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.