Gaziantep, Turkey
26-28 March, 2016

Supported by:

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Background

On 26-28 March 2016, No Peace Without Justice (NPWJ) organised a roundtable on “Accountability, Sexual and Gender Based Violence, Women’s Rights and Children’s Rights in Syria” which was held in Gaziantep, Turkey, with the financial support of the European Commission, the Italian Ministry of Foreign Affairs and the Open Society Foundation. The overall goal of the roundtable was to support Syrian Civil Society Organisations (CSOs) to develop recommendations for ensuring accountability for sexual and gender-based violence (SGBV) and violations of women’s rights and children’s rights committed in Syria. The outcome recommendations are directed to the Syrian Oppositions and those involved in the current negotiations, those involved in any constitutional drafting as may be agreed in the context of the Intra-Syrian talks and other relevant actors.

The conflict in Syria has claimed a staggering numbers of lives, human rights abuses are widespread and there is no accountability for the crimes being committed. Occurrences of SGBV have increased dramatically during the conflict. Women and adolescent girls are disproportionately affected by sexual violence due to forced displacement, separation from families and communities, limited access to services and lack of basic structural and societal protections including justice. Sexual violence occurs against women and men in detention centres and has been used to target specific communities by various parties to the conflict. Rape is perpetrated by armed groups that control communities or due to a break down in law enforcement. Furthermore, non-conflict-related SGBV continues within communities and families and is accentuated by issues such as unemployment made worse because of the crisis. SGBV affects people and communities at all levels across Syria; children are at high risk and men and boys are also victims, inside and outside detention centres.

The devastation caused by SGBV stretches far beyond physical and mental injuries, with families and communities often rejecting victims and not allowing them to return home due to the ‘shame’ that such crimes bring. This leaves many victims with nowhere to turn. Sometimes victims are pressured to marry their rapist to protect their ‘honour’. There is also an increased pressure on girls to marry at a young age, without proper legal documentation of the marriage as families fear for their safety, which also has many negative consequences on the health and future opportunities of many young women. Other human rights abuses towards children such as child recruitment and child labour are major issues that need to be challenged and addressed. There has been little or no accountability for such crimes and this culture of impunity must not be accepted.

The roundtable brought together a number of human rights advocates and experts to develop practical recommendations for ensuring accountability for SGBV and violations of women’s rights and children’s rights in Syria. The outcome recommendations are addressed to a number of policy- and decision-makers, in particular to Syrian Opposition groups. The roundtable took place shortly after an announcement that an interim Constitution for Syria should be negotiated within the scope of the Intra-Syrian talks over the next months. The roundtable participants grasped this opportunity to address recommendations to the Syrian Opposition Coalition and the High Negotiation Committee, who will be negotiating any interim Constitution on behalf of the Syrian people. In order to ensure that this Constitution-making process provides an opportunity to lay the foundations for a new democratic Syria, there must be full consultations with the Syrian people that reach all parts of society, including women, children and young people. The roundtable’s outcome recommendations provide guidance in how to ensure accountability for SGBV and women’s rights and children’s rights violations through an interim and final Constitution, as well as during the negotiation process.
Structure of the roundtable

The three-day roundtable was structured in three parts. The first part was as a planning day for six experienced Syrian civil society organisations to discuss possible recommendations and prepare for their roles as moderators and facilitators during the rest of the workshop. These six speakers led the discussions during the workshop’s second part – a roundtable for developing the recommendations, together with the main facilitator Rami Nakhla, NPWJ’s Syria Project Coordinator. Finally, the roundtable completed with its third part, a public event at which the outcome recommendations were presented by roundtable participants to different stakeholders, and formally delivered to a Syrian Opposition representative.

Facilitators and experts

The main facilitator was Rami Nakhla, NPWJ’s Syria Project Coordinator, who moderated the discussions throughout the roundtable and chaired the workshop’s closing public event. Other experts provided their input during the roundtable and their expertise in the drafting of the recommendations. Francis Guy, currently Head of Middle East Region at Christian Aid, shared her experience on gender-related human rights violations and diplomatic negotiation processes. Jeremy Sarkin, Professor of Law and former Special Rapporteur for the United Nations Working Group on Enforced or Involuntary Disappearances, shed light on the legal aspects of Constitution-making processes. This was completed by the expertise on transitional justice and law-making processes of Alison Smith, Legal Counsel and International Criminal Justice Program Director at NPWJ.

The facilitators were joined by the NPWJ Syria team: Alaa Abed, Lena Holzer, Mustafa Ghashim and Nicola West.

Participants

Participants at the preparatory meeting on the first day consisted of six experienced Syrian human rights professionals, specialised in the fields of SGBV, women’s rights or children rights. The six speakers were selected on the basis of their experience with advocacy at the international level, including at the United Nations.

On the second day, the group expanded to 16 participants, including representatives from smaller Syrian CSOs operating in Turkey and inside Syria. The group included a diverse representation from human rights, humanitarian and development organisations working on SGBV, women’s rights and children’s rights. The approaches to tackle these specific human rights violations varied among the different participating organisations: some focused on documenting human rights violations, others concentrated on doing advocacy and others worked on providing services to survivors. In addition to Syrian civil society, a representative from the GBV Sub-Cluster, Laura Marchesini, was invited to share her knowledge on the nature of SGBV committed in Syria and the key points of the strategy developed by the GBV sub-cluster.

About 65 people attended the public event on the third day, representing a wide range of actors that may influence the transitional process in Syria. These included the Syrian Opposition, international organisations, CSOs, donor institutions and private companies.
Day 1 – Preparatory meeting

The purpose of the preparatory meeting was to identify the main priorities for drafting the recommendations and for the six speakers to prepare for moderating and facilitating the roundtable during the following two days. These initial discussions among the six speakers were designed to lead to a more structured debate among the larger group of participants on the second and third day, in which the first day’s participants would act as rapporteurs of their discussions and to facilitate the exchanges on the subsequent days.

The morning of the first day provided space for an exchange about priorities regarding the accountability of SGBV, women’s rights and children’s rights violations. In the afternoon, Ms Laura Marchesini from the GBV Sub-Cluster delivered a presentation on the Cluster’s work and the specific nature of SGBV committed in Syria. This was followed by a discussion and the formulation of initial recommendations. At the end of this workshop’s first day, the speakers distributed the discussed topics among themselves and started to prepare their presentations for the next day.

The morning session

The preparatory meeting started with an introduction by the moderator Mr. Nahkla about the relevance of developing recommendations for ensuring accountability for SGBV, women’s rights and children’s rights violations through the currently negotiated interim Constitution. Four elements of ensuring accountability through the interim Constitution need to be kept in mind when drafting the recommendations. First, the process of drafting the Constitution must ensure that the voices of women, children and survivors of SGBV are heard. Second, the content of the Constitution must guarantee accountability measures for violations of women’s rights, children’s rights and SGBV. Third, the Constitution must ensure accountability in the short-term for currently happening or past violations; and fourth, it must ensure accountability in the long-term for violations that might be committed in the future.

One main point raised by the speakers during this initial discussion was that there is a general lack of discussions on accountability measures within the Intra-Syrian talks. The “Mistura process” has so far not focused on ensuring accountability for the crimes committed in Syria. Many States seem to support the implementation of accountability measures in general terms, but they rarely advocate for it. This pattern was shown during a side-event on “Syria: Five years seeking democracy and accountability” at the 31st Human Rights Council session, which NPWJ convened together with other organisations. Many State representatives expressed their support for implementing accountability measures during the side-event but concrete efforts to initiate discussions on accountability are still lacking. However, experiences from the past have shown that everything that will be part of a future democratic Syria must be included at this initial stage of peace negotiations. If certain issues are not even mentioned now, they certainly will not form part of any political settlement. The speakers agreed that a lack of accountability will encourage perpetrators to continue committing crimes. Accountability needs to be ensured in the Intra-Syrian talks also for creating a deterrent effect, which discourages people to commit violations.

The speakers and the experts further discussed the meaning of the word accountability. What does accountability include? Accountability deals with both past crimes but also the prevention of future crimes. Accountability may be ensured in the form of criminal prosecution of past violations, but also in the form of guarantees of non-repetition. Ensuring accountability in the process of negotiating the interim Constitution includes holding the negotiators accountable to their constituencies. The experts explained that the establishment of effective and independent institutions will be important to ensure
accountability in the future. The speakers further discussed the difference between the concepts of justice and accountability. International discourses often concentrate on ensuring justice, whereas accountability is mostly forgotten. It was argued that it is important to focus on ensuring accountability as a method for guaranteeing justice. Focusing, on the other hand, on justice bears the risk to talk about a foggy concept without envisioning the methodology to reach it.

One recurrent point of discussion was the problem of early, forced and unregistered marriages in Syria. Child and forced marriages have been a problem already before the revolution but they have exacerbated over the last years. Parents and armed groups are increasingly forcing girls to get married before the legal age. Since the civil registry system has broken down, many marriages remain unregistered. This leads to the situation where wives do not enjoy their rights. Widows cannot claim their rights and divorce is often practically and legally impossible. One major consequence of unregistered marriages is that many children are born stateless, since according to Syrian law, women cannot pass on their nationality to their children. In case that the marriage is unregistered and the children's father is unavailable because he had died, is in detention, or is a foreign fighter etc., the children do not receive any nationality. Another is that that sometimes the community questions the “honour” of the wife and whether she was actually married or not which may lead her to be ostracised by her community. Furthermore, women often have no means to know whether they are the first, second or even tenth wife in the case of fighters who may marry a new wife in the different territories they fight in. The group also discussed the psychological impacts of early and forced marriage, with the input of the participating psychologists, and the effect of being far less likely to finish her education and gain from the opportunities that brings, highlighting the overall damaging consequences of child marriage. The experts provided information on international standards regarding the age of consent for marriage and in how far early and forced marriages are to be considered as SGBV. The discussion made clear that early, forced and unregistered marriages are a pressing issue that need to be reflected in the roundtable's recommendations.

The participants also discussed briefly how far the social and religious context must be taken into account when discussing women’s rights. Some participants expressed their concern that laws that seem to overstep social gender roles could lead to their rejection by certain segments of society. It was argued that the sensitivity of these topics and the practical feasibility to implement the demanded rights must be kept in mind when discussing them.

The afternoon session

The afternoon session started with a presentation by Laura Marchesini from the GBV Sub-Cluster on the particularities of SGBV in the Syrian conflict and the response to it by the GBV Sub-Cluster. Ms Marchesini explained that the GBV Sub-Cluster is part of the protection cluster, which is coordinated by UNHCR. The purpose of the GBV Sub-Cluster is to reduce the risk of SGBV by ensuring multilateral actions and responses. The Cluster also aims at mainstreaming GBV in all other sectors of humanitarian responses. The do-no-harm-principle, which stresses the importance of ensuring that no actions is unintendedly increasing vulnerabilities or damages, must be a principle applied in all humanitarian action. The GBV Sub-Cluster carried out an assessment of the particularities of SGBV in Northern Syria. The results of the assessment show that since the outbreak of the conflict, GBV has become a constant threat for all Syrian women – GBV is everywhere, on streets, homes and WASH facilities. Early marriage has in particular increased as a result of growing economic problems, which leads to situations where families “marry off” their children. Syrian communities describe the lack of opportunities and the feeling of frustration as one major reason why men increasingly commit violence. As a consequence of the constant fear of SGBV, women’s and girls’ mobility has been significantly
reduced. This leads to women’s and girls’ limited access to services and their dropping-out of schools and work. One major challenge regarding SGBV in Syria is the limited access to certain areas by humanitarian workers, which results in a lack of geographical coverage of services provided to survivors of SGBV. Another problem is that there are many organisations that have started to deliver services to survivors of SGBV without having the necessary technical capacities and knowledge. These organisations may end up doing more harm than benefit. The GBV Cluster has responded to this by developing Standard Operating Procedures (SOPs) that lay out minimum standards on how to deliver services to survivors of SGBV.

In the discussion that followed, the speakers stressed the importance of the do-no-harm-principle and of the cooperation between service providers and human rights organisations. Some participants shared their experiences with organisations documenting SGBV that have re-traumatised survivors or exposed them to increased risk. A dual referral system, developed by the Syria Justice and Accountability Centre, where human rights organisations and service providers cooperate with each other, was discussed as a potentially important mechanism to ensure the protection of survivors. The dual referral system aims to ensure that human rights organisations refer survivors of SGBV to service providers, since they are not equipped to provide the services themselves. In return, service providers refer survivors of SGBV to human rights organisations in case the survivors want their experiences documented.

In the second half of the afternoon, the speakers formulated initial recommendations that reflected their previous discussions. This collection of the main issues served as the basis for structuring the discussions during the roundtable on the following two days. The experts stressed the fact that the recommendations should be as concrete as possible and suggest, if possible, certain mechanisms for ensuring their implementation. For example, the recommendations regarding early, forced and unregistered marriages should request the different political actors, such as the Syrian Government, opposition groups and refugee hosting states, to set up institutions that register births, deaths and marriages.

The initial ideas for drafting the recommendations included that that the interim Constitution should: address the problem of early, forced and unregistered marriages; implement international human rights standards and ensure the lifting of reservations to international treaties on women’s rights and children's rights; ensure the documentation of human rights violations in Syria; guarantee the participation of women and children in the process of drafting the interim and final Constitution; stress the principle of accountability in all negotiations; establish independent institutions for supporting women and children’s rights; ensure the consultation of all segments of society in the drafting of the Constitution; guarantee that the final Constitution is to be drafted by a democratically elected body; establish institutions that register births, deaths and marriages; and provide protection mechanisms for survivors of SGBV.

After collecting the topics discussed during the day, the speakers divided the different issues in four main themes: children’s rights, women’s rights, SGBV and accountability measures. The speakers distributed the themes among themselves, so that one or two speakers each were responsible for presenting the initial ideas for recommendations to the larger group of participants on the next day.

**Day 2 - Roundtable**

The main purpose of the roundtable was to develop practical recommendations on how to ensure accountability for SGBV, women’s rights and children’s rights with a large focus on the interim Constitution, which may be agreed upon in the context of the Intra-Syrian talks over the next months.
The speakers of the Training of Trainers acted as rapporteurs on the discussions of the workshop’s first day and moderated the debates among the 16 participants.

The roundtable lasted for one and a half days. During the first day, participants discussed and developed the recommendations. The discussions were structured according to the four themes that were presented by the speakers: children’s rights, women’s rights, SGBV and accountability measures. At the end of the roundtable’s first day, participants divided the tasks for the public event on the next day among themselves and a small drafting committee finalised the recommendations. The roundtable’s second day provided the opportunity to revise the outcome recommendations that the drafting committee had prepared the night before and for participants and speakers to continue to prepare their interventions for the public event in the afternoon.

Discussion on accountability

The two speakers who moderated the discussions on accountability measures started by reporting on what has been discussed the day before. It was reiterated that accountability measures must be immediately included in the international peace negotiations, otherwise they will be forgotten at a later stage. The speakers explained that some international actors argue that discussing accountability at this current stage of peace negotiations could obstruct reaching an agreement. However, the speakers rejected this argument, stating that lasting peace is only possible if accountability for past crimes and mechanisms for preventing future crimes are ensured. The speakers further strongly asserted that amnesties for grave human rights violations cannot be part of a political agreement. Persons who are suspected of having committed crimes cannot be part of a new government, so a vetting and lustration process is required. There is a need to ensure a consultative and inclusive process for drafting the interim Constitution that hears all segments of the Syrian society.

In the discussions, the participants focused on different aspects for ensuring accountability for SGBV, women’s rights and children’s rights violations. Some asserted that accountability measures are strongly needed to stop the concept of retaliation, which means that people seek revenge even many years after a crime has happened. The participants further discussed the issue of how to prosecute the crimes committed in Syria on an international level or in other countries. The participants emphasised that the currently negotiated Constitution must be interim, and not final, and that the final Constitution must be drafted and adopted by a democratically elected body. In addition, the participants reiterated the need for documenting human rights violations in order to ensure future accountability. Since the majority of Syrian society does not know about the importance of a Constitution, information on the Constitution-making process must be disseminated to all Syrians. Finally, the process to ensure accountability should draw on best and worst practices on accountability and transitional processes from other countries of the region, such as Tunisia, Libya and Yemen.

Discussion on SGBV

The two speakers moderating the discussions on SGBV explained the definition of SGBV and in how far women are more affected by SGBV during the conflict. Syrian laws already discriminated against women before the revolution but the conflict has made the situation worse. SGBV often leads to mental suffering for which not enough services are available. Different types of services are needed for SGBV survivors, including legal support, shelters and safe-places, psychosocial support, rehabilitation and reintegration measures. Early and forced marriages were named as pressing issues in Syria alongside other types of SGBV such as rape and sexual slavery. It was asserted that strong laws that prevent these violations are needed.
After the speakers’ presentation, the participants discussed in how far the inclusion of women in decision-making bodies influence the practice of SGBV. It was once again stressed that in all interventions regarding SGBV, such as the documentation of SGBV, the principle of do-no-harm must be ensured at all times. Similar to the discussions of the day before, the participants shared their experience with inadequate services by organisations that do not have the relevant experience and know-how for accommodating the needs of survivors of SGBV. It was argued that there is currently an international “trend” to provide funds for implementing services for SGBV survivors. This leads to organisations without the necessary technical capacities providing services without following best practices. Participants suggested there should be criteria for working in the field of SGBV, such as the SOPs developed by the GBV Sub-Cluster.

Discussion on women’s rights

The speaker facilitating the discussion on women’s rights highlighted that women’s rights are a controversial issue all around the world. Women face discrimination in all societies. In Syrian society, there is a strong contradiction that on the one hand, women are highly regarded as mothers but on the other hand, they are lowly regarded when their rights are violated. Syrian laws are discriminatory against women, such as in the fields of honour crimes and labour rights. The ambitions and the reality of the revolution are very different. The revolution aims at improving the human rights situation but the current reality is the opposite of these aspirations. The number of kidnappings, rapes and other crimes has drastically increased. Due to this, women and girls do often not leave the house anymore, which deprives them of their right to movement, to education and to work. There is a cycle of violence that is passed on from one generation to another until it becomes tradition. One important step to guarantee women’s rights is to lift the reservations to international treaties on women’s rights and to ensure the treaties’ implementation.

The participants added to the speaker’s input that the interim Constitution must be drafted with gender-neutral language. Arabic is a masculine language, which usually uses male pronouns for describing a group of people. The interim Constitution must include both male and female terms in order to make women explicitly visible. Furthermore, women must be included in the drafting process of the interim Constitution. The participants discussed more generally that creative ideas are needed to ensure the participation of women at all levels of political decision-making. The participants referred to the need to implement the UN Security Council Resolution 1325, which discusses the participation of women in peace-building efforts and transitional processes. What is needed is substantive participation and representation of women’s interests, not only their formal participation without recognising their voices and needs. The participants stressed the importance that it is not only about representing women but about engaging them in all kinds of decisions.

The experts provided further input in how to ensure gender equality in the new Syrian Constitution. It is important to refer to both the principle of non-discrimination and equality in the interim and final Constitution. Four principles on human rights provide suitable guidance regarding the State’s obligations to ensure everybody’s human rights. First, the respect principle provides that States have the duty to respect everyone’s rights and not to interfere with them. Second, the protection principle obliges States to protect individuals from being harmed by others. This may include enacting criminal legislation and investigating crimes. Third, the fulfilment principle holds that the State has the obligation to provide the conditions for self-fulfilment such as creating jobs, establishing a healthy environment and ensuring economic prosperity. Fourth, the promotion principle provides that States must teach their citizens about their human rights, which enables them to claim those rights.
Discussion on children’s rights

The speaker reported on the previous day’s discussions on children’s rights, noting that what is needed is the actual implementation of international human rights treaties, not only their ratification. Syrian children experienced violations of their rights already before the conflict started. The level of education was lower than was claimed and physical punishment relatively common. Furthermore, child marriage happened on a regular basis, which was possible when a sheikh approved the marriage. The speaker stressed the need to document human rights violations. The international community should provide CSOs with tools to document these violations, as access to Syria is very difficult. Furthermore, an independent State institution that investigates children’s rights violations is needed.

Another problem discussed by the speaker was the recruitment of children into armed forces. There are allegations that both military opposition groups and the government have recruited children under the legal age. The experts clarified that according to customary international law, the minimum age for recruiting children is 15 years. However, Syria has ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which makes it illegal to recruit children below the age of 18. Hence, all recruitment by armed forces of children younger than 18 years is illegal in Syria. The participants emphasised that recruited children should be demobilised, reintegrated in society and rehabilitated.

The participants further discussed children’s rights violations committed in detention centres. There is evidence that children have been subjected to torture while being detained. The participants asserted that the outcome recommendations should demand the collection of the names and identities of children in detention to be provided to their families and the release of all children currently held in detention.

The roundtable participants referred to the UNICEF report *Syria’s Children: A lost generation?*, published in 2013, which provides insights into the main human rights violations that Syrian children face. These include the right to shelter, clothes, water and many other rights. The report documents that children experience different violations depending on which armed groups control the respective areas.

Finally, the participants also addressed the human rights situation of children with disabilities, who are often forgotten in conflict situations.

The recommendations drafting committee

At the end of the workshop’s second day a small drafting committee was formed for the purpose of formulating the recommendations. The experts assisted in the process providing their thoughts on the context, structure and length of the document. The draft recommendations reflected the discussions from the two previous workshop days.

Presentation and discussion of the outcome document

On the morning of the roundtable’s third day, the participants went line by line through the draft recommendations and finalised their wording. Changes in the draft document related either to corrections in the Arabic language or to specifying the scope of the recommendations. After the seven outcome recommendations were finalised, the speakers and participants prepared their interventions for the public event, which happened later on the same day.


Public Event

The purpose of the public event was to present the final recommendations to a variety of stakeholders who may influence the transition process in Syria. Since the recommendations are in particular addressed to the Syrian Opposition, they were formally presented to a representative of the Syrian Opposition Coalition. The public event started with a presentation of the outcome recommendations by four different roundtable participants, followed by a panel discussion comprised of roundtable participants and chaired by Mr Nahkla.

After the presentation of the final recommendations, Mr Nahkla opened the panel discussion by informing the audience about the process of developing these recommendations during the three previous days. He explained the relevance of the current moment, which could become a milestone for reaching peace in Syria. He asserted that sustainable peace in Syria will only be possible if accountability for human rights violations is ensured. After his initial introduction, the panellists introduced their organisation’s work and discussed the importance of the recommendations.

In the discussion, the panellists argued that the current peace negotiations focus exclusively on the future and forget to ensure accountability for the violations that have happened over the last five years. It was reiterated that international human rights standards must be reflected in the interim Constitution. The Constitution must be interim, and a final Constitution can only be drafted by a democratically elected Commission. The panellists stressed the need to ensure adequate services for women, children and survivors of SGBV, pointing out that SGBV against men is often invisible despite the fact that it is happening in Syria on a widespread basis.

One major topic addressed by the panellists was the participation of women in all kinds of decision-making, including the drafting of the interim Constitution. Equal gender participation in Local Councils and all other economic, political and social decision-making is needed. The panellists argued that women are only consulted when discussing women’s rights but that they must be included in all decisions regarding public life in Syria. Women’s rights must be seen as human rights, not as a separate issue. In the following months and years, women must be involved in discussions on disarmament, peace-building and other public issues. The panellists explained that women are sometimes asked why they want to participate in decision-making. The answer is simple: because women are half of the Syrian population.

After the presentations by the panellists, the representative of the Syrian Opposition Coalition formally received the recommendations. An official response to the recommendations by the Coalition will be provided at a later stage.

The audience at the public event had many questions and comments for the panellists. The recommendation to establish an institution to register birth, deaths and marriages was of particular interest. The audience generally supported the recommendations, noting that statelessness and unregistered marriages are serious problems in Syria. Some organisations provided information on already existing initiatives for setting up civil registry institutions within Syria as well as refugee hosting countries. Other issues discussed in the debate included the fact that even though women are often the families’ main breadwinners, they still lack political influence. Over the last five years, women have been crucial in the survival and care of many Syrians. Despite their important socio-economic role, their political influence has not increased. Women’s roles are still mainly to execute decisions and provide services, but not to take political decisions.
Conclusion

The outcome recommendations are a practical tool to advocate for accountability measures for SGBV, women’s rights and children’s rights violations committed in Syria. The principles outlined in the recommendations should provide guidance to those who are currently negotiating the interim Constitution. The participatory approach of the roundtable ensured that the recommendations are reflective of the participant’s perspectives. The recommendations are open for endorsement by any Syrian organisation that wishes to do so.
Annex 1 – The outcome recommendations

Recommendations on Accountability, Sexual and Gender Based Violence, Women’s Rights and Children’s Rights in Syria

The weeks ahead offer Syrians an opportunity to lay the foundations for a new democratic Syria as they work towards a draft interim constitution that may be agreed in the Intra-Syrian talks: an opportunity to ensure all Syrians are consulted and to guarantee that their voices are heard.

In this context, No Peace Without Justice held a roundtable on 27 and 28 March in Gaziantep, Turkey, where Syrian civil society, development and humanitarian organisations came together to develop recommendations on accountability, sexual and gender based violence, women’s rights and children’s rights.

The recommendations that emerged are directed to those involved in the negotiations and the constitutional process and other relevant actors. They cover what action is needed now and what is needed during and after the transition process. They call for consultation with all segments of Syrian society.

Those present specifically ask the Syrian Opposition and the High Negotiation Committee, who are negotiating on behalf of the Syrian people, to make a commitment to the principles outlined in the following recommendations, during the negotiations and for the interim and final constitution.

Recommendations:

1. Fundamental human rights, enshrined in the Universal Declaration of Human Rights and subsequent UN treaties including the International Covenant for Civil and Political Rights (ICCPR), the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) must not be derogated from during the consultations and should be incorporated within any interim and final Syrian Constitution as supreme, fundamental and judicial principles and in all subsequent laws and legislation.

2. Accountability for all human rights violations, including Sexual and Gender Based Violence (SGBV) and violations against women and children, must be on the agenda of future negotiations and included in any official documents, including any agreement on a political settlement, as a priority.
   - There must be a transparent consultative process involving all segments of Syrian society, including women and children, on matters of accountability and the design of the accountability process.
   - The new Syrian Constitution should include mechanisms to ensure accountability in the future, including an Independent National Human Rights Commission, which must comply with the Paris Principles.

3. There must be appropriate support for survivors of all types of SGBV.
   - There must be a range of coordinated support services for survivors that are easy to access.
   - The negotiations should include a commitment to draft and enact laws preventing and punishing SGBV, including the repealing of so-called ‘honour’ defences.

4. There must be the active participation of Women in all decision-making and political processes.
   - There should be equal representation of women in the negotiations.
- There should be equal representation of women in all decision-making during the transition period and in permanent bodies, including the Government and Parliament.
- There should be equal representation of women in Local Councils.
- There should be equal representation of women in the justice sector, including the police.

5 All parties to the negotiations must agree that any constitution agreed in the context of the Intra-Syrian talks will be interim and that decisions are taken for the transitional period only. This should be followed by free and fair elections that establish a new Government and a Constitutional Assembly. The Constitutional Assembly’s task should be to consult with all segments of Syrian society and draft a new final constitution for a new democratic Syria.

6 There must be a commitment to abide by and implement the human rights of all, specifically women.
- The interim and final Constitution must reflect the principle of equality, including equality before the law and non-discrimination.
- The interim and final constitution, as well as all future laws and legislation, should be drafted in gender-neutral language.
- A future government should remove all reservations to CEDAW and comply with CEDAW in all its aspects.
- There should be an independent State institution through which the rights of women can be respected, protected, fulfilled and promoted.
- The bodies drafting the interim and permanent constitution should include gender expertise.

7 There must be protection of children and their rights must be met.
- The best interests of the child must be the primary consideration in all actions affecting the child including during the negotiations. This principle must be reflected in the interim and final constitutions.
- There should be a new temporary national independent institution through which births, marriages and deaths can be registered and formally certified throughout Syria and in countries hosting refugees.
- The nationality law should be amended to allow Syrian women to pass citizenship to their children.
- There should be an independent national State institution to monitor child rights, ensure accountability and implement the State’s responsibility to respect, protect, fulfil and promote the human rights of children.
- Services and support should be provided to child survivors including all children with special needs.
- There should be a commitment to not recruit or use any child under the age of 18 and to hold accountable those who do recruit or use children. Any process of demobilisation, disarmament and reintegration of children should guarantee their protection, including through the provision of psycho-social support.
- Provide information on the numbers, names and location of children in detention and children who were forcibly disappeared, to inform their families and allow access to monitor conditions and ensure their rights are being respected. All children currently in detention should be released and provided support services and there should be accountability for any violations against them while in detention.
Commit to not allowing children under 18 to marry, which should be prohibited by law. All those that violate the law should face punishment.

Annex 2 – Biographies of Experts

Frances Guy

Frances Guy is currently Head of Middle East Region at Christian Aid based in London. She recently served as Representative for UNWomen in Iraq from May 2012 to December 2014. Before that she had a long career in the British Diplomatic Service where she served as British Ambassador to Lebanon (2006-2011) and to Yemen (2001-2004) and had other posts in Sudan, Ethiopia and Thailand. She serves as a Trustee on a number of charities focusing on human rights and education in the Middle East, is a member of Council at Chatham House and is President of the British Society for Middle East Studies (BRISMES).

Prof Jeremy Sarkin

Professor of Law, University of South Africa (UNISA) and Distinguished Visiting Professor of Law Nova University, Lisbon, Portugal; Member 2008–2014 (Chair-Rapporteur 2009–2012), United Nations Working Group on Enforced or Involuntary Disappearances

Professor Jeremy Sarkin has undergraduate and postgraduate law degrees from South Africa, a Master of Laws from Harvard Law School and a Doctor of Laws degree on comparative and international law. He is admitted to practice as attorney in the USA and South Africa. He practiced at the New York bar during 1988 and 1989. He then spent time working at the International Commission of Jurists in Geneva, Switzerland. He is Professor of Law at the University of South Africa (UNISA) and Distinguished Visiting Professor of Law, Nova University Law School, Lisbon, Portugal. He was a member (2008-2014), and was Chairperson-Rapporteur (2009-2012), of the United Nations Working Group on Enforced or Involuntary Disappearances. He served as an acting judge in 2002 and 2003 in South Africa. He served as National Chairperson of the Human Rights Committee of South Africa from 1994-1998. He has worked on transitional justice issues recently in Argentina, Uganda, Zimbabwe, the Maldives, Nepal, Burundi, Morocco, Bosnia and Herzegovina, Timor-Leste, the DRC, Libya, Tunisia, Indonesia, Philippines, Bangladesh, Syria, Bahrain, and Lebanon. He is a co-editor of the book series on Transitional Justice at Intersentia Publishers. He is a member of a number of journal editorial boards, including Human Rights Quarterly, Human Rights and International Legal Discourse and the International Review of Criminal Law. He serves on the boards of a number of NGOs, including the Institute for justice and Reconciliation (IJR). He has published 14 books and more than 200 articles. His recent books are “Germany’s Genocide of the Herero” (2011); Reparations for Colonial Genocides (2009); Human Rights in African Prisons (2008); Reconciliation in Divided Societies: Finding Common Ground (2007); Carrots and Sticks: The TRC and the South African Amnesty Process (2004); The Administration of Justice: Comparative Perspectives (2004); Social, Economic, and Cultural Rights – An Appraisal of Current International and European Developments (2002); Resolving the Tensions Between Crime and Human Rights: European and South African Perspectives (2002); The Principle of Equality (2001).
Alison Smith is the Legal Counsel and Director of the International Criminal Justice Program for No Peace Without Justice, having formerly worked as NPWJ’s Country Director in Sierra Leone. In addition, she served as the chief legal adviser to the Vice President of Sierra Leone on the Special Court and international humanitarian law. At NPWJ, she has worked on several areas of policy and practice relating to international criminal law, including on documentation and outreach in several countries.

Ms Smith has acted as international legal adviser to a number of clients including the Tibetan Government in Exile, Kosovar politicians and worked as a legal adviser to the Government of Thailand during the United Nations Preparatory Commissions for the establishment of an International Criminal Court and during the first sessions of the Assembly of States Parties. She worked with No Peace Without Justice and UNICEF on the production of a book on international criminal law and children, has consulted with UNICEF and other organisations and written several articles on children and on international criminal justice more broadly. Ms Smith worked in Kosovo as an international legal officer for the International Crisis Group’s Humanitarian Law Documentation Project, which gathered statements from victims and witnesses of violations international humanitarian law in Kosovo. Prior to that, she was a researcher at the Kennedy School of Government’s Carr Centre for Human Rights Policy at Harvard University. From March to June 2013, she was on temporary special leave of absence, as acting Head of Office and Senior Legal Adviser to the Special Court for Sierra Leone, to assist with the completion and wrap-up of its work.

Ms Smith is an Australian barrister and holds a Masters Degree in International Law from the Australian National University.

Rami Nakhla is Syrian pro-democracy activist and a Yale World Fellow who has worked to advance political, social, and security sector reform in Syria since 2006. Mr. Nakhla has served as Executive Director of The Day After Association and as Syria Program Specialist at the US Institute of Peace (USIP), coordinating “The Day After” project on the Institute’s behalf. At the start of the uprising, Nakhla was a founding member and spokesperson for the Local Coordination Committees (LCCs), a nation-wide network of activists who organized early protests and continue to keep the world informed about the unfolding conflict in Syria. Later, in 2011, Nakhla became a member of the Syrian National Council, the first internationally recognized umbrella organization for the Syrian opposition. In 2013, Nakhla resigned from his position to focus his efforts on non-partisan conflict mitigation with international organizations working in the country.

Nakhla’s work been featured by all major media outlets such as the New York Times, The Guardian, Washington Post, Al-Jazeera En and others.
### Annex 3 – Agenda

#### Day One – Saturday 26 March 2016

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<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Presenter(s)</th>
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<tr>
<td>10.00 - 10.15</td>
<td>Welcome remarks</td>
<td>Rami Nakhla</td>
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<tr>
<td>10.15 - 11.00</td>
<td>Introduction of Speakers and Experts Structure and aims of workshop Identification of expectations</td>
<td>Rami Nakhla</td>
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<td>Coffee break</td>
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<td>11.15 - 13.00</td>
<td>Aspects of working on accountability, SGBV, Women and Children</td>
<td>Rami Nakhla</td>
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<td>- Developing recommendations for public event</td>
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<td>• Women’s rights</td>
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<td></td>
<td>Lunch at Topkapi Serayi restaurant</td>
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<td>14.00 - 15.30</td>
<td>Children’s rights</td>
<td>Rami Nakhla</td>
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<td>• SGBV</td>
<td>Laura Marchesini</td>
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<td>- Presentation of SGBV Cluster Strategy (collaborations and established referral systems)</td>
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<td>- Developing recommendations for public event</td>
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<td>Development and refining recommendations</td>
<td>Rami Nakhla</td>
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<tr>
<td>Time</td>
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<td>Speaker</td>
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| 15.45 - 17.00| Focus on packaging and delivering information and facilitating roundtable  
Preparation for roundtable | Rami Nakhla                  |
| 20.00 - 22:00| Dinner                                                                |                              |

**Day Two – Sunday 27 February 2016**

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<th>Time</th>
<th>Event</th>
<th>Speaker</th>
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<tr>
<td>10.00 - 10.15</td>
<td>Welcome remarks</td>
<td>Rami Nakhla</td>
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<tr>
<td>10.15 - 10.45</td>
<td>Round of introductions and presentation about the layout and objectives of the roundtable over next two days</td>
<td>Rami Nakhla</td>
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| 11.00 - 12.30| Discussion of key issues and development of recommendations  
- Overarching issues  
- Accountability  
- SGBV | Speakers                      |
|              | Lunch at NPWJ office                                                 |                              |
| 13.30 - 15.00| Discussion of issues and development of recommendations continued  
- Women  
- Children  
- Other issues  
Refining and finalisation of recommendations | Speakers                      |
| 15.30 - 17.00| Discussion of outcome document containing recommendations to present at the public event  
Agree on presenters and preparation for presentation the next day | Speakers                      |

**Day Three – Monday 28 February 2016**

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<th>Time</th>
<th>Event</th>
<th>Committee</th>
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<tr>
<td>09.00 - 10.30</td>
<td>Presentation and discussion of outcome document</td>
<td>Drafting Committee</td>
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| 11.00 - 12.30| Finalisation and adoption of outcome document  
Presenters practise session for presentation of recommendations and final comments | Drafting Committee  
Presenters                      |
|              | Free time for Lunch (not provided by NPWJ)                           |                              |
| 14.00 - 15.00| Roundtable participants arrive at hotel to prepare for the public event |                              |
| 15.00 - 18.00| Public event at Divan Hotel  
- Introduction  
- Distribution of recommendation document to attendees of the event |                              |
- Presentation of the recommendations to the audience
- Panel discussion with the Speakers and Rami. Followed by a Q&A session

Coffee and refreshments