

The future of human rights agreements in legislation of NESyria

An analytical report from the point of view of CSOs in the region

October 2021







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Title:

The future of legislation in northern and eastern Syria from the point of view of civil society organizations in the region (This report, issued by the FFHR, focuses on the vision of civil society organizations in northeastern Syria about the future of legislation in the region and the importance of the position of international conventions and human rights conventions in the pyramid of legislation in conjunction with the reformulation of the social contract in the region by the Democratic Self - Administration of North and East Syria, which is considered a local constitution for the region)

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About FFHR

a non-governmental, non-profit human rights organization. established on the first of January 2013 in Syria and its permanent headquarters is in Germany. led by Syrian human rights defenders

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

Fraternity Foundation for Human Rights thanks everyone who contributed to the completion of this work, especially our researchers inside Syria, our legal support unit, our colleagues, our legal advisors, and human rights lawyers from Egypt and elsewhere

contact



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"When we launched our campaign in 2019 for international human rights conventions to be an essential source of local and national legislation, we were sure of the importance of mobilizing support and cooperation with our fellow organizations working in Syria, the basis for our strategy because we believe in the importance of coordination and practical cooperation for civil society organizations in contributing to decision-making and policy-making, and as important as that is, we still believe that alliances and coalitions between civil society organizations must be not framed in administrative structures, but rather be open and focused on mechanisms to achieve a specific goal that are brought together by joint work, and directed by interim goals and tactics appropriate for each stage.

The importance of local and national legislation comes in a country that is going through a crisis stage of conflict and is about to formulate a new constitution by setting a rule based on a common vision that international human rights conventions are a primary source for that legislation, and that its position is at the top of the legislative pyramid, and if we were able to establish that rule, this will ensure that the rest of the legislative work, the enactment of laws and establishing regulations and rules are consistent and compatible with human rights.

The Fraternity Foundation was the first Syrian organization to demand the amendment of the social contract for the democratic self-administration of northern and eastern Syria and relied on a clear plan to demand that international conventions be in a position that transcends the social contract or the local constitution, for that reason,

it worked on injecting concepts of alignment legislation pyramid with international conventions, and it was necessary that all workers in civil society organizations be provided with basic informational knowledge and experience, at the very least, in order to prepare the ground to mobilize support and demand the achievement of a common goal centered around the legislation being derived from international human rights conventions.

This campaign culminated in the demand of 31 civil society organizations, the Social Contract Drafting Committee in northeastern Syria, that human rights conventions be the source of legislation in the region and to complement this demand and a desire to expand the circle of claimants, Fraternity Foundation for Human Rights prepared this analytical report for the vision of 63 local organizations that were provided with knowledge experience in 4 training workshops on the compatibility of the legislative pyramid with international human rights conventions in the cities of Raqqqa, Deir Ezzor, Al-Hasakah and Qamishli.

The summary and recommendations of this report remain an additional legal basis for the position paper entitled (In order for international human rights conventions to be a primary source of legislation), on which this report was based through a paper questionnaire and interviews conducted by a team of our colleagues in the mentioned cities, the questionnaire was filled out, the results were collected, analyzed and placed in the context of the vision of the participating organizations to continue claiming the campaign objective.

Miral Biroreda
Executive Director of the FFHR

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This report sought to assess the status of international human rights conventions in the legislative pyramid of northern and eastern Syria in terms of exploring the extent to which stakeholders from local organizations and their workers, that international human rights conventions be a primary source for formulating the social contract and the status of these conventions in relation to the pyramid of legislation in the region, and this is a key focus of the rich discussion that took place through the questionnaire, the participants identified the most prominent points they hope for in the new social contract for the region in order to serve the efforts to reform and develop the legislative environment regulating the association sector in northeastern Syria

To achieve the objective of the report, the descriptive and analytical approaches were mainly used the descriptive approach was employed in presenting the legal legal intakes to the old and valid social contract until of preparing this report, with reference to a policy paper issued by the Fraternity Foundation for Human Rights in 2019, in addition to a position paper issued by the Fraternity Foundation for Human Rights in cooperation and coordination with 30 civil society organizations in the region.

The study relied on interviews, questionnaire, and previous literature as basic tools in its analytical approach, this approach was employed in analyzing the texts contained in the social contract in its old version and currently in force in the light of what is reality and aspiration, and approaching them with the best proposals.

This report relied on specific indicators extracted from international standards of legislation and their compatibility with the reality of applicability in northeastern Syria in view of the national, ethnic and religious pluralism that characterizes the region and its specificity.

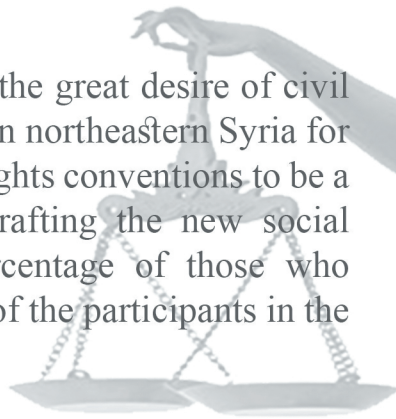
The report concluded several conclusions, most notably

- The level of knowledge of legislation and global standards of legislation for the organizations participating in the questionnaire was uneven, as it was noted that the organizations that received previous training set up by the Awareness and Training Unit at Fraternity Foundation for Human Rights, on the harmonization of international agreements with the pyramid of legislation, it had a higher level of legislative knowledge and was able to accurately answer the questionnaire's inquiries, while the research team and staff had to conduct interviews and fill out the questionnaire, to request assistance from the Awareness and Training Unit to provide knowledgeable explanations about legislation and its harmonization with international conventions for organizations not participating in the training workshops that we held previously, which numbered 7 organizations..

- Despite the decision of the participation of civil society organizations in the committee for the drafting of the social contract by 30 percent of the committee, 79.4% of the organizations participating in the questionnaire do not believe that they are adequately represented in the committee

Firstly: Executive Summary:

- The report confirms the great desire of civil society organizations in northeastern Syria for international human rights conventions to be a primary source for drafting the new social contract, and the percentage of those who wanted that was 89% of the participants in the questionnaire.



- The results showed the need for the Democratic Self - Administration of North and East Syria to undertake and abide by the principles of human rights, as they are universally recognized. The percentage of those who requested this was 91% of the organizations participating in the questionnaire.

- The report showed the extent of the desire of civil society organizations to stipulate in the new social contract that the democratic self-administration be committed to the rule of law and respect for public freedoms, Human rights, the independence of the judiciary, equality of rights and duties among all male and female citizens, and justice between the parties, with a percentage of 87.5% of the participating in the questionnaire.



2.1 The Goal of the report:

Human rights are the core of the constitutional system in the modern state, and the related concepts of the rule of law, protection of public rights and freedoms, transitional justice, accountability and the absence of impunity, Human rights are directly linked to constitutional values. Hence, the importance of the Syrian civil society organizations' questionnaire about the position of international agreements in the legislative pyramid, whether for the social contract for north and east Syria or for the Syrian constitution to be drafted at the current stage. Standing in a broader and more specialized way on the opinion of civil society organizations regarding what they hope for the future of legislation in north and east Syria, which paves the way for forming a unified position for this Syrian segment to focus on a central and clear demand without entering the labyrinth of unclear public opinions, which wastes efforts and does not help those in charge of the legislative and constitution committees to define a unified goal.

2.2 Questions of the report:

To achieve the goal of this report, the questions were divided into three main axes to answer those questions and direct them to the participating organizations, which are as follows:

First, the civil participation axis:

- Do you think your organization is represented in:
Syrian Constitution Drafting Committee ?

Second, The axis of the position of international human rights conventions in the new social contract:

The axis focused on the question directed to organizations about their desire to be:

- The Democratic Self - Administration is committed to the international conventions on human rights, which it has ratified, and which represent international human rights standards:

The agreements rise above the constitution and internal laws

It is inferior to the constitution and above the internal laws

These agreements shall have the force of internal laws

Third, the axis of articulating the commitments of democratic self-management in the new social contract:

- Democratic self-management is committed to the rule of law, respect for public freedoms, human rights, independence of the judiciary, equality in rights and duties among all male and female citizens, and justice among all parties.

- The democratic self-administration is committed to the principles of human rights, as they are universally recognized. Confirm and commit to the following:

A- Protecting and promoting the human rights and international humanitarian law systems, and contributing to their development, taking into account the universal nature of these rights and their indivisibility.

B- Its adherence to the principles of democracy and human rights stipulated in the Universal Declaration of Human Rights, and international human rights conventions ratified by the state, and whose texts are an integral part of this Constitution.

C- Prohibiting and combating all forms of discrimination based on gender, colour, belief, culture, social, national or sectarian affiliation, language, disability, or any personal status, whatever it may be.

D- Making international conventions ratified by the state transcend national legislation immediately upon its publication, and work to match these legislation with the requirements of such ratification.

2.3 Methodology and samples of the report

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

This analytical report has taken from the forms, interviews, and previous literature, as basic tools in analysis, with the use of the observation method associated with these tools, whenever appropriate, from our point of view, according to the existing data, to reach specific outputs.

The descriptive approach was interested in presenting the reality of the civil participation of civil society organizations in the region in terms of the number of organizations participating in the Social Contract Drafting Committee, the mechanism for electing organizations to represent them in this committee, by referring to organizations

participating in the committee, which are drawn from official primary sources, direct interviews and a written questionnaire.

The analytical approach was used to analyze the relevant legal texts in the old social contract that is currently in force in light of its relevance to international standards, the location of international agreements in it, and its approach with what is expected of civil society organizations participating in the paper questionnaire.

To carry out this evaluation process, indicators were adopted to measure the impact, most notably, civic participation based on the extent to which organizations related to the Social Contract Re-drafting Committee participated and their knowledge of current updates, beyond the formation of the committee and the extent to which civil society organizations hope that human rights agreements will be a primary source for this contract and future democratic self-management commitments towards human rights and the mechanisms for their exercise and protection.

With regard to exploring the reality and its practices, a comprehensive form was designed for the various aspects of the report and its indicators (Annex 1) and distributed to a sample of working civil organizations, In the regions of Al-Jazeera, Al-Raqqah and Deir ez-Zor in northeastern Syria. The sample was represented in 63 organizations, in the city of Qamishli, Al-Hasakah, Al-Raqqah and Deir Ezzor.

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

63 organizations answered the questionnaire, Qamishli, Hasaka, Raqqa, and Deir ez-Zor. As a result of screening and checking the correctness of filling out the forms, the sample was limited to 63 associations. In parallel, interviews and interviews were conducted with a number of working associations. In the field of the rule of law and human rights to know their views and orientations about the law and the application of its provisions, and the features of the hoped change.


استبيان موقع الاتفاقيات الدولية في الهرم التشريعي السوري

تعد حقوق الإنسان جوهر النظام الدستوري في الدولة الحديثة، وما يرتبط بها من مفاهيم سيادة القانون، وحماية الحقوق والحريات العامة، والعدالة الانتقالية، والمساواة وعدم الإفلات من العقاب. وترتبط حقوق الإنسان بصورة مباشرة بالقيم الدستورية ومن هنا تأتي أهمية استبيان رأي منظمات المجتمع المدني السوري حول موقع الاتفاقيات الدولية في الهرم التشريعي سواء للعقد الاجتماعي لشمال وشرق سوريا أو للدستور السوري المزمع صياغته في المرحلة الراهنة.

الهدف من الاستبيان

الوقوف بشكل أوسع وتخصصي أكثر على رأي منظمات المجتمع المدني السوري فيما تأمله من مستقبل التشريع في سوريا بمختلف مناطقها، وهو ما يمهّد لتكوين موقف موحد لهذه الشريحة السورية للتركيز على مطلب أساسي محوري واضح دون الدخول في متاهة الآراء العمومية غير الواضحة والتي تهدر الجهود ولا تساعد القائمين على لجان التشريع والدستور من تحديد هدف موحد.

اسم المنظمة	مجال العمل	النطاق الجغرافي	البريد المصنّف ورقم الهاتف

بيانات المنظمة

هل تعتقد أن منطقتك ممثلة في:

لجنة صياغة الدستور السوري ☐ لجنة صياغة العقد الاجتماعي شمال شرق ☐

الرجاء الاجابة بنعم أو لا ☐

موقع الاتفاقيات الدولية لحقوق الإنسان في الهرم التشريعي

تلتزم الدولة السورية / الإدارة الذاتية الديمقراطية بالاتفاقيات الدولية لحقوق الإنسان، التي صادقت عليها، والتي تمثل المعايير العالمية لحقوق الإنسان

وتسموا الاتفاقيات على الدستور والقوانين الداخلية	تكون في مرتبة أدنى من الدستور وأعلى من القوانين الداخلية	تكون هذه الاتفاقيات لها قوة القوانين الداخلية
نعم <input type="checkbox"/> لا <input type="checkbox"/>	نعم <input type="checkbox"/> لا <input type="checkbox"/>	نعم <input type="checkbox"/> لا <input type="checkbox"/>

تلتزم الدولة السورية / الإدارة الذاتية الديمقراطية بسيادة القانون واحترام الحريات العامة، وحقوق الإنسان واستقلالية القضاء والمساواة في الحقوق والواجبات بين جميع المواطنين والمواطنات والعدل بين الجهات ☐ نعم ☐ لا ☐

أهمية منظومتى حقوق الإنسان والقانون الدولي الإنساني والنهوض بهما، والإسهام في تطويرهما مع مراعاة الطابع الكوني لتلك الحقوق، وعدم قابليتها للتجزئة.

ب-تمسكها بمبادئ الديمقراطية وحقوق الإنسان المقررة في الإعلان العالمي لحقوق الإنسان، والاتفاقيات الدولية لحقوق الإنسان التي صادقت عليها الدولة، والذي تعتبر تصويبهم جزءاً لا يتجزأ من هذا الدستور.

ت-حظر ومكافحة كل أشكال التمييز، بسبب الجنس أو اللون أو المعتقد أو الثقافة أو الانتماء الاجتماعي أو القومي أو الطائفي أو اللغة أو الإعاقة أو أي وضع شخصي، مهما كان.

ج-جعل الاتفاقيات الدولية، التي صادقت عليها الدولة، تسمو، فوق نشرها، على التشريعات الوطنية، والعمل على ملازمة هذه التشريعات، مع ما تتطلبه تلك المصادقات.

تتعهد وتلتزم الدولة السورية / الإدارة الذاتية الديمقراطية بمبادئ حقوق الإنسان كما هي متعارف عليها عالمياً.

تؤكد وتلتزم بما يلي: ☐ نعم ☐ لا ☐

الاتفاقيات الدولية لحقوق الإنسان هي مصدر أساسي ورئيسي للتشريع المحلي والوطني في سوريا ☐ نعم ☐ لا ☐

تم تصميم هذا الاستبيان ومختاره من قبل مؤسسة فراترني لحقوق الإنسان، وهي ملكية فكرية للمؤسسة وفق القانون المحلي والدولي لا يحق لأي جهة أو شخص استخدامها دون موافقة المؤسسة.

Fraternity
Foundation for Human Rights

Annex 1



Thirdly : The Axis of Effective civic engagement in Northeast Syria:

3.1 About the Social Contract for the Democratic Self - Administration of North and East Syria

Charter of the Social Contract for Democratic Self-Administration:

It is tantamount to the constitution for the democratic self-administration, ratified on January 6, 2014, and issued unilaterally by the ruling party in the self-management, which is known as the “grant” way from the ruler to the people by drafting the constitution, the issuance of the constitution by the unilateral will of the ruler is one of the ways of issuing constitutions, including the method of contract or agreement between the people and the ruler, the Charter of the Social Contract for the Democratic Self - Administration of North and East Syria, currently in force and being amended, consists of ninety-eight articles, divided into nine chapters:

General principles, basic principles, rights and freedoms, the Legislative Council, the Executive Council, the Judicial Council, the High Electoral Commission, the Supreme Constitutional Court, general provisions.

The self-administration structure consists of six councils (the Legislative Council - the Executive Council - the Judicial Council - the local councils - the Supreme Constitutional Court - the High Elections Commission).

The social contract system is based on the principle of separation of powers (legislative, executive, and judicial). Four amendments were made to the social contract, which were issued in the form of appendices approved by the Legislative Council, dated 15 April 2014

“Approval of the Judicial Council Structure”.

And the second appendix dated June 10, 2014 amending Article 54 “that the ruler should be joint between the sexes” , and the third appendix dated January 1, 2016 “the organizational structure of the Executive Council of Al-Jazirah Province.” Supplement IV dated June 13, 2018, the Executive Council is formed from the joint presidency and a number of representatives and bodies. The co-presidency of the Executive Council may choose some advisors from the Legislative Council .

3.2 The initiative to reformulate the social contract:

On December 13, 2020, by Resolution No. 23, the Self - and Civil Administrations of North and East Syria delegated the presidency of the General Council of the Democratic Self - Administration of North and East Syria, Syria to establish a committee to reformulate the social contract for northern and eastern Syria, which is considered its constitution and the source for enacting laws and executive procedures attached to it.

On 10/06/2021 the co-presidency announced the structure of this committee, which met on behalf of the founding committee for the first time on 15/7/2021 in the city of Hasaka, and set its mission to reformulate the social contract, made up of all the Self - and civil administrations, political forces, women's movement and youth in north and east Syria.

And It specified the number of members of the expanded committee of 150 members to form a small committee of 50 members.



Thirdly : The Axis of Effective civic engagement in Northeast Syria:

3.3 The participation of civil society organizations in the committee to reformulate the social contract .

3.3.1 The concept of civil participation:

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

(Civil 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 does it involve civil society in that rather, it means effective participation in all aspects of political life, this participation is one of the pillars of "participatory governance" which is based on the involvement of civil society, including civil organization, NGOs, trade unions and associations of a religious nature, in the policy planning process.

Participatory governance paves the way for ongoing multi-stakeholder dialogues and discussions on public policies, rather than restricting their preparation to governments and decision makers.

Participation is only one of the pillars of effective citizenship and a basic right of citizens; It requires their involvement in the legislative and executive process of governance.

The United Nations Department of Economic and Social Affairs refers to three levels of civil participation in public policy issues that can be

determined by the degree to which citizens are involved in the decision-making process, and by whether the relationship between government and citizens is reciprocal.

1- Media: At this level, governments are satisfied with informing citizens of the outcome of the policy-making process, without involving them in it, within the framework of a one-way relationship between the two parties, the relationship between citizens and the government is not reciprocal, meaning that their role in the equation is to receive only what it dictates to them.

2- Consultation: At the level of consultation, also called "formal participation," governments do seek to know the opinions of citizens and civil society, but they do not necessarily take them into account when setting public policies, the relationship between the two parties is bidirectional in appearance only, because it involves only a low degree of exchange and comprehensiveness.

3- Active participation: This is the optimum level that civic participation in public affairs can aspire to.

Governments strive to cooperate with citizens in decision-making and engage in broad dialogue with civil society, allowing citizens to participate in setting, planning, and implementation of public policies, the relationship between the two parties is indeed two-way, characterized by reciprocity and comprehensiveness.)



Thirdly : The Axis of Effective civic engagement in Northeast Syria:

3.3.2 How did civil society organizations participate in the committee to reformulate the social contract:

The proportions of the members of the Social Contract Drafting Committee were approved to be composed of all the Self - and civil administrations, political forces, the women's movement and youth in north and east Syria, according to the following proportions:

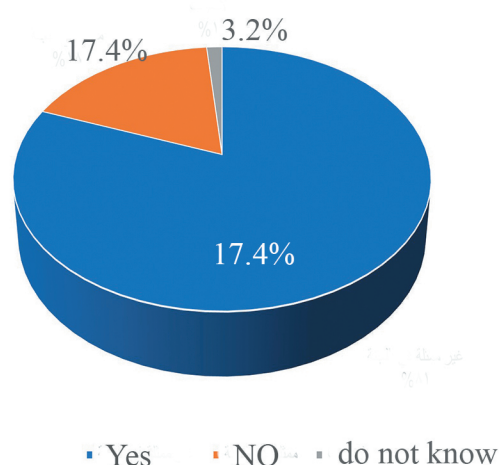
30 members of political parties, 30 members of community organizations, 30 members of self-administrations, 20 members of women's institutions, 10 members of the youth, 6 members of the joint presidencies of the Executive Council, the General Council and the Justice Councils in North and East Syria, 2 members of the Syrian Democratic Council, 8 Members of the components of the region, 14 members technocrats, 2 members of the Islamic Conference. The expanded committee decided to form a small committee whose task is to write a draft of the social contract and present the draft to the expanded committee, to be then submitted to the General Council for approval.

The Office of Humanitarian Affairs supervised the process of selecting representatives of civil society organizations, and despite the simple mechanisms that it followed in the process through rapid reporting to the organizations without taking into account expertise and specialization, not all human rights organizations were notified and without setting agreed standards between the organizations to choose their representatives, the Organizations Affairs Office was satisfied with collecting civil society organizations and making room for an electoral competition

within one day, representatives of civil society organizations were selected through it, and these representatives did not take measures to sit mechanisms and plans or prepare proposals to represent the organizations that elected them to submit to the Social Contract Drafting Committee, meaning that participation was limited to the point of view of the elected representatives without taking into account the opinions of those who elected them, which prompted the organizations to see themselves as not represented in the committee. When looking at the results of the questionnaire, 79.4% of the organizations participating in the questionnaire confirmed that they do not see themselves represented in a committee drafting the social contract, while 17.4% said that it is represented in the committee

The questionnaire also indicated that there is a defect in communication between the management of some organizations and their members, as 3.2% answered that they do not know whether their organization has representation in the committee or not..?

Do you think your organization is represented in The drafting committee of the social contract

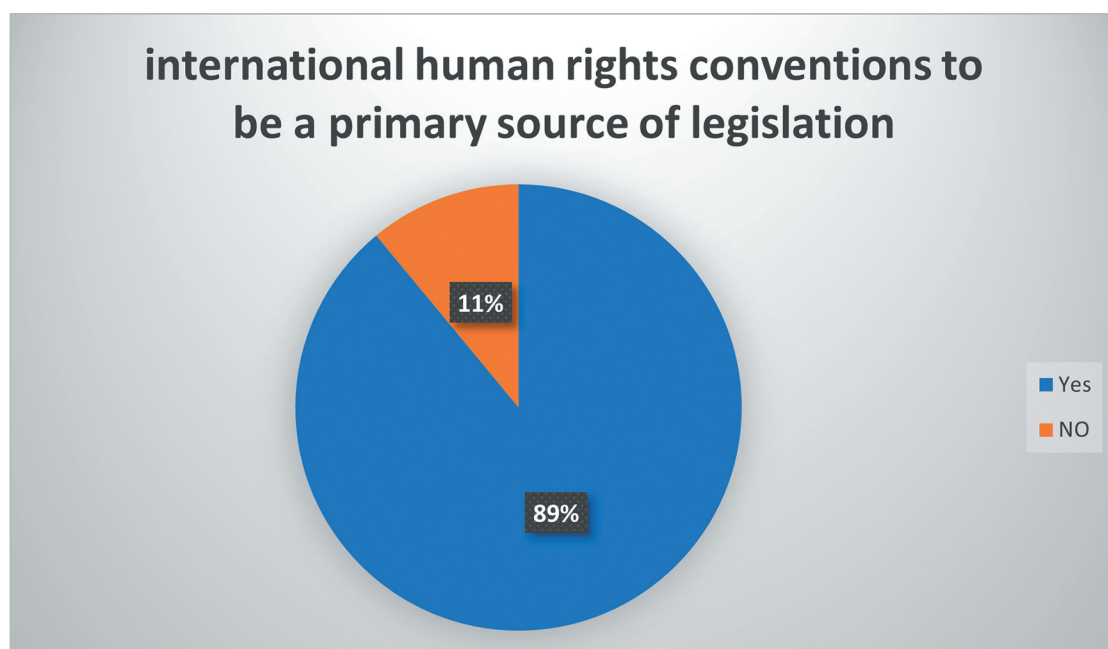


Fourthly : The vision of csos of the status of international conventions in the legislative pyramid and the source of legislation in NESyria

4.1 Human rights conventions as a source of legislation:

Article 20 of the current social contract charter states that: International covenants and covenants on human rights are an essential and complementary part of this contract.

Absent in the stipulation that the primary source of legislation is those agreements and covenants, as the texts of the social contract did not mention explicitly and clearly the source of the drafting of this charter and contract, therefore, we focused our efforts for human rights conventions to be a source of legislation, and we posed the question to fellow organizations operating in the region about their desire for international human rights conventions to be a primary source of legislation, 89% of the organizations participating in the questionnaire expressed that demand, while 11% of them did not want international human rights conventions to be a source of legislation?



4.2 The location of the international human rights conventions in relation to the pyramid of legislation in northeastern Syria:

To complement the clarity of the stipulation and the emphasis, the charter of the social contract should enshrine the supremacy of international human rights law over national law, to this end, the charter must categorically stipulate that national law cannot be used as a justification for non-compliance with international treaties and agreements, in line with Article 27 of the Vienna Convention on the Law of Treaties of 1969 *

It is worth noting that the "rule of the supremacy of the international agreement on internal law" is one of the newly developed rules in the jurisprudence of constitutional law, the jurisprudence of international law, and contributed to its development, was that the constitutional legislator in many European and Arab countries took it and included it in a preamble, or the body of the constitutional document.

Looking at the results of the questionnaire, 85.7% of the organizations participating in the questionnaire confirmed their desire for international human rights conventions to transcend the social contract and internal laws, while 14.3% said it should not



*Article 27: Internal law and respect for treaties "A party to a treaty may not invoke the provisions of its internal law as justification for its failure to implement the treaty."

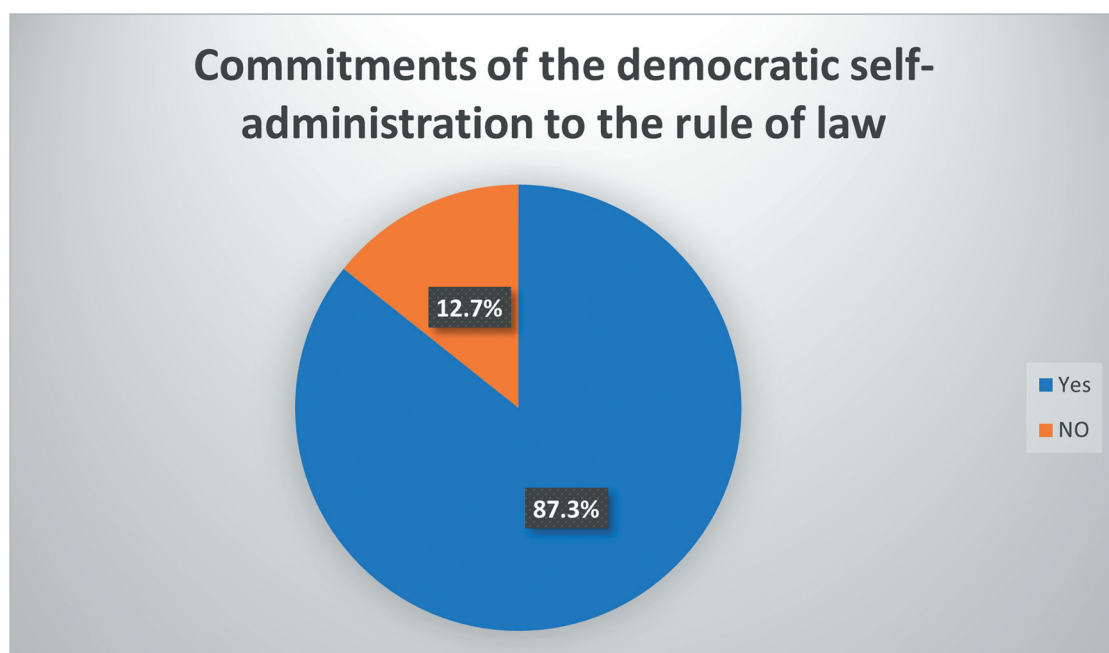
Fourthly : The vision of csos of the status of international conventions in the legislative pyramid and the source of legislation in NESyria

4.3 Commitments of the democratic self-administration to the rule of law, public freedoms and the independence of the judiciary:

In order for rights to be implemented and enforced by the authorities and monitored by judicial bodies, they must formulate what these rights are, and if this is not the case - and the wording is not clear - There is a danger that the rights contained in the charter will lose their meaning at the level of local application.

If the charter refers directly to international obligations, this would facilitate the process of assimilation of international human rights obligations in the decision-making process at the level of local application.

Regarding the commitments of the democratic self-management, the questionnaire confirmed that 87.3% of the organizations want the social contract to stipulate the commitments of the democratic self-management to the rule of law, respect for public freedoms, human rights, the independence of the judiciary, equality of rights and duties among all male and female citizens, and justice between the parties.



4.4 Binding mechanisms for democratic self-administration to protect and promote human rights:

Articles (22,20) of the social contract charter in force currently regulated the location of international agreements with regard to democratic self-administration, international covenants and charters were considered complementary to the Social Contract Charter (Article 20), and the Self - Administration guarantees human rights (Article 21), the Bill of Human Rights and other covenants are an integral part of the charter as stated in the social contract currently in force and being re-drafted.

Do these texts guarantee the Self - Administration's commitment to promoting and protecting human rights? the answer, of course, is that it is an incomplete reference that does not rise to the level of commitment to the promotion and protection of human rights, rather, the texts came in the form of cosmetic phrases, it does not achieve the purpose of its mention in the social contract document. This is because the reference to, or adoption of, internationally recognized human rights, it will not be sufficient to achieve effective constitutional protection, unless these texts include wording of a binding nature and are reinforced by a package of legislation in line with international human rights standards.

It is not enough for the social contract charter to include a set of values, principles and rights to become sufficient tools for effective and efficient protection of human rights if the charter does not include the provision of effective steps and procedures to protect and enforce them in practice.

That is why the new social contract should state that:

A- Protecting and promoting the systems of human rights and international humanitarian law, and contributing to their development, taking into account the universal nature of these rights and their indivisibility.

B- Its adherence to the principles of democracy and human rights stipulated in the Universal Declaration of Human Rights, and international human rights conventions ratified by the state, and whose texts are an integral part of this Constitution.

C- Prohibition and combating all forms of discrimination based on sex, colour, belief, culture, social, national or sectarian affiliation, language, disability or any personal status, whatever whatsoever.

D- Making international conventions ratified by the state transcend national legislation immediately upon its publication, and work to match these legislation with the requirements of such ratification.

91% of the organizations participating in the questionnaire agree on the need for the Democratic Self - Administration of North and East Syria to pledge and abide by the principles of human rights, it is also universally recognized and in accordance with the principles mentioned above, while 8% saw otherwise, and 1% of the participating in the questionnaire did not know whether this was necessary or not.

Fifthly: recommendations

Based on the common position paper of civil society organizations on reformulating the social contract in northeastern Syria issued on September 19, 2021 and based on a policy paper issued by Fraternity for Human Rights entitled (The Social Contract for Democratic Self - Administration in North and East Syria: A Lost Ambition) in 2019 and based on the opinions of the organizations participating in the questionnaire conducted by our institution Fraternity Foundation for Human Rights and the results of this report, we recommend the Social Contract Drafting Committee to ensure that:

- 1- The international human rights conventions will be an essential source of the new social contract.
- 2- The Democratic Self - Administration of North and East Syria is committed to international human rights conventions, which represent universal human rights standards, and these agreements prevail over the social contract and internal laws
- 3- The Democratic Self - Administration of North and East Syria is committed to the rule of law, respect for public freedoms, human rights, independence of the judiciary, equality, non-discrimination in rights and duties among all male and female citizens, and justice between the parties.
- 4- The Democratic Self - Administration of North and East Syria undertakes and is committed to the principles and standards of human rights, as they are universally recognized through:
 - A- Protecting and promoting the two systems of human rights and international humanitarian law, and contributing to their development, taking into account the universal nature of those rights, their comprehensiveness and their indivisibility.
 - B- Its adherence to the principles of democracy and human rights stipulated in the Universal Declaration of Human Rights and international human rights treaties, whose texts are an integral part of this charter or contract.
 - C- Prohibition and combating all forms of discrimination based on gender, colour, belief, culture, social or regional affiliation, language, disability, or any personal status, whatever it may be.
 - D- The need for the new social contract to provide for the formation of a national human rights institution, specialized in protecting and promoting human rights, and enjoying effectiveness and independence, with comprehensive powers and sufficient guarantees of its independence, and established in accordance with the Paris Principles issued in 1993 related to national human rights institutions.







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