

Strategic Paper

Equality First: Towards a Democratic Constitution



STRATEGIC PAPER

Equality First: Looking for a Democratic Constitution

International Roundtable

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INTRODUCTION

We need to talk about women's rights in all platforms! Syrian activist

In 2011 the Syrian Women League started a constitution building process in Syria, with the support of European Feminist Initiative IFE-EFI, in order to raise awareness on the necessity of integration of women's rights in the future Constitution and develop a discourse on democracy from women's rights perspective. The goal is to support the Syrian activists in their work on empowering of women and their participation in an inclusive constitution building process in Syria that supports and promotes the respect of gender equality and human rights of women within a general democratic frame.

The Syrian Women's League, a member in the Coalition of the Syrian Women for Democracy (CSWD) conducted a research on the constitutions of Turkey, Morocco, Tunisia and Syria and through wide consultation process produced a draft of provisions for a future Syrian Constitution, inclusive of women's rights and gender equality.

The Coalition of Syrian Women for Democracy (CSWD), together with the European Feminist Initiative IFE-EFI organized an International Conference *"Equality First: Looking for a democratic Constitution"* on 14-15 December 2012 in Beirut with the purpose to enrich this work. The conference was supported by the Dutch organization HIVOS.

Over 60 participants from Syria, in addition to experts and activists from Maghreb, Mashrek, Africa, Asia, Europe and North America discussed and enriched the constitutional propositions. Based on these discussions the Coalition of Syrian Women for Democracy (CSWD) produced a constitutional proposition with inclusive founding principles.

The conference helped to identify the gaps and needs to be approached by the Syrian activists and the international community. Among these was the promotion of a constitution building process in Syria that will allow the strengthening women's organizing and voice and enable the institutionalizing of women's rights. It emphasized the need to build strategies to enable women's participation not only as voters but as elected and political decision makers.

The Conference raised up challenges and exchanged good practices of constitutionalizing women's rights and gender equality and emphasized the crucial role of the women's movements in inserting and/or preserving women's rights and gender equality in Constitutions as a core issue in the political transitions. In the process of constitution building, the women's rights activists put their attention not only on the formulating of the actual provisions in regards to gender equality, but also on ensuring inclusiveness of the entire process. The experiences show that women are most often excluded from the bodies and the processes concerning the constitution building.

The goal of this paper is to highlight the action and analyses of the women's rights organizations in Syria and to emphasize the transformative role they play for a non-violent transition towards building of a democratic society. It highlights some major setbacks and challenges for women's rights, now and in the future, based on the analyses and lessons learned from other countries that have gone through transitions.

It raises up the major issues for women's activists in the transition in Syria today as identified by the participants and provides a set of relevant recommendations and conclusions on how to address these issues. It encompasses the lessons learned from the work of the women's rights organizations and the input of regional and international actors and experts. Women's rights activists have grabbed now every opportunity to organize and advocate for a fair Constitution and for a broad and inclusive process.

This process is both a goal and a tool to raise women's rights and gender equality as central to democracy building in Syria.



TRANSITION TOWARDS DEMOCRACY

“Gender Equality is a pillar of democracy. We did not have this in our mind then.” Slovenian Activist

The Beirut conference put the light on the Arab world, where the uprisings for social change opened space for reforms and organizing towards democracy. Massive protests brought down the dictatorial regimes in Tunisia and Egypt and inspired similar movements in the whole region. Although women are in the forefront of these movements, it is a challenge for women’s rights and gender equality to be acknowledged as a priority or as political issue in these processes. Moreover, the precarious political, economic and security situation in the region is leading to postponing the implementation of women’s rights. However, Syrian women’s rights activists claim, from lessons learned, that women’s rights are inseparable part of any transitional process that aspires to lead towards democracy.

In the context of escalating armed conflict and related risks for Syria and the region, there is a necessity to establish a democratic alternative that needs all forms of support on regional and international level. There is a momentum for women’s rights activists to organize and pressure stakeholders to put an emphasis upon producing a democratic and “gender-sensitive process” and act for a democratic Constitution. It requires not only the establishment of the rule of law, but gender equality and respect for the human rights and dignity of both women and men.

Democratic transition is a challenging process. Sometimes it encompasses ambition towards democracy while witnessing regression of women’s rights. Therefore there is a need to constantly question the content of democracy. Women’s rights activists claim time after time that there is no democracy without the integration of the values and principles of gender equality and human rights of all, women and men alike.

In these times of major uncertainties of the political development in Syria and instability of the regional context, while it is difficult to predict when a military violence escalation could stop and when another could take place, women have limited chances to have their rights constitutionalized if they are not prepared to advocate for them.

In spite of the regional context of militarization, unresolved national questions, increasing spread of religious extremism and conservative trends that are further provoking violence, women's rights activists continue building for the future on the bases of universal principles and rights. For these rights the Syrian women will have to fight whatever the political regime will be at the end of this violent phase of the Syrian history.

RECOMMENDATIONS

- ❖ **Respect and promotion of women's rights and gender equality must be an inseparable part of the discussion on democracy during the political transformation.**
- ❖ **Women's rights activists should receive strong international support to prepare effective steps towards gender equality during the transitional period.**
- ❖ **Women's rights activists should invest in own capacity building and engage large communities of actors in a broad discussion on democracy, human rights and non-violent political transformation as a platform for mobilization towards democracy with women's rights and gender equality as indivisible elements.**

②

WOMEN'S RIGHTS Women's Rights are Universal Human Rights

“We don't have a problem of identity; we have a problem of reference” Tunisian activist and lawyer

In many countries forms of discrimination against women are grounded in, or attributed to culture, tradition or religion and may be tolerated or even legalized. As almost all international human rights instruments assume gender equality and prescribe anti-discrimination, many are claimed by religious leaders to be in conflict with what is seen to be religious obligations. The cultural specificities are often presented as not compatible with universal rights, especially those of women, particularly in situations of conflict or violent transition.

The difficulty of changing traditions that hamper women's rights and equality is worsened by the lack of awareness and by endorsement by some women themselves, as well as by cultural relativism, widely spread in the international community, including in the human rights circles. After Vienna declaration, the Beijing Platform for Action affirmed that women's rights are fundamental human rights and go beyond cultural and religious diversities.

Women's rights are part of fundamental and universal human rights and are inherent to human dignity. Respect for the human person and equality between women and men must take precedence over customs and traditions, whether religious or not, without any compromise. Co-operation among Nations over the protection of women's rights reflects a progress for humanity.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses over all specific contexts, the obligation of States to protect women against all forms of discrimination in public and private life and their obligation to prohibit harmful customary and traditional practices. Several States still see CEDAW as being “*Western*” and neglecting religious values and they hold reservations due to “incompatibilities” between CEDAW

and domestic laws and/or constitutional articles. Introducing reservations to affirm formal, legal discrimination of women in personal status matters (divorce, marriage, inheritance, property, custody) amounts to denying women their status as full rank citizens, which is the very point of CEDAW. It is contrary to the object and purpose of the treaty and hence invalid according to article 19 of Vienna Convention on the Laws of Treaties.¹

RECOMMENDATIONS

- ❖ **Transitional period is the momentum when achievements towards gender equality can be made with the active support of the international community, shouldering the continuous efforts of the women's movement in Syria now.**
- ❖ **International community should support and enhance the fight of the women's movement towards their State leaders and decision makers to remove all reservations on CEDAW.**
- ❖ **International community may discuss conditionality in the bilateral relation with the State/oppositional leaders, during the transition and in the post transitional period.**

¹Prof.Ruth Rubio-Marin - Chair in Public Comparative Law, European University Institute Florence, participant at the conference

③

CONSTITUTION AND CONSTITUTION BUILDING PROCESS

“When in the drafting process there is no respect of women’s human rights, how can the constitution itself respect these rights?” Egyptian activist

All the developments in the Arab countries have demonstrated that women’s rights are in the core of the political transitional processes and of the on-going debates on new Constitutions. They need to be constitutionalized in order to guarantee transition towards democracy, in order to address discriminative legislation and to enable advocating for their implementation.

The process of *“Building of a Constitution”* in Syria has already started, even though informally, in the present context of increasing violence. The Coalition of Syrian Women for Democracy (CSWD), with the support of European Feminist Initiative IFE-EFI work on building a base within Syria and support outside in order to provide space for inclusive debate on the principles of the future Syrian Constitution and ensure broader ownership of the process.

The Syrian activists have sent their argumentation for founding principles of the Constitution to the Syrian opposition conference in Cairo in June 2012. In addition they have contacted progressive leaders and searched for all spaces for influence. Syria is another world example that when a violent conflict takes place, women are not recognized as equal partners in the fight for freedom and women’s rights are not taken as important issue on any agenda, even if women are sharing the burden of the conflict.

The Coalition of Syrian Women for Democracy (CSWD) continues mobilizing voices for a Constitution that includes the universality of women’s rights with their national campaign under the title: *“Looking for a Democratic Constitution”* in collaboration with European Women Initiative IFE-EFI. Now, as in the future, it is time to pay attention as much to the inclusiveness of the

entire process as to the work with the actual provisions and language in regards to women's rights and gender equality.

RECOMMENDATIONS

- ❖ **Lessons learned and good practices show that inclusive constitution building process is both a tool and a goal to raise women's rights and gender equality as central to democracy building.**
- ❖ **International community should take all opportunities to support the organising and the efforts of the women's rights activists and their advocating for a fair and gender sensitive Constitution and inclusive constitution building process.**



④

WOMEN'S PARTICIPATION AGAINST DISCRIMINATION

“Women always demand so little!” Spanish activist

Women still have limited access to power and responsibilities in the public sphere due to the prevailing unequal sharing of family responsibilities that prevent most of them to conciliate family and professional lives, and to the persisting stereotypes about women and power, women and politics. In this regards the role of the political parties remains crucial in taking measures to increase women's representation in politics. In spite of parties statements about the need of gender equality their leading bodies seldom reflect this, with only about 11% of female party leaders in the world.

MENA is a militarized region, where human rights, especially women's rights are often compromised for *“more urgent security matters”*. Female politicians face resistance not only in the public space but also in the circles of their nearest family members, colleagues and friends; they are widely absent from the political sphere and it is a major obstacle to peace and democracy in the region². Even if the on-going events seem to widen the possibilities for women to participate in public life and politics, it is still a challenge for women to make their voices heard in the political decision making processes of transformation. Female politicians are few and they work in milieu where patriarchal values are defining the needs and priorities. Furthermore they are not always aware of the women's rights themselves or do not necessary dare speak up, not to be accused of *“not loyal”* attitude. Independently of their own awareness, female politicians have limited access to power and need the support of the women's movement.

To change this situation, strategies must be developed to strengthen women's capacities and self-confidence to be candidates in the upcoming elections, to strengthen the cooperation between female politicians on both

²Alexandria Platform Women and Politics 2010, Alexandria Appeal to UNSG and UN USG

local and national level and women's rights activists from the civil society: encouraging mutual support and action and ultimately accumulating more opportunities for more women and women's friendly politics to enter the political sphere and to promote women's political participation as a constitutive part of democracy building.

In the on-going debate on quota many agree that just 30% does not reflect the proportional representation of women. Beijing Platform for Action prescribes 30% as the minimum required to form a critical mass that can enable transformative change. Syrian women's rights activists believe that 30% representation should be adopted in the transitional period as a prelude to achieve parity and full equality. Considering the complexity of visible and invisible forms of discrimination hindering women's participation, the Beirut discussion agreed that the measures should be taken both by political parties and legislation towards enabling women's proportional representation in order to provide real opportunities for meaningful participation favouring women's rights and actions towards parity.

RECOMMENDATIONS

- ❖ **Strategies should be designed to guarantee that gender equality and women's rights are not left out of the transitional process.**
- ❖ **International community should support the demands of the women's movement in Syria and in the whole region for 30% minimum quota as a transition phase towards parity and full equality.**
- ❖ **Spaces for cooperation between female politicians and civil society activists should be supported and exchange of experiences and good practices favoured.**

⑤

DIALOGUE

“In times when we face universal extremism we need international dialogue” Lebanese activist

In Syria activists are targeted, arrests and disappearances, beatings and killings take place now openly in the public places. Human rights and civil activists have neither the right nor the possibility to organise. There is an on-going repression to remove all active people of the social movement from the street. Women activists are threatened with increasing sexualized violence. Travel bans are usual practice of control and activists do not dare ask for travel permission for fear not to be targeted again. Thousands of Syrian women refugees are now facing huge violence and insecurity.

Sectarian conflict is on the rise and persecutions from both the regime and the opposition are taking place. Such environment is favouring religious extremism and social and political conservatism, all of them non-friendly to women's rights. Spaces are missing, where people meet and exchange views on how to address major challenges during a transition, such as transitional justice, demobilisation, democratisation, civil society or the Constitution. Spaces are missing to facilitate and promote dialogue among different religious and ethnic communities to mitigate sectarian tensions and help rebuild a united Syria.

There are also human rights leaders who consider that woman's rights and gender equality are not among priorities of the transitional phase. Therefore women's rights activists seek to lobby and demonstrate that women's rights are both a democratic demand and a measure for democracy; they do not come *“after”*. Dialogue between women's rights activists with all parts of the democratic movement is necessary to promote this vision.

Non-violent transition towards democracy building demands the stop of violence and a broad and inclusive awareness raising and reconciliation work. One of the lessons learned from all the violent conflicts and transitions is that the involvement of women's rights activists themselves is required to promote the values of non-violent and peaceful resolution of the conflicts. The Beirut conference confirmed that international presence is precious in order to facilitate the discussions and support the women's demands.

Means and forms of action must be undertaken in order to crush marginalisation and isolation of the gender approach and to widen a civil society understanding and platform without compromise on basic women's rights principles.

RECOMMENDATIONS

- ❖ **A broad dialogue on democracy and women's rights as universal human rights should be supported now and not wait for "later".**
- ❖ **International community should support the organisation of international, national and local spaces for having dialogues and exchange between women's rights activists and human rights and civil leaders on the one hand and with decision makers and stakeholders on the other, where activists can negotiate women's rights without any compromise.**
- ❖ **Dialogue should take place at all levels in order to support the promotion of women's rights issues and gender equality on the top of the political agendas and promote women's rights activists as valuable interlocutors in the political decision-making sphere.**

⑥

INTERNATIONAL SOLIDARITY

“We should be aware of not replacing a secular dictatorship with democratically elected dictatorship and instead build all together a counter discourse.”
Iraqi activists

Regional and international solidarity, cooperation and reflection among women's NGOs are crucial in this moment when women look for sharing of experience to build strategies and to act in order not to be excluded of the on-going political processes. Networking among women's NGOs supports collective analysis, capacity development, learning and action within countries as well as across them. Networking and exchange between women's organizations from different countries provide opportunities for them to raise their issues on international level through joint lobbying and advocacy initiatives, work together for ending on-going discriminations, impunity for perpetrators of violence against women and for global institutionalizations of women's human rights and gender equality.

European Feminist Initiative IFE-EFI and the partners in the Euro-Med **“Equality First”** always raise and stress international solidarity actions as a major issue, essential to successful women's organizing on national level especially during and after heavy military crises. European Feminist Initiative IFE-EFI strives to provide support through its presence and availability to listen and being there when needed to contribute to strengthening common analyses and common discourse, based on the recognition of the different context but also on similarities of women's oppression. Consequently solidarity brings visibility and influences the political processes.

Coalition of Syrian Women for Democracy (CSWD) and European Feminist Initiative IFE-EFI work together on local, national and international levels to make the voices of Syrian women's rights activists heard in all arenas.

RECOMMENDATIONS

- ❖ **International solidarity and analyses uncover patriarchal power structures and different forms of oppression of women globally, in all contexts, and is instrumental in designing strategies for promoting of women's rights as indivisible from democracy building and in any political transition.**
- ❖ **International solidarity and cooperation should help to promote women's rights as a priority on international, regional, national and local level.**
- ❖ **International solidarity and support to women's rights organisations helps the Syrian activists to strengthen and broaden their discourse without compromising women's rights as locally or culturally framed.**

This paper wishes to contribute to highlighting the analyses of the women's rights organizations in Syria and the issues that are of major importance for them today, as much as tomorrow. We hope that the recommendations will help both the civil society organizations and the international community in carving their future strategies.

