

# Note from the editors

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On October 3rd, 2016, the University of Padova hosted an international conference entitled ‘Rethinking the transition process in Syria: Constitution, participation, and gender equality’.

The event was the result of a joint collaboration between the Interdepartmental Center for Gender Studies (CIRSG) of the University of Padova and Euromed Feminist Initiative (IFE-EFI) in the context of a three year project called ‘Supporting the transition towards democracy in Syria through preparing for an engendered constitution building process’. This was funded by the External Action Service of the European Commission and the Swedish government, and carried out by IFE-EFI. Support in the organization of the conference also came from the University of Padova’s research group, Next Generation Global Studies (NGGS).

The event featured some of the most relevant voices that have been struggling for peace and gender equality in the Syrian context over the past years, and the aim of the conference was to investigate the key role of women in the Syrian transitional process, in view of promoting gender justice and social change in the perspective of a solution to the conflict that has affected the country since 2011.

Within this frame, the conference addressed questions such as: how should women’s demands and voices be placed at the forefront of the negotiating tables, in order to secure women’s fundamental rights and inclusive citizenship? How is it possible to envision drafting constitutional processes that acknowledge and include gender concerns? Under what conditions are such processes likely

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to develop in Syria's future, and what will women's roles be in the political transition?

Through a combination of academic reflection and advocacy expertise, historical and geo-political perspectives were presented, practical experiences from within the Syrian territory shared and discussed, and concrete proposals for gender aware transition processes to peace were introduced.

The conference was opened by the University of Padova Rector's delegate for working and studying conditions, Renzo Guolo. Then introductory remarks, setting the tone for the discussion, were offered by the Director of the CIRSG, Claudia Padovani, and by the Project Coordinator of IFE-EFI, Francesca Rondina. Three thematic sessions followed, respectively chaired by Paolo de Stefani (Center for Human Rights, University of Padova), Annalisa Oboe (University of Padova Rector's delegate for society, culture, and gender issues) and Francesca Rondina (IFE-EFI), with Alisa del Re (University of Padova) acting as discussant in the last session.

## **1. About this volume**

The present volume features most of the presentations made at the conference, in the diverse, direct, and lively styles – academic, advocacy, self-reflective – in which interventions were made. We edited all chapters so that this collection reflects the structure of the conference, as well as the productive collaboration between the University of Padova and IFE-EFI. Reflections and comments were made in 2016, over a year before this publication went to press, yet we feel the unprecedented character of this conversation – where the Syrian reality is critically investigated through women's eyes – make it still highly valuable for all interested actors, particularly in view of future developments in the country and the whole region. Clearly, we make no claim of encompassing the diverse views of the many women's realities and beliefs within the highly complex Syrian context, but only of those that have emerged within this important project.

The first part of the volume – entitled *Transitional justice from a gender-sensitive perspective: CEDAW and UN Resolution 1325* – is devoted to a critical discussion of the relevance of the Security Council Resolution 1325 and provisions that followed, according to which women should be actively engaged as central actors and decision-makers in mediation and peace-making processes, and in post-conflict developments. In reality, during conflicts as well as in processes of transition to peace, women's rights risk being bracketed; their concerns are not perceived as priority issues within scenarios of hardship, disorder, and widespread violence: a situation that ends up jeopardizing any effort in creating conditions for sustainable and lasting peace.

**Lilian Halls French** highlights the role of international advocacy networks to promote women's leading roles in peace processes, as IFE-EFI has done in Iraq, by supporting the adoption of a national action plan; an experience that may well inform future developments in Syria.

**Lama Kannout**, Coordinator of the Studies Committee of the Syrian Feminist Lobby (SFL), provides evidence from the ground, through the powerful voice of a Syrian woman who is directly involved in and affected by many of the processes described in this volume. Kannout gives examples of how the situation of many Syrian women is linked to the domestic laws, including the 2012 Syrian constitution, which discriminate against women, often through omissions (it contains no article prohibiting discrimination or violence against women) and the language used. Linking the local and international dimensions, Kannout also denounces the shortcomings in women's participation in the official peace negotiations.

Two scholarly contributions follow, providing legal insights and critical accounts.

**Paola Degani** focuses on women's experiences in humanitarian crises and on the actual impact of UN Security Council Resolutions, while stressing the importance of acknowledging the ordinary dimension of women's discrimination and subordination in order to explain the intersection of women's everyday life

and their increased vulnerability in conflict and emergencies, as well as the several links between violence and inequality.

**Sara Pennicino** explores the relations between transitional justice and constitutionalism, paying particular attention to the issue of gender equality in constitution making. Examples from South Africa, Rwanda, former Yugoslavia, Tunisia, and Kosovo, as well as Syria, make a number of issues emerge as problematic nodes, including accountability of state and non-state actors, the international dimension of transitional justice, and the role of NGOs, as well as the specificities of local contexts for the delivery of justice.

The second part focuses on *The role of women in the Syrian uprising and in the political transitional process* and helps to clarify how relevant women and women's networks have been in the Syrian uprising from the very beginning; how crucial their role has been over the years to the survival of families and communities facing the conflict, inside and outside the country, and how fundamental it would be to properly acknowledge this role in current negotiations and forthcoming transition processes.

Providing the context to the following testimonies, **Massimiliano Trentin** offers a general, detailed, overview of the Syrian conflict from a historical, political perspective. His contribution sheds light on the main events in the transformation of what was a political conflict in 2011 into a full-scale war until late 2016. He identifies the main features of the political regimes that developed alongside the conflict, starting with the government 'regime' in Damascus and the fragmented opposition consisting of groups with different sources of political legitimacy who shared only a common stance against the regime, the international alliances they made, and then the different sets of government that have developed during the war in various regions of Syria.

**Annalisa Oboe** offers a vivid perspective of how women's experiences are constrained between empowerment and disempowerment in uprisings and revolutions. Making reference to the historical moment of the South African Truth and Reconciliation Commission, she brings testimony of how women

may take up positions of responsibility and leadership in ‘exceptional times’. However, she also points out that this offers no guarantee that those roles will be acknowledged once the revolutionary moment has passed, and that normalization comes with ‘old style’ silencing and marginalization.

**Joumana Seif** and **Mariam Jalabi**, both members of the Syrian Women’s Network, a non-profit and independent network established in May 2013, speak from the standpoint of women in their engagement for social change and gender equality in Syria.

**Joumana Seif** opens her remarks asking if it is possible to obtain women’s and human rights under a dictatorial regime; a question that had been raised among activists, in private and confidential forums, many years before the outbreak of the Syrian revolution, in which Syrian women had the main role from the very beginning. Hers is a lively account of women’s initiatives since the revolution times, first within Syria and then – once the situation became too dangerous and many of them were forced to flee the country – by creating transnational networks of solidarity. It invites full appreciation of the many voices that have been, and still are, all too often marginalized, and yet keep trying to influence the official peace process at all levels. Seif concludes by listing a number of conditions – still relevant though the situation on the ground has changed profoundly over the past months – to be met in order to reach peace with justice.

**Mariam Jalabi** follows suit and stresses that to achieve gender equality in a future Syria, women would need to coordinate at every level of decision-making and contribute to establishing a constitution that institutionalizes a political space in which the equal rights and responsibilities of all Syrian men and women are protected and respected. The risk of women’s voices going unheard remains high, including in international negotiations where Syrian women are often expected to espouse apolitical positions in favor of peace, while their acting and being inherently political is denied; hence Jalabi’s call for strengthening women’s political participation – internationally and locally – and for enshrining gender parity in the foundation of any political solution to the conflict and throughout the process of rebuilding.

The third part of the volume, *Launching the ABC for a gender sensitive constitution*, introduces an inspiring and challenging tool: an ABC guide – promoted by IFE-EFI and written by Sylvia Suteu (University College of London) and Ibrahim Draji (University of Damascus) – that includes theoretical background, normative references, and concrete suggestions towards drafting gender sensitive constitutions.

Co-author of the ABC guide **Ibrahim Draji** highlights states' responsibilities and obligations to engender their constitutions on the basis of international instruments mandating gender equality and non-discrimination, which call on states to implement such treaties and incorporate them into their national legislation. Draji introduces the content of 'democratic gender sensitive constitutions' which, amongst other aspects, ensures substantive gender equality both in theory and practice, prohibits discrimination, and pays attention to how provisions of the constitution impact on gender. Providing several examples, he also discusses the basic principles that are of special importance for women's rights, such as freedom, non-discrimination, separation of powers, and secularism.

Looking at the 'implementation problem', **Francesco Biagi** contributes a critical reflection on the potential for application of the gender equality principle in constitutional developments across the MENA region where, from Morocco to Egypt and Tunisia, constitutional reforms adopted following the Arab uprisings have significantly strengthened the provisions on women's rights. His central concerns are the main factors that may support or constrain the crucial process of constitutional implementation: discussing the nature of the constitution, the role played by the constitutional courts, limitation clauses, international treaties and conventions on human rights, women's representation in elected institutions, and the social, cultural, and religious context. Biagi calls our attention to how the implementation of 'superior laws' could concretely foster gender equality.

Finally, **Maya Alrahabi**, General Coordinator of the Coalition of Syrian Women for Democracy, recalls the realities of the Syrian conflict over the past years, and the suffering of women and feminist activists in that context: arrested and tortured, some of them killed. She denounces the international patriarchal

order that legalizes wars, and highlights the ways in which women advocates have attempted to foster conflict resolution, from the local and national, to the supranational level. Criticizing the tendency in the international community for the standardization of the role of women as victims of wars seeking peace, she argues for a sustainable just peace which will only be achieved by striking a balance between forgiveness and accountability, setting up institutional mechanisms, and realizing a specific set of principles to be enshrined in a gender-responsive constitution.

Together, these chapters make a strong argument in support of UN Resolution 1325 and its follow ups: they call for explicit commitments from all parties to include women's voices, knowledge, and determination in designing and building a future for Syria. At the same time, they illustrate the fact that solutions to the Syrian conflict, and to engendering the transition to peace, are neither simple nor one-track, as shown by a number of transversal concerns that run through the collection. These include: the contradiction between the central roles played by women at the outburst of the revolution and the gradual side-lining, whereby women found themselves within a war zone dominated by men, and yet struggling to continue their work and establishing safe spaces for women and children; there is the need for National Action Plans (NAPs), institutionalized mechanisms for political inclusion, and recognition of fundamental principles of gender equality at the highest level of the juridical system, but also the large and persistent gaps between the adoption of formal documents and the implementation of principles and programs. Also considered by the contributors are the multifaceted responsibilities of governments, on the one hand, who should be held accountable for policies and the implementation of legal provisions, and of the international community, on the other, that has yet to fully acknowledge the crucial contribution of women towards a lasting peace and to set up adequate mechanisms for a meaningful inclusion of women in the Syrian peace processes.

Speakers who contributed their knowledge and understanding came from both academia and civic organizations and networks, in the attempt to create a space for 'action-focused intellectual exchange': a space to share knowledges and learn from different perspectives and expertise.

In particular, facing the risk that in current and future peace negotiation and post-conflict developments women are once again side-lined, both by the international community and domestically, the accounts offered in this collection through Syrian women's own voices should be highly valued. They reflect the spirit and respond to the goals of the UN Resolution 1325 (2000) that calls for women to be listened to, and included as actors in full right to all phases of peace negotiations and beyond.

The fourth part of the volume, *Testimonies by civil society organizations and Syrian lawyers' internships at the CIRSG and SPGI*, also reports short interventions made on the occasion of a public session that was held in the evening of October 3rd, 2016, at Teatro Ruzante, with the participation of **Massimiliano Fanni Canelles** (President of the Auxilia foundation) and **Giulia D'Odorico** (Trama di Terre, Imola). Finally, two short pieces are included, by young lawyers **Roula Baghdadi** and **Yousef Razouk**, who were visiting scholars at the University of Padova in the first half of the same year.

We believe that listening to all those voices, and relating them to the insights coming from academia, is crucial for scholars and interested observers, as well as for the international community and decision-makers who have direct responsibility for putting an end to the gross violation of human rights in the region. We trust the inspiring conversation accounted for in this volume will constitute a meaningful contribution towards a much needed understanding of the crucial role women should play, as social and political actors, in peace-building processes and in the long struggle for human and women's rights in Syria and across the Middle East.

## 2. Synthetic timeline of the Syrian peace process

Several of the contributions to this collection mention specific moments of the Syrian peace process, a set of initiatives to resolve the Syrian Civil War which started in 2011. Here we provide a synthetic timeline of events related to this process.

The Syrian peace process has been moderated by several institutions and forces: the United Nations (UN) and its Special Envoys on Syria, the Arab League, Russia, and Western Powers. The negotiating parties are typically representatives of the Syrian Ba'athist government and Syrian opposition forces, whose composition has changed over time according to the differentiated phases of the armed conflict. Notably, Kurdish forces have been precluded from most of the negotiation frameworks; whereas radical Islamist forces, and the organization of the Islamic State (ISIS/ISIL) have refused to engage in contacts on peaceful resolution to the conflict.

The attempts to find a solution to the Syrian conflict began in late 2011, when the Arab League launched two initiatives, without much success. Russia in January 2012 and in November 2013 suggested talks in Moscow between the Syrian government and the opposition.

In March-June 2012, the UN and the Arab League coordinated a new plan, led by Kofi Annan, Joint Special Envoy for the United Nations and the Arab League, called Geneva I.

In January and February 2014, the Geneva II Conference on Syria took place, organized by Lakhdar Brahimi, the new UN Special Envoy to Syria. In July 2014, Staffan de Mistura was appointed Special Envoy for Syria.

On October 30th 2015, intergovernmental talks started in Vienna involving officials from the US, the EU, Russia, China, and various regional actors such as Saudi Arabia, Egypt, Turkey, and, for the first time, Iran. In December of the same year, the UN Security Council adopted Resolution 2254, indicating bases for the political transition in Syria.

Attempts for a Geneva III were made by UN Envoy de Mistura in late January 2016, but were suspended after a few days.

In early February 2016, the UN Special Envoy for Syria announced the appointment of a Women's Advisory Board (WAB). Composed of twelve women

from the different parties to the conflict, the WAB is politically unaffiliated. It does not participate in the negotiations, but advises the UN mediator on all proceedings. Criticism of the lack of transparency in member selection led to the Syrian Women's Network to withdraw from the WAB.

The Geneva peace process continued between the Syrian government and the Syrian opposition under the auspices of the UN: Geneva IV in April 2016, Geneva V in February 2017, Geneva VI in May 2017, and Geneva VII in July 2017.

Peace talks to stop the armed clashes between the Syrian government and opposition forces, now including armed rebel leaders too, were led by Russia in Astana, Kazakhstan, together with Turkey and Iran in the course of 2017.

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**Edited by Claudia Padovani and Francesca Helm**

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