When they launched their revolution in 2011 to ask for freedom, the Syrian men and women knew that the regime would treat them with utmost violence, as history is full of horror stories from the eighties in Hama. However, the violence would not have reached this level of savagery in the face of the communities that rebelled peacefully had it not been for the fact that the regime was reassured that it would be safe from accountability and safe from sanctions. The Security Council was divided and remained incapable of referring the Syrian file to the International Criminal Court due to a double veto from Russia and China. The Russian-American deal (resolution 2118 dated September 27th, 2013) that stated that the regime was to submit its chemical weapons system, after it had perpetrated the chemical massacre of Eastern Gota in the Damascus countryside, was a signal to allow it to kill the Syrians using any other weapons, including exploding barrels, napalm, and prohibited weapons.

The regime skilfully implemented its logo ‘Assad or we burn the country’ or ‘Assad forever’, and it brought in fanatic invaders (Afghans, Iraqis, Iranians, and Lebanese) that stood on the hills of the cities whose besieged populations were coerced to leave, and it handed over the sovereignty of the country to whomever would ensure the perennity of its rule. In return, the enemies of freedom and democracy – supported by countries from the region with the force of weapons and fatwas – pursued the plan of oppression and destruction as Syria turned into an offering on the altar of freedom, eaten up by the game of interests and nations.

1. These arguments were further discussed in the author’s book (Kannout, 2017).
2. Syrian Feminist Lobby, Coordinator of the Studies Committee, Beirut, Lebanon; lamakannout@gmail.com

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As regards the general situation and the specific situation of Syrian women, at the time of writing, the number of registered Syrian refugees exceeded 4.8 million, and 7.6 million are displaced in Syria – United Nations High Commissioner for Refugees (UNHCR, 2016) –, 45% of inhabitants had to leave their residences and some have had to do so more than once. “More than 145,000 Syrian refugee families in Egypt, Lebanon, Iraq, and Jordan – [one family out of four] – are headed by women struggling on their own to survive” (UNHCR, 2014); they also suffer from poverty, lack of aid, and difficulty in obtaining documentation. They have no skills for work, and if they do they face exploitation, sexual harassment, sexual attacks, or forced marriage. Furthermore, according to the discriminatory laws that are in place, they cannot circulate with their children, nor can they give them nationality or have custody of them. The number of school dropouts due to the conflict (UNICEF report 2015) is 2.6 million Syrian boys and girls. Over 20% of Syrian schools have been destroyed and 20% of male and female teachers lost, and the general poverty level was estimated at 85.2% in 2015, the percentage of which living in extreme poverty reaching 69.3% (UNHCR, 2016). These people are incapable of ensuring their basic needs, be they nutritional or other.

1. Constitutional discrimination

Syrian women have crumbled under legalized violence and discrimination for decades, both in the private and public spheres. There are many coercive laws against women – personal status laws, penal codes, nationality laws, and reservations on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Article 3 of the 2012 constitution, in paragraphs 1, 2 and 4, states the following:

- Paragraph 1: “The religion of the President of the Republic is Islam”.
  This paragraph is in line with paragraph four of article 84 that sets

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3. www.unicef.org/about/annualreport/files/Syria_Arab_Republic_2015_COAR.pdf
conditions for the candidate to the presidency: “he is not to be married to a non Syrian woman”, which means that women are deprived from their right of being in the position of President of the Republic.

• Paragraph 2: “Islamic jurisprudence shall be a major source of legislation”. This means the enforcement of the most discriminatory and strict stipulations on women in the personal status laws, the penal code, nationality laws, labour laws, and the social insurance law, since this male dominated doctrine is based on the principles of guardianship and wardship, which go against the charter of human rights for women and men and international treaties.

• Paragraph 4: “The personal status of religious confessions shall be protected and respected”. This is a consecration of sectarianism in society as it becomes part of the constitution, given that there are eight personal status laws\(^5\) that consecrate discrimination against women and deprive them of their civil rights, giving control of their lives to religious instances.

The constitution does not include a definition of discrimination against women as stipulated by CEDAW, or an article that prohibits discrimination and violence against them, which has increased the harm done against women. Nor does it include a clear article that establishes the importance of international agreements in relation to national laws, which deprive women of legal opportunities to amend discriminatory laws based on the stipulations of these agreements. For instance, the personal status laws consecrate discrimination and violence against women through their content, language, and practice regarding issues related to marriage, divorce, custody, wardship, guardianship, movement, inheritance, and certification, along with the absence of equality between males and females.

5. Comparative study: “Discrimination in the Personal Status Laws in Syria” authored by a group of female researchers, Edition Atar 2014. Personal status laws, general personal status law for Muslims, for Christian Orthodox, Armenian Orthodox, Catholics, Confessional Evangelical courts in Syria and Lebanon, and the book of legal rulings for personal status for the Jews, the special stipulations of the Druze confession included in article (307) of the general personal status law. The code of religious sects: issued by the French High Commissioner Lamartine according to the decision 60 LR of 1936 that established the sects that are recognized in Syria and that each have the right to adopt their own personal status laws.
regarding the minimum age for marriage, etc. Article 305 of the law stipulates that for all matters not mentioned in this law, the judge goes back to the most agreed upon text in the Hanafi School in the Kadri Pasha Law, meaning subjecting women to rules that are almost one hundred years old: “anything that is not mentioned in the text of this law is resolved as per the most widely recognized in the Hanafi School”.

2. The political participation of women in the official negotiations

In Geneva 2, on January 22nd, 2014, two out of 15 members of the opposition delegation were women, along with two women in the regime’s delegation. On December 9th, 2015, out of the 115 members of the opposition conference that was held in Riyadh, only ten were women. The conference led to the creation of a ‘Supreme Commission for Negotiations’ that included 32 persons including two women only. This body formed the negotiating delegation to Geneva III. It included three women out of 15 members. As for the regime’s delegation, it included the participation of four women out of 15 members. It cannot be considered that the ratio of women in the regime’s delegation is an indicator of democracy, as they do not express anything but the official discourse and they do not dare criticize the authorities; they are fierce in defending decisions that violate their rights. Their nomination was based on their allegiance to a regime of despotism and corruption.

On the level of the local councils in the areas outside of the authority of the regime, women are almost absent and work in very hard conditions as they are systematically targeted with all the means of killing and starvation along with explosive barrel attacks and the use of prohibited weapons. On the other hand, they face the tyranny of Salafi armed groups, as for the areas of control of the regime their ratio is 3% (in the tenth electoral cycle, 2011) (Al Chaher, 2015). The Syrian

Feminist Lobby\textsuperscript{7} is concerned with the political participation of women and their right to the same level of access to decision making positions as men and the right to build their country, establish policies, and free it from tyranny in all its forms. It is fully aware of the importance of Resolution 1325. Thus, we have started – with the support of Euromed Feminist Initiative (IFE-EFI) – working on publishing an informational guide on how to draft a national plan for the resolution to achieve its objective. The guide includes recommendations such as:

- Providing knowledge to male and female Syrian decision makers, and to the office of the United Nations (UN) envoy to Syria and the influential countries in the Syrian file explaining the importance of having a national plan for Resolution 1325 and the priorities of women in three phases: the current/conflict phase, the transitional phase, and the phase of building the state.

- Providing advocacy material to the human rights defenders for men and women, and Civil Society Organizations (CSOs).

- Informing the countries of the region about the importance of Resolution 1325 and drafting national plans to implement it, as the countries hosting female Syrian refugees and the local organizations whether national, regional, or international that took part in the Syrian file did not include the concept and implementation of Resolution 1325 in their programs. The regime in Syria has not set contingency programs for the protection of women despite the horrendous conditions they live in. According to the speech delivered by Assad\textsuperscript{8} in presence of a number of Sheikhs and Islam advocates in Damascus on April 23rd, 2014 where he called millions of Syrians ‘terrorists’, he meant the popular incubator of cities

\textsuperscript{7} The Syrian Feminist Lobby, an independent political lobby not affiliated to a party committed to equal participation of men and women in all political decision making processes in Syria and in all fields, the members of this lobby are convinced that democracy cannot be built without respect and full implementation of women’s rights as part of the international human rights and the principles of full equality between men and women both in the private and public life. See: http://syrianfeministlobby.com/aside-post/

\textsuperscript{8} Assad in an encounter with the Oulemas (Islamic advocates and religious instances) where he describes hundreds of thousands of Syrians (with a social support, there is a relative, a neighbour or a friend) as terrorists. See: https://www.youtube.com/watch?v=_l0zcjPQv8Y
and villages that rebelled against him. Also, in one of his speeches on June 3rd, 2012⁹, he said: “and I say to be accurate that the President is for all those who are under the umbrella of the state, constitution, and law or else I would be putting on the same level the traitor and the patriot, and the victim and the torturer, and the corrupt and the honest, and the destructor and the constructor”, meaning that he is a president for his supporters and allegiants only. As for those who rebelled against him like the male or female activists and the defenders of human rights, they have been uprooted, detained, or forced into exile as they were called traitors, terrorists, and destructors.

- Informing the upcoming transitional ruling body according to Resolution 2254, Geneva I, about the importance of drafting a national plan for the resolution.

Our vision in writing the guide is based on the importance of the political participation of women as an essential and crucial entry point into all the levels of authority that will promote protection and safeguard women. We aim at matching and implementing CEDAW 1979 and the Declaration of Beijing of the year 1995 and the methodology stemming from it with Resolution 1325 and all other relevant resolutions.

3. The importance of Resolution 1325

- The resolution considers that guaranteeing the participation of women in the peace process on all decision making levels and the protection of women is one of the matters most relevant to world peace and security.

- It lays the foundation for the promotion of the equality between men and women in participation and monitoring to draft the constitution, laws, and legislations along with the electoral system, the parties’ law,

⁹. Speech by Bashar al Assad at the parliament on June 3rd, 2012. See: https://www.youtube.com/watch?v=WGQezLqsJ3c
and building the police and judiciary sector and all the state institutions and all their levels.

• Resolution 1325 is the first of its kind in that it stipulates the participation of women in the bodies and positions of decision making of a military or security nature. This will lead to a new quality increase in the nature of the role of women and their participation on new unconventional political levels.

• The resolution emphasized that gender based violence, particularly rape and other forms of sexual harm, is a war crime that does not abate with time, and is not included in amnesty laws and relevant legislations; the resolution called for the protection of women in armed conflicts from this type of crime.

• The resolution provided the countries with training materials regarding the protection of women and their rights and private needs; it also encouraged the countries to increase the financial donations to specialized funds and programs.

• Resolution 1325 was enforced as the Security Council adopted four other resolutions, including three that consider sexual violence as a war crime: 1820 year 2008, 1888 year 2009 which was followed by the creation of an office for the personal representative of the General Secretary of the UN for the affairs of sexual violence in conflicts, and as for resolution 1960 of the year 2010, it called for systemic arrangements for monitoring and reporting that enhance the efficiency of tracking the range and severity of these war crimes. The three resolutions (1820, 1888, and 1960) have called for increased efforts by the states that are member of the UN in order to prevent the occurrence of systemic sexual violence, or on a broader scale, during conflicts. Resolution 1889 of the year 2009 is relevant to gender equality and the empowerment of women after the end of conflict in the long term, along with setting indicators to monitor the implementation of Resolution 1325.
4. Challenges and shortcomings

4.1. Internationally

- Resolution 1325, similar to many resolutions and agreements of the UN, is not mandatory for member states.

- The politicization of justice and human rights for men and women and the support provided to totalitarian regimes like the Syrian model that committed war crimes and crimes against humanity. Despite all the international and local legal reports that mention those crimes, UN resolutions are drafted with a language that attempts to please all the international players (Resolution 2254) except Syrian men and women. They also omit the fate of the dictator and his aides, nor is there any mention of the transitional justice that cannot be skipped if we are to build a fair and sustainable peace in Syria.

- Resolution 1325 deals with ongoing wars and conflicts as if they were a fatality or a natural disaster we cannot do anything about, even as the UN, despite many warnings that conflicts are often inevitable in many countries of the world that are ruled by totalitarian security regimes like the Syrian model. The crimes and violations have reached alarming levels since the conflict started and have had a great impact on all the countries of the region, including the European Union, as shown by the unprecedented waves of refugees. We cannot stop that wave except via a political solution that puts an end to the tyranny and builds a just, sustainable peace based on holding the war criminals accountable as a starting point to building a democratic state committed to the charter of human rights for men and women. In the Syrian context, we see various attempts to stereotype the role of feminists/women as, on the one side, victims, and on the other they are required to push the males to the negotiations table for a reconciliation of some sort that they call ‘peace’, in a cloning of the role of women whose country has been through an armed conflict between two teams that want to seize the power and
resources: good women that want peace are facing mean men starting wars. This view includes discrimination against men and oversimplifies the role of women as free politicians and rebels that took part in the revolution and face tyranny and the distortion of the required democratic alternative in future Syria. It also understates the major sacrifices that the Syrian people have presented.

4.2. Locally

- The limited awareness of decision makers amongst the Syrian men and women regarding the resolution, even on a leadership level, and the absence of a political will to set women’s causes as a priority.

- The absence of trust on the side of the oppressed Syrian men and women in international bodies as they have been let down and are not being given support as refugees, forced emigrants, who were besieged, detained, or forcibly disappeared. Our requests to separate the humanitarian file from the political one are still unheard. The cause of the men and women detained in the detention centers of the regime is our bleeding wound. The exploding barrels are still there along with the prohibited weapons targeting civilians. The regime still practices starving and besieging and forced displacement as a weapon of war. The more the international community talks about a political solution, the more the battles, air raids, bombing of innocents continues, and the more the military bases of the countries involved in the conflict (i.e. Russia, the US, and recently the Turkish army) join. The more they talk in international resolutions about a political solution produced and owned by the Syrians – men and women –, the more they draft resolutions without the participation of Syrian men and women and the more Syrian bloodshed is undermined.

- Religion has always been used to oppress ideas and for political gain, ‘cultural specificity’ is a term that was always used to oppress half of the society, subdue it, abuse it, and terrorize it. In Syria, the two tyrannies
– political and religious – join forces, mutually support one another, and dominate the public and private sphere. This has lead to the trampling of human rights for men and women, and emptied the society from the politics that was regained by the oppressed revolution that is not being allowed to prevail. All opposition and human rights groups have been banned and chased. All attempts to create a democratic change were aborted and feminist associations were deprived of the possibility to have legal authorizations and from making a noticeable change in the coercive rights ruling their lives. The regime allowed and facilitated the spread and expansion of a religious current that calls for the subjection to rulers and custodians. To understand the Syrian situation, it is enough to review how the constitution was amended in the year 2000 after the death of Hafez al Assad within minutes to fit the age of the heir. On the other hand, a simple change to the personal status laws regarding increasing the age of custody took decades.

**References**


