

Syria: Local Council Elections are Neither Impartial nor Independent



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The partiality of the High Judicial Committee for Elections, inaccurate population statistics, and the absence of an “election register” render planned elections void and inaccurate

Based on the provisions of the Local Administration Law issued by [Legislative Decree No. 107](#), and on the provisions of the [General Election Law No. 5 of 2014](#), President Bashar al-Assad [issued on 03 August 2022 Legislative Decree No. 216 of 2022](#) which stipulates setting 18 September 2022 as the date for the election of the members of local councils.

On the same day, the Minister of Local Administration and Environment, Hussein Makhluof, issued [Resolution No. 1452](#) that determines the number of members of the local councils per province at a ratio of one member for every 10,000 citizens (the minimum is 50 members and the maximum is a 100).

According to this Resolution, local councils of each province shall have 100 members, except for Swaida and Quneitra (57 and 60 members respectively).

At the same time, the Ministry of Local Administration issued [Resolution No. 1450](#) that divides the seats between two sectors: 50% for workers and peasants versus 50% for other groups. However, this percentage is not required when distributing seats in a single electoral district (Article 24 of General Election Law No. 5 of 2014).

On 22 May 2022, President Bashar al-Assad issued the Legislative Decree No. 131, which names the members of the Higher Judicial Committee for Elections in Syria. Accordingly, STJ issued a [report](#) on 18 Aug 2022 that explains how the mechanism for appointing judges of the Committee constitutes a violation of the principle of Separation of Powers, and a domination of the head of the Executive Branch (the President of the Republic) on the Judiciary system, which strips the Committee of any kind of independence or impartiality.

The Elections of Local Councils are not Impartial

In order to be genuine and impartial, elections should be governed by a judicial independent body, outside the control of the Executive Branch. This does not apply to the Higher Elections Committee and its sub-committees.

Theoretically, the Committee is supposed to carry out its duties transparently and impartially. Also, no authority should be allowed to interfere in its work. In addition, the Committee must lead the electoral process in all phases within the law.

However, in practice, the Committee has several legal problems. First, the Minister of Justice, the representative of the Executive Branch, holds the post of vice-president within the Supreme Judicial Council. Thus, he is responsible for promoting, deputizing, and transferring judges, as well as initiating public proceedings against them.

Second, the President of the Republic, the head of the Executive Branch, decides the way the Committee shall be formed, appoints its members, and determines their remuneration. This constitutes a violation of the principle of Separation of Powers, and a domination of the head of the Executive Branch (the President of the Republic)

on the Judiciary system, which violates the Constitution of 2012, Article 140. The powerful hand the Executive Branch has over the judiciary strips the Committee from any kind of independence or impartiality that is required to govern the presidential and parliament elections, the local administration elections, and referendums.

The integrity of the elections is also rendered suspect considering the fact that members of the army and internal security forces (the police), who have utter loyalty to the President of the Republic, are allowed to vote in the elections of the local councils (Article 1 of Law No. 8 of 2016 that amends Article 6 of the General Election Law No. 5 of 2014).

The Local Councils and the Lack of Independence

Article 130 of the 2012 Constitution stipulates that: “The Syrian Arab Republic consists of administrative units; and the law states their number, boundaries, authorities and the extent to which they enjoy the status of a legal entity, financial and administrative independence” (Law No. 107 of 2011).

Moreover, Article 131 of the Constitution states that: “The organization of local administration units is based on applying the principle of decentralization of authorities and responsibilities. The law states the relationship between these units and the central authority, their mandate, financial revenues, and control over their work. It also states the way their heads are appointed or elected, their authorities and the authorities of heads of sectors”.

In practice, this Article is not implemented, which can be considered a constitutional violation. On the contrary, since the beginning of the conflict, the Syrian government has focused on increasing and strengthening the centralization of authorities, giving dominant power to the Executive Branch (especially the President of the Republic).

For example, on 29 June 2022, President Bashar al-Assad [issued two decrees](#) (No. 162 and No. 163) to dissolve two local councils: Jdeideh in Lattakia and Salamiyah in Hama. The Syrian government justified this decision by the need to rectify the work, combat corruption, and handle negligence and non-compliance to address building violations.

Official Government Statistics that Contradict Logic and Facts

According to the aforementioned Resolution No. 1452, the population of Syria in 2022 is approximately 30 million. However, these statistics do not mention whether (or how) the internally and externally displaced people are counted.

[Official numbers](#) of the Central Bureau of Statistics indicate that the population reached 17,920,844 in 2004. Moreover, [according to the World Bank](#), the population of Syria reached its peak in 2010 (21,326,541). Further, the Central Bureau of Statistics reported that the population of Syria in 2014 reached 20,619,000.

However, the population of Syria has decreased in 2015 after millions of Syrians left the country¹. [According to the World Bank](#), the statistics show that the population in 2020 reached 18,275,704, which is about 12 million less than the official figure published by the Syrian government in the aforementioned Resolution No. 1452.

The Problem of the Election Register in the Absence of Accurate Population Statistics:

The election register is mentioned in Articles 27, 28 of the General Election Law No. 5 of 2014. It is the register of the citizens who meet the conditions to vote. The Ministry of Interior (in coordination with the Ministry of Justice, the Ministry of Local Administration and Environment, and the Central Bureau of Statistics) prepares the register for the whole country. It should be reviewed at the beginning of each year, to add, delete or modify names. It should also be reviewed at least two months before the date of any elections.

According to the General Election Law, registration in the election register is a fundamental right and an individual responsibility for every citizen who fulfills the conditions for exercising the right to vote. Also, citizens may request adding their names to the register.

Assigning the task of preparing the register to the Ministry of Interior, which is affiliated by several security services, raises doubts about its validity, especially since the Ministry is a non-neutral party in Syria, and one of the long arms of the Executive Branch.

Taking this into consideration, STJ believes we must ask several questions regarding the election register. After eight years of issuing the General Election Law, where is the register? Where is the review that must take place before the start of any electoral process? Since all citizens have to obtain family cards (designated to receive aid), data becomes available digitally, and it is easy to link it to electoral districts. This step ensures the credibility and transparency of the electoral process, especially that voting is carried out based on the ID card only (after canceling the Election Card, and because of the lack of election ink in most voting stations). The Syrian government claims that the information of voters is already prepared and organized, so why is the election register not prepared in accordance with the General Election Law?

Although the General Election Law was issued in 2014, it did not address the right of Syrian refugees to vote. Moreover, Article 70 of the Executive Instructions granted them the right to vote only in the Presidential Elections. Accordingly, Syrians outside Syria cannot participate in the elections of local councils, which contradicts the [UN Resolution No. 2254 of 2015](#) that stipulated the need to hold “free and fair elections, pursuant to the new constitution, to be held within 18 months and administered

¹ See UNHCR statistics on the numbers of Syrian refugees and internally displaced persons, available at: <https://www.unrefugees.org/emergencies/syria/>

under supervision of the United Nations, to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate”.

STJ has noted that although the right to vote is a human right protected by international human rights law instruments, the General Election Law No. 5 of 2014 does not address the right of citizens to appeal in case their names are not mentioned in the register, or if their requests to include their names are denied.

Conclusion

The idea of decentralization has become an urgent need in light of the insufficiency of the central Syrian government to bear many of its burdens; therefore, wider authority should be delegated to local councils.

In order to hold democratic and genuine elections of local councils, civil society should be a partner in the entire process. This achieves integration between administrative decentralization and people's participation in both their life decisions and the formation of the economic and social model, in order to contribute to building a new political-social system and to increase people's awareness of the participation.

It is important to respect the principle of political pluralism stipulated in Article 8 of the 2012 Constitution. Assigning 50% of the seats to workers and peasants contradicts the mentioned principle because the unions of workers and peasants in Syria are known for their absolute subordination to the National Progressive Front run by the Arab Socialist Baath Party. Moreover, Article 35 of Parties Law issued by [Decree No. 100 of 2011](#) confirms the lack of respect for the principle of political pluralism because it considers the parties of the National Progressive Front to be always legally licensed.

STJ believes that the solution to have impartial elections that expresses the true opinion of citizens, lies in issuing a new election law that respects international standards, particularly those stated in Article 25 of the International Covenant on Civil and Political Rights of 1966, and in the UN Resolution No. 2254 of 2015.



قرار رقم / ١٤٥٠ / ٢٠٢٢

- وزير الإدارة المحلية والبيئة
- بناء على أحكام قانون الإدارة المحلية الصادر بالمرسوم التشريعي رقم /١٠٧/ لعام ٢٠١١ وتعديلاته .
 - وعلى قانون الانتخابات العامة رقم /٥/ لعام ٢٠١٤ .
 - وعلى المرسوم رقم / ٢١٦ / تاريخ ٢٠٢٢/ ٨ / ٣ .

يقرر ما يلي :

- مادة ١- تكون نسبة تمثيل قطاع العمال والفلاحين وتمثيل قطاع باقي فئات الشعب في انتخابات أعضاء المجالس المحلية (محافظات - مدن - بلدات - بلديات) لعام ٢٠٢٢ وفق ما يلي :
- ٥٠% خمسون بالمائة لقطاع العمال والفلاحين .
 - ٥٠% خمسون بالمائة لقطاع باقي فئات الشعب .
- مادة ٢- لا تشترط النسبة المشار إليها في المادة السابقة عند توزيع المقاعد بين القطاعين في الدائرة الانتخابية الواحدة .
- مادة ٣- يبلغ هذا القرار من يلزم لتنفيذه .
- دمشق في / / ١٤٤٤ هـ الموافق لـ / ٨ / ٢٠٢٢

وزير الإدارة المحلية والبيئة
المهندس حسين مخلوف

نسخة إلى:

- السيد رئيس مجلس الوزراء
- اللجنة القضائية العليا للانتخابات
- السادة المحافظون
- السيد معاون الوزير .
- مديرية الاتصال والدعم التنفيذي
- مديرية المجالس المحلية
- المصنف .

Image (1) - Resolution No. 1450 that divides the seats between two sectors (workers and peasants vs. other groups)



الجمهورية العربية السورية
وزارة الإدارة المحلية و البيئة

قرار رقم / ١٤٥٢ / ق

وزير الإدارة المحلية والبيئة

بناء على احكام قانون الادارة المحلية الصادر بالمرسوم التشريعي رقم /١٠٧/ لعام ٢٠١١ وتعديلاته
وعلى قانون الانتخابات العامة الصادر بالمرسوم التشريعي رقم /٥/ تاريخ ٢٤ / ٣ / ٢٠١٤

يقرر مايلي

مادة ١: يحدد عدد اعضاء مجالس المحافظات بنسبة عضو واحد لكل عشرة آلاف نسمة
بما لا يقل عن / ٥٠ / عضو ولا يزيد عن / ١٠٠ / عضو وفقاً لما يلي :

اسم المحافظة	عدد السكان	عدد الاعضاء
١- دمشق	١٨٢٧١٨٩	١٠٠
٢- ريف دمشق	٢٦٤٣٤٠٧	١٠٠
٣- حلب	٦٩١٨١٧٤	١٠٠
٤- حمص	٢٥٧١٦٥٤	١٠٠
٥- حماة	٢٦٢٣٣٤٧	١٠٠
٦- اللاذقية	١٤٣٥٧٨١	١٠٠
٧- ادلب	٢٤٢٠٨٢٥	١٠٠
٨- طرطوس	١١١٥١٠٦	١٠٠
٩- دير الزور	٢١٣٧٤٦٠	١٠٠
١٠- الحسكة	٢٥٣٣٨٠٦	١٠٠
١١- الرقة	١٣٥٤٤٧٤	١٠٠
١٢- درعا	١٥٠٨١٠٦	١٠٠
١٣- السويداء	٥٧٥٩٥٨	٥٧
١٤- القنيطرة	٦٠٣٩٨٨	٦٠

Image (2) - Resolution No. 1452, which determines the number of members of the local councils per province.



About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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