

**Contribution of the Syrian Arab Republic to the report of the Special Rapporteur on
the human rights of internally displaced persons on the issue of
"The right of IDPs to participate in elections"
to be presented to the 50th session of the Human Rights Council**

Introduction:

The 2012 Constitution of the Syrian Arab Republic affirms that the participation in general elections is a duty for every citizen who fulfils the conditions required to exercise this right. Article 49 of it stipulates that elections and referendums are a right and a duty for citizens, and their exercise is regulated by law.

The General Elections Law "Law No. 5 of 2014" includes the terms, conditions and procedures of presidential elections, elections of members of the People's Assembly and members of Local Administration Councils, as well as the referendum process. Therefore, this law, along with the constitution, is the basic reference for any electoral process in the Syrian Arab Republic.

This law stipulates in Article 4 that the right to vote and referendum is enjoyed by every citizen who has completed 18 years unless he is deprived of this right or suspended from it in accordance with the provisions of law, as is the case of an interdicted person, or mentally illness that affects the capacity of the person to exercise his rights, or a person convicted of an outrageous felony or misdemeanour or undermining the public order.

Moreover; we would like to refer to some special regulations related to the Local Administration Councils. The Syrian constitution affirms in Article 12 that democratically elected councils at the national or local level are institutions through which citizens exercise their role in sovereignty, state building and community leadership. Article 131 of it stipulates that "the local administration units will have elected councils through general, secret, direct and equal elections."

In 2011, the new local administration law was issued by Legislative Decree 107, through which the prospects for community participation in public affairs at the local level were

enhanced through the decentralization of powers and responsibilities in reflection to the principle of democracy that makes the people as the source of powers through a clear and non-duplicate expansion and identification of the powers and authorities of councils of administrative units to enable them to perform their competencies and tasks in developing the administrative units from the economic, social, cultural and urban perspectives, and by enabling all citizens to choose their representatives in Local Councils through public, secret, direct and equal voting and under the supervision of judiciary.

The General Elections Law "Law No. 5 of 2014" states in Article 26 that members of Local Administration Councils are elected on the basis of electoral districts by voters of these districts, and each district elects a number of candidates equal to the number of seats allocated to it.

The Syrian Government has been taking multiple steps to ensure the participation of internally displaced persons in the elections without any discrimination based on their status as internally displaced persons.

Questions No. 1 +2 +3

Personal documentation is one of the prominent challenges in this regard. The Syrian Government has taken various measures to address the multiple challenges faced by IDPs with regard to access to personal documents, since the possession of these documents is closely linked to ensuring the enjoyment of a wide range of human rights in terms of access to basic services and enjoy their rights, including the right to participate in elections as both, voters and candidates. Therefore, obtaining and renewing personal documents as a result of their loss or damage after IDPs left their homes and places of residence as a result of the practices of terrorist armed groups is one of the most important challenges that the Syrian Government has been working to address to ensure that IDPs are not deprived of this right because they do not live in their original places of residence, and to guarantee that they have equal opportunities to exercise their rights. This is reflected in the following measures:

- Establish police units in the shelters in order to enable those who have lost their personal, identification and family documents to register a legal complaint in order to obtain new documents.

- Issue several administrative orders and circulars that instruct the police units in the shelters to perform their work strictly and in an optimal manner to protect the electoral rights of IDPs during the displacement cycle.
- The Ministry of Interior runs mobile teams from civil registry directorates to shelter centers tasked with identifying the needs of IDPs, to ensure that their needs of personal documents are identified and addressed properly.
- Provide the necessary support to the civil status centers established in areas that host IDPs to facilitate their access to identity cards before the election date, and facilitate their access to identity cards, as they are the official document approved for exercising the electoral rights.
- The Ministry of Interior prepares the general electoral registry at the national level in coordination with the Ministries of Justice, Local Administration and Environment and the Central Bureau of Statistics. It lists the names of all citizens who have completed the age of 18 in an objective and transparent manner, including the IDPs.
- Guarantee the security of the electoral centers by taking all necessary measures to ensure that IDPs are exercising their rights safely in an objective and transparent manner.
- Instruct all police units in the Governorates during the electoral processes to work all day long in order to ensure the optimal conduct of the electoral process.
- According to Article 123 of the General Elections Law, the Ministry of the Interior, is responsible for securing the requirements of the presidential and parliamentary electoral processes, while the Ministry of Local Administration is in charge of supporting the local councils elections. Both Ministries work to ensure that these requirements are met in all shelters to facilitate the voting process for IDPs, in terms of addressing personal documentation concerns or provide all human or logistic supports to the electoral centers.
- Among the facilitations aimed at enabling the IDPs to exercise their electoral rights properly is to permit them to transfer their electoral domicile according to Article 59 of Law No. 5, which states that voter has the right to transfer his electoral domicile from one electoral district to another within the governorate or from one governorate to another. Law No. 5 considers the Syrian Arab Republic as one constituency for the presidential elections

and referendum, where voters exercise their related rights in any electoral center in the Syrian Arab Republic. While in the parliamentary or local elections the voters should exercise their rights in the constituency in which he/she is registered. In this case; and with regard to areas under the control of terrorist armed groups, the Government has designated polling centres for Syrians who are originally from those areas, for example; a polling centre was set up in Lattakia Governorate for IDPs from Idlib Governorates which is still under the control of armed terrorist groups.

- In light of the recent elections that the Syrian Arab Republic has witnessed, the Syrian Government provided all requirements for equipping the centers in all the Governorates under the control of the Syrian Government with all necessities such as boxes, secret ink, stationery, secret rooms, while adhering to the safety measures related to Covid-19 pandemic, which coincided with holding some of these elections.

- As for those who are abroad, every citizen who is not residing on Syrian territory has the right to exercise his electoral right to elect the President of the Republic in the Syrian embassies, where the Ministry of Foreign Affairs and Expatriates, through the Syrian embassies, invites the citizens to announce their willingness to participate by registering their names in the embassies. In the last presidential elections Syrians in some countries were unable to exercise their rights due to the prevention by Governments of these countries, including European countries, to organize elections in Syrian embassies, which is a flagrant attack on the electoral rights.

Awareness - raising measures:

- Among the important means to address the challenges related to internal displacement are measures to raise awareness on elections. Before each elections the Ministry of Interior held seminars and meetings in shelters about the electoral rights and elections process and the importance of the participation by IDPs and expressing their opinions and views as this will benefit the society as a whole, taking into consideration that exercising their rights is integral part of their citizenship and of the process of returning to normal life after the displacement that they have gone through.

- The Ministry of Interior launched an operations room to follow up the elections and ensure their safety in all centres, and to receive and address any complaints.

- Women's participation in elections:

All guarantees related to participation in the electoral process aim to ensure the full and equal participation of women and men without discrimination as it is a constitutional right. The percentage of women who won the membership of Local Councils in the 2018 elections has reached 1,094, and women's representation has reached (11.2%) in the People's Assembly.

- Special guarantees for people with disabilities:

Different facilitations and guarantees exist in law and practice to the participation of persons with disabilities in elections. For example, article 7 of the General Elections Law states that blind voters and other persons with disabilities who are unable to express their opinions by themselves may entrust those who appear with them before the election committee to write down the opinion they express on the ballot paper, or they may express their opinion orally so that the members of the election committee receive it directly. In both cases, the head of the committee records this process in the minutes.

In practice, persons with disabilities participate in elections at all levels without any discrimination related to their status, and with guarantees that facilitate and ensure their exercise of this right.

Questions No. 4 +5:

- The Syrian Government cooperates with a number of UN agencies and other humanitarian organisations in order to provide the basic requirements for the internally displaced. An example of that is the project on personal documentation implemented in cooperation between the Syrian Trust for Development and the Syrian Arab Red Crescent, which is supported by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.

- The policy of the Syrian Arab Republic is based on facilitating the return of internally displaced persons and refugees to their areas. Syria seeks, through working with international organizations, to create appropriate conditions for this return and to continue

to mobilize and harness all possibilities in order to secure the basic requirements for return.

- Indeed, the participation of IDPs in the elections and choosing the candidates who are able to deliver their votes, and reflect their needs is an important part of that, as those representatives can reflect the views and aspirations of IDPs, and their perspective on the most urgent needs and the challenges they face.

- The Syrian Government has been working on rehabilitating and maintaining hundreds of electricity transmission centres, pumping stations, irrigation networks, health centres, schools, and the restoration and rehabilitation of thousands of damaged homes and shops. The international community should support these efforts. The UN Security Council Resolution 2585 represents a qualitative leap forward towards moving from purely humanitarian aid to resuming the process of early recovery and development and supporting resilience that the international community must support to overcome the multiple challenges related to internal displacement and to contribute to finding solutions to it. This will support the IDPs in resuming their normal life and to exercise their rights, including electoral rights.
