environment, with strict liability and punishment for any police, judicial police, public prosecution, or judge who fails to enforce the comprehensive law on violence against women

Second: Cultural Context

Patriarchal Societal Norms

Patriarchal societal norms are deeply rooted in Syrian society, and they are reinforced by the state, its institutions, and its actions. The dominance of men over politics has been perpetuated by authoritarian regimes and religious leaders, who push the notion of men as productive members of society, rational decision-makers, and providers. In contrast, women are depicted as mothers whose destiny is fulfilling reproductive roles who are/ reproductive beings governed by emotions and subservient to men.

The gendered division of labor and power imbalances that ensue from these norms and attitudes have led to systematic discrimination, violence, and hostility towards women.

Women's exclusion from public life is a direct result of this patriarchal system that sees masculinity as superior and more capable and useful than femininity. Men have a monopoly on power, control, and the use of violence, with political violence against women always seen as a consequence of women deviating from their prescribed role.

Due to the patriarchal nature of politics, political parties have taken an authoritarian attitude toward women, resulting in violence against women in politics. Women are frequently marginalized or excluded from candidacy, and despite the quotas, the bylaws of political parties are often rigged against them. The masculine mindset of parties leads them to devise strategies to disrupt the mechanisms of achieving equality and justice between men and women during the nomination process. The names of women candidates are often placed at the bottom of proportional representation electoral lists, or they are made to run in districts where the party is not popular. The patriarchal system also fosters the systematic marginalization of women, as their professional competence is often challenged to point to their inferiority and question their capacity for making decisions as compared to men; they are also regularly accused of lacking honor and told they are too fragile for politics.

Religious Fundamentalism

The rise in religious fundamentalism and advocacy for religion being the sole basis for laws and regulations, coupled with a patriarchal interpretation of religious texts that grants men exclusive guardianship rights, has resulted in the perception that women engaging in politics are violating religious teachings and Islamic Sharia. This has further perpetuated political violence against women and even legitimized it in some cases.

Furthermore, elevating traditional justice to the level of statutory law reinforces the use of customary practices and traditions to resolve disputes outside of formal court systems, leading to settlements that often allow violence against women in politics to go unpunished.

Military Dictatorship

Military dictatorships employ a range of cruel tactics, including arbitrary arrests, torture, and even physical liquidation, leading to the deaths of many of the activists who stood up to them. The violence perpetrated against women political activists is doubled. They are assaulted first

as political activists in countries that do not respect human rights and democracy, and secondly, as women demanding to break free from the constraints imposed upon them by authoritarian patriarchal societies.

Recommendations - Creating a culture supportive of the participation of women in the political process:

- ◆ Promote feminist ideas and dismantle the patriarchy.
- ◆ Advocate for the secularization of the state.
- ◆ Raise women's political and legal awareness and encourage them to take an interest in public affairs.
- ◆ Raise awareness among women about international conventions on human rights and humanitarian law, with a focus on conventions related to women's human rights.
- ◆ Raise the awareness about the political rights of citizens and the workings of electoral systems, and encourage them to push for a fair electoral system.
- ◆ Train women to build gender-sensitive democratic parties.
- ◆ Train women on how to navigate electoral systems and build their capacities in monitoring/ evaluating elections from a gender-sensitive lens.
- ◆ Train women to run for elections and write their electoral programs.
- ◆ Provide leadership training to women.
- ◆ Train women to combat all types of violence against women and girls, especially gender-based violence in politics.
- ◆ Change the curricula of colleges and universities with media programs.
- ◆ Build the capacities of media professionals to address human rights issues.
- ◆ Build the capacities of civil society and trade unions.
- ◆ Spread a labor culture and push for trade union rights, and spread awareness among women about equality and equal opportunities.
- ◆ Publish research, studies, and educational and propaganda materials that address the political participation of women.
- ◆ Train women jurists and feminist activists on gendering the constitution and legislation.

Recommendations - Feminist Solidarity:

- ◆ Form feminist/women's political parties.
- ◆ Establish feminist/women's trade unions and syndicates
- ◆ Build coalition networks to mobilize and advocate on a range of issues, the most important of which are:
 - Gendering the constitution and legislation related to women's political participation in general.
 - Adopting a national plan (draft) for implementing Security Council Resolution No. 1325 and mobilizing and advocating for international support for women's organizations striving to implement this plan.
 - Developing a strategic plan to combat all types of violence against women and girls
 - Drafting a comprehensive law to combat all forms of violence against women and girls.

Areas of the Autonomous Administration of North and East Syria (AANES)

Third: Social Contract in the Federal System and Laws

Until 2011, the scope of activity of Kurdish parties in northeast Syria was limited to demanding cultural rights and Syrian citizenship to individuals and groups in Al-Hasakah Governorate who had been stripped of their nationality. However, with the outbreak of demonstrations calling for freedom and dignity in 2011, Kurdish parties began publicly demanding recognition of Kurdish nationalism. Then, starting in 2012, their demands escalated to include a call for “federalism” and recognition of the Kurds as a second independent social group along with Arabs, as well as the removal of the word “Arab” from the “Syrian Arab Republic”. As the Kurdish People's Protection Units (the military wing of the Kurdish Democratic Union Party - PYD) expanded and consolidated its territorial control and defeated the Islamic State, it established administrative, security and judicial institutions. In 2013, the democratic movement in northeast Syria emerged. It consisted of a number of Kurdish and Syriac parties spearheaded by the PYD² and announced the establishment of an autonomous administration in the areas under PYD control. In 2016, a federal system was announced in the region of northeast Syria, and the so-called “Charter of the Social Contract” of this system was ratified in 2017.²

Political Pluralism and Elections: The Right to Choose Representatives in Executive and Legislative Councils

A careful reading of the Charter of the Social Contract’s federal system in AANES areas shows that the Contract is discriminatory and enshrines segregation and division. This is due to the composition of the councils at all levels, starting from villages and neighborhoods up to the highest federal authority (the Democratic People's Congress). Indeed, 40% are selected based on their affiliation with various ethnic, religious, ideological and cultural groups, while the remaining 60% are elected from the general population. These councils play the role of the legislature and represent the people and groups affiliated under the “Democratic Federalism of Northern Syria.”² The highest executive authority is the Executive Council of the federation, whose joint presidency is elected by the Syrian Democratic Council (SDC).³

² Al Arabiya, “Kurds Declare Federal System in Syria, US Does Not Recognize” (Arabic), 2016: <https://2u.pw/xy1e3J>

² Democratic Union Party, Full Text of the Social Contract Charter for the Democratic Federalism of Northern Syria, 2017: <https://2u.pw/3o34pw>

² Article 58 of the Social Contract³ Charter: “Members of the Syrian Democratic Council shall be elected according to the following: Forty percent (40%) directly and democratically elected representatives from the ethnic, religious, ideological and cultural components according to their population densities and from among social groups according to their organizational limits and in accordance with the electoral law, and sixty percent (60%) of people's representatives who are determined by general elections in which the general public participates.

³ Article 59 of the Social Contract⁰Charter: “...It elects the joint presidency of the Executive Council by a two-thirds majority and entrusts it with presenting the composition of the Executive Council within a month for approval. It also has the right to vote no confidence in the Executive Council or one of its members.”

In 2017, the "Democratic Federalism of Northern Syria" established a hybrid electoral law³ that combines elements of both majoritarian and proportional systems, whereby candidates could participate through individual lists or closed proportional lists.³ The law also includes a² quota for women in all councils, and it grants individuals who are new to AANES the right to vote and run for communes, village councils, and municipalities until their political status is resolved within the framework of a political resolution.³

According to the testimonies of a number of lawyers and activists in northeast Syria, this election process allows for little more than distributing seats among the parties under the leadership of the Democratic Union Party (PYD). Additionally, there have been reports of men and women being unable to exercise their right to vote in the highest legislative authority of the Autonomous Administration, the Syrian Democratic Council (SDC). To date, no elections have been held to elect SDC members, and they continue to be appointed by the PYD.³

Partisan Pluralism

The Social Contract Charter stipulates the right to form political parties and movements,³ while Article 1 of the Parties Law of (2014)³ also guaranteed that right. However, the exercise of this right faces a host of difficulties tied to obtaining licenses from the Party Affairs Committee, which is under the control of the Autonomous Administration and discriminates against parties opposed to the PYD by refusing to grant them licenses.³

Formation of Non-Governmental Organizations

The Charter of the Social Contract stipulates, in Article 20, the right of individuals and groups to organize themselves freely.³ Furthermore, Law N^o. 3 of 2017 on "Civil Society Organizations, Associations and Institutions" was issued, which authorized AANES' Office of

³ SDF Press Center, The Electoral Law for the Democratic Federalism of Northern Syria, 2017, <https://2u.pw/27BmSX>.

³ According to Article 24 of the AANES' electoral law of 2017: "1- The electoral system is adopted by the individual list and the closed list. 2- Taking into account the representation of 50% for both sexes in each list."

³ Article 5 of the AANES Electoral Law of 2017: "II. Those who arrive in areas of the Democratic Federalism of Northern Syria, by a political decision, have the right to vote and run for communes, village councils, and municipalities only until their status is settled within the framework of a political solution."

³ The General Council of the Autonomous Administration of North and East Syria: <https://smne-syria.com/gc/archives/1864>

³ Article 79 of the Social Contract Charter: "Political parties and movements are established, organize themselves, and carry out their activities freely within the framework of the law."

³ Article 1 of the Political Parties Law No. 1: "Residents of the three regions have the right to form political parties, and every resident of the regions has the right to belong to any political party in accordance with the provisions of this law."

³ RT Arabic, "Democratic Union Party Abducts Two Members of the Kurdish National Council in Syria" (Arabic), 2022: <https://2u.pw/NAjpCJ>

³ Article 20 of the Social Contract Charter: "People, associations and social groups have the right to organize themselves freely. Repression, erasure, cultural assimilation, genocide and colonization are crimes against humanity. They have the legitimate right to resist them."

Humanitarian Affairs, along with the Commission of Social Affairs & Labor, to grant licenses to any civil organization wishing to operate within the region.³

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However, this same law sets strict controls on the work and activities of these organizations, as any activity they undertake requires prior permission from the Office of Humanitarian Affairs, and organizations are prohibited from owning or disposing of any movable or immovable assets without the prior approval of the President of the Executive Council.⁴

In reality, the Autonomous Administration in North and East Syria violates the rights and freedom of operation of organizations that do not conform to its ideology, as well as women's organizations that are unaffiliated with its Women's Council.

Women's Law: Legal and Judicial Confusion and Societal Rejection

In 2014, AANES issued the Women's Law by Decree No. 22, which guaranteed equality between men and women in all areas of private and public life. It stipulated adherence to the principle of "participatory management" in all institutions, and the right of women to run for office, vote, hold any positions, and form organizations of all forms. It also regulated civil marriage, prohibited forced marriage, polygamy, arbitrary divorce, and child marriage. It abolished dowries and criminalized "honor killing," considering it an ordinary crime. It also criminalized violence and discrimination and obliged AANES agencies to combat all forms of violence and discrimination by developing legal mechanisms and services to provide protection, prevention and redress for victims of violence.

The Autonomous Administration issued the Women's Law without preparing the public or holding a popular referendum, which gave rise to resistance from some Arab clans, as well as Syriac, Assyrian, and Chaldean groups. These groups perceived the law to be in conflict with their cultural, traditional, and religious values, particularly Islamic law. Opponents of the law used the fact that the Syrian government controls the security zone in Al-Hasakah, where its laws continue to apply, and the resulting legal confusion caused by the government's lack of recognition of the AANES, to evade the ramifications of the Women's Law or prosecution for crimes, particularly those that involve violence against women and girls.

³ Article 4 of Law No. 3 of 2017:⁹⁴ "The application for registration of an association, organization or institution shall be submitted to the Office of Humanitarian Affairs, signed by at least five members of the founders who are authorized to apply for registration and sign on behalf of the association, organization or institution, and attach three copies of the bylaws signed by the members of the founding committee."

⁴ Article 15 of Law No. 3 of 2017: "Associations and organizations and their properties enjoy protection, and it is not permissible to enter their headquarters without a written permission from the Office of Humanitarian Affairs. In accordance with the provisions of this law, any association, organization or institution has the right to own movable funds to achieve its objectives, provided that permission is obtained from the Office of Humanitarian Affairs. No association, civil institution or organization has the right to own and dispose of immovable funds without the approval of the Executive Council Presidency."

The law stipulated joint presidency of institutions, which is a positive step towards enhancing the political participation of women. However, this clause has a structural problem, as the law does not specify the decision-making mechanism to be adopted in the event that the two heads of an institution disagree on a specific issue. Furthermore, the customs and traditions of this male-dominated society still view the male president or chair as the actual head of the institution, while the female co-chair as an office manager, the man's secretary, or at best his deputy.

Fourth: Women in the International Political Process

In order to compensate for the fact that Kurdish political forces are not represented in the international political process, the SWAB added leading women figures affiliated with the Autonomous Administration to their ranks.

Recommendations for the Autonomous Administration of North and East Syria:

- ◆ Amend the Charter of the Social Contract to ensure that it upholds justice, equality, human rights, and guarantees rights and freedoms for all.
- ◆ Amend the articles of the Women's Law as well as its related executive orders and regulations, provided that this legal review adheres to a participatory approach inclusive of various social groups.
- ◆ Amend the Political Parties Law No. 1 of 2014 to lifting restrictions on the freedom to form and operate parties.
- ◆ Adopt an electoral system that enhances the concept of citizenship.
- ◆ Grant citizens the right to choose the authority that rules their areas.
- ◆ Adopt quota system principle in all bodies and institutions and at various levels, not only at the “co-presidency” level.
- ◆ Establish a body to monitor elections and ensure that they are free, fair, and transparent.
- ◆ Establish a special office affiliated with the election monitoring authority, whose mission is to receive and investigate reports of violence against women during all stages of the electoral process, provided that this office has powers to receive and investigate complaints and refer perpetrators to justice.
- ◆ Amend Law No. 3 of 2017 and the conditions for registering civil society organizations.
- ◆ Establish an observatory tasked with monitoring cases of discrimination and violence against women and girls.
- ◆ Mobilize and advocate for state neutrality towards all religions, sects, and ethnicities.
- ◆ Lobby for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Security Council Resolution No. 1325 of 2000.
- ◆ Encourage women to get involved in feminist/women's and civil society organizations and volunteer work.

Areas of Northwest Syria

Fifth: De facto Authorities and Management of Public Affairs

Local Councils and Public Participation

The region of northwestern Syria, which is outside the control of the Syrian government, is governed by two different governments: the Salvation Government affiliated with Hayaat Tahrir al-Sham (HTS i.e al-Nusra, which is internationally classified as a terrorist group) and the Interim Government affiliated with the National Coalition for Revolutionary and Opposition Forces (SOC).

After the outbreak of popular demonstrations of 2011, Syrian government institutions and services abandoned many areas, which created a security and service vacuum. So-called “local councils” were formed as an alternative political entity to the Syrian government, and enjoyed legislative, executive, and in some cases even judicial powers.⁴ Although local councils can be considered a positive experience that can be built upon to enhance the right of political participation for citizens in the future to enhance, women’s representation in these councils was inadequate, and their role was limited to managing women’s affairs offices or carrying out administrative work as staff. For example, in 2015, no more than 4% of representatives of the local councils in Idlib are women, a percentage that represents, with slight variations, women’s participation in the remaining local councils.⁴

The Salvation Government and the Shura Council

A “Commission concerned with Shura Council elections” was formed following the Syrian Revolution General Conference, which was held under the auspices of HTS.⁴ The Shura Council is a legislative authority that undertakes the process of electing the head of government (prime minister) who is responsible for forming the government. However, HTS in fact controls these elections to ensure that all members of this council (107 men) are loyal to it. As such, the constituent government, composed of nine ministers and a male prime minister, is effectively the civic arm of the fundamentalist ideologies and policies of HTS, and its discriminatory and violent practices against women.⁴

⁴ Al-Jumhuriya, “The Salvation Government: The Friendly Face of Tahrir al-Sham is Expanding” (Arabic), 2019: <https://2u.pw/yUqREd>

⁴ Al-Jumhuriya, “Iman Al-Hasheh, President of the City Council of Helba: A Step in the Other Direction” (Arabic), 2018: <https://2u.pw/BQOt5X>

⁴ Enab Baladi, “Salvation Government Opens Door for Candidacy for the Idlib Shura Council Elections” (Arabic), 2019: <https://2u.pw/UIYPIX>

⁴ Enab Baladi, “Syrian Women’s Representation Between Zero Percent and the Highest in the World” (Arabic), 2021: <https://2u.pw/vawTUQ>

The Interim Government of the National Coalition for Syrian Revolutionary and Opposition Forces

The head of the Interim Government is elected by the members of the National Coalition for Syrian Revolutionary and Opposition Forces (SOC), which in turn appoints its members and presents them to the Coalition for approval.⁴ This clearly demonstrates the absence of pluralism and the Coalition's monopoly over the political process without any real participation of individuals, men or women. Moreover, the Coalition's lack of legislative power means that it has no right to elect legislative representatives.

While the Interim Government adopts a women's quota in naming its members, women's representation remains nominal, and women do not have a real and effective role in it,⁴ as they were not granted any ministerial portfolios in the current government.⁴

7

Sixth: Societal Culture and Religious Authority

All armed factions in northwestern Syria, whether affiliated with the Salvation Government, the Interim Government, or the Turkish forces, adhere to an extremist religious ideology and violate the rights and freedoms of individuals. They arrest journalists, activists, critics and dissidents, and torture them in prisons and detention centers which are widely spread in their areas of control. They also restrict civil society activity, suppress freedom of thought and belief, and interfere with people's behaviors in terms of clothing, hair and beards, and the manner they conduct themselves in public spaces.

Furthermore, a "public decency law" was issued⁴ which severely restricts the personal freedoms of civilians in the city of Idlib. It is considered a "regulatory system" that obliges people to adhere, and those who violate it are subject to judicial measures. The "law" includes 40 articles directed at women, shops, street vendors, and sports arenas, most notably: Obligating civil society organizations to obtain a license in which they undertake to comply with the Sharia law of their activities; prohibiting men from shaving their beards or the sides of their heads, or any other style that imitates "infidels," as well as prohibiting the playing of music and songs. Gender mixing is also prohibited in all medical, administrative, educational, and other institutions.

Women's rights and freedoms are violated more systematically. In areas ruled by the Salvation Government, a fierce campaign was launched against feminist organizations working to

⁴ The National Coalition for Syrian Revolutionary and Opposition Forces is a coalition of Syrian opposition groups formed in Doha, Qatar in November 2012.

⁴ Friedrich-Ebert-Stiftung, "Women's Political Participation in Syria: Legal Analysis" (Arabic), 2022, <https://2u.pw/N78x16>

⁴ Syrian Interim Government, "Members of the Syrian Interim Government", 2023, <https://2u.pw/Jvg23L>

⁴ See Appendix No. 2, a photocopy of the "Public Decency Law".

empower women and educate them. Sermons accused feminists of apostasy from their mosques, women's educational centers were closed at gunpoint, and the mandatory veil was imposed on all girls. Members of the opposite gender were segregated from one another, and child marriage facilitated to an extent that they now exceed 60% of the unregistered marriages in Sharia courts. The Salvation Government also imposed fanatical educational curricula based on the ideology of Osama bin Laden and Abu Omar al-Shishani, and many classes, such as philosophy and history, were replaced with classes that celebrate the Caliphate, incite jihad, claim that women are inferior, and legitimize violence against them.

As for the areas controlled by the Turkish forces and the extremist armed factions affiliated with them, such as Afrin, the niqab and the veil were forcibly imposed; the movement of women was restricted and conditional to the presence of a male relative; women from minority groups were abused; and cases of kidnapping and rape are extremely high, which compelled many families to prohibit their girls from leaving the home to attend school or go to work.

Because of their extremist religious ideology, all of the personal status courts of these authorities discriminate against women, as they do not believe that men and women have equal rights and duties.

Recommendations - Northwest Syria:

- ◆ Benefit from the experience of local councils to promote women's right to political participation.
- ◆ Mobilize and advocate for increasing women's representation in elected councils and political bodies.
- ◆ Design an electoral system that grants all citizens, male and female, the right to real political participation.
- ◆ Shift the societal culture towards women's political rights, by using means of building public opinion (newspapers, local radio) and activating their role on women's issues and political participation.
- ◆ Raise women's awareness of their rights and the importance of their political participation.
- ◆ Strengthen the role of civil society organizations and feminist organizations.
- ◆ Document violations of women's rights.