

**“We are not just  
flowers on the table”**

**Women’s role in the Syrian  
constitutional process**

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**EZKS**

Europäisches Zentrum für Kurdische Studien  
European Center for Kurdish Studies



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## Abbreviations

<b>SCC</b>	Syrian Constitutional Committee
<b>SNC</b>	Syrian Negotiation Committee
<b>MT</b>	Middle Third
<b>HNC</b>	High Negotiation Commission
<b>KNC</b>	Kurdish National Council
<b>UN</b>	United Nations
<b>WAB</b>	Women's Advisory Board
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>LAS</b>	League of Arab States
<b>YPJ</b>	Women's Protection Units
<b>PYD</b>	Kurdish Union Party
<b>SWPM</b>	Syrian Women's Political Movement
<b>CSO</b>	Civil society organisations

*“We are not just flowers on the table,  
we are competent women”*

# Introduction



“We are not just flowers on the table, we are competent women.” This is what Fadwa Mahmoud, a member of the Syrian Constitutional Committee (SCC), says about the role of women in the Syrian Peace Negotiations. The Syrian Constitutional Committee is part of the United Nations Syrian Peace Process; its goal is to draft a new constitution for Syria. As a result of efforts made by the UN, women make up 27,3% of the Committee – a respectable number compared to other political bodies around the globe. But the question remains of how the role of women in the SCC is to be evaluated. Are they indeed merely regarded as “flowers on the table” as Fadwa Mahmoud fears, or do they have a decisive influence on the constitutional negotiations? This study investigates these questions. We talked to women members of the Syrian Constitutional Committee to gain an understanding of their point of view on the issue. In particular, our study seeks to answer the following two questions:

*What role do women play in the Syrian Constitutional Committee?*

*What is their political strategy and aim in the constitution-drafting process?*

The goal is to analyse the aims and political strategy of women SCC members in the constitution-drafting process based on an intersectional approach. We not only seek to explore their role in the negotiations, we also wish to analyse the different power relations and the diverse living realities of women which reflect on their positions, their work and their perspectives on the SCC.

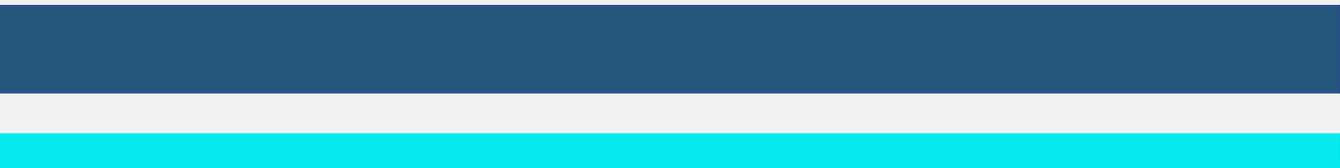
Drawing up a new constitution is a key moment in a country's history; it is an opportunity to create a better and more stable future. Nevertheless, peacebuilding and transitional justice in post-conflict societies are complex and multi-layered processes, in which economic, social and political aspects have to be considered all together. A new constitution defines the very guidelines of the state and the life of its citizens, the values the society is based on, and the rights and duties of the different members of the state.

Therefore, it is of utmost importance that this process be inclusive and afford all the groups of society – regardless of their gender, age, religion, language, ethnicity or socio-economic status – an equal right of representation in shaping and drafting the new constitution. In this study, we will focus on the integration of women into the constitutional negotiations. We begin by providing an overview of the literature on women in Syrian politics and civil society. Additionally, chapter one describes the Syrian Peace Process, the role of constitution-drafting within this process as well as the inclusion of women in this procedure. We also take a look at the current position of women in politics and civil society organisations in Syria and the legal foundation the current Syrian constitution establishes for women. After that, we explain the theoretical framework of the study and provide an intersectional analysis. In chapter three, we introduce the Grounded Theory as the method for our analysis. Finally, we answer our research questions on the role of women within the SCC as well as women's aims and strategies by breaking down the results of the interviews within the outline of the Grounded Theory and the intersectional perspective.

As the following literature overview shows, important aspects of research on women in Syrian politics have already been covered. However, the study at hand is unique in that it draws attention to the opinions of the women members of the Syrian Constitutional Committee itself. It thus reinforces the voice of this group and provides the public with insights into the constitutional process from a woman's perspective as well as an understanding of their opinions on women's rights topics.

*“My voice is loud; my voice is heard.”*

# 1. Contextualisation and background

Two horizontal bars are positioned below the title. The top bar is dark blue and the bottom bar is cyan.

In this chapter, we provide an overview of the literature on Syrian women in politics and civil society. We then go on to describe the role of the Syrian Constitutional Committee within the Syrian Peace Process. We also shed light on the current position of women in Syrian politics and civil society organisations. Finally, we look at the way the current Syrian constitution stipulates the legal standing of women.

## 1.1 Literature overview: Other studies on women/ gender in the Syrian constitutional process

The representation of women in political processes and decision-making positions has been absent or merely symbolic for many decades owing to power structures which subordinate women and exclude them from the public sphere. However, gender-sensitive transitional justice as well as the participation of women in higher-ranking positions are crucial for creating and sustaining peace and human rights-based democracy in Syria (Roy 2018, 83ff.; Kannout 2019, 5; 10f.). As Lama Kannout (2019, 10) states, "Gender equality cannot be achieved without the dismantling of deep structures of oppression, the accountability of war criminals, and the building of the State of Law." Here, she points out the core factors that need to be included within the Syrian Peace Process, including the constitutional process. She also stresses that "[w]ithout women's participation, their perceptions, experiences and entitlements, and response to their rights and needs, transitional justice would reflect only the views, priorities and experiences of men regarding violence" (Kannout 2019, 3).

In "Syrian Women in Political Processes", Bela Kapur (2017) analyses women's participation in politics within the Syrian context. In addition to women's role in politics before, during and after the revolution, Kapur presents an overview of the involvement of Syrian women in the Syrian Peace Process. The study gives information about the inclusion of women on the road to Resolution 2254 of the UN Security Council and other formats of women's representation in the international arena for the Syrian cause. Here, the author explains the role of the Women's Advisory Board and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This study is based exclusively on English literature.

Furthermore, women and women's rights organisations in Syria elaborated concrete recommendations for an engendered constitution in the paper "A Comprehensive Feminist Plan for Reconstruction" (2019), identifying two main aspects. First, drafting a new constitution in Syria is not a popular demand, mainly because there is a lack of information and transparency. Only international political interests have been considered in the process. Second, the political participation of civil society, of the Syrian public and especially of women and feminists is limited due to the historical and ongoing marginalisation of feminist groups and women ("The Syrian Women's Political Movement" 2019, 1). The authors explain what a feminist and human rights-based constitutional process and related content could look like, taking into consideration the areas of political, cultural, economic and social rights. Their goal is to achieve equality and eliminate gender-based discrimination (ibid., 2).

Silvia Suteu and Ibrahim Draji (2015) write in "ABC for a Gender Sensitive Constitution" about how to set up a constitution which provides justice between men and women. Apart from introducing

international and regional legal mechanisms which stipulate the guidelines for constitutions that take into account the different genders, they take a look at the linguistic aspect of gender-sensitive constitutions. Furthermore, the authors define transitional justice, empowerment, equal representation of all genders in historical and economic matters, and women's participation as key elements for gender sensitivity. The authors also include a checklist which they have formulated for gender-sensitive constitutional processes.

Zakzak et. al (2014, 9ff.) analyse the Syrian constitution of 2012 and identify basic aspects as well as lessons learned with regard to transitional justice. They state that patriarchal structures and legacies are a threat to democracy in Syria. The authors give examples of democratic and gender-sensitive constitutions and constitutional processes in Tunisia, Egypt, Morocco, the Balkans and other parts of Europe (ibid., 14f.). Gender mainstreaming as well as justice, dignity, freedom and equality are basic aspects and values which should guide a new constitution, according to the authors (ibid., 26ff.).

To further contextualize the participation of women in the Syrian Constitutional Committee, a historical background on the political events, details on the UN Peace Process for Syria as well as the foundation of the Syrian Constitutional Committee will be further elaborated in the following chapter.

## 1.2 The UN Peace Process for Syria

Starting in March 2011, young Syrians in particular organised protests against the Assad Regime. This was viewed as part of the regional developments called the Arab Spring. Tunisia and Egypt had already overthrown their authoritarian leaders, with protests taking place in Libya, Morocco, Oman and Yemen as well. March 15<sup>th</sup>, 2011 is marked as Revolution Day in Syria. However, the term "revolution" is contested due to the civil war which developed out of the protests. Confronted with a government using violence against the protesters, the protests became increasingly violent in turn, different armed factions emerged and the regime lost its monopoly on violence. In February 2012, Iran's and Hezbollah's support for the regime marked the start of international intervention in the conflict (Asseburg 2018, 29ff.).

### **How the Syrian Constitutional Committee came into being**

Also, in February 2012, the UN Security Council attempted to take action regarding the Syrian conflict but was hindered by the vetoes of Russia and China. The UN General Assembly passed Resolution 66/253 which is the legal framework to set up the Joint UN and LAS Special Envoy for Syria. This role was first taken by the former UN Secretary General Kofi Annan, followed by the Algerian diplomat Lakhdar Brahimi. Both of them concentrated on achieving a ceasefire and aimed at building trust between the parties of the conflict. However, both of them resigned mainly because they did not see any readiness of the conflict parties to work towards stopping the violence. In 2014, the Italian-Swedish Diplomat Staffan De Mistura took over the position of the UN Special Envoy for Syria. In contrast to his predecessors, he put more emphasis on the role of international forces in Syria.

During his mandate, the UN Security Council adopted the Resolution 2254 in December 2015. Article 4 of the resolution reads: "(...) sets a schedule and process for drafting a new constitution (...)". During the Geneva Peace Talks in 2017, a list of members for a Constitutional Committee was drafted. After a meeting of the Astana Group, composed of Russia, Turkey and Iran, in late 2018, an agreement on the

composition of the SCC was reached (Asseburg 2018, 28ff.). In October 2018, Geir Pederson became the UN Special Envoy for Syria and Khawla Mohammed Ali Matar was nominated Deputy to the Special Envoy.

Roughly, the SCC is divided into an opposition group, representatives of the regime and a group representing civil society, which is called Middle Third. Each of them is composed of 50 members (Large Body) total, of which 15 members from each bloc are part of the Small Body. The drafting process is mainly the task of the Small Body, while the Large Body is going to vote on the draft constitution in the end (COAR 2019, 4).

The initial meeting of the Large Body of the SCC took place in October 2019. Until February 2021, this was the only meeting of the Large Body. The Small Body of the SCC met in November 2019, in August 2020, December 2020 and January 2021. So far, the actual drafting process has not started yet. The SCC is discussing general principles and guidelines such as the question of Syria's national identity, return options for refugees as well as a number constitutional principle.

As already mentioned, a gender-sensitive peace process and the representation of women in political processes are essential for sustainable peace. Therefore, the role and participation of women in the UN Peace Process for Syria will be examined in detail hereafter.

### **Women in the UN Peace Process for Syria**

Resolution 2254 is "encouraging the meaningful participation of women in the UN-facilitated political process for Syria." The UN Women (Entity for Gender and Equality of Women), together with several women's rights organisations and networks, demanded a thirty-percent quota of women in the SCC and for all negotiating parties (Qaddour 2020, 565ff.). In 2016, the office of the former Special Envoy for Syria, Staffan de Mistura, established the Syrian Women's Advisory Board (WAB) to participate as third-party observers (Qaddour 2020, 593). Today, the 30% quota remains unfulfilled. Of the 150 members in the Large Body, just 27,3% are women (Qaddour 2020, 595). In 2021, women make up about 46% of the civil society bloc, 22% of the government bloc and only 14% of the opposition bloc.

However, another point of critique regarding the involvement of women in the SCC and the WAB is that those women, like the whole SCC, represent the elite; women from ordinary circles and CSOs are not included in the process to a sufficient extent, as they are not well connected with those women working in the framework of the international peace process (Kapur 2017, 34).

The current UN Special Envoy for Syria, Geir O. Pedersen, continually mentions the Women's Advisory Board in his routine press releases before the SCC meetings. He frequently stresses that "[i]t is priority for all of us to make sure that we have full participation of Syrian women in the political process [and to promote] their core constitutional rights" (Press release, 22.01.2021). However, so far, neither women's rights nor gender in general have played any role in the meetings of the Small Body.

The role and the perspective of women in the Syrian Constitutional Committee could not be analysed in the course of this study without taking a closer look at the preconditions set to include women in said process.

### **Women in the Syrian Constitutional Committee**

As mentioned in chapter 1.2, the proportion of women in the SCC was supposed to be 30%. However, neither the opposition (14%) nor the regime (22%) blocs met this requirement. Only the Middle Third exceeded these expectations, with 46% of its members being women.

The Middle Third is composed of individual activists and researchers and has six women representing it in the Small Body. In an interview with us, Sabah Alhallak and Dr Raghda Zedan were willing to share each of their experiences in the Small Body. The Large Body of the Middle Third encompasses another seventeen women. Of these seventeen women, we conducted interviews with Chavia Ali, Dr Samira Mobaied, Raeifa Samie, Jomana Qaddour, Fadwa Mahmoud, Ghuna Bdiwi and one person who wishes to remain anonymous. It is important to note how the members of the Middle Third were nominated. First, the UN compiled a list considering the balance between regime-leaning and opposition-leaning activists and researchers. In a second stage, the Astana Group selected 50 members from this list.

With regard to the representation of women in the opposition bloc of the SCC, it is important to take the Syrian Negotiation Commission (SNC) into consideration. It is a coalition of different party blocs (including the National Coalition and the National Coordination Committee for Democratic Change) and represents the opposition bloc in the Syrian Constitutional Committee. The SNC was founded in 2019. In the Small Body of the opposition bloc, there are only two women (out of 15 members) represented, Dima Moussa and Dr Bassma Kodmani. Alice Mofrej, one of our interview partners, and four other women are part of the Large Body of the opposition bloc. The significantly minimal integration of women in the SNC was already apparent in its predecessor organisation, the High Negotiation Commission (HNC). Even though the HNC had founded the Women's Advisory Committee, former UN Special Envoy De Mistura illustrated that “the problem is that they don't talk. They're not allowed to talk, or they are not given an opportunity to intervene. Except when I insist in asking a specific question, which is forcing the process. They don't sit close to the centre, they are on the margins. They're considered experts rather than actual delegates” (Gambale 2016, quoted by Kapur 2017, 38).

In the regime bloc of the SCC, there are three women in the Small Body and a further seven women in the Large Body. However, we did not have the opportunity to talk to any of them. Surely, this also has to do with the pressure and surveillance under which Syrians living in the regime-controlled areas are placed. Jomana Qaddour stated in her interview that some women from the regime bloc confided to her that they support the ideas she brought forward during the SCC meeting sessions. Other interview partners told us about the constant surveillance the regime members were confronted with during the negotiations in Geneva.

This chapter summarised the preconditions and rules for the inclusion and participation of women in the UN Peace Process for Syria, which turned out to be a main obstacle. The following chapter will investigate the general political participation of women in Syrian politics since 2011.

## 1.3 Political Participation of women in Syrian politics

During the Syrian revolution, women's active, peaceful, organised, social and political participation in the fight for a state of citizenship was relatively high. But the regime answered with violence and militarisation, which led to the exclusion and marginalisation of women from the public political sphere, forcing them into relief activities (Lama Kannout 2018, 39). This gender gap in political participation was also reflected in different oppositional organisations, coalitions and parties, which

were formed in the course of the revolution. The following is a list of some of these oppositional groups which also play a role in the Syrian Constitutional Committee:

The *National Coalition of the Revolution and Opposition Forces* was formed in 2012 and represents one large coalition of opposition parties and independent delegates. As of 2021, the Coalition's General Assembly consists of 67 members, of whom only five are women. The Political Commission has 19 members, only one of whom is woman. The Presidential Body includes four men and one woman. The Coalition established a Women's and Youth Office under the leadership of Ruba Habboush. The Office organises workshops and aims to build up local and regional structures to ensure women's political participation (Etilaf 2021).

The *National Coordination Committee for Democratic Change* was founded in 2011 and includes ten parties; as of 2015 the Executive Office consisted of 25 members, including three women. A woman was elected to the position of Vice General Coordinator for the first time in April 2012 and for the second time in April 2014 (Lama Kannout 2018, 40ff.).

The *Kurdish National Council* was founded in 2012. They are part of the *National Coalition of the Revolution and Opposition Forces*. In 2012, of its 200 members, 14% were women. A woman was elected to the Executive Board, which consists of a president and two vice presidents (ibid.).

Thus, women's political participation in Syrian oppositional organisations was and remains low. The next section offers a closer look at the participation of women in one particular area, Rojava or north-eastern Syria, which often is referred to as a role model and inspiration for other parts of Syria as well as for the constitutional process itself, as mentioned by some interview partners.

### The political participation of women in north-eastern Syria

The north-east of the Syrian territory is controlled by the Kurdish Union Party (PYD), the Syrian branch of the Kurdistan Workers' Party (PKK) based in Turkey. The PYD is not included in the Syrian constitutional process, but its policies regarding women still deserve to be mentioned in this study. Despite criticism against the military strategy, the undemocratic rule of the PYD and the human rights violations committed by this group (Al Bdullah 2020, p. 91; Kurdwatch), it is worth taking a look at the political measures taken to enforce gender equality in the primarily Kurdish areas. One co-chair of the PYD is a woman and the presidency of the cities is also shared between a man and a woman. "At least 50% of political offices from the local to the confederation level are held by women" (Kapur 2017, 48). However, in both public discourse and decision-making processes, men clearly dominate. Nevertheless, some steps have been taken to improve women's rights, namely the abolition of polygamy, unilateral divorce and underage marriage. Furthermore, the party addresses violence against women and encourages civil marriages. In 2014, the PYD passed an Equality Decree with the objective of enforcing equality in the social, economic and political realms. Moreover, 35–40% of the Kurdish military forces are represented by the Women's Protection Units (YPJ) (Kapur 2017, 47ff.).

In the next chapter, we will focus on the role of women in civil society organisations. This is imperative because one-third of the women in the SCC come from civil society.

## 1.4 Syrian civil society organisations and women

Syrian civil society plays a very special role, as it is part of the Syrian Constitutional Committee – a political body. Many of our interview partners underscored that they do not define themselves as politicians and they stressed the independence of civil society from political parties. As a consequence, members of the Middle Third of the SCC have a specific burden to bear: Unlike members of the other two groups, they do not receive any remuneration for their involvement in the Committee. The precarious situation of the CSOs is also reflected in the first part of this section, which presents an assessment of the role of women in Syrian CSOs. The second part introduces some Syrian CSOs which focus on topics relating to women.

### **Overall situation of women in Syrian civil society**

In “Gender Dynamics within Syrian Civil Society” (2019), Dr Nour Abu-Assab and Dr Nof Nasser-Eddin investigate the question of whether women and men are equally integrated in the working environment of civil society organisations (CSOs). Therefore, they analysed among others aspect the work of Syrian Civil Society Organisations in Syria, Lebanon, Turkey and Jordan from a gender-sensitive perspective. The authors uncover a series of challenges regarding the role of women in CSOs. First, they come to the conclusion that within CSOs there is a lack of awareness about gender sensitivity which might correlate with the fact that many CSOs are still newly established and thus inexperienced. As a consequence, most CSOs fail to address gender related violence properly. Another problem is the underrepresentation of women in the working teams in general and in leading positions in particular. Apart from that, the working conditions are mostly not adapted to women’s factual role in the area of child care, for example, maternal leave is not available. After all, the security situation also has huge influence on the gender policies of the CSOs. It determines the extent to which the CSO staff members have the capacity to fully engage in the work and the level of flexibility they have within their work. (Abu-Assab et al. 2019, 8ff.).

### **Syrian Civil Society Organisations working on topics related to women**

In the following, we present some CSOs which are addressing topics such as gender equality, feminism and women’s rights. These CSOs are mainly led by women and it was through our interviews that we were made aware of them. The organisations operate within Syria as well as abroad, but their target population are Syrian women.

#### ***The Syrian Women’s Political Movement***

The Syrian Women’s Political Movement (SWPM) was founded in 2017. Its main goal is to integrate women into politics, for instance by introducing a quota establishing that at least 30% of decision-making positions be filled by women. The members of the movement are men and women who live within and outside of Syria. They are organised into National Consultations and engage in writing policy papers analysing Syrian politics from a feminist and gender-sensitive perspective (WILPF). We interviewed three supporters of this movement (Anonymous, Alice Mofrej, Sabah Alhallak).

#### ***Syrian Women for Democracy***

Syrian Women for Democracy is a group of organisations, bodies and public figures which aim to defend the rights of women through full citizenship and to eliminate all forms of discrimination and violence against women. The group further seeks to include these rights in the texts of the Syrian

constitution on the basis of complete equality in rights and duties shared by all citizens. Sabah Alhallak who is one of our interview partners is a member of this group.

### ***Renaissances des Femmes Syriennes***

Renaissances des Femmes Syriennes is a civil society organisation which aims to empower women to speak up for themselves in politics and, in particular, in the Syrian Peace Process. The founding values of the organisation are citizenship, secularism (laïcité) and democracy. The founder of Renaissances des Femmes Syriennes, SCC member Samira Mobaied, describes the organisation as follows: "It's an association with the goal of making the voices of Syrian women heard. We concentrate on holding conferences like the conference 'Give Voice to Syrian Women' where a highly diverse group of women had the opportunity to exchange their point of views without being hindered by cultural, religious or other differences which are present in Syrian society."

### ***Families for Freedom***

The main goal of Families for Freedom is to find out about the situation of disappeared and detained Syrians. The members fight for justice for the target group. Fadwa Mahmoud, member of the Large Body of the SCC, is a co-founder of this organisation. She describes its work as follows: "We are only women who are first-degree relatives of people who have been detained or disappeared – brother, son and so on. We founded the organisation in 2017 and are still active now. We entered the Security Council to talk about this topic. This didn't happen before. We are pushing for this topic to have a UN resolution from the security council" (Fadwa Mahmoud).

### ***Syrian Feminist Lobby***

The Syrian Feminist Lobby was founded in Istanbul in 2014 and describes itself as "committed to equal participation of women and men in all political decision-making processes concerning the future of Syria at all levels" (Syrianfeministlobby.org). The organisation comprises 56 members living in Syria and abroad who are activists, journalists, politicians and experts in the field (Syrianfeministlobby.org).

### ***Syrian Women for Peace and Justice***

Based on the values of participation, gender equality and objectivity, Syrian Women for Justice and Peace work under the leitmotif "There is no peace without justice" (Syrian Women for Justice and Peace). The main focus is to attain equal participation of women in the peace process and the path toward justice. They were involved in the Geneva II talks as part of the Syrian Peace Process and one of our interview partners describes the organisation as a predecessor to the Women's Advisory Board. The organisation is currently working on raising awareness to the pushbacks at the Greek-Turkish border (Souriat.org).

### ***The Syrian Women's Network***

The Syrian Women's Network is an independent network which works in the name of gender equality, consolidating democracy, human rights and civil peace, and achieving transitional justice and women's participation in Syria's future decision-making processes. It also strives to form an effective force in the democratic transition to a civil, democratic, free, unified and sovereign Syria, and in the establishment of citizenship and equality free of discrimination on the basis of sex, religion, nationality, ethnicity, belief, wealth or prestige. The network also works with organisations and groups with common goals in order to empower women at all levels (Anonymous).

## 1.5 Constitution-drafting and women

The goal of the Syrian Constitutional Committee is to devise a new constitution for Syria. This chapter looks at women's legal standing in the current Syrian constitution of 2012 as well as the question of how one can assure women's equal inclusion in the constitutional process.

### Women in the Syrian Constitution of 2012

The constitution of 2012 can be seen as a reaction of the regime to the uprising. Gender does not play a very prominent role in the constitution of 2012 and women's rights are not in the focus. But at first glance, the constitution may seem inclusive, as it states, for example, in Art. 23: "The state shall provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life, and the state shall work on removing the restrictions that prevent their development and participation in building society"; in Art. 33 (3): "[C]itizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed"; and in Art. 33 (4) it mentions "equal opportunities among citizens". However, upon closer inspection it becomes apparent that the words "woman", "gender" and "equality" each appear only once in the whole constitution. And in Art. 84 (4) it states that "[t]he president should not be married to a non-Syrian wife", which automatically determines that the head of state must be a heterosexual man. The 2012 constitution is not written in gender-sensitive language. It only speaks of men in all of the remaining articles ([constituteproject.org](http://constituteproject.org)). As Zakzak et al. (2019, 13) explain, "'all citizens' are not one homogenous entity." Thus, aside from in the articles mentioned above, women were excluded from all other constitutional articles and there are no legal provisions nor other articles which enshrine the implementation of these 'inclusive' articles in actual laws. This has led to discrimination within the law of personal status, nationality law, penal law, labour law and social insurance law.

In the following section, we will take a closer look at how the equal inclusion of women can be ensured in the constitutional process.

### Elements of effective inclusion of women in a constitution-making process

In their study "ABC for a Gender-Sensitive Constitution", Silvia Suteu and Ibrahim Drajim present a guideline for gender-sensitive constitution-making processes. The authors argue that a gender-sensitive constitution is likely to be more inclusive, which will likely lead to greater sustainability (Suteu et al. 2015, 120).

A truly gender sensitive constitution making process will seek the input of women, women's rights activists and gender experts at all relevant moments. These may be divided in four broad groups:

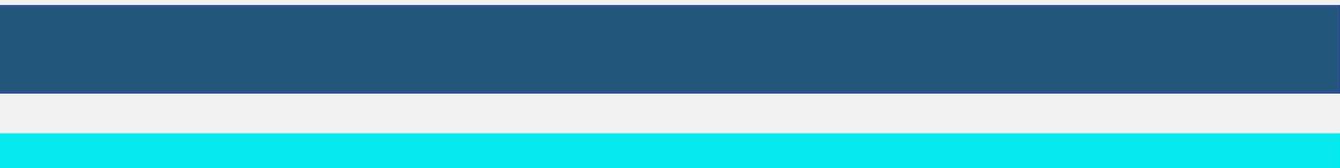
- A. In preparation for drafting, such as during peace negotiations preceding the formal Constitution making process or as part of negotiations for an interim constitution;
- B. During drafting, which includes the actual preparation of a draft by a constituent assembly or other body, but also civic education, awareness raising, and public consultations;
- C. During ratification, whether it is achieved by a vote in the constituent assembly, the parliament, or by way of popular referendum; [...]
- D. After ratification, [...] by monitoring the enforcement of the Constitution. (Suteu et al. 2015, 108)

In essence, the main idea is to actively include women in all of these stages and offer gender studies experts and activists the opportunity to support the process. Additionally, facilities for child care as well as family-friendly working hours during the process must be guaranteed to enable women who are still expected to take on the majority of the burden in caring for their children to also take part in the constitution-drafting process. Political education and gender-sensitive information about the constitutional process must also be provided to raise awareness to and understanding of this complex issue.

Ultimately, analysing the constitutional process merely from the perspective of gender is not sufficient, and it excludes other forms of oppression and discrimination. Thus, the following chapter goes on to provide an intersectional perspective as a theoretical framework for the study at hand.

*“I want to see feminists and not only women at the negotiations and on the SCC.”*

## 2. Intersectionality



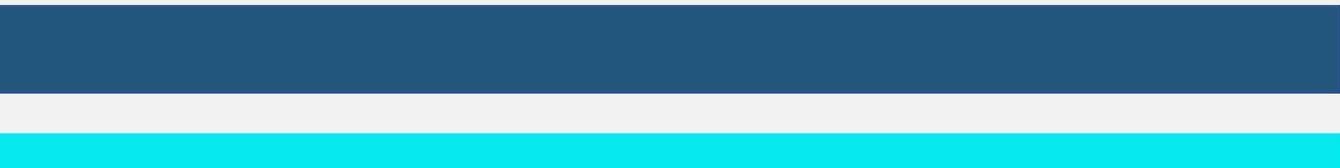
Analysing the role of women within the peacebuilding process and the negotiations of the Constitutional Committee exclusively from the perspective of gender ignores the diverse living realities of women. Many factors in addition to their gender – such as their age, living situation, nationality, language, ethnicity, provenience and religion – all influence their daily interactions and force them into a position of inequality in specific situations. This chapter gives an overview of intersectional theory and provides the theoretical framework for the present study.

Since the late 1980s, the introduction of an intersectional perspective into feminist theory laid the foundation for the interweaving of struggles against sexism, racism and other forms of oppression (Winker/Degele 2009, 12; Nash 2008, 2; Hillsburg 2013, 3ff.). Leslie McCall (2005, 1771) describes intersectionality as “the most important theoretical contribution that women’s studies, in conjunction with related fields, has made so far” Sojourner Truth drew attention to the influence of race and gender on her experiences as an enslaved person in her speech at the Women's Convention in Akron, Ohio, in 1851 with the question “Ain’t I a woman?” (Hillsburg 2013, 5; Brah / Phoenix 2004, 76). As a consequence, the concept of intersectionality arose in the 1970s from the struggles of Black American women who discussed their layered experiences with discrimination on the basis of both race and gender and who questioned the universality of womanhood, emphasising that feminist issues only take into account the experiences of white women. Within this discourse, the critics of the one-dimensional perspective pleaded for further forms of oppression to be taken into account. The term intersectionality describes the combined interaction of a person’s social categories – be they gender, race, religion, age, social status, etc. – and how said person experiences discrimination differently based on this composite interaction. The term was introduced by legal theorist Kimberlé Crenshaw (Hillsburg 2013, 3; Yuval-Davis 2009, 51).

To discuss the role of women in peacebuilding processes, we have to take into account that their identities are fluid, flexible and influenced by the “simultaneous and interacting effects of gender, race, class, sexual orientation and national origin as categories of difference” (Hancock 2007, 63). The categories are context-specific and based on social practices and structures, which systemically lead to discrimination or privilege (Winker / Degele 2009, 13ff.). This also affects their goals and objectives during the negotiations as well as their perspective on the role of women in the Syrian Constitutional Committee. This is why an intersectional approach is important for analysing the work of a constitutional committee which defines the future power structures of a political community. We need this dimension to uncover possible difficulties in the constitution-making process as well as answering the main research question: What role do women play in the Constitutional Committee? We analyse our interview material investigating how gender intersects with other aspects of inequality that influence women’s roles and perspectives.

*“No one gives you rights; you are entitled to them as a human being, so you have to fight to get them back.”*

## 3. Methodical approach

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In the following, we describe how we gained access to the field, our research process, the method of our interviews and the coding process. Regarding the question of how we became interested in the topic and how we came into contact with our interview partners, it is relevant to mention that we are a research team of two women researchers conducting our work within the function of our employment in the project *Power Sharing for a United Syria* at the European Center for Kurdish Studies (EZKS). Since the purpose of the research was to focus on the perspective of women in the constitutional process, we decided to include exclusively women's voices in our research and to focus on their perspectives. We sought to start the field work on unbiased ground, which would enable us to adapt to our research field. Thus, we decided to follow the scheme of the Grounded Theory by Jörg Strübing (2010). This means that the researchers approach the field without a theoretical framework in mind before starting the research process. Results are generated by engaging in continuous comparison between the different cases. The whole process is marked and influenced by the positionality and character of the researchers as well as the characteristics of the field. This makes the Grounded Theory very versatile in its application.

In the case at hand, we gathered basic information about the constitutional process, the individuals involved and the way the Syrian Constitutional Committee came into being. Afterwards, we began contacting potential interview partners. In essence, we tried to interview as many women members of the Constitutional Committee as possible, preferably from the Small Body, as these members were present in more sessions and hold greater deciding power in outlining the content of the constitution. We contacted 18 women in total and conducted interviews with ten. It was not possible to talk to women SCC members from the regime bloc or the portion of the Middle Third which is supposed to be regime-leaning. This might correlate with the fact that most of them live in regime-controlled areas in Syria, meaning that they cannot speak or act freely.

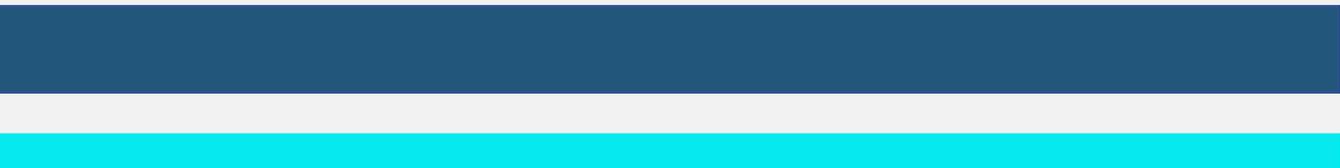
As concerns the interviews themselves, we conducted ten semi-structured interviews following Andreas Witzel's "Problemzentriertes Interview" method (2000) which suits the Grounded Theory. The basic idea of this interview approach is to depart from a question which is central to the topic and may be easier to connect with in order to enter into a discussion. Our introductory question focused on the daily routine of the Constitutional Committee (Witzel 2000, 1ff.).

The interviews were conducted in Arabic, English and French. The interviews were conducted via Zoom as a health and safety measure necessitated by the Covid-19 pandemic. Particular attention was paid to anonymisation whenever participants objected to the use and appearance of their names.

The theoretical framework and literature were used in preparation, but the evaluation was only carried out on the basis of the empirical material (Breuer 2010, 56). This means that codes and categories were not constructed in advance, but rather they arose from the collected data itself and were expanded and changed in the process. First, each interview was individually and openly coded by the researchers, including the continual reflection on and discussion and adaptation of the code list within the team. The second step was to sort the codes thematically in categories. Subsequently, the team related the categories and sub-codes to each other in the axial coding process. This made it possible to reveal similarities and differences as well as context, causes, strategies and consequences. In the last step – the selective coding – a "storyline" was formed using the categories and sub-codes (Schultz 2014, 82; 86).

*“We cannot remain silent.”*

## 4. Analysis

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Our analysis is based on interviews with ten women members of the Syrian Constitutional Committee. We asked them about their perception of the role of women in Syrian politics as well as the status of women on the SCC. We also gained insights on their personal situation on the Committee. Moreover, they familiarised us with their perspectives on the topics related to the future Syrian Constitution. We spoke with them about issues directly related to women as well as other subjects with which they engage as part of their work on the SCC. We also investigated their perception of the Syrian Peace Process as a whole and the advantages and shortcomings of the Syrian Constitutional Committee. Last but not least, we uncovered some of the strategies the women members use within the SCC to achieve their goals.

## 4.1 Women's role in the SCC

This section focuses on the way in which the women delegates perceive the Syrian Peace Process and the Syrian Constitutional Committee. We also reveal what they think about Syrian women's involvement in politics. In addition, we explain how the women interviewed perceive their work on the Committee and which challenges they face.

### 4.1.1 Perspectives on the peace process

In our discussions about the SCC, the UN Peace Process for Syria and women's participation in national politics, our interview partners criticised, among other things, the SCC's rule of procedure and the fact that the SCC is very distant from the Syrian population.

#### Women's political participation

As mentioned above (see chapter 1.3), the representation of Syrian women in politics is very low – as all of our interview partners agreed – despite the fact that, as Samira Mobaied stated, women have always sought change throughout history. Moreover, they have also played an essential role in wartime, which shows how much they are capable of and how important their active participation is, as Ghuna Bdiwi emphasised.

Our interview partners' general observation is that the standing of women in leadership positions and politics has changed since 2011, moving towards greater visibility, participation, and capacity building (Fadwa Mahmoud, Samira Mobaied, Anonymous). Still, there exist various challenges which hinder women's active participation. As Fadwa Mahmoud (28–29) explains, "There are a lot of women who do not know their rights; I am not blaming them, but they just don't know them. It is the result of the authority that doesn't let them breathe."

Thus, the patriarchal and androcentric society remains the main challenge that influences all levels and areas of society. This ideology is reflected within the religious and political system, which excludes women and does not accept them as fully active members (Samira Mobaied, Anonymous).

Ideologies also form the basis of the current constitution as well as of the discriminatory laws which impede gender equality. These laws concern, for example, citizenship rights and personal status law, which leads to inequality regarding the potential for active participation in the public sphere (Fadwa

Mahmoud, Jomana Qaddour, Raghda Zedan, Sabah Alhallak, Anonymous). “There are laws that stand in her way, these must be abolished and she must have citizenship rights without the hurdles of society and the law” (Raghda Zedan).

Another point is the lack of financial and social empowerment of women. Civil society education about rights as well as capacity building are therefore important steps in overcoming this challenge (Raghda Zedan, Ghuna Bdiwi, Fadwa Mahmoud). Raeifa Samie states, “If they [women] are empowered financially, they will also be empowered socially and politically.”

As Fadwa Mahmoud explains, “[women] are not just flowers on a table.” There is the danger of misuse and a merely symbolic utilisation of women and women’s quotas if men only use the presence of women to fulfil political requirements and strengthen their own status without taking women’s role seriously and making women’s voices heard (Chavia Ali, Samira Mobaied). Fadwa Mahmoud also pleads that “[w]omen need to be in the first rows of the state.” Some of the SCC members who were interviewed added that an alliance of feminist men is essential for women to achieve such positions (Sabah Alhallak, Raghda Zedan, Alice Mofrej, Anonymous).

However, from an intersectional perspective, it must be considered that these discriminatory ideologies and the laws upholding them affect every woman differently. It is obvious that political participation is also influenced by religious and ethnic affiliation within the diverse Syrian society as well as by different socio-economic situations and geographical backgrounds. Thus, women are subjected to multiple discrimination depending on their position in the society (Ghuna Bdiwi, Raeifa Samie).

### **The role of the SCC in the Syrian Peace Process**

The Syrian peacebuilding process under UN Resolution 2254 includes various pillars, of which the SCC is one (see chapter 1.2). Chavia Ali, Alice Mofrej, Jomana Qaddour, Raghda Zedan and Ghuna Bdiwi emphasise the importance of the resolution as well as the peacebuilding process itself, and point to the SCC as the first step to build trust and a path toward a successful transition. Alice Mofrej was part of the process from the beginning and remains involved as a member of the SCC. Raghda Zedan comments on the process that “[t]he constitution is only one part of the solution. However, it’s a door opener.” Chavia Ali adds that it is a pragmatic solution. Ideally, establishing peace should be the first step, which can give rise to a constitutional committee. Since there is no hope for a peace agreement in the near future, she supports the SCC as the only possible step toward progress in solving the Syrian crisis. Fadwa Mahmoud was motivated to participate in the SCC for a similar reason as Chavia Ali: the release of the political detainees. Fadwa Mahmoud decided to become a member of the SCC because there are currently no other ways to fight for this goal.

With regard to the constitution itself, opinions are divided about what the SCC should ultimately adopt. Raeifa Samie and Ghuna Bdiwi think that the SCC should directly write “a social contract for the whole (Syrian) society” (Raeifa Samie). Alice Mofrej, on the other hand, is of the opinion that the Constitutional Committee must only draft an interim constitution, and another woman delegate proposes that the SCC only write the constitutional principles. Ghuna Bdiwi, who was personally involved in the revolution, wants to see the objectives of the Syrian revolution realised in the SCC’s agreement.

### **Procedure and progress of the SCC**

Concerning the functioning of the SCC, Raghda Zedan, Jomana Qaddour, Samira Mobaied, Alice Mofrej, Ghuna Bdiwi and another woman delegate share the opinion that the regime is blocking the negotiations. Sabah Alhallak and Samira Mobaied make concrete accusations. Sabah Alhallak is dissatisfied with the rules of procedure as there are no clear rules, no determinate agenda and the

regime uses questions and comments to delay the process. Samira Mobaied accuses the regime of instrumentalising the delicate question of Syria's diversity to slow down the constitutional process. To this end, Fadwa Mahmoud desires more international influence to push the regime toward greater compromise and serious commitment to the constitutional process.

Referring to this issue, Raeifa Samie, Chavia Ali and another woman member of the SCC point out that hardly any progress has been made and the topics which have been discussed are not the core issues of the process. Nevertheless, Jomana Qaddour points out how moving it is to be in the same room with political opponents and to try to reach an agreement:

There are obviously some from Damascus. Our hotel, we are all on the same hotel, we are all on the same floor, we would eat in the same place [...] I assume that it was helpful that we were forced to be in the same place with formal regime people. There would have been a red line on their behalf because the government would have never been okay with them interacting. We were told that they were instructed to not even look in the eye, not to communicate. So, the first couple of days with the civil society from Damascus there is not really an interaction [...] Because there were also among them intelligence officers who were taking notes. [...] By the end of the week, this dynamic changed quite favourably. You know, one of them complimented my perfume for example. Another one told me that her son was in Michigan [...] I could see them a bit scared to talk to us as I said there were intelligence officers among them, but when those guys weren't there, they would ease a little bit. So, I think having people in the same physical space is important. (Jomana Qaddour)

In addition to the fact that the regime aims to block any consensus during the negotiations, agreeing on common points is also difficult due to the structure of the SCC, which we describe in chapter 1.2. According to Raghda Zedan, the SCC's subdivision into three blocs serves as a prerequisite in the hindrance of the process of reaching an agreement. Jomana Qaddour and Samira Mobaied underscore the fact that not only is the regime unprepared to make compromises, so, too, are the other delegates. Another problem which prevents a consensus is the fact that Syrians have lived in an authoritarian regime where they did not learn to reach shared agreements. Samira Mobaied states:

Not only do differing political opinions hinder the negotiation of agreements, but also the fact that for the past 50 years, there was no real political scene. Everybody lived under the totalitarian regime, which has made us all quite inflexible – we don't know to be adequately open-minded with our ideas in order to reach an agreement with the others.

### Relationship between Syrians and the SCC

There has been a lot of criticism of the SCC and its delays. Fadwa Mahmoud points out, "A lot of people tell me, 'We want peace in Syria.' Yes, I am Syrian and I, at my age, left my country, my house and my history – my everything there – and went to Germany. And I am definitely not happy about that. I want peace in Syria, too, but I want sustainable peace on the basis of principles that assure that no one in Syria has to be afraid." Chavia Ali adds, "[P]eace building [...] does not mean that in one day everything will be amazing and there will be freedom – human rights and a very good elected president and government." But they still see the SCC as a platform for initiating the process.

Several members of the SCC raised concerns about the involvement of the Syrian people in the process. As Jomana Qaddour says, "It is still difficult (to find broad support for the constitution by the SCC) because a lot of people will say that they do not feel included. It was not transparent how members were chosen; it was not that people voted on them." To tackle this problem, Samira Mobaied, Raeifa Samie, Ghuna Bdiwi and Chavia Ali actively approach Syrians to discuss the negotiations of the SCC with them and relay their opinions to the SCC.

Since the SCC has not been elected but rather nominated by the international community, our interviewees are hesitant to say that they represent a certain group, as we discuss in chapter 4.1.2. Ghuna Bdiwi and another woman delegate also worry about the representativity of the SCC with

regard to the various Syrian social groups. Alice Mofrej illustrates that currently there are only 7 women in the opposition, 19 in the Middle Third and 12 women in the regime bloc. She states that “as per Resolution 1325, the involvement of women is essential for sustainable peacebuilding. In Riyad II, we officially wrote down in the final reports that at least 30% of the group involved had to be women” (Alice Mofrej). However, all the interviewees view the fact that women make up 29% of the SCC as positive, although this does not coincide with the UN quota of 30%. Sabah Alhallak and Alice Mofrej still make clear that they must always seek to increase the proportion of women in politics until it reaches 50%.

Regarding the influence of international collaborators, Jomana Qaddour, Ghuna Bdiwi, Fadwa Mahmoud and Alice Mofrej deem international interference necessary for the progress of the peace process and the success of the SCC. Alice Mofrej finds it very important to secure the stance of women in the SCC and to guarantee the explicit inclusion of women’s rights in the constitution. Fadwa Mahmoud and Ghuna Bdiwi believe that the international community should take adequate measures to implement Security Council Resolution No. 2254/2015, of which the SCC is a major part. Jomana Qaddour thinks that the US should dedicate more attention to the Syrian peace process and Alice Mofrej adds that all international parties who are involved in Syria need to be more directly incorporated in the SCC’s negotiations, because without international support, no agreement will be concluded and enforced.

### **Objectives and goals**

In consideration of the overall objective of the Syrian Constitutional Committee, Raghda Zedan, Raeifa Samie, Fadwa Mahmoud and Samira Mobaied assert that the constitutional process must result in a complete regime change. This refers to both the Assad regime and the political system. Raeifa Samie states in this regard, “My most important wish is to change this regime. And if there is real change, you can realise all the other things and bring justice to women.” The majority of our interview partners stands for a democratic system, as illustrated in chapter 4.2.2. Jomana Qaddour and Alice Mofrej agree that even if there is no change in regime itself, the SCC will bring about the positive change that the regime will have to compromise at least to some extent. Alice Mofrej and Samira Mobaied both agree that the ultimate goal of the SCC is to bring justice to Syria. However, they outline different approaches: Samira Mobaied defines justice according to the challenges presented by the diversity of Syrian society and Alice Mofrej views the topic more against the backdrop of transitional justice.

### **Interim conclusions**

When it comes to the role of the SCC in the peace process, our interview partners primarily see the SCC as one of several steps. Some of them would have preferred to start with different activities such as peacebuilding. The interviewees are also aware of the shortcomings of the SCC: They share the criticism that the SCC was not elected by the Syrian citizens, which deprives the Committee of acceptance in society and raises questions of its legitimacy. Furthermore, the rules of procedure as well as the position of the regime hinder the progress of the negotiations. Concerning the goal of the SCC, the interview partners wish to install a democratic system which is not controlled by the Assad regime. Establishing justice also represents an important aspect for them.

## **4.1.2 Personal circumstances in the peace process**

In speaking about their personal status on the SCC, the question of whom our interviewees represent is greatly significant. In addition, they talk about challenges they face in the negotiation process with respect to speaking time and assertiveness.

### **Personal situation and commitment**

During our interviews, we noticed that experiences of members of the Large Body and those of the Small Body vary significantly. The first group only took part in the first meeting, while the others have witnessed another four rounds of negotiations (Fadwa Mahmoud, Samira Mobaied, Chavia Ali, Jomana Qaddour). Chavia Ali summarises this divergence: "How the situation is right now? I don't know." As already expounded in chapter 1.2, our interview partners also confirmed that the Middle Third is not a homogeneous group. It consists of two groups: 8 members leaning towards the regime and 7 independent members closer to the opposition (Raghda Zedan, Ghuna Bdiwi). The interviewees stated that they tried to work together as a group, but that the members closer to the regime are instructed not to interact with anyone (Raghda Zedan, Jomana Qaddour).

The process of becoming a member of the Syrian Constitutional Committee was not transparent. However, the members of the regime were selected by the regime. The opposition members were selected by their political party or group and the civil society bloc was assembled by the Special Envoy for Syria. However, particularly with regard to the opposition bloc, the influence of international intervention from countries such as Turkey and Russia has been significant. We describe the formation of the SCC in detail in chapter 1.2. All interview partners of the Middle Third stated that, although this process was not transparent, they were most likely selected on the basis of their work as lawyers, researchers or activists in specific areas.

When asked if she feels prepared to write a new constitution for Syria, Jomana Qaddour replied, "I don't think anyone is actually prepared to do that." But at the same time, all the interviewees stated that they have been working on related topics for years, affording them a basis of knowledge for working on drafting a new constitution. Some of them worked in academia (Jomana Qaddour, Samira Mobaied, Ghuna Bdiwi), others in politics or in civil society (Sabah Alhallak, Anonymous, Fadwa Mahmoud, Alice Mofrej, Raeifa Samie).

Furthermore, most of the interviewees are involved with or have founded civil society organisations and feminist networks, where they work on topics relevant to their involvement on the SCC (see chapter 1.4). To this end, our interview partners aim to engage with the civil society on the ground and seek to incorporate the opinions and voices of the broader Syrian public into the negotiations. Additionally, they hope to make their work on the SCC more transparent. They are also involved with organisations and networks to promote women's rights as well as gender-sensitive constitution-writing, such as Syrian Women for Democracy (Sabah Alhallak, Alice Mofrej). They all turn to different strategies to keep the public informed about their work on the SCC, such as blogging (Chavia Ali) or participating in webinars (Samira Mobaied).

### Representation matters

The representation of women as well as members of the different social groups in Syria is essential for writing an inclusive constitution which enshrines human rights, thus establishing a long-term solution. Therefore, the question of whom the women on the SCC represent was addressed.

Members of the oppositional bloc, including Alice Mofrej, formally represent their political party. All the members of the Middle Third were chosen as individual persons and were not elected by the public, so they do not formally represent a specific group or organisation. Therefore, the women we interviewed officially identify as independent, but nevertheless they feel they represent the voice of civil society on a direct or indirect level (Jomana Qaddour, Anonymous, Raghda Zedan, Sabah Alhallak, Ghuna Bdiwi), the diversity of social groups (Samira Mobaied) or a specific political and cultural perspective (Raeifa Samie). They also represent a specific topic within the negotiations, for instance women's rights (Sabah Alhallak, Alice Mofrej), detainees (Fadwa Mahmoud) or human rights (Chavia Ali). This is also made clear by third-party descriptions, as Alice Mofrej explains, "They call me the mother of gender within the opposition." In chapter 4.2.1, we investigate the areas in which our

interview partners are active. It is important to emphasise that two interviewees explicitly stressed that they are not politicians in order to distance themselves from any political movements or groups.

### **Recognition and Acceptance**

Despite ideological disagreements with one another, the interviewed members still see that there are strong, well-educated and brave women in all blocs who are delivering clear messages (Jomana Qaddour, Raghda Zedan, Ghuna Bdiwi). Still, most of them agree on the fact that although nearly 30% of the SCC is comprised of women, this remains no more than a formality in its current configuration. Fadwa Mahmoud explains, “They [women] don’t play a great role. So, their role needs to be active.” Jomana Qaddour has a different point of view on this topic and describes it as follows:

Before, there were no women. Only in a women’s advisory board – all these side-line groups who were not the actual negotiating team, there were always women talking on the side-line, on the margins. Advising but not actually making decisions [...] You have at least given new women an opportunity to be on the same negotiating table as men. Some things cannot be taught, but you need to experience them. (Jomana Qaddour)

The women members of the SCC have differing views on the active participation of women within the Syrian Peace Process. “You always have to fight for your rights,” says SCC member Ghuna Bdiwi, identifying a problem which is not unique to the SCC or even Syria, but rather rings true on a global level. Generally, most of the interviewees assume that their voices are heard and they feel respected within the SCC (Ghuna Bdiwi, Fadwa Mahmoud, Anonymous, Alice Mofrej, Jomana Qaddour). “At least for me, my gender has not played a role in that [being respected on the SCC].,” explains Jomana Qaddour. Only Chavia Ali made clear from the beginning, that she does not feel appropriately respected on account of her gender and disability. She asked the SCC, “Please can you give me 5 minutes of the speech?” But, she reported, “No one took me seriously. I don’t think I have that level of influence. [...] In some situations, I just feel like decoration. ‘Oh, that’s great, we have a wheelchair user in the middle of the picture’” (Chavia Ali).

Upon closer inspection, it becomes obvious that although they all stated that they feel respected within the SCC, patriarchal structures and discrimination on the grounds of religion and culture still affect the position of all the women involved in the negotiations. This influences, for instance, who can speak freely and who has to fight for speaking time or for respect. Fadwa Mahmoud highlights this issue, stating, “That a woman comes and is equal to a man is unacceptable. So, they try to break her in any way [possible].”

Women have to fight to discuss their topics and to assert their opinion, which is structural discrimination that makes it difficult to participate in their fullest capacity. “There is the influence of the patriarchal society and domination of men, in particular within political parties which don’t take women seriously” (Anonymous).

Patriarchal power structures are also visible in religion and politics. Both spheres significantly shape the picture of who can be politically active and who is not.

### **Difficulties in active participation within the SCC**

“Women should be able to speak about any topic,” says Chavia Ali, criticising the idea that women should only talk about women’s rights and engage in topics relating exclusively to women. Apparently, women members of the SCC are expected to only handle these topics. They are reduced to their gender or their disability. All the interviewed members agree that they get asked about these topics even if their general expertise and focus lie elsewhere. Some of the members we interviewed have been working on feminist and women’s rights topics for years and therefore they did not address this as a problem. However, Jomana Qaddour and Chavia Ali mentioned, for example, that their expertise in

other fields is not taken seriously, as they are expected to deal with issues which only relate to their gender or other social attributes.

If I speak about breast cancer, everybody will understand [...] but if I speak about the constitution and any example outside my physiological appearance, they do not take it seriously. [...] And also my other aspect, the disability rights aspect, [...] is also [...] questioned because they expect me to talk about wounded people, disabled people. So, when I mention something political, they are surprised. (Chavia Ali)

Furthermore, two interviewees explicitly experienced bullying both outside of and within the SCC, hindering them from speaking and engaging properly. Fadwa Mahmoud points out the difficulty in gaining acceptance from the public and civil society. "The day our names were put on the list of the SCC, you can't imagine the number of insults we got" (Fadwa Mahmoud). Raeifa Samie and Fadwa Mahmoud said that both the reactions received from civil society and the harsh, biased critique they received for their speeches from men on the SCC were disrespectful and hindered their active participation. Their points of view are not appreciated; on the contrary, they were publicly ridiculed in response to them.

I talked at the beginning of the meeting and I introduced myself like, 'I am Fadwa, I was detained in 1992 and now my husband and my son have been detained since 2011. I don't know anything about them.' The room was in chaos then. They said this was a lie and this didn't happen. This was the first day and I was shocked. I was telling you [the people in the room] about myself, my own experience and my family. (Fadwa Mahmoud)

They also identified other obstacles preventing them from being able to fully fulfil their duties on the SCC. They mentioned that time is an issue because preparations for the SCC, engaging with their group, participating in workshops and continuing their volunteer work in civil society organisations requires a lot of their time. Balancing membership on the SCC with family, employment and other obligations never posed such a great challenge for most of the interviewees, as they had not met all too often and most of them do work outside of the SCC on the same topics. Nevertheless, they did mention financial issues: "The problem is, the delays do harm us financially, because we are also employees. For example, the regime bloc gets compensation, the opposition also gets some support, but we, the Middle Third, don't get any compensation, not even for the time we lose at our regular jobs because we are working for the Committee." (Sabah Alhallak)

### Interim conclusions

This chapter investigated women's political participation on the SCC. It also described their involvement outside of the SCC and the difficulties women face when it comes to representation. It revealed some of the obstacles to political engagement which women face: They are expected to speak solely about women's topics and some of the interviewees reported that they have been bullied in their functions on the SCC. Moreover, they have had to deal with financial burdens. The following chapter focuses on the topics women endorse in negotiation proceedings.

## 4.2 Women's topics and strategies within the SCC

This chapter is divided into two parts: The first one will summarise the topics which the women member of the SCC who we talked to work on. This part is twofold: On the one hand, it deals with the topics related to women's issues; on the other hand, it looks also on other topics which they work on. Apart from that, chapter 4.2.3 depicts our interview partners' strategies.

### 4.2.1 Women's topics in the constitution

This section examines the subjects concerning women which, according to our interview partners, should be integrated into the future constitution. They agree that the political participation of women must be enshrined in the constitution. Two mechanisms for ensuring this are the establishment of a women's quota and the redefinition of citizenship. Citizenship itself also intersects with other topics of importance to the women SCC members we talked to – religion, women's rights and anti-discrimination measures. In the following, we explore these topics in more detail.

#### Political participation

All our interviewees are concerned with the overall inclusion of women in politics. Alice Mofrej says, “[I]f we don't secure this on the SCC, women won't have a chance. [...] Because of the rebuilding of the security sector and the role of women there as well. Because their participation is really important.”

Samira Mobaied considers including women in the political sphere to be of the utmost importance. She has founded an initiative called *Renaissance des Femmes* whose work targets precisely this issue. At *Renaissance des Femmes* conferences, Syrian women of different backgrounds come together to discuss specific topics and to network. Furthermore, Jomana points out the value in gaining experience in politics, as it promotes women's empowerment on a larger scale. Moreover, Raeifa Samie stresses that one of her key concerns for the new constitution is the just representation of the actual women community and their interests, not only that of the elites. Specifically, she underscores the current underrepresentation of religious and traditional women's voices in the political sphere. Ghuna Bdiwi is also concerned with the inclusion of the opinions of women living in Syria to the constitutional process:

Also, I frequently meet with women on the ground inside Syria, of course it is virtually now because of COVID-19. [...] I exchange with them; we discuss the work of the SCC in order to inform them and [I] also [...] learn from them and take [their] opinions with me to the SCC meetings. (Ghuna Bdiwi)

Also relevant is the question of whether women should be permitted to run for president. The current constitution indirectly states that the president must be a man, as we noted in chapter 1.5. Apart from Raeifa Samie, all interviewees asserted that the new constitution must explicitly grant women the eligibility to become president. “The idea that the president should be a male Muslim should also be changed,” says Jomana Qaddour, expressing her and Samira Mobaied's joint objective of making the office of the president available for all groups of society.

The general question of women's political participation as well as the question of a women's quota is connected to the integration of various minority social groups into the political system. It is seen as an opportunity to join forces for more political pluralism and equal representation by uniting the demands of women and minorities.

### Quota

When it comes to topics concerning women in the future Syrian constitution, the women's quota was a core point of our interviews. This is not exclusively because the main focus of all our interview partners' work in the constitutional negotiations centres around women's topics, but also because we explicitly asked for their opinions on these topics.

The political quota was the most prominent subject discussed which directly concerns women. This may in part have to do with the attempt – and failure, as illustrated in chapter 1.2 – of the UN to implement a quota of 30% women on the SCC. None of the women delegates we talked with is categorically against the quota. The main argument in favour of the quota is the inclusion of women in political decision-making positions (Jomana Qaddour, Anonym, Fadwa Mahmud, Samira Mobaied, Sabah Alhallak and Raghda Zedan).

Sabah Alhallak, Samira Mobaied, Fadwa Mahmoud, Alice Mofrej and one anonymous interviewee expressed their unconditional support of the quota, which, in their opinion, needs to be 30% or higher. Alice Mofrej stated, "For sure I support the quota; I am one of the first supporters of it in Syria. It has the temporarily positive impact of changing the way of thinking. In my party, I was chosen due to the implementation of the quota."

Others suggested the introduction of a temporary quota. For example, Raghda Zedan proposed a 10-year quota (Raghda Zedan, Jomana Qaddour). Raeifa Samie and Raghda Zedan proposed considering a quota which extends beyond politics to other areas such as administration. Alice Mofrej went into detail on the implementation of the quota by proposing party lists in which men's and women's names are listed in alternation.

However, negative opinions on the quota were also asserted. Chavia Ali expressed her concerns about the women's quota being viewed as just a number, stating, "They [men politicians] can bring their wives and say, 'We are covering the quota now'", without including women who are uniquely qualified for the job. Jomana Qaddour also points out that the quota is not a sustainable solution for women's inclusion in politics, as it does not tackle the underlying issues. Nevertheless, she sees the situation of women in politics in the MENA region as lacking, so she supports the implementation of the quota in these countries.

### Religion and women's Rights

An issue which is more contested in the discussions about the new Syrian constitution is the role of Islam in the constitution. A strong argument against the inclusion of religious aspects, let alone the Sharia, is brought forward as it concerns women's rights. Samira Mobaied, Alice Mofrej and Chavia Ali assert that the future Syrian constitution must be based in secularism. "I cannot discuss women's rights without discussing secularism (*laïcité*) in the constitution. This would mean taking a religious perspective in the constitution. And this perspective does not respect the implementation of women's rights" (Samira Mobaied). Chavia Ali adds that it is difficult to argue against religious arguments, as the rules of religion are considered absolute.

Raeifa Samie, on the other hand, argues that Sharia is the guideline of Islam and Islam offers the right solutions for every aspect of life.

Today, there are a lot of women without “providers” – as their husbands are dead or detained. Their rights and interests should be considered even if one of them chooses to be a second wife to a husband. So, I think about justice, to give women their rights without affecting other men or women. I cannot work only for the rights of some women and ignore other women. The concept of rights differs between different segments of women. It is possible that the rights of some women may be restrictions to other women, depending on the circumstances and conditions. Therefore, it is necessary to study the situations and conditions facing our society and develop solutions that are commensurate with the circumstances and without rigid theoretical templates that lead to unwanted results [sic].

## **Citizenship and women**

Chavia Ali, Ghuna Bdiwi, Samira Mobaied, Sabah Alhallak, Raghda Zedan and one other member of the SCC underline the importance of revising the understanding and the principles of citizenship in the constitution and beyond. The aspects which our interview partners discuss in this regard are marriage, children, political participation and civil protection and freedom. Raghda Zedan illustrates the matter of citizenship for women in Syria as follows:

In the current constitution, there are laws which strongly discriminate against women: Travelling is only possible with permission [from a man], the children’s citizenship [depends on the husband], no protection from sexual harassment etc. The constitution does not state that women are citizens. There is no law which protects women and their participation.

## **Women’s rights**

Our interview partners generally agree that women’s rights must place a central role in the future Syrian constitution. “We see that women’s rights are a basic power for democratic change. It is impossible to achieve it without equal feminist representation in the negotiations and without including their women’s rights in the constitution,” Alice Mofrej summarises. Sabah Alhallak postulates, “I want to see feminists at the negotiation table and on the SCC and not only women,” demonstrating her stance on feminism as well as her goal of including feminist perspectives in the constitution.

Gender sensitivity in the constitution is another essential step toward ensuring women’s rights. “We need an explicit part in the future constitution which talks about women’s rights and the language of the constitution must be inclusive. We need laws which support women after all the losses during the war” (Raghda Zedan). We summed up the elements which a gender-sensitive constitution should include in chapter 1.5. However, Fadwa Mahmoud raises concerns that adjusting the constitution in a more gender-sensitive way is only one step in the right direction. Raeifa Samie thinks that focusing only on the gender sensitivity of the constitution will affect engagement in other important topics and will contribute to the idea that women can only talk about women-related subjects. Another interviewee stated, “In the end, the new constitution must be applied in national laws, by the executive and, in the end, by society in order for a gender-sensitive constitution to make a difference. The most important point regarding the rights is equality for us as women. These things are in the constitution already. [...] The problem is the laws” (Anonymous).

Nearly all our interviewees identify equality to be a core issue. The current constitution already stipulates equality between men and women, but national laws, for instance those governing citizenship, undermine the constitutional principle of equality. We discuss this aspect in more detail in chapter 1.5.

With reference to the job market, salaries and decision-making positions, all our interview partners share the same opinion. However, Raeifa Samie seeks to take a step beyond gender equality to guarantee justice for women in the future Syrian constitution and society.

[O]ther women in the SCC [...] work for equal rights for women and men. I have a big problem with that. Equal rights and duties with men lead to injustice to women in many aspects. For example: In the Islamic religion, there is the principle of separating the financial liability, which means that the woman has her own financial responsibility and the man has his own financial responsibility, which achieves justice for both parties. Equality requires that women share their money and expenditures with men, and this is what I consider unfair for women who often work outside the home and do most of the work inside it. Here, we find that equality is not the correct solution for women who are working or have money. There are many other aspects in which equality is detrimental to women's rights, as well as other aspects in which equality is the right choice, such as equality in salaries. Thus, equality is not appropriate for all circumstances, but justice is. So I am not calling for equality but for justice. [sic]

Thus, women's rights are interconnected with other topics such as democracy, secularism and minority rights. "That is my topic. For me, women's rights are connected with democracy. There can't be a democracy without equality and rights. And no justice if women don't get their rights. The patriarchal repressive system is the same as a political repressive system" (Anonymous). Samira Mobaied agrees with this quote and engages with the intersection of minority rights, decentralisation and women's rights.

### Anti-discrimination

Chavia Ali's focus lies on anti-discrimination measures. "You know what I added to the constitution? Something very silly, but they forgot to add it: discrimination. No one uses this word. Very silly, you see? So, each time I see the word discrimination in a draft, I feel proud. At least, I added this. Because they were really forgetting it. This is so important" (Chavia Ali). Sabah Alhallak agrees that impeding discrimination is important, and she sees the principle of gender equality as a basis for the anti-discrimination law. Chavia Ali further states that raising awareness to the problem is crucial for the SCC members to be able to understand it. It is important to note that Chavia Ali speaks about awareness-raising and anti-discrimination measures not only as regards women, but also with respect to disabled persons.

### Interim conclusions

In summary, the main constitutional issues affecting women are the greater participation of women in politics and equality. The women's quota is a prominent tool for advancing women's political participation. The interviewees propose the enshrinement of women's rights, anti-discrimination work and citizenship regulations as mechanisms to achieve equality. Raeifa Samie opposes the idea of equality between men and women and prefers to work towards further-reaching justice between the different genders.

## 4.2.2 Other areas of interest to women SCC members

Our interview partners are concerned with further issues in addition to those directly associated with women's rights. For instance, Fadwa Mahmoud focuses on detained and disappeared persons, Chavia Ali on anti-discrimination and human rights, Samira Mobaied on decentralisation and diversity, and Raeifa Samie on the political system itself as well as on decentralisation and detainees. Sabah Alhallak's main focus is on women and Alice Mofrej's work is centred around feminist topics as well as the peace process for Syria as a whole. Yet these women constantly face the problem that women are expected to talk about women's topics and women's rights only, otherwise they are not taken seriously (see chapter 4.1.2).

## Transitional justice

Transitional justice represents another priority of most of our interview partners. The issue of political detainees and forcibly disappeared persons is a major issue in Syrian political discourse. Two of our interview partners are highly active in this area. Fadwa Mahmoud stresses that influencing political decisions on detainment and forced disappearances is her main motivation for serving on the Syrian Constitutional Committee. She is one of the founders of the civil society organisation Families for Freedom, whose goals we described in chapter 1.4.

I was around 15 when I was detained because of my political activities. In Syria, it is not possible to have another opinion than the regime. [...] Any party, group or person outside this regime will be detained. [...] In 1992, I was detained. What I want to say is, I was detained during the era of Hafez Al Assad and now my son and husband are during the regime of Bashar, and I hope Bashar doesn't stay to detain also my grandchildren, if I should have some. It is a long chain in Syria. So, I entered early into political work and am still active within it. (Fadwa Mahmoud)

Alice Mofrej is the second interviewee who lays a strong focus on transitional justice. She is part of the Independent International Commission of Inquiry on the Syrian Arab Republic, the International Humanitarian Fact-Finding Commission and the Committee of the Relatives of Politically Detained People. Alice Mofrej stresses that she works on this topic from a feminist perspective and that she is often the only woman on international committees.

Fadwa Mahmoud also focuses on refugees. This topic was recently discussed at the December 2020 SCC meeting. In her opinion, the return of refugees is a major precondition for transitional justice. She states,

The other point is the return of the refugees. How can they return under these circumstances? There are other basic issues that need to be resolved first before we start with this. This is how we build a building as well. We do the foundation and then we continue with the rest of the building. Not from top to bottom. But that's what they do. If this happened today, I wouldn't sleep another night in Germany. I would go back to my country and my house.

Furthermore, Alice Mofrej, Raeifa Samie and another, anonymous delegate see the urgent need to reform the security sector as an essential element of transitional justice. In this regard, Alice Mofrej sees international supervision and the re-evaluation of the role of women as central aspects. "For rebuilding the security sector, the role of women has to be changed. Their participation is really important there" (Alice Mofrej).

Fadwa Mahmoud and Raeifa Samie share the opinion that transitional justice hinges on ending the rule of the Assad family. Sabah Alhallak considers trust-building in Syrian society to be the basis for transitional justice, and Ghuna Bdiwi underscores that peace and stability are necessary for Syria.

## Human rights and minority rights

Human rights are also a central topic for many of our interviewees, especially women's and minority rights. Chavia Ali focuses on the topics of anti-discrimination and human rights on the Syrian Constitutional Committee. For her, these two topics go hand in hand. Chavia Ali also defends disabled persons' rights. Freedom of speech was the human right which was mentioned explicitly by all interviewees. In general, Alice Mofrej, Raghda Zedan, Raeifa Samie, Sabah Alhallak and Chavia Ali all attach great importance to guaranteeing freedom and other basic human rights.

Minority rights are a topic which our interview partners discussed in more detail. This is mainly because Syria is an ethnically and religiously diverse country, as acknowledged by all the interviewees. "When it comes to diversity, we need to stress the positive aspects of our fortune. We need to explain that they [the majority society] do not have to be afraid that others [minorities] are granted [too many]

rights. This is not normal. Justice between Arabs, Kurds, Muslims, Christians and Jews is the normal situation”, says Samira Mobaied. Questions of national identity are closely linked to minority rights. Samira Mobaied hopes to unite the Syrian community by acknowledging its diversity and establishing justice for all citizens. This can be achieved by establishing minority rights, the importance of which is also emphasised by Alice Mofrej, Sabah Alhallak, Jomana Qaddour and Ghuna Bdiwi. National identity is also the topic which has been discussed the longest within the SCC.

### Political regime

The interviewees also responded to the question of how the political system should be organised. Alice Mofrej, Fadwa Mahmoud, Jomana Qaddour, Sabah Alhallak and another, anonymous member of the SCC explicitly spoke out in favour of a democracy as the future system of Syria. “My dream is for Syria to become a democratic, civil, free state, and for all the women to play the role they deserve in this state” (Anonymous). Raghda Zedan and Alice Mofrej particularly stress that the representative model of democracy should ensure the inclusion of all of Syria's varied social groups including women and minorities. Raeifa Samie thinks about the political regime and its democratic design in detail, favouring a parliamentary system with elections. She also wants the president to be an elected official. According to her, elections are the foundation of a state under the rule of law.

The rule of law itself is an essential aspect of the future constitution. Raeifa Samie connects the rule of law with security, and Ghuna Bdiwi insists that there cannot be peace without justice. Raeifa Samie, Ghuna Bdiwi, Alice Mofrej and another, anonymous member of the SCC seek to inscribe the principle of power-sharing in the constitution. In particular, Raeifa Samie stresses the importance of transferring power away from the office of the president.

The concept of decentralisation is another topic which was discussed extensively in our interviews. This is important to Raeifa Samie because she wants to see more decision-making on the regional level. Samira Mobaied asserts that decentralisation is a far broader concept. In addition to transferring power to the regional level, it also shifts decision-making responsibilities to different social groups such as minorities and women. She sees the women's quota in combination with decentralisation as the most effective method for including women in the political system. “If we ask for a quota of 30% and we stay in a centralised system, there will still be only a few women in power. If we combine the quota with decentralisation, the share [of women in politics] grows across the whole country and this is more effective” (Samira Mobaied). Jomana Qaddour introduces the idea of a partition of the North-Eastern areas of Syria if their desire for independence is strong enough to go to that extreme.

As we have mentioned in the section about religion and women's rights, Chavia Ali, Samira Mobaied and Alice Mofrej insist that secularism is the precondition for realising equality between men and women. They oppose the inclusion of any elements of the Sharia in the constitution in consideration for the other religious groups in Syria. Another delegate sees secularism as the prerequisite for a modern constitution. Raeifa Samie, however, views religion as the most important guideline for establishing rules.

### Interim conclusions

In summary, the topics of interest which are not directly associated with issues of women's equality are transitional justice, the political regime, human rights and minority rights. The topics regarding women's equality have proven much more divisive among our interviewees than the other areas of their interest. This may also be because not all of them work on the same topics and thus do not have an opinion on all the other topics. The exception here is transitional justice, on which all of our interview partners commented and demonstrated that they all share similar opinions on this topic.

### 4.2.3 Strategies

We have identified three main strategies for the negotiations: the coordination method of the Middle Third, mechanisms for finding a consensus, and external partnerships such as the international community.

#### Coordination method of the Middle Third

We received good insight into the work of the civil society bloc, since the majority of our interview partners belong to this group. They told us that the members of the Large and Small Bodies meet before each SCC meeting to discuss their standpoints. The members of the Middle Third we spoke to find it unacceptable that the civil society bloc does not have a co-chair like the other two groups do. Another problem acknowledged by the members of the Middle Third is the fact that this group is divided between those who lean toward the regime (or simply living in regime-controlled areas) and those who do not. It is hard for them to work together or find common ground, as Jomana Qaddour described in the previous chapter.

#### Coalition-building and consensus

Another relevant strategy is building coalitions and reaching a consensus. One resource is the abundance of WhatsApp groups where SCC members from the Middle Third and the opposition exchange opinions and positions regarding certain topics. These more loosely organised groups are supplemented by a core group working on women's topics on the SCC. Samira Mobaied told us that she, Sabah Alhallak and Rola Rebbie, another woman member of the SCC, are all part of this group.

Moreover, Samira Mobaied is greatly involved in building coalitions and mediating these groups so that they can reach a consensus.

What I am trying to do with some of my colleagues is to find common ground and to write position papers which are acceptable for everybody. [...] This is really a step forward considering that before, there were always people who did not want to work together. Now, we have agreed on five or six points.

She further described how this helps her to become familiar with the details of her partners' standpoints. Sabah Alhallak applies a similar method by taking notes on the speeches given during SCC meetings to try and find out about possible coalitions in terms of topics of women's equality. She also plans to use her notes to form a critical mass who will vote against anything which violates basic women's rights and equality. Sabah Alhallak and Samira Mobaied also reach out to the opposition bloc to form alliances. Moreover, Sabah Alhallak claims that the voices of men who support women's rights and equality are needed. She refers, for example, to Mazen Gharibah, a man who is on the SCC and part of the WAB. Additionally, she thinks it is important to work together with those who are involved with minority rights, as their demands often overlap with those concerning women.

I also speak about Syria's diversity and that many citizens have been deprived of their rights regarding citizenship, education in their mother tongue, traditions, and festivities – in particular the Kurds. Talking about that opens many doors for the topic of equality, regardless of gender, religion or culture.

#### External Partnerships

Our interview partners' work is not restricted to the Committee itself. For instance, Sabah Alhallak informed us that the Euromed Feminist Initiative supports her in finding coalition partners, and Samira Mobaied works with different organisations to inform the public about the progress of the SCC's work. Informing the public and obtaining ideas for the negotiation from Syrian citizens is an important part of the work our interview partners do for the SCC. Some initiate a dialogue with the help of webinars,

others are in contact with Syrians via initiatives and Track-One diplomatic organisations operating within Syria and abroad. However, Ghuna Bdiwi highlights the difficulty of remaining in contact with people from the regime-controlled areas, as this would endanger their safety. Alice Mofrej works on the international political level to attain and implement her goals on the SCC. With her organisation Syrian Women for Peace and Justice, she successfully lobbied for the women's quota on the SCC. She also collaborates with other international NGOs and she is the Chair of the Detainees Committee, which focuses on lobbying on the international level. Furthermore, she has established a strong relationship with the UN Special Envoy for Syria. Alice Mofrej and Sabah Alhallak also point out the importance of the Women's Advisory Board, in particular with respect to seriously integrating women's topics into the negotiations. In general, Alice Mofrej says that international support is necessary for securing women's and minority rights in the constitution.

### Interim conclusions

The main strategies which the interview partners employ are coalition-building, moderation for reaching a consensus and gaining support from the international sphere. The Middle Third is also working on improving its stand compared to the other two blocs, which currently have more influence on the SCC because they are represented by co-chairs who coordinate the standpoints of their blocs and influence the agendas that are set.

## 4.3 Intersectional Analysis

After having examined the position of women in Syrian politics and on the SCC as well as our interview partners' topics and strategies on the SCC, the aim of this chapter is to examine specific power relations and their intersections. Women's active participation on the Syrian Constitutional Committee and the associated requirements and challenges are influenced by different social aspects which are the root of discrimination, leading to inequality. Disadvantages for women are revealed in many areas and interactions. This chapter focuses on the connection between different inequalities and their influence on our interviewees' living realities and their perception of politics gender equality and their role in the Committee. "The challenge is to look empirically at social practices and to take into account the different categories of difference [...] as well as their interactions and relationships" (Winker / Degele 2009, 99).

In analysing the data, the following structural categories in addition to gender proved important: socio-economic class, culture and religion, and body. To analyse these aspects, we ask the question of how inequalities on the SCC stem from discrimination based on these structural categories. We will also show how these elements interact and which aspects of the negotiations are affected by them.

In the present analysis, gender as a structural category does not refer to biological sex, but rather as a social ascription. The definition therefore includes the division of people into the man-woman binary as well as the normalised "natural" gender relationships. The category of socio-economical class is examined with consideration for all areas of society, i.e. not only in relation to economic resources, but also to cultural and social resources (Winker / Degele 2009, 43). Here, social origin, education, income, work experience, financial situation and the current social environment are taken into account. The relevance of the category of body in the analysis of the data material is determined on the basis of physical characteristics such as age, ability, mental health and external appearance. As

Yuval-Davis emphasises, different cultural traditions should also be included in an intersectional analysis (2009, 57). That is why culture, which is influenced strongly by religion, is identified as a relevant category for the analysis of the role and aims of women within the Syrian Peace Process.

First, gender-based inequalities and differences which reflect the patriarchal power structures are a main influence on the role of women and their work on the SCC. They become apparent in the professional activity itself as well as in the allocation of unpaid voluntary work and the topics of negotiations. These inequalities influence the way women develop their ideas and abilities. They also prevent women from making use of their rightful share of power. Chavia Ali emphasises, “[If they view me] as a woman, they expect me to give my opinion only on women’s issues.” Raghda Zedan confirms this sentiment, but she also has a sense of responsibility to work and speak about women’s rights in the name of her own gender. “Feeling that I have to talk about this topic, yes I have to. But I don’t have to against my will. It’s my responsibility. If we women don’t talk about our rights, do we leave it to men? It is about personal responsibility and if I ignore it, I am neglecting my own rights and the rights of all women who have fought a lot?” (Raghda Zedan).

But an analysis of inequality and differences merely from the perspective of gender does not suffice. The category of body reflects the dominant discursive idea of the correlation of healthiness of body and mind. This idea influences and shapes the extent to which a person is taken seriously and what people expect from them. Chavia Ali provides evidence, stating, “[...] and also my other aspect, the disability rights aspect, it’s also to be questioned. Because they expect me to talk about wounded people, disabled people. So, when I mention something political, they are surprised [that] I deal with these questions.” The category of body is also linked to the mental health of the members, which has a direct effect on their ability to work and on the way they interact. “That is why I am always working on something. It is exhausting. It is especially difficult to take care of your mental health when you are far away from your son and your husband and all of this. It is not easy, you know. But still, I get over all of this to work for my goal” (Fadwa Mahmoud).

Different variables were defined to identify the influence of socio-economic status in intersection with gender and body. The environments and cities the interviewees grew up in as well as their current places of residence, which provide information on their living situations, have a major influence on how they perceive specific topics.

The interviewees’ various upbringings have influenced the problems that these women have faced. For those who come from very conservative villages where employment for women is hardly accepted, polygamy can be a tool to at least ensure that they do not have to live on the street. For a woman from Aleppo or Damascus, the situation might be significantly different. Fadwa Mahmoud explains that she did not experience gender inequality within the environment where she grew up in Latakia and Damascus, and so she does not focus on women’s rights and gender equality. Samira Mobaied, on the other hand, describes that she grew up in a politically active family, which also influenced her to become politically active as a woman in Syria and to focus on specific topics.

Moreover, the country of residence is relevant in evaluating current social influences as well as the way our interview partners can engage in politics. Do they have to fear repression because of their political activism? Can they afford to dedicate time to unpaid political involvement? The fact that all of the SCC members interviewed live outside of Syria also shapes how they act and think. As Jomana Qaddour also mentioned, she is influenced by her current environment in the USA.

Moreover, cultural and religious backgrounds and traditions also shape one’s environment, and as a result the role of women in politics. Syria is a very diverse society with many ethnic and religious groups, of which some have suffered severe discrimination. The different social components also shape the role of women and their aims on the SCC. Alice Mofrej explains, “Because I [am] a Druzi, the religious men and the religious rules [affect] me.” Religion must be considered in the Syrian context as

one of the most powerful influences. Chavia Ali also says, "I don't know what to say now, [...] any answer would be [used] against me," highlighting that religion is always the most powerful argument.

Jomana Qaddour adds, "I am sure it's shaped by the context that I have lived in. Syria is still a conservative society at the core. I don't mean that in a religious sense, I just mean in a traditional sense." Raeifa Samie also revealed that she has worked with people in Idlib since 2015 and that she represents the political and cultural views of this particular area in Syria.

However, even if two members were raised in the same neighbourhood, they may have had different experiences with respect to aspects such as their gender, their religion or their educational and working experience. "I have a colleague, Mazen Gharibah, who was born in the same neighbourhood in Homs. He was born Christian and I am technically Sunni Muslim and we talk a lot about our two communities and how they were treated by the regime. What he has is the actual civil society experience on the ground in Homs when the revolution took place, and what I bring to it instead, as a lawyer, [is] other content" (Jomana Qaddour).

Thus, educational background and working experience have a great influence on interactions on and perceptions of the SCC and the negotiations. Whether the women had the opportunity to take advantage of higher education and follow a professional career was significant in the selection process for the Committee. The experience as a lawyer mentioned by Jomana Qaddour as well as the areas of research in academia can be identified as aspects which shape these women's role in the constitutional process as well as the way in which our interviewees are perceived and accepted (Jomana Qaddour, Ghuna Bdiwi, Chavia Ali, Raghda Zedan, Samira Mobaied). "In some places, they took what I say seriously because they know that I talk from experience. I have studied that, I know the law, I understand the role," Chavia Ali emphasises. Samira Mobaied, Ghuna Bdiwi, Raghda Zedan and Jomana Qaddour also refer to their academic background, which gives them a basis to argue and discuss in the negotiation process for drafting a new constitution.

In conclusion, inequalities in interaction and participation within the political sphere become visible when taking into account gender, socio-economic class (in particular educational and geographical background), provenience, culture and religion as well as their intersections. Patriarchal structures and other power relations influence the active engagement of women SCC members in the negotiations as well as their role in the constitutional process. These categories also shape their perception of the SCC, of the relevant topics as well as of the unequal power relations within the SCC itself.

*“Women should be able to speak about any topic.”*

# Conclusion



The aim of our study was to find out what role women play in the Syrian Constitutional Committee. We sought to investigate their political strategies and aims in the constitution-making process of the SCC. To support women's voices and provide insight into the process and their work from their own perspective, we conducted interviews exclusively with women members of the SCC. However, we were not able to talk to all the women members of the SCC, in part due to time constraints and availability, but also because of the lack of accessibility to regime-leaning members. After having analysed the interviews with ten women members of the SCC, it can be concluded that women are present and active in the constitutional negotiations. Nevertheless, some discriminatory ideologies and behaviours prevail which affect women's participation, their interactions and their opinions. Yet the SCC members we interviewed have developed strategies for overcoming these difficulties, in particular the formation of alliances and the reaching of a consensus on concrete issues.

To be able to understand the current situation of women on the SCC, we needed to understand the history of the Committee and Syrian women's standing in politics and civil society. As we describe in chapter 1, the Syrian Constitutional Committee was formed as part of the UN Peace Process for Syria. UNSC Resolution 2254 serves as the legal basis for the formation of the Committee as part of the peacebuilding process. The UN imposed a women's quota of 30% on the SCC, which was not met, as the share of women in the Committee is 29%. Regarding national politics, Lama Kannout concludes that women's political participation was on the rise during the revolution but has dramatically decreased with the start of the civil war. In party politics, the women's participation is largely below 20%. There are also obstacles for women's rights topics and women's participation in civil society. Funding for issues directly relating to women are rare and organisational politics do not reflect women's challenges on the job market and in the workplace itself. Nonetheless, there is a significant number of Syrian civil society organisations which focus on women and are led by women. However, in contrast to party politics, there are no numbers on the quota of women in civil society organisations.

Our interview partners highlighted the lack of financial and social empowerment, discriminatory national jurisdiction, the model of a society which is dominated by men and the lack of women in leadership positions as the main obstacles women face in politics. It became clear that political participation is also impacted by patriarchal structures, religious and ethnic affiliations within the diverse Syrian society, and differing social-economic situations and geographical backgrounds. Concerning their personal standing on the SCC, our interview partners shed light on further problems women in politics face. All the aspects discussed affect the negotiation process as well as who can speak freely and who has to fight for speaking time or respect. One of the main obstacles women face, apart from financial burden, is that they are expected to talk only about specific topics related directly to women.

One important question we asked our interview partners is whether they represent a particular group and if so, which. Alice Mofrej is the only member we interviewed who is affiliated with a party: the National Coordination Committee for Democratic Change. Members of the Middle Third who are not close to the regime had greater difficulty answering this question. Some of them want to represent civil society, the diversity of social components or a specific ethnic, cultural or religious group. Others aim at representing specific topics within the negotiations, for example, women's rights, detainees or human rights. However, there were also some women claiming not to represent anyone or anything in particular. This may be because members of the Committee was appointed and not elected.

The non-transparent process of appointing SCC members is not the only point which our interview partners criticised. Until now, the SCC is the only stipulation of UNSC Resolution 2254 to have been implemented. The interviewees think that the SCC should be activated subsequently to or simultaneously with the peacebuilding process. At the same time, the rules of procedure as well as the behaviour of the regime hinder the progress of the negotiations. Concerning the goal of the SCC, the interview partners seek a regime change, a democracy without the Assad regime and justice.

The categories socio-economic class – including country of residence – region of origin within Syria, financial situation, education and work experience as well as gender, body, culture and religion as well as their intersections have impacted women’s role in the SCC. This includes their participation and their representation as well as the challenges and obstacles they face on the SCC.

Gender, which reflects the patriarchal power structures, is a main factor of influence and it is related to all the other categories mentioned above. It influences the way women develop their ideas and abilities. It also prevents women from being able to utilise their rightful share of power. This is why gender is so important to look at when researching a constitutional committee which defines the future power structures of a political community, amongst other things. The category of body, which reflects the dominant power structure and the idea of a healthy body, clearly overlaps with gender and influences and shapes whether people are taken seriously and what others expect from them.

Furthermore, an SCC member’s country of residence influences how they can be politically active without restrictions, and the region in Syria they come from shapes their opinions and their activities.

All the above-mentioned social categories, particularly the level of education and professional career, are significant factors in the selection process for the Committee. Additionally, coming from a politically active and well-connected family can also be advantageous for having an influential position in politics or in civil society and for building alliances.

In terms of the goals which women members of the SCC want to achieve in the Committee, topics regarding women are an important aspect. However, one must note that the delegates we talked to do not limit themselves to working on women’s topics. They also engage in other subjects of the SCC.

Concerning women’s topics which should be integrated into the future constitution, everyone agreed on enshrining the political participation of women in the constitution. Two mechanisms in this regard were identified: a women’s quota and citizenship. The former was favoured by all the members, but there were some concerns regarding the symbolic inclusion of women without addressing the root issues or without selecting qualified women for leadership positions. However, they do see a quota as an opportunity for the integration of different social components and a more pluralistic political sphere. The latter, equal and full citizenship rights for women, intersects directly with other relevant negotiation topics such as religion, women’s rights and anti-discrimination measures. There were diverse opinions on the topic of religion and secularism. While some women argued that secularism must be the foundation of a new constitution which is to guarantee women’s rights, others saw the solution in Islam itself. Furthermore, there were concerns raised that writing a more gender-sensitive constitution is only a first step. Issuing and implementing national laws are further necessary steps. In addition, society needs to embrace the ideas stipulated in the constitution. One member of the SCC opposed the idea of gender equality and stressed the greater importance of justice instead. Other areas of interest which our interviewees represent are transitional justice, the future political regime, the state of law, human rights and minority rights. Our interview partners are also aware that these topics intersect with each other as well as with issues regarding women. The topics regarding women are discussed much more controversially among our interview partners than their other areas of interest. This may also be because not all of them work on the same topics and everyone has their expertise in a different area. The exception here is transitional justice. All our interview partners commented on this point and share similar opinions in this field.

Of the strategies employed by the members of the SCC we talked to, the most common ones proved to be coalition-building, mediation for reaching a consensus and gaining support from the international sphere. The coalitions can be loose, for instance, if they have only been established through an open WhatsApp group with some members of the SCC. At the same time, some closed, core group coalitions are also carefully selected. The core group dealing with women’s topics is an example in this area. To reach a consensus, our interview partners map the political opinions of other members of the SCC and organise mediated meetings to reach common ground on certain topics. The women delegates

succeeded in winning international support in particular surrounding women's participation in the SCC and assuring women's rights. The interviewees also encourage pressure from the international community as regards detained and disappeared persons. Apart from the international community, the women members of the SCC also have partnerships with other external collaborators such as national and international NGOs. One of the main goals is to get in touch with the Syrian public to inform them about the constitutional process and to gain insights on what the Syrian people think about the topics of the negotiations. The Middle Third is also working on improving its status, as the other two blocs currently have greater influence within the SCC. These are each represented by a co-chair who coordinates the standpoint of his bloc and decides on the agenda set together with the other co-chair and the Special Envoy.

From an intersectional point of view, the women we interviewed seek to change the current environment of politics and civil society, which is dominated by men, by assuring that more women can and will offer an active contribution in these areas. Long-term change can only be achieved when gender equality is realised. Religions and traditions are interrelated with the patriarchal rule and therefore their role in Syrian society must be modified to be able to achieve equality. However, not all women agree on the issue of equality of men and women as a desirable goal. This discord is influenced by the intersectional category of provenience. Familiarity with highly conservative and religious living realities influences perspectives on gender equality and the role of Sharia and traditional practices in the constitution. Whether a delegate has experienced discrimination based on her ethical or religious background often affects the fervour with which she stands up for minority rights. Nonetheless, we could also see that the women members could mostly understand the objectives of minorities due to their own discrimination experiences on the basis of gender.

In conclusion, women are included on the SCC, ensure their respect and influence the negotiations through their strategies. Yet obstacles such as patriarchal power structures, political structures and religious influences still hinder the fulfilment of their goals on the Committee. Assad regime's boycott of the negotiations is another element which stands in the way of their ambitions. This is evident from the Syrian Constitutional Committee's failure to thematise women's role in the constitution as of yet. In contrast, the UN can be categorised as a supporter of women members of the SCC thanks to its insistence in implementing a women's quota and the installation of the Women's Advisory Board.

To conclude with a quote from Alice Mofrej, "My voice is loud, yes. I don't think that politics is male-dominated. No, if they raise their voice, I raise [mine] more. So, my voice is loud, my voice is heard!"

## Interviewees

Name	SCC		Date and Duration	Location
Alice Mofrej	SCC-SNC, Body	Large	16 November 2020 00:45	Berlin, Germany
Chavia Ali	SCC-MT, Body	Large	13 November 2020 00:38	Lund, Sweden
Fadwa Mahmoud	SCC-MT, Body	Large	23 November 2020 00:45	Berlin, Germany
Ghuna Bdiwi	SCC-MT, Body	Large	18 February 2021 00:51	Toronto, Canada
Jomana Qaddour	SCC-MT, Body	Large	9 November 2020 1:03	Washington D.C., USA
Raeifa Samie	SCC-MT, Body	Large	16 December 2020 1:30	Gaziantep, Turkey
Raghda Zedan	SCC-MT, Body	Small	11 November 2020 01:04	Istanbul, Turkey
Anonymous	SCC-MT, Body	Large	15 November 2020 00:32	
Sabah Alhallak	SCC-MT, Body	Small	12 November 2020 00:41	Beirut, Lebanon
Samira Mobaied	SCC-MT, Body	Large	16 November 2020 01:02	Paris, France

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