



## **Syria's New Constitution: Ten Constitutional Principles for a Just and Inclusive Democratic State**

*The new Syrian constitution should establish transitional justice principles to address conflict consequences, promote national reconciliation, and ensure accountability for human rights violations*

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Syria's modern history has seen numerous constitutional changes influenced by significant political events and transformations impacting its government and state structure. Since the French mandate began in 1920 until 2012, the country has experienced thirteen constitutions, predominantly from military coups or authoritarian regimes, including the one established in 2012. While some constitutions underwent popular referendums, others were forcibly enacted, often disregarding the genuine will and aspirations of the populace. This underscores the tumultuous evolution of the nation's governance and legal institutions.

The overthrow of Bashar al-Assad's regime has led Syria to undergo significant transformations after a decade of armed conflict that resulted in widespread destruction, mass displacement, profound social changes, and shifts in the societal structure. In this context, it is essential to develop a new Syrian constitution that establishes a foundation for building a modern state rooted in democracy, justice, and respect for the rights of all citizens – both men and women – while acknowledging the diversity of Syrian society. This constitution should promote the values of coexistence and reflect the people's aspirations for freedom, justice, and equality. Thus, when drafting any new constitution, ensuring comprehensive and genuine societal consultations is crucial.

In this paper, Syrians for Truth and Justice (STJ) discuss key constitutional principles that we believe should be incorporated into the future Syrian constitution. Our aim is to ensure that the constitutional process serves as a transformative tool for positive change. Therefore, we recommend that any forthcoming Syrian constitution include the following ten constitutional principles:

## **1. Promoting a Unified Syrian National Identity**

The new Syrian constitution needs to reflect the country's rich diversity. Acknowledging cultural and ethnic pluralism is a crucial foundation for a strong Syrian national identity, ensuring respect for all social and ethnic groups. The constitution should recognize national languages alongside Arabic, such as Kurdish and Syriac, thereby enshrining the rights of different communities to preserve their cultural and linguistic identities. This recognition would demonstrate the Syrian state's commitment to pluralism and equality.

In the same vein, to strengthen the comprehensive national identity, the current name of the state must be reconsidered to make it more inclusive and reflective of the true diversity within Syrian society. A new name, such as “Syrian Republic,” “Republic of Syria,” “Syrian State,” “State of Syria,” or simply “Syria,” would enhance the sense of national belonging for all citizens while avoiding any exclusionary tendencies.

Additionally, the constitution should embody the values of full equality and coexistence among all communities and groups. This includes ensuring their representation in educational curricula and public spaces and protecting Syria’s cultural and historical heritage. This heritage is vital for connecting the past with the present and contributing to building a shared future.

## **2. Popular Sovereignty and Peaceful Transfer of Power**

To ensure the implementation of the will of the Syrian people and to prevent any return to tyranny, the new Syrian constitution must include explicit provisions and specific mechanisms that guarantee the peaceful transfer of power and uphold the will of the Syrians. It should enshrine the principle of separation of powers as a fundamental safeguard against the concentration of power in the hands of any party or individual. Additionally, a stringent system of checks and balances must be established to delineate the executive, legislative, and judicial authorities.

The new constitution must also emphasize complete equality among all Syrians in assuming positions and responsibilities within the state, free from any form of discrimination. To achieve this equality, all discriminatory restrictions must be removed, ensuring that everyone has equal opportunities to contribute to the development and governance of the state and benefit from its protection. Consequently, the constitution should include provisions that promote a vibrant civil and democratic space across various sectors.

## **3. Ensuring the Protection of Human Rights and Fundamental Freedoms**

The new Syrian constitution should explicitly enshrine inalienable human rights and fundamental freedoms, making them an essential part of the state’s legal framework. It must guarantee civil and political rights for all citizens, as well as cultural rights for diverse groups.

The constitution should also affirm the state's full commitment to international human rights agreements and treaties, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Furthermore, the constitution should include clear provisions requiring that all national laws comply with international human rights standards.

The protection of citizens from discrimination based on race, religion, language, or gender must be strengthened through laws that prohibit and criminalize such acts. Additionally, the constitution should contain explicit provisions against all forms of torture and any actions that violate human rights, ensuring these provisions are strictly enforced through independent judicial mechanisms.

Finally, the constitution should establish an independent national human rights body to monitor the implementation of international and domestic human rights obligations. This body should have the authority to investigate violations and recommend necessary legal amendments while remaining neutral and free from political interference to maintain its credibility.

## **4. Gender Equality**

The constitution must clearly and unambiguously protect women's rights and ensure complete equality between men and women in all aspects of life. Provisions should guarantee equal access to employment and educational opportunities and promote women's participation in public life and political representation. This can be achieved through mechanisms such as quotas in the cabinet, parliament, and local councils. These measures reflect the state's commitment to fostering gender justice and empowering women, which is essential for rebuilding society.

## **5. Rule of Law and Separation of Powers**

The constitution must guarantee the rule of law as the foundation of a just state. This requires affirming the judiciary's independence from the executive and legislative branches, ensuring that it operates with complete impartiality and is free from political interference and external

pressures. The executive authority should not have the power to control the judiciary, as it did in the past. Judicial independence is essential for respecting the rights of individuals and groups and enhancing citizens' confidence in state institutions.

The separation of the executive, legislative, and judicial powers must be clear and firm. Effective oversight mechanisms should be in place to ensure that no authority exceeds its designated powers. This separation aims to prevent the concentration of power in the hands of any one party, thereby promoting a balance of power within the state and protecting citizens' fundamental freedoms. For instance, the legislative branch is responsible for enacting laws, while the executive branch implements them within its authority. The judiciary, in turn, is responsible for monitoring compliance with these laws and holding violators accountable, with an explicit prohibition on establishing exceptional courts.

Furthermore, the constitution should establish an independent constitutional court responsible for reviewing laws and legislation to ensure they comply with the constitution. It is vital to clearly define the process for forming this court and for appointing its members. Additionally, judicial oversight of administrative actions should be mandated in the constitution to uphold the principles of the rule of law and the separation of powers. Mechanisms should also be put in place to allow citizens to ensure that their rulers fulfill their obligations.

## 6. Transitional Justice

The new Syrian constitution should establish the principles of transitional justice as both a legal and ethical framework designed to address the consequences of the conflict. It aims to achieve national reconciliation, ensure accountability for serious human rights violations, assist victims, and promote institutional reforms to prevent future violations and enhance stability. The constitution should empower legislative authorities to create flexible, adaptable, transparent, and independent mechanisms to achieve these objectives. This process must involve consultations with all segments of Syrian society, considering the evolving needs of the transitional justice process at each stage.

## 7. Economic, Social and Cultural Principles

The forthcoming Syrian constitution is expected to align with the ICCPR and the ICESCR to implement the economic, social, and cultural rights of all Syrian people, starting with the rights to health and work and extending to free education, the right to form and join unions, the right to strike, and the fair distribution of wealth among the population and regions. We also stress the importance of constitutionally enshrining the cultural rights of various Syrian groups, including the right to learn and speak their mother tongue, practice their traditions, and celebrate religious and cultural holidays. While simply stating these rights is a starting point, it is essential to establish measures and mechanisms that ensure the state's fulfillment of this commitment. Therefore, the constitution must include adequate guarantees to protect these rights and prevent their violation. This approach will reflect the state's dedication to its people's well-being and promote Syria's diverse identity.

## 8. Transparency and the Right to Information

The upcoming Syrian constitution should enshrine the principle of transparency as a fundamental aspect of public affairs management. This principle ensures that government decisions and policies are open to public scrutiny and subject to effective accountability. To achieve this, state institutions and government agencies must provide citizens with information about public affairs and the country's administration in a clear, organized, and accessible manner. Additionally, the constitution should guarantee every individual the right to access information that impacts their lives. This includes data on public spending, government contracts, public policies, and the national budget, all of which should be presented transparently and made available to the public. Any restrictions on or withholding of information must be legally justified in a precise and clear manner, supported by a legal framework that regulates such exceptions to prevent misuse. Moreover, the constitution should enhance the role of civil society and the media as independent oversight bodies. These entities play a crucial role in identifying violations related to access to information and ensuring the state's commitment to the people's right to know.

The constitution should also establish effective mechanisms and constitutional guarantees to uphold the right to access information. This includes creating independent bodies responsible



for overseeing the implementation of this right and reviewing complaints related to its violations. Protecting this fundamental right and ensuring its enforcement will foster trust between citizens and the state, ultimately leading to a transparent and accountable administration that aligns with the aspirations of the Syrian people.

## 9. Political Participation and Elections

The constitution must establish the principles of political participation, multiparty system, and free and fair elections as fundamental pillars of democracy and political legitimacy. It should affirm that the people are the source of authority, exercising their sovereignty through transparent and fair periodic elections based on secret, free, and direct suffrage principles. Furthermore, the constitution must guarantee the rights of all citizens to run for office and vote freely, without any pressure, threats, or discrimination based on gender, race, religion, or political affiliation. To achieve this, strict constitutional guarantees must be provided to ensure the integrity of the electoral process at all stages.

Voters should have a genuine opportunity to choose among various political programs that reflect societal diversity and represent a range of orientations and perspectives. This approach enhances fair representation and enriches the democratic process. To promote this diversity, the constitution should establish fair electoral laws, which shall be implemented under the supervision of an independent body with the authority to ensure that elections remain neutral, transparent, and free from interference.

Additionally, the constitution should require the state to create a safe environment for voters and candidates, protecting them from threats or harassment and guaranteeing freedom of expression and peaceful assembly during election campaigns. Candidates should be free to present their programs and visions without obstruction, and voters must have access to comprehensive information to make informed choices.

Lastly, the constitution should explicitly outline procedures and mechanisms that enhance the representation of women, historically marginalized groups, and vulnerable populations in elected institutions. This commitment to equality and social justice is essential for ensuring the inclusiveness of the democratic process in Syria.



## 10. Sustainable Development

The new Syrian constitution must enshrine sustainable development as a fundamental pillar of comprehensive reconstruction and progress, encompassing economic, social, and environmental aspects. This approach should reflect the state's commitment to achieving regional equity by tackling developmental disparities among regions, mainly rural areas in the Syrian interior and the Syrian Jazeera (northeastern Syria). It should also promote local economic growth to enhance societal stability and well-being. Furthermore, the constitution must safeguard the rights of displaced individuals and refugees, ensuring they can return to their areas of origin by offering support and rehabilitating their communities and infrastructure.

The constitution should also enhance effective and fair management of the country's resources and services to ensure fair distribution among all regions and population groups. It should prioritize the protection of natural resources and address environmental challenges that have intensified during the conflict.

Furthermore, the constitution should stipulate the involvement of all societal groups, including women, youth, and marginalized communities, in decision-making processes related to development plans. This involvement should be comprehensive, covering the planning, implementation, and oversight stages to ensure that the diverse interests of all groups are represented and to enhance everyone's sense of ownership of and responsibility for the country.

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## ABOUT STJ

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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.