

Syria: Legislative Elections Fail to Reflect Citizens' Real Will



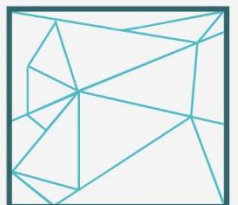
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On 11 May 2024, [Decree No. 99](#) was issued, setting 15 July 2024 as the date for the election of members of the parliament, the Syrian People's Assembly (Majlis Al-Shaab). The Decree divides the electoral districts and the number of seats per electoral district. The candidates run for election either in category A (workers and peasants) or category B (other members of the populace). The numbers of seats reserved for categories A and B are defined by law (127 and 123 respectively). These elections are the fourth of their kind since the issuance of the new Syrian Constitution in 2012 and since the beginning of the Syrian conflict in 2011, which led to the displacement and migration of millions of Syrians.

▪ **The Ba'ath Party's Hegemony Over the Assembly**

The 2012 Syrian Constitution abolished Article 8 from the previous 1973 version, which declared, "The Arab Socialist Ba'ath Party is the leading party in the State and society." Nevertheless, the Party maintained the majority of seats in the People's Assembly, accounting for about two-thirds of its members.¹

The Ba'ath Party selects its candidates through a process called "partisan domestication" (the inner-party voting), where the Party's [Regional Command](#) (in Arabic: Al-Qiyada Al-Qutriyya) has the sole authority to issue the final list. This demonstrates the Regional Command's control over the Party and its decisions. After Party members wishing to run for the Assembly elections submit their names to the Party's branches, the name list is sent to the Regional Command. The latter then has the authority to select anyone from the submitted list and even the right to add other names that are not included. This is because the "partisan domestication" results are not binding on the Command, and the final decision remains in its hands.

The "partisan domestication" was first adopted in 2020 during the People's Assembly elections. On this, Syrian President Bashar al-Assad then stated, "The experiment of the inner-voting has formed an embodiment to the public reality, with its positive and negative aspects"²... "The criteria of the success of the experiment depends on evaluating it accurately and making use of its lessons in the future through developing its mechanisms and expanding the base of participation to be able to put an end to the defects, negative aspects and decrease the role of electoral corruption, narrow subjective loyalties, and thus succeed in delivering the best representatives not only on the party level, but also on the national level."³

In Decree No. 99 of 2024, Article 2 outlines the allocation of seats for workers, farmers, and other sectors to ensure the Party has a greater number of seats.⁴ It is relevant to mention that the Party has exerted control over society over the years by creating professional organizations, unions, popular groups, and labor unions. This was one of its key strategies to include a wide range of society in its circle. As part of this approach, the Party reinstated the electoral system within labor unions and thus removed existing executive councils and replaced them with supportive ones.⁵

¹ See for example: "[Legislative Elections in Syria Between 2012-2020](#)", Idrak Center for Studies and Consultations, October 2020, p.28.

² [President al-Assad chairs meeting for central leadership of al-Baath Party](#), SANA, 2 July 2020.

³ [President al-Assad chairs meeting for central leadership of al-Baath Party](#), SANA, 2 July 2020.

⁴ Article 22 of the [General Elections Law No. 5 of 2014](#) specifies that the workers' and farmers' sectors must hold at least fifty percent of the total seats in the People's Assembly.

⁵ Steven Heydemann: *Authoritarianism in Syria: Institutions and Social Conflict*, Riad El-Rayyes Books, Beirut Lebanon, translated by Abbas Abbas, and reviewed by Dr. Radwan Ziada. 2011.

In late 1964, the Party gained full control of the General Federation of Trade Unions (GFTU). Similarly, the ruling regime integrated the General Union of Peasants into its framework.⁶ As a result, these unions became instruments used by the Ba'ath Party to enforce its policies without directly associating its name with them.

[The Trade Union Regulatory Act No. 84 of 1968](#) states under the rationales of its issuance, "It is to affirm the working class's historical role in sparking and protecting the socialist revolution. It also implements the resolutions of the Arab Socialist Ba'ath Party's conferences, asserting the autonomy of grassroots organizations within the national socialist framework. This decision aims to deepen the democratic freedoms of these organizations, particularly those representing workers and peasants." This confirms that the workers' and peasants' unions in Syria are merely tools for implementing the policies of the Ba'ath Party. The latter is still, in practice, the leading party of the State and society.

▪ Syrian Elections Lack Transparency and Integrity

According to the Civil Liberties and Political Rights [report](#) published by Freedom House in 2021, Syria is one of the countries with the lowest rates of integrity and democracy. The report states, "There is no transparency or accountability surrounding the official electoral process. The executive authorities, acting through the military-security apparatus, effectively grant or withhold permission to participate in elections in government-held areas." This assessment was made after the last elections for the People's Assembly in 2020.

The principle of separation of powers is a fundamental tenet of the rule of law and democratic systems. However, in Syria, the Executive dominates all joints of the state, including the People's Assembly.

[The General Elections Law No. 5 of 2014](#) states, "The Supreme Judicial Elections Committee has full supervision over the People's Assembly membership elections. The Committee consists of seven immovable original judges (and seven reserve judges) appointed by the Supreme Judicial Council from advisors of the Court of Cassation. The same Law states that the Supreme Constitutional Court rules any appeals regarding the validity of the election of People's Assembly members (Article 83).⁷

[The 2012 Syrian Constitution](#) stipulates that the President of the Republic shall head the Supreme Judicial Council (Article 133) and appoint the members of the Supreme Constitutional Court (Article 141). This effectively gives the President complete control over the legislative authority, which is intended to be an independent body. Granting the President absolute power to appoint members of the Supreme Constitutional Court makes the members become de facto administrative employees rather than independent entities. This also makes them vulnerable to being replaced without checks or standards to ensure their independence from the authority that appointed them. The same issue applies to the Supreme Judicial Council, which is led by the President, who has the power to select its members and thus dominate them.

The President of the Republic determines the number of members of the People's Assembly for each governorate, as there is no standard or law for this. After reviewing Article No. 2 of Decree No. 99 of 2024, which specifies the number of members for each electoral district, and comparing it to the district's population, it is evident that demographic and geographical

⁶ Steven Heydemann: *Authoritarianism in Syria: Institutions and Social Conflict*, Riad El-Rayyes Books, Beirut Lebanon, translated by Abbas Abbas, and reviewed by Dr. Radwan Ziada. 2011.

⁷ Article 146 of the same Law states that the Court has jurisdiction to "review and decide on appeals regarding the validity of the election of the President of the Republic and members of the People's Assembly."

changes in Syria since 2011 were not considered.⁸ This has led to discrimination against voters in governorates outside the control of the Syrian government, such as Raqqa (8 members), al-Hasakah (14 members), and Daraa (10 members), compared to smaller or less populated governorates.

It is relevant to mention that the Human Rights Committee in its "[List of issues in relation to the fourth periodic report of the Syrian Arab Republic](#)," dated 5 April 2024 raised several concerns regarding the lack of integrity in the parliamentary elections. These concerns include:

- “(a) a lack of a safe and neutral environment for campaigning and voter participation;
- (b) fraud, ballot stuffing, and political interference;
- (c) voter intimidation and coercion.” (Paragraph 27)

The government responded with a [report](#) submitted on 2 February 2024. The report stated that, “To speak of the absence of a safe electoral environment and to allege malpractices, as stated in this paragraph of the list of issues, simply reaffirms the lack of impartiality and objectivity of some of the sources the Committee used to prepare its questions. It also shows how those sources have sought to distort the efforts made by the Syrian Arab Republic to implement the provisions of its own Constitution.”

▪ **Legislative Elections Fail to Respect International Standards and Resolutions**

As mentioned above, the People’s Assembly elections lack crucial integrity and transparency standards, which contradicts the [International Covenant on Civil and Political Rights](#), which states that every citizen shall have the right “[t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” (Article 25.b)

In the same vein, [UN Security Council Resolution 2254 of 2015](#) stipulated that elections must be free and fair to the satisfaction of the governance and the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate. However, none of the parliamentary elections since the resolution was issued have met these requirements.

▪ **People’s Assembly Fail to Represent the People**

According to the current 2012 Syrian Constitution, “A member of the People’s Assembly shall represent the whole people.” (Article 58). However, in practice, this rule is not upheld because the elections do not account for areas and electoral districts outside the control of the Syrian government, either completely or partially. As a result, these areas do not have the right to elect their representatives in the Assembly. Additionally, over 6.4 million Syrians are living outside of Syria and are unable to vote.⁹

On another level, Law No. 8 of 2016, which amended General Elections Law No. 5 of 2014, permitted military and internal security personnel to participate in elections – but suspended their right to run for office while in service. This amendment led to an increase in the number

⁸ The number of internally displaced persons in Syria, according to UNHCR, is 7.2 million. See: "[Global Trends 2023](#)", UNHCR, 13 June 2024.

⁹ "[Global Trends 2023](#)", UNHCR, 13 June 2024.

of government supporters participating in the elections, which resulted in a higher representation of specific groups backing the Syrian government at the cost of its opponents.

Furthermore, the Syrian government always holds elections on a regular workday to compel workers and employees to participate. This will help increase voter turnout and gather support for the Ba'ath Party and government candidates. Nonetheless, elections are typically supposed to be held on a public holiday to ensure that voters can freely and independently cast their votes without any influence.

It is relevant to recall that in the previous legislative elections of 2020, a significant number of individuals wanted for justice or accused of committing crimes against Syrians, such as officers, militia leaders, criminals, individuals on international sanctions lists, and retired officers, ran, and some of them won.¹⁰

▪ Sham Elections and Puppet Parliament

The upcoming elections are expected to be similar to previous ones. The security services are anticipated to continue intervening to influence voters to support government-approved candidates. This may lead to wanted individuals being Assembly members and even enjoying immunity.

The majority of voters are expected to be members of the military and security forces. Most seats are likely to be allocated to the Ba'ath Party, and women are not expected to participate significantly as candidates or voters. Moreover, many Syrians are anticipated to be unable to participate in the elections due to living in areas outside the government's control, residing in the diaspora, or being "wanted" for their opposition to the government.

There is a concern that the main goal of the next People's Assembly will be to change the Constitution to allow President Assad to run for re-election in 2028,¹¹ and repeat the 2000 scenario, when the People's Assembly quickly [amended Article 83 of the Constitution](#) to lower the minimum age for a presidential candidate from 40 to 34, enabling Bashar Assad to run for president. Notably, the 2012 constitution reinstated the minimum age for candidacy to 40.

¹⁰ See for example. "[The Ba'ath Democracy...The 2020 Elections and Approaches to Enshrining Article VIII](#)", Omran Center for Strategic Studies, 20 October 2020, pp. 6-11.

¹¹ "[The Syrian parliamentary elections are coming up. Should anyone care?](#)", Atlantic Council, 25 April 2024.



ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unfailing dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.