

ENGENDERING CONSTITUTION

Training Course for Lawyers

27/11 - 03/12/2013 Beirut

The training course “Engendering Constitution” took place from 28th November to 2nd December 2013 in Beirut. It gathered around 40 participants: lawyers, teachers of law, constitutionalists and representatives of women’s rights and human rights organizations. The course was organized in the frame of the program “Towards a democratic transition in Syria through an inclusive constitution building process”, implemented by the European Feminist Initiative IFE-EFI in partnership with the Coalition of Syrian Women for Democracy and other civil society organizations. This program is funded by Sweden. The objective is to contribute to a nonviolent transition in Syria by supporting the constitution building process with women’s rights and gender equality as central constitutive elements. Through this program IFE-EFI provides organizational, technical and financial support to different components of the civil movement in Syria in order to strengthen women’s rights and participation and enhance dialogue and mutual understanding on gender equality and democracy between CSOs and social and political actors and stakeholders.

The training course for lawyers and professionals provided a space for sharing expertise and experiences and for making an overview of gender equality entry points to constitutional law. The participants discussed lessons learned from Egypt, Morocco and Tunisia, successes, failures, and policies for change. Political transitions, historical backgrounds and present challenges were in the heart of the debate on the new Constitutions. The role of the civil society and women’s rights organisations as change makers was particularly underlined.

Together, lawyers, academics, civil activists and trainers framed articles that need to be included in priority in the constitutional draft. They elaborated short and long term strategies that aim to ensure full equality between women and men. Mr Mukhtar Lamani, political adviser to UN peace envoy to Syria Mr Lakhdar Brahimi, came to greet the participants. He shared light on Geneva 2 process, listened to the demands of the women’s rights defenders and expressed his full support to their work and involvement.

From the Training





BRIEF

Engendering Constitution

Syrian women's rights and human rights lawyers and activists improved their advocating skills and gender knowledge. They expressed the need and the will to engage broader communities in the constitution making process and to be present at each step of the building of a democratic future: transitional government, negotiation of peace agreement, constituent assembly, constitutional bodies, and transitional justice. They expressed as well their commitment to work on legislation, in particular on personal status laws and judicial interpretation of social norms and cultural patterns.

Instructors from Egypt, Tunisia and Morocco shared their experiences and highlighted successful strategies as well as challenges, such as the limitation of transplanting legal norms. The experts drew the attention on the need to link women's rights to all issues pertaining to democracy. They showed how the public/private divide can be reproduced in the Constitution. It was reminded that this divide relegates women to the private sphere and expects them to play a subordinate position within it. This poses one of the major obstacles to women's full participation in all spheres of life.

During these five days the participants; women and men, academics, professionals and activists, benefited from the high quality of the debate, the warm atmosphere, the strength of the connections and the common will to contribute to a democratic future for Syria. Networking and building of a civil society platform around women's human rights and gender equality as constitutive part of democracy was stressed as a decisive strategy, enabling a broad participation in the making of the constitutional project and enhancing equality between women and men.

Major cross cutting points have been underlined:

- The importance of a gender sensitive language, including feminization of the terms, bearing in mind the symbolic value of a Constitution.
- The need for non-unambiguous and precise terminology, leaving no space for interpretation.
- The importance of a constant connection between constitutional experts and women's rights activists.

Specific Constitutional Provisions have been drafted among which:

- Non-discrimination clauses and gender equality provisions, particularly in areas such as marriage and work.
- Reference to international women's rights standards and to the Universal Declaration of Human Rights, as well as universal women's rights instruments such as CEDAW.
- Equal rights and opportunities policies: Prohibiting violence against women in all its forms in private and public life; specific protection against sexual violence, physical abuse and sexual exploitation; right to education and work; right to own property/land/inheritance; equal participation of women in politics at all levels; general commitment to women's political participation in addition to quotas in the legislature or public institutions to increase the number of women representatives in legislatures.
- Equality provisions that allow to tackle all forms of discrimination in the public and private sphere by enabling egalitarian family structure; provisions addressing gender stereotyping of women (in the media, in education); provisions that ensure women's reproductive freedoms but also a care-centered society such as reproductive autonomy clauses, clauses for the protection of pregnancy and motherhood and provisions that ensure that women can enjoy all other social, economic, cultural rights and freedoms in effective ways.
- Creation of public institutions and ministries or units responsible for women's right and/or gender equality and of a government task force in charge of implementing women's rights.
- Non-interference of religion in the political and legislative sphere. Development of Plan B with constitutional provisions that protect women's rights if reference to religions would pertain in the personal status law and preparing of an optional civil law.