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„Women's Political Participation in Peace Processes and  
the Impacts on Peace and Security (Case Study Syria)“

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Sama El Roumi Baradei

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Mag.iur Angelika Kartusch



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## **Abbreviations**

ACS	Assembly of Civil Society
CEDAW	Convention of Elimination of All Discrimination Against Women
COPMGUA	Coordination of Organisations of the Mayan People of Guatemala
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
GA	General Assembly
GWU	General Women's Union of Syria
HNC	High Negotiations Committee
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
NIWC	Northern Ireland Women's Coalition
SC	Security Council
SWIPD	Syrian Women's Initiative for Peace and Democracy
UNRG	Guatemalan National Revolutionary Unit
UN	United Nations
WAB	Women's Advisory Board



## 1. Introduction:

Throughout history, peace negotiations have been highly exclusive processes dominated by male leaders and military personnel. Current peacemaking and mediation efforts are not yielding in sustainable peace, between 2000 and 2014 one in five peace agreements failed within five years.<sup>1</sup> The Women, Peace and Security agenda of the United Nations (UN) is based on the simple premise that peace is more likely to prevail and hold if women are fully involved in designing and implementing it.<sup>2</sup> Women can bring legitimacy to the process through the values they hold, the initiatives they take and their roles in society, yet they are still largely marginalised from formal mediation and negotiations. In spite of all the efforts and initiatives led by the international community, the representation and participation of women in conflict resolution has not been fulfilled. A UN Women report from 2013 suggests that out of 31-peace agreements between 1992 and 2011, fewer than 10% of peace negotiators have been females despite a clear 30 % minimum quota set for women's political participation.<sup>3</sup>

### 1.1 Outlook to the thesis:

This thesis will start by explaining the different components of peace making under the UN Charter and will present the various feminist schools of thought discussing women's pacifism (chapter 2). It will also identify the social, cultural and political obstacles impeding women's effective political participation. In the second part of the paper, I will study the

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<sup>1</sup> International Civil Society Action Network, *Negotiating a Better Peace: Women and Civil Society at the Table*, 22 June 2014, p.1

<sup>2</sup> UN Security Council. *Report of the Secretary General on women peace and security*, 13 October 2012, S/2004/814, para 12.

<sup>3</sup> UN Women, *Women's participation in Peace Negotiations: Between Influence and Presence*, United Nations, October 2012, p.3.

peace negotiations in Syria, where after nearly six years of conflict and many failed attempts of men dominated peace negotiations a disastrous pattern emerges: women are the most impacted by war but the last faction in society invited to broker the peace agreement. This reveals a profound failure to learn lessons from past conflicts that show that when women are included in the peace process, peace becomes more sustainable. Ever since the outbreak of the conflict in Syria, civil society organisations led by women have taken on the heavy responsibilities of relief and recovery, community peace making and reconciliation, yet these groups have been largely absent from the international negotiations. Women's perspectives and contributions are essential to any effort to end the violence and install a democratic system.

### *1.2 Rationale for Writing this paper:*

I have chosen to study women political representation because of my personal background. Being a Lebanese feminist and a woman in the Middle East, the Syrian women's reality is not far at all from the Lebanese one, as these two neighbouring countries share similar social and cultural moral standings. Growing up in Lebanon, all the violations and prejudices against women didn't seem to spark any consternation to most of the society but were justified under the umbrella of cultural beliefs and religious practices. Being widely exposed, already at an early age to the ideas of the French Enlightenment and its literature and to the freedoms and rights bestowed upon us by the Universal Declaration of Human Rights, I inescapably felt disconcerted by this staggering discrepancy between the rights I enjoy in practice and the rights I am entitled to as a citizen and as a woman. My education coupled with my Middle Eastern experience have engendered in me a political will aimed at interrupting the continuum of the everyday experience of women and the normal expectations of discrimination that go with it. Furthermore, this paper was inspired by my 6 months internship with the UN Department of Political Affairs, Policy Planning Unit and the Mediation Support Unit at the Secretariat, where I provided policy research assistance on peacemaking. I thoroughly researched the impact of minorities and women participation in

peace processes; more specifically, I focused on inclusive mediation process design, gender mainstreaming and the gendering of constitutional law.

### *1.3 Objective of this paper:*

This paper will aim at answering a series of questions revolving around women's political participation in Syria.

1-What are the obstacles facing the Syrian women that have led to their present absence from the peace process?

2- To what extent is the inclusion of gender sensitive provisions important to the peace agreement? Can this measure impact women's human rights on the longer term in Syria?

3- What are the potential impacts of women's full participation on the outcome of the peace process in Syria? Will this participation yield to a faster and more sustainable peace agreement? How can the appointment of more women mediators to the Middle East affect the women, peace and security agenda?

4- To what extent is the Syrian government's complying with its human rights obligations of protection and fulfilment of women's rights? What are the human rights violations affecting women's full political participation in the peace process?

### *1.4 Methodology:*

This thesis is based on a desk review of literature produced by feminist scholars on the connections between women's political participation and peace making. It uses relevant publications on women, peace and security that analyse the obstacles and present various solutions for a truly representational peace process. Furthermore, this paper uses human

rights documents, Security Council resolutions and secondary literatures as the basis of its human rights analysis sections. Moreover, it provides a thematic analysis of data gathered from five interviews with high-level professionals from the UN and international non-governmental organisations. I selected my interviewees based on their extensive knowledge and experience in women's participation in conflict resolution.

I conducted most of the interviews in person in Amman; however, two of the interviews were over Skype.<sup>4</sup> Moreover, some of the experts chose to express themselves in Arabic, as we both speak the language, thus I had to translate some of their answers in order to use them in my study. There are many ways to analyse interviews and one of them being thematic analysis.<sup>5</sup> I chose thematic analysis out of the belief that I do not want to lose any of the profound ideas, suggestions and experience that were raised during the interviews. "Ideas emerge that can better be understood under the control of thematic analysis"<sup>6</sup>. After gathering my data, I searched for common themes and found that they are mainly grouped under: social and political obstacles to Syrian women's inclusion, the high importance of gender sensitive provision in peace agreements, the highly influential presence of women mediators in peace processes and the positive impact of women's full political participation on the outcome of the peace process and agreement. "Thematic analysis is a search for themes that emerge as being important to the description of the phenomenon. The process involves the identification of the themes."<sup>7</sup>

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<sup>4</sup> See annex 1

<sup>5</sup> J. Aronson, *A pragmatic View of Thematic Analysis*. vol.2, no.1, 1995, p.2.

<sup>6</sup> Ibid, p.1

<sup>7</sup> J. Fereday, E. Muir-Cochrane, *Demonstrating Rigor Using Thematic Analysis: A Hybrid Approach of Inductive and Deductive Coding and Theme Development*, International Journal of Qualitative Methods, vol.5, no.1, 2006, p. 258.

### *1.5 Limitations:*

All five-interview partners are Arab women and international professionals working on the Syrian conflict, mainly linked to the UN Secretariat. Whereas a better balance among my interviewees in regards to gender, international versus local background and UN mainstream versus women-specific bodies would have been desirable, it was not possible to achieve this aim, due to workload of several experts addressed. One expert also excused herself due to highly sensitive nature of the work of her organisation.

## **2. United Nations' institutional framework on international peace and security**

The UN was founded to “save succeeding generations from the scourge of war” and one of its core functions is to preserve international peace and security through peacemaking, peacekeeping and peacebuilding.<sup>8</sup> The Charter of the UN calls upon us nations "to unite our strength to maintain international peace and security", and assigns the Security Council (SC) with the duty of "determining the existence of any threat to the peace and deciding what measures shall be taken".<sup>9</sup> This section will talk about the three main bodies of United Nations that deal with peacemaking: the SC, the General Assembly (GA) and the role of the Secretariat enacted by the Secretary General (SG). Furthermore, it will present and explain the UN's core activities of preventive diplomacy, peacemaking and peacekeeping employed in order to maintain international peace and security.

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<sup>8</sup> United Nations, *Charter of the United Nations*, 24 October 1945, Preamble.

<sup>9</sup> Ibid, Preamble

### **2.1.1 The Security Council's role in peacemaking**

According to the UN Charter, the SC is the main body responsible for the conservation of international peace and security. Chapter VI of the UN Charter (peaceful settlement of disputes) with its articles 33 throughout 38 deals with all the soft power measures the SC can and should use to maintain global peace and security. For instance, article 33 states that “the Security Council shall, when it deems necessary, call upon the parties to settle their dispute” using the following means “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice by such means”.<sup>10</sup> Moreover, article 36 of the Charter provides that at any stage of a dispute that might endanger international peace and the security the SC can “recommend appropriate procedures or methods of adjustment” mentioned in article 33 previously.<sup>11</sup> Articles 37 and 38 of the Charter further explain the role that the SC plays in peacemaking efforts. Article 37 states that if the parties to the conflict fail to solve their differences, they “shall refer it to the Security Council”.<sup>12</sup> In its turn the Council “shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate”.<sup>13</sup> Moreover, article 38 asserts that “if all the parties to any dispute so request, make recommendations to the parties with a view to a peaceful settlement of the dispute”.<sup>14</sup> The articles give the SC the power to recommend terms of settlement to the parties; whether they request it or whether the Council considers that the conflict is endangering international peace and security.

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<sup>10</sup> Ibid, article 33

<sup>11</sup> Ibid, article 36.

<sup>12</sup> Ibid, article 37 para 1

<sup>13</sup> Ibid, article 37 para 2

<sup>14</sup> Ibid, article 38

The SC adopted the landmark resolution 1325 on “Women, Peace and Security” on 31 October 2000. The resolution reiterates the vital role of women in conflict prevention, conflict resolution and peace negotiations. It addresses women’s equal participation in peacebuilding and peacekeeping initiatives aimed at the conservation of international peace and security. Resolution 1325 calls on all actors to increase women’s involvement in conflict resolution and to integrate gender sensitive provisions in all UN peace and security decisions and actions.<sup>15</sup> It also urges all parties to the conflict to take special measures in protecting girls and women from rape and other forms of gender based violence facing them in times of war.<sup>16</sup>

### **2.1.2 The General Assembly’s role in peacemaking**

According to article 10 of the UN Charter, the GA “may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter.”<sup>17</sup> Furthermore, according to article 14 of the Charter, the GA “may recommend measures for the peaceful adjustment of any other situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations”.<sup>18</sup> Additionally, the GA may discuss any matter related to international peace and security; however according to article 12 of the Charter the GA “shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests”.<sup>19</sup>

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<sup>15</sup> UN Security Council, Security Council resolution 1325 (2000) [*on women peace and security*], 31 October 2000, S/RES/1325 (2000), preamble.

<sup>16</sup> See chapter 5.4 for a thorough analysis of UN SC resolution 1325

<sup>17</sup> UN Charter, article 10

<sup>18</sup> Ibid, article 14

<sup>19</sup> Ibid, article 12

### 2.1.3 Secretary General's role in peacemaking

Article 99 of the UN Charter attributes to the Secretary-General the power to address to all issue endangering international peace and security. “The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”<sup>20</sup> The role of the SG in peacemaking has continuously evolved since the establishment of the UN; today, his/her role encompasses many functions ranging from good offices, mediation, facilitation, dialogue processes and arbitration. The SG may himself act as a mediator or may assign the job to a special representative to carry through the UN's mediation efforts.<sup>21</sup> Since part of the UN missions' mandate is to aid countries settle their disputes peacefully, many the SG's representatives, who are supervising the UN peacekeeping missions, may as well engage in peace talks.<sup>22</sup> In addition, the SG might engage in peacemaking in response to a request from the GA, the SC or from one of the parties to the conflict.<sup>23</sup> The Department of Political Affairs (DPA) and peacekeeping operations supervised by the Department of Peacekeeping Operations (DPKO) are the two Secretariat agencies responsible for carrying out the UN's mediation and arbitration efforts.<sup>24</sup>

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<sup>20</sup> Ibid, article 99

<sup>21</sup> UN Department of Political Affairs, *the Secretary General and Mediation*, New York, United Nations, 2004, p.1.

<sup>22</sup> Ibid, p.1

<sup>23</sup> Ibid, p.1

<sup>24</sup> Ibid, p.1



### 2.1.3.1 An Agenda for Peace

On 17<sup>th</sup> June 1992, the SG submitted to the Council a report titled “An Agenda for Peace: Preventive Diplomacy (conflict prevention), Peace making, and Peacekeeping.”<sup>25</sup> The report responded to the SC’s request and offered an analysis and recommendations to improve the UN capacity in preventive diplomacy, peacemaking and peacekeeping.<sup>26</sup> The definitions presented in this report, that are also used for the purpose of the present thesis<sup>27</sup> and have served as the corner stones for the UN peace and security agenda:

- Preventive diplomacy is “an action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur”.<sup>28</sup>

Preventive diplomacy dictates the application of diplomatic measures in order to avoid an escalation of the tensions -whether inter-state or intra-state-into a bloodthirsty conflict. Mainly, it should rely on information assembling, early warning signs, and a heedful analysis of the elements contributing to the conflict. This may also entail the utilisation of the SG’s good offices.<sup>29</sup>

- Peacemaking is “the action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United

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<sup>25</sup> UN Secretary General Report, *An Agenda for Peace Preventive Diplomacy Peacemaking and Peacekeeping*, New York, United Nations, 1992, para15.

<sup>26</sup> Ibid, para 15

<sup>27</sup> Refer to chapter 1.4

<sup>28</sup> Supra note 25, para 15

<sup>29</sup> UNDPKO Department of Peacekeeping Operations, *United Nations Peacekeeping Operations Principles and Guidelines*, New York, United Nations, 2008, p.18.

Nations”.<sup>30</sup>

Peacemaking predominantly encompasses measures to tackle on going conflicts and entails diplomatic action to bring contentious parties to a negotiated peace deal. Driven by his own good sense or requested by the SC or the GA, the SG at any moment may use his or her “good offices” to expedite the resolution of the conflict. Peacemakers may also be envoys, mediators, governments, and groups of states or regional organizations. Moreover, peacemaking efforts may also be carried out by unofficial and non-governmental entities, or by a well a respected personality working autonomously.<sup>31</sup>

- Peacekeeping is “the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peacekeeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace”.<sup>32</sup>

Peacekeeping is a technique employed to conserve the peace no matter how volatile, in places where fighting has stopped; and to help in enforcing agreements reached by the peacemakers. With time passing, peacekeeping has progressed from a military model of observing cease-fires into including a complex model of several elements ranging from military, police and civilian concerted working on setting the foundations for a durable peace.<sup>33</sup>

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<sup>30</sup> Supra note 25 para15.

<sup>31</sup> Supra note 29, p.18.

<sup>32</sup> Supra note 25 para15.

<sup>33</sup> Supra note 29, p.18

The hard lines separating conflict prevention, peacemaking and peacekeeping intersect because UN peace operations are seldom constraint to a single kind of activity.<sup>34</sup> They hardly ever arise in a linear or successive way; indeed previous experience has demonstrated that they should be viewed as reciprocally reinforcing.<sup>35</sup> When employed in isolation, they actually fail to give the all-inclusive approach required to tackle the root cause of the conflict, thereby once identified can drastically diminish the risk of relapsing into conflict again.<sup>36</sup>

## 2.2 Feminist debates around women and peace

When gender is used as an analytical tool it actually unfolds numerous undiscovered and neglected aspects of peace and conflict that are overlooked in other approaches.<sup>37</sup> It is crucial to “highlight the interconnections between the structure of female oppression, violence against women and the origins of conflict”<sup>38</sup>. Anderlini pushes the envelope by suggesting that applying a gender lens serves as an early warning sign to the outburst of a conflict, as “deterioration or changes in the status of men or women can be the earliest signs of conflict trends that might lead to violence”.<sup>39</sup> Academic feminism has mainly contributed to the study of peace and conflict by stressing on the absence of gender analysis and the vitality of its

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<sup>34</sup> Ibid, p.18

<sup>35</sup> Ibid, p.18

<sup>36</sup> Ibid, p.18

<sup>37</sup> M. Vilellas Arino, *The Participation of Women in Peace Processes. The Other Tables*, Barcelona, Institut Catala International per la Pau, 2010, p.18

<sup>38</sup> B. Byrne, *Towards a Gendered Understanding of Conflict*, Institute of Development Studies, London, 1996, vol.27, no.3, p.31.

<sup>39</sup> S. Anderlini, *Women at the Peace Table Making a Difference*, New York, United Nations Development Fund for Women UNIFEM, 2000, p. 30

consideration when studying both phenomena.<sup>40</sup> The relation between women and peace has long been debated; in this section, the three main feminist schools studying this relation will be thoroughly discussed.

### **2.2.1 The three feminist schools of thought**

#### **a-The “Essentialist” point of view**

Sheperd among other scholars has embraced an Essentialist point of view based on the premise that women have a natural attachment to peace.<sup>41</sup> Women are perceived to be peaceful by nature, unable to cause violence, while men are seen as “violent beings”. This approach has been widely criticised, because whenever we naturalise women’s behaviour we risk in depoliticising their positions with respect to war and peace. Moreover, this view installs a discriminatory and an unequal order in which women remain victimised in patriarchal societies: “the Essentialist construction of men as aggressive and violent fits the nationalist-militaristic myth in which we fight for the sake of the women and children”.<sup>42</sup> This kind of relation between women and peace has been supported by the sexist gender stereotypes that have categorised women as passive, highly emotional and victims.<sup>43</sup> Besides, “the association of women with peace and moral superiority has a long history of keeping women out of power”.<sup>44</sup>

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<sup>40</sup> Villelas Arino, p.18

<sup>41</sup> L. Sheperd, *Gender Violence and Security*, Zed Books, London, 1997, p.23.

<sup>42</sup> N. Yuval Davis, *Gender and Nation*, London, Sage Publications, 1997, p.111

<sup>43</sup> J. Tickner, *Why Women Can't Run the World: International Politics According to Francis Fukuyama*, *International Studies Review*, vol.1, no.3, 1999, p. 4

<sup>44</sup> *Ibid*, p.4

b- The “Maternal Thinking” point of view

The second approach tied women’s involvement in peace to motherhood, further explaining that their role as mothers naturally compels them to be peace advocates.<sup>45</sup>

Historically, women’s role in society as caregivers explains, for part of them, the reason behind their connection to pacifism.<sup>46</sup> As Ruddick asserted, “the contradiction between violence and maternal work is evident”.<sup>47</sup> Dolores highlighted the fact that some women mobilise for peace to offer better living standards not just for women but also for their children and families primarily.<sup>48</sup> She also opposed the idea that, relating motherhood to peace involvement inevitably suggests an essentialist position because in her opinion, motherhood can “reflect an important aspect of most women’s lived experience, it can unify women, can be a source of authority and a powerful tool for resistance”.<sup>49</sup> Throughout history, the notion of motherhood has mobilised many women’s peace movements and inspired their practises and discourses.<sup>50</sup> However, this approach was received with heavy criticisms. Cockburn pointed out that as a result, all those women who are not mothers and do not wish to be are excluded from the debate of women, peace and political activism; further, this approach can further enhance patriarchal gender roles and diminishes women’s autonomy.<sup>51</sup> Along the same lines, Coomaraswamy and Fonsenka reiterated Cockburn’s second reason by highlighting the fact that women have been historically assigned domestic

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<sup>45</sup> Villelas Arino, p.19

<sup>46</sup> V. Shiva, *Staying Alive*, London, Zed Books, 1988, p.42

<sup>47</sup> S. Ruddick, *Maternal Thinking*, Boston, Beacon Press, 1989, p. 220

<sup>48</sup> M. Dolores, *Women and Peace: Genesis and Evolution of Conceptualizations, Symbols and Practices*, Barcelona, Instituto de la Mujer, 2004, p.33.

<sup>49</sup> Ibid, p.35

<sup>50</sup> Villelas Arino, p.20

<sup>51</sup> C. Cockburn, *From Where We Stand*, London, Zed Books, 2007, p.209

roles relating only to family life; those roles seem to be antithetic to wars and violence, thus inherently marginalising their role in politics.<sup>52</sup>

c- The attribution of women's pacifism to their exclusion from politics

Drawing upon these two previous approaches, feminists advanced a third point of view stating that women's inclination for peace is directly linked to their exclusion from the military and from the political sphere. This point of view presented by Coomaraswamy and Fonseka opposes the previous ones attributing women's pacifism to their biological nature or to their roles as mothers and nurturers.<sup>53</sup> It is not only their alienation from politics, but also the fact that "women are virtually nowhere drafted and forced to fight in wars which they don't approve of".<sup>54</sup> Virginia Woolf in 1940 was one of the first women to communicate this feeling of alienation in a world where wars and violence take place.<sup>55</sup> Her insightful and elegant words elucidate this idea:

"All the idea-makers who are in a position to make ideas effective are men. That is a thought that damps thinking, and encourages irresponsibility. Why not bury the head in the pillow, plug the ears, and cease this futile activity of idea making? Because there are other tables besides officer tables and conference tables. Are we not leaving the young Englishman without a weapon that might be of value to him if we give up private thinking, tea-table

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<sup>52</sup> R. Coomaraswamy & D. Fonseka, *Peace Work*, New Delhi, Women Unlimited, 2004, p. 6

<sup>53</sup> Ibid, p.7

<sup>54</sup> N. Yuval Davis, p.112

<sup>55</sup> Villelas Arino, p.20

thinking, because it seems useless?”<sup>56</sup> This passage reinforces the idea linking women’s exclusion from the political life and from decision-making positions to their pacifism.<sup>57</sup>

### 2.2.2 Links between feminist and peace theories

As mentioned previously, feminism and pacifism have several similarities, few of them associated with the core issues of the two disciplines. This section will study the relation between feminist and peace research and highlight the common elements found in the two fields. Confortini views that “both feminism and peace studies, unlike much of the rest of social science, have an explicitly value-laden, normative agenda: their ultimate goals are peace (for peace studies) and gender equality (for feminism)”.<sup>58</sup> Feminism has greatly added to the evolution and expansion of peace studies.<sup>59</sup> First and foremost, the very concept of peace has been readapted and amended in order to include the gender component.<sup>60</sup> The term “positive peace” used by Galtung was the principle main addition that helped develop the concept of peace from “absence of direct violence” to including notions of equality social and political justice for women and marginalised groups and most importantly a democratic system.<sup>61</sup> Brot-Utne was among the first scholars to study peace research from a feminist angle, she simply asked peace researchers to think in function of one question: “What would this piece of research look like when viewed from a feminist perspective?”<sup>62</sup> The abolition of

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<sup>56</sup> V. Woolf, *Thoughts on Peace in an Air Raid*, Penguin, London, 2009, p. 42 (written in 1940)

<sup>57</sup> Villelas p.21

<sup>58</sup> C. Confortini, *Galtung Violence and Gender: the Case for a Peace Studies/ Feminism Alliance*, Peace and Change, 2006, vol.3, no.3, p.334.

<sup>59</sup> Villelas Arino, p.21

<sup>60</sup> J. Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, International Peace Research Institute, London, 1996, p.139.

<sup>61</sup> Ibid, p.139

<sup>62</sup> B. Brock-Utne, *Feminist Perspectives on Peace and Peace Education*, The Athene Series, New York, 1989, p. 68

gender based systemic violence is a precondition and a necessity for a state of positive peace in a country.<sup>63</sup> Brot-Utne expanded the notion of positive peace by emphasising the salient inclusion of a feminist approach while conducting research on peace.<sup>64</sup> Moreover, economic social and cultural factors should equally be included in the study of war from a feminist approach. When analysed exclusively, gender relations are incapable of depicting the “full story” of the armed conflict. Thus, gender relations are a crucial component to the study of armed conflicts and need to be highly considered in parallel to the other political, social and economic elements when analysing a conflict.<sup>65</sup> In this sense, “gender is an analytical lens through which wider social relations can be understood”.<sup>66</sup>

In conclusion, feminism has always viewed matters of peace and violence fundamental to their studies and research.<sup>67</sup> Feminism cannot be imagined without the consideration of the impacts that violence has had on the lives of women in our world.<sup>68</sup> As Tickner expressed, “the key concern for feminist theory is to explain women’s subordination” and violence has enacted an obvious role in this subordination.<sup>69</sup> Moreover, Villelas Arino argues that “the foundation of patriarchy and sexism is violence, whose most visible expression are battered women”.<sup>70</sup> Other scholars like Golstein accentuate the highly masculinised nature of armed

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<sup>63</sup> Ibid, p.68

<sup>64</sup> Ibid p.69

<sup>65</sup> Villelas Arino, p.22

<sup>66</sup> J. El-Bushra, *Fused in Combat: Gender Relations and Armed Conflict*, Oxford Committee for Famine Relief OXFAM, London, 2004, p. 169

<sup>67</sup> Ibid, p.15

<sup>68</sup> Ibid, p.15

<sup>69</sup> J. Tickner, *Gendering World Politics*, Columbia University Press, New York, 2001, p. 11

<sup>70</sup> Villelas Arino, p.23



conflicts: “ war is among the most consistently gendered of human activities”.<sup>71</sup> Violence against women has been explored from numerous divergent perspectives in line with the diverse theories conforming to feminism<sup>72</sup>. Nonetheless, the concept that “violence is deeply implicated in the construction and reproduction of gender relations” has ever been the unifying ground of all these perspectives.<sup>73</sup>

### **3.1 The impediments to women participation**

Between 1992 and 2011, only nine per cent of negotiators and two per cent of chief mediators were women out of 31 major peace processes.<sup>74</sup> The mediation terrain presents a number of barriers to women’s inclusion in the peace making process. Nevertheless, with time passing and with the continuous evolvement of the peace and security agenda of the UN, the goal became to build positive sustainable peace, not just a cease-fire.<sup>75</sup> Given the fact that the agreed peace deal forms the foundation of the future post-conflict society, the inclusion of gender provisions aimed at accelerating women’s participation in all aspects of society and the discussion of women’s needs during the peace process are equally important to other political issues considered vital to an effective agreement.<sup>76</sup> If the true goal is to mobilise people and establish a society that is able to confront the latent causes of the

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<sup>71</sup> J. Golstein, *War and Gender: How Gender Shapes the War System and Vice Versa*. Cambridge University, Cambridge, 2001, p.33

<sup>72</sup> Shepherd, p.36

<sup>73</sup> Confortini, p.336

<sup>74</sup> Supra note 3, p. 3.

<sup>75</sup> M. O’reily, A. O Suilleabhain, T. Paffenholz, *Reimagining Peacemaking: Women’s Roles in Peace Processes*, New York, International Peace Institute, 2015, p.1

<sup>76</sup> Villellas Arino, p. 36

conflict, then women issues should be of high priority on the peace agenda.<sup>77</sup> In order to obtain a sustainable peace agreement, all factions of society including minorities and marginalised groups should be well represented at the peace table, their needs addressed, and their rights protected. Keeping in mind that approximately half the population of every society is composed of women, their inclusion becomes mandatory to successfully answer to the needs of the people and to enhance the durability of the peace. The following section will highlight major barriers to women's inclusion in peace processes.

### **3.1.1 Socially enrooted gender biases**

Women's initiatives to take part in peace processes have been met with little success due to deeply rooted gender biases.<sup>78</sup> Antonia Potter in her study for the "Centre of Humanitarian Dialogue" identifies the absent political will to include women in peace processes as a major obstacle to equal participation.<sup>79</sup> Women's inclusion has posed a threat, in the eyes of the patriarchal regimes, to the peace and security agenda because women's security needs challenge the mainstream notion of the international system's understanding of peace and security; an understanding that is focused on state security rather than on human security.<sup>80</sup> In men's view, women's inclusion in peace processes averts the peace agenda in the direction of "women's issues".<sup>81</sup> Anderlini states that many policymakers think that women's issues and gender equality are not adequate subjects to discuss at the peace table.<sup>82</sup>

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<sup>77</sup> Ibid, p.36

<sup>78</sup> Ibid, p. 32

<sup>79</sup> A. Potter, *We the Women Why Conflict Mediation is not Just for Men*, Geneva, Center for Humanitarian Dialogue, 2005, p. 7

<sup>80</sup> O'reily, O Suilleabhain, Paffenholz, p.1

<sup>81</sup> Potter, p. 7

<sup>82</sup> S. Anderlini, *Women at the Peace Table Making a Difference*, New York, United Nations Development Fund for Women UNIFEM, 2000, p. 31

Furthermore, most of the leaders of violent groups and even elected governments are highly dubious of women's participation in negotiations and of the inclusion of gender provisions in peace processes, because these two elements are not believed to be crucial for conflict mediation.<sup>83</sup> In their view it doesn't contribute in anyway to achieving their goals- mostly fighting for national liberation.<sup>84</sup> According to a report by International Alert report, "in male-dominated societies where women have not been involved in political affairs, often those who do not enter the political space are viewed with scepticism and distrust by other women and men".<sup>85</sup> Besides, any sort of intervention is almost never well received at the negotiating table, let alone when it is the women initiating this intervention.<sup>86</sup> In this regard, the peace table is rarely perceived in such societies to be the correct forum to tackle 'cultural norms' and as the International Alert report suggests, lobbying for women inclusion can estrange some party leaders, thus jeopardising a chance for peace.<sup>87</sup>

### **3.1.2 Political obstacles**

Historically speaking the only goal of peace negotiations was to end the violence on the ground. In this scenario women fail to secure a place on the peace table because they rarely are belligerents.<sup>88</sup> This is not to imply that women are never combatants however, the sweeping majority of women, during times of conflict, do not participate in the fighting. In periods of chaos and war, it is the people carrying arms that are viewed as most powerful and

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<sup>83</sup> Villelas Arino, p.35

<sup>84</sup> Ibid, p.35

<sup>85</sup> International Alert, *Inclusive Security Sustainable Peace Toolkit for Advocacy and Action*, Internal Alert, London, 2004, p. 16

<sup>86</sup> Ibid, p. 16

<sup>87</sup> Ibid, p.17

<sup>88</sup> O'reily, O Suilleabhain, Paffenholz, p.1

impactful in their societies. Thus, whenever there is a will to start a mediation process it is the armed parties that are invited to the peace table. This way of viewing conflicts further enroots the fallacious assumption that only the people with arms can have a voice at the negotiations table. Given this reality, women are extremely disadvantaged and have no space at the table because they are not armed. Furthermore, Villellas Arino supposes that it is due to the negligible number of women leaders in armed parties and in the diplomatic corps, that their presence is negligible in the peace process.<sup>89</sup> In addition, political power generally belongs in the hands of the exclusive male elites of societies, and women are underrepresented in every department and division “including in international agencies supporting peace negotiations, in negotiation teams representing the warring parties, and in other institutions invited to the negotiation table”.<sup>90</sup>

### **3.1.3 The challenging nature of the peace table**

Political power on the national level generally belongs in the hands of the exclusive male elites of societies resulting the marginalisation of women’s role in peace efforts. Moreover, women are not only excluded from the domestic level but also at the international level with mediators and facilitators being predominantly men.<sup>91</sup> To make matters for their inclusion worse, when they take part in the negotiations whether in the capacity of a mediator or participant, women affront a dual challenge. First, they suddenly find themselves sitting in a forum where the rules have been carefully tailored to the interests and the needs of the parties initiating the process (male elites). Second, they face the challenge of altering the highly masculinised negotiating structure that never took into consideration how hard it is for

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<sup>89</sup> Villellas Arino, p.34

<sup>90</sup> T. Bouta, G. Frerks & I. Bannon, *Gender, Conflict and Development*, World Bank, Washington D.C., 2005. p.51

<sup>91</sup> Villellas Arino, p.34

women to sit at the peace table given such an environment.<sup>92</sup> There is also another important point to highlight, which is the importance of informal personal bonds between the parties negotiating the peace.<sup>93</sup> The more personal the relations get, the more they are open to trusting each other's at the peace table.<sup>94</sup> When men contest the presence of women at the table and when women face numerous challenges, it becomes very difficult for them to take part in these men dominated informal relationships. Consequently, women miss out on the chance of solidifying their ties with rival parties.<sup>95</sup>

#### **3.1.4 Economic barriers**

A crucial last obstacle to women's participation in peace processes is the unavailability of economic resources and the struggle of reconciling familial responsibilities with political activism.<sup>96</sup> Women play the role of caretakers of their house; they raise their children and fulfil their husbands' needs. This argument suggests that when women have limited financials, they would have to choose between political activism and looking after their families.

### **3.2 Models of women's inclusion in peace processes**

Peace agreements document the accords between the parties to the conflict with an aim of terminating violence and establishing a democratic rule that ensures equal human rights for

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<sup>92</sup> Ibid, p.36

<sup>93</sup> Ibid, p.35

<sup>94</sup> Ibid, p.35

<sup>95</sup> Ibid, p.35

<sup>96</sup> Ibid, p.36

all.<sup>97</sup> Hence, inclusion of women in peace agreement is an essential first step to fulfilling other social, legal and political rights for women. “The inclusion of issues relating to the status of women in peace agreement texts is significant not just for the inclusion of women in peacebuilding strategies, but for their future inclusion in the domestic political and legal order itself.”<sup>98</sup> Peace agreements amass a quasi-constitutional quality, and may sometimes result in establishing constitutions.<sup>99</sup> Peace agreements lay down a structure for new democratic institutions and restructure the security and justice sectors. “They therefore operate as ‘power-maps’ for how power will be held and exercised between the body politic and its institutions.”<sup>100</sup> Women’s participation in peace processes takes various forms and can be achieved in several ways other than direct participation at the negotiation table. This section focuses on the models of inclusion for women in civil society and in conflict mediation in order to attain a more equitable representation. It presents seven models of inclusion, with specific and detailed emphasis on the “direct inclusion model” being the most challenged and contentious form of participation.<sup>101</sup> The different models of inclusion are not mutually exclusive; depending on the context of the situation, these forms of participation are established throughout the various stages of the peace process. These models are not only employed to increase women’s participation but they are also applicable for the participation of any marginalised group in society whose inclusion can reflect positively on peacemaking.

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<sup>97</sup> C. Bell, C. O’Rourke, *UN Security Council Resolution 1325 and Peace Negotiations and Agreements*, Geneva, Centre for Humanitarian Dialogue, 2011, p.3.

<sup>98</sup> Ibid, p.4

<sup>99</sup> Ibid, p.4

<sup>100</sup> Ibid, p.4

<sup>101</sup> O’Reilly, O Súilleabháin, and Paffenholz, p.13.

### 3.2.1 Direct participation at the negotiation table

Whether in national dialogues or in official peace talks, women's inclusion at the peace table contributes to a more democratic decision-making process by increasing the representation and the legitimacy of the negotiation process.<sup>102</sup> Direct participation entails women's participation as part of negotiating delegations or as mediators. This model represents the most direct form of participation and gives women the chance to pressure and influence the peace talks.<sup>103</sup> Furthermore, it contributes to a higher women political participation in post conflict.

Nonetheless, a woman's seat at the table does not mean that she will obligingly raise issues and concerns different from those of the men.<sup>104</sup> Women usually are included as part of delegations representing parties to the conflict rather than women only delegations advocating for women's rights.<sup>105</sup> When only very few women are present at the negotiations table, it reveals to be hard for them to have a different point of view than the dominant one, or to successfully make their demands met and views heard.<sup>106</sup>

Pacifist women's groups are more prone than men in pushing for peace at the table, and the model of direct representation can give them a status in the peace process equal to the one given to parties to the conflict. Including women groups at the peace table changes the

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<sup>102</sup> Ibid p. 14

<sup>103</sup> Christine Bell, *Women and Peace Processes, Negotiations, and Agreements: Operational Opportunities and Challenges*, Norwegian Peacebuilding Resource Centre (NOREF), March 2013.p.15.

<sup>104</sup> O'Reilly, Súilleabháin, and Paffenholz, P.14

<sup>105</sup> P. Castillo Diaz and S., Tordjman, *Women's Participation in Peace Negotiations: Connections between Presence and Influence*, New York, United Nations Entity for Gender Equality and Empowerment of Women UN Women, 2010, p. 16.

<sup>106</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.14

traditional approach of peacemaking that throughout history only allowed armed parties to have the main positions at the negotiation's table.<sup>107</sup> Graça Machel co-mediator in Kenya in 2008 clarified this point: "When you give prominence to the warring parties at the expense of consulting and involving the majority of people, you are giving them rights to decide on behalf of the others, in essence rewarding them for having taken up arms."<sup>108</sup>

However, direct representation does not guarantee decision-making power. Usually a meagre group of male leaders takes all decisions, in spite of the inclusion of women delegations.<sup>109</sup> For example, in an attempt to ensure a broad societal mandate for the negotiations of the 2001 Inter-Congolese Dialogue, several parties were invited to the peace table including the Government of the Democratic Republic of the Congo, the unarmed opposition, the armed groups, and women's groups as part of the civil society delegations. Yet these aforementioned groups did not have an equal influence on the peace agreement, the armed groups and the government dominated the decision-making process.<sup>110</sup>

### 3.2.2 Observer status

The observer status is aimed at broadening participation in peace processes. It allows women to pressure and influence the parties at the peace table using a less formal structure. Observer status can be useful and impactful if the designated group has a high moral standing in the country, this way the delegations negotiating the peace deal would be keen on listening to the group's opinion, views and measures suggested.<sup>111</sup> Moreover, observers do not have formal

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<sup>107</sup> Ibid p.14

<sup>108</sup> *Life as a Peacemaker: A Frank Conversation with Said Djinnit, Graca Machel, and Hassan Wirajuda*, Center for Humanitarian Dialogue, Oslo, 2010, p.24.

<sup>109</sup> O'Reilly, Súilleabháin, and Paffenholz, p.15

<sup>110</sup> Ibid p.15

<sup>111</sup> Ibid p.15



decision-making power, thus a mediator who is strong on women issues is crucial for the effective realisation of this model.<sup>112</sup>

In 2003, during the Accra peace talks on Liberia, the Inter-Religious Council for Liberia, the Liberian Bar Association and the Mano River Women's Peace Network effectively took on the role of observers.<sup>113</sup> They coordinated with the outside civil society organisations in order to hold the participating parties accountable for the violence and to upkeep the momentum in order to reach a long-lasting peace deal.<sup>114</sup> The regional Mano River Women's Peace Network became famous for their successful role in public mobilisation for peace. However, the Women's International Peace Network turned down an observer status because they felt they could more effectually pressure the parties at the peace table from the outside. Indeed, they held mass demonstrations in support of the negotiations and forced the negotiating parties to agree on a peace deal.<sup>115</sup>

### **3.2.3 Consultations**

Consultations are an alternative way for women to affect the negotiations' outcome without directly taking part in the talks and to create a wider sense of local ownership and inclusivity over the peace process. Consultations come to pass as the most prevalent form of inclusion; in some situations they can be formally endorsed thus constructing an important constituent

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<sup>112</sup> T. Paffenholz, *Civil Society and Peace Negotiations: Beyond the Inclusion-Exclusion Dichotomy*. Boston, Negotiation Journal, 2014, p.12.

<sup>113</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.15

<sup>114</sup> Ibid, p.16

<sup>115</sup> Ibid, p.16

of the mediation's structure.<sup>116</sup>

A formal consultative forum can assume the function of an official advisory body to the mediation process, having an explicit communication channel with the official negotiations.<sup>117</sup> It either can be formed of high-class society individuals or can encompass a wider spectrum of factions. For example during peace negotiations in Guatemala in 1994, women played a crucial role within the formal consultative forums.<sup>118</sup> Through this platform, they effectively made their voices heard.<sup>119</sup> These forums were established to ensure wider participation of social and political actors with the intension of enriching the peace agenda and simultaneously according higher legitimacy to the peace process.<sup>120</sup> Consultations can as well be less formal; in evidence after violent elections in 2008, Kenyan women formed their own consultative body during the African Union-led mediation.<sup>121</sup> A group of twelve women from different civil society groups met with the women in the delegations who are sitting at the table and they together deliberated on women's issues and needs in an effort to unify Kenyan women's voices and demands. Through the formation of the informal consultative body, women at the grass root level successfully infiltrated the highly exclusive negotiation table and made their voices heard.

Another form of consultations are public consultations, they are broad-based meetings between all representatives of the civil society and can take place during the peace negotiations. Nonetheless, these are usually part of peacekeeping efforts rather than conflict

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<sup>116</sup> T. Paffenholz, *Main Results of Broader Participation in Political Negotiations and Implementation*, Geneva, The Graduate Institute of International and Development Studies, 2015, p.1.

<sup>117</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.16

<sup>118</sup> Ibid, p.16 (this case will be closely analysed in the next section)

<sup>119</sup> Paffenholz, 2014, p.12

<sup>120</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.17

<sup>121</sup> Ibid p.17

resolution.<sup>122</sup> For instance, in Northern Ireland, Kenya and Afghanistan, public consultations were used in the constitution-making processes; it proved to be an effective strategy in order to ensure that people's opinions and needs are reflected in the new constitution.<sup>123</sup>

### **3.2.4 Inclusive commissions**

Inclusive commissions are usually formed post conflict resolution stages in order to implement the important provisions in the peace agreement. In this specific case, “inclusive” means offering to the groups that have been historically marginalised <sup>124</sup> seats in the commissions and to give them the same rights of participation accorded to the groups that are usually well represented in the society. Commissions are set up for issues like transitional justice, cease-fire monitoring and constitution building and in rare instances, they are founded to lay ground for or to lead the peace process.<sup>125</sup>

Alternatively, commissions are formed as permanent bodies to deal with the outcome of the peace process, as was the case in Kyrgyzstan, where an Inter-Ethnic Commission was established to prevent and decrease ethnic tensions and injuries.<sup>126</sup> However, the inclusiveness of these commissions is a major prerequisite for their success.<sup>127</sup> Thus, the more the functions of these inclusive commissions are mentioned and described in the peace agreement, the more they are effective. Gender quotas have paved the way for an important

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<sup>122</sup> Ibid p.17

<sup>123</sup> Ibid p.17

<sup>124</sup> Women in this case

<sup>125</sup> Ibid p.17

<sup>126</sup> Paffenholz, 2014, p.15

<sup>127</sup> O'Reilly, Súilleabháin, and Paffenholz, p.17

blend of women with diverse expertise to be part of the commissions.<sup>128</sup>

### **3.2.5 High-level problem solving workshops**

These workshops are unofficial and part of closed diplomacy thus, they are not publicised. They gather the persons close to the heads of the warring parties around the table, in such a way providing them with a platform to discuss peace without the pressure to agree on a deal.<sup>129</sup> During the conflict, these workshops can be held either once or several times.<sup>130</sup>

These types of workshops are very useful because belligerents frequently refuse to gather in public.<sup>131</sup> Participants can draft position papers or at-times agreements that may serve as a basis for the official negotiations.<sup>132</sup> However, it is solely up to the mediators to the conflict to take into consideration these workshops and make use of their final results. Generally, the exclusive powerful political circles are male dominated resulting in low inclusion of women in this mechanism.<sup>133</sup> Women are disadvantaged in these workshops, as the main reason behind the selection of participants is their closeness to the party leaders.<sup>134</sup>

However, problem-solving workshops solely for women may as well be beneficial. During the beginning of the Inter-Congolese Political Negotiations in the Democratic Republic of the Congo a workshop exclusively for women was organised by UN Development Fund for

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<sup>128</sup> Ibid, p.17

<sup>129</sup> Ibid, p.17

<sup>130</sup> Ibid, p.17

<sup>131</sup> Ibid, p.17

<sup>132</sup> Ibid, p.17

<sup>133</sup> O'Reilly, Súilleabháin, and Paffenholz, p.17

<sup>134</sup> Paffenholz, 2014, p.18

Women and local Nation Governmental Organisations.<sup>135</sup> They trained 64 women for the direct participation in the Inter-Congolese Dialogue.<sup>136</sup> Issues like the effective participation in negotiations and the gender dimensions of reforms were taken up and thoroughly discussed during the workshop.<sup>137</sup> The participants were able to get around their differences and settle for a declaration and a plan of action for all women despite their opposing ethnic and party allegiances.<sup>138</sup>

### **3.2.6 Public decision-making**

Public decision-making, generally in the form of referenda, is a potent mechanism to get public acceptance of a pact negotiated by members of the political elite. Using this model, new constitutions or peace agreements can be presented to the electorate for ratification, and the decisions and outcomes are mostly binding.<sup>139</sup> This strategy can add democratic legitimacy to the overall process, especially when the negotiations earn public support. Moreover, this strategy reinforces national ownership with its inclusion of the public opinion thus resulting in a more sustainable peace.<sup>140</sup> One important factor is the need for a careful consideration before deciding to put a peace agreement to public vote, simply because a vote opposing the accord impedes its implementation and most of the time delays the process a whole.<sup>141</sup>

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<sup>135</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.18

<sup>136</sup> Ibid, p.18

<sup>137</sup> Ibid, p.18

<sup>138</sup> Paffenholz, 2014, p.20

<sup>139</sup> Ibid, p.18

<sup>140</sup> Ibid, p.18

<sup>141</sup> Paffenholz, 2014, p.20

One of the renowned cases illustrating this mechanism is the decision to put the “Annan Plan” in 2000 to a referendum in Cyprus. It was perceived as mandatory to secure a mandate for the agreement. Nonetheless, Greek Cypriots refuted the plan and this rejection put the entire process on hold. The chief reason for this dismissal has been the lack of acclamation from the leading political party in Cyprus.<sup>142</sup> In contrast, Catholic and Protestant women made a petition and received the 10000 signatures needed to form a political party. They called their party “Northern Ireland Women’s Coalition” (NIWC): it was met with great endorsement and successfully participated in the negotiations of peace. The NIWC brought women’s issues and concerns to the peace table. In 1998, the referendum over the Good Friday Agreement in Northern Ireland was laboriously endorsed by all the main United Kingdom’s political parties through an advocacy and communications strategy and resulted in the United Kingdom’s parliament backing of the deal.<sup>143</sup> The NIWC played an essential role through their initiation of the “YES campaign” for the approval and promotion of the referendum.<sup>144</sup> Later on, women assumed various political positions and successfully managed to include a clause calling for equal women participation in the government.

### **3.2.7 Mass action**

Mass action can generate a pro or an anti-peace deal climate. They can also give the negotiating parties insight about the public opinion’s stand with regards to their position.<sup>145</sup> It is challenging for peace mediators to influence the mass actions, however they are an important mechanism that can be used to measure the general public’s receptivity of the

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<sup>142</sup> O’Reilly, O Súilleabháin, and Paffenholz, p.18

<sup>143</sup> Ibid, p.18

<sup>144</sup> Ibid, p.18

<sup>145</sup> Ibid, p.18

peace agreement.<sup>146</sup> It is no surprise that women are a minority at the peace table because they hold very few positions in the political and military domain in general.<sup>147</sup> Nevertheless, they are active members of the civil society and initiators of movements calling for peace; additionally, they enjoy more freedom of movement than fellow men in the society, because for the most part they are not viewed as belligerents.<sup>148</sup> Thus, women are specifically well situated to put pressure and influence the process using mass action.<sup>149</sup>

There are undeniably many cases where women mobilised themselves through mass action for peace and successfully affected the formal negotiations.<sup>150</sup> In Liberia in 2003, the Women in Peacebuilding Network through mass actions pressured the contentious parties to agree on a peace deal.<sup>151</sup> They actually launched a sex strike, where women abstained from engaging in sexual activities with their male partners.<sup>152</sup> Liberian women gathered, including the sex workers, and shut the entry doors to the peace table as well as they organised mass demonstrations all over the country.<sup>153</sup> This women mobilisation initiative was successful, as they were finally invited to sit at the peace table and contribute to the drafting of the peace agreement. Another example comes from Sri Lanka, where in 2001 a businesswoman gathered business heavy weights in a group under the name “Sri Lanka First”.<sup>154</sup> They

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<sup>146</sup> Paffenholz, 2014, p.22

<sup>147</sup> Ibid, p.22

<sup>148</sup> O'Reilly, O Súilleabháin and Paffenholz, p.18

<sup>149</sup> Ibid, p.18

<sup>150</sup> Ibid, p.18

<sup>151</sup> Ibid, p.18

<sup>152</sup> Ibid, p.18

<sup>153</sup> Ibid, p.18

<sup>154</sup> D. Sweetman, *Business, Conflict Resolution and Peacebuilding*, Routledge Studies in Peace and Conflict Resolution, New York, 2009, p. 43

mobilised other partners and organised a mass scale demonstration of one million people.<sup>155</sup> This mass action is considered one of the main reasons why political parties began the peace negotiations with the “Liberation Tigers of Tamil Eelam”.<sup>156</sup> Lastly, in Somaliland women organised consistent demonstrations in front the building where the negotiations were held, in the effort to be granted seats at the peace table.<sup>157</sup> Indeed, their strategy worked and they were eventually granted official observers status in 1993 during the “Baroma Conference for Peace”.<sup>158</sup>

### **3.3 Women as agents of change**

Peace agreements are most of the times negotiated behind closed doors by military and political elites who happen to be the majority of the times men.<sup>159</sup> This fact has frequently been subject for feminist critique. According to Bell and O’Rourke “means and ends are generally viewed as related, raising doubts as to whether provisions capable of delivering substantive change for women can be normatively propelled into agreements produced in contexts that permit neither their involvement nor broader public consultation or democratic input.”<sup>160</sup> The absence of women in formal peace talks is blatant.<sup>161</sup> Nonetheless, women worldwide have dedicated themselves to the cause of peace, and their mobilisation has been critical in presenting peaceful solutions for several armed conflicts all over the world.

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<sup>155</sup> Ibid, p.44

<sup>156</sup> Ibid, p.44

<sup>157</sup> O’Reilly, O Súilleabháin, and Paffenholz, p.19

<sup>158</sup> Ibid, p.19

<sup>159</sup> International Alert, *Inclusive Security Sustainable Peace Toolkit for Advocacy and Action*, International Alert, London, 2004, p.14

<sup>160</sup> Bell, O’Rourke, p.4

<sup>161</sup> T. Bouta, G. Frerks & I. Bannon, *Gender, Conflict and Development*, World Bank, Washington D.C., 2005. p.54



Women at many instances have called for the cessation of conflicts and hostilities that had devastated their countries. In fact, they have contributed to the solution by presenting relevant and valuable recommendations. These suggestions can initiate a transition from a state of war to a state of peace.<sup>162</sup> Customarily, women view local unofficial peace processes inside their communities as an opportunity to get involved in the public and political arenas, they are recognised for organising themselves and politically mobilising, namely in the nongovernmental sector.<sup>163</sup> Once we take into consideration these experiences and contributions to peacebuilding, a shift of perspective becomes inevitable when analysing peace processes.<sup>164</sup> Women provide the negotiation process with vital social intelligence for a peaceful conflict resolution, mainly due to their first hand experience in wars and their knowledge of the post war needs of their communities.<sup>165</sup> Many states leaders and policy makers have regularly argued that women's absence from the peace table is due to their inexperience in conflict resolution. However, reality on the ground doesn't seem to confirm this premise, because women in times of conflict discuss peace within in their circles; it is true that it is these discussions do not happen in a formal setting nevertheless, they are accurately reflective of people's conditions on the ground.<sup>166</sup> Thus, women possess a much-needed insight for peacebuilding when trying to peacefully solve the conflict, and their role should not be taken for granted. Bouta, Frerks and Bannon further prove this point in their book by stating the following: "When this work is taken for granted, it goes unrecognized, is stripped of its political meaning, and is rendered invisible".<sup>167</sup> Nevertheless, peace agreements are most of the times negotiated behind closed doors by military and political

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<sup>162</sup> Cockburn, p.150

<sup>163</sup> Bouta, Frerks and Bannon, p.66

<sup>164</sup> Villellas Arino, p.25

<sup>165</sup> Ibid, p.25

<sup>166</sup> Ibid, p.25

<sup>167</sup> Bouta, Frerks and Bannon, p.68

elites who happen to be the majority of the times men.<sup>168</sup> This section will highlight the effective, practical and innovative strategies adopted by women in Guatemala and Burundi in an effort to illustrate the power of women's political inclusion in conflict resolution and the impact it has on peace processes. Moreover, both these highly successful cases serve as an inspiration for women in Syria as they can adopt similar strategies in their society in order to help change their current political status in the Syrian society.

### **3.3.1 The women strategies for inclusion adopted in Guatemala**

During the 36-year long civil war in Guatemala from 1960 till 1996, women were always active key players; women successfully made their voices heard. They used their existing ties and affiliations with the dominant political parties to the advancement of all Guatemalan women's rights.<sup>169</sup> When the peace talks began in 1986, women took on important roles and functions at both the peace table and in civil society forums.<sup>170</sup> The war began in 1960 as a conflict between the US-backed forces and the Guatemalan armed revolutionaries; it kept on worsening throughout the 1970's.<sup>171</sup> The war expanded with time and reached the countryside, where poor indigenous people got recruited to fight with the guerrillas.<sup>172</sup> In 1982, the rebels joined power and created the Guatemalan National Revolutionary Unity (URNG) this coalition caused unparalleled levels of violence in the society.<sup>173</sup> In the following year, the URNG got stripped off its powers through US military support; that

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<sup>168</sup> International Alert, *Inclusive Security Sustainable Peace Toolkit for Advocacy and Action*, International Alert, London, 2004, p.14

<sup>169</sup> R.Wilson, *Violent Truths: the Politics of Memory in Guatemala*, London, British Academy, 1997, p.21

<sup>170</sup> Ibid, p.21

<sup>171</sup> Ibid p.21

<sup>172</sup> Ibid p.21

<sup>173</sup> Ibid p.22

being so the Guatemalan government's army agreed to go back to a civilian rule.<sup>174</sup> Peace talks began in 1987 and it took almost a decade of negotiations to reach the peace agreement in 1996.<sup>175</sup>

During this lengthy process, political parties and civil society organisations got together to identify the country's needs post-war and to write proposals at the Assembly for Civil Society (ACS) in order eventually present them at the peace table.<sup>176</sup> The assembly was composed of eleven interest groups, including human rights organisations, religious communities, indigenous peoples, and the women's movement.<sup>177</sup> Luz Mendez, the coordinator of the National Union of Guatemalan Women said that the strong women presence at the peace table and in the ACS presented numerous opportunities for equitable representation of women at all the levels of political administration.<sup>178</sup> This impactful presence was achievable due to the well-organised civil society in Guatemala that consistently demanded to be included in the peace process by exercising pressure on the parties to the peace talks through mass demonstrations. Women had a substantial impact on the nature of the ACS and the agenda that it would adopt. "The women's sector represented thirty-two women's groups, and these women created alliances with women representing other groups in the assembly, bridging divides and unifying the diverse group. They also pushed for greater diversity in the assembly's make-up, advocating for the inclusion of other marginalised groups like displaced populations."<sup>179</sup> The ACS successfully impacted the peace through this consultative body; it granted women the platform they need to come up

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<sup>174</sup> Ibid p.22

<sup>175</sup> Ibid p.22

<sup>176</sup> Ibid p.22

<sup>177</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.16

<sup>178</sup> Anderlini, p. 17

<sup>179</sup> O'Reilly, O Súilleabháin, and Paffenholz, p.16

with recommendations for the issues facing their society. In their turn, the parties to the peace table adopted most of the recommendations presented namely the ones tackling women participation, women rights and the gender sensitive provisions.<sup>180</sup>

Not only was this model of consultative forum was successful in ensuring women's right but it also tackled the rights of indigenous women. The establishment of an inter sectorial and a cross-party women's coalition allowed the indigenous women's movement to acquire entry to the peace table, thus incorporating the needs of Guatemala's indigenous women's population.<sup>181</sup> Another main factor that contributed to the success of this model was the Coordination of Organisations of the Mayan People of Guatemala (COPMAGUA), they played a crucial role in lobbying and securing the rights of indigenous peoples.<sup>182</sup> In March 1995, all parties agreed and signed the "Accord on the Identity and Rights of Indigenous Peoples".<sup>183</sup> The rights of indigenous women were always neglected even when indigenous groups started asking for equal treatment, women needs and rights had never been a priority.<sup>184</sup> Guatemalan indigenous Women were the most disadvantaged group in society, with no access to health care or education adds Emma Chirix, the founding member of the Guatemalan Indigenous Women's Organization.<sup>185</sup> Through her coalition with COPMAGUA, Chirix successfully lobbied for indigenous women rights.<sup>186</sup> Nonetheless, the major leap occurred when women civil society organisations embraced their own cause.<sup>187</sup> A

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<sup>180</sup> Ibid, p.16

<sup>181</sup> Ibid p.21

<sup>182</sup> Anderlini, p.17

<sup>183</sup> Ibid, p.17

<sup>184</sup> Wilson, p. 24

<sup>185</sup> Anderlini, p.17

<sup>186</sup> Ibid p.18

<sup>187</sup> Ibid p.18

women's sector was established within the ACS to assemble women's groups, including those speaking for indigenous women.<sup>188</sup> This support was vital; the mobilisation of women groups led to indigenous women securing a voice in the peace process.<sup>189</sup> Their efforts culminated in the foundation of the Office for the Defence of Indigenous Women, it was their unshakable presence at the peace table and in civil society forums that shed light on their unacceptable living circumstances and their need for development and legal aid.<sup>190</sup>

This consultative forum alongside good organisation and unity among women from all parties made it possible for Guatemalan women to assume a place at the peace talks. Moreover, whenever women at the grass root level unite their voices, they acquire the power needed to pressure parties sitting at the peace table to assume a gender lens to the peace process. The story of the Guatemalan women can serve as a "lesson learned" for women in all conflict areas, including Syrian women's civil society groups. Women's organisations can benefit from interparty cross-sectorial coalitions because this strategy is proven to be successful in pressuring for the discussion of women's needs at the peace table and their participation in the high level decision-making.

### **3.3.2 The women strategies for inclusion adopted in Burundi**

Ethnic and political violence had plagued Burundi since the 1960s. In 1993, the assassination of the first Hutu elected president set off the violence.<sup>191</sup> In reaction, a power-sharing government was formed with the assistance of the UN in 1995 between members of rival parties.<sup>192</sup> However, in 1996 this provisional government was toppled down with a Tutsi

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<sup>188</sup> Ibid p.18

<sup>189</sup> Ibid, p.18

<sup>190</sup> Ibid, p.18

<sup>191</sup> International Crisis Group, *Burundi's Peace Process the Road from Arusha*, Burundi, 1998, p.11

<sup>192</sup> Ibid, p.11

military coup and brought a new president Pierre Buyoyo to power.<sup>193</sup> In response, bordering states put economic sanctions and requested a return to constitutional governance.<sup>194</sup> Their earliest endeavours in initiating a peace process were obstructed in August 1997, when the Burundian state requested the banishment of sanctions as a requirement to enter the negotiations.<sup>195</sup> The Arusha Peace Process commenced in 1998 with the ex-Tanzanian president Julius Nyerere acting a mediator; the talks invited 17 different Burundian political parties to sit at the peace table.<sup>196</sup> This resulted in the creation of five commissions dealing with issues of good governance and democracy, peace and security, the root cause of the conflict, economic prosperity and post-war reconstruction and guaranteed for the implementation of the deal.<sup>197</sup>

At this stage of the negotiations all civil organisations were still banned from participating. Nevertheless, when the violence continued escalating, the Hutus and Tutsi women from all political and social backgrounds politically mobilised and carried out several strategies in order to make their voice heard. Burundian women through their own struggle offer an example to all other women seeking a voice at the peace table. They first organised themselves and demonstrated against their rejection from the negotiations.<sup>198</sup> They united their voices in requesting seats at the peace table, and asked for the support from their regional presidents. Their quest for political participation started by them seeking the financial and political backing of the Ugandan President during a sub regional women organisations meeting. They then travelled to the peace talks, and tried to persuade the lead

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<sup>193</sup> Ibid, p.12

<sup>194</sup> Ibid, p.12

<sup>195</sup> Ibid, p.12

<sup>196</sup> Ibid, p.13

<sup>197</sup> Ibid, p.13

<sup>198</sup> Anderlini, p. 21

mediator Neyerere in giving them a place in the peace process.<sup>199</sup> The women didn't accept anymore to be just victims of war, because not only do they represent 52% of the Burundian population, but also women are the most impacted by wars because at the end of the day, they are the ones to pick up the pieces.<sup>200</sup> As a first response they were rejected, the men did not accept their participation. Nonetheless, in spite of these contentions the women persevered their efforts until the parties felt like they owed the women temporary "observers status" at the peace talks.<sup>201</sup> Furthermore, Burundian women took part in the Commission on Economic Reconstruction and in numerous informal workshops and seminars.<sup>202</sup> They have taken advantage of their status to communicate their concerns to the international observers as well. This coalition has become an impactful force in Burundian women political life as they still nowadays pressure to be present at all negotiation tables.<sup>203</sup>

The thing that women in all conflict areas, including Syria, have yet to learn from this case is that nobody will hand you the political power on a silver plate; you will have to politically mobilise in order to assume it. Burundian women have used several strategies over time to assume their current political status in the society. They were indefatigable, they demonstrated against the violence and travelled to get the support they need from their neighbouring countries. They persuaded parties at the peace table to give them a voice and they were met with rejection the first time, but they did not give up they kept pressuring the men through mass demonstrations. Burundian women actively fought for their rights, and did not accept to be excluded from the peace talk; they took it upon themselves to break down the barriers preventing them from effectively participating in their country's political life.

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<sup>199</sup> Ibid, p. 21

<sup>200</sup> Supra note 191, p. 14

<sup>201</sup> Ibid, p.14

<sup>202</sup> Ibid, p.14

<sup>203</sup> Anderlini, p. 21

## **4.0 Syria Case Study**

This section will study closely analyse the current Syrian peace process. It will shed light on the nature of the regime and the political and social status of the Syrian women before the conflict. Moreover, it will discuss the Syrian women's mobilisation since the start of the conflict and will examine their roles in the peacemaking process. Thereby, the succeeding section will analyse the three cycles of the Geneva Peace Talks on Syria with a focus on women's participation in the negotiations. Furthermore, the last section will address the potential impacts of Syrian women's full political participation on the outcome of the peace process, the obstacles impeding their full participation, the relevance of women mediators in the Syrian peace process, and the effects of a gender sensitive peace agreement on the post conflict society.

### **4.1 The status of women in Syria before Arab Spring**

The Syrian government is a one-party-system, any political mobilisation should comply with the directives and views of the Ba'ath party or else the movement is outlawed and the political activists sent to jail and tortured.<sup>204</sup> The Syrian government claims to be a democratic and secular regime however, practices of arbitrary detentions and inhuman and degrading treatments of Syrian civilians are clear and blatant human rights violations of their civil, political and physical integrity rights. People have always lived in fear with virtually no political rights, the regime worked on having a democratic façade but in reality any sort of political resistance or disagreement with the Baa'th ideology has landed thousands of people in jail and in some cases has cost them their lives, due to extensive torture practices.<sup>205</sup> In such a climate where the regime violates the human rights of both, men and women, one can

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<sup>204</sup> International Federation for Human Rights (FIDH), *Women and The Arab Spring: Taking Their Place?*, France, International Federation For Human Rights, 2013, p.54.

<sup>205</sup> Ibid, p.55



only start to imagine the long struggle women have to go through in order assume their rights. Women in Syria gained the right to vote in 1949 and, consequently the right to run for elections in 1953. The Syrian parliament today is composed of 88% men and 12% women. Syrian women are sizably marginalised from the political and public life despite their access to university level education and employment.<sup>206</sup> The sole legal women's organization working in Syria is the General Women's Union of Syria (GWU), it follows the mandate of the Ba'ath party and its officials are selected from within the party ranking.<sup>207</sup> GWU represents all women irrespective of their political views; the existence of any other group is outlawed.<sup>208</sup> As a result, it is extremely difficult for unregistered groups to solicit members. Women activists, in particular those in leadership functions, have been arrested and put to prison. Nevertheless, women in Syria continue to be actively involved in the movement for democracy and human rights.<sup>209</sup>

#### **4.2 The Arab Spring movement and the current conflict situation**

On 17 December 2010, the 26-year-old the Tunisian Mohamed Bouazizi started the Arab Spring Movement; he was frustrated by unemployment and government extortion so he immolated himself in protest of this miserable situation.<sup>210</sup> As a reaction, numerous parts of Middle East and North Africa politically mobilised and started demonstrating to topple down the greedy dictatorships that have ruled them for decades.<sup>211</sup> The Arab Spring arrived to

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<sup>206</sup> Ibid, p.58

<sup>207</sup> Freedom House, *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, Freedom House, New York, 2010, p.6.

<sup>208</sup> Ibid, p.6

<sup>209</sup> Ibid, p.7; C. Moore, T. Talarico, *Inclusion to Exclusion: Women in Syria*, Emory International Law Review, vol.30, 2015, p.228.

<sup>210</sup> Supra note 204, p.57

<sup>211</sup> Moore, Talarico, p.228

Syria when protests commenced in March 2011 in the rural city of Dera'a. Teenagers were arrested and tortured by the Assad regime for drawing revolutionary slogans in their school. What came next escalated into a bloodthirsty civil war between the Assad regime and opposition forces, which are a blend of legitimate opposition groups and terrorist groups.<sup>212</sup> The Assad's military forces is the "Syrian Armed Forces" and the opposition has numerous groups, the most impactful ones are the "Free Syrian Army" composed of soldiers having defected from Assad's army and terrorist groups like "Islamic State of Iraq and the Levant" also known as ISIS.<sup>213</sup>

Ever since the beginning of the Arab Spring, Syrian women have been playing important roles; they have actively participated in grassroots movements, risking their lives, in order to gain a voice and to be heard.<sup>214</sup> "Since the very outbreak of protests for democratic reforms, women were on the frontline, organising demonstrations, strikes and all-women marches in solidarity with victims, calling for the release of family members and for an end to the violence."<sup>215</sup> Moreover, the Syrian Observatory for Human Rights has stated that around 150 Kurdish women in Aleppo have formed the first female-armed group, under the name the "Martyr Rokan Battalion."<sup>216</sup> Additionally, women are helping in smuggling and moving weapons and supplies for opposition forces since they are not usually searched at checkpoints. Male and female protesters alike have been captured, detained and tortured by security forces.<sup>217</sup>

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<sup>212</sup> Ibid, p.228

<sup>213</sup> Ibid, p.228

<sup>214</sup> *Syria: Detention and abuse of female activists*, Human Rights Watch, 24 June 2013.

<sup>215</sup> Moore, Talarico, p.229

<sup>216</sup> *Syria Women Kurd Set Up Battalion: NGO*, Agence France Press, 23 February 2013.

<sup>217</sup> Moore, Talarico, p.229

Nada Darwazeh from the U.N. Human Rights Middle East Office mentioned, “the Arab uprising has at long last empowered women to claim a larger presence and role in the public arena, which is something revolutionary, and somehow contrary to decades of gender stereotyping.”<sup>218</sup> Although the Syrian revolution empowered women, it has also inflicted upon them unending suffering as they have been incarcerated by Assad’s security forces and tortured to gain information.<sup>219</sup>

Women’s needs during the peace process are side lined in favour of the “bigger picture”, that is finding a solution to the fighting between the warring parties.<sup>220</sup> Nonetheless, the needs of women and their participation in peace negotiations are certainly issues of national security. The Assad regime’s failure to resolve this protracted conflict with opposition forces is influencing the participation of women in the peace negotiation. In spite of the recent political empowerment that accompanied the Arab Spring, women are still perceived by the government and the opposition parties as strictly victims.<sup>221</sup> One chief strategy employed by the government to repeal women’s political mobilisation is rape.<sup>222</sup> It is a substantial and troubling feature of the Syrian civil war, countless women have told their stories of being sexually attacked in public or inside their homes. Culturally, victims of rape are labelled as prostitutes and will never be married, as no man marries a woman that has been raped by another man. Furthermore, due to government’s excessive use of rape as a war weapon, any woman who is detained for protesting is considered by the rest of society to have been definitely raped by Assad’s men while in prison, even if she has not. This has caused a substantial part of Syrian women (especially the ones from rural areas) to actively choose to

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<sup>218</sup> Office of the High Commissioner of Human Rights, *Women and the Arab Spring: an Ongoing Struggle for Equal Rights*, 22 March 2013.

<sup>219</sup> Ibid

<sup>220</sup> Moore, Talarico, p.230

<sup>221</sup> Ibid, p.230

<sup>222</sup> Moore, Talarico, p.230

stay out of politics to avoid being stigmatised as prostitutes. In spite of the savagery across Syria and the heavy cost that comes with political mobilisation, a considerable faction of the Syrian women are risking their lives and reputations in order to participate in peaceful demonstrations calling for peace in Syria.<sup>223</sup>

Since the start of the conflict, Syrian women have been nothing short of inspirational in their resilience and determination in bringing peace to their land. They commenced by organising and mobilising at the community level by establishing networks and coalitions to help with the humanitarian needs and discuss possible solutions to the war. The most prominent organisations are the Syrian Women's League and the Syrian Women's Network. However, these pacifist women coalitions and networks' voices were not heard or taken into consideration neither by the warring parties to the conflict nor by the international community.<sup>224</sup>

#### **4.3 The three cycles of negotiations of the Geneva talks on Syria**

The Syrian peace process started with Geneva I on 30 June 2012, chaired by the then UN and Arab League Special Envoy to Syria Lakhdar Brahimi. The conference was attended only by international foreign powers such as the United States, Russia, China, United Kingdom, Qatar, Saudi Arabia, Turkey, Iraq and the European Union High Representative for Foreign and Security Policy.<sup>225</sup> This meeting was aimed at discussing the future of Syria, and resulted in the adoption the Final Communiqué of the Action Group for Syria. This statement condemned the violence in Syria and called for the cessation of armed conflict.<sup>226</sup> Needless

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<sup>223</sup> Ibid, p.231

<sup>224</sup> Ibid, p.234

<sup>225</sup> Action Group For Syria, *Action Group for Syria Final Communiqué*, United Nations, 30 June 2012.

<sup>226</sup> Ibid

to say, Syrian women's participation was not given a high priority in the statement; the Action Group called upon Syria to include women in all the stages of conflict resolution, but they did not specify any measures or quotas for this participation.

UN Women alongside the government of the Netherlands organised in late January 2014 a conference to promote women's political inclusion in Syria. This resulted in the formation of the Syrian Women's Initiative for Peace and Democracy (SWIPD). SWIPD is formed from many women civil society activists dedicated to represent the Syrian women and to offer them a voice at the peace negotiations.<sup>227</sup> The SWIPD released an Outcome Document that presented an inclusive approach to the peace process. The SWIPD called for "an immediate ceasefire as a first step towards the permanent cessation of military operations, to be negotiated and bolstered through various levels of society and with the robust participation of Syrian civil society."<sup>228</sup> Moreover and as past experiences have demonstrated, women have a more gender sensitive approach to the peace process and the Outcome Document of the SWIPD was no different. It requested the termination of gender-based violence and urged for the adoption of "gender-sensitive policies that promote women's political participation and protect women and girls against sexual exploitation, early marriage, human trafficking and rape."<sup>229</sup> Their demands also tackled the problems that existed before the Arab Spring, chiefly issues of discrimination against women in the constitution and of gender equality. Finally, SWIPD urged the UN to put "pressure on the international community and on the negotiating parties to guarantee the effective participation of women on all negotiating teams and committees in a proportion of no less than 30% for the duration of the negotiation

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<sup>227</sup> Press Release, UN Women, *Conference of Syrian Women, Convened by UN Women and the Netherlands, Ends with Strong Recommendations for Upcoming Peace Talks* (Jan. 13, 2014).

<sup>228</sup> UN Women, *Syrian Women's Initiative For Peace & Democracy Outcome Document*, p.2, Para 8 -9, January 2014.

<sup>229</sup> Ibid, p.2, para 5

process.”<sup>230</sup> The demands of the SWIPD have communicated the desire of Syrian women to be included in all aspect of the peace negotiations. They also demanded that women representatives from both civil society and women’s rights groups be granted the permission to observe and participate in substantive ways in Geneva II.<sup>231</sup>

SWIPD’s efforts did not yield in direct result as their request for participation in the peace process and their outcome document were rejected by both delegations. However, the establishment of a women’s group and the drafting of a potential peace agreement was in itself and step forward in the Syrian women’s political life. This explicit rejection makes it clear that Syrian men view women as an inessential component of conflict resolution. In a place where parties to the peace table are armed, women do not qualify for entry. In their view, women are unable to understand politics let alone negotiate it. Hibaaq Osman a Syrian activist for women’s political inclusion painted a clear picture when she said “men see women as the tablecloth . . . The future of Syria should not exclusively be decided by those who carry guns.”<sup>232</sup> Despite the contentions the SWIPD continued to mobilise for key decision makers to back their involvement in future peace talks.<sup>233</sup> In January 2014 Geneva II peace talks were launched and the Syrian women were still under-represented. The opposition’s delegation consisted of 3 women out of 10 and 2 women out 9 from the Assad’s government side. Even though women were present at the table they did not contribute to the talks as the men silenced their voices.<sup>234</sup> The talks failed after only nine days.

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<sup>230</sup> Ibid, p.3, para 1

<sup>231</sup> Ibid, p.3, para 4

<sup>232</sup> Medea Benjamin, *No Seat for Syrian Women at the Peace Talks*, Huffington Post, 18 January 2014.

<sup>233</sup> C. Moore, T. Talarico, p.235

<sup>234</sup> Ibid, p 235

The peace negotiations resumed in Geneva III on 1 February 2016, chaired by the Staffan De Mistura the new UN and Arab League Special Envoy on Syria. The High Negotiations Committee (HNC) was previously established in December 2015 to negotiate on the behalf of the opposition. The HNC did not include any woman at the time of its establishment; however, before entering the Geneva III cycle of peace negotiations the men added only one woman to their delegation.<sup>235</sup> Mariam Jalabi, a member of the Women's Consultative Committee to the HNC who is working on gender inclusion in the delegation stated: "when the HNC was being formed, everyone in Syria for women's participation tried to push the HNC to have more women there, at least 20 percent. At least 25 percent. It ended up being 6 percent. So, we decided to push for a women's consultative group. If you have a women's consultative group, then even if we're not included in the actual negotiations, they cannot move ahead without coming back to us, looking at the papers from a gender lens."<sup>236</sup>

Meanwhile, the Special Envoy De Mistura took matters into his own hands and established the Women's Advisory Board (WAB) formed of 12 women, with 6 of its members from SWIPD.<sup>237</sup> In an interview, De Mistura mentioned that women were present at the table, "but the problem is that they don't talk. They're not allowed to talk, or they are not given an opportunity to intervene. Except when I insist in asking a specific question, which is forcing the process. They don't sit close to the centre, they are on the margins. They're considered experts rather than actual delegates."<sup>238</sup> The WAB is given an observer status, the women do not participate directly at the negotiations table, but they sit in the room and listen to the delegations' peace bargaining. Through this avenue, despite concerns raised by De Mistura,

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<sup>235</sup> Hiba Qasas, *Expert's Take Leveraging Leadership among Syrian Women-a Strong Constituency for Peace*, UN Entity for Gender Equality and the Empowerment of Women (UN Women), 27 May 2016.

<sup>236</sup> M. Gambale, *How Syrian Women Landed at the UN Peace Talks and What it Means*, Pass Blue Covering the UN, 10 May 2016.

<sup>237</sup> Supra note 235

<sup>238</sup> Supra note 236

they have at least an indirect impact.<sup>239</sup> When the WAB was made public, its members started receiving misogynistic comments, including on their social media accounts, they were attacked by both the Assad and the opposition side, degrading them by calling them “the women of De Mistura” and using the hash tag on the internet “#HareemDeMistura”.<sup>240</sup> Nawal Yazeji, one woman on the board, explained that the WAB was met with such sexualised and sexist reactions because its members are women, whereas in the views of men in the Syrian society there is no place for women at the peace table. Women are viewed as daughters, mothers and wives; they are seen as weak and unable to negotiate in politics with men.<sup>241</sup> Christina Chaheen, the UN Women adviser to the Board identified this besmirching as the “misogynistic slander that happens to women wherever they dare to engage in the public life and especially in this highly polarising, sensitive issue.”<sup>242</sup> She then added that so many people were surprised and were not psychologically ready to see coalitions of politically active women across the different parties in Syria as such mobilisation is unseen and historical in politics in this part of the world. This shock coupled with the deeply rooted misogynistic attitudes resulted in strong negative reactions pointed at the members of the WAB.<sup>243</sup>

#### **4.4 Findings from expert interviews on the participation of Syrian women in the peace process**

For this thesis, I conducted five interviews with professionals from the UN, an international non-governmental organisation and a Syrian woman expert, working on the conflict. For a

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<sup>239</sup> Supra note 235

<sup>240</sup> Supra note 236

<sup>241</sup> Ibid

<sup>242</sup> Ibid

<sup>243</sup> Ibid



list of interview partners, see Annex (1). As method of analysis, I chose thematic analysis (see chapter 1.3 on methodology).

I chose to conduct interviews since I had access to these high level women working on the Syrian crisis and because I was keen on raising a number of particular questions in relation to women's participation in the Syrian peace process. While I was interning at the DPA, I had the chance to meet the UN mediator Marie Joelle Zahar and in her turn she connected me to the other experts I have interviewed. The questions asked focused on the existing impediments to women's political participation in the peace process and on the impact of this inclusion on peace and gender equality on the longer term. For the interview questionnaire, see Annex 2.

I explained to the interviewees that they would be quoted on the record for this thesis. I asked the same questions to the five interviewees nevertheless, some interviewees chose to focus on their direct experience and specialities within the spectrum of women's issues. The interviews can be classified as standardised open-ended interviews. I was interested in the interviewees' personal opinions due to their extensive knowledge on the subject and I did not interrupt or redirect any their answers; this created a more comfortable atmosphere and in my opinion added genuineness to the answers.

#### **4.4.1 The added value of including women in the peace process**

The five interviewees have agreed that including women in negotiations gives peace a better chance. Had women been included in the Syrian peace efforts from the start in meaningful way, the crisis would not have reached its current state.<sup>244</sup> Koury said from her experience in negotiations, "women have a more humanitarian approach, they raise very practical and

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<sup>244</sup> Interview with Laila Alodaat, Skype, 1 June 2016; Interview with Tamara Al Rifai, Amman, 2 June 2016; Interview with Stephanie Koury, Amman, 4 June 2016.

operational solutions that would make a difference on the ground if they are addressed, you see that more so than men.”<sup>245</sup> Women come with specific advice, or ways to deal with problems, and even how to go about problem solving an issue.<sup>246</sup> “So far men in the Syrian negotiations have been stuck on position, putting more preconditions to sitting at the table. You get the sense that women are keener on solving the issues quickly, to move faster from an operational perspective.”<sup>247</sup> Moreover, women are not seen as a threat on the table, men are not stuck on who has got the power. Women do not threaten their masculinity, but on the other hand when a man is faced with another man from an opposing party, it automatically becomes a power struggle fuelled with machismo and violent masculinities.<sup>248</sup> Alodaat explained that including women in peace processes changes the trajectory of the negotiations because women are peace agents.<sup>249</sup> For instance: “women have successfully demilitarised the refugee camp in Kotmeh in Lebanon in 2015, they initiate small projects, they are teaching in areas controlled by ISIS, they are providing humanitarian aid and health care to the areas controlled by Assad where it is completely forbidden to do so.”<sup>250</sup> Another example comes from the SWIPD, where 50 women got together and came up with a provisional peace agreement that respects human rights. Furthermore, if women were adequately included in these peace negotiations the outcome would have been more civilian-centred; they are the only faction in the Syrian society that is not militarised.<sup>251</sup> Alodaat states that in order to have an effective humanitarian response we cannot but have women at the centre, because they are the ones able to identify the true needs of the society. Another factor is that when you have

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<sup>245</sup> Koury

<sup>246</sup> Ibid

<sup>247</sup> Ibid

<sup>248</sup> Ibid

<sup>249</sup> Alodaat

<sup>250</sup> Ibid

<sup>251</sup> Ibid

women at the centre the chance of mishandling the funds and using them for militarisation is close to zero per cent.<sup>252</sup> Moreover, Touma asserts that the only pacifist groups today in Syria are women groups, in parallel very few individual men identify as pacifists.<sup>253</sup> In her opinion, this is due to gender stereotypes, “if a man says he is a pacifist it means that he is weak and scared with no honour, women have this space to be pacifists and they in deed work for peace.”<sup>254</sup> Al Rifai explains that women’s participation in the peace process increases the sustainability of the peace agreement. She continues, “Syrian women at the grass root level are tirelessly working since the start of the conflict on mobilising funds, responding to the humanitarian needs, documenting human rights abuses, teaching the children, as well as they are brokering ceasefires at checkpoints in their communities.”<sup>255</sup> She also pointed out that numerous women human rights groups have been established since the beginning of the conflict and that they have become an intrinsic part of social mobilisation.<sup>256</sup> Women have been playing numerous roles mainly at the level of social mobilisation, which is only considered as political activism. Looking at the world’s experience in previous conflicts “women have always had pragmatic suggestions to discussions, thus when they are included in peace processes, peace has a better chance.”<sup>257</sup> From her experience with Syrian civil society groups, Zahar emphasised on the important role played by women as agent of peace and change; in her view women are certainly more dedicated to welfare, much more optimistic than men and more concerned with enhancing the quality of the Syrian people’s quotidian lives. “The more women you have sitting at the peace table, the more you end up negotiating not just politics at the top but the needs of the

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<sup>252</sup> Ibid

<sup>253</sup> Interview with Juliette Touma, Amman, 30 May 2016

<sup>254</sup> Ibid

<sup>255</sup> Al Rifai

<sup>256</sup> Ibid

<sup>257</sup> Ibid

people at the bottom, which in its turn will positively reflect on the outcome of the negotiations.”<sup>258</sup>

#### **4.4.2 The cultural and social impediments to Syrian women’s participation**

The five interviewees have mentioned cultural, social and religious practices as obstacles to Syrian women’s participation in the negotiations. The primary role that women play in the Syrian society is the role of caretakers and any political involvement threatens their reputation in society.<sup>259</sup> Politics traditionally in the Middle East are viewed as nasty game and any woman that decides to get politically involved is labelled as dishonest and rebellious herself.<sup>260</sup> From her previous experience in Libya, Koury observed that women preferred to remain out of the limelight and far from politics because they get known and then the men in the society start making defamatory assumptions about them as women.<sup>261</sup> In her opinion, the same is valid for Syria, as both cultures are Arab and share numerous social and cultural similarities.<sup>262</sup> Along similar lines, Alodaat explained that traditional and conservative women give high importance to their reputation in society and so they choose to be politically inactive in order to preserve their homes and maintain society’s respect.<sup>263</sup> Women are not supposed to have a political saying, this prejudice stems from two factors.<sup>264</sup> One is the status quo of women in the Syrian society; “the Assad regime had discriminatory laws against women, starting with nationality rights, equal payment, political inclusion and

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<sup>258</sup> Interview with Marie-Joelle Zahar, Skype, 25 May 2016

<sup>259</sup> Koury

<sup>260</sup> Ibid

<sup>261</sup> Ibid

<sup>262</sup> Ibid

<sup>263</sup> Alodaat

<sup>264</sup> Al Rifai

most importantly the application of the personal status law”.<sup>265</sup> Thus the existing Syrian regime has embedded this discriminatory social approach to women with its legislations. Second is the conservative religious nature of society, where women are de facto viewed inferior to men.<sup>266</sup> According to the personal status law, matters of social and private life are subject to religious courts instead of judicial ones. Religious courts deal with issues of marriage, divorce, custody and inheritance and their practices are widely known to be discriminatory against women.<sup>267</sup> Moreover, men are also viewed as the protectors of women from other stranger men and as well as they are the decision makers on behalf of their women and girls; it starts with the father and the brother then the husband.<sup>268</sup> These misogynistic practises coupled with a patriarchal autocratic regime have resulted in this staggering absence of the Syrian women from the political life.<sup>269</sup> “The negotiations process can only be the reflection of Syrian political life where despite knowing that women are allowed take part in the public life in Syria, there has never been a political participation in Syria in the way we see it in egalitarian societies”.<sup>270</sup> The Arab world lacks far behind in terms of women’s full political participation, thus it is only normal to see male dominated delegations brokering the peace in Syria.<sup>271</sup> In a society where a woman does not have her rights at home, “I do not know how she is going to get them in the public sphere, on the streets, in the government or in the ministry.”<sup>272</sup> Touma mostly focused on the religion being the number one obstacle for women to enter politics; when there is not a clear division and

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<sup>265</sup> Ibid

<sup>266</sup> Ibid

<sup>267</sup> Ibid

<sup>268</sup> Touma

<sup>269</sup> Ibid

<sup>270</sup> Al-Rifai

<sup>271</sup> Ibid

<sup>272</sup> Ibid

separation between the religious and the judiciary institutions, the exclusion of women from politics becomes standard practice.<sup>273</sup> Zahar also made it clear that cultural and religious barriers have played major role in the marginalisation of women from Syrian politics. Some women are indeed participating in the peace talks, however their scant numbers are disproportionate to the total of the Syrian women population. This reveals to be indicative of the highly restrictive political role that women have been permitted to play in Syria by the men.<sup>274</sup> Alodaat also pointed out that for the first time since the start of the conflict both extreme left and right parties have found common ground, which is insulting the women on the advisory board. “Women on the advisory board are being attacked violently in a sexist and sexualised way, even the far left that is considered humanitarian is also engaging in such comments.”<sup>275</sup> Zahar added that a lot of Islamist groups have tremendous difficulties putting women in charge, because in their view woman should not have a say at politics.<sup>276</sup>

#### **4.4.3 The obstacles and excuses of a political nature faced by women**

The five interlocutors have emphasised on the prevalent political practices impeding the effective inclusion of women’s issues in the peace process and obstructing their presence at the table. They individually explained it from their own perspective and experience. Koury said: “If you have a very tightly controlled system or regime, like the Assad regime in Syria, the leaders will only trust the people close to them to represent them. Those people are the ones you will see at the negotiations table, as well as you wind up having people who are members of the intelligence and security”.<sup>277</sup> Usually these people are men, and this male

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<sup>273</sup> Tuma

<sup>274</sup> Interview with Marie-Joelle Zahar, Amman, 1 July 2016

<sup>275</sup> Alodaat

<sup>276</sup> Zahar

<sup>277</sup> Koury

dominated board will introduce more male dominated types of roles and positions.<sup>278</sup> Koury stated that in the letters of invitations they sent to the delegations they only wished upon them to have 30 % women quotas in their teams. However, this was not a precondition put for entering the negotiations.<sup>279</sup> Alodaat did not only critique the Assad regime's absent will to include women, but also denounced the opposition delegation that leading the revolution in the name of social liberation and human rights. In fact the opposition lacks genuine interest in having women at the peace table. They constantly criticise women's coalitions and groups as being not representative enough (...) too elitist, or even too white.<sup>280</sup> Furthermore, whenever a woman gives them her opinion it is viewed as a female opinion not a human being's opinion.<sup>281</sup>

Moreover, Alodaat enumerated many practices impeding the Syrian women's inclusion, starting with the pretext of "cultural relativism" being used by the west to hide their absent will to include women in the political processes. For instance, "the British government funds the local councils in Syria, in the areas that are not regime controlled; these councils have only 2% women, knowing that women make up the absolute majority in these areas because most of the men are fighting, and also knowing that women are at the core of understanding the local needs of the people."<sup>282</sup> Women want to actively participate and they feel they are being thrown outside.<sup>283</sup> Despite this alarming reality, foreign countries are supporting patriarchal structures; they reach out to the most resourceful and respected man in that area

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<sup>278</sup> Ibid

<sup>279</sup> Ibid

<sup>280</sup> Alodaat

<sup>281</sup> Ibid

<sup>282</sup> ibid

<sup>283</sup> Ibid; Koury

and ask him to establish a local council without imposing any quotas.<sup>284</sup> They emphasise including different religions and ethnic minorities in the council but not women. This shows that they are not dealing with the conflict from a human rights perspective, because they are not considering women's human rights in these societies.<sup>285</sup> The donors claim that in these rural areas women are not welcome in political entities and it is a matter of cultural relativism thus, further enrooting the discrimination against women.<sup>286</sup> One interview partner also expressed concern about the lack of gender sensitivity on the part of high-level UN special representatives or special advisers who do not give high priority to women's rights, which is seen as detracting attention and resources from ending the war. Furthermore, the women that have reached the peace table are mostly the high class women who have fought their social battles and to a certain extent have liberated themselves from social opinion. While their presence in the peace process is definitely mandatory, it is not enough. In order for Syrian women to be truly represented, women from rural areas and women from different social and educational backgrounds need to participate as well.<sup>287</sup>

#### **4.4.4 Women withdrawing from all aspects of the Syrian society**

Between 2012 and 2015 when the revolution turned into an open armed conflict, women in Syria have lost everything they have already gained from the time of independence from the United Kingdom till today. Women have lost their freedom of movement; they are not able to go out due to the heavy shelling of populated areas. The government is engaging in rape as a weapon of war in order engender fear in women who oppose the regime.<sup>288</sup> Moreover,

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<sup>284</sup> Ibid

<sup>285</sup> Ibid

<sup>286</sup> Ibid

<sup>287</sup> Ibid

<sup>288</sup> Alodaat, Zahar & Al Rifai



there is no legal system, there is no mechanism to protect women, and nothing protects a person but their own personal weapons; this is the only form of power that is not available to women, thus they cannot and do not want to go outside resulting in their complete withdrawal from society.<sup>289</sup> One more factor contributing to this retraction is the arbitrary detention of people opposing the Assad regime and the use of torture on them in order to gain information.<sup>290</sup> Adding to that, the complete turmoil in the judicial institutions, caused by the conflict, has affected the status of women in the Syrian society. All women judges went home and were replaced by men lacking the basic knowledge of law, having undergone only a three-day training.<sup>291</sup> Furthermore, the conflict has burdened women with additional responsibilities; all mothers had to quit their work because in the midst of the war schools have closed down and their children had to stay home.<sup>292</sup> Women have retreated heavily and gave up on their previous functions.<sup>293</sup> In spite of the numerous loopholes and the many women human rights discriminatory laws and practices of the Syrian regime, the situation before was better than now because, at that time, there was at least a structure in place and something called judicial system.<sup>294</sup>

#### **4.4.5 The high importance of gender sensitive provisions**

Gender sensitive provisions are specific mechanisms that can positively impact gender relations. They take the form of: fixed quotas in constitutions, mechanisms that positively impact women's participation, additional supportive measures and policies to increase

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<sup>289</sup> Alodaat

<sup>290</sup> Ibid

<sup>291</sup> Ibid

<sup>292</sup> Zahar

<sup>293</sup> Ibid

<sup>294</sup> Ibid

opportunities for women and to raise societal awareness, targeted recruitment and promotion, preferential and special treatment and extra security for women.<sup>295</sup> Gender sensitive provisions were viewed by all of the interviewees as important steps for an egalitarian society in the post-conflict phase, as well as they viewed this peace process as an opportunity to start introducing women's rights to the society. The more representative the government decision-making bodies in the country are, the more the society is egalitarian. Women bring a different perspective to the table, they are the ones that suffer the most and they always bring inclusive practical options, thus adding gender sensitive provisions will only allow more women to participate in the decision making process and bring more practical solutions to the problems of their societies.<sup>296</sup> "From my experience political positioning is a thing men love to do, and women get things done. This is what I have seen at all negotiations table in everyplace I have worked."<sup>297</sup> Whenever you empower women and give them a platform, they will have the support needed to bring up subjects men usually do not agree to negotiate at the peace table or in the political life.<sup>298</sup> Zahar made a pertinent remark by stating that gender sensitive provisions introduced in the peace agreement by the elites do not improve the life of the majority of women. In her opinion, the gender sensitive provisions should tend to the needs of women from all backgrounds. "You need to include provisions addressing women's needs in rural areas, women in different communities and different socioeconomic backgrounds. Only then you will have politics that reflect the real needs and that will result in an overall improvement of women's status in societies."<sup>299</sup>

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<sup>295</sup> S. Byrne, A. McCulloch, *Gender Representation and Power-Sharing in Post-Conflict Institutions*, International Peacekeeping, vol. 19. 2012, p. 565-570.

<sup>296</sup> Ibid

<sup>297</sup> Alodaat

<sup>298</sup> Ibid

<sup>299</sup> Zahar

#### 4.4.6 The impactful presence of women mediators in the peace process

All interviewees mentioned that appointing women mediators to the negotiations have a direct positive implication on women's issues and political participation. It is important to put chief mediators because it empowers other women; the women on advisory board told Koury that having a woman working with them gives them a positive message.<sup>300</sup> More women are needed as chief mediators, as it is such a challenged area.<sup>301</sup> A woman mediator brings her experience as "woman" to the table, she is knowledgeable about women's issues and is more likely to raise them, thus initiating reforms and change.<sup>302</sup> Women are more amenable to finding more creative solutions to a conflict and men are more power obsessed. "When a woman is a special envoy then it becomes normal to see woman in decision-making levels. People will no longer find it strange that a person wearing a skirt is taking political decisions."<sup>303</sup> Koury reiterates Al Rifai's point stating that other women look up to women chief mediators, given the high importance of their decision-making positions. Consequently, this will help them realise that they indeed have a place reserved for them in politics thus inciting and encouraging their political activism.<sup>304</sup> In order to see a shift in the focus of the political agenda you have to appoint a feminist woman mediator who, throughout her career, has proven to address and discuss women's issues at the peace table. This measure will give women's issues importance during the peace negotiations; it will also definitely help reduce gender inequality through the adoption of gender sensitive policies and laws to the peace agreement. Ultimately the woman mediator's inclusive approach will increase the

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<sup>300</sup> Koury

<sup>301</sup> Ibid

<sup>302</sup> Touma

<sup>303</sup> Al-Rifai

<sup>304</sup> Koury

sustainability of the peace agreement.<sup>305</sup> Zahar thought that women who adopt a gender lens to their analysis and understanding of the conflict would surely take their time to listen to other women's opinions, unlike the majority of men especially in the Middle East. Moreover, women chief mediators are also be more prone to discussing issues at the bottom and service issues. Such discussions around problems that affect the daily lives of the citizens, and women more specifically in this case, will considerably add to the effectiveness and efficacy of the final peace agreement.<sup>306</sup>

## **5. Legal section on women political participation**

The following chapter offers a human rights legal background analysis to the International Covenant of Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), two of the key UN human rights treaties. These treaties were selected based on upon the findings of the previous chapter. All the articles identified below either directly tackle or indirectly impact Syrian women's political participation. In order to realise the full and equal women's political participation not only do we have to look at the treaty obligations under the articles addressing political rights but also at the articles addressing cultural and social rights of women. Furthermore, an analysis the UN SC resolutions on women peace and security are presented. The latent resolutions together call for the adoption of mechanisms to protect women's human rights and to support women's initiatives in conflict prevention, conflict-resolution and mediation.

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<sup>305</sup> Alodaat

<sup>306</sup> Zahar

## 5.1 The International Covenant Civil and Political Rights

In March 1976 the ICCPR came into force; it is a legally binding treaty that is aimed at protecting the civil and political rights of all human beings. The ICCPR obligates States Parties to protect and ensure basic human rights such as: freedom of speech, association and assembly; the right to life and human dignity; religious freedom; gender equality; freedom from torture, ill-treatment, and arbitrary detention among others.<sup>307</sup> The Covenant as well obligates States Parties to apply all the measures found necessary for the protection of all the rights enshrined in the ICCPR; this includes the obligation of States Parties to introduce legislative, judicial and administrative, measures to fulfil their treaty obligations.<sup>308</sup>

The Human Rights Committee (HRC) was founded to monitor States Parties' compliance with the obligations enshrined under the ICCPR<sup>309</sup>. It is formed from 18 independent experts who possess a deep and extensive knowledge in human rights; these experts are elected by States Parties to the Covenant for a term of four years.<sup>310</sup> The Committee has a system of State reporting where States parties submit reports every four-years about their efforts and level compliance with the ICCPR's obligations.<sup>311</sup> The HRC publishes its general recommendations on state reports in form of "Concluding Observations" and offers its interpretation of the positive obligations of States Parties under the ICCPR in form of "General Comments".<sup>312</sup>

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<sup>307</sup> T. Opsahl, L. Henkin, *The International Bill of Rights: The Covenant on Civil and Political Rights*, The American Journal of International Law, vol. 77, 1983, p.4.

<sup>308</sup> Ibid, p.4

<sup>309</sup> Ibid, p.5

<sup>310</sup> Ibid, p.5

<sup>311</sup> Ibid, p.5

<sup>312</sup> Ibid, p.6

### 5.1.1 the scope of the Legal obligations of the treaty

Article 2 defines the scope of the legal obligations of States Parties to the Covenant. It obligates States Parties to fully comply and ensure all the rights enshrined in the Covenant to all persons subjects to their jurisdiction and present on their soil.<sup>313</sup> Moreover, the Covenant is not a replacement of criminal or civil law of states parties; all the obligations under the ICCPR are protected against violations committed by government entities as well as private individuals.<sup>314</sup>

#### *Article 2*

“1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

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<sup>313</sup> UN Human Rights Committee (HRC), *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant*, 26 May 2004, CCPR/C/21/Rev.1/Add.13, para.3.

<sup>314</sup> *Ibid*, para.3

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.”<sup>315</sup>

Article 2 (1), obliges states to protect and fulfil all the rights and obligations enshrined in the Convention without any kind of discrimination; even for people who are not citizens of the country like asylum seekers, expatriates working in the country and all other persons.<sup>316</sup>

Under article 2 (2) states should introduce all the legislative measures in order to protect the rights and fulfil all their obligations under the ICCPR.<sup>317</sup> Moreover under article 2 (3), states parties should ensure effective reparations for all individuals whose rights have been violated.<sup>318</sup> According to the Human Rights Committee General Comment No.31 “there may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”<sup>319</sup>

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<sup>315</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, art .2

<sup>316</sup> HRC, General Comment No 31, para.10

<sup>317</sup> Ibid, para.13

<sup>318</sup> Ibid, para 16

<sup>319</sup> Ibid, para.8

### 5.1.2 The equality of rights between men and women

Article 3 explains that in order to fully comply with the ICCPR, States Parties are obligated to fulfil their obligations without any kind of differentiation between man and women.<sup>320</sup>

#### *Article 3*

“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”<sup>321</sup>

The HRC’s General Comment No. 28 offers guidance on the interpretations of the obligations under article 3. The HRC recognises that discriminatory practices against women are enrooted in social cultural and religious practices in traditional societies and it explains the Covenant under article 3 rejects any reference to cultural social or religious practices that might be used in order to justify violations of women’s rights.<sup>322</sup> The HRC identifies several States Parties measures to be adopted in order to fulfil the obligations under article 3 such as “the removal of obstacles to the equal enjoyment of such rights, the education of the population and of State officials in human rights, and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant.”<sup>323</sup> Furthermore, States Parties are required to adopt affirmative action measures empower women and to achieve equality between men and women in the society.<sup>324</sup>

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<sup>320</sup> Ibid, para.3.

<sup>321</sup> ICCPR, art 3

<sup>322</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)*, 29 March 2000, CCPR/C/21/Rev.1/Add.10, para.5.

<sup>323</sup> Ibid, para.3

<sup>324</sup> Ibid, para.3



### 5.1.3 the right to physical and mental integrity

The aim of article 7 is to protect the dignity and the physical and mental integrity all human beings.<sup>325</sup> It is a State obligation to ensure that every person is safe and protected from inhuman and degrading treatment perpetrated by official government entities and/or by private individuals. Primarily, individuals should be protected against inhuman treatment through government legislations; however, the state might need to implement additional measures for the elimination of cruel treatment. In order to give article 7 full effects, it should be read together art 10 (1). The latter obliges states parties to refrain from the use of torture upon the arrest of the person. Under no circumstance shall a state derogate from its obligations under article 7 and 10 (1).<sup>326</sup>

#### *Article 7*

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”<sup>327</sup>

#### *Article 10*

“1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person...”<sup>328</sup>

The prohibition in article 7 does not only protect against acts of physical degrading treatment but it also protects against the mental suffering of human beings. It also forbids scientific or

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<sup>325</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, para.2.

<sup>326</sup> Ibid, para.2

<sup>327</sup> International Covenant on Civil and Political Rights, art 7.

<sup>328</sup> Ibid, art 10 (1)

medical experimental testing without the free consent of the subject.<sup>329</sup> The Human Rights Committee views that special protection should be granted to prisoners and detainees who are not mentally able to give their consent for experimentation and it is illegal to subject them to any sort of testing that may harm their health.<sup>330</sup> Furthermore and according to the HRC's General Comment No.20 "States Parties should inform the Committee of the legislative, administrative, judicial and other measures they take to prevent and punish acts of torture and cruel, inhuman and degrading treatment in any territory under their jurisdiction."<sup>331</sup>

#### **5.1.4 the right to liberty and security of person**

Unlawful and arbitrary are prohibited under article 9 (1); States Parties have the obligation to protect the liberty of a person against any physical aggression inflicted upon any person, whether they are free or detained.<sup>332</sup>

#### ***Article 9***

"1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."<sup>333</sup>

Article 9 (1) obligates states parties to take all the adequate measures in order to protect individuals against any threat to their lives and to ensure their protection from any unlawful

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<sup>329</sup> HRC, General Comment No. 20: article 7, para.5 & para.7.

<sup>330</sup> Ibid, para.8

<sup>331</sup> Ibid, para.8

<sup>332</sup> UN Human Rights Committee (HRC), *General comment no. 35, Article 9 (Liberty and security of person)*, 16 December 2014, CCPR/C/GC/ 35, para.7

<sup>333</sup> ICCPR, art 9 (1).

physical aggressions committed by government entities or private persons.<sup>334</sup> The HRC's General Comment No. 35 explains that: "the term "arrest" refers to any apprehension of a person that commences a deprivation of liberty, and the term "detention" refers to the deprivation of liberty that begins with the arrest, and that continues in time from apprehension until release."<sup>335</sup> Thus, there is a difference between the conventional definition of "arrest" by the State's domestic law and the definition in article 9. When a person is in custody and is not freed despite the lack of criminal evidence of against them, the deprivation of liberty is also viewed as an arbitrary arrest and is considered a violation of the Covenant's obligations.<sup>336</sup>

#### **5.1.5 the right to participation in the public and political life**

The right to participate in the public and political life of a country is protected under article 25. Regardless of the form of government, the Covenant obligates States to implement legislative and other measures required, to guarantee that citizens are fully enjoying all the rights enshrined by the ICCPR.<sup>337</sup>

#### ***Article 25***

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

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<sup>334</sup> HRC, General Comment no. 35, article 9, para.7

<sup>335</sup> Ibid, para.13

<sup>336</sup> Ibid, para.13

<sup>337</sup> HRC, General Comment No. 28, article 3, para. 29.

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.”<sup>338</sup>

Article 25 addresses the right of persons to participate in all elections, to take part in public affairs and to equally enjoy public services provided by the state.<sup>339</sup> All of the other rights recognised in the Covenant protect all persons present on the territory of the state party and all persons who answer the State’s jurisdiction. However, article 25 protects the rights of the citizens of the state, holding the country’s nationality. The HRC’s General Comments No.25 explains that the “freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively.”<sup>340</sup>

## **5.2 Convention on the Elimination of All Forms of Discrimination against Women**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) represents the international bill of rights for women, as its implementation is key to the fulfilment of women’s human rights. In order to strengthen the provisions of already existing international instruments, the UN GA adopted the Convention on 18 December 1979 and it entered into force on 3 September 1981 with 189 States signing and ratifying it.

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<sup>338</sup> ICCPR, art 25.

<sup>339</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote)*, *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 June 1996, CCPR/C/21/Rev.1/Add.7, para.2.

<sup>340</sup> Ibid, para.12.

CEDAW sets legally binding obligations for women's equal endowment with civil, political, economic, social and cultural rights to the male counterparts in society<sup>341</sup>. The Convention obligates States parties to abolish discrimination against women in the private and public life.<sup>342</sup>

The Convention does not allow States to derogate from their obligations during conflict and wars.<sup>343</sup> Their State obligations persist during conflicts, including their due diligence obligations to sanction and guarantee redress for the actions of entities or people that violate the rights enshrined by CEDAW.<sup>344</sup> The Convention established the Committee on the Elimination of Discrimination against Women (hereinafter: CEDAW Committee), to monitor the implementation of the Convention by States Parties.<sup>345</sup> It consists of 23 experts and has the main function of reviewing and thoroughly inspecting the initial and periodic reports submitted by States parties on their efforts and actions taken in order to fulfil their obligations under CEDAW.<sup>346</sup>

Human rights treaties are frequently followed by "Optional Protocols". On 6 October 1999, the GA adopted "Optional Protocol to the Convention on the Elimination of Discrimination against Women".<sup>347</sup> Upon ratification, the State Parties accept that the Committee of CEDAW receives individual complaints from individuals or groups within its jurisdiction.

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<sup>341</sup> UN Women, *Guidebook on CEDAW General Recommendation N.30 and the UN Security Council Resolution on Women, Peace and Security*, United Nations, New York, 2015, p.8.

<sup>342</sup> Ibid, p.8

<sup>343</sup> Ibid, p.9

<sup>344</sup> Ibid, p.9

<sup>345</sup> Ibid, p.8

<sup>346</sup> Ibid, p.8

<sup>347</sup> UN General Assembly, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, 6 October 1999, United Nations, Treaty Series, vol. 2131, p.83, art 1&2.

The Protocol contains two procedures: (1) the “communications procedure” which permits individual women and groups of women, to submit written claims of violations against their human rights protected under CEDAW;<sup>348</sup> (2) The protocol also established an inquiry procedure where the Committee can launch inquiries into cases of grave women’s rights violations.<sup>349</sup>

The principles manifested in the CEDAW Convention offer an outline for answering recognised and new confronts to women’s rights. Since its principal session in 1982, the Committee and other players at the national and international ranks have incessantly worked on explaining the Convention, the particular nature of the prejudice against women and how to apply the Convention in order to abolish such discriminations.<sup>350</sup> CEDAW authorises its Committee to assume new “General Recommendations” on articles and thematic challenges in order to offer thorough guidance to States on how to fully execute their obligations under the Convention.<sup>351</sup>

### **5.2.1 Policy measures**

Article 2 is vital for complete implementation of the Convention because it identifies the type of legal obligations of States parties.<sup>352</sup> Under article 2 States Parties have the obligation to

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<sup>348</sup> Ibid, art 1, 2 & 3

<sup>349</sup> Ibid, art 8(1)(2)

<sup>350</sup> Supra note 341, p.9

<sup>351</sup> Ibid, p.9

<sup>352</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 16 December 2010, CEDAW/C/GC/28, para.1

protect and respect all the rights enshrined in the Convention.<sup>353</sup> The obligations under article 2 are inseparably linked to all of the other provisions of the Convention.<sup>354</sup>

## ***Article 2***

“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;”<sup>355</sup>

In October 2010 CEDAW’s Committee introduced the “General Recommendation No. 28 on the Core Obligations of States Parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women” in order to further elaborate on the states obligations under article 2 of the Convention. Under article 2 (d) States parties are obligated to refrain from any act or practice of implicit or explicit discrimination against women.<sup>356</sup> States must guarantee that its institutions, laws and policies, do not in any way violate

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<sup>353</sup> Ibid, para.1

<sup>354</sup> Ibid, para.1

<sup>355</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 12493, p.13, art 2.

<sup>356</sup> CEDAW, General Recommendation No. 28, para. 35.

women's human rights.<sup>357</sup> States have the obligation to abolish any law or policy that deems discriminatory towards women.<sup>358</sup> Article 2(e) Obligates States Parties to eliminate all types of discrimination against women committed by private individuals and public actors.<sup>359</sup> Additionally under article 2 (f), States Parties are also obliged to take practical measures that help eliminate discrimination against women.<sup>360</sup> The General Recommendation No. 28 elaborated on the types of measures to be undertaken by States parties in order to fulfil the obligations under article 2 of the Convention “this includes measures that: ensure that women are able to make complaints about violations of their rights under the Convention and to have access to effective remedies; enable women to be actively involved in the formulation and implementation of measures; ensure governmental accountability domestically; promote education and support for the goals of the Convention throughout the education system and in the community; encourage the work of human rights and women's non-governmental organizations, establish the necessary national human rights institutions or other machineries; and provide adequate administrative and financial support to ensure that the measures adopted make a real difference in women's lives in practice.”<sup>361</sup>

### **5.2.2 Special measures**

The Convention acknowledges that women always have and continue to suffer from discriminatory practices against their social, economic and political rights. Article 4 (a) introduces Temporary Special Measures (TSM) in order to fasten the process of eliminating

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<sup>357</sup> Ibid, para. 35

<sup>358</sup> Ibid, para, 35

<sup>359</sup> Ibid, para. 36

<sup>360</sup> Ibid, para. 36

<sup>361</sup> Ibid, para. 36



gender inequality and to remedy the still existing detrimental effects of past discriminations against women.<sup>362</sup>

#### **Article 4**

“(a) Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.”<sup>363</sup>

Article 4 (a) obligates States to take all the adequate measures in order to tackle the under-representation and misrepresentation of women in all levels of conflict prevention, peace making and peace building. It introduced the TSM under article 4(a) to quicken the equal participation of women in the political, economic, social, cultural and civil life.<sup>364</sup> Through its “General recommendation no 25, on article 4 paragraph 1” the Committee explicitly explains the term TSM and the implications behind it. The measures are not forever; whenever the objective is reached the measures have to be discontinued thus comes the term “Temporary”.<sup>365</sup> “Special” means that these measures were specially tailored to tackle a certain problem; here they serve to attain women’s full participation in all levels of society.<sup>366</sup> The term “measures” encompasses “a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices, such as outreach or

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<sup>362</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women*, on temporary special measures, 2004, para 14.

<sup>363</sup> CEDAW, art.4

<sup>364</sup> CEDAW, General Recommendation No. 25, para.18

<sup>365</sup> Ibid, para.20

<sup>366</sup> Ibid, para 21

support programmes; allocation and/or reallocation of resources; preferential treatment; targeted recruitment, hiring and promotion; numerical goals connected with time frames; and quota systems.”<sup>367</sup> The Committee interprets the application of the TSMs not as a deviation from the norm of the principle of non-discrimination, but rather as an essential approach aimed at guaranteeing women their basic human rights.<sup>368</sup> While the TSM are often employed in order to tackle the effects of past discrimination against women, states are obligated to apply these TSMs regardless of any evidence of past discrimination.<sup>369</sup>

### 5.2.3 Sex role stereotyping and prejudice

Women in some societies are ipso facto considered inferior to men just because they are women; cultural practices and social beliefs are offered as excuses for violations against their social and political rights.<sup>370</sup> Article 5 obligates states to eliminate all discriminatory practices against women as well as all the negative stereotypes that prevent women from full participation in all aspects of society.<sup>371</sup>

#### *Article 5*

“States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices

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<sup>367</sup> Ibid, para 22

<sup>368</sup> Ibid, para 21

<sup>369</sup> Ibid, para 22

<sup>370</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women*, 1992, para.11.

<sup>371</sup> Ibid ,para 11

which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

- (b) To ensure that Family education includes a proper understanding of maternity as social function and the recognition of the common responsibility of men and women in the upbringing and development of their children is it primordial consideration in all cases.”<sup>372</sup>

In many societies the stereotypical roles enacted by women have played a big role in their marginalisation from politics. Article 5 seeks to breakdown fallacious stereotypes accorded to women in order to achieve social and political equality.<sup>373</sup> The Committee has identified times of conflict as an ideal chance for women in marginalised societies to start deconstructing these stereotypes and to assume their rightful place in society politically and socially.<sup>374</sup> The committee recognises that gender based discriminatory practices and the serotyping of women “help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities”.<sup>375</sup> Under article 5(a), States are obligated to eliminate all social and cultural practices that discriminate against women.<sup>376</sup> This is achieved through the adoption of legislative and policy measures.<sup>377</sup> Discriminatory customary rules and cultural practices are direct obstacles to the full political participation of women in conflict resolution. Such

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<sup>372</sup> CEDAW, art.5

<sup>373</sup> CEDAW, General Recommendations No. 19, para 11

<sup>374</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, 1 November 2013, para.43.

<sup>375</sup> CEDAW, General Recommendation No. 19, para 11

<sup>376</sup> Ibid, para 11

<sup>377</sup> CEDAW, General Recommendation No. 30, para 43

stereotypes are translated through the traditional male leadership roles that consistently exclude women from the decision-making process and through the inferior status women hold in traditional societies.<sup>378</sup> Article 5(b) elaborates on the shared role in parenting and the upbringing of children because in traditional societies being a caretaker is the woman's main and only role. This responsibility has indeed prevented women from being active in politics because they have been exclusively dedicated to their family role. Sharing family and children responsibilities will give women the possibility to join the work force and will offer her the time and adequate space to engage in political activism.<sup>379</sup>

#### **5.2.4 Representation in the public and political life**

Articles 7 and 8 obligate states to ensure women's participation in the political life including in peace processes.<sup>380</sup> Women play an important role during the conflict, they enact numerous roles such as combatting alongside men, politically organising themselves, answering to the humanitarian needs on the ground and taking care of house holds while their male partners are away fighting. Having acknowledged their very active status during conflict, their participation at all levels of peacemaking and peace-building later on becomes crucial and evident.<sup>381</sup>

#### ***Article 7***

“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

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<sup>378</sup> Ibid, para 43

<sup>379</sup> CEDAW General Recommendation No. 19, para 23

<sup>380</sup> Supra note 341, p.13

<sup>381</sup> Ibid, p.13

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”<sup>382</sup>

### ***Article 8***

“States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.”<sup>383</sup>

The Committee through its adoption of the “General recommendation No 30 on women in conflict prevention, conflict and post-conflict situations” tackles issues related to women’s full participation addressed in articles 7 and 8 of CEDAW.<sup>384</sup> Article 7 obligates states parties to take adequate measures at the national level to eliminate discrimination against women by ensuring their right of full participation in elections, non governmental organisations and in government policy formulation and implementation.<sup>385</sup> Article 8 obligates states parties to ensure the full participation in decision-making at the international level.<sup>386</sup> One of its aims is

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<sup>382</sup> CEDAW, art.7.

<sup>383</sup> Ibid, art.8

<sup>384</sup> CEDAW, General Recommendation No.30, para 44.

<sup>385</sup> Ibid, para 44

<sup>386</sup> Ibid, para 44

to provide guidance to states on policy planning and legislation; as well as it calls for the inclusion of a mandatory critical mass of women in all levels of peacemaking and peacekeeping.<sup>387</sup> This critical mass was introduced through the Beijing declaration at a mandatory minimum of 30 % of women in all levels of decision-making.<sup>388</sup> This quota also obligates states to guarantee the participation of women at 30% or more in all the delegations negotiating peace and in all decision-making posts in post-conflict peacebuilding.

### **5.3 The complementarity between CEDAW and the UN SC resolutions**

The UN SC resolutions on women, peace and security and CEDAW can mutually strengthen and develop gender equality in the context of peacemaking and peacekeeping.<sup>389</sup> CEDAW and UN SC resolutions are potent frameworks for fulfilling women's human rights and ensuring that institutions and States adopt the adequate mechanisms to effectively respond to human rights violations. They both have a significant rapport with the main decision-making bodies<sup>390</sup>. The Convention is an international human rights treaty that must be integrated into national law for the protection of women's rights and obliges governments to establish mechanisms and measures in order to fulfil all women's rights under the Convention.<sup>391</sup> The SC uses the resolutions as a tool to demand member states to include women at all levels of peacemaking and peacekeeping, as well as, it is used to expand the reach of CEDAW and to protect women and girls from all types of aggressors<sup>392</sup>. The Convention as a human rights

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<sup>387</sup> Ibid, para 42

<sup>388</sup> United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995.

<sup>389</sup> United Nations Development Fund for Women, *CEDAW and Security Council Resolution 1325: A Quick Guide*, New York, United Nations, 2006. p. 7.

<sup>390</sup> Ibid, p.7

<sup>391</sup> Ibid, p.8

<sup>392</sup> Ibid, p.9

treaty is legally binding only when states parties sign and ratify it. Not all member states of the GA have ratified CEDAW and sometimes-non-state actors commit violations against women's rights. Therefore, UN SC resolutions demands that all actors protect and fulfil women's human rights, as they are held accountable for any violation under international law.<sup>393</sup> The UN SC resolutions offer a political framework and set the objectives of giving high importance to women's participation at all levels of conflict resolution and post conflict peacekeeping; however, it does not specify operational guidance about how these aims are achieved.<sup>394</sup> CEDAW can offer the specific steps to fulfil the obligations under the resolutions. The UN SC resolutions and CEDAW are complementary; whenever they are applied together they acquire a standard that neither one has when applied alone.<sup>395</sup> For each of the stages of conflict resolution and post conflict peacekeeping there is an explicit relation between the standards set out in CEDAW and the SC resolutions, as well as guidance on ways to fulfil the standards, indicated by CEDAW and its Committee's General Recommendations. Thus, the SC resolutions could for instance serve as a means of interpretation for state reporting under CEDAW<sup>396</sup>.

#### **5.4 UNSC resolution 1325**

UNSC Resolution 1325 was the introductory women peace and security resolution and was concertedly adopted on 31 October 2000; it was the first time ever, that UN SC had tackled the distinctive and unique impacts war has on women. The resolution emphasised on the high significance of women's equal and full inclusion as active actors in peace processes in its Operational Paragraphs (OP) 1, 2 and 8 (b).

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<sup>393</sup> Ibid, p.9

<sup>394</sup> Ibid, p.10

<sup>395</sup> Ibid, p.8

<sup>396</sup> Ibid, p.10

### ***Operational Paragraph 1***

“Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.”<sup>397</sup>

In this paragraph the Security Council puts a much-required pressure on States to augment the percentage of women included in all decision-making stages of the conflict, from its prevention to its resolution. During the 1995 Beijing Platform for Action, the world's governments consented to a quota of 30% women in positions at decision-making levels, an aim that reveals to be far from being met at the peace and security decision-making level.<sup>398</sup>

“On the international level alone, only two women have served as Ambassadors on the Security Council since 1992. Between 1992-2002, 5.4% of the Ambassadors sent to represent countries at UN Headquarters were women. At the GA First Committee on Security and Disarmament between 1992-2002, women have headed 7% of country delegations.”<sup>399</sup> Women are regularly marginalised in peace processes and are often entirely missing.<sup>400</sup>

### ***Operational Paragraph 2***

“Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision making levels in conflict resolution and peace processes;”<sup>401</sup>

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<sup>397</sup> UN Security Council, *Security Council Resolution 1325*, 31 October, S/RES/1325 (2000), op 5.

<sup>398</sup> UN Development Fund for Women UNIFEM, *Security Council Resolution 1325 Annotated and Explained*, 2006, New York, p.5.

<sup>399</sup> Ibid, p. 5

<sup>400</sup> Ibid, p.6

<sup>401</sup> UN Security Council Resolution 1325, op 2



The strategic plan of action deals with gender equality within the United Nations, it offers a progressive strategy for the recruitment and promotion of women.<sup>402</sup> An integration approach is the key element in the strategic plan of action; the plan places out methods, objectives, and highlights the interrelated steps needed to realise them.<sup>403</sup> New measures were mentioned in the plan to tackle management training, career development and the amelioration of recruitment processes, along with the implementation of technological innovation to augment the access of competent women worldwide.<sup>404</sup> The strategic plan also dealt with the introduction of more efficient systems to deal with mobility and measures to prohibit sexual harassment.<sup>405</sup> “The strategy includes planning and database development, development of a specific roster of external candidates, a Secretariat-wide network of departmental focal points, broad advertising and communication, targeted recruitment missions, and review of the processes of recruitment and promotion and involvement of the departmental focal points in those processes.”<sup>406</sup>

### ***Operational Paragraph 8 (b)***

“Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:

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<sup>402</sup> Supra note 398, p.6

<sup>403</sup> Ibid, p.6

<sup>404</sup> Ibid, p.6

<sup>405</sup> Ibid, p.7

<sup>406</sup> Ibid, p.7

(b) ...Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements...<sup>407</sup>

This operational paragraph calls for the more effective involvement of women in the peace and security decision-making process, as well as it focuses on the need to include the local and indigenous women in the peace processes. Chiefly, this paragraph recommends the inclusion of gender sensitive provisions as one of the main constituents of the peace agreement regardless of who is conducting, participating and implementing the peace deal.<sup>408</sup> It also stresses that peace processes should not be isolated affairs, as negotiations start during the conflict and remain throughout the different phases of the peace transition.<sup>409</sup> "Peace agreements can include the following: power-sharing arrangements, economic reconstruction, demobilisation and reintegration of soldiers, legislation on human rights, access to land, education and health, the status of displaced people and the empowerment of civil society. Therefore, they provide a unique opportunity to transform institutions, structures, and relationships within society, and can affirm gender equality through constitutional, judicial, legislative and electoral reform."<sup>410</sup>

## **5.5 UNSC resolution 1820 and 1888**

After resolution 1325, the SC adopted a series of resolutions to strengthen the effective implementation and monitoring of the women peace and security agenda. Both UN SC

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<sup>407</sup> UN Security Council Resolution 1325, OP 8 (b)

<sup>408</sup> Supra note 398, p.8

<sup>409</sup> Ibid, p.8

<sup>410</sup> Ibid, p.8

resolutions 1820 and 1888 focus on preventive measures and effective responsive mechanisms employed in order to combat sexual violence in conflict.<sup>411</sup>

UNSC resolution 1820 was signed on 19 June 2008; it focused on the specific issue of sexual violence in conflict and brought increased attention to this issue. The resolution recognises sexual violence as a tactic of war, and notes that rape and other forms of sexual violence may constitute a war crime or a crime against humanity.<sup>412</sup> The resolution viewed the political participation of women as part of the response to sexual violence as the SC urged the SG and his special envoys “to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to facilitate the equal and full participation of women at decision-making levels.”<sup>413</sup>

On 30 September 2009, the SC adopted UNSCR 1888 to reinforce the mechanisms for the implementation of the women peace and security agenda. The SC urged all Member States and regional organisations to include more women at all decision making levels and in the direct negotiations of conflict mediation.<sup>414</sup> As well as the SC urged the discussion of sexual violence in the direct negotiations at every peace process carried out by the UN.<sup>415</sup>

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<sup>411</sup> UN Security Council, *Report of the Secretary-General Women's Participation in Peacebuilding*. (2010), 7 September 2010, S/2010/466, para.3.

<sup>412</sup> UN Security Council, *Security Council resolution 1820 (2008) [on acts of sexual violence against civilians in armed conflicts]*, 19 June 2008, S/RES/1820 (2008), op.4.

<sup>413</sup> Ibid, op.12

<sup>414</sup> UN Security Council, *Security Council resolution 1888 (2009) [on acts of sexual violence against civilians in armed conflicts]*, 30 September 2009, S/RES/1888 (2009), op.16.

<sup>415</sup> Ibid, op.17

We find worldwide efforts to fight conflict-related sexual violence and to make committers responsible.<sup>416</sup> Nevertheless, while tackling sexual violence against women in conflict is a vital human rights concern, the emphasis on sexual violence on the expense of other issues relating to women, peace and security menaces the reinforcement of the stereotypical image of women as victims and undercuts their role as agents of change.<sup>417</sup>

## 5.6 UN SC resolution 1889

In its resolution 1889 (2009), the Council urged for greater consideration of the gender dimensions of post-conflict planning and financing.<sup>418</sup> UNSC resolution 1889 was approved on 5 October 2009; it was a follow-up to the initial resolution 1325 that concentrated on women, peace, and security.<sup>419</sup> The SC requested the SG to include women in the early stages of peacebuilding and requested their participation in all economic and political decision-making.<sup>420</sup> In order to realise the latent objective, the SC requested “promoting women’s leadership and capacity to engage in aid management and planning, supporting women’s organisations, and countering negative societal attitudes about women’s capacity to participate equally.”<sup>421</sup>

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<sup>416</sup> S. Brewo, *Taking up a Place at the Table: Analysing the Importance of UNSCR 2122 for the Women, Peace and Security Agenda*, Kofi Annan International Peacekeeping Training Centre, *Policy Brief* 5, 2013, p.4

<sup>417</sup> Ibid, p.5

<sup>418</sup> Supra note 411, para4

<sup>419</sup> UN Security Council, *Security Council resolution 1889 (2009) [on women and peace and security]*, 5 October 2009, S/RES/1889 (2009), preamble.

<sup>420</sup> Ibid, op.15

<sup>421</sup> Ibid, op.1

## 5.7 UNSC resolution 2106

On 16 June 2013 the UN Security Council adopted a new resolution on protection of women from sexual and gender-based violence in conflict. UNSCR 2106 resolution concentrated on improving mechanisms to prevent and eliminate sexual violence as a war tactic.<sup>422</sup> The Security Council recognised the need to pay more attention to gender based sexual violence in conflicts and to the agenda of women peace and security. Thus, it calls for the employment of all means to guarantee women's full political participation at all the stages of conflict mediation and peacebuilding. It also called member states to address sexual violence in conflict through "the establishment and review of peacekeeping and political mandates, public statements, country visits, fact-finding missions, international commissions of inquiry, consultations with regional bodies and in the work of relevant Security Council sanctions committees."<sup>423</sup>

## 5.8 UNSC resolution 2122

The adoption of Security Council Resolution 2122 points at the UN's will to re-emphasise the women, peace and security agenda. UNSCR 2122 provides a more precise methodology for implementing earlier commitments on women's participation in peace and security issues. The SC "recognised the continuing need to increase women's participation and the consideration of gender-related issues in all discussions pertinent to the prevention and resolution of armed conflict."<sup>424</sup> In order to achieve the latent objective, the SG should ask his special representatives and special envoys to consistently consult with women's groups

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<sup>422</sup> UN Security Council *Security Council resolution 2106 (2013) [on sexual violence in armed conflict]*, 24 June 2013, S/RES/2106 (2013), op.1.

<sup>423</sup> Ibid, op.5

<sup>424</sup> UN Security Council, *Security Council resolution 2122 (2013) [on women and peace and security]*, 18 October 2013, S/RES/2122 (2013), op.7

from civil society while carrying out their mediation efforts.<sup>425</sup> Moreover, the SC encouraged Member States to help develop the capacities of women civil society organisations through special funding mechanisms.<sup>426</sup> Finally, the SC called on parties to the peace negotiation to enable women's full participation in decision-making and requested from the SG to appoint gender experts in all mediation teams and to hire more women as senior mediators to the UN.<sup>427</sup>

## **6. Human rights violations impeding Syrian women's political participation**

Discriminatory laws and practices in Syria obstruct women's ability to enjoy their basic human rights. Syria's war has contributed to grave violations against women. The Syrian government is excluding women from participating in international and domestic political processes, and continues to reinforce gender based discriminations which are not only affecting women's social and cultural rights but are also getting in the way of their political participation in the peace process.<sup>428</sup> Based upon the interviews and the information I have gathered, it becomes apparent that the Syrian women's human rights are violated; the Syrian government is failing to guarantee women their political, cultural and social rights enshrined in the ICCPR, CEDAW and UN SC resolutions on women peace and security. Human rights violations have impeded Syrian women's participation in the peace process, women have always been discriminated against by the Assad regime, and now with the war taking place these violations have exacerbated.

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<sup>425</sup> Ibid, op.7 (a)

<sup>426</sup> Ibid, op.7 (b)

<sup>427</sup> Ibid,op.7(c)

<sup>428</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding observations on the second periodic report of Syria*, 18 July 2014, CEDAW/C/SYR/CO/2, para, 13(a) & (b).

## 6.1 Syria's reservation on article 2 of CEDAW

Syria ratified the CEDAW on 28 March 2003 however it made reservation on article 2. Article 2 is considered to be a core provision to the Convention.<sup>429</sup> Article 28 (2) of CEDAW adopts the impermissibility principle enshrined by the Vienna Convention of the Law of Treaties.<sup>430</sup> Article 28 (2) of CEDAW states the following: “a reservation incompatible with the object and purpose of the present Convention shall not be permitted.”<sup>431</sup> Through article 28 (2), the Convention invokes article 19 (b) (c) of the Vienna Convention of the Law of Treaties.

### *Article 19*<sup>432</sup>

“A State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless:

- (a) The reservation is prohibited by the treaty;
- (b) The treaty provides that only specified reservations, which do not include the reservation in question, may be made; or
- (c) In cases not falling under sub-paragraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.”<sup>433</sup>

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<sup>429</sup> Refer to chapter 5.2.1

<sup>430</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Statements on the reservations to the convention on the Elimination of All Forms of Discrimination against Women by the Committee on the on the Elimination of All Forms of Discrimination against Women*, 1998, A/53/38/ Rev.1, para 6-7.

<sup>431</sup> CEDAW, art.28 (2)

<sup>432</sup> Article 19 is cited for further clarification on article 28 (2) of CEDAW

<sup>433</sup> United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331, art 19.

In CEDAW's "List of issues and questions in relation to the 2nd periodic report of the Syrian Arab Republic", the Committee asked Syria to lift the reservation on article 2, emphasising the fact that it had previously agreed to do so.<sup>434</sup> Furthermore, the Syrian government in its reply to the Committee in July 2016 stated that the government was acting to remove the reservations and that the process had reached its final stages.<sup>435</sup> Two years later and the reservation is still existent. Therefore, Syria is in direct violations of its legal obligation under CEDAW and the Vienna Convention of the law of Treaties as the reservation on article 2 is invalid and should be immediately removed.

## **6.2 Direct impact of gender based discriminations on women's political rights**

Syrian cultural and religious practices have proven to be one of the chief obstacles to women's effective political participation. The findings of this thesis show the stereotypical roles and the patriarchal attitudes are directly impacting women's full political participation in the current peace process.<sup>436</sup> Whenever a Syrian woman gets involved in politics, the society makes defamatory assumptions about her as woman. Consequently, women are choosing to preserve their honour and reputation by staying out of politics. All women's initiatives including the SWIPD and WAB are met with criticism, scepticism and rejection from both the Government's and the HNC's sides. Moreover, men view women as inferior beings; some Islamist factions refuse to negotiate with women sitting at the peace table. Women are only allowed the roles of caretakers and nurtures in the society; these

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<sup>434</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *List of issues and questions in relation to the 2nd periodic report of the Syrian Arab Republic*, 28 October 2013, CEDAW/C/SYR/Q/2, para.15.

<sup>435</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *List of issues and questions in relation to the 2nd periodic report of the Syrian Arab Republic, Replies of the Syrian Arab Republic*, 22 January 2014, CEDAW/C/SYR/Q/2/Add.1, para.3.

<sup>436</sup> Refer to chapter 4.4.2



stereotypes are entirely depoliticising women's role and are proving to impede their full political participation in the current peace process.

CEDAW General Recommendation No 28, states that article (1) together with articles 5(a) and 2 (f) protect women from gender-based discrimination.<sup>437</sup> Article 1 defines the acts of discrimination against women<sup>438</sup>; article 5 (a) CEDAW obligates states to modify the cultural and customary practices based on to the negative stereotypical beliefs about women and on the concept of inferiority of the female sexe<sup>439</sup>; article 2 (f) obligates states take all the appropriate legal measures to comply with obligations, under article 5 (a), in this specific case.<sup>440</sup> Furthermore, the General Recommendation No 19 of the CEDAW Committee explains “under article 2(e) the Convention calls on States Parties to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”<sup>441</sup> The Syrian government has not taken any measure eliminate the discriminatory cultural practices by the Syrian men who shame women for entering politics, stereotype them as caretakers, views them as weak and considers them politically incompetent. Therefore, the Syrian government is in direct violation of articles

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<sup>437</sup> CEDAW, General Recommendation No. 28, para. 5.

<sup>438</sup> CEDAW, Article 1: “For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

<sup>439</sup> Refer to chapter 5.3.2

<sup>440</sup> Refer to chapter 5.3.1

<sup>441</sup> CEDAW, General Recommendation No. 19, para.9

1, 2 (e) (f) and 5(a) as it is failing to protect women from gender based discriminations. These practices and sexist social attitudes are strongly impeding all the women's efforts to entering the political space. In July 2014, the CEDAW Committee in its "Concluding observations on the second periodic report of Syria" also voiced its concern towards the sexist and stereotyping practices that discriminate against women's rights under the Convention. It identified a direct rapport between "the legal framework of the State party, some negative cultural patterns and the perpetuation of harmful practices against women"<sup>442</sup>. Moreover, the Committee condemned the role of "religious leaders who have been issuing fatwas which have contributed to the objectification and commodification of women."<sup>443</sup>

Syria ratified the ICCPR on 21 April 1969, thus it has the obligation to abide by all the principles and provisions of the Covenant. Article 25 of the Covenant obligates that States, without any of the distinctions cited in its article 2, ensure the equal participation of all its citizens in state public affairs and public services.<sup>444</sup> However, the gender-based discriminations faced by women in Syria are found to be a barrier to the rights enshrined under article 25. Article 2 (1) along side article 3 of the ICCPR obligate states to ensure equal civil and political rights to both men and women.<sup>445</sup> The HRC in its General Comment No.28 recognised the detrimental effects of the social, cultural and religious practices on women's civil and political rights and rejected all justifications of gender-based discrimination under cultural relativism. The HRC has offered guidance on the measures to be implemented to fulfil States obligations under articles 2 (1) and 3 of the ICCPR. These measures entail "the removal of obstacles to the equal enjoyment of such

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<sup>442</sup> Supra note 428, para 21(a).

<sup>443</sup> Ibid, para 21 (c)

<sup>444</sup> Refer to chapter 5.1.5

<sup>445</sup> Refer to chapter 5.1.1 & 5.1.2

rights, the education of the population and of State officials in human rights, and the adjustment of domestic legislation so as to give effect to the undertakings set forth in the Covenant.”<sup>446</sup> Based on this study’s findings, the Syrian government is neither taking measures to eliminate obstacles impeding women’s full political participation nor amending its national laws to eliminate gender-based discrimination against women. Women are still suffering from the sexist attitudes and practices in the society and from the patriarchal state system that is consistently shutting them out of the peace process. Therefore, the Syrian government is in direct violation of its legally binding state obligations under the articles 25, 2 (1) and 3 of the ICCPR.

### **6.3 Liberty and physical integrity of women**

A major obstacle impeding women’s full political participation is the arbitrary detentions by the government forces and the subjugation to torture upon arrest in order to gain information. These tactics have been very successful in silencing particularly the women opposing the Assad regime. This has resulted in their withdrawal from politics in fear of losing their lives or being tortured.<sup>447</sup> The HRC’s General Comment No 35 explains that under article 9 (1) states are obligated to take all measures to protect individuals from physical and mental aggression. Moreover, the Committee Against Torture voiced its concern with regards to the inhuman and degrading practices in Syria, especially that the government has still not issued till today the special report requested by the Committee inquiring about the use of torture in Syria. The Committee condemned the “widespread practice of arbitrary and unlawful arrest and subsequent unlawful detention of civilians, including the elderly, children and women”.<sup>448</sup> Furthermore, it established that the

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<sup>446</sup> HRC, General Comment No.28, para.5

<sup>447</sup> Refer to chapter 4.2 & 4.4.4

<sup>448</sup> UN Committee Against Torture (CAT), *Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested*

government is responsible for the “torture and cruel and inhuman treatment of detainees, individuals suspected of having participated in demonstrations, journalists, web bloggers, defectors of security forces, persons wounded or injured, women and children.”<sup>449</sup> Therefore, the government of Syria is in direct violation of its legal obligations to protect its citizens from arbitrary detentions and inhuman treatment under articles 7, 10 (1) and 9 of the ICCPR.

Furthermore, another obstacle obstructing women’s participation in society is the practice of sexual violence. The government of Syria is using rape as a tactic of war; the regime forces are raping women detainees.<sup>450</sup> Women’s full political participation in the peace process and peace building is viewed as a measure to counter sexual violence in conflict.<sup>451</sup> However, the peace process in Syria has been excluding women from political participation, as both delegations to the peace table are not complying with any quota for women participation. Moreover, both delegations are refusing all attempts of women’s groups direct participation, namely the SWIPD and the WAB. The government of Syria is violating the political obligations enshrined in UN SC 1820 and 1888 by not taking any measure to facilitate women’s presence at the peace table. In UN 1889, the SC requests the SG to ensure to the discussion on sexual violence in all UN-led peace processes.<sup>452</sup> In Syria, it is revealed that the peace delegations do not view women’s issues as an important subject to achieving peace.<sup>453</sup> The SC in its resolution 2106 called for the employment of all means to ensure women’s political participation in the peace process. It introduced new

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*pursuant to article 19, paragraph 1, in fine: concluding observations of the Committee against Torture: Syrian Arab Republic, 29 June 2012, CAT/C/SYR/CO/1/Add.2, para, 20 (n).*

<sup>449</sup> Ibid, para, 20 (a)

<sup>450</sup> Refer to chapter 4.2 & 4.4.4

<sup>451</sup> UN SC 1820, op.12; UN SC 1888, op.16;

<sup>452</sup> UN SC 1889, op.15

<sup>453</sup> Refer to chapter 4.4.3

mechanisms to monitor states compliance with its obligations, one of them being the international commissions inquiry.<sup>454</sup> In February 2015, the Independent International Commission of Inquiry on the Syria issued a report where it recognised a rising number of cases of sexual violence, “women and girls were found to have been raped and sexually assaulted in government detention.”<sup>455</sup> The report also pointed “many victims of sexual and gender-based violence spoke out once they had been released from detention, while others took time to relay their experiences of violations perpetrated in secret or cloaked in silence or taboo.”<sup>456</sup> Therefore, the government of Syria is in direct violation of its obligation to protect women from rape.

#### **6.4 Violations of Syrian women’s political rights**

According to CEDAW women’s participation is a prerequisite for establishing a society based on the rule of law, peace and gender equality.<sup>457</sup> CEDAW’s article 4 (a) and the UN SC resolution 1325 operational paragraph 8(b) oblige States Parties to put Temporary Special Measures in order to quicken the increase of women’s participation.<sup>458</sup> In the Syrian case, neither the government’s delegation nor the HNC have adopted a minimum women quota for participation at the peace table. The 30% quota was not a precondition to any of the delegations as my interview with Koury notes,<sup>459</sup> letters were sent to the delegations wishing upon them to include at least 30% of women, but it was never mandatory. Under

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<sup>454</sup> UN SC resolution 2106, op5.

<sup>455</sup> UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2015, A/HRC/28/69, para 48.

<sup>456</sup> Ibid, para.40

<sup>457</sup> CEDAW, preamble.

<sup>458</sup> Refer to chapters 5.2.2 and 5.4

<sup>459</sup> Refer to chapter 4.4.3

the General Recommendation No 25, states should include Temporary Special Measures as article 4(a) of CEDAW obligates. Such as quotas for women in decision-making positions; training, and financially supporting possible female candidates for public office and the judiciary; and organising campaigns to augment women's participation in electoral procedures, to alter the enrooted sexist stereotypical attitudes about women.<sup>460</sup> The Syrian government is not taking any Temporary Special Measures to include more women in its delegation, in fact as the findings show.<sup>461</sup> Therefore, the Syrian government is violating its legal obligation under article 4 of CEDAW and its political obligation under the operational paragraph 8 (b) of the UN SC resolution 1325.

Furthermore, article 7(a) (b) of the CEDAW Convention obligates states to abolish discrimination against women in the political and public life, and calls for their participation in government policy planning and its implementation.<sup>462</sup> In parallel, article 8 guarantees the same rights to women on the international level.<sup>463</sup> Additionally, the operational paragraphs 1 and 2 of UN SC resolution 1325 obligate state to increase women's representation in conflict resolution.<sup>464</sup> Moreover, the General Recommendation No 30 requires from states to take affirmative measures to deal with gender discrimination issues in order to fulfil articles 7 and 8 of CEDAW. It obligates states to address all the conflict related barriers to women's equal participation from the freedom of movement, to security, to technical skills and campaigning; it also calls for the full implementation of UN SC resolution 1325.<sup>465</sup> Drawing upon this thesis's findings, women at the grass root level

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<sup>460</sup> CEDAW, General Recommendation No. 25, para 1

<sup>461</sup> Refer to chapter 4.1

<sup>462</sup> Refer to chapter 5.2.4

<sup>463</sup> Ibid

<sup>464</sup> Refer to chapter 5.4

<sup>465</sup> CEDAW, General Recommendation No. 30, para 44 and 45

have been very active on the ground; they are forming coalitions among themselves to come up with possible peace agreements and human rights groups to document the violations. SWIPD is one the most successful examples illustrating women's initiative in Syria as they have advanced a potential peace agreement adopting a gender lens. It addresses the current needs of the Syrian society and proposed specific measures if implemented could bring the war to an end and establish order. The HNC and the Syrian government's delegations of peace negotiations are constantly critiquing women groups' efforts and attacking them in a misogynistic and sexualised way. All women initiatives in Syria until today have been met with rejection from all parties sitting at the peace table; as neither the government nor the HNC is taking effective measures to allow women the participation in the peace negotiations. The only initiative adopted to advance women's political participation is the formation of the Women's Advisory Board; this was a decision taken by the Special envoy to Syria Stephen De Mistura. The board advises him, but is not party to the direct negotiations and its recommendations and opinions are merely suggestions. This is an important first step, but not enough to ensure women's effective participation in the peace process, and the initiative should come from the civil society and the government itself according to operational paragraphs 1 and 2 of UN SC resolution 1325. Therefore, the Syrian government is violating its legal obligations under articles 7 (a) (b) of CEDAW and its political obligations under UNSC resolution 1325 operational paragraphs 1,2 and 8 (b). The legal scope of Convention does not cover non-state actors, thus the HNC cannot be held accountable of its violations of women's rights under CEDAW. However, UNSCR 1325 guarantees the protection of women's rights from non-state actors, as they are held accountable for their violation under international law.<sup>466</sup>

The CEDAW Committee delivered their conclusions from the periodic report of Syria in July 2014. In its conclusions, the Committee emphasised on the important and ground breaking role that Syrian women could enact if they effectively participate in the peace

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<sup>466</sup> Refer to chapter 5.3

process. It urged Syria to “give due consideration to General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations . . . by setting up a special coordination mechanism with all relevant State institutions at all levels . . . including international stakeholders currently supporting the State party on its path towards a comprehensive and lasting peace.”<sup>467</sup> It also recalled General Recommendation No 25 and asked the government to adopt special temporary measures to accelerate women’s participation in all levels of decision making as well it urged the participation of women and civil society organisations at the peace negotiations.<sup>468</sup>

## **7. Conclusion**

Based on the reports and interviews’ findings, it was established that women in Syria are the agents of change. They are the only faction that identifies as pacifists; they are calling for peace and the respect and protection of human rights. Women bring a unique perspective to the peace table; they provide the peace process with vital social intelligence. Women in Syria are politically mobilising for peace despite their rejection from the peace negotiations, they are uniting their voices to call the immediate cessation of hostilities. Therefore, their full participation in the peace process will help reach a faster, more inclusive and sustainable peace agreement. Moreover, the participation of women in Syria in the peace agreement today, will give them a much-needed opportunity to start engaging in politics and to ultimately break down the barriers that impede their full and equal participation in the Syrian social and political sphere.

The discrimination against women, including in the political life, has existed long before the war in Syria. This paper has established that the unequal treatment of women has been

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<sup>467</sup>Supra note 428, para.5

<sup>468</sup> Ibid, para 14



justified under religion and cultural practices. Ever since the breakout of the conflict, women have substantially withdrawn from society and have lost the little they had previously achieved from rights. The heavy militarisation of people, the arbitrary detentions by the government forces, the sexual violence, the demise of governmental institutions and the deterioration of the legal system, all combined together have heavily impacted women's participation in society and in politics.

We need to be clear that some women are involved in the direct talks; however, their participation has not been impactful on women's issues as the Syrian peace process continues to be gender blind. Additionally, the number of women participants in the peace process is very small comparing to the overall percentage of Syrian women.

It is safe to state that the Syrian government is clearly not committed to the protection of women's rights as it is blatantly violating its legally binding human rights treaty obligations under CEDAW and the ICCPR and its politically binding obligations under the UN SC resolution on women, peace and security. Moreover, the HNC has been highly critical and dubious of women's political mobilisation and has vehemently opposed women's equal political participation in the peace process.

The international community has indeed been making efforts to promote Syrian women's political participation. The two major achievements are the establishment of the SWPID and WAB. Such initiatives are definitely considered a step forward in the quest for women's equal rights in Syria. Nonetheless, many challenges persist and the international community needs to urgently address them. For instance, the donor states that are currently providing funding for the establishment of local the commission are not asking for a gender balance among the members of the commissions; there are no women quotas placed as conditional funding. Moreover, the special envoy has only recommended having 30% of women across the delegations to the peace table, thus women's participation is not mandatory to entering peace negotiations.

Furthermore, this thesis highlights the crucial role that women mediators can play in the Syrian process. Women mediators who are gender sensitive will be more open to a range of issues like issues at the bottom and service issues. They are believed to take their time in listening to other women's opinions. Consequently, their participation in the negotiations will inherently give peace a better chance and women issues more attention.

Conclusively, during my thorough research on Syria I noticed that the role of the media in the advancement of women's rights is absent. The media has a key role in sensitising people and changing mind-sets. In the Middle East the people are extremely fond of traditional media. They idolise celebrities and famous people and consider them as role models. Social media is also as important as traditional media nowadays, people receive information and stay connected through the use of modern media avenues. The media is a powerful tool that can be used to influence the public opinion and change their perceptions of women's roles.

## 8. Recommendations

The following recommendations are based on the desk review, the interviews and the human rights analysis. This thesis finds that the adoption of these measures will help the effective realisation of Syrian women's full political participation in the peace process and will ensure the positive transition of the women's status quo in post conflict Syria.

The United Nations:

- 1- The UN SG should appoint an Arab but non-Syrian mediator, who is gender sensitive, alongside the special envoy to Syria Stefan De Mistura.
- 2- She should be Arab to ensure familiarity with the politics and the culture in the region. Moreover, given her Middle Eastern background, she will be knowledgeable about the women human rights that are most affected and will be able to discuss them at the peace table.
- 3- The women mediator should be Arab but non-Syrian in order to ensure her objectivity during the peace process.
- 4- The Arab woman mediator should be gender sensitive as this helps the adoption of a gender lens to the negotiations process and to the drafting of the peace agreements.
- 5- The UN should in general, appoint more gender sensitive men and women as special representatives and special envoys to the region of the Middle East. Mediators with such qualifications tend to listen more to women's needs and to the voices of women's civil society groups.

- 6- The UN should ensure the presence of the WAB in the direct negotiations as a precondition to the entire peace process. A women's only group, can pressure for the discussion of women issues and the adoption of gender sensitive provisions to the peace agreement.
- 7- The UN should include mandatory women quotas across all the delegations negotiating the peace agreement as a precondition to entering the peace table.
- 8- The UN should grant an observer status to Syrian women human rights organisations. Through their indirect participation they can pressure delegations to adopt a human rights framework throughout all the stages of the peace process.

The UN and all donors:

- 9- The UN and all the donor states should fund, capacity building for local women's NGOs and activists on how to use the CEDAW mechanisms, in particular government reporting, shadow reports. International women's NGOs and UN Women Syria country office can provide the technical expertise.

The Syrian government:

- 10- The Syrian government should ensure the application of TSMs at all levels of government institutions.
- 11- Syria should ensure that women should actively take part in setting mechanisms of transitional justice.

12- The Syrian government should introduce amendments to its domestic legal system to eliminate all gender-based discriminations based on stereotypes and inferiority of the female sexe.

13- The Syrian state should ensure 30% women in all levels of decision-making levels and at the peace table.

14- The Syrian government should immediately lift its reservation on article 2 of CEDAW.

Civil society organisations:

15- Women civil society organisations in Syria should form interparty cross-sectorial coalitions in order to unify women's voices in order to effectively bring forward their demands and needs.

16- Syrian women's organisations can initiate mass actions, where they organise consistent demonstrations to pressure the negotiating parties to allow them a voice at the peace table.

Third parties:

17- All foreign funding for the establishment of local commissions in Syria should have a 30% quota for women. The funding should be conditional to having women fully and effectively participate.

18- The UN Women should launch a series of high-level problem solving workshops, for women only groups where women from all backgrounds gather to discuss

possible solutions to the conflict and produce a possible peace agreement. The end results of the workshops could serve as a basis for the official negotiations.

The UN Women:

- 19- So many women especially in rural areas do not know that there is a space reserved for them in the political life. The UN women should engage in the mass dissemination of Arabic hard copies of CEDAW across Syria. This will help inform women from all backgrounds and social standings of their political rights and human rights enshrined and protected by the Convention.
- 20- As part of their work on the awareness raising on women rights, the UN women should launch a mass campaign on billboards, television, radios and social media where Arab celebrities from the Middle East condemn the shame associated with women in politics. This is a way to start deconstructing the social and cultural discriminatory prejudices against women.
- 21- The UN women should fund the Production a TV Series where women characters are active in politics and are portrayed as careerists and ambitious yet still traditional. The characters will reject the cultural practices discriminating women yet remain traditional. This will send the message that a woman can keep being traditional and hold on to her Arab identity but at the same time can rebuke the gender-based discriminations facing her in the society.
- 22- Translate to Arabic the struggles for political power and representation by women in other cultures and post them on social media. Syrian women need to know about the struggles faced by others, this might empower them and inspire them to do the same.

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## **Annex 1**

### **Interview Partners:**

- 1- Juliette Touma, Political Advisor to the Special Envoy of the UN and Arab League to Syria Staffan De Mistura, Damascus, Syria. (Interview in Person)
- 2- Laila Alodaat, Syrian human rights lawyer and the Crisis Response Manager at the Women's International League for Peace and Freedom, London, United Kingdom. (Skype interview)
- 3- Marie Joelle Zahar, Conflict Mediator on the Stand by team of Mediators for the UN Department of Political Affairs at the Policy and Mediation Division and professor of Conflict Resolution at the University of Montreal, Montreal, Canada. (Skype interview)
- 4- Stephanie Koury, Director of the Office of Political Affairs in the Middle East North Africa region and the Office of the Special Envoy to UN on Syria Staffan De Mistura, Damascus, Syria. (Interview in person)
- 5- Tamara Al Rifai, individual expert. She is Syrian herself and works at the UN Population Fund to the Middle East North Africa region. However, I interviewed her in her capacity as a Syrian woman and an expert on the conflict, New York, United States of America. (Interview in person)

## **Annex 2**

### **Interview Questions:**

- 1- In your opinion, what are the reasons behind the underrepresentation of women in the Syrian talks?
- 2- If we had the situation where women were playing a more active role, would you think the outcome of the talks would have been different?
- 3- How do you think including areas that cover women's issues could reflect on the Syrian society in the longer-term?
- 4- How do you think the appointment of women, as chief mediators/ special envoys can be beneficial to Syrian peacemaking?
- 5- In a hypothetical situation where Syrian women participation is not met with rejection from men, what do you think are the ideal measures to be taken in order to ensure their participation at the peace table?

## **Abstract**

Syrian women are the first faction in society to be affected by war and the last one involved in brokering and designing the peace agreement. This study has three primary objectives. The first aim is to identify the obstacles that have resulted in the marginalisation of Syrian women from the political life. The second objective is to determine which human rights violations are obstructing Syrian women's full participation in the present peace process. Therefore, the U.N. Security Council resolutions on women peace and security alongside the two international human rights treaties the ICCPR and CEDAW are consulted. Moreover, the third objective is to explore the potential impacts of women's full political participation on the outcome of the peace process.

Concerning the first research question, it was concluded that the misogynistic attitudes, the nature of the political system and the patriarchal social practices attributing negative stereotypes to women, have jointly acted as major barriers to their participation in politics. Regarding the second objective, the analysis has proven that the government's failure to comply with the ICCPR's and CEDAW's legal provisions obligating states to eliminate gender based discriminations and the government's absent initiative in implementing quotas for women and Temporary Special Measures, have concertedly impeded women's full participation in the peace process. As for the third objective, a direct positive relation was established between women's full political participation in the peace negotiations and the adoption of a representational and sustainable peace agreement that promotes and protects women's rights in post-conflict Syria.

Key words: women's rights, peace process, Syrian women, conflict resolution, political participation, quotas for women

## **Abstrakt**

Syrische Frauen sind die Ersten in der Gesellschaft, die vom Krieg betroffen sind; sie sind jedoch die letzten, die in das Entwerfen und Verhandeln von Friedensverhandlungen involviert werden. Vorliegende Arbeit hat im Wesentlichen drei Ziele. Das erste Ziel ist die Identifizierung jener Hindernisse, die zur Marginalisierung syrischer Frauen in der Politik führten. Das zweite Ziel ist herauszufinden, welche Menschenrechtsverletzungen syrische Frauen an der vollen Teilnahme des gegenwärtigen Friedensprozesses hindern. In dieser Arbeit werden daher - neben den zwei internationalen menschenrechtlichen Instrumenten, dem IPbpR und CEDAW, - die Resolutionen des Sicherheitsrates der Vereinten Nationen betreffend Frauen, Frieden, Sicherheit konsultiert. Drittens werden die Auswirkungen der uneingeschränkten Teilnahme von Frauen in der Politik auf den Ausgang des Friedensprozesses untersucht.

Im Hinblick auf die erste Forschungsfrage wurde festgestellt, dass folgende Faktoren die größten Barrieren an der Teilnahme von Frauen in der Politik darstellen: frauenfeindliche Verhaltensweisen, das Wesen des politischen Systems sowie patriarchalische gesellschaftliche Strukturen, welche Frauen negative Stereotypen zurechnen. Bezüglich der zweiten Zielsetzung hat vorliegende Arbeit bewiesen, dass das Versagen der Regierung, den rechtlichen Bestimmungen des IPbpR und CEDAW nachzukommen, welche die Staaten dazu verpflichten, geschlechtsspezifische Diskriminierung zu beseitigen, gemeinsam mit der fehlenden Initiative, Frauenquoten und Vorübergehende Sondermaßnahmen zu implementieren, die volle Teilhabe von Frauen am Friedensprozess verhindern. Betreffend die dritte Zielsetzung konnte eine direkte positive Beziehung zwischen der uneingeschränkten politischen Teilnahme von Frauen an Friedensverhandlungen und der Einführung eines repräsentativen und nachhaltigen Friedensabkommens, welches den Schutz und die Förderung von Frauenrechten in Post-Konflikt-Syrien beinhaltet, festgestellt werden.

Key words: Frauenrechte, Friedensprozess, syrische Frauen, Konfliktbeseitigung, politische Teilnahme, Frauenquoten.

Sama El Roumi Baradei  
16 May 1990  
Degengasse 35, 1160, Vienna, Austria

## ***Career experience***

**United Nations Headquarters Internship,  
Department of Political Affairs,  
Policy and Mediation Division**

**July 2014-January 2015**

- Research Assistant for the “Policy Planning Unit”, providing literature reviews and discussing policy recommendations for” the Report of the Secretary General on the United Nations and conflict prevention: a collective recommitment” (S/2015/730).
- Research assistant with the policy team on the subject of “Reconciliation” focusing on the various mechanisms and tools for an effective and long lasting peace.
- Research and analysis for the “Mediation Support Unit” on the current Columbian Peace Process with emphasis on the importance of victim and women effective participation through their inclusion beyond and after the conflict.
- Research and literature reviews for the Policy Planning Unit on preventive diplomacy and on human rights drug policy.
- Attending the Commission of Narcotic Drugs Member States’ informal consultations for the preparation of the 2016 UN General Assembly Special Session on Drugs. Provided readouts for the organised crime focal point of the Department of Political Affairs on the commission’s discussions around the upcoming 2016 UN Resolution on “International Cooperation against the World Drug Problem”.
- Attending the Mediation Support Unit’s meetings and workshops on power sharing, gendering constitutional law, inclusive mediation process design and national dialogues.

- Daily interactions and participation in meetings, discussions and briefings with conflict mediators and other UN agencies, as well as attending SRSGs debriefings on conflict areas.

**Beirut Internship**

**December 2012-June 2013**

**United Nations Development Programme in the Arab region**

- Prepared and organised national and regional meetings and workshops for UNDP's regional MENA projects.
- Provided the Arab Human Development Report with human rights research assistance.
- Responsible for drafting correspondences and official letters.
- Responsible for selection and timely imbursement of experts, consultants and contractors according to UN procurement of services rules of procedures.
- Administrator in logistics management: responsible for organizing the "Post 2015 Millennium Development Goals" meeting of United Nations Development Group in Amman May 2013.

**Beirut Internship**

**September-December 2012**

**Middle East Prospects Forum**

"Middle East Prospects Forum" or "MEP" is an independent policy research institution on the ME, affiliated with the University of Oxford and established by the previous Lebanese Prime Minister Najib Mikati.

- Analysis of the social, economic, and geopolitical dynamics of Lebanon and its neighbouring countries.
- Political surveys, analysis and research for policy recommendations aimed at avoiding a Syrian crisis spill over.

**Logistic Negotiator and Project Analyst  
UN Food and Agriculture Organization  
Goodwill ambassador**

**May 2009-July 2012**

- Responsible for the implementation of humanitarian projects focused on women and children poverty reduction in the Middle East.
- Support in the negotiations of new projects and responsible for fostering and maintaining cooperation with regional and international organisations working on developmental and human rights projects. : i.e. the inauguration of the International NGO Educate A Child in 2012 endorsed by her Highness Sheikha Moza of Qatar.
- Responsible for media outreach and the drafting of press releases.

## ***Academic***

September 2013 - : **Postgraduate studies-Vienna Master of Arts in Human Rights-Vienna-Austria.**

2009-2012: **Lebanese American University-Beirut-Lebanon.**

International Affairs-Emphasis in Diplomatic and Consular Services/International Economics (BA)

- Certified in conducting scientific polls and surveys
- Certified in grant writing

1999-2008: **Collège La Sagesse Saint Jean Brasilia-Baabda-Lebanon.**

French and Arabic Baccalaureates, both with Literature emphasis

**Languages: Fluent in English, Arabic, French and learning German.**

## ***References***

**Robert Dann:** Chief of Mediation Support Unit –Department of Political Affairs, UN Secretariat.  
Contact: [Dann@un.org](mailto:Dann@un.org)

**Dr. Nowak Manfred:** Dean of the Vienna Master in Human Rights, University of Vienna, former UN Special Rapporteur on Torture, President of the Ludwig-Boltzmann Institute of Human Rights.  
Contact: [manfred.nowak@univie.ac.at](mailto:manfred.nowak@univie.ac.at)

**Dr. Imad Salamey:** Associate Professor of Political Science and International Affairs Graduate Advisor at the Lebanese American University. Contact: [imad.salamey@lau.edu.lb](mailto:imad.salamey@lau.edu.lb).