



Right to freedom of association in Northeast Syria and reality of Civic Engagement

between local law and international standards

Analytical report

issued by the Fraternity Foundation for Human Rights

2020



Right to Freedom of association in
Northeast Syria and the Reality of
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The Right to Freedom of association and the Reality of Civic engagement in Northeast Syria between local law and international standards

(This report, issued by the Fraternity Foundation for Human Rights-Birati, focuses on the effects of Law No. (3) of 2017 and its executive regulations, known as The Law Governing the Work of Civil Society Organizations issued by the self-administration of North and East Syria) shows the effectiveness of civic engagement of Organizations of Civil Work in northern and eastern Syria.

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FFHR seeks to promote and protect the right to freedom of peaceful assembly and of association for all Syrians. And advocating the Syrian individuals and groups to ensure that they have this right and can implement it. and support their role in effective civic engagement in political decision-making.

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Preamble



In light of its constant quest since its establishment, the Fraternity Foundation for Human Rights-Birati, as a specialized human rights organization, promotes and protects the right to freedom of local organizations, the Fraternity Foundation for Human Rights, through its analytical report, seeks to pave the way for civil and societal participation of the concerned parties to influence local policy-making and decision-making on the one hand, and to strengthen the rule of law derived from international human rights standards, mainly global standards related to the right to freedom of local organizations on the other hand.

The Fraternity Foundation for Human Rights-Birati through its analytical report on the effects of Law No. 3 of 2017 and its executive regulations issued by the self-administration of North and East Syria, which is the law that governs the work of civil society organizations in this vital region of Syria, and concurrently with the international and local endeavor to find a comprehensive political solution to the conflict in Syria, our organization launches a practical initiative from the core of the Syrian reality.

Our organization provides a true model for civic and community participation in the dialogue between the concerned parties on the one hand and the local authority on the other hand.

This model, which Fraternity Foundation for Human Rights began early to implement through the influential discussions that our organization and its allies from local civil society organizations had, whether on the social contract of self-administration of northeastern Syria as a local constitutional situation and its compatibility with the international standards or about the ongoing demands since 2018 to amend Civil Work Organization Law No. 3 of 2017 and its implementing regulations.

The conclusion and recommendations of this report remain a legal basis for both the local authority to exert more effort to amend the targeted law, or for the concerned parties of local civil society organizations and their workers to protect their guaranteed right, whether in accordance with relevant international human rights conventions or the content of the social contract for the northeastern region of Syria affirming the protection of human rights and its conventions.”

Miral Biroreda
Executive Director
of the Fraternity Foundation for Human Rights-FFHR

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First: Executive Summary

This report sought to evaluate the local organizations Law No. 3 of 2017 and its implementing regulations in terms of exploring the extent of the participation of concerned parties from local organizations and their workers in drafting this law before its issuance and the extent to which their observations were taken into account after its issuance, and the extent to which their observations were taken into account after its publication, which is the subject of discussion about civic participation and strengthening it.

It also sought to determine the suitability of the law to international standards from local organizations point of view and its impact on the efficiency of the work of these organizations and their role in society, starting from the stage of their registration, conducting their activities, and ending with their resolution, by explaining the deficiencies and weaknesses, in order to serve the reform efforts and the development of the legislative environment governing the sector of local organizations in northeast Syria.

To achieve the objective of the report, mainly descriptive and analytical approaches were used. The descriptive approach was used to present the reality of local organizations in the regions of northeastern Syria in the self-administration areas, in terms of number, geographical distribution, classifying fields of work and the supervisory authorities, with reference to data taken from official primary sources, in addition to the relevant legislation and the sources of the survey organizations specialized in organizations' survey.

The study is based on interviews and questionnaire, as essential tools in the analytical approach.

This report was based on specific indicators for the process of evaluating the effectiveness of the law and its implementing regulations, including: examining the appropriateness of the registration of local organizations system, and the role of the independent judiciary in dissolving and canceling the registration of registered local organizations, and the extent of unjustified interference by the competent authority represented by the Office of Organizations Affairs in monitoring and directing the work of local organizations,

and its impact on the independence of the association from the executive authority, as well as the extent to which the law conforms to international standards, the right of freedom to form, join, and work in local organizations, especially for the founders of these local organizations.

The report ended with several conclusions; the following are the most prominent ones:

- The limited number of local organizations working in the fields of enhancing civic participation in policy-making, decision-making and consolidating the rule of law, compared to the total number of local organizations and other non-government organizations (NGOs), which reached 240 organizations until mid-2020.

- The report confirms the legal criticism of the Fraternity Foundation for Human Rights-Birati in its policy paper issued in 2018 on Law No. 3 of 2017, in addition to the applicable questionnaire, the weakness of the legislative structure of the law regarding building a balanced relationship between the freedom to form local organizations and their responsibility.



- The lack of clarity of the course of the law and its executive regulations regarding the definition of the nature of the relationship between local organizations and official authorities. Most texts of the law were dominated by the nature of establishing official oversight over the work of societies and unjustified interference in their work and activities to reduce the role of the concerned organizations in the drafting of the law and not having the opportunity to express their opinion and even get a copy of the draft for discussion, all dominated by bureaucratic procedures of registration.

- the lack of an independent judiciary role in ruling on dissolving and canceling the registration of local organizations compared with the single main role by the Office of Organizations Affairs and the Social Affairs and Labor Authority to take this decision.

- The report showed that concerned organizations are not satisfied with the law and its procedures stipulated in the executive regulations, the law violation to the content of the social contract for the self-administration of northeast Syria, and the request of these organizations to amend this law and to bring it in line with international standards for the right to form local organizations and carry out their activities and requests that the judiciary be the ruler for dissolving and canceling the registration of organizations.

Accordingly, the report came out with a basic recommendation to the legislative authority in the self-administration of northeast Syria to reformulate a modern law derived from global standards for the right of freedom to form association, its work and its activity with the participation of the organizations operating in the region and their workers in the discussion and the most appropriate proposals to enhance civic participation in policy-making and decision-making.

The report ended with a number of recommendations, including the following:

The report recommends allowing local organizations or other NGOs to work before registration and not requiring registration before start working, and depending on the notification system before the organization is registered, and the requirement to register specialized development organizations according to easy, clear criteria, and within a short period of time.

– The report recommends the Office of Organizations Affairs to focus on coordination and integration between authorities bodies and organizations operating in the region according to the relevant sectors, instead of authoritarian control and unjustified interference in the work of local organizations through procedures of approving the activities, staff recruitment, and internal affairs of local organizations in a manner that does not conflict with the principle of transparency and good governance.

– The report recommends the concerned organizations to seek specialization and follow a work methodology in the sectors specified for their work and to restore its societal role in policy-making and decision-making and not to be down to policies that empty civic work of its content, instead of the basic role for which it was established.

Obstacles while conducting the report

The issuance of this report was delayed due to the consequences of the spread of the Corona virus, and we were very keen to follow up with our colleagues to work on the report with taking full preventive measures as recommended by the World Health Organization, and the local authority did not cooperate with our team and did not provide it with answers to its questions and request in obtaining information and accurate statistics for the fact of registration and cancellation.

Secondly: Goal, Questions, and Methodology of the Report

2.1 The Goal of the report:

This report aims mainly at measuring and analyzing the suitability of local organizations Law No. 3 of 2017 and its executive regulations issued by the Self-administration of North and East Syria to international standards for the right to freedom of forming a local organization and its effects on the reality of the work of the societies and organizations in northeastern Syria, their role in the development of society, starting from its registration and follow-up, through its practice of its activities, and ending with its solution, by exploring its shortcomings and weaknesses, in order to serve the efforts to reform and develop the legal system governing the organizations sector, and the environment in which it operates.

The report also seeks to pave the ground for launching an interactive dialogue between the local authority and civil society organizations through civic participation on the basis of participatory policy-making and decision-making rather than the negative view of the authority towards this sector of the local community.

2-2 Questions of the report:

To achieve the goal of this report, questions were made into three main axes, as follows:

1- Civic Participation Axis and includes the following questions:

- Did your organization participate in drafting the law? Were your remarks taken into consideration?
- Have you been informed of the issuance of the law? How did you get it?
- Did you participate in drafting the executive regulations?

2- The axis of administrative procedures includes the following questions:

- How does your organization see the registration procedures? Complicated or easy?
- Under the applicable law, does your organization need the approval of the Organizations Affairs Office for each activity you undertake separately?
- According to the aforementioned law, the founders of local organizations are deprived of work opportunities outside their organizations, whether in the civil departments and offices of the local authority or in the rest of the local organizations. Do you think this harms worker in civil society organizations who do not have paid jobs?
- According to the law, the judiciary does not decide to revoke the license of an organization, but rather the Office of Organizations Affairs and the Social Affairs Authority decides it. Do you want the judiciary to be the decision maker?

3- the axis of suggestions:

- What does your organization suggest?
- Do you want to change this law and adapt it to international standards?

2.3 Methodology and samples of the report

To answer the questions of the report and achieve its goal, the descriptive and analytical methodologies were mainly used, in addition to the comparative approach sometimes, to the extent that serves the goals of the report.

This analytical report has taken the questionnaires and interviews as basic tools in the analysis, while employing the observation method associated with these tools, whenever that is appropriate from our point of view, according to the existing data, in reaching specific outputs.

The descriptive approach was interested in presenting the reality of civil organizations in the regions of northeastern Syria that are under the control of the self-administration in terms of number, geographical distribution, classification of fields of work, and the supervisory authorities on them, by referring to the indicators and data that reflect the developments obtained, and drawn from official primary sources and direct interviews.

The analytical method was used in analyzing the relevant legal texts in Law No. 3 of 2017 on the organization and functioning of civil non-governmental organizations and its executive regulations in the light of the reality and practice, and best practices approach and comparative models when appropriate.

In order to conduct this evaluation process, indicators were adopted to measure the impact, most notably, civic participation based on the extent of the participation of the relevant organizations in issuing the law and their knowledge of it after its issuance, the relevance of this law to international standards and the duration of the organization's registration system, and the adoption of the standard of unjustified interference for authorities to measure the extent of the organization's independence from the executive authority.

With regard to exploring the reality and its practices, a comprehensive questionnaire was designed for the various aspects of the report and its indicators (Appendix 1) and distributed to a sample of civil organizations operating in the Jazira and Raqqa regions in north-eastern Syria, which operate under Law No. 3 of 2017 regulating the organizations' work. The sample consisted of 39 organizations, in the cities of Qamishli, Hasaka, Maabada, Raqqa, Deir Ezzor and Manbij.

The selection of these organizations was taken into account in their representation of different sectors of work, such as economy and development, social affairs, women, youth, law and human rights. The registration and effectiveness of these organizations was confirmed through the report's field research team.

Thirty-nine organizations answered the questionnaire, including 12 local organizations in Qamishli city, 5 in Hasakah, 1 in Maabada, 19 in Raqqa, 1 in Deir Ezzor and 1 in Manbij.

As a result of sorting and checking the correctness of filling out the forms, two of them were excluded, because of its inaccuracy, in terms of the change in the pattern of the questions, and the overlapping answers in an invalid manner to arrange a scientific impact.

Accordingly, the sample was restricted to 37 local organizations. In parallel, interviews and meetings were held with a number of local organizations working in the field of rule of law and human rights to see their views and orientations towards the law and the implementation of its provisions, and the features of the desired change.

الهدف
 تأسيس بنية قانونية للدفاع عن حق المنظمات غير الحكومية في العمل وتنفيذ نشاطاتها وما يضمن تعزيز دورها في المشاركة المدنية، ويرسخ الديمقراطية وسيادة القانون.

المعلومات الأساسية

ملاحظات	الوضع القانوني			قطاع التركيز	المدينة	منطقة العمل
	مسجلة	قيد التسجيل	غير مسجلة			
غير مسجلة			تاريخ تقديم الطلب إذا كانت قيد التسجيل		تاريخ التسجيل إذا كانت مسجلة	
ملاحظات			إلغاء تسجيل		عدم تسجيل	

المشاركة المدنية

تعمل المنظمة بموجب قانون الإدارة الذاتية الديمقراطية لشمال شرق سوريا رقم ٣ لعام ٢٠١٧

- شاركتم في مناقشة القانون نعم لا
- تمت مراعاة رأيكم نعم لا
- تم إبلاغكم بصدور القانون لا
- شاركتم في مناقشة لائحة الإجراءات التنفيذية نعم لا
- حصلتم عليه عبر رسميا غير رسمي

إجراءات إدارية

- كيف ترى إجراءات التسجيل حسب هذا القانون سهلة معقدة
- في ظل القانون المعمول به هل تحتاج منظماتكم لموافقة مكتب شؤون المنظمات لكل نشاط تقومون به نعم لا
- يحرم القانون أعضاء ومؤسسي منظمات المجتمع المدني من فرص العمل خارج منظماتهم سواء في مكاتب مدنية للإدارة الذاتية الديمقراطية أو في بقية المنظمات هل تعتقد أن هذا الأمر يضر بالعاملين في منظمات المجتمع المدني ممن ليس لديهم وظيفة مأجورة نعم لا

حسب القانون لا يقرر القضاء سحب ترخيص منظمة بل يقره مكتب شؤون المنظمات وهيئة الشؤون الاجتماعية

- أهل ترغب أن يكون القضاء هو صاحب القرار نعم لا

ماذا تقترح منظماتك

- هل ترغبون في تغيير هذا القانون وملاءمته مع المعايير العالمية نعم لا

توقيع الباحث

تاريخ

اسم ومنصب المشارك في الاستبيان

Third: Introduction

3-1 What is civil society:

The place of civil society organizations and institutions in a free democratic society is the space between society and the authority, so that it is a true expression of the interests of society in all its communities without discrimination according to color, shape, origin, religion, national, sectarian or gender affiliation, and it is the free expression of the society's political, economic and social activities outside the framework of seeing the authority and its working departments.

This expression can be divided into four main elements that define the nature of civil society:

1- The organizational / institutional component

Civil society includes a range of organizations, including, political parties, professional and labor unions, civil societies, unions, local organizations, clubs, social, cultural, intellectual, scientific, youth and sports forums, as well as women's and student movements, professional bodies, chambers of commerce and industry, and others.

2- Free voluntary action, as civil society organizations are founded by individuals of their own free will and join them voluntarily, and therefore it differs from the hereditary groups to which the individual belongs based on inherited foundations based on tribal, ethnic or religious criteria, it is also different from governmental organizations and institutions that embody the state's authority that imposes its sovereignty and laws on all those born and living in its territory without their prior consent.

3- The independence of civil society organizations from the state, and this does not mean their separation from the state, as independence here does not mean separation from the state that is mainly made up of power and individuals, which is mainly composed of power and individuals, given that civil society organizations are originally created by initiatives of individuals, forces and social formations, and they are also independent in terms of financial, administrative and organizational.

4- The presence of a moral / ethical framework represented in the set of values and standards that civil society organizations adhere to, whether in managing relations between them or between them and the state, and among these values: tolerance, acceptance of plurality and difference in thought, visions and interests, as well as adhering to the values of competition and cooperation, and resorting to peaceful methods in managing and resolving conflicts and disagreements, given that civil society is not homogeneous, but rather includes many formations and organizations with multiple visions and interests, whose relations are based on foundations of cooperation, competition or conflict.

Third: Introduction

3-2 determinants of civil society:

Here we can formulate the following determinants of civil society organizations as:

- 1- Non-governmental organizations because they operate outside governmental bodies and official authority departments.
- 2- Non-profit organizations, as they work for the general human good and do not seek to achieve profits.
- 3- Organizations that work according to a specific vision that represents the interests of a community group according to this vision, but adheres to the standards of international law not to expose public security, safety and public morals to real or imminent danger.

3-3 Classifications of civil society organizations

According to the definition that we reached and the determinants of civil society, we can classify them into:

- 1- Non-governmental organizations: namely
 - Charities: mainly works to support poor and needy groups.
 - Local organizations and relief Organizations: They are mainly working in times of disasters, wars, and provide all forms of humanitarian assistance to those affected.
 - Development organizations: They are mainly working on the development of infrastructure and services and be a major contributor to the development of public services sector.
- “It is possible to combine the two specialists in relief and development in one association due to the intersection of their fields of work.” Democratic development organizations focus on the educational and scientific sectors and aspects of promoting freedoms.
- Human rights organizations: organizations specializing in the promotion and implementation of human rights, their protection and defense, and they are the main actors of non-governmental organizations as they adopt the right of association that protects the rest of the types of organizations.

These organizations can form alliances and partnerships with each other to be able to unify efforts and develop their strategies and achieve better results in the public interest.

2- Professional unions: this kind of civil society organization has a unified profession, such as the Doctors Syndicate, the Pharmacists Syndicate, the Lawyers and others of the same profession.

3- Trade unions: This category is for people with trades and practical skills, such as workers, industrialists, craftsmen and others.

4- Political parties: Many consider political parties as separate category from civil society organizations, but there is some confusion here because political parties are also civil society organizations, but the only difference between them is that civil society organizations, whether non-governmental or unions, is that civil society organizations do not seek power or participate in government, while political parties operate mainly to obtain government positions or participate in government and power.

3-4 civil society organizations in Syria after 2011

After the failure of the popular protest movement in Syria and the majority of the movements adopting the armed struggle and transforming the Syrian situation into a non-international armed conflict according to the classification of the International Red Cross, groups of journalists, opinion activists and human rights defenders found themselves facing a difficult choice in light of the worsening of the Syrian situation, the multiplicity of parties and the increase in pressures on society and civilians, they moved to organizing civil work for two main goals:

- 1- maintaining the civilian character of the Syrians and not dragging more civilians into militarism and armed conflict.
- This goal was welcomed by international organizations, United Nations bodies and world governments.

Third: Introduction

2- - Contributing to providing services that have almost disappeared in areas outside the control of the Syrian regime, and providing relief to those fleeing from the areas of military operations.

At the end of the year 2012, several organizations started operating in Syria and provided services on a large scale without having a specific specialization due to their limited number and the large area in which they worked.

However, opposition political groups found that the international community has become mainly dependent on these organizations, especially after the Syrian opposition bodies lost the confidence of the Syrian people and exploited the existence of these organizations as a basic communication link with the international community, which the civil organizations had trusted, but the political organizations were not satisfied with this exploitation, but rather they established thousands of Syrian organizations linked to them politically to pass their agenda through humanitarian services, and the Muslim Brotherhood groups mainly achieved this goal and completely controlled the orientations of civil organizations and recruited them in favor of their policies, especially through Turkish pressure, in which there was an opportunity to benefit from the huge funds provided by the international community to these organizations and according to a Turkish decision since 2011, preventing relief work within the framework of Syrian refugees in Turkey without a partnership with IHH organization, which is mainly supported by the justice and development party.

With the emergence of ISIS, humanitarian organizations disappeared from their areas of control due to the extremist religious rules that prohibit these actions and consider them to be a prohibited Western heresy.

As for the areas controlled by the Kurdish forces, in which the self-administration was announced, civil society organizations from 2013 to 2017 enjoyed freedom to organize and work, and the organizations diversified and increased their flow in the region.

However, during the year 2015, Turkey banned every Kurdish-led organization operating in the self-administration areas from operating across its territory. Also, harsh sanctions imposed on the Syrian and international organizations that have links to any self-administration areas, Turkey has submitted dozens of reports accusing human rights organizations operating in northeastern Syria and relief and development organizations of their association with the PKK, which is the same accusation that Turkey is promoting and through which it exerts various pressures, including the occupation and military operations against the Syrian Kurds, to eliminate the Kurdish cause and end the Kurdish gains achieved by the self-administration.

In conjunction with the pressure of the Syrian opposition and Turkey, the Kurdish National Council (KNC), also known as ENKS in Kurdish) in Syria also exercised a negative role towards civil society organizations in northeastern Syria, where accusations are directed against prominent organizations that enjoy strong international relations and these organizations follow the Democratic Union Party (PYD) and conceal the violations committed by the Self-administration.

The overall complexities that emerged, the deterioration of living conditions in the region, the absence of professional features for emerging organizations, the spread of an unnatural proliferation of organizations, with widespread accusations of corruption and favoritism, all of which prompted the international community to stop funding the organizations operating in the Jazira district in particular and focus on supporting organizations operating in areas liberated from ISIS. Aid to Al-Raqqa has doubled dramatically, with Jazira canton deprived of equal opportunities.



Fraternity

Foundation for Human Rights (FFHR)

Fourth:

The legal framework regulating the association and functioning of local organizations

This chapter deals with a summary of international standards guaranteeing the right to form local organizations, the historical development of local organization laws, and an analysis of the texts of Local organizations Law No. 3 of 2017 and its executive regulations governing the following topics: Registration and management of local organizations, and the activities that local organizations are licensed to carry out, community participation, oversight and supervision by the public authority over the work of local organizations. The analysis is mainly based on the results of the questionnaire, and the opinions of the concerned parties who were interviewed, taking into consideration the issues discussed, and some comparative experiences when appropriate.

4.1 On the law regulating the work of local organizations in northeastern Syria:

issuing the law: It came in the introduction to Decree Law No. (3) of 2017, which is the Law of Organizations, Local organizations, and Civil Society Organization, to indicate that it was issued based on the provisions of the social contract in the Jazira district, and also indicated the requirements for issuing the continuous flow of international organizations, and the increase in the number of local organizations and civil society institutions. The issuance of the law was supposed to be a legal framework for organizing the right to form civil societies. This confirms that the first article dealing with definitions focused on defining foreign organizations before local NGOs (non-government organizations) were known. This confirms the impression that the law was passed to counter the influx of foreign organizations more than its interest in facilitating the right of association.

The official name of the law:

Law No. (3) of 2017 in this report means the Law of Organizations, Local organizations, and Civil Society Institutions, issued on February 2, 2017, according to the official name. The executive regulations in this report mean “the executive regulations for the Law of Organizations, Local organizations, and Civil Society Institutions issued by Decree No. 3 of 2017 and approved by the Legislative Council and the Joint Governing Council of the Jazira Province.” This province is one of the northeastern provinces of Syria administered by the Self-administration of North and East Syria, from an administrative and political point of view, in parallel with the military control of the Syrian Democratic Forces (SDF), supported by the US-led international coalition to fight ISIS.

4-2 The reality of civil society organizations in northeastern Syria and their supervision:



Theoretical framework:

This chapter briefly presents the number of organizations officially registered with the Social Affairs and Labor Authority in the Self-administration of North and East Syria, their geographical distribution among the cities affiliated with this administration, their field of work, and the official authorities concerned with following up the registration and work of organizations.

The descriptive approach was mainly used in addressing the topics of this chapter. For the purposes of observing reality from the theoretical point of view, and then to analyze and extrapolate texts and practice in the following two chapters, to the extent that serves the purpose of the report.

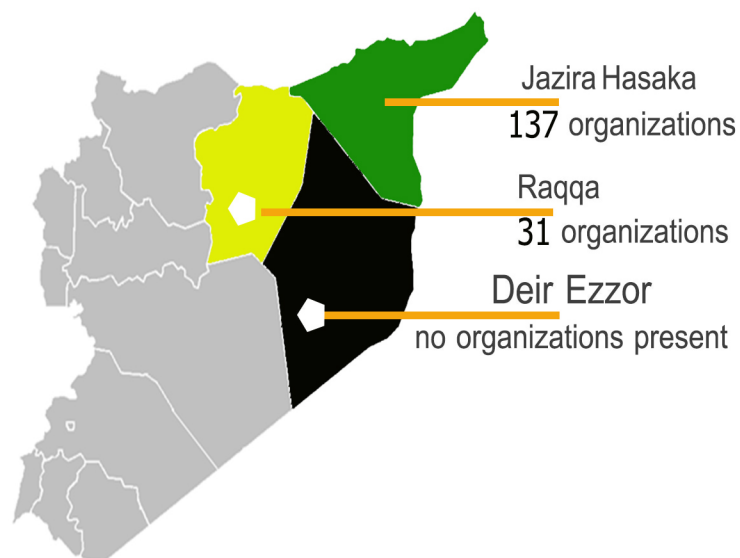
- Organizations distributed in the regions of northeastern Syria.

*****Statistics*****

Data of organizations in northeastern Syria before 2017

There are 137 organizations number of organizations registered and operating in Jazira canton, which is one of the northeastern provinces administered by the Self-administration in northern and eastern Syria, includes Hasaka governorate according to the Syrian government administrative system, and it consists of several major cities, most notably Hasakah, Qamishli, Derik, Amouda, Darbasiyah, Ras al-Ain (Serekaniye in Kurdish).

While the number of organizations in the Euphrates canton, which is the canton that includes the regions of Kobani, Tal Abyad and Raqqa, reached 31 organizations, the number of organizations that had a headquarters in Jazira district was neglected. There were no organizations present in Deir Ezzor province, which was then under the control of ISIS.



Source: The report team relied on comparing the data of the organizations survey, the second phase in 2016 by IMPACT organization, with the data of the organizations that have officially registered their participation in our numerous training courses from 2013 to 2017.

The list of organizations can be accessed with an interactive map to extract the numbers in several regions via the following link:

<https://www.impact-csrd.org/mapping-syrian-cso-2/lists/>

In addition, a group of maps and other interactive plans from the second phase of the survey can be accessed via the following link (Citizens for Syria website):

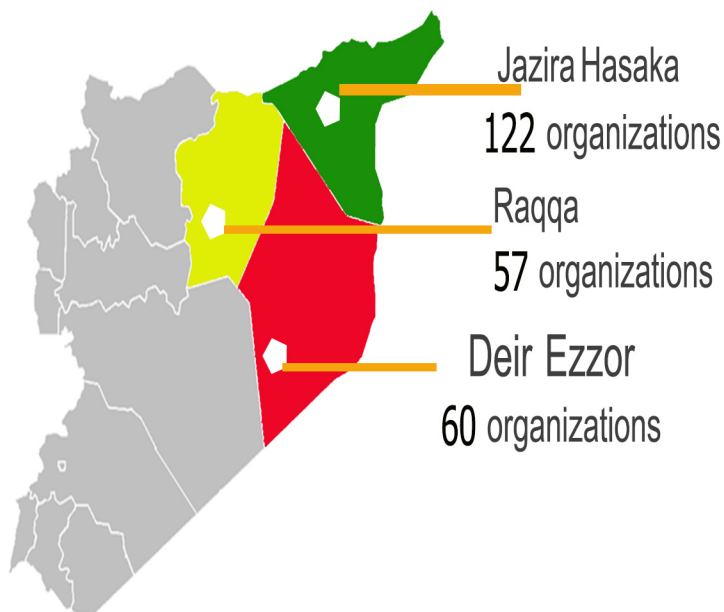
<https://citizensforsyria.org/syrian-cso-capacity/>

Theoretical framework:

Data of organizations in northeastern Syria 2020:

There have been 122 organizations registered and operating in Jazira canton, which is one of the provinces in northeastern Syria administered by the Self-administration in northern and eastern Syria, includes Hasaka governorate according to the Syrian government administrative system and consists of several main cities, most notably “Al-Hasakah, Qamishli Derik, Amuda, and Darbasiyah. The work of 15 organizations and local organizations stopped in the city of Ras al-Ain, which was occupied by the Turkish army and Syrian opposition forces, which committed grave human rights violations, including the arrest of anyone who has a direct relationship with the authority of the Self-administration in northeastern Syria.

While the number of organizations in the Euphrates canton, which is the canton that includes the regions of Kobani, Tal Abyad and Raqqa, reached 57 organizations and societies, the number of organizations that have a headquarters in the Jazira district has been neglected. In addition to the suspension of the work of 6 organizations in the city of Tal Abyad, which was occupied by the Turkish army forces with the support of the Syrian opposition forces.



Source: The report team relied on comparing the data of the organizations survey, the second phase in 2018 by IMPACT organization, with the data of the organizations that have officially registered their participation in our numerous training courses from 2013 to 2020.

The list of organizations with a map and interactive diagrams to extract data by geographical area (governorates is the basis for geographic division) can be linked via the following link:

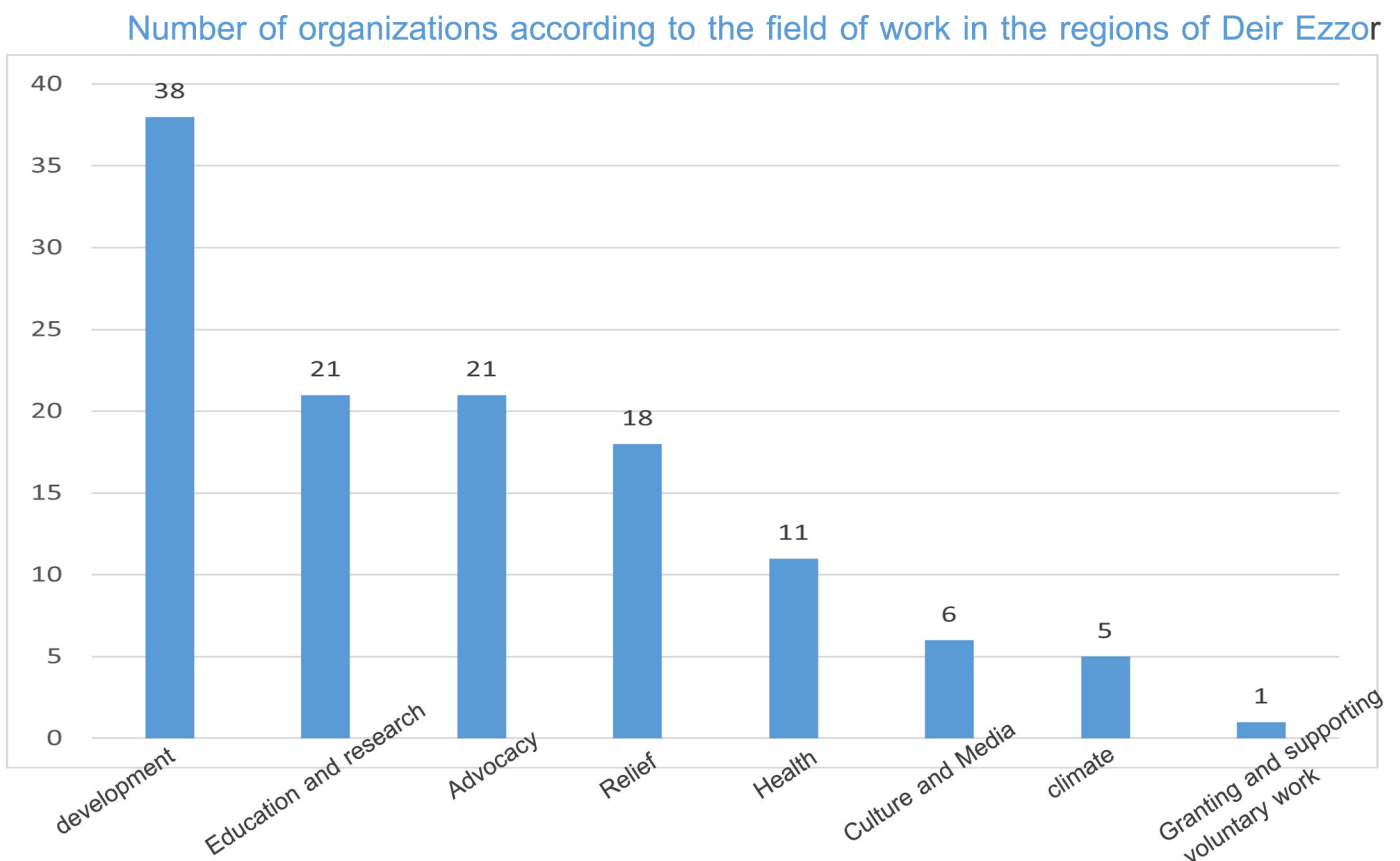
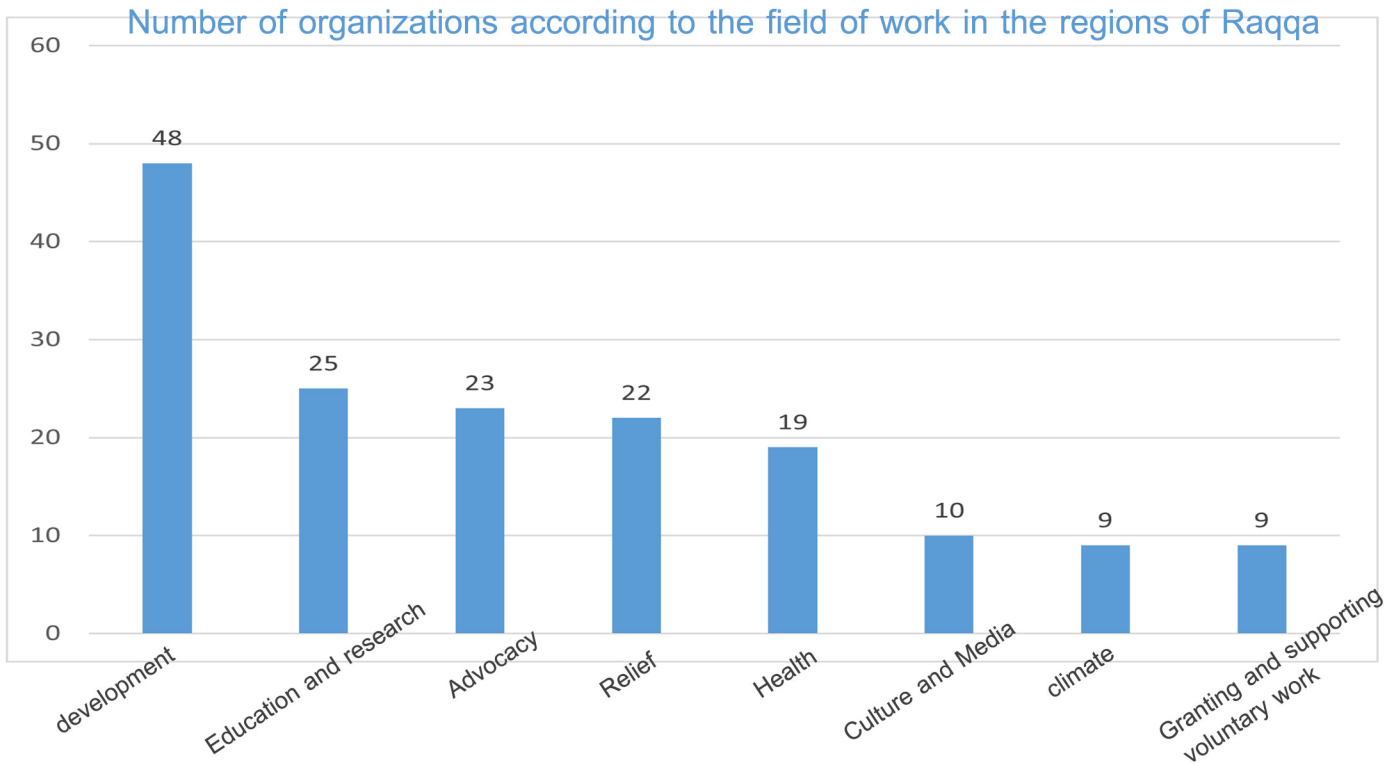
https://www.impact-csrd.org/mapping_syrian_cso/lists/

The distribution of organizations in northeastern Syria according to the field of work:

Although the organizations operating in northeastern Syria publish their field of work on their media outlets, whether their official websites or social media pages, the observation and scrutiny of the implemented activities shows the absence of specialization in the majority of organizations and in the majority of interviews conducted with activists. A human rights organization may work in relief and provide humanitarian aid from daily needs. On the other hand, we noticed the presence of relief and economic development organizations working in the field of documenting human rights violations. In addition to the fact that international financing policies for Syrians no longer focus on legal and human rights aspects as much as they try to focus on coexistence, civil peace and cultural diversity without taking into account that coexistence is mainly based on international human rights standards, such as making use of the International Covenant on Economic and Social Rights to enhance coexistence and civil peace, or to confront hate speech by promoting the right to freedom of expression and opinion in its legal and human rights form.

Theoretical framework:

According to the data that IMPACT organization shared with us about the distribution according to the field of work, the diversity of the field in the regions of Raqqa and Deir Ezzor, as is evident in the two charts listed below:

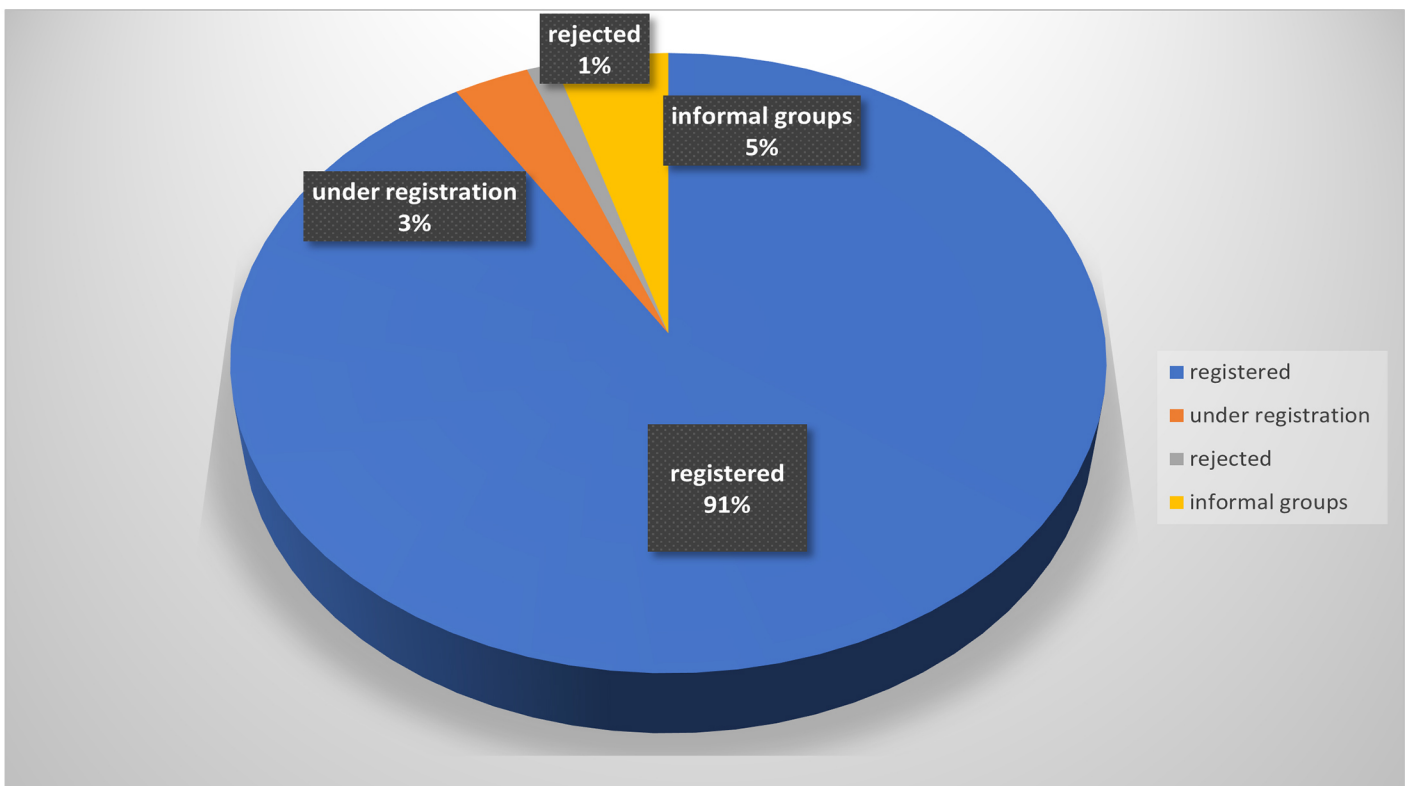


Theoretical framework:

They are distributed according to registration, rejection and cancellation of registration:

The number of organizations present in the northeastern region of Syria within the areas of the Self-administration of North and East Syria is about 267, and the legal support unit team at the Fraternity Foundation for Human Rights has divided them into the following.

- 239 organizations officially registered, by 89%.
- 8 organizations under registration by 3%.
- 3 organizations were rejected at a rate of 1.12%.
- 12 informal groups at a rate of 4.49%. These organizations are linked to the Kurdish National Council (KNC/ENKS) in Syria, which is a coalition of Kurdish political forces opposed to self-administration.



- The number of registered and operating organizations in Jazira Province reached 122, including 5 registered, 3 have been rejected registration by the Self-Administration, and 2 have been suspended. The report team also recorded the existence of 12 organizations linked to the Kurdish National Council in Syria.

- While the number of organizations in the Euphrates canton " Raqqa and its countryside except for Tal Abyad" reached 57 organizations, and one is pending.

- The number of organizations operating in Deir Ezzor province reached 60 registered organizations and 2 registered sources. The report team relied on a legal survey carried out by Fraternity Foundation for Human Rights in 2018 to count the registered, unregistered and canceled organizations. The number of organizations operating in Deir Ezzor province reached 60 registered organizations and 2 registered sources. The report team relied on a legal survey carried out by Fraternity Foundation for Human Rights in 2018 to count the registered, unregistered and canceled organizations.

4-3 Official bodies concerned with registering local organizations, monitoring and supervising

The provisions of the law, as well as the executive procedures attached to it, confirm the submission of the registration application to the Social Affairs and Labor Authority in the Self-Administration of North and East Syria. The organization is not allowed to practice work before obtaining the official registration, which means that the notification system is not implemented according to the law and is contrary to international standards, that states that the method of notification system is sufficient for the organization to start its work.

4-3-1 Internal Security Forces:

Legally, the internal security forces or the public security forces has not the right to interfere to agree to register the organization, but in reality, any registration process requires, above all, that all founders undergo security investigation. It is carried out by security personnel and interviews with the founders to find out their political orientations, ideological affiliations, and details related to freedom of opinion and belief. Here, too, these measures impose a violation of the right to freedom of forming a local organization, which international standards stipulate that no individual or association may be prevented from this right by prior procedures based on an assessment of the security threat and public safety.

4-3-2 Interior Body:

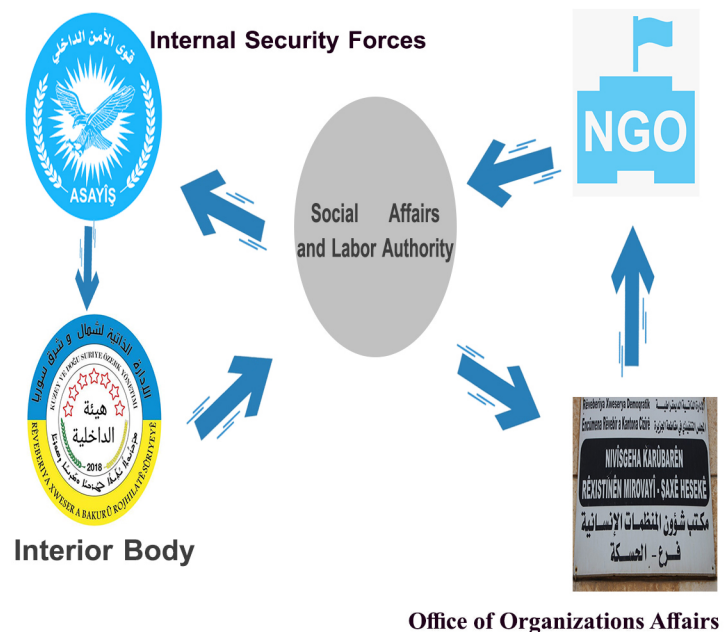
After the end of the security investigation, the registration application file is handed over to the Interior Authority, which is the decision-maker to approve or reject it. If the founders obtain positive results, the Interior Authority passes its approval, which sometimes extends for periods

exceeding six months, to the Social Affairs and Labor Authority, which approves it.

4-3-3 The Social Affairs and Labor Authority:
The Social Affairs and Labor Authority does not grant approval individually to the registration application. Rather, several approvals are collected in order to print a certificate signed by one of the co-chairs of the authority and are subsequently distributed to the concerned parties, so that the last stage of registration begins by submitting the registration certificate to the Office of Organizations Affairs in the city by which the organization takes its as its headquarters.

4-3-4 Office of Organizations Affairs

The signed certificate is submitted to the Office of Organizations Affairs to obtain approval to start work. The office directs its instructions to the organization not to practice any daily activities without obtaining official approval.





4-4- Civic engagement of civil society organizations in northeastern Syria



4-4-1 The concept of civic participation:

The United Nations, through the Economic and Social Commission for Western Asia (ESCWA), determines a set of informational materials issued in June 2013 on effective indicators for measuring the participation of civil society in public affairs and defines civic participation:

(Civic participation in public affairs means the involvement of all citizens and local communities in various public policy processes.

This participation is not limited to citizens volunteering to serve public affairs, nor to civil society involvement in this, but rather means active participation in all aspects of political life. This participation is one of the pillars of "participatory governance" that is based on the involvement of civil society, including NGOs, trade unions and local organizations of a religious nature, in the policy planning process. Participatory governance paves the way for ongoing multi-concerned parties' dialogues and discussions on public policies, rather than limiting their preparation to governments and decision-makers. Participation is only one of the pillars of effective citizenship and a fundamental right of citizens. It provides for their participation in the governance process, both legislative and executive.)

The United Nations Department of Economic and Social Affairs refers to three levels of civic participation in public policy issues that can be determined by the degree of citizen participation in the decision-making process, and by whether or not the relationship between government and citizens is reciprocal.

4-4-2 Civic Engagement in Northeast Syria:

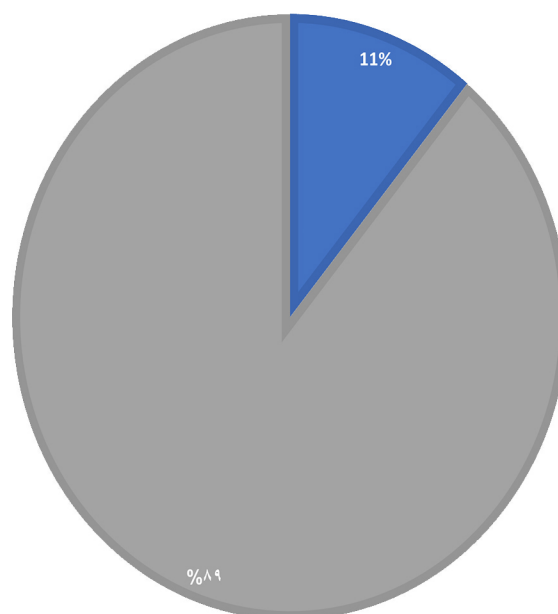
The Legislative Council of Jazira Province issued Law No. 3 of 2017, on which we will discuss our deficiencies as we mentioned it in a policy paper entitled (The Democratic Autonomous Administration Law in Northeastern Syria: A Step Forward and Steps Back) without consulting with concerned parties and in the absence of any effective civil participation. Office of Humanitarian Organizations, which was established according to the same law and was entrusted with the task of following up and supervising the work of civil society organizations in northeastern Syria, obliging all international and local organizations operating in northeastern Syria to apply for a license.

Law No. 3 of 2017 also imposed a set of executive procedures attached to the law without any consultation with the concerned civil society organizations.

The results of the questionnaire distributed to the local organizations showed that the vast majority of local organizations did not participate in discussing the drafting of the law before its issuance, 33 organizations answered that they did not participate in drafting the law and were not informed of its issuance, nor did they obtain it from official bodies at 89%.

CIVIC ENGAGEMENT

■ Yes, they participated ■ did not participate in drafting the law



4-5

Administrative procedures:

4-5-1 Registration of Local organizations:

The articles 4 and 5 of the law has included a general restriction on the freedom to form associations, to force establishing them by the registration system through sterile and lengthy bureaucratic procedures submitted to the registration department of organizations and associations in the Labor and Social Affairs Authority

The burdensome, lengthy, arbitrary and costly registration conditions may greatly hinder the activities of human rights organizations, as well as the required documents that are cumbersome and constantly changing, by which the associations cannot meet, in addition to the exaggeration of the registration office in monitoring the registration process and the discretionary powers vested over them.

As the special rapporteur on the situation of human rights defenders stressed in her report of 4 August 2009 that "basically there are two types of regulations applicable to civil society organizations willing to obtain legal personality: "notification" and "registration" systems.

In more liberal systems, it's often referred to as a "declaration" or "notification" system, non-governmental organizations are automatically granted legal personality once the authorities have received a notification from founders of an organization, other countries require official registration of organizations so that they can carry out activities, although the requirement of registrations doesn't violate the right of freedom to form association, the special rapporteur agrees with the special representative's view that the registration shouldn't be mandatory

shouldn't be mandatory and that non-governmental organizations should be allowed to exist and engage in group activities without any needs to register in case they desire so.

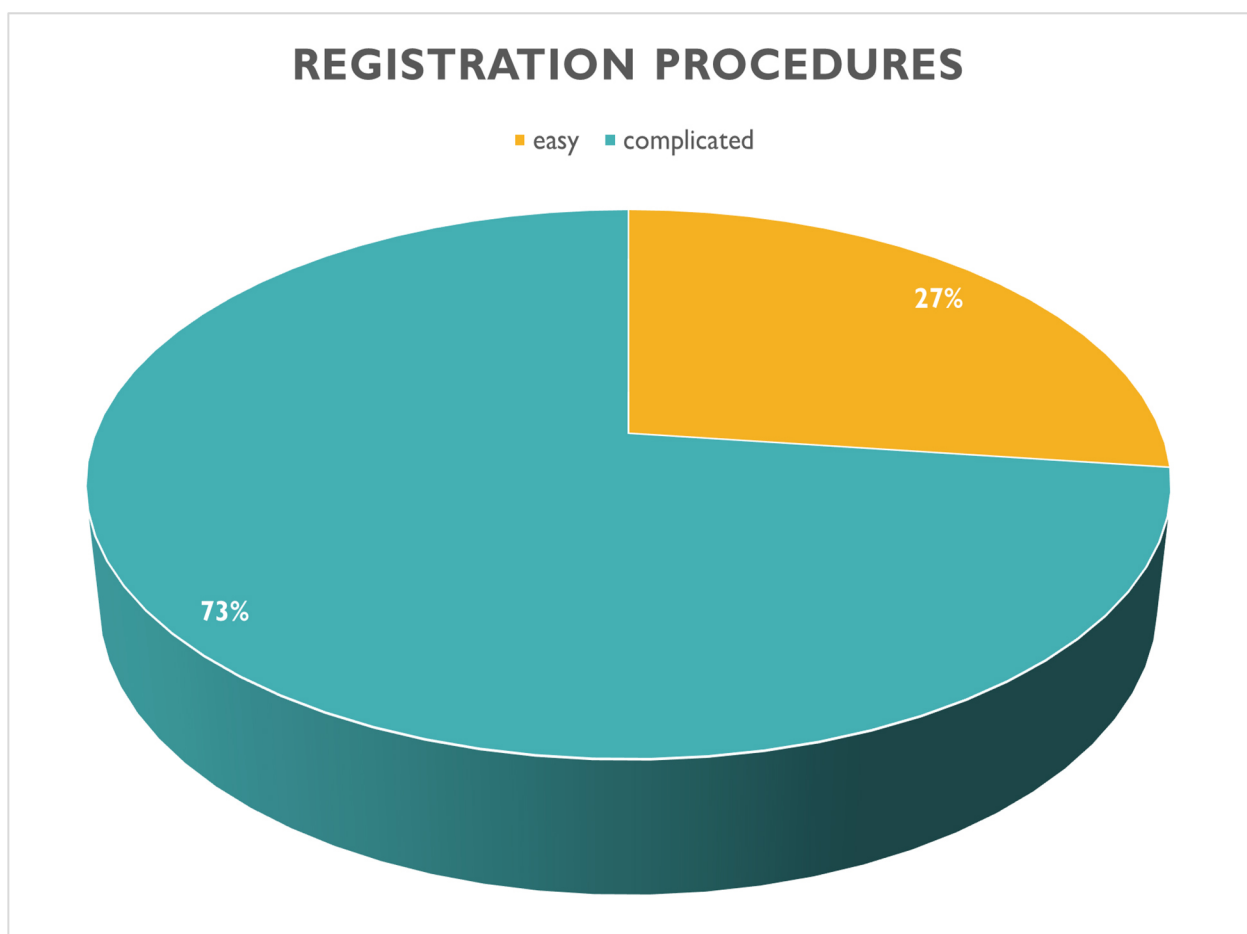
On the other hand, the non-governmental organizations have the right to be registered as legal entities and to have access to related benefits.

As the special rapporteur on the right of free and peaceful gathering and the right to form organizations, "Myna Kiai" the "notification procedure" is the best compliance with international human rights law from the "prior authorization procedure", which requires the consent of the authorities to establish an association as a legal entity. According to the notification procedure, legal associations are automatically granted as soon as the founders notify the authorities of the establishment of an organization. In most countries, such a notice is made in the form of a written statement containing a number of elements of information clearly defined by law, but this is not a precondition for the existence of an association, but rather a statement of the administration's registration by which the association is established, this procedure is in force in some countries such as Uruguay, Portugal, Djibouti, Senegal, Switzerland, Côte d'Ivoire, and Morocco.

The special rapporteur believes that the establishment of branches of organizations, foreign organizations, trade unions or networks of associations, including at the international level, should be subject to the same notification procedure.

4-5-1 Registration of Local organizations:

By looking at the results of the questionnaire, it was found that 73% of the participating societies believe that the registration procedures are complicated, compared to 27% that they consider easy. As shown in the figure below.



4-5 Administrative procedures:

4-5-2 Restricting terms for founding members:

Article 6, paragraph 4, has contained a restriction on the freedom to establish and form civil associations, where the conditions of registration and licensing stipulated in terms of founding members that "not be a member of an organization, association or other institution similar to the objectives of the organization for which the application was submitted."

Where the requirement contravenes the international standards of restrictions that may be imposed on the right to organize, according to the international law, restrictions aren't permissible on the right to organize, in accordance with article 22 of the International Covenant on civil and political rights may only be prescribed by law and are necessary in a democratic society for the maintenance of national security, public safety, public order, protection of public health or to protect the rights and freedoms of others.

As this article doesn't prevent subjugation of military and police staff to legal restrictions on practicing this right, as according to this officer the requirement not to be among the founders a member of an organization, association or other institutions similar to the objectives of the organization or association seeking incorporation is unnecessary and not related to the maintenance of national security, public safety, public order, protection of public health or protection of the rights and freedoms of others, it also represents a restriction on the freedom of persons to engage in the activity of more than one organization, whether working in multiple areas or even in one area of activity.

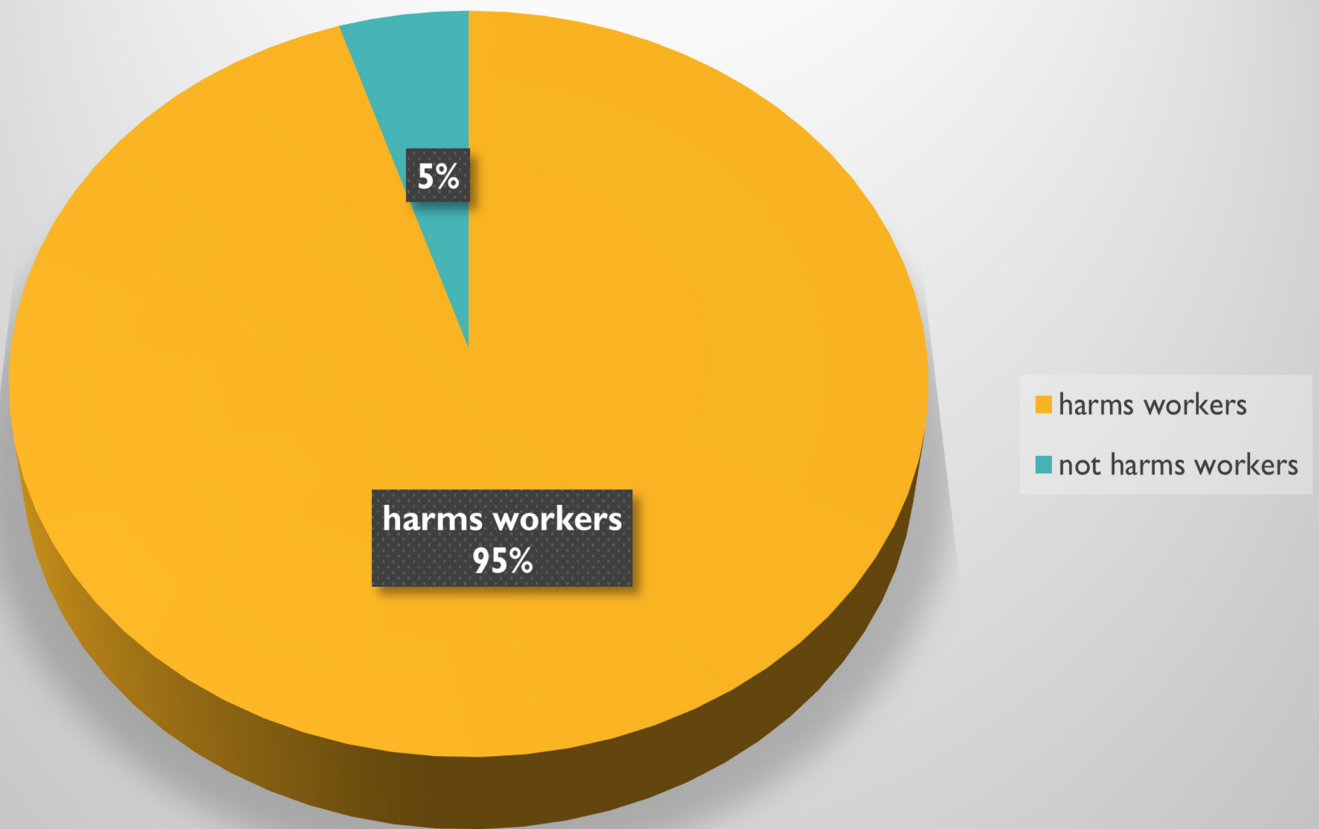
The third article, fifth paragraph, includes regarding the working standards of the organizations, "staying away from political, national, sectarian and ethnic strife," which is elastic, as the administration can consider any activity as sectarian or ethnic, and under the absence of legal and judicial rules governing this provision, the practical reality becomes a sword on the officials of the organization, which it could be resolved at any time.

The excessive ambiguity in the law also makes it easy for abuse and discretionary interpretation by the staff of the associations' registration service, which may lead to a lengthy registration processes and repeated requests for documents not originally taken into account by the relevant laws, as imposing several new layers of bureaucracy may lead to implementation problems and delays that were not already taken into account in the registration process.



According to the aforementioned law, the founders of local organizations are deprived of work opportunities outside their organizations, whether in the civil departments and offices of the local authority or in the rest of the societies. The local organizations participating in the questionnaire, at a rate of 95%, see that this harms workers in civil society organizations who do not have paid jobs, while 5% see It does not harm the founders.

Restriction of the founders



4-5 Administrative procedures:

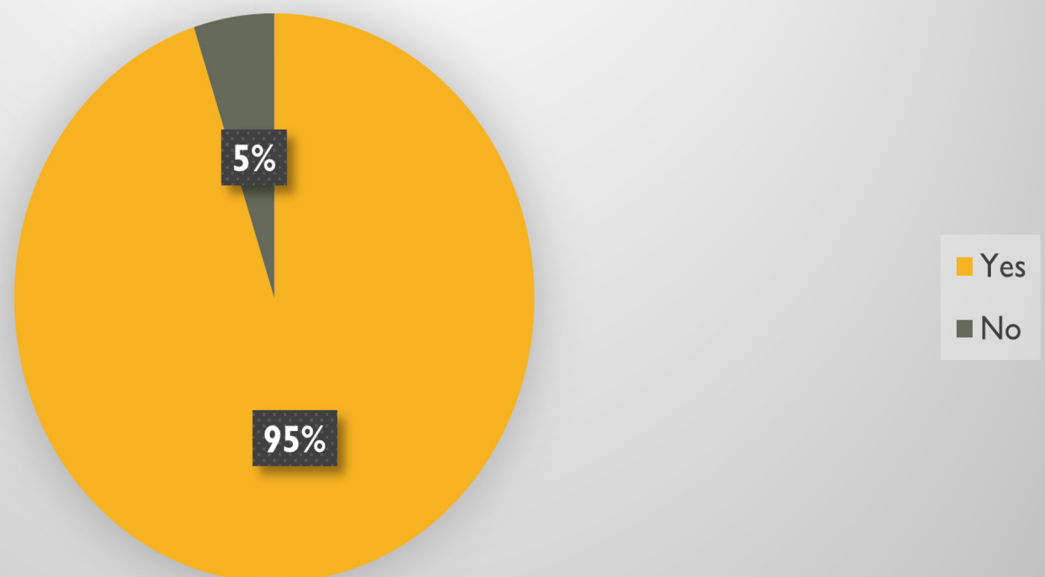
4-5-3 Appeal against the decision of refusing the license

Article 10 of the law states that if a decision is issued to refuse the license, the applicant has the right to appeal it to the people's courts in the province within a period of fifteen days from the date of being notified of the decision in writing form, where this formulation creates a problem in case the administrative authority receives the license application file and does not notify the concerned parties of the written response.

The provisions of the law did not include addressing the lack or the legislative vacuum to deal with this issue, (a negative decision) by rejecting a request for a license of an organization or an association, and that the law establishes a reasonable period during which the administrative body shall respond

In the results of the questionnaire, it was found that 35 organizations, or 95% of the participating societies, believe that the judiciary should be the source for taking the decision to withdraw and cancel the license, as shown in the figure below.

judiciary should be the source for taking the decision to withdraw and cancel the license,



4-5 Administrative procedures:

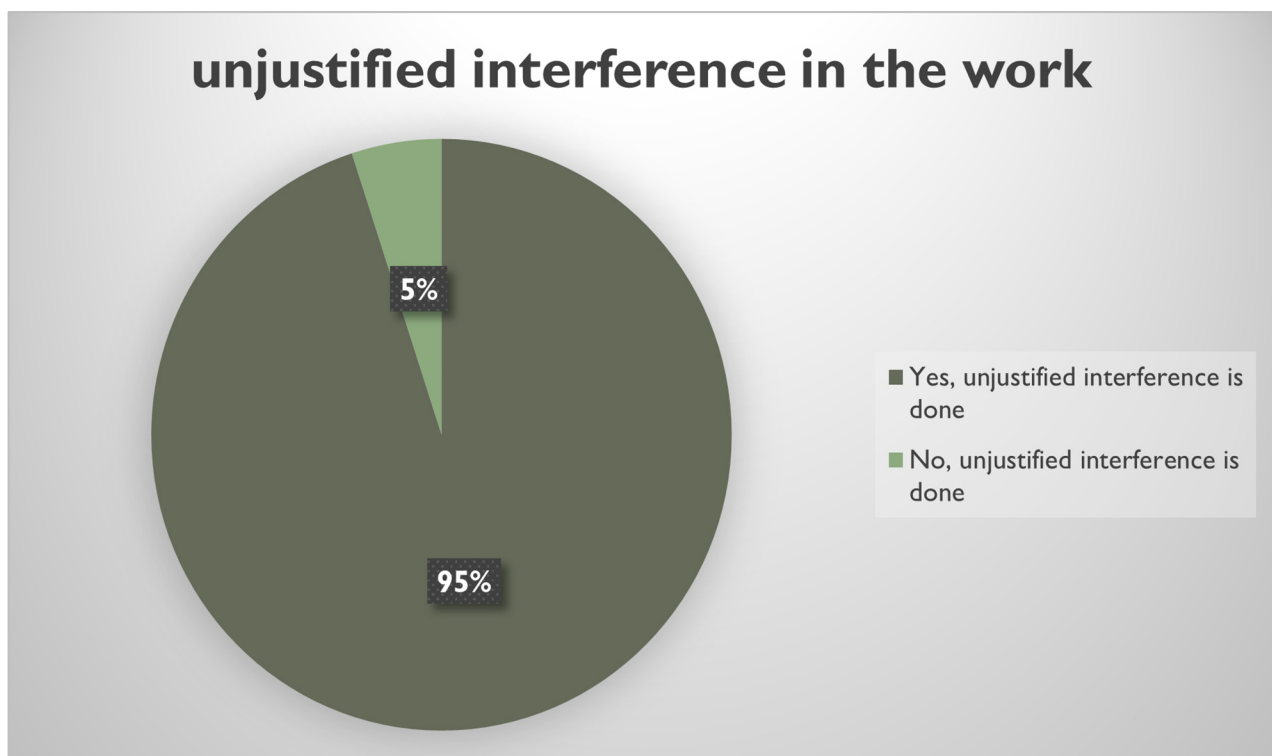
4-5-4 The coordination, handling, and integration with the competent authorities:

The third and final paragraph of Article (15) of the law stipulated that "the relationship of associations and civil society organizations should be based on the coordination, cooperation, and complementarity of the public interests and in accordance with the administrative procedures of the office of humanitarian organizations' affairs," it regards the organizations and associations as simply as governmental and executive agencies of the office of organizations affairs, and make the office a central and comprehensive body in all matters relating to coordination, cooperation and integration with the competent bodies without naming or identifying these competent authorities, and the philosophy behind this article reflects the lack of real understanding of the concepts of civil society and its roles, and it also reflects that the administrative authority considers that organizations and associations as a competitor rather than a social partner, working independently, and this kind of independence is what gives it the freedom of movement and development, and the contribution to the development of society.

Although the fifth chapter of the law (Article 15) is entitled as the rights and duties of organizations and associations, it doesn't carry any rights, but a set of obligations and physical and legal obstacles, which will lead through the practice and application of this law to block the freedom of movement and work of civil society organizations, and not a legal framework that unleashes the existing capacities of society and for the sake of public interest.

For a discussion of the list of operational procedures that have been imposed on organizations without any discussion with them, thirty-three organizations, 89%, replied that they did not discuss the executive procedures regulations and most of them did not know what are these procedures.

But they said when asked whether every activity they do despite their organization being legally registered needs the approval of the Office of Organizations Affairs and the answer was 35 organizations, which is 95% that they must obtain approval for each activity separately, which is considered unjustified interference in the work and activities of the already registered organization, as indicated in the figure below.



Fifthly:

The recommendations



Fraternity
Foundation for Human Rights (FFHR)

5-1 The best practices to promote the freedom of association:

1- To recognize the crucial role of the right of free peaceful gathering, and the right to form organizations in the emergence and existence of effective democratic systems because they are a channel that allows dialogue, pluralism, tolerance, and openness and guarantees the respect for dissenting opinions or beliefs of a minority.

2- To ensure that no person is criminalized for exercising the right of free peaceful gathering, and the right to form organizations, or to be subjected to threats, acts of violence, harassment, persecution, intimidation or reprisals.

3- To ensure that the law provides restrictions that impose the right to a free peaceful gathering, and the right to form organizations, those restrictions should be necessary for democratic societies and are compatible with the desired objective and not prejudice the principles of pluralism, tolerance, and openness. Any restrictions should be subject to independent, impartial and prompt judicial review.

4- To ensure the full observance of the right to live, and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

5- To grant protection to individuals exercising their right to a free and peaceful gathering, and their right to form organizations, by the right of freedom of expression.

6- To ensure that adequate training is provided to administrative and law enforcement personnel in respect of the right of free and peaceful gathering, and the right to form organizations.

7- To ensure that law enforcement authorities that violate the right of free and peaceful gathering, and the right to form organizations are fully held accountable for this violation, through an independent and democratic oversight body and through the courts of law.

8- To ensure that victims of the violation of the right of free and peaceful gathering, and the right to form organizations, have the right to an effective remedy and reparation.

5-2 Our previous recommendations:

In the recommendations of the Fraternity Foundation for Human Rights in the policy paper on Law No. 3 of 2017, which was delivered to the Legislative Council and the Office of Organizations Affairs, based at the time, on the basis of a number of recommendations resulting from the Fraternity Foundation for Human Rights meetings with more than 50 local organizations, which collected their recommendations and formulated them as follows:

The promulgation and enforcing the law that regulates organisations, associations, and civil society institutions – issued by Decree No. 3 of 2017, ratified by the Legislative Assembly and the co-governor of Jariza Canton – constitutes a serious reality to the organisation working in areas under Autonomous Democratic Administration of Northern and Eastern Syria (ADANES). This has imposed a more oppressive regime on civil society organisations and will place countless obstacles to the work of civil society and its concrete contribution in areas of development and human rights. Moreover, this will raise concerns of individuals and organisations wishing to exercise their legitimate exercise of the right to freedom of association, which will have a profound impact on the work of civil society organisations.

Recommendations addressed to the Legislative Assembly and the co-governor of Jariza Canton:

1. Amending the articles of the law regulating organisations, associations and civil society institutions – issued by Decree No. 3 of 2017 – and its implementing regulation to ensure that it promotes and protects the rights to freedom of associations and prevents the authorities of ADANES from interfering in its affairs, funding and management.

2. Should be informed and guided by international human rights instruments, its interpretations, and international best practice in formulating and drafting the law and its implementing regulation. Reports by United Nations human rights rapporteurs (Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Representative on human rights defenders, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) should also be used in drafting the law.

3. Guarantee the right of individuals to establish civil society organizations through notice without having to officially register, and to ensure their rights to receive internal and external funding to carry out their activities and achieve their objectives without having to obtain a permission. Notifying the authorities of such activities (establishing organisation/assemblies, applying for local and international funds) should be sufficient, subject to the rules of accountability and transparency.

4. Ensure that the law prevents any attempt by the authorities of ADANES to deny registration of any organisation, or restrictions on its activities, or dissolution of any organisation. Moreover, the law should emphasise that it is the responsibility of the authorities to prove that any restriction – that doesn't comply with

5-2 Our previous recommendations:

international human rights – is the only decision possible and absolutely necessary in that particular case and it is to achieve a legitimate objective. In addition, when assessing the legitimacy of the restriction, each case should be considered separately in accordance with international human rights law.

5. The law should clearly state that ADANES decisions are subjected to the control of an independent and impartial judiciary, to which organisations can turn to challenge decisions by the administration and to seek legal remedy within an appropriate duration of time.

6. The law should oblige the ADANES authorities – when issuing a decision to dissolve, suspend or denial of a registration – to give a detailed and reasoned explanation for its decision, and the grounds for the decision should be based on full compliance with international human rights, otherwise the decision would be declared null and void.

7. The law should clearly specify legal date for the issuance of the decisions of ADANES, dates to appeals those decision, and these dates should be within appropriate and reasonable time limit.

8. The law should clearly specify the particular body – within ADANES – responsible for organisations' affairs, instead of the current situation where there are several bodies such as “Humanitarian Organisations Office”, “Labour and Social Affairs Commission”, “Executive Council of the Canton”, in addition to “Organisations Registry”. The law should include – in definition section – the name of the body/authority responsible with dealing with the organisations.

9-- To ensure that adequate training is provided to administrative and law enforcement personnel in respect of the right of free and peaceful gathering, and the right to form organizations.

10- To ensure that law enforcement authorities that violate the right of free and peaceful gathering, and the right to form organizations are fully held accountable for this violation, through an independent and democratic oversight body and through the courts of law.

11- To ensure that victims of the violation of the right of free and peaceful gathering, and the right to form organizations, have the right to an effective remedy and reparation.

12. The law should clearly specify the grounds for revocation of licences, and adopting a narrow interpretation of certain concepts such as “undermining public security” and “public interest”. The law should clearly determine which cases constitute a breach of public security, in a manner that does not undermine the work of organisation on the ground of “undermining public security”.

13. The law should take into account placing disciplined restrictions on the members of the board of the directors of the association or organization, when a decision to dissolve the association is made. Moreover, the law should grant the members of the general assembly a right to debate the decision on dissolution of the association and to appeal that decision before the judiciary. The current law provides members of the board of director's mechanisms to dissolve the association that could be abused in a way that could lead to the destruction of the association because of personal or political reasons.

5-2 Our previous recommendations:

11. Involve civil society organisations and the public in the law-making process through public hearings and panel discussions that ensure active participation of a variety of stakeholders. Ensure that the international human rights instruments have been studied and understood, and utilizing civil society organizations and its efforts in disseminating and consolidating a culture of human rights and inputs from other experienced entities.

Recommendations to the Autonomous Democratic Administration of Northern and Eastern Syria:

1. Cooperation with civil society organizations to freely operate in the society, refrain from making hostile statements against civil society, disseminating misconceptions about civil society, and considering civil society as an enemy or a competitor of ADANES.
2. Reconsider and cancel all decisions that either revoked the licence of or dissolved an organisation.
3. Capacity building of staff in ADANES agencies that are relevant to and deal with civil society organisations, so that its work and awareness are compatible with international human rights standards.

Recommendations to the judiciary:

The judiciary should consider – when developing a judicial decision – the following: international human rights instruments, international best practice, precedents, and international and regional jurisprudence that guarantee the rights of individuals to freedom of association.

Recommendations to civil society organizations:

Consider formation of council of civil society organisations, tasked with coordinating and capacity building to support freedom of civil society organisations and promote the right to freedom of associations.

1. Active communication with United Nations mechanisms on human rights, in particular, ‘Special Procedures Human Rights Council’.
 - a. Special Rapporteur on the rights to freedom of peaceful assembly and of association – Mr. Maina Kiai
 - b. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression – Mr. David Kaye.
 - c. Special Rapporteur on the situation of human rights defenders - Mr. Michel Forst
2. Organise mobilization and advocacy campaigns to abolish the current law and to introduce a new bill that guarantee the rights to freedom of association.
3. Provide legal and social protection for volunteer human right defenders, and ensure a fair contract for the employees of the associations.
4. Prepare a team of lawyers, represents a legal protection and assistance umbrella for members of associations, to provide legal assistance to members of civil society organisations and associations, to protect them from legal and judicial persecution, to provide legal advice during the stage of establishing the association and during its field work, to initiate the proceedings before the judicial bodies in the disputes between associations and the authorities.

5-2 Our previous recommendations:

In response to this recommendation, Fraternity Foundation for Human Rights launched in April 2020 its unit for legal support, which was defined as follows:

“A legal program affiliated with the Fraternity Foundation for Human Rights, established with the support of the European Foundation for Democracy in 2020, supervised and managed by the Fraternity Foundation for Human Rights. It is distinguished by its open and voluntary membership of human rights defenders, lawyers, activists and working to strengthen the rule of law and defend human rights, in particular the right to freedom of association and the protection of workers and workers in civil society organizations.

The unit is specialized in the following:

Unit specialization:

- 1) Providing administrative and legal advice to the under-construction local organizations - on the incorporation procedures.
- 2) Providing legal advice to local organizations on adapting their legal situations to the applicable national law.
- 3) Providing legal aid to local organizations, or their members, who are arrested or legally prosecuted because of their activities.
- 4) Presenting the duties of legal defense before the national courts, or the bodies of the national administration, to local organizations or their members.
- 5) Using strategic litigation mechanisms for the benefit of developing the legal structure related to the right of forming local organization, strategic litigation before administrative and constitutional courts.
- 6) Preparing a legal database on the analysis of the national legislative structure related to the right to form local organizations.
- 7) Preparing a legal database to deal with the United Nations mechanisms (special characteristics)
- 8) Preparing the legal and research material for the issuance of reports and data issued by the Fraternity Foundation on the right to form local organizations.

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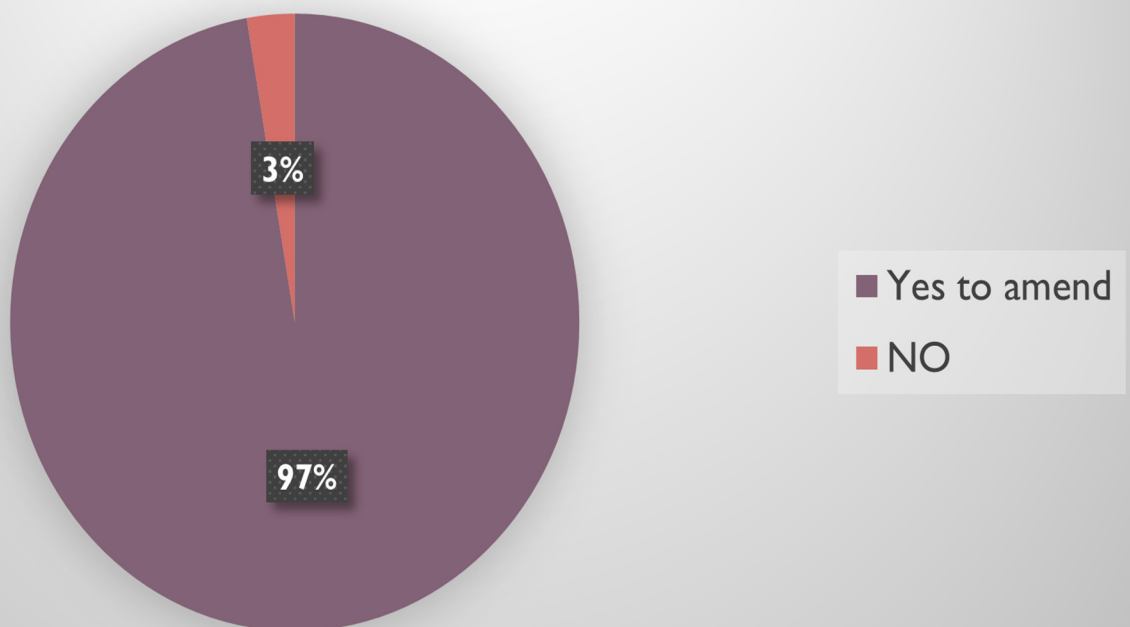


5-3 Recommendations of the organizations participating in the survey:

In the third axis of the questionnaire, a question was received by the participating organizations about what they suggest regarding the status of the right to freedom of forming a local organization and the exercise of its activities under the current law, the organizations unanimously agreed on their desire to change the current law and bring it in line with international standards

The percentage of those wishing to do so was 97% of the organizations participating in the survey organizations have suggested that procedures and approvals for all activities of the organization be facilitated. 15 After obtaining the license, these organizations do not find a need to obtain approvals for each activity they undertake

Amending the law and adapting it to international standards.



The End



**Right to freedom of association
in Northeast Syria and reality of
Civic Engagement**

between local law and international standards

Analytical report

issued by the Fraternity Foundation for Human Rights-Birati

2020