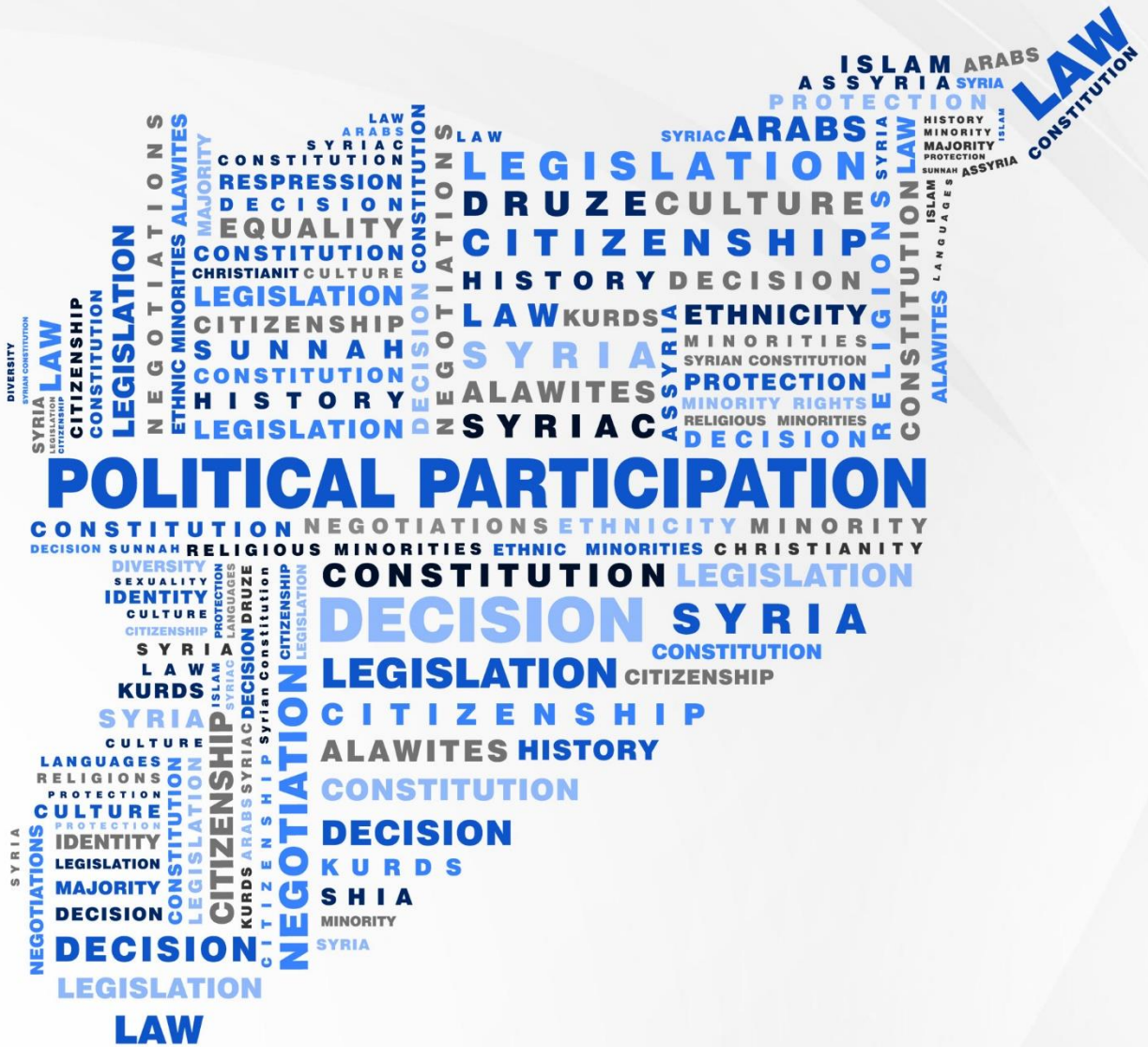


► Syria: Legal Provisions Prevent Citizens from Political Participation



This paper is an output of a dialogue session held by Syrians for Truth and Justice as part of its project "Bridging the Gap between Syrians and the Constitutional Committee", supported by the National Endowment for Democracy.

The project aims to build the capacity of a diverse group of Syrians in northern Syria, on several topics; social justice, transitional justice, diversity and inclusion of minorities, gender and the constitution, and political participation. A sixth topic will be chosen by the participants themselves.

The mentioned project seeks to enhance communication between representatives of local communities in Syria and members of the Syrian Constitutional Committee, in order to ensure inclusiveness and guarantee that broader views of Syrians are represented in the constitutional process.

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The UN must ensure fair and genuine representation of all Syrian components in political and constitutional processes and push on to create a political system that allows the engagement of all civilians

1. Introduction:

By its very definition, democracy allows the participation of all citizens in political decision-making. The democratic system is based on several principles, including the separation of powers, the rule of law, judicial independence, the right to participate in public affairs, respect for human rights, protection of freedom of thought and expression, freedom of the press and publication, formation of unions, political parties, and non-governmental organizations, freedom of belief, and the practice of religious ceremonies. The principles also include the right to hold peaceful strikes and demonstrations, reducing the centralization of power, expanding decision-making at all levels, and establishing executive and representative institutions in different parts of the country to manage civilian affairs to achieve sustainable, balanced, and equitable [development](#).

Political participation is the essence of every policy and the heart of democracy; this importance is derived from the fact that it prevents authoritarianism and abuse of authority and, at the same time, enable peoples to choose the right politicians who can achieve their aspirations.

Political participation also cultivates in individuals a sense of dignity and political relevance, stimulates the awareness of both ruler and ruled about their tasks and responsibilities, and raises [political consciousness](#).

In Syria, the current authoritarian regime follows an absolute State-centered policy manifested in its control of all aspects of citizens' lives and the penetration of its security services into the state and society with broad powers to interfere in every activity. These systematic policies led to a decline in good governance indicators, zero participation of citizens in drafting and implementing political decisions, the erosion of the rule of law, widespread nepotism and payoffs, and the absence of independent media. People's ingrained sense of grievance and hatred for this autocratic regime grew and grew until it burst into revolution in 2011.

The revolution denounced the oppressive regime and its systematic corruption and corrupt practices and called for political pluralism, the rule of law, unity of the Syrian people, social justice, equity, and decent life at all levels: economic, social, and political.

Well into the revolution, swaths of Syria were taken from the regime by the opposition, which established its institutions independent from the central government of Damascus. However, the opposition-run institutions were not satisfactory to Syrians except for some local councils. Unfortunately, almost all opposition bodies, including the National Coalition of Syrian Revolutionary and Opposition Forces (SNC), the Syrian Interim Government (SIG), the High Negotiations Committee, and the Constitutional Committee, had flagrant foreign interference in the selection and appointment of most of their members and never saw a genuine transfer

of power. For instance, in the latest elections for a new president of the SNC, the candidates were [imposed](#) by regional actors, and the voting was limited to ten “delegated” influential members of the SNC out of its appointed, non-elected 80 members.

The situation is the same in regions controlled by authoritarian de facto powers, where political participation is restricted to the limits set by the central authority. None of the de facto powers in Syria have been able to establish a model for genuine political participation that could form the basis of a future plan for Syria.

Although the stage that Syria is going through is unstable and unclear, it is considered by many Syrians as an inevitable “labor stage” to reach the future of Syria. In this vein, Syrians stress the importance of activating the files of justice and accountability, return of displaced persons and refugees, return of properties to their rightful owners, and activating the role of civil society to ensure the effective participation of all Syrians in building Syria's future.

2. Background:

The present paper is part of a project by Syrians for Truth and Justice (STJ) titled “Bridging the Gap between Syrians and the Constitutional Committee”. The project's theme has been the focus of several papers STJ prepared, including; [“Transitional Justice is the Guarantee to Achieve Sustainable Peace”](#), [“Social Justice and the Syrian Constitution: Theoretical Texts and Neglected Rights”](#), and “Gender-Sensitive Transitional Justice is an Essential Requirement to Support the Transitional Path”.

In the present paper, STJ discusses the political participation in Syria and the extent to which the Syrian Constitution and law guarantee it. The paper also highlights the widespread state dysfunction that led to the outbreak of protests in Syria in 2011 and reviews the experiences of some States that we can draw upon to imagine and shape inclusive political participation in the future Syria in both legal frameworks and practice.

This paper is based on the outcomes of a workshop held in northeastern Syria on political participation and its importance in drafting the Constitution. The workshop reviewed experiences that can be benefited from in drafting the Constitution, highlighted some legal and constitutional challenges, and discussed the role of civil society organizations in promoting political participation.

3. Political life in Syria

Syrians have been introduced to partisan life and political action since the Constitutional Era of 1908. During the Ottoman rule, the number of political associations that functioned as parties increased.¹ In the following era under the French Mandate, the political life in Syria was suppressed by the ruling authorities, which did not end with the end of the Mandate. At the time, Syria saw political instability and frequent coups. However, after achieving political

¹ Party Life in Syria 1908-1955, Mohammad Harb Farzat, Damascus 1957, p. 47.

independence in the 1950s, Syrians tended towards “anti-Western” parties, and the ideological parties managed to emerge. Then, the Syrian political community failed to bring together the parties and parliamentary groups, which led to constant Constitutional changes and recurrent government resignations. Furthermore, the Israeli war on Syria directly affected its political life; the ruling elites then focused on feeding the military and intelligence forces at the expense of the civil institutions, including the constitutional ones, weakening the already vulnerable democratic institutions.²

Unity with Egypt in 1958 constituted another setback for the role of political parties and political participation in general. At the time, the Egyptian side imposed on the Syrians to dissolve all political parties and task the State with society representation and guidance.

A few years later, the rise of the military elite of the ideology of the 1963 coup was the deadliest blow to Syria’s political life. The Arab Socialist Ba’ath Party initiated its rule by imposing the emergency law and banning political parties. Thus, the legislative, executive, and judicial authorities became in the grasp of the military power.

After the 1970 coup led by Hafez al-Assad and some other officers, the State adopted the 1973 Constitution with states in Article 8, “The leading party in the society and the state is the Arab Socialist Ba’ath Party”. Since then, the Ba’ath Party was forcibly thrust in the State’s institutions, structure, and budget which resulted in the official eradication of free political action and the overwhelm of nepotism on competence in jobs. Moreover, the rise of the military elites within the Party eliminated the Ba’ath’s educated elites from the decision-making circles and ceased the activity of civil society.³

This situation lasted until 2011, when President Bashar al-Assad endorsed the Political Parties Law, which we will reflect on in this paper.⁴

On the other hand, in the last third of the 20th century, the political parties in Syria experienced a series of splits, which rendered them small, unmotivated, and thus unable to operate and achieve their written goals. Notably, the Ba’ath Party is included despite the large number of its members and the powers it enjoys over State bodies and unions. Security services maintained control over the cells of the Ba’ath Party and were on the lookout for any opinion incompatible with their interests from any individual or group.⁵

Yet, there are substantial reasons that led to the weakness of parties and the political movement in Syria. The reasons include the economic and social changes that affected the social structures; the public sector failed due to corruption, bureaucracy, and nepotism and was unable to achieve social equality. Furthermore, successive Syrian governments in the post-independence phase also failed to manage many internal and external files, most notably the Palestinian issue, which was central to the region’s countries at the time. This led to the emergence and growth of political Islam trends, which in turn contributed to the tightening of the military’s grip on freedoms and civil life. The approach of military control escalated in the

² Power and Intelligence in Syria, pp. 35-40.

³ Ibid.

⁴ Democratic Transition Plan in Syria, The Syrian Center for Political and Strategic Studies (SCPSS) and Syrian Expert House, August 2013.

⁵ Abdullah Hanna, Pages from the History of Political Parties in Syria, Arab Center for Research and Policy Studies, pp. 300-301.

1970s and 1980s, especially after what happened in Hama; that led people to avoid involvement in politics and thus refrain from political participation.

With many internal and external polarizations, the parties lost their young supporters in favor of religious and security polarizations.⁶

4. Syria's Political System

The current Syrian regime takes its origins from the 1963 Ba'ath Party coup and the 1973 Constitution, which established the rule of Hafez al-Assad and the leading role of the Ba'ath Party, leaving a minimal role for small and weak parties in the National Progressive Front. The primary role given to the Ba'ath Party created a narrow circle around the political system based on sectarian grounds and interests. This undermined the State institutions and even the role of the Ba'ath Party as a leading party in the society and the State.

In 2000, the People's Assembly granted confidence to Bashar al-Assad and appointed him a President of the Republic following a minutes-long constitutional amendment. With this, Bashar al-Assad was conferred the highest military rank and the title of secretary-general of the ruling Ba'ath Party.⁷

Over 40 years, the Syrian authorities took advantage of the state of emergency to suppress the activities of non-government organizations, human rights defenders, and those interested in public affairs. This approach contributed to the society's lack of political participation.

Despite lifting the state of emergency in 2011, powers given to the President under it – that allows him to grasp all State policies – are still effective in light of Article 111.1 of the current 2012 Constitution, which states, "The President of the Republic might decide to dissolve the People's Assembly in a justified decision" and Article 117 saying, "The President of the Republic is not responsible for the acts he does in carrying out his duties except in the case of high treason." The Syrian President also designates judges of the Supreme Constitutional Court, which lacks the independence necessary to guarantee its credibility and fairness.

Moreover, the Counter-Terrorism Law No. 19 issued in 2012 was considered a renewed declaration of the state of emergency and was followed by the creation of the Counter-Terrorism Court (CTC) under law No. 22/2012, to replace the Supreme State Security Court (SSSC) [abolished](#) by legislative decree No. 53/2011.

5. The Legal Framework for Syria's Political System

In principle, political life in Syria is regulated by legal frameworks, mainly the Constitution, Political Parties Law, Election Law, and the Supreme Constitutional Court.

⁶ Ibid.

⁷ Reform in Syria: Steering between the Chinese Model and Regime Change, Carnegie Papers, Middle East Paper Series, No. 69, July 2006.

5.1. The Constitution

In theory, the Syrian Constitution protects many basic rights such as participation in political life,⁸ freedom of expression, and freedom of association. The current 2012 Constitution states, “Every citizen shall have the right to participate in the political, economic, social, and cultural life and the law shall regulate this.” (Article 34)

“Every citizen shall have the right to freely and openly express his views whether in writing or orally or by all other means of expression.” (Article 42.2)

“Citizens shall have the right to assemble, peacefully demonstrate and to strike from work within the framework of the Constitution principles, and the law shall regulate the exercise of these rights.” (Article 44).

The Syrian Constitution also allows the formation of parties and associations;

“1. The political system of the state shall be based on the principle of political pluralism, and exercising power democratically through the ballot box;

2. Licensed political parties and constituencies shall contribute to the national political life, and shall respect the principles of national sovereignty and democracy;” (Article 8)

“Freedom of forming associations and unions shall be based on a national basis, for lawful purposes and by peaceful means which are guaranteed in accordance with the terms and conditions prescribed by law.” (Article 45).

Nonetheless, the Constitution contradicts itself; while it ignores in the Preamble Syrian components other than the Arab, such as Kurdish, Armenian, Assyrian, and Turkmen, and places them in the category of Arab nationalism by saying,

“The Syrian Arab Republic is proud of its Arab identity and the fact that its people are an integral part of the Arab nation. The Syrian Arab Republic embodies this belonging in its national and pan-Arab project and the work to support Arab cooperation in order to promote integration and achieve the unity of the Arab nation.”

It states in Article 8.4,

“Carrying out any political activity or forming any political parties or groupings on the basis of religious, sectarian, tribal, regional, class-based, professional, or on discrimination based on gender, origin, race or color may not be undertaken.”

The Preamble promotes the Arab nation over others and presents it as central to the Syrian State. Furthermore, the Political Parties Law allows the activity of the Arab Socialist Ba’ath Party and makes it licensed with other parties of the National Progressive Front.⁹

⁸ Legislative Decree No. 94/2012, Syrian Constitutional, Syrian Parliament website, 27 February 2012, <http://www.parliament.gov.sy/arabic/index.php?node=5518&cat=423&> (last accessed: 29 July 2023).

⁹ Political Parties Law No. 100/2011, Article 35.

In the same vein, the Constitution unequivocally limited the religion of the President of the Republic to Islam in Article 3, which contradicts Article 33 calls for equality in rights and duties without discrimination among citizens on grounds of sex, origin, language, religion, or creed.

5.2. Political Parties Law

[Political Parties Law](#) that was issued in Syria in 2011 affirms the Syrian citizens' right to establish and join political parties.

In Article 5, the Law specifies the conditions for forming political parties, stating that they must not be founded based on religion, sect, tribe, race, gender, color, region, or profession. However, this Article is incompatible with the existence of the "Arab" Ba'ath Party. As a diverse country, it is normal to find in Syria parties and associations of different religious or ethnic characters. For instance, the Syrian Yazidis have a special doctrine, and it is normal to have a party that represents their opinions and aspirations.

The same Article prohibits parties from forming or helping to form covert or overt military or paramilitary groupings and from turning to any form of violence or threatening or inciting violence during their activities. This is while the Ba'ath Party is involved in the army and security services, using paramilitary forces, and even military like the Ba'ath Brigades/Battalions.

In Article 7 the Law provides that the Parties Affairs Committee decides on the applications of parties' formation and amendment of their internal regulations. The Committee comprises the Minister of the Interior as chairman, a judge appointed by the President of the Court of Cassation as a member, and three independent public figures chosen by the President of the Republic. As such, the Law opens a way for the latter to interfere in the work of the Committee.

Article 6 of the Law prohibits organizations from obtaining party status or engaging in any political activity unless they complete the necessary establishment conditions and procedures. However, this is practically impossible because a political party typically begins as a group of like-minded individuals who come together spontaneously based on a shared ideology. The process of legalizing and regulating the party takes several years, making it difficult for new parties to comply with the requirements set by the law.

Article 13 of the Law stipulates that the party jointer must enjoy civil and political rights and not be convicted of a dishonorable felony. These conditions prevent many Syrians from joining parties, especially those arrested arbitrarily over their political opinions.

5.3. Election Law

[Law No. 5/2014](#) on general elections was issued during the height of the conflict in Syria when the government lost control of vast swaths of the country.

Not only the timing but also some provisions of the Law were problematic. For example, Article 4 of the law states, "Every citizen who is 18 years of age shall have the right to vote or referendum unless he or she is deprived or suspended of this right." This is applied to government opponents who were arrested wantonly, thus the Article deprives them of their

right to vote. Furthermore, Article 30 of the Law stipulates that “Candidate for the office of President shall be a resident of the Syrian Arab Republic for no less than 10 years continuously upon being nominated.” This deprives those who were forced into displacement from their right to run for the presidency.

This Law also includes Articles that contribute to the domination of the Executive over other authorities, such as Article 15, which gives a governor the right to form electoral commissions at polling stations, knowing that the President of the Republic appoints the governor.¹⁰ Another example is Article 28, which provides that the general electoral roll shall be prepared nationwide in the Syrian Arab Republic by the Ministry of Interior in coordination with the Ministries of Justice and Local Administration and the Central Bureau of Statistics, the entities known as pillars to the Executive. Moreover, Article 34 of the same Law stipulates that the Supreme Constitutional Court is mandated to oversee the presidential elections while the current Syrian President appoints its members.

In addition to the above, it should be noted that Articles 22 and 24 of this Law stipulate that %50 of the members of the People’s Assembly and local administration councils are from workers and peasants sectors which are subordinate to the Ba’ath Party and thus the Articles maintain the latter's control over the Assembly and councils.

5.4. Act No.7/2014 on the Supreme Constitutional Court

The Supreme Constitutional Court is supposed to be an independent judicial body that seeks to balance the rights of individuals and groups and the rights of the majority and minority. It also shall serve as a platform for citizens to file complaints in the event of a violation of their constitutionally protected rights. This Court is considered the last resort for those whose constitutional rights were affected and failed to gain redress from ordinary means of litigation. Redressing victims prevents long-standing disputes that threaten the work of the State institutions.

Article 1 of [Law No. 7/2014](#), known as the Supreme Constitutional Court Law, provides for the complete independence of the Court, while other Articles hinder this independence. For example, Article 3 of the Law states that the President of the Republic appoints the members of the [Court](#), which violates the principle of the separation of powers and constitutes a blatant encroachment from the head of the Executive (the President) in the judiciary's work. That said, granting the President absolute powers in selecting the Court members renders them mere administrative employees susceptible to replacement at any time in light of the Court’s lack of independence.

Under Article 11 of the same Law, it is incumbent upon the Supreme Constitutional Court to ensure the constitutionality of laws, legislative decrees, rules, and regulations. However, to date, the Court has not decided to nullify any of the many Syrian legislations that contravene the Constitution. That except for the decision of 2019 to abolish some Articles from the draft

¹⁰ Local Administration Law No. 107/2011 Article 40.

legislation of the State Council after a half-century of inaction and criticism of the Syrian government on its purpose.¹¹

It is relevant to recall that the current composition of the Supreme Constitutional Court of 2020 includes only two female judges out of the 11; neither the Constitution nor the Court Law refers to the need for the equitable representation of women in the Court.¹²

5.5. Associations and private societies law

[Law No. 93/1958](#) on Associations and Private Societies governs the establishment and regulates the work of any association or organization in Syria. It was adopted during the short-lived union between Egypt and Syria as the United Arab Republic (1958-1961). It was heavily influenced by notions that the state should control and guide society and dissolve political parties.

In 1969, Syrian authorities amended certain provisions of the law through Legislative Decree No. 224 to further increase state control over associations.

One of the key provisions added by Legislative Decree No. 224 allowed the government to "merge" associations that do similar work. The Law also gives the Ministry of Social Affairs and Labor (MoSAL), which is a pillar of the Executive, the power to dissolve any association practicing any activity that is sectarian, racist, or political that affects the safety of the state – without defining these activities – “or simply” if the Ministry finds that there is no need for the services of the association. The dissolution decision is definitive and does not allow any appeal or reconsideration, according to Article 36 of the Law.

According to Article 14 of the 1974 Executive Regulations of Law No. 93, license applications submitted by non-governmental organizations with similar goals to those of grassroots organizations will be rejected. This demonstrates the extension of the “one-party philosophy” that the Ba’ath [established](#) even within civil society.

Law No. 93 designated the MoSAL as the entity responsible for administering the Law, including exercising the authority to dissolve groups. In practice, however, the Syrian security authorities are heavily involved. Under the Law, you apply to the MoSAL. Still, in practice, you apply to three security agencies: State Security [Amn al-Dawla], Political Security [Amn al-Siyasi], and Military Security [Amn al-`Askari].¹³

To further restrict the Syrian civic space’s participation in political life, the Executive Regulations of the Law permit authorities to determine whether or not an organization’s license should be granted based on the findings of an investigation conducted by General Security on

¹¹ For example, but not limited to, Legislative Decree No. 109/1968 on the establishment of Military Field Courts, , Legislative Decree No. 14/1969 on the establishment State Security Department, Law No. 22/2012 on the establishment of CTC, Legislative Decree No. 63/2012, and Law No. 10/2018.

¹² Absent, popularly and officially... The Syrian Constitutional Court.

¹³ No Room to Breathe: State Repression of Human Rights Activism in Syria, Human Rights Watch, October 2017, <https://www.hrw.org/report/2007/10/16/no-room-breathe/state-repression-human-rights-activism-syria> (last accessed: 30 July 2023)

the organization's founders.¹⁴ Notably, associations must notify MoSAL of their meetings, and Ministry representatives have the right to attend.¹⁵

5.6. Other laws, decisions to hinder participation in political life

The abovementioned Laws are only the tip of the iceberg. The legal framework of the political life in Syria includes myriad laws and decisions impeding political participation, including Emergency Law, Legislative Decree No. 109/1968 on the establishment of Military Field Courts, and Legislative Decree No. 47/1968 on the establishment of SSSC, which was later abolished in 2011 and replaced by CTC under Law No. 22/2012.

The CTC, which is headquartered at the Ministry of Justice, is mandated with trying both civilians and military personnel facing terrorism-related charges. The special court uses the overbroad provisions in the Counterterrorism Law, enacted in July 2012, to convict peaceful activists on charges of aiding terrorists in trials that [violate](#) basic due process rights.¹⁶

In a similar context, Law No.14/1969 states in Article 16 that employees of the State Security Administration shall not be judicially pursued for offenses they commit while carrying out their duties or specific tasks assigned to them without a [warrant](#) issued by the director authorizing legal action against them.

Moreover, the suffocating control by the security forces kept Syrians inside and outside the country from participation or the demand to participate in politics. Syrian security services are granted legal immunities under Legislative Decrees No. 64/2008 and No. 61/1950.

6. Political Participation in Syria under Latest International Decisions

Political participation in Syria faces many impediments, mainly discrimination based on gender, language, religion, opinion, nation, and sect, among other considerations, and unequal access to human rights.

On 16 February 2012, following the widespread protests in Syria and the violent crackdown on them by security forces and the Syrian Army, the General Assembly issued Resolution No. 66/253, which called on the United Nations (UN) to fully support the League of Arab States in facilitating a peaceful resolution to the conflict through a Syrian-led political transition. Afterward, on 14 April 2012, the UN Security Council issued Resolution No. 2042 urging the

¹⁴ Article 6 of the Executive Regulations of the Associations and Private Societies Law No. 1330/1958.

¹⁵ Article 28 of the Executive Regulations of the Associations and Private Societies Law No. 1330/1958.

¹⁶ Syria: Counterterrorism Court Used to Stifle Dissent, Human Rights Watch, 25 June 2013, <https://www.hrw.org/news/2013/06/25/syria-counterterrorism-court-used-stifle-dissent> (last accessed: 30 July 2023)

commitment to work with the UN Joint Special Envoy in an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people.

On 30 June 2012, the Action Group for Syria issued its Final Communiqué (the '[Geneva Communiqué](#)'), which called openly for the launch of a Syrian-led political process leading to a transition that meets the legitimate aspirations of the Syrian people. Participating parties agreed on a six-point plan that outlined steps for a peaceful transition in the country. The Communiqué also stressed on the need to review the constitutional order and the legal system and to ensure full representation of women in all aspects of the transition. On 30 October 2015, participants in the Vienna talks on Syria issued the [final joint statement](#) in which they invited the UN to convene representatives of the Government of Syria and the Syrian opposition for a political process leading to credible, inclusive, non-sectarian governance, followed by a new constitution and elections. In addition, [Resolution No. 2254/2015](#) called on the Syrian government and the opposition to engage in formal negotiations on a political transition process 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. The same Resolution emphasized the need for all parties in Syria to take confidence building measures to contribute to the viability of a political process and a lasting ceasefire.

We conclude that all UN Resolutions on Syria since 2011 focused heavily on the need to form an inclusive non-sectarian government, draft a new constitution, hold free and genuine elections, achieve party pluralism, ensure the rule of law and other guarantees of the active participation of Syrians in political life.

7. Tools to Achieve Political Participation

The dichotomy between the theory and practice of human and minority rights, as outlined in the 2012 Constitution, has caused citizens to lose faith in it. Many view its provisions as hollow promises made to alleviate the popular movement and see the document as lacking in value and unable to lead the transitional phase.

Most actors on the Syrian scene expressed the need for a new Constitution or the amendment of the current one as part of the political solution. That said, the Syrian Constitutional Committee was established under UN Resolution No. 2254 and officially announced after the 2018 Syrian National Dialogue Conference in Sochi, Russia, as part of an international strategy approved by Russia, Turkey, and Iran to resolve the Syrian conflict. The strategy includes four stages: achieving a credible non-sectarian transitional government, drafting a future constitution, holding free parliamentary elections within eighteen months under the supervision of the UN, and mounting a unified fight against terrorism. While all four stages are equally important, the Committee views writing a revised Constitution as integral to outlining the concrete steps needed to implement the other three stages¹⁷.

¹⁷ The Formation and Responsibilities of the Syrian Constitutional Committee, STJ, 11 May 2011, <https://stj-sy.org/en/the-formation-and-responsibilities-of-the-syrian-constitutional-committee/> (last accessed: 5 August 2023).

The formation of the Constitutional Committee involved many back-and-forth negotiations and vetoes from sponsors on participating figures and groups. The several rounds of talks between parties of the Constitutional Committee failed to achieve a breakthrough in the issue of the Constitution or Syrians' lives. Nevertheless, these talks constitute a step towards the Syrian solution and an opportunity to discuss the Constitution and the work of the Constitutional Committee and to provide suggestions for amendments.

The workshop organized by STJ on political participation discussed related opinions and ideas and made the suggestions below,

7.1. The selection of the Constitutional Committee members

The Constitutional Committee was created based on international quotas without considering efficiency, specialization, and representation. The selection process lacked transparency and did not prioritize inclusive and equitable representation of all Syrian components. The Committee did not include representatives for the Kurds or the population of northeastern Syria. Additionally, Ankara prevented all members of the Autonomous Administration from participating.

7.2. International guarantees to make change

The Constitutional Committee reports to the UN and not to the guarantors (Turkey, Russia, and Iran). Thereby, the UN is a key partner in supervising the work of the Committee and ensuring the creation of a safe environment through which parties to the conflict can reach a political solution that ensures the participation of all Syrians including the displaced and refugees.

7.3. The Constitution and rule of law

The Syrian Constitution provides for a presidential system of governance that grants the President of the Republic broad powers and is backed by a powerful executive governmental apparatus. In practice, however, the security services replaced the governmental civil apparatus in many aspects of political, civil, and service life. Moreover, the President's inner circle replaced governance tools stipulated in the Constitution.

Participants in the workshop held by STJ were unanimous in their view that Syria needs a Constitution separating the powers and ensuring the independence of the judiciary that guarantees the rights and freedoms of the Syrian people with all its religious and ethnic components. The Constitution is the principal document and a social contract that all Syrians must redraft for the utmost functioning of the State and its organs, mainly the government, judiciary, and parliament. The Constitution reflects the people's identity.

The principle of separation of powers dictates that the Judicial Authority Law should be amended. The restructuring of the Supreme Judicial Council should be the main focus of this amendment. The council's membership should be limited to judges, and the President of the Republic and the Minister of Justice should be excluded. The judges should choose the President of the Council and its members. The Supreme Judicial Council should be the only supreme authority responsible for judicial affairs, with complete independence from other state agencies. It should supervise all judicial bodies, including the Judicial Inspection Department. The department should report to the Supreme Judicial Council, and the council should effectively monitor the work of judiciary members, hold them accountable, and impose penalties against violators.

7.4. Reforming Political Parties Law and Abolishing Ba'ath Party's Monopoly on Power

The government system of Syria is theoretically a mixed, party-civilian system. However, in practice, the 1973 Constitution granted the Ba'ath Party sweeping powers and a high profile by designing it as leader of the state and society. Notably, the National Command of the Ba'ath Party nominates the President of the Republic.

The workshop held by Syrians witnessed a discussion centered on the need to establish a political system that guarantees party pluralism. This would open up opportunities for parties to participate in power more effectively and set standards for any upcoming electoral process to ensure true representation for all society components and equitable participation of all Syrian governorates and cities. Such a process can produce a parliament that genuinely represents the Syrian people.

In the same context, there must be an electoral law that organizes primary elections for a constitutional assembly, with a broad representation of Syrian people tasked with supervising the drafting of Syria's future Constitution. The new Constitution must provide for a new electoral system and elaborate the way to move to it. The proposals related to the electoral system must consider international rules and best practices applied in democratic elections, especially those mentioned in UN documents, such as the International Covenant on Civil and Political Rights of 1966, which stipulates in Article 25 the right to participate in public affairs, the right to vote, and the right to enjoy access to public services.

7.5. Economic reform and wealth sharing

Since the Ba'ath Party came to power, successive Syrian governments have been unable to lead a comprehensive development process that meets basic requirements for sustainable development. Furthermore, the economic sectors have suffered from widespread corruption, unemployment, high inflation rates, and a lack of justice in distributing wealth, in addition to the continuous depreciation of the Syrian currency.

One of the most essential practical priorities in the transitional phase is to respond to livelihood needs and ensure economic security for investment. Therefore, it is necessary to propose concrete steps to move the Syrian economy towards liberation and openness, reduce burdens and taxes on citizens, create more job opportunities, and open the door to investors through policies that encourage investment. A specific timetable must be set for restructuring the public sector, burdened with too much bureaucracy and corruption that hinders economic progress. Achieving the required economic reforms enhances the chances of political participation for Syrians.

7.6. Ensuring the engagement of minorities

Negotiations with all Syrian stakeholders, including religious and ethnic minorities, are one of the most critical stages for the success of the political process. Integration of minorities relies on reforms to the administrative system governing civil practice in a way that allows them to represent themselves in the government and participate effectively in writing the Constitution. This can be achieved through agreements Syria ratified or will ratify along with constitutional and legislative amendments, provided minorities are involved in the due processes.

There are various ways to ensure that minorities are well represented in government. One method is to have proportional representation on local administrative councils in areas where these minorities reside. Another approach is through decentralization, which can help redistribute political power. The Syrian Kurdish community believes that the new Constitution must preserve their national peculiarity and those of other minority groups and consider them as integral components of the Syrian people. Syrian Kurds call for abolishing discriminatory laws and projects against them, such as the Arab Belt Project, and demand compensation for those affected. The Kurds also call for granting citizenship to the stateless (*maktoumeen*), recognizing the Kurdish language as an official language in Kurdish regions alongside Arabic, supporting and encouraging the revival of popular heritage and paying attention to Kurdish national folklore, developing and enriching it as a part of the heritage.

7.7. Political participation of women

Syrian women face inherited political, religious and social obstacles that limit their role in public life, especially in the absence of protective traditional and legal environments.

The structure of the state itself limits women's participation, as it lacks elements of a civil state that guarantee equal rights of all its components. Successive Syrian constitutions continued to exclude many categories and components of the Syrian people by enshrining the policy of exclusion and marginalization and not implementing texts that consolidate the values of citizenship and freedom.

Participants of the workshop held by STJ unanimously agreed that the new Syrian Constitution should explicitly stipulate gender equality in all spheres of life, using gender-inclusive language that does not discriminate against a particular sex, social gender, or gender identity and does

not perpetuate gender stereotypes. Participants also stressed the need to revise Syrian laws to abolish or amend articles that perpetuate discrimination, to embody the principle of the equality of men and women in the Syrian Constitution, and to provide for measures and mechanisms to implement the legislation to ensure, through law and other appropriate means, to establish a special entity for women that aims to empower them and to promote gender equality in all government plans and programs; this entity shall have the authority necessary to perform its functions.¹⁸

7.8. Political socialization and constitutional culture

Syria lacks a robust political culture due to the declining role of civil political activity over the past fifty years. The prolonged period of totalitarian rule has resulted in the perpetuation of worshipping power and wealth, the absence of law and order, and the inability to solve problems through dialogue and engagement. Furthermore, the education system has failed to address the importance of political culture, which allows individuals to express their opinions freely.

Therefore, political education is essential for long-term political participation. This involves developing specific standards and values such as the rule of law, equal citizenship, non-discrimination based on religion, language, gender, and other factors, a peaceful transfer of power, and the participation of all in the political life of the country. It is necessary to strengthen democratic political awareness, the source of democratic thinking and behavior, and political education by emphasizing its pivotal role. In addition, media institutions must be granted independence and be liberated from the hold of the Executive represented by the Ministry of Information.

¹⁸ Syria: Gender-Sensitive Transitional Justice is an Essential Requirement to Support the Transitional Path, 19 June 2023, <https://stj-sy.org/en/syria-gender-sensitive-transitional-justice-is-an-essential-requirement-to-support-the-transitional-path/> (last accessed: 5 August 2023).

► 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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