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WOMEN'S QUOTAS: MAKING THE CASE FOR CODIFYING SYRIAN WOMEN'S POLITICAL PARTICIPATION

JOMANA QADDOUR*

INTRODUCTION

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INTRODUCTION

Half of the world's population is women, yet far less than this number is actually represented in the world's governing institutions.¹ In 2019, women represented a mere twenty-four percent in all houses of parliament worldwide.² According to the Inter Parliamentary Union, as of January 2019, the percentage of women represented in parliament ranged from sixty-one percent in Rwanda—the world's highest percentage—to zero percent in Micronesia and Papua New Guinea.³ At least 127 countries in the world have imposed some type of quota system in various levels of government; meanwhile, the average level of representation for women in countries even with quotas

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1. WORLD ECON. FORUM, THE GLOBAL GENDER GAP REPORT 2018 8 (2018), http://www3.weforum.org/docs/WEF_GGGR_2018.pdf [hereinafter GLOBAL GENDER GAP REPORT].

2. *Id.*

3. *Women in National Parliaments*, INTER-PARLIAMENTARY UNION (Feb. 1, 2019), <http://archive.ipu.org/wmn-e/classif.htm> [<http://perma.cc/L7BN-9JVN>].

still only hovers around 25.7 percent.⁴ While most countries are far from achieving gender parity in parliament, as of February 2019, the top ten countries with the most female participation in parliament were, in order: Rwanda, Cuba, Bolivia, Mexico, Sweden, Grenada, Namibia, Costa Rica, Nicaragua, and South Africa.⁵

Both liberal and conservative groups have historically converged *against* affirmative efforts to increase the participation of women in politics, whether through quotas or other means, albeit for different reasons.⁶ In conservative and traditional societies, states and defenders of tradition attempt to discourage the integration of women in politics, arguing that it interferes with the roles of women in the home and society's traditional structure.⁷ Conservatives and traditionalists have argued that a woman cannot effectively represent the needs of constituents and practice 'dirty' politics in what has historically been a male-dominated world.⁸ Meanwhile, liberals in various countries have largely hesitated to support policies that impose mandatory schemes for the integration of women because it promotes what liberals regard as a pernicious form of "positive discrimination": discrimination that favors women over men in what critics say should be a society of equal citizenship that does not distinguish between its genders.⁹

But there are strong arguments in favor of affirmative policies to integrate women into political structures. First, representative democracies should reflect the makeup of their people. Women are half of society and representative bodies should reflect that aspect of a country's diversity, along with others.¹⁰ And while the integration of minorities, especially religious and ethnic, can be incorporated into governmental participation through a variety of mechanisms such as decentralization of governmental authority and the provision of funds to sidelined governorates (the details of which are beyond the scope of this Article), the integration of women, who do not enjoy minoritarian status, cannot be so easily addressed. Rather, it requires

4. *Gender Quotas Database*, INT'L INSTITUTE FOR DEMOCRACY & ELECTORAL ASSISTANCE, <https://www.idea.int/data-tools/data/gender-quotas/country-overview> [http://perma.cc/FY5M-38MF] (last visited Mar. 22, 2020).

5. *Women in National Parliaments*, *supra* note 3.

6. See, e.g., Drude Dahlerup, *Increasing Women's Political Representation: New Trends in Gender Quotas*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 141, 142 (2005).

7. See Amal Sabbagh, *The Arab States: Enhancing Women's Political Participation*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 52, 55–56 (2005).

8. See Nadezhda Shvedova, *Obstacles to Women's Participation in Parliament*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 33, 44, 45 (2005).

9. Irene Tinker, *Quotas for Women in Elected Legislatures: Do They Really Empower Women?*, 27 *WOMEN'S STUD. INT'L F.* 531, 533 (2004).

10. *Id.*

different solutions precisely because it is cross-cutting, and impacts the lives of half of a country's population, throughout all of its districts and from border to border.

Second, a representative system should ensure the integration of women into politics precisely *because* women have distinct needs and priorities in life. Their inclusion may lead to a desirable feminist agenda that has not developed without women's active participation.¹¹ For decades, "difference" or "relational" feminist scholars have argued that women, when in power, rule differently, judge differently, and are observant to needs that a male-dominated society often overlooks.¹² Hillary Clinton, for example, has stated publicly that, "It's not that *every* woman would govern differently. . . but. . . given the chance, many women would govern and lead differently," in reference to the strong leadership of female New Zealand Prime Minister, Jacinda Adern, after the March 2019 terrorist attack.¹³

Third, the adoption of gender quotas disrupts political recruitment by "redefining candidate quality."¹⁴ Tiffany Barnes and Mirya Holman argue in the *Journal of Politics* that "increasing women's access to office may work to change how both party leaders and potential candidates perceive who is viewed as an acceptable leader."¹⁵ Diverse men are even more poised to win elections in a system with a "broader conceptualization of quality candidates and when parties recruit candidates from beyond their traditional power networks."¹⁶

Fourth—and this reason is especially relevant to many Arab countries—law itself does not always treat men and women equally, and women's presence in parliamentary and legislative bodies may correct that failing. Countries that employ religiously derived personal status laws, such as Egypt and Syria (the case studies in this Article), apply laws differently depending on the gender of the person in question.¹⁷ Personal status laws and some aspects of the penal code assign different evidentiary requirements and punishments for men and women.¹⁸ In other words, modern Arab legal codes (many

11. *See id.* at 534.

12. *See* SALLY JANE KENNEY, GENDER AND JUSTICE: WHY WOMEN IN THE JUDICIARY REALLY MATTER 3–8 (2012).

13. Fareed Zakaria, *Zakaria to Clinton: How Would Female Leaders Differ?*, CNN (Apr. 12, 2019), <https://www.cnn.com/videos/politics/2019/04/12/hillary-clinton-women-leadership-zakaria-intv-vpx.cnn> [<http://perma.cc/3NQY-XG2C>].

14. Tiffany D. Barnes & Mirya R. Holman, *Gender Quotas, Women's Representation, and Legislative Diversity*, J. POL. (forthcoming 2019) (manuscript at 5).

15. *Id.*

16. *Id.* at 8.

17. *See* Lama Abu-Odeh, *Honor Killings and the Construction of Gender in Arab Societies*, 58 AM. J. COMP. L. 911, 951. In this piece, Abu-Odeh lays out the distinctions found in just one (of many) areas of the law: honor killings.

18. *Id.*

of which were originally derived from French provisions of the 1800s) impose discrimination openly as part of the system, thus creating an added hurdle that women must overcome, very rarely having an opportunity to do so unless they are able to operate from *within* the system, which is why being integrated as part of the system is even more necessary.¹⁹

To be sure, there are counterarguments. The imposition of quotas in a society, even at all levels of political power, are by no means sufficient to correct gender bias or outright misogyny either in law or in high offices. Arab feminist organizations continue to highlight this, as authoritarian regimes often impose them as an alternative to creating genuine spaces for women (and men) to change their societies.²⁰ In other words, some “elites view quotas as a way to demonstrate some sort of commitment to women without really intending to alter existing patterns of inequality. . . .”²¹ Grassroots work is necessary to educate both populations and political leaders on the value of inclusion in political structures.²² Additionally, quotas take time to reap their fruit: research shows that coupled with high turnover of representatives, “quotas will transform . . . process as parties are . . . required to replenish the supply of women for their lists *over time*.”²³ While initially, in order to conform with quotas, women with well-known last names or from political families usually filled seats,²⁴ studies show that “15 years after the adoption of quotas, parties

19. *See id.*

20. Nazra for Feminist Studies discussed their dissatisfaction with the 2019 Constitutional amendments that imposed a quota of twenty-five percent women. *The Constitutional Amendments Do Not Establish A Democracy that Supports Women in Politics*, NAZRA FOR FEMINIST STUDIES (Mar. 7, 2019), <https://nazra.org/en/2019/03/constitutional-amendments-do-not-establish-democracy-supports-women-politics?fbclid=IwAR12VTcvZK7qp4lbZV-6CZwE-4r0qIEIt805jEfElv4U9f5kAFjcyYQsMvE> [<http://perma.cc/JF56-RZ4G>] (“We must regard women’s political participation as a core public issue in any democracy and not only as a matter of numbers (an outlook which may be appropriate and necessary only during certain periods to empower women). In the absence of democracy and lack of democratic mechanisms that allow women to play a role in the public sphere like men, exclusion of some women who disagree with the regime and rising violence against women with the state not doing enough to fight it, it is impossible to regard raising women’s quotas in and of itself as proper affirmative action. Affirmative action should not only raise women’s quotas but should also allow women of different backgrounds and ideologies to exercise their political rights and *act as positive role models for other women and to motivate them to fight the battles of public and political life.*”).

21. Mona Lena Krook, *Gender Quotas in Parliament: A Global View*, AL-RAIDA, Summer/Fall 2009, at 10. This issue of the magazine, produced by the Institute for Women’s Studies in the Arab World, was entirely dedicated to women’s quotas in the Arab world.

22. *See* Azza Karam & Joni Lovenduski, *Women in Parliament: Making a Difference*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 187, 207–10 (2005).

23. Barnes & Holman, *supra* note 14, at 6 (emphasis added).

24. *See id.* at 21.

view women as competitive politicians and sometimes recruit them to compete at the top of [their] list[s].”²⁵ Finally, countries with quotas need to ensure that quotas are actually implemented. If there is no compliance with the law, or repercussions for failing to adhere to quotas, the entire system to integrate women becomes meaningless and not taken seriously by political parties and actors.²⁶

This Article argues for imposing formal quotas for women in Syria and in Syrian politics. On the one hand, since the beginning of Syria’s uprising in March 2011, the country has been the site of massive human rights violations, war crimes, and destruction of infrastructure in excess of \$400 billion.²⁷ On the other hand, this very destruction suggests the possibility of new legal and structural changes over the longer term, given that Syria cannot go back to what it was before the uprising began. More specifically, along with a politically negotiated transition process, the proposed UN-sponsored process involving 150 Syrians of diverse professional and personal backgrounds (politicians, legal experts, technocrats, and civil society activists, as well as members from various ethnic, linguistic, and religious groups) may result in the drafting of a new, consensus-based constitution. This Article argues that quotas should be codified in a future Syrian constitution.

This Article is divided into five sections. The first section of the Article recounts the history of women’s quotas in the international arena, and what international legal frameworks have developed over time to address this global issue. The second section of the Article discusses barriers to women’s political integration, both informal and structural. The third section explores the debate regarding the imposition of quotas at all three levels of government: the legislative, executive, and judiciary branches. The fourth section of the Article draws lessons from Syria’s neighbor, Egypt, that is considered the region’s political trendsetter and which also recently included a mandatory women’s quota in the revised constitution. Finally, the Article will discuss Syria’s own history with women’s political integration as well as what has transpired over the last nine years of conflict, and the challenges of bringing a significant number of Syrian women to the table as political negotiators and future political actors.

25. *Id.* at 20, 21. It is important to note that these studies do rely on the assumption that the political system is a democracy, and not an authoritarian system.

26. See Mark El-Makari, *The Proposed Gender Quota in Lebanon: Legal Crisis of Democratic Transformation?*, AL-RAIDA, Fall/Summer 2009, at 49.

27. See Jomana Qaddour, *Assad Needs the United States and Its Allies for Reconstruction*, THE WASH. INST. (Feb. 28, 2019), <https://www.washingtoninstitute.org/policy-analysis/view/assad-needs-the-united-states-and-its-allies-for-reconstruction> [http://perma.cc/7M5Z-KRV5].

I. INTERNATIONAL FRAMEWORKS

The international movement for suffrage did not successfully yield results until 1893, when New Zealand became the first country to allow women to vote in its parliamentary elections.²⁸ Other countries followed suit not too long after, including Australia in 1902, Finland in 1906, and Norway in 1913.²⁹ But suffrage did not actually trigger women's participation in political life. It was not until after World War II that efforts to address mass global inequalities, including those between men and women, began to emerge.³⁰ In 1947, the United Nations Commission on the Status of Women was established, its work mostly culminating into the drafting and adoption of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979, which entered into force in 1981.³¹ One hundred and eighty-nine countries have ratified it to date.³²

CEDAW lays out an "international bill of rights for women" as well as a plan of action that countries must undertake to ensure women's enjoyment of those rights.³³ The 30-article document covers three different areas: civil rights and the legal status of women, human reproductions, and the impact of cultural factors on gender relations.³⁴ On the topic of political participation, CEDAW's Article 7 articulates:

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:

- (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

28. Shvedova, *supra* note 8, at 34.

29. Kim Hjelmgaard, *Voting Rights for Women: How Countries Stack Up*, USA TODAY (Feb. 5, 2018, 9:58 PM), <https://www.usatoday.com/story/news/2018/02/05/voting-rights-women-how-countries-stack-up/306238002> [<http://perma.cc/XK85-SXBL>].

30. *Brief History of the Commission on the Status of Women*, U.N. WOMEN, <http://www.unwomen.org/en/csw/brief-history> [<http://perma.cc/4ZU3-G54P>].

31. *Id.*; Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

32. See *Status of Treaties: Convention on the Elimination of All Forms of Discrimination Against Women*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en [<http://perma.cc/B8BF-KMDD>] (last visited Mar. 22, 2020).

33. *Convention on the Elimination of All Forms of Discrimination: Overview of the Convention*, U.N. WOMEN, <https://www.un.org/womenwatch/daw/cedaw> [<http://perma.cc/4Q2X-DFCL>].

34. CEDAW, *supra* note 31, art. 7.

office and perform all public functions at all levels of government,³⁵

CEDAW makes clear its purpose to ensure equal participation of women in political life: to have the right to vote, to be elected, and to participate in formulation of government policy at all levels.³⁶ Stopping short of suggesting a quota, and leaving that as an open question for each individual country, CEDAW remains significant in articulating a standard of behavior for ratifying states with regard to their treatment of women in politics.³⁷ CEDAW is taken seriously even by countries that outright violate it: violators (especially authoritarian violators) explicitly go out of their way to register reservations they refuse to comply with instead of arguing that such requirements do not exist.³⁸ That being said, even democratic countries have struggled to mesh their national legislation with CEDAW.

Following on CEDAW's momentum, in 1995, the Fourth U.N. Conference on Women in Beijing pushed for more concrete steps to ensure women's political representation by emphasizing the need to include women in order to create a healthy political system.³⁹ The Platform for Action focused on the "inequality between men and women in the sharing of power and decision-making at all levels" and the "insufficient mechanisms at all levels to promote the advancement of women."⁴⁰ The Conference's Mission Statement stated clearly that the "success of the Platform for Action" would require strong "commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes."⁴¹ Further, the Global Framework highlighted that unfortunately women represented "a mere 10 [percent] of all elected legislators [worldwide] and in most national and international administrative structures, both public and private, they remain

35. *Id.*

36. *See id.*

37. *See id.*

38. *See id.* art. 28. This is especially an issue in Muslim-majority countries, that have lodged reservations regarding a woman's ability to pass on her nationality to her children in the same way as men (art. 9) and the right to freedom of movement (art. 15, ¶ 4). In many of these countries, including Syria, women cannot change residency or leave the country without permission of the husband. Further, legal recognition of child marriages is permitted in violation of (art. 16, ¶ 2) because it is argued that such marriages are valid if they are sanctioned by Islamic law.

39. *See* U.N. Fourth World Conference on Women, *Beijing Platform for Action*, at annex I ¶13, U.N. Doc. A/CONF.177/20/Rev.1 (Sept. 1995).

40. *Id.* annex II, ¶44.

41. *Id.* annex I, ¶36.

underrepresented.”⁴² With the conclusion of Beijing Conference came a reinvigorated international commitment to women’s political inclusion.

Five years later, the U.N. Security Council Resolution 1325 on Women, Peace, and Security, was passed, this time focusing on women’s participation in post-conflict state-building.⁴³ Kofi Annan stated then that, “Peace is inextricably linked to equality between women and men . . . , maintaining and promoting peace and security requires equal participation in decision-making.”⁴⁴ The 1990s, which saw a series of atrocities including in the Balkans and Rwanda, had led to disproportionate and severe impact of war on females, triggering international interest in creating mechanisms that both acknowledge and prevent such happenings in the future.⁴⁵ The resolution called upon the Secretary General to implement a strategic plan of action “calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes.”⁴⁶ The resolution rests on four pillars: participation, protection, prevention and relief and recovery, and it spurred the drafting of seven additional U.N. resolutions regarding women and conflict.⁴⁷ In an effort to make U.N. Security Council Resolution 1325 practically meaningful, however, U.N. member states resorted to developing National Action Plans for each country.⁴⁸ As of January 2018, 72 countries had National Action Plans; many countries have taken these national action plans and codified them into law, mandating quotas and a certain number of appointment-based positions allocated for women in order to meet goals of increasing women’s representation.⁴⁹ The United States submitted its plan in 2011, and Syria and Egypt have yet to submit National Action Plans.⁵⁰

42. *Id.* annex II, ¶ 28.

43. *See* S.C. Res. 1325 (Oct. 31, 2000).

44. Julie Ballington, *Introduction*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 23, 24 (2005).

45. *Responsibility to Protect*, UNITED NATIONS OFFICE ON GENOCIDE PREVENTION AND THE RESPONSIBILITY TO PROTECT, <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml> [<http://perma.cc/T6L4-GQ23>] (last visited Mar. 22, 2020).

46. S.C. Res. 1325, *supra* note 43, ¶ 2.

47. *What is UNSCR 1325? An Explanation of the Landmark Resolution on Women, Peace and Security*, U.S. INST. OF PEACE, https://www.usip.org/gender_peacebuilding/about_UNSCR_1325 [<http://perma.cc/YS62-8NPR>]. The six resolutions are: S.C. Res. 1820 (June 19, 2008); S.C. Res. 1888 (Sept. 30, 2009); S.C. Res. 1889 (Oct. 5, 2009); S.C. Res. 1960 (Dec. 16, 2011); S.C. Res. 2106 (June 24, 2013); S.C. Res. 2122; S.C. Res 2242 (Oct. 13, 2015).

48. *Id.*

49. *Id.*

50. *Id.*

II. BARRIERS AND CATALYSTS FOR WOMEN'S POLITICAL PARTICIPATION

There are various legal and non-legal barriers to women's political participation. The most pressing factors are outlined below. While most factors hinder women's political inclusion, some factors—such as civil wars—can expedite what would normally be an incredibly lengthy route.

A country's history can propel or retard its feminist movements (as well as the overall fight for equality across society). In the case of the Middle East, rights of suffrage as well as political participation have been closely intertwined with each country's colonialist past. Often times, the movement to empower women, as well as minorities, was an integral part of the agenda of colonialist powers.⁵¹ The move, however, was rarely a philanthropic one. It was pursued by colonial powers in an attempt to maintain some semblance of control even after their physical departure through various 'minority' proxies.⁵² Over time, resentment against these power apparatuses designed by colonialists began to manifest. Many locals believed that the feminist movement was a remnant of "western thought," betraying "authentic culture."⁵³ This charge was made by both religious opponents to feminism, as well as nationalist-leftists who questioned the entire authenticity of the movement as belonging to the culture of colonizers, not the colonized.⁵⁴ The reversion of women's rights to pre-colonial-era-type freedoms became a way to showcase women as symbols of a country's original, "uncontaminated" culture.⁵⁵ The result of this symbolization of women became a tool used to quell the movement: women's rights becomes subordinate to the 'more important' agenda of national liberation and class struggle, a cause shared by both the religious right and the nationalist-left.⁵⁶

Culture and religion are also important factors, again either propelling or stifling women's movements. Islamic societies have had a complicated history with women's rights. There is too much history to cover here; but it is important to note that in the aftermath of colonization, in the struggle to re-establish a country's independent

51. See Usama Makdisi, *The Problem of Sectarianism in the Middle East in an Age of Western Hegemony*, in *SECTARIANIZATION: MAPPING THE NEW POLITICS OF THE MIDDLE EAST* 23, 29 (Hashemi & Postel eds., 2017).

52. See Itamar Rabinovich, *The Compact Minorities and the Syrian State, 1918–1945*, 14 *J. CONTEMP. HIST.* 693, 693 (1979).

53. NADJE AL-ALI, *SECULARISM, GENDER, AND THE STATE IN THE MIDDLE EAST: THE EGYPTIAN WOMEN'S MOVEMENT* 58 (2004).

54. *Id.*

55. *Id.* at 54.

56. See *id.* at 61–62.

identity, clear power struggles between secular dictatorships (often closely tied to militaries) and religious factions emerged.⁵⁷ And as secular dictatorships struggled to wrestle power away from religious leaders and institutions, they sought desperate approval from the international community.⁵⁸ The international community in general viewed Middle Eastern societies as ‘backward’, led by religious zealots.⁵⁹ In an effort to push back on this notion, they ushered in rushed legal reforms, including women’s rights reforms, without sufficient grassroots campaigns to compliment such reforms.⁶⁰ This ultimately culminated into top-down regulations by political elites. Laws were even named after the secular authoritarians themselves (or their wives) such as the ‘Jehan Sadat Laws’ or the ‘Suzanne Mubarak Laws,’ creating personal ties between the laws and their authoritarian, secular founders.⁶¹

In response, religious and conservative movements embraced a different approach, one they argued was more authentic to the country’s history. Some prominent female conservative activists even rejected the label ‘feminist’ as being “anti-men” and “negating religion.”⁶² Some conservative religious movements, however, also adopted women’s issues, promoting women’s public involvement and their right to education and work.⁶³ That being said, many conservatives and traditionalists simply kept out of the debate on women’s place within the family, considering those issues sufficiently addressed by Islam.⁶⁴ Other conservative groups saw female participation in parliament as a direct threat to the values governing the relationship between men and women.⁶⁵ New generations of Muslim women have since challenged the connection between religion and women’s rights, arguing that no contradiction exists between UN-stipulated standards and Islam, and pointing instead to pre-Islamic traditions as the cause of women’s oppression.⁶⁶

57. See Lama Abu-Odeh, *Egyptian Feminism: Trapped in the Identity Debate*, 16 YALE J.L. & FEMINISM 145 (2004). Abu-Odeh explores this tension in great detail throughout this piece.

58. See AL-ALI, *supra* note 53, at 73.

59. *Id.* at 72.

60. See *id.* at 74.

61. See *id.* at 51–85. The chapter discusses the evolution of the Egyptian women’s movement and the role that each First Lady played in the imposition of various laws impacting women.

62. *Id.* at 82.

63. See AL-ALI, *supra* note 53, at 81–82.

64. See *id.* at 81.

65. See Gihan Abou-Zeid, *Introducing Quotas in Africa: Discourses in Egypt*, in THE IMPLEMENTATION OF QUOTAS: AFRICAN EXPERIENCES 46, 48 (2004), <https://www.idea.int/sites/default/files/publications/implementation-of-quotas-african-experiences.pdf>.

66. AL-ALI, *supra* note 53, at 81.

Socio-economic factors have also played a role in determining women's political movement. While culture can be hard to quantify, there are helpful indicators for assessing socio-economic conditions of women,⁶⁷ including the ratio of women's to men's literacy rates, women's labor force participation, and the ratio of women to men that have university education.⁶⁸ When women lack sufficient access to education, and choice of professions, and are in fact expected to take on both professional jobs outside of the home while still maintaining their domestic responsibilities, their ability to participate in politics is terribly hindered.⁶⁹ Further, accessing the funds necessary to maintain sustain a political campaign becomes impossible without what is often male support, keeping them reliant on patriarchal systems. Razia Faiz, former parliamentarian from Bangladesh, aptly described this phenomenon:

The two most overwhelming obstacles for women in entering parliament are lack of constituents and lack of financial resources. Women move from their father's home to their husband's home . . . They are like refugees. They have no base from which to develop contacts with the people or to build knowledge and experience about the issues. Furthermore, they have no money of their own; the money belongs to their fathers, their husbands or their in-laws. Given the rising cost of running an effective campaign, this poses another serious hurdle for women in the developing world.⁷⁰

Other factors may serve as a catalyst for increased women's participation. The aftermath of conflict can often lead to 'fast-tracking' reforms if they are accompanied with massive institutional and legal (including constitutional) changes.⁷¹ Further, quotas often emerge during democratic transitions, and ". . . may be seen as a way to establish [] legitimacy of [a] new political system . . ." ⁷² Rwanda, the country with the highest number of women in parliament (over sixty percent) is one such example.⁷³ Following the aftermath of brutal genocide and civil war, during which more than 800,000 were killed, women had no more than eighteen percent of seats.⁷⁴ Rwanda is now the world's leader in embracing female politicians.⁷⁵ There

67. See Nadezhda Shvedova, *Obstacles to Women's Participation in Parliament*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 33, 40 (2005).

68. *Id.*

69. *Id.* at 41.

70. *Id.*

71. See Dahlerup, *supra* note 6, at 139, 143.

72. Krook, *supra* note 21, at 11.

73. *Women in National Parliaments*, *supra* note 3.

74. Dahlerup, *supra* note 6, at 154.

75. *Id.*

are numerous reasons for this. The first is that a twelve-member constitutional committee was formed, which included three women, one of which was the sole representative of civil society.⁷⁶ The constitution they drafted enshrined a series of international conventions and international human rights instruments, including CEDAW.⁷⁷ Most importantly, Article 10 in the Constitution mandates that women should have at least thirty percent representation in all decision-making organs.⁷⁸ This offers a variety of ways for women to come into office: in the Senate, they are automatically granted twenty-six seats; in the Chamber of Deputies, a mix of proportional representation as well as twenty-four women-only elections (only women can vote and only women can run) seats are available.⁷⁹ There are also open competitive seats that women have won as well.⁸⁰ Grassroots structures managed by the Ministry of Gender and Women in Development at the administrative and local level were created to address women's concerns at the grassroots, societal level.⁸¹ Thus, Rwandan women maximized the benefit of using both top-down and bottom-up mechanisms in order to ensure representation in the legislative branch, executive branch, and civil society.⁸² Their coordinated push at all three levels resulted in a policy Article which made specific recommendations to the Constitutional Committee to ensure a gender sensitive document; they then worked on obtaining mass appeal from grassroots communities.⁸³ International development support helped fund this campaign throughout its duration as well.⁸⁴ The example of Rwanda, although imperfect with regard to general freedoms post-conflict, is nonetheless insightful for women in other post-conflict societies.

III. THE PROS AND CONS OF EMPLOYING QUOTAS

Even though most studies focus on the 'electability' of women into parliaments, the need to incorporate women's participation is most definitely not limited to the legislative branch. Indeed, the judicial and executive branch are just as important—if not more so in some political structures—and also require the participation of women to be democratic and reflective of societal desires. Thus,

76. *Id.* at 155.

77. *Id.*

78. RWANDA CONST., art. 10, ¶ 4 (Dec. 18, 2015).

79. Dahlerup, *supra* note 6, at 156.

80. *Id.*

81. *Id.* at 156–57.

82. *Id.* at 157–58.

83. *Id.* at 158.

84. *Id.* at 160.

their integration is necessary in all three levels of government: the legislative, executive, and in the judiciary.

A. Quotas in the Legislative Branch

Measures to increase the number of credible women in politics are often focused on their inclusion in parliament. According to studies, a system that promotes a critical mass of at least thirty to thirty-five percent women in parliament is necessary “in order to bring substantive differences into decision making in terms of content and priorities as well as style and working climate.”⁸⁵ The thirty percent was initially promoted in 1995 in Beijing, and has remained an agreed upon target ever since.⁸⁶ Evidence has shown that when there is no quota, women are not included in significant numbers in parliamentary systems.⁸⁷ For example, Lebanon, a country perceived as socially progressive compared to its Arab neighbors, has a quota system for its religious denominations.⁸⁸ However, it has no quotas for female representation, and has managed to only produce six female parliamentarians out of 128 in the latest round of elections.⁸⁹ Previous Lebanese parliaments do not bode more positively. Meanwhile, countries like Iraq with a mandatory twenty-five percent quota have insured that one quarter of the 329 seats are filled by women, even though genuine arguments can be made as to their efficacy and ability to improve society and their women’s lives through their representation.⁹⁰ Examining country experiences with women’s integration reveals that with few exceptions, without quotas, women are rarely reflected in significant numbers in parliament, even over time and with efforts by civil society to mainstream their role in political life.

Studies have also shown, however, that it does not suffice to simply have a thirty percent quota.⁹¹ Different electoral systems can lend themselves to greater or lesser amounts of women’s participation. Multiple studies have shown that a “party list” system that adopts a proportional representation system is more advantageous for

85. Tinker, *supra* note 9, at 540–41.

86. INTER-PARLIAMENTARY UNION, *WOMEN IN PARLIAMENT: 20 YEARS IN REVIEW 1* (2015), <http://archive.ipu.org/pdf/publications/WIP20Y-en.pdf> [hereinafter INTER-PARLIAMENTARY UNION].

87. The exception to this is the experience of the Scandinavian countries that established a strong civil society movement first which built momentum for women’s participation. Quotas became self-imposed incrementally by political parties as a result, and never enshrined by law. Dahlerup, *supra* note 6, at 147.

88. *Record Number of Women on the Ballot in Lebanon’s First Parliamentary Elections Since 2009*, U.N. WOMEN (May 23, 2018), <http://www.unwomen.org/en/news/stories/2018/15/news-record-number-of-women-on-the-ballot-in-lebanon> [<http://perma.cc/99PX-S7W9>].

89. *Id.*

90. INTER-PARLIAMENTARY UNION, *supra* note 86, at 8.

91. See Tinker, *supra* note 9, at 534.

women.⁹² A “party list” system requires each party to submit candidate names in a list form, and each party is allowed to select a number of representatives to parliament that correlates to the percentage of votes that a party won.⁹³ Further, proportional representation systems, where women are placed on electoral lists as one in every three names (to meet a quota criteria of one third for example) also ensures that women are included in every list, as well as selected from every list, giving them a more realistic chance of serving in office.⁹⁴ By contrast, when regulations do not impose a quota, women and minorities are often placed at the bottom of a list because they are less likely to be candidates of mass appeal.⁹⁵ Thus, even if a party obtains seats according to the proportion of votes they captured, the top names on the list are selected, and candidates on the bottom—often women and minorities—don’t make the cut.⁹⁶ Proportional representation list systems can manifest as multi-district countries (such as Turkey) or a country that is one large, single district (such as Israel).⁹⁷ Fewer districts, but with more legislative seats, coupled with a quota system, will bring in more people, each of whom yield more power (making each representative a powerful actor), including the women representatives.⁹⁸

Although the most reliable way to ensure women’s representation has been to codify it through constitutional frameworks, sometimes amending a constitution is an insurmountable feat (which is also why post-conflict scenarios, during which constitutions are being redrafted, offer unique opportunities to reset standards). There are however other ways through which countries have introduced quotas. Some mandate that political parties are required to include thirty percent women (a quota would be included in election laws).⁹⁹ Other countries have chosen not to mandate but instead offer significant financial incentives for campaigns, including grants, and/or commercial air time for parties that have adhered to quotas.¹⁰⁰ In all cases, the goal is to incentivize parties as much as possible to increase female candidates. And it follows that while the first few rounds after the introduction of such measures may be difficult as women will lack sufficient political experience (having been marginalized for far

92. *Id.* at 534.

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. See Tinker, *supra* note 9, at 534.

98. Richard E. Matland, *Enhancing Women’s Participation: Legislative Recruitment and Electoral Systems*, in *WOMEN IN PARLIAMENT: BEYOND NUMBERS* 93, 107 (2005).

99. See Tinker, *supra* note 9, at 538.

100. Sabbagh, *supra* note 7, at 66.

too long), future generations will find mentorship in older generations in addition to precedents of women running, ensuring that female representation is strong and qualified.

B. Quotas for Non-elective Positions in the Executive Branch

While electing women into office remains an absolute priority, women are also underrepresented in other non-elective branches of government. According to statistics provided by the United Nations in 2015, women are rarely represented in high executive level positions.¹⁰¹ For example, in 1995, there were only 12 female heads of state; in 2018, that number had grown to only 17.¹⁰² Women as cabinet ministers while in 1994 was at 6 percent, grew only to 18 percent over 20 years (2018).¹⁰³ Further, only 18 percent of appointment-based ministerial positions were filled by women, and when they are, they are largely portfolios concerning the family, humanitarian issues, social welfare, and other stereotypically female-dominated areas.¹⁰⁴ Their appointment as high-level civil servants, ambassadors, and cabinet members remains negligible. Very few countries have achieved gender parity in their cabinets, although their efforts are notable (Finland, Cabo Verde, Sweden, France and Liechtenstein).¹⁰⁵

Most countries with quotas have some type of appointment system, rather than electoral system, in order to meet or help meet their formal or informal quotas.¹⁰⁶ Often times women from well-known families or the daughters, wives, and relatives of powerful men come to power this way, reinforcing the political elite network further.¹⁰⁷ Although all governments utilize some type of appointment method to fill certain roles, when female presence is predominantly done through this method, it becomes problematic. In Egypt, for example, and as discussed in more detail below, women are largely represented through positions granted to them by both former President Anwar Sadat and President Hosni Mubarak.¹⁰⁸ This places the women so appointed in a very difficult position: they become co-opted by powerful politicians (in this case, through what can be referred to as

101. U.N. STATISTICS DIVISION, *Power and Decision-Making*, in *WORLD'S WOMEN 2015: TRENDS AND STATISTICS* (2015), <https://unstats.un.org/unsd/gender/chapter5/chapter5.html> [<http://perma.cc/4MSA-HJA4>].

102. *Power and Decision-Making*, *supra* note 101; see also GLOBAL GENDER GAP REPORT, *supra* note 1, at 8.

103. *Power and Decision-Making*, *supra* note 101; GLOBAL GENDER GAP REPORT, *supra* note 1, at 8.

104. *Power and Decision-Making*, *supra* note 101.

105. *Id.*

106. Dahlerup, *supra* note 6, at 142.

107. Barnes & Holman, *supra* note 14, at 21.

108. A full discussion on this is available throughout AL-ALI, *supra* note 53, at 51–85.

“state feminism”) and the systems that ‘gave them’ those positions.¹⁰⁹ Dissenting from the opinion of the ‘hand that fed you’ (i.e., gave you that position) becomes a near-impossibility.¹¹⁰ For this reason, countries that have female leadership only in the executive, appointed positions, should be viewed with skepticism: it is simply not enough and does not give women the space to formulate their own political positions because they are constantly indebted to patriarchal, established political systems. Further, the political appointment system should employ a professional standard that is publicly applied to all—men and women—along with a public confirmation process to help streamline appointments that, especially but not exclusively in autocratic systems, are done through nepotism and proximity to ruling regimes.

C. Quotas in the Judiciary Branch

In many countries, more power is being transferred to the judiciary, which is often perceived as a less polarized, politicized branch of government.¹¹¹ Conversely, most public policy issues themselves are becoming judicialized: rape, discrimination, and abortion are in many cases being passed off to the judiciary to interpret based on a country’s constitution or laws.¹¹²

According to the United Nations, as of 2015, men outnumbered women as magistrates and judges in more than fifty percent of the world’s countries.¹¹³ Less than nineteen percent of supreme courts worldwide are presided over by a woman.¹¹⁴ And because judiciaries are generally based on hierarchy, the higher one goes up in the judiciary, the fewer women there are.¹¹⁵ The legal profession especially is based on ‘gatekeepers’ and seniority; as a result, proposing non-discrimination using already existing criteria and process for judicial selection has yet to ensure fair representation.¹¹⁶

A nondiverse judiciary suffers from their lack of reflection of their petitioners’ lives. There is some evidence—albeit weak and inconclusive—that women decide differently on the bench.¹¹⁷ It is

109. Abou-Zeid, *supra* note 65, at 49.

110. *Id.*

111. KENNEY, *supra* note 12, at 3.

112. *Id.* at 2.

113. *Power and Decision-Making*, *supra* note 101.

114. *Id.*

115. *Id.*

116. KENNEY, *supra* note 12, at 27.

117. Jesse Prinz, *Sex on the Bench, Do Women and Men Have Different Moral Values?*, PSYCHOL. TODAY (May 18, 2010), <https://www.psychologytoday.com/us/blog/experiments-in-philosophy/201005/sex-the-bench-do-women-and-men-have-different-moral-values> [http://perma.cc/7H7B-7K9P].

clear that simply adding more women on a bench does not automatically correlate with a court that will more reliably find in favor for women applicants, just as simply adding more women to the legislature does not immediately or automatically correlate with increased odds of passage for feminist legislation.¹¹⁸ Nonetheless, it does matter who decides cases in court: it matters that the court reflect the make of a society's citizens and their values. "Bringing a gender lens to judging" may result from a judge's experience, education, and his/her personal reflection, as well as the hard work of gender-sensitive organizations that work to educate the public on how the law may discriminate across society. It is critical that a court is conscious of how a law might seriously harm the country's women and girls; that it interpret notions of 'equal protection' and 'discrimination' in light of social changes, and that it question gendered stereotypes.¹¹⁹ In 1989, the U.S. based National Association of Women Judges (NAWJ) surveyed female judges from across the United States that make up its membership: three-fourths of them agreed that women judges work to heighten sensitivity of other judges to the problem of gender bias.¹²⁰ Arab women speak of how informal judicial structures handle their marriage and child custody battles with a gendered bias: in some cases, a male judge asked *only* the male petitioner for his version of events and grievances, not even meeting with the woman to hear her version of the events.¹²¹ And even in the cases where women judges rule no differently than men and are not feminists, their presence on the bench has signaled normalization of "women's authority and power," which is necessary for the mainstreaming of women in any branch of government, including the judiciary.¹²²

IV. STATE-SPONSORED FEMINISM & THE EGYPTIAN CONUNDRUM

Before delving into Syria's history of women's political integration, it is helpful to first study the example of Egypt, a country revered as the 'trendsetter' of the Arab world, both politically and socially.¹²³ Egypt and Syria were also united as one country for a very brief period of time under the United Arab Republic from 1958 to 1961,

118. KENNEY, *supra* note 12, at 15.

119. *Id.* at 15–16.

120. *Id.* at 6.

121. For the sake of the privacy of the women involved, the author will not share their names.

122. KENNEY, *supra* note 12, at 9.

123. Ben Hubbard & Rick Gladstone, *Arab Spring Countries Find Peace Is Harder Than Revolution*, N.Y. TIMES (Aug. 14, 2013), <https://www.nytimes.com/2013/08/15/world/middleeast/egypt-bloodshed-may-be-ill-omen-for-broader-region.html> [<http://perma.cc/X48M-NCLE>].

and therefore share some historical moments.¹²⁴ Finally, Egypt's most recent political turmoil, culminating in the 2011 revolution, provides a parallel example in the region for those looking to compare the development of the women's political integration movement over the last ten tumultuous years.¹²⁵

While there is a centuries long history of women's participation in Egyptian politics, the reign of King Farouk, from 1936 to 1952, is a good starting point to understand the contemporary relation of the state to feminism, largely because of the role of civil society that developed under his rule. Immediately before and during King Farouk's authority, Egypt saw a variety of women's civil society groups develop: Huda Sha'rawi founded the Egyptian Feminist Union in 1923, Zaynab al-Ghazali founded the Muslim Women's Society in 1936, and Doria Shafiq founded Daughters of the Nile Union in 1948.¹²⁶ Although clear tensions existed between these various (and very different) women's movements, both Islamist and nationalist-leftist leaning organizations agreed on one thing: they repudiated western influence of their movement as "contamination" of "authentic" Egyptian culture.¹²⁷ Islamist movements stood against attempts to help women "cross-over" to a man's world, in what they believed were "... unnatural settings and unfair situations which denigrate them and take away their integrity and dignity as women."¹²⁸ Both secular and religious movements that sought to improve the lives of Egyptian women needed to be traced back to their roots, and would need to gain social legitimacy needed to be gauged for how "western" or "indigenous" they were.¹²⁹ General societal opinion was that the western world would not be welcome to come and dictate terms of women's development, no matter how universal its proposed measures may seem, having colonized and taken active part in the repression of Egyptians.¹³⁰ Meanwhile, tensions between the various Egyptian movements focused on those which subscribed to civic forms of nationalism (where women share equal responsibility in nation-building)

124. *Egypt and Syria Were Once Joined*, N.Y. TIMES (Apr. 18, 1971), <https://www.nytimes.com/1971/04/18/archives/egypt-and-syria-were-once-joined-merger-achieved-by-nasser-lived.html> [<http://perma.cc/SY48-TYE7>].

125. Sarah Childress, *Timeline: What's Happened Since Egypt's Revolution?*, FRONTLINE (Sept. 17, 2013), <https://www.pbs.org/wgbh/frontline/article/timeline-whats-happened-since-egypts-revolution> [<http://perma.cc/6G38-F339>].

126. Rana Magdy, *Egyptian Feminist Movement: A Brief History*, OPEN DEMOCRACY (Mar. 8, 2017), <https://www.opendemocracy.net/en/north-africa-west-asia/egyptian-feminist-movement-brief-history> [<http://perma.cc/EHM7-VBPW>].

127. AL-ALI, *supra* note 53, at 54.

128. Abu-Odeh, *supra* note 57, at 152.

129. AL-ALI, *supra* note 53, at 58.

130. *See id.*

and cultural forms of nationalism (which views women as symbols of a nation's 'uncontaminated' culture) in a post-colonial state.¹³¹

It is under President Gamal Abdel Nasser that the state's attitude towards the integration of women in political power became associated with a wider policy of "state feminism,"¹³² although women's presence cannot be fairly and fully reduced to that vaguely pejorative descriptive phrase. Nasser, considered to be the father of the modern Egyptian nation state, was much more heavy-handed in his approach to civil society: he co-opted it fully, women's organizations included.¹³³ His method is largely described as patriarchal, and he sought to enforce the notion that the state was 'granting' women rights (everything one had was 'given' by the state, essentially).¹³⁴ During his tenure, in 1956, equality under the constitution was articulated for the first time: "All Egyptians are equal under the law in public rights and duties, without discrimination due to sex, origin, language, religion, or belief."¹³⁵ Labor laws guaranteed "state sector jobs for 'all holders of high school diplomas and college degrees irrespective of gender.'"¹³⁶ Women were granted suffrage in 1956, and Egypt saw its first two women candidates win seats in 1957.¹³⁷ Nasser's nationalist state-building project incorporated women as necessary actors as he sought to redistribute, modernize, and develop a new Egyptian system.¹³⁸ But his reforms were limited to his state building project and did not seek to change the plight of women within the family or permit women to set their own agendas.¹³⁹

This method of containing women's rights agendas continued under President Anwar Sadat, although due to Sadat's more open economic policies, provided increased room for women to pursue economic ambitions.¹⁴⁰ This controlled space, 'gifted' by ruling authoritarians, meant that "women's organizations became associated with the authoritarian state structure that ensured that women's rights became part of a larger state-led development strategy, all restricted by state authoritarianism."¹⁴¹

Under Sadat, in 1976, Egypt shifted back to the multi-party system that Nasser had done away with, and in 1977, a law was passed

131. See generally Abu-Odeh, *supra* note 17; see also AL-ALI, *supra* note 53, at 54.

132. AL-ALI, *supra* note 53, at 68.

133. Magdy, *supra* note 126.

134. *Id.*

135. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, Jan. 16, 1956, art. 31.

136. AL-ALI, *supra* note 53, at 68.

137. Abou-Zeid, *supra* note 65, at 46.

138. AL-ALI, *supra* note 53, at 54.

139. *Id.*

140. Magdy, *supra* note 126.

141. *Id.*

to regulate the activity of political parties.¹⁴² In 1979, with the advent of CEDAW and Sadat's desire for international acceptance and legitimacy, Egypt ratified the convention.¹⁴³ It was also keen to implement Article 4, which stipulated that signatories adopt "temporary special measures aimed at accelerating de facto equality between men and women," including quotas.¹⁴⁴ As we will see later exposed in the motivations of the current President Abdelfattah Elsisi, scholars attribute Sadat's move as done for two primary reasons: to undercut an Islamist opposition bloc, and to appease western donors that Sadat was keen to impress, particularly the United States (during Sadat's time, the Arab-Israeli peace talks were happening simultaneously).¹⁴⁵

The development of women's rights during the Sadat period, however, cannot be complete without mention of his wife, Jehan Sadat. During Sadat's rule, Jehan aggressively sought out opportunities to play a role in Egypt's society.¹⁴⁶ She called for the creation of women-focused non-governmental organizations and simultaneously lobbied for laws that were advantageous to women.¹⁴⁷ Her efforts culminated in the Personal Status Law of 1979, dubbed 'Jehan's Law', which granted women legal rights in marriage, polygamy, divorce and child custody, including her right to travel without needing her husband's permission and raising the legal age for marriage from sixteen to eighteen.¹⁴⁸ But the way this law was passed was key: in an attempt to push back against the growing Islamist movements, some of who obstructed the movement to increasing rights, the law was established by presidential decree, along with the law to place a women's quota in the constitution.¹⁴⁹ What this did, however, was solidify the connection between the strong authoritarian state and women's rights, delegitimizing it in the eyes of some, especially the conservative Islamic organizations, who saw this as yet another example of state overreach done in an effort to appease the West.¹⁵⁰

142. Abou-Zeid, *supra* note 65, at 46.

143. U.N. Office of the High Commissioner, *Ratification Status for Egypt*, U.N. TREATY BODY DATABASE, https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=54&Lang=en [<http://perma.cc/B6JF-XDJU>].

144. CEDAW, *supra* note 31, art. 4.

145. AL-ALI, *supra* note 53, at 73.

146. *Id.* at 74.

147. AL-ALI, *supra* note 53, at 73–74; Abou-Zeid, *supra* note 65, at 46–47.

148. AL-ALI, *supra* note 53, at 74.

149. *Id.*

150. *Id.* That being said, throughout the history of modern Egypt, the state has not neglected to bring in the conservative Islamic institutions in effort to gain their support in carefully restraining the various movements against the state. *Rethinking the U.S.-Egypt Relationship: How Repression is Undermining Egyptian Stability and What the*

The introduction of quotas for women by Sadat in 1979 of 30 seats (out of a total 360 seats; approximately 8 percent of all seats) did yield short-term tangible results.¹⁵¹ Sadat's effort to diversify was not just confined to women, however: each district had to vote for two members in each electoral district, one farmer and one worker; thirty of those zones required that at least one woman had to be elected—thereby satisfying the thirty women quota.¹⁵² Quota rules were such that women could compete for men's seats, but the men could not run for the seats allocated for women.¹⁵³ Further, the president could appoint up to ten people in parliament, including at least two women.¹⁵⁴ These new laws resulted in a record number of thirty-five women in parliament in 1979, and thirty-six women in the 1984 parliament.¹⁵⁵ That being said, an evaluation of the tenure of these women reveals that the women who made it into office did not have any positive influence on the plight of Egyptian women: they did not submit any draft laws (while the women who had served in the previous parliament had submitted ten laws) nor did they raise a substantial number of political issues.¹⁵⁶ However, given their very limited political experience as the first wave of women benefitting from the quota system, and given the fact that they received inadequate support and parliamentary training, the reason for their lack of positive contributions are numerous, and include the fact that some of these women were also likely appointed not on merit but for

United States Can Do, Hearing before the U.S. House of Representatives, Tom Lantos Human Rights Commission (Nov. 3, 2015) (statement of Dr. Shadi Hamid, Brookings Institution), <https://www.brookings.edu/wp-content/uploads/2016/07/Testimony-Human-Rights-in-Egypt.pdf>. Throughout Nasser, Sadat, Mubarak, and now Elsisi's rule, the state has forged a special relationship with al-Azhar University, regarded as Sunni Islam's most prestigious university. Maged Atef, *Al-Azhar and the President: Breaking Down the Relationship*, WASH. INST. (Mar. 6, 2017), <https://www.washingtoninstitute.org/fikraforum/view/al-azhar-and-the-president-breaking-down-the-relationship> [<http://perma.cc/E69C-7W3N>]. But even al-Azhar is carefully controlled: al-Azhar University was allowed to continue issuing fatwas on a variety of topics that reinforced the state's monopoly over security and maintained its dominance over everything related to personal status laws. *Id.* Al-Azhar has even pushed back on the state if it crossed into the territory of personal status laws. *Id.* The Coptic Church, as head of Egypt's second largest religious community, has been given room to play a similar, albeit much smaller role, for the Coptic community. Mai Shams El-Din, *The Right to Marriage and Divorce for Egypt's Minorities: Tinkering with the Issue*, MADA MASR (Feb. 16, 2017), <https://madamasr.com/en/2017/02/16/feature/society/the-right-to-marriage-and-divorce-of-egypts-minorities-tinkering-with-the-issue> [<http://perma.cc/5KVR-UZCB>].

151. Law No. 21 of 1979 (Election Law), April 1979 (Egypt).

152. Abou-Zeid, *supra* note 65, at 47.

153. *Id.*

154. *Id.*

155. *Id.*

156. *Id.* at 48.

their relationships with the Sadat family as well as their membership in the National Democratic Party.¹⁵⁷

After the assassination of Sadat, and after Hosni Mubarak assumed the post of presidency, in 1983, the electoral laws were changed from constituency elections to list nominations; these same laws simultaneously placed severe restrictions and barred independent candidates.¹⁵⁸ Due to complaints that this discriminated against independent candidates, the law was amended in both 1986 and again 1990, ultimately reverting the system back to majority electoral system and banning the list system.¹⁵⁹ The 1986 law also abolished the female quota, citing gender inequality.¹⁶⁰ The effect of this was immediate: in the next parliamentary cycle women's representation dropped to 2.2 percent.¹⁶¹

The Shura Council, established in 1980,¹⁶² was the upper house in parliament and designed to advise the president on law and policy.¹⁶³ It was governed by its own rules, which from the outset dictated that while two-thirds would be elected, a third of the seats would be appointed by the president.¹⁶⁴ While the Shura Council never included a women's quota, both presidents Sadat and Mubarak appointed women in government (both notably encouraged by their wives) to satisfy the seats they needed to fill.¹⁶⁵ As a result, the number of women in the Shura Council increased from 3.3 percent in 1980 to eventually 100 percent of appointed seats in 1998.¹⁶⁶

In 2000, Mubarak followed Nasser and Sadat's tradition of "state feminism" by establishing by decree a thirty-member body, the National Council for Women (NCW), dedicated solely to addressing the

157. *Id.* at 48, 49.

158. Law No. 114 of 1983 (Election Law), Aug. 1983 (Egypt).

159. *Id.*; Law No. 188 of 1986 (Election Law), Dec. 1986 (Egypt).

160. Abou-Zeid, *supra* note 65, at 47.

161. *Id.*

162. This house was abolished in 2013 by military coup. See *Demand to Reinstate Shura Council Sparks Debate Between MPs*, EGYPT TODAY (Sept. 16, 2017), <https://www.egypttoday.com/Article/2/23075/Demand-to-reinstate-Shura-Council-sparks-debate-between-MPs> [<http://perma.cc/R9PH-GUCF>].

163. The Constitution created a single chamber, the House of Representatives which would have no less than 450 members elected by direct, secret public vote for five-year terms. See CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 18 Jan. 2014, art. 102. The President may appoint no more than five percent of the House. *Id.* The current constitutional amendments proposed by the President Elsisy stipulates a return of the second house of parliament similar to a Shura Council to be called Majless El-Shuyukh. See Rana Mamdouh, *Voting in the Dark: Ramming the Constitutional Amendments Through*, MADA MASR (Apr. 24, 2019), <https://madasr.com/en/2019/04/24/feature/politics/voting-in-the-dark-ramming-theconstitutional-amendments-through> [<http://perma.cc/B3W6-MHND>].

164. Abou-Zeid, *supra* note 65, at 47.

165. *Id.*

166. *Id.*

issues and concerns of Egyptian women.¹⁶⁷ Mubarak's wife, Suzanne Mubarak, was named its first president.¹⁶⁸ Although NCW is heavily associated with the ruling elite and regime, it has pushed for limited change in Egypt's personal status laws.¹⁶⁹ Dubbed the "Suzanne Mubarak Laws," these changes offered women protections when she initiates divorce (*khul'u*); issued a national plan for combating sexual harassment and assault; and increased the age divorced women have custody of children from nine to fifteen, at which age they must go to the father.¹⁷⁰ Because of Suzanne's direct role in overseeing the NCW, however, these laws would later be thrown out almost immediately during the 2011 revolution, precisely because of the laws' close association with the regime and the National Democratic Party.¹⁷¹ This 'governmentalization of women's rights' was once again a criticism lodged at laws that, because they were enforced solely from the top-down with little grassroots coordination, and were seen as another extension of the ruling elite.¹⁷² Mubarak's tenure ended with a reinstatement of gender quotas in 2010, when women accounted for twelve percent of parliamentarians.¹⁷³

The 2011 revolution, and the series of constitutions in 2012, 2014 and now the 2019 amendments, promise little assurance for meaningful participation of Egypt's women. In fact, in 2011, all quotas were dropped for the 2012 elections.¹⁷⁴ During those elections, Egyptian women only seized two percent of the total 498 seats.¹⁷⁵

The 2012 Constitution—in place only a little over a year under former President Mohammed Morsi—technically enshrined the equality of men and women as citizens.¹⁷⁶ However, it also dealt

167. See AL-ALI, *supra* note 53, at 68; Sara Abdel Rahim & Erin Fracoli, *Egypt's National Council for Women: A Substitute for Civil Society*, THE TAHRIR INST. FOR MIDDLE EAST POL'Y (July 15, 2016), <https://timep.org/commentary/analysis/egypts-national-council-for-women-a-substitute-for-civil-society> [http://perma.cc/TD7J-TWXB]. The author of this Article has personally met with Maya Morsi, the current head of the NCW in Cairo, Egypt, March 2018.

168. Rana Magdy, *Egyptian Feminist Movement: A Brief History*, OPEN DEMOCRACY (Mar. 8, 2017), <https://www.opendemocracy.net/en/north-africa-west-asia/egyptian-feminist-movement-brief-history> [http://perma.cc/65YD-KPU4].

169. *Id.*

170. *Controversy Over 'Suzanne's Laws'*, AL-AHRAM (May 5, 2011), <http://weekly.ahram.org.eg/Archive/2011/1046/eg14.htm> [http://perma.cc/6DZB-YMQN].

171. *See id.*

172. Magdy, *supra* note 126.

173. Erin Fracoli, *Women and Quotas in Egypt's Parliament*, THE TAHRIR INST. FOR MIDDLE EAST POL'Y (Jan. 5, 2017), <https://timep.org/commentary/analysis/women-and-quotas-in-egypts-parliament> [http://perma.cc/23LL-WXQE].

174. *Id.*

175. Laila El Baradei & Dina Wafa, *Women in the Second Egyptian Parliament Post the Arab Spring: Do They Think They Stand a Chance?*, 14 J. INT'L WOMEN'S STUDIES, 42, 45 (2013).

176. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 22 Dec. 2012, art. 10.

with women almost exclusively in Article Ten, where it discussed family as the basis of Egyptian society, with the state providing protection to bread-winning, divorced, and widowed women.¹⁷⁷ This particular article was actually derived from Nasser's 1956 constitution, and not associated strictly with Islamists.¹⁷⁸ The Morsi constitution in Article Two went on to re-establish Shari'a as *the* main source of legislation, this time extrapolating directly from the Sadat constitution.¹⁷⁹ In Article Four, Morsi's constitution, reaffirmed that al-Azhar would be consulted in matters related to Shari'a, and guaranteed it public funding to carry out its activity.¹⁸⁰ No mention of women as active participants in political life was included. Obviously, these particular points regarding a women's role, the place of Shari'a, and the role of al-Azhar, came to be associated with the Islamists; indeed, they were key advocacy points for them during constitutional debates.¹⁸¹ What is abundantly clear however is that these points were not historically *only* associated with Islamists, and in fact were derived from regimes that claimed to fight against the Muslim Brotherhood.¹⁸²

The coup of the summer of 2013, and the subsequent rise of now President Abdelfattah Elsis, brought with it yet a new constitution (2014) and the 2015 electoral laws.¹⁸³ The 2014 constitution in theory articulates several important articles for women's rights: equality of citizenship and enshrining the principles of democratic governance "rooted in equality between men and women in all walks of life."¹⁸⁴ It also guarantees citizenship for anyone born to an Egyptian father *or* an Egyptian mother.¹⁸⁵ It ensures women a role in decision-making

177. *Id.*

178. Kayla Sivak-Reid, *Tracing a State and its Language from Province to Republic: Translations of Modern Egypt's Constitutions*, CLASSICS HONORS PROJECTS 47 (2016), https://digitalcommons.macalester.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1023&context=classics_honors [http://perma.cc/E8R3-M6MT].

179. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 22 Dec. 2012, art. 2.

180. *Id.* art 4.

181. *See, e.g.*, HOLGER ALBRECHT, EGYPT'S 2012 CONSTITUTION: DEVIL IN THE DETAILS, NOT IN RELIGION (Jan. 25, 2013), <https://www.usip.org/sites/default/files/PB139-Egypt's%202012%20Constitution.pdf>.

182. *See, e.g.*, Ellen McLarney, *Women's Rights in the Egyptian Constitution: (Neo-)Liberalism's Family Values*, JADALIYYA (Mar. 22, 2013), <https://www.jadaliyya.com/Details/28666/Women%60s-Rights-in-the-Egyptian-Constitution-NeoLiberalism%60s-Family-Values> [http://perma.cc/M455-TVN5].

183. Reza Sayah & Mohammed Tawfeeq, *Egypt Passes a New Constitution*, CNN (Jan. 18, 2014), <https://www.cnn.com/2014/01/18/world/africa/egypt-constitution/index.html> [http://perma.cc/FSH7-SNKH].

184. *The Constitutional Amendments Do Not Establish a Democracy That Supports Women in Politics*, NAZRA FOR FEMINIST STUDIES (Mar. 7, 2019), <https://nazra.org/en/2019/03/constitutional-amendments-do-not-establish-democracy-supports-women-politics> [http://perma.cc/P4LB-2RT7].

185. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 18 Jan. 2014, art. 6.

and it commits the state to achieving “equality between women and men in all civil, political” rights and commits the state to taking “necessary measures to ensure the appropriate representation of women in the houses of [parliament in the manner] specified by law.”¹⁸⁶ Further, it grants women the right to hold public posts and high management posts in the state, and to appointment in judicial bodies and entities without discrimination.¹⁸⁷ Finally, the state also commits to protecting women from all forms of violence against women¹⁸⁸ and promises to create an Anti-Discrimination Commission, the latter of which has yet to be established.¹⁸⁹ The electoral laws of 2015 also created a quota, but one that relied on age-old measures undertaken by previous Egyptian governments: the president can appoint twenty-eight seats in parliament, and it is expected that he would be appointing women in order to facilitate gender diversity in parliament.¹⁹⁰ This of course leads back to the same problem articulated before: women who are brought in by state elites are expected to toe the line of the state elites, only with a female face.

Today, a total of ninety women are serving in parliament out of a total of 596 seats; with seventy-six being elected and fourteen being appointed by the president.¹⁹¹ Of the total 32 ministers, there are also currently eight women, up from five in 2013 when President Elsisí assumed power.¹⁹² While Elsisí does not hail from any one political party, women he selects to serve in the cabinet and as appointees are, at the very least, palatable to, if not fully supportive of, the state and status quo.¹⁹³

The new constitutional amendments of 2019, which passed by 88.8 percent when put to a national referendum, lumped together a 25 percent women’s quota along with several problematic amendments: extending term limits for the president from four to six years and allowing Elsisí to run again, keeping him in power until 2030; permitting presidential oversight as well as authority to appoint the heads of various judicial bodies in what has been for decades a relatively independent judiciary; expanding the role of the armed

186. *Id.* art. 11.

187. *Id.*

188. *Id.* The parliament has yet to pass laws on this.

189. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 18 Jan. 2014, art.53.

190. OCED, WOMEN’S POLITICAL PARTICIPATION IN EGYPT: BARRIERS, OPPORTUNITIES AND GENDER SENSITIVITY OF SELECT POLITICAL INSTITUTIONS 12 (July 2018), <https://www.oecd.org/mena/governance/womens-political-participation-in-egypt.pdf>.

191. *For the First Time, 8 Female Ministers in Egypt’s Cabinet*, EGYPT TODAY (June 14, 2018), <https://www.egypttoday.com/Article/2/52152/For-the-first-time-8-female-ministers-in-Egypt-s> [<http://perma.cc/53FQ-X7G4>].

192. *Id.*

193. Fracoli, *supra* note 173.

forces as guardians of the “constitution and democracy”; and establishing a second chamber of parliament, with one-third of its members appointed by the president, among other amendments.¹⁹⁴ Prior to the passing of the amendments, activists and non-governmental organizations alike voiced concern about combining women’s political participation—done with an intent to appease western donors—with massive state consolidation of control.¹⁹⁵ Once again, this would stigmatize women’s rights with heavy-handed measures of state control. Many of these same organizations remain in favor of a quota ensuring women’s political participation, but they recognize that meaningful participation takes sustained effort over time to achieve and involves removing barriers discussed in section one of this Article; further, it can only be achieved with emancipation of society at large.¹⁹⁶ It cannot be effective if women who fill the quotas are only there to reinforce the status quo.¹⁹⁷ As Latifa Zayyad so adequately said: “[w]omen can never be liberated if the whole country is not liberated.”¹⁹⁸ And the increased power now in the hands of Elsisi that discourages—if not outright bans—activists, academics, institutions, and non-governmental organizations that seek civil society participation, democratization, and reforms in Egypt, will not likely be in favor of opportunities to meaningfully emancipate Egypt’s women any time soon.¹⁹⁹

V. THE CHALLENGE OF ENSURING POLITICAL PARTICIPATION FOR WOMEN IN SYRIA

Syria, a country riddled with coups, violent clashes over power, and now an uprising that has continued since 2011, presents the region with challenges similar, although not identical, to Egypt. Further, the fact that the underlying reasons for Syria’s conflict can

194. *TIMEP Brief: Draft Constitutional Amendments*, THE TAHRIR INST. FOR MIDDLE EAST POL’Y (Feb. 7, 2019), <https://timep.org/reports-briefings/timep-brief-draft-constitutional-amendments> [http://perma.cc/FWQ6-S468].

195. Telephone Interview with Hafsa Halawa, Independent Political and Development Consultant, MENA/Horn of Africa (Mar. 14, 2019).

196. See *The Constitutional Amendments Do Not Establish A Democracy that Supports Women in Politics*, NAZRA FOR FEMINIST STUD., <https://nazra.org/en/2019/03/constitutional-amendments-do-not-establish-democracy-supports-women-politics?fbclid=IwAR12VTcvZK7qp4lbZV-6CZwE-4r0qIEIt805jEfEIV4U9f5kAFjcyYQsMvE> [http://perma.cc/P4LB-2RT7] (last visited Mar. 22, 2020).

197. See Krook, *supra* note 21, at 14.

198. AL-ALI, *supra* note 53, at 61.

199. For an overview of The Law Governing the Work of Associations and Other Foundations Working in the Field of Civil Work (commonly known as the NGO Law), Law No. 70 of 2017, see *Timep Brief: NGO Law* (Nov. 14, 2018), <https://timep.org/reports-briefings/timep-brief-ngo-law> [http://perma.cc/DFM3-NGG3].

only truly end with severe political changes leaves open the possibility that Syria may one day provide the country's women with genuine opportunities for fair political participation and integration.

Since Syria's independence from the French in 1946, the country has seen twelve different constitutions (including modifications of constitutions).²⁰⁰ In 1949, Syrian women obtained suffrage through election laws introduced by the military regime of Husni al-Za'em.²⁰¹ The election laws stipulated that women could vote so long as they had at least an elementary school education and could vote in separate polling centers; men were the only ones permitted to stand as candidates so long as they were thirty years of age, were Syrian citizens for at least ten years, and completed a fifth grade minimum education.²⁰²

In August 1949, Za'em was overthrown four months after seizing power by Sami al-Hinnawi who launched another military coup and assumed power.²⁰³ Al-Hinnawi called for elections for a Constitutional Assembly in order to draft the 1950 constitution.²⁰⁴ No women were elected to this Assembly, and thus none took part in the drafting of the constitution.²⁰⁵ That being said, the 1950 Constitution, referred to as the "Constitution of Independence", is seen as the first real democratic moment in Syria's modern history.²⁰⁶ The constitution "granted broad powers to the prime minister. . . limited the powers of the president. . . [and] strengthened judicial authority, as well as the state's democratic institutions, by modernizing the Supreme Constitutional Court."²⁰⁷ Further, individual rights were modeled on the 1948 Universal Declaration of Human Rights.²⁰⁸ It also defined a voting Syrian citizen as either a man or woman over eighteen years of age and permitted both the right to run for parliament so long as they met the minimum requirements: thirty years of age and a minimum of fifth-grade-level education.²⁰⁹ Technically speaking, this constitution qualified Syria as the first country in the region to allow women to run for office.²¹⁰

200. Radwan Ziadeh, *The History of the Syrian Constitution*, SYRIAN STUD. ASS'N BULL., <https://ojcs.siu.edu/ojs/index.php/ssa/article/view/3236/1263> [<http://perma.cc/S7E4-QWTG>] (last visited Mar. 22, 2020).

201. MUNA GHANEM ET AL., WOMEN AND THE PEOPLE'S ASSEMBLY IN THE SYRIAN ARAB REPUBLIC 13, 14 (2007).

202. *Id.* at 14.

203. The Charge in Iraq (Tenney) to the Department of State, OFF. OF THE HIST. (Feb. 19, 1951), <http://history.state.gov/historicaldocuments/frus1951v05/d267> [<http://perma.cc/H8T6-GBV8>].

204. Ziadeh, *supra* note 200.

205. *See* GHANEM ET AL., *supra* note 201, at 15.

206. Ziadeh, *supra* note 200.

207. *Id.*

208. *Id.*

209. GHANEM ET AL., *supra* note 201, at 14.

210. *See* Ziadeh, *supra* note 200. Radwan Ziadeh argues that it was the first constitution

Syria's tumultuous history of military coups continued, and in 1953 another military coup led by General Adib al-Shishakli brought forth yet another constitution that turned Syria into a presidential system and terminated the position of prime minister.²¹¹ The constitution also defined voting citizens as both men and women over eighteen years of age, who were registered in the civil registration records, and lowered the age of standing for elections to educated twenty-five-year-olds.²¹² Although women could technically run in the 1954 elections, none did, and thus none were elected.²¹³

Women in Syria made a first-time appearance in political office during the short lifespan of the United Arab Republic (UAR)—the unification of Egypt and Syria—presided over by Gamal Abdel-Nasser between the years of 1958 and 1961.²¹⁴ The UAR utilized a constitution that had been developed in Egypt under the reign of Nasser and that now extended into Syria by virtue the extension of the union.²¹⁵ Additionally, a new Nation's Assembly was convened, consisting of 600 members: 200 from Syria and 400 from Egypt.²¹⁶ For the first time ever, two women were appointed—not elected—in office: Jihan al-Mosli and Widad Haroun.²¹⁷ The short-lived experiment of the United Arab Republic fell apart however, and along with it disappeared women's political representation for the next few years.²¹⁸

In 1962, there was a short reversion to the 1950 Constitution, until the coup launched by the National Council for the Revolutionary Command in March 1963.²¹⁹ In June 1963, the Council was assigned as the legislature (replacing the parliament) and a state of emergency was imposed (ultimately lasting until April 2011).²²⁰ In April

to allow women the right to run; the UN report argues on the contrary however that the text implied only men. *Id.*

211. See GHANEM ET AL., *supra* note 201, at 14.

212. *Id.*

213. *Id.* at 15 (Despite having no female candidates, the Syrian Communist Party does state in its documents that women's votes helped elect its candidate, Khaled Bagdash, to parliament, indicating women's active participation in the election process. Further, while women did not run for a series of reasons discussed earlier in the Article (lack of financial support, cultural, religious, etc.), the coup's undemocratic military nature had a paralyzing effect on the participation of both men and women's participation in the elections.).

214. *Id.*

215. *Id.* at 18.

216. *Id.* at 15.

217. See GHANEM ET AL., *supra* note 201, at 15.

218. *Id.*

219. See Ziadeh, *supra* note 200 (The National Council for the Revolutionary Command consisted of 12 members of the Ba'ath Party, and 8 independents and Nasserists (Arab nationalists consistent with Gamal Abdel-Nasser's ideology)); see also PATRICK SEALE, *ASAD OF SYRIA: THE STRUGGLE FOR THE MIDDLE EAST* 78 (1989).

220. Khaled Yacoub Oweis, *Syria's Assad Ends State of Emergency*, REUTERS (Apr. 20, 2011, 8:53 PM), <https://www.reuters.com/article/us-syria/syrias-assad-ends-state-of-emergency-idUSTRE72N2MC20110421> [<http://perma.cc/TLS3-94PG>].

1964, the Council announced a temporary constitution.²²¹ According to Article 33 of this constitution, “the Revolutionary National Assembly shall be formed from its current members (appointed), in addition to representatives from the people whose number and method of representation shall be determined by a law.”²²² From this came the appointment of the first iteration of the Revolutionary National Council, and in September 1965, eight women were appointed out of ninety-five members, and on February 2, 1966, the Council was expanded to 134 members, with four new women being added to make a total of twelve women.²²³ The Assembly was incredibly short lived however, and was unable to hold any meetings as it was dissolved by late February due to major power struggles.²²⁴

Several years of political instability ensued in Syria until lieutenant general Hafez al-Assad seized power in November 1970.²²⁵ The People’s Assembly was established in 1970; its primary task was to draft a constitution.²²⁶ Four women were appointed to the People’s Assembly.²²⁷ In 1973, a new constitution was ratified (that remained in place until the 2012 amendments).²²⁸ The 1973 constitution held that the Ba’ath Party was the leading party in the state and that the National Council for Revolutionary Command was the only entity permitted to nominate the president.²²⁹ However, the same constitution also pledged in Article 25 that, “citizens are equal before the law in their rights and duties. . . [and] [t]he state insures the principle of equal opportunities for citizens.”²³⁰ Further, Article 45, entitled Women, stated that, “The state guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state removes the restrictions that prevent women’s development and participation in building the socialist Arab society.”²³¹ Despite these guarantees found in the constitution, however, the emergency law in place since 1963 “eclipsed many of the legal protections offered by the constitution.”²³²

221. Ziadeh, *supra* note 200.

222. See GHANEM ET AL., *supra* note 201, at 15.

223. *Id.* at 15–16.

224. *Id.* at 16.

225. *See id.*

226. *Id.* at 20.

227. *Id.*

228. GHANEM ET AL., *supra* note 201, at 13.

229. It remained in force until 2012, when modifications were made to the constitution. CONSTITUTION OF THE SYRIAN ARAB REPUBLIC, 13 Mar. 1973, art 8.

230. *Id.* art. 25.

231. *Id.* art. 45.

232. SANJA KELLY & JULIA BRESLIN, WOMEN’S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: PROGRESS AMID RESISTANCE 4 (2010), https://freedomhouse.org/sites/default/files/inline_images/Syria.pdf.

The first term of People's Assembly began on June 9, 1973, and thereafter elections were held every four years.²³³ The June 1973 Assembly was the first assembly to elect Syrian women into office; 4 women served that term, and the number steadily grew over time: 6 out of a total of 195 representatives in 1977; 13 out of a total of 195 in 1981; 16 out of a total of 195 in 1986; 21 out of a total of 250 in 1990; 24 out of a total of 250 in 1994; 26 out of a total of 250 in 1998; 31 out of a total of 250 in 2003; 31 out of a total of 250 seats in 2007; 30 out of a total of 250 in 2011, as well as 31 out of 250 in 2015.²³⁴ Prominent Syrian feminists argue that despite the rise in number of women, that did not amount to a rise in feminists, or more attention to a woman's agenda.²³⁵ Women, like the men, were by and large prominent women in the Ba'athist Party and promoted a Ba'athist agenda.²³⁶

During the Hafiz years, like in the Nasser years in Egypt, civil society was almost completely co-opted by the ruling Ba'ath Party; all other movements, even apolitical women's movements, were banned.²³⁷ Women's organizations were expected to be listed under the government-funded General Women's Union (GWU), which the government claimed represented *all* Syrian women; groups that did not join were closely affiliated with the regime regardless.²³⁸ A select few that evaded registration, such as the Syrian Women's League, operated discreetly and were constantly susceptible to closures and its leadership was constantly in danger of being arrested; attracting members and funding was an ongoing issue, given their precarious situation with the authorities.²³⁹

Women's organizations during the Hafiz era largely focused on skills and empowerment trainings along with panel discussions on

233. See GHANEM ET AL., *supra* note 201, at 21.

234. *See id.*

235. *Id.* at 39.

236. Interview with Sabah al-Hallak, Board member of The Syrian Women's League and member of the U.N. Women's Advisory Board, in Saint Julian's, Malta (May 11, 2019) [hereinafter Interview with Sabah al-Hallak].

237. See Lama Rajeh, *My Journey with Al-Qubaysiat Sisterhood*, ENGLISH AL-JUMHURIYA (June 22, 2017), <https://www.aljumhuriya.net/en/content/my-journey-al-qubaysiat-sisterhood> [http://perma.cc/XT8Q-VNWC] (This Article does not delve into the subject of the *Qubaysiyat*, a female-only apolitical religious movement that focuses on religious education for women, banned by the Syrian government since its inception in the 1960s until 2003, when they were permitted to exist legally and are largely perceived as friendly to the government).

238. PEACEBUILDING DEFINES OUR FUTURE NOW: A STUDY OF WOMEN'S PEACE ACTIVISM IN SYRIA 8 (2015), https://badael.org/wp-content/uploads/2019/02/Peacebuilding_Syria_20Jan.pdf [hereinafter PEACEBUILDING DEFINES OUR FUTURE NOW].

239. Kelly & Breslin, *supra* note 232, at 6 (The GWU, established by the government, has been flagged as problematic by Freedom House in its ratings of freedom in Syria because of its claim to represent all Syrian women and that receives state funding, eliminating the need for other groups to exist).

women's issues, including to a very minor extent equality and legal reforms.²⁴⁰ By the late 1980s, the work of women's organizations "resulted in the defection of women's organizations from male-dominated political parties" as they slowly began more openly advocating for the rights of working class and rural women.²⁴¹

It is important to note that, similar to Egypt, Hafiz was not opposed to the mere presence of women in government: in fact, the participation of Ba'athist women was seen as necessary to reflect a secular, modern Syria—a primary goal of Assad's—that was meant to contrast sharply with the image of the Muslim Brotherhood, which he identified as terrorists, justifying his brutal attack of them in Hama in 1982.²⁴² Thus, 'secular' looking women were welcomed in Assad's Syria: only women without hijab (headscarf) were allowed to run for office, serve in any delegations, or as ambassadors.²⁴³ Despite this guise of modernity and secularism, their presence still remained largely confined to traditional female roles, as they served in positions related to culture, higher education, social affairs, and labor.²⁴⁴

The 1990s, and the Fourth World Conference on Women in Beijing, facilitated an unprecedented moment for Syrian women's organizations to critique state policies and make suggestions for reform, particularly in areas that concerned violence against women.²⁴⁵ They began to build momentum around issues enshrined in CEDAW. In 2003, Syria ratified the Convention, although with various restrictions that the CEDAW Committee expressed concern over.²⁴⁶

240. PEACEBUILDING DEFINES OUR FUTURE NOW, *supra* note 238, at 8.

241. *Id.*

242. See Suleiman al-Khalidi, *Survivors of Syria's Hama Massacre Watch and Hope*, REUTERS (July 7, 2011, 1:51 PM), <https://www.reuters.com/article/us-syria-hama-idUSTRE7665R620110707> [<http://perma.cc/HLL4-TXDN>].

243. Interview with Sabah al-Hallak, *supra* note 236 (There was technically no law that prohibited veiled women from running for elections, but it was understood as an expectation that no veiled women could hold office. Further, schools in Syria did not permit students through high school to wear the hijab for decades until the year 2000, when the Ministry of Education released a decision permitting female students to do so.); *Permission for Female Students in Syria to Wear Hijab*, AL-BAWABA (Dec. 31, 2000), <https://www.albawaba.com/ar/%D8%B3%D8%A7%D8%AE%D8%B1%D9%88%D9%86%D8%A7%D9%84%D8%B3%D9%85%D8%A7%D8%AD-%D9%84%D8%B7%D8%A7%D9%84%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%AF%D8%A7%D8%B1%D8%B3-%D9%81%D9%8A-%D8%B3%D9%88%D8%B1%D9%8A%D8%A7-%D8%A8%D8%A7%D8%B1%D8%AA%D8%AF%D8%A7%D8%A1-%D8%A7%D9%84%D8%AD%D8%AC%D8%A7%D8%A8> [<http://perma.cc/83TT-BHTV>].

244. U.N. Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, Second Periodic Reports of States Parties: Syria*, 34 (Oct. 25, 2012), <https://www.refworld.org/docid/525bdd904.html> [<http://perma.cc/LV58-9794>] [hereinafter *Consideration of Reports*].

245. *Id.* at 8.

246. U.N. Committee on the Elimination of Discrimination Against Women (CEDAW),

The Syrian government's reservations to Article 2 was especially alarming, given its purpose (and CEDAW's mission) to "condemn discrimination against women in all its forms. . . [and] pursue by all appropriate means and without delay a policy of eliminating discrimination against women."²⁴⁷ In 2007, four years after Syria's ratification, the Committee issued concern about Syria's lack of sufficient female representation in the People's Assembly, specifically its inability to raise the number of women to thirty percent, with no plan or intent to move forward.²⁴⁸ The CEDAW Committee highlighted the visible discrimination towards women in Syria's Personal Status Act, Penal Code,²⁴⁹ and Nationality Act (the last of which prohibits Syrian women from passing their nationality to their children if the father is not Syrian, but allows Syrian men to pass on nationality to both a non-Syrian wife and children).²⁵⁰

The first decade of the 2000s, and the first years of Bashar's rule, opened small windows for Syrian feminists. Small intellectual and elitist groups started to come together to publicly highlight problematic laws related to divorce, honor killings, and the right of women to pass citizenship on to their children; they also pushed for a public celebration of International Women's Day.²⁵¹ It was understood, however, that any progress would be incremental, limited, and granted by the mercy of the Ba'athist Party agenda. The regime was open to the idea of taking some symbolic measures, like in Egypt,

Declarations, Reservations, Objections and Notifications of Withdrawal of Reservations Relating to the Convention on the Elimination of All Forms of Discrimination against Women, 28 (Apr. 10, 2006), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/309/97/PDF/N0630997.pdf?OpenElement> [<http://perma.cc/7QLV-7ZLD>] (Syria maintained "reservations to article 2; article 9, paragraph 2, concerning the grant of a woman's nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah; and article 29, paragraph 1, concerning arbitration between States in the event of a dispute.").

247. CEDAW, *supra* note 31, art. 2.

248. Catherine Moore & Tarsila Talarico, *Inclusion to Exclusion: Women in Syria*, 30 EMORY INT'L L. REV. 213, 226–27 (2015).

249. Kelly & Breslin, *supra* note 232, at 5 (One such distinction between men and women lies in the definition of evidentiary burden required for adultery: women are also subject to higher sentences than men if found guilty. For example, a man can present evidence via any form, while a woman can only submit written evidence. Further, men can only be prosecuted for committing adultery in the home, while women can be prosecuted for committing adultery anywhere. Men's sentences range from one month to a year; a woman from three months to two years.).

250. SYRIA: REPORT ON MENA GENDER AND EQUALITY: STATUS OF GIRLS AND WOMEN IN MIDDLE EAST AND NORTH AFRICA 2 (Oct. 2011), <https://www.unicef.org/gender/files/Syria-Gender-Equality-Profile-2011.pdf>.

251. PEACEBUILDING DEFINES OUR FUTURE NOW, *supra* note 238, at 8.

to appease international donors that mandated some changes before dispersing funding, such as from the United Nations Development Program.²⁵² That being said, most Syrian feminists did not consider the changes as revelatory of a regime that sought to welcome genuine political participation by women (and men), who did not promote the Ba'athist Party platform.²⁵³

In 2006, Bashar appointed the Arab world's first female vice president, Najah al-Attar, a loyal member of the Ba'athist Party who had served as the Minister of Culture from 1976 until 2000.²⁵⁴ During Bashar's first decade in power, the total number of women in executive branch positions rose from six percent to nine percent, with three serving in areas not traditionally held by women (tourism, housing and construction, as well as environmental affairs); the number of female ambassadors also rose from 11 percent in 2005 to 15 percent in 2012.²⁵⁵ And while women's participation in local and administrative elections was 19 percent in 2007, it dropped severely to 2.6 percent in 2011, which the government cited in its 2012 CEDAW report as being due to poor conditions for voting in the country.²⁵⁶ Women's role in the judiciary was existent but far from robust: in 2012, out of 1,508 judges, 240 were female (15.9 percent); in 2012, pursuant to Decree 173, one female was assigned to serve as a member of the seven member Supreme Constitutional Court.²⁵⁷ Reports detailing women's roles in politics reveal that, at all levels of government, these women were expected to pledge full loyalty to the Ba'athist Party agenda and could not operate freely or independently.²⁵⁸

Parallel to the Egyptian government's control and management of civil society, in Syria such groups were also controlled and managed by the Assad regime and its close associates.²⁵⁹ Both civil society and the charitable sector, including those focused on women's rights and well-being, remained under the direction of state-associated entities.²⁶⁰ In 2006, Syria's First Lady, Asma'a al-Assad, launched Syria Trust for Development, which still today monopolizes the

252. LAMA KANNOUT, *IN THE CORE OR ON THE MARGIN: SYRIAN WOMEN'S POLITICAL PARTICIPATION* 18 (2016).

253. Interview with Sabah al-Hallak, *supra* note 236.

254. Somayya Jabarti & Abdul Maqsood Mirza, *Syria's First Female Vice President Hailed as Progress for Women*, ARAB NEWS (Mar. 24, 2006), <https://web.archive.org/web/20120117222623/http://archive.arabnews.com/?page=4§ion=0&article=79682&d=24&m=3&y=2006> [<http://perma.cc/VWZN-7DG9>].

255. *Consideration of Reports*, *supra* note 244, at 34.

256. *Id.*

257. *Id.*

258. See KANNOUT, *supra* note 252, at 10 (throughout her report, Lama Kannout makes this point clear); see also Rajeh, *supra* note 237.

259. KANNOUT, *supra* note 252, at 99.

260. *Id.*

Damascus-registered NGO sector in Syria.²⁶¹ Groups like the General Women's Union, which continued to receive government support, were permitted to promote female literacy campaigns, organized vocational trainings, and created nurseries for the children of working women.²⁶² During this time period, there were also female members of parliament calling to amend personal status laws, although very few of them led strategic interventions in the Assembly in order to do so.²⁶³ The Assembly did ultimately pass a limited number of personal status laws: Article Twenty-Nine in the Personal Status Code raised the age of custody with the mother to thirteen years of age for the boy and fifteen years of age for the girl; the Primary Education Law was amended to mandate obligatory education to the end of ninth grade for both sexes; and Legislative Decree Thirty-Five increased the duration of maternity leave.²⁶⁴

The Arab Spring arrived to Syria in March 2011. The Syrian government, which had policed all civil society activities carefully, doubled down on state control of all activity, and it became clear very quickly that even non-violent protesters advocating for women's inclusion within the existing political framework would not be welcome.²⁶⁵ Ultimately any project centered on "fair representation that builds upon and carries a democratic, emancipatory and progressive project that can contribute to the social prosperity" was out of the question.²⁶⁶ And Syrian women's rights activists were identified as pushing for an emancipatory movement that required much more space than the Ba'athist regime was willing to concede. In 2012, the constitution was amended, and overall tailored to further consolidate Bashar al-Assad's personal control over the state, as opposed to placing the emphasis on leadership of the Ba'athist Party.²⁶⁷ As a result, his amendment of Article 8 of the constitution was done under the guise of 'opening' Syria to more than just Ba'athist Party instead, it actually empowered Bashar as its absolute ruler.²⁶⁸ The

261. Nick Hopkins & Emma Beals, *How Assad Regime Controls UN Aid Intended for Syria's Children*, THE GUARDIAN (Aug. 29, 2016, 12:00 AM), <https://www.theguardian.com/world/2016/aug/29/how-assad-regime-controls-un-aid-intended-for-syrias-children> [<http://perma.cc/DL8C-BP88>]. To read more about the challenges of civil society in Syria and elite internal competition to obtain international donor funding under the guise of doing work for Syrian women, see ANDREW TABLER, *IN THE LION'S DEN* 63–70 (2011). Organizations that operate outside of regime held areas, including civil society organizations in Idleb, are not registered with Damascus as they would not be safe doing so.

262. KANNOUT, *supra* note 252, at 22.

263. *Id.*

264. *Id.* at 29.

265. *See id.* at 7.

266. *Id.* at 15.

267. *See id.* at 31.

268. *See* Qais Fares, *The Syrian Constitution: Assad's Magic Wand*, CARNEGIE MIDDLE

pre-2012 constitution read: “The leading party in the society and the state is the Socialist Arab Baath Party. It leads a patriotic and progressive front seeking to unify the resources of the people’s masses and place them at the service of the Arab nation’s goals.”²⁶⁹

The 2012 constitution modified Article 8, and produced section 4, a section that was meant to prevent any collection of peoples from uniting on any shared identities, including that of gender, ethnicity, or otherwise.²⁷⁰ The regime had made a concerted effort to prevent any of these groups from organizing for decades so that they could not pose any significant challenge to it or the Ba’athist Party rule.²⁷¹ “Carrying out any political activity or forming any political parties or groupings on the basis of religious, sectarian, tribal, regional, class-based, professional, or on discrimination based on gender, race or color may not be undertaken.”²⁷²

Eight years of the uprising has changed Syrian society for the foreseeable future: women have assumed important leadership positions (both in regime and opposition circles), but they have also been severely sidelined when it has come to genuine decision-making positions. The regime touts Buthana Sha’ban as the political and media advisor to Bashar, as well as Hadiya Abbas as the country’s first female Speaker of the People’s Assembly.²⁷³ In July 2016, the regime also appointed 3 female ministers out of 32 in Bashar’s cabinet.²⁷⁴ Most recently, in February 2019, the regime signed into law rushed, limited modifications to the Personal Status Law without consultations with civil society or women’s organizations, with jurists receiving leaked versions of the draft laws only a few hours before they were approved by the People’s Assembly.²⁷⁵ These laws were passed for two reasons: first, the regime is attempting to appease its own

EAST CTR. (May 8, 2014), <https://carnegie-mec.org/diwan/55541?lang=en> [<http://perma.cc/9M7B-FMEB>].

269. SYRIA CONST., 13 Mar. 1973.

270. SYRIA CONST., 26 Feb. 2012, art. 8, § 4.

271. See Fares, *supra* note 268.

272. SYRIA CONST., 26 Feb. 2012, art. 8, § 4.

273. *Profile: Buthaina Shaaban*, MIDDLE EAST (May 1, 2019), <https://iwpr.net/global-voices/profile-buthaina-shaaban> [<http://perma.cc/XP9C-KFU4>]; *Speaker of Syria’s Parliament Sacked for Poor Performance*, BUSINESS STANDARD (July 21, 2017, 11:48 AM), https://www.business-standard.com/article/news-ians/speaker-of-syria-s-parliament-sacked-for-poor-performance-117072100134_1.html [<http://perma.cc/W9J2-ZLJ8>] (Abbas only served for a little more than a year due to poor performance).

274. KANNOUT, *supra* note 252, at 111.

275. Hurriya Press, *Amendments to Syrian Personal Status Law Are Not Enough*, BUS. STANDARD (Feb. 12, 2019), <https://syrianobserver.com/EN/features/48528/amendments-to-syrian-personal-status-law-are-not-enough.html> [<http://perma.cc/U7WD-7B62>] (Modifications in the Personal Status Laws included changing the title of the marriage contract from “the contract of sexual intercourse” (nikah) to “marriage contract”; raising the marriage age to 18 for both men and women; and allowing women to include stipulations in the marriage contract that she can later invoke to ask for a divorce.).

domestic constituents inside of Syria who are satisfied with such limited reforms, knowing that the regime is unwilling to do anymore; second, the regime is seeking to appease western leaders who are looking for ways to justify Assad's continued presence over a country that actually facilitated the proliferation of extremist, terrorist groups that it later claimed to fight,²⁷⁶ as well as resulted in the displacement of thirteen million people,²⁷⁷ and led to the death of possibly another million Syrians.²⁷⁸

Meanwhile, the primary opposition framework, the National Coalition of Syrian Revolution and Opposition Forces, has mandated since its inception that one of its two vice presidents must be a female.²⁷⁹ The High Negotiations Committee, part of the Coalition and the primary negotiating opposition delegation, includes three women out of fifteen members.²⁸⁰ Many civil society and political organizations have been created, with the intent of grooming and preparing a cadre of female politicians who are equipped and trained to participate as political representatives.²⁸¹ There are most definitely a growing number of women leaders that have emerged in Syria since 2011: many women led humanitarian and civil society groups, are advocates for political solutions, and have led protests against armed groups, including terrorist groups. But systematic inclusion of women in top-level decision-making positions remains problematic, and this is nothing to say of the thousands of local coordinating and administrative councils inside of Syria since 2011 which have diverse experiences with women leadership. Women's representation differed dramatically depending on the culture of geographical areas, as well as the

276. Simon Speaker Cordall, *How Syria's Assad Helped Forge ISIS*, NEWSWEEK (June 21, 2014), <https://www.newsweek.com/how-syrias-assad-helped-forge-isis-255631> [<http://perma.cc/9YGN-3FPV>].

277. *Syria Emergency*, UNHCR, <https://www.unhcr.org/en-us/syria-emergency.html> [<http://perma.cc/5QUZ-QNJV>] (last visited Mar. 22, 2020).

278. Megan Specia, *How Syria's Death Toll Is Lost in the Fog of War*, N.Y. TIMES (Apr. 13, 2018), <https://www.nytimes.com/2018/04/13/world/middleeast/syria-death-toll.html> [<http://perma.cc/XDM9-F8Y6>].

279. Later on, a second vice presidency would be established to represent the Kurdish National Council that joined the Coalition. See *Syria in Crisis: National Coalition for Syrian Revolutionary and Opposition Forces*, <https://carnegie-mec.org/syroaomcrosos/?fa=50628> [<http://perma.cc/TKV9-7X9S>].

280. See Marah Bukai, *Syrian Women on the Opposition Side Play a Direct Role at Peace Talks*, PASS BLUE (Mar. 23, 2017), <https://www.passblue.com/2017/03/23/its-about-time-syrian-women-play-a-direct-role-at-the-peace-talks> [<http://perma.cc/5RZJ-6NXX>].

281. One such notable organization is the Syrian Women's Political Movement, founded in 2017. A key document produced by this group on the Syrian constitution, created as a result of their consultations with hundreds of women inside of Syria, is worth examining. *Towards an Engendered Democratic Syrian Constitution Based on the Values of Freedom, Dignity, Participation, and Equality*, SYRIAN WOMEN'S POLITICAL MOVEMENT (June 2019), <https://carnegie-mec.org/syriaincrisis/?fa=50628> [<http://perma.cc/TKV9-7X9S>] [herein-after *Towards an Engendered Democratic Syrian Constitution*].

personalization of politics. For example, in 2011, fifty percent of the coastal, liberal city of Latakia's coordination committee members were women; meanwhile, in 2014, the birthplace of the revolution and the more conservative province of Dar'a touted only three women in all of the province's 136 local councils.²⁸² Representatives of the councils cited "social traditions and customs" as the reason for the absence of women, as well as ties to armed and religious groups that heavily influenced the local council elections.²⁸³

Personalization is another hurdle: a handful of figures who, due to their public relations, rather than their qualifications or experience, dominate political positions and decision-making have ultimately diminished local trust in such institutions and their ability to be true reflections of the democratic aspirations of the population at every level.²⁸⁴

Despite many setbacks to women's political participation, inclusion of women in the top echelons of Syrian negotiations has emerged as a primary goal over the last few years through the UN Office of the Special Envoy for Syria.²⁸⁵ In early 2014, UN Entity for Gender and Equality Women supported the establishment of Syrian Women's Initiative for Peace and Democracy (SWIPED), that started to gather and consolidate the efforts of diverse women's groups and networks, including well-known entities such as the Syrian Feminist Lobby and the Syrian Women's Network.²⁸⁶ A key ask was to include a thirty percent quota of women on both sides of the negotiating table, which neither the regime or opposition had implemented (which neither the regime or the opposition has implemented to this day).²⁸⁷ The SWIPED lost many of its most active women in short order, however, because it ultimately aimed to paint the image of women as peacemakers, instead of serious political actors.²⁸⁸ Former SWIPED member Dima Moussa stated that they began adding:

282. KANNOUT, *supra* note 252, at 52.

283. *Id.*

284. *Id.* at 63–64.

285. *Supporting Syrian Women's Engagement in the Syrian Political Process: Building a Constituency for Peace*, U.N. WOMEN, <http://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/publications/2019/05/2642019%20syria%20programme.pdf?la=en&vs=1625> [<http://perma.cc/2Q8T-6QBW>] (last visited Mar. 22, 2020) [hereinafter *Supporting Syrian Women's Engagement*].

286. *Id.*

287. See Federica Marsi, *Amid War, Women are Starting to Make a Mark on Syrian Politics*, NEWS DEEPLY (Oct. 17, 2017), <https://www.newsdeeply.com/syria/articles/2017/10/17/amid-war-women-are-starting-to-make-a-mark-on-syrian-politics> [<http://perma.cc/TVF5-RREP>].

288. See *Press Release: Conference of Syrian Women, Convened by UN Women and the Netherlands, Ends with Strong Recommendations for Upcoming Peace Talks*, U.N. WOMEN (Jan. 13, 2014), <https://www.unwomen.org/en/news/stories/2014/1/press-release-on-syrian-women-meeting> [<http://perma.cc/9LWL-ZCD6>].

more women to SWIPED who were closer to the regime, who would only agree to take up vague political positions and tried to force all SWIPED members to do the same, ultimately playing into the stereotype that women were apolitical and able to agree on everything. Going along with this would not allow the women to address any critical or controversial issues which were at the core of the Syria file and necessary in order to reflect that women were serious political actors as well.²⁸⁹

Efforts to address the 30 percent quota continued however, and in 2016, under the leadership of UN Special Envoy Staffan de Mistura, the Syrian Women's Advisory Board (WAB) was established, designed to be a "vital laboratory [of] ideas, dialogue and understanding, and access to high-level political negotiations and stakeholders."²⁹⁰ Its membership included 12 women initially and expanded to 17 women by 2018, and includes both regime and opposition members.²⁹¹ De Mistura also created a Chamber of Civil Society, which began initially with only one woman member and by 2018 had 42 percent female representation.²⁹² All documents that came out of negotiations had to go through both entities in order to make sure that documents were gender sensitive, including pivotal documents like the Sochi Communique that both regime and opposition delegates agreed to, and a document that itself enshrines commitment to the inclusion of 30 percent women in institution and decision-making structures.²⁹³ Like SWIPED, the WAB is outside of the formal negotiating bodies, and its insistence on consensus rather than true political efficacy continues to cripple its progress. Further, the creation of both entities has given Track I negotiators an excuse to justify the absence of women because it is assumed that women's opinions could be solicited via the WAB and Chamber of Civil Society, placing them outside of the negotiating table itself.²⁹⁴ The creation of these two entities has also blurred the line between civil society and independent actors, as the regime had done for years through the employment of the General Women's Union, leaving little room for

289. Telephone Interview with Dima Moussa, Vice President of the National Coalition for Syrian Revolutionary and Opposition Forces (May 24, 2019).

290. *Supporting Syrian Women's Engagement*, *supra* note 285.

291. Interview with Sabah al-Hallak, *supra* note 236.

292. KANNOUT, *supra* note 252, at 101.

293. *Final Statement of the Congress of the Syrian National Dialogue, Sochi*, THE MINISTRY OF FOREIGN AFF. OF THE RUSSIAN FED'N (Jan. 30, 2018), http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/3046246 [<http://perma.cc/MCA6-AXNV>].

294. For a full discussion of the negative and positive features of the WAB, see KANNOUT, *supra* note 252, at 65–74.

genuine political opposition that is meant to serve a separate and distinct purpose from civil society organizations. This also feeds into the stereotype that women are better employed as advisors and supporters to the 'real politicians' than lead the battles on the negotiating table, which are dominated by men. Since the committee came to fruition, neither side has fulfilled the thirty percent quota. However, the total number of women on 150-member committee is twenty-nine percent, the most women ever involved in a constitutional drafting process.²⁹⁵

Despite the two entities' many flaws, however, the creation of these two entities is pivotal in the history of conflicts: this was the first time the UN created such advisory boards for any conflict, and it has proceeded to follow this model for the Yemen, as a way to ensure that the voices from both cross-sections of society are included.²⁹⁶ Without these entities, the voice of both would undoubtedly have remained absent in the negotiations process. Further, the creation of these entities has further empowered Syrian women to create strong networks solely focused on grooming a greater number of women for political activity and negotiation, such as the Syrian Women's Political Movement, that too demands thirty percent representation of women in all levels of political activity related to Syria.²⁹⁷

The above underlines the significant challenges ahead in order to mandate and enforce the actual involvement of women in the political negotiations—in the Track I process—which will continue to be one hindrance (among many) in Syria's challenge to produce a representative democracy. What is even a more tremendous hurdle, as can be seen from the disheartening story of Syria's history above, is that without a system that encourages the emancipation of *all* Syrians, that considers their diverse input (as both men and women) as integral to the creation of a democratic state, the opportunities available for women to partake in substantive political participation will continue to remain severely limited. Syria's women are one part of a greater disenfranchised population. However, without mandated,

295. The names are now public. The current UN Envoy, Geir Pedersen, tried to balance the lack of full thirty percent women representation on the opposition and regime teams by adding more women in the civil society group. Overall, the constitutional committee now has twenty-nine percent women. *See id.* at 76.

296. *The Yemeni Women's Technical Advisory Group Plays An Active Role During The Sweden Consultations* OFFICE OF THE SPECIAL ENVOY OF THE SECRETARY-GENERAL FOR YEMEN (Dec. 12, 2018), <https://osesgy.unmissions.org/yemeni-women%E2%80%99s-technical-advisory-group-plays-active-role-during-sweden-consultations> [http://perma.cc/B9C6-32FY] (It created the Yemeni Women's Technical Advisory Group, comprised of eight women).

297. Syrian Women PM (@Syria WPM), TWITTER (Jan. 2020), <https://twitter.com/syria wpm?lang=en> [http://perma.cc/9h5v-8G23].

meaningful input of women with political awareness able to push forward a feminist agenda, and without parallel support to ongoing grassroots programs to help increase society's awareness for the necessity of women's political inclusion, the chances of a lasting, stable, and just peace in Syria is highly unlikely.

CONCLUSION

Syria and Egypt pose similar conundrums for those trying to promote meaningful inclusion of women in political life. Both suffer from a lack of steady flow of women who want and are encouraged to participate in politics, in a consequential way, at every level. The factors discussed earlier in this Article hold true in both Syria and Egypt: women are largely relegated to sectors that are traditionally female: culture, education, family planning, and the like; very rarely are they able to hold positions in other sectors, such as security, transportation, and finance. They are not mobilized enough to push against laws that discriminate against them, or at times they discouraged entirely by the ruling parties they are affiliated with to do so in order to maintain the status quo. Sometimes, they do not care to change those laws either, because they are females but not feminists.

Yet for women who may genuinely want to effectuate real political change, the political systems in place radically hinder their independence and ability to operate as political actors: first, the laws, on their face, discriminate against them, especially in the realm of Personal Status Laws;²⁹⁸ second, the regimes promote only women that they see as loyal to their party/government agenda, isolating any women who want to focus on changing legal-based, yet non-political areas in the system. This second systematic issue is one that no doubt impacts both men and women, and this should be underscored. But this is why Syria's case is important, now more than ever. As in Rwanda, post-conflict scenarios offer a rare opportunity for radical changes in the system, and Syrian society—and those in favor of women's political participation—must be ready to make the necessary demands in order to be included *on the table* and not as advisors in the background. In the event that U.N. Security Council Resolution 2254 is applied, it requires the political process to be an “inclusive” one “that meets the legitimate aspirations of the Syrian people” protects “the rights of all Syrians,” and encourages the “meaningful participation of women in the UN-facilitated political process for Syria.”²⁹⁹ But this last clause, which is of most relevance

298. *Towards an Engendered Democratic Syrian Constitution*, *supra* note 281.

299. S.C. Res. 2254, U.N. Doc. S/RES/2254 (December 18, 2015).

here, can take many shapes and forms, and Syrian women need to be able to ask for the following, among other things: the inclusion of women at all levels of government (legislative, judiciary, and executive); electoral laws that will mandate, facilitate, and encourage their inclusion by political parties; and government that allows space for independent grassroots organizations that educate both men and women about the legal and political obstacles that women face and need addressed in a new political system. There are many reasons to doubt that meaningful change will come, especially in the event that current President Bashar al-Assad remains in power. But on the other hand, the dynamics of politics in Syria, and the ongoing political process, is constantly in flux. And Syrian women, and those that support their genuine inclusion in a future Syrian government, must be ready to make their case in the event that when this conflict finally comes to an end, a genuine, democratic, and inclusive government is finally allowed to hold power in Syria.