



## SYRIAN DRAFT CONSTITUTION

### **PREAMBLE**

The Syrian nation affirms its commitment to justice and freedom. The Syrian nation affirms its deep respect for the security of the Syrian people and the protection of the fundamental rights of every individual. The Syrian nation declares:

- its firm will live in accordance with the principles of democracy and within the framework of the rule of law.
- Its determination to respect the diversity of its constituent elements and promote the development of individuals.

The Syrian nation protects their cultures, beliefs, and languages, while enhancing the quality of their lives.

The Syrian nation contributes to maintaining peaceful relations between peoples.

### **GENERAL PROVISIONS**

#### *Article 1*

Syria is a democratic republic.

Sovereignty belongs to the nation that exercises it through its representatives, by referendum.

The right to vote may be direct or indirect under the conditions laid down in the Constitution. It is always general, fair, and confidential.

Mandatory delegation is prohibited.

The separation of powers and authorities from one another and the preservation of their independence.

### *Article 2*

Syria is a common and indivisible homeland for all Syrians. The Constitution guarantees the unity of the Syrian nation, while recognizing and guaranteeing the right of independent governorates to self-government.

The Constitution protects solidarity between all Syrian regions.

### *Article 3*

The Arabic language is the common language of the Syrian nation and the official language of the Syrian Republic.

Other Syrian languages enjoy an appropriate official status for each region, according to the conditions set by the Constitution.

### *Article 4*

Damascus is the capital of Syria.

The national anthem.

The autonomous regions have the right to recognize other flags and slogans alongside the flag and emblems of the Syrian Republic.

### *Article 5*

The Syrian Republic respects political pluralism within the framework of the Constitution and the laws that regulate it.

Political parties contribute to the smooth functioning of democratic work. Parties respect the constitutional and democratic system. Any party that would overthrow the Syrian Republic or threatens its existence would be unconstitutional.

The Constitutional Court will announce its ban by votes of a majority of all members present.

## *Article 6*

The Armed Forces, which consist of the army, navy, and air forces, are tasked with ensuring the sovereignty and independence of the Syrian Republic, and defending its territorial integrity and constitutional order.

## *Article 7*

The Constitution guarantees the rule of law and human rights. It imposes respect for the principle of legitimacy and hierarchy, the dissemination of standards, non-recourse to provisions that contain penalties restricting individual rights, legal guarantee, the responsibility of public authorities, and the prohibition of any arbitrary act on their part.

# **Section I**

## **FUNDAMENTAL RIGHTS AND OBLIGATIONS**

### **TITLE I**

#### **CIVIL AND POLITICAL RIGHTS**

## *Article 1*

The dignity of the individual, his non-violating rights, the free development of personality, respect for the law and the rights of others are the foundations of the political system and social peace.

## *Article 2*

Syrians are free and equal before the law.

Syrians, even those residing abroad and Syrians who hold a nationality other than the Syrian nationality, have the same rights as Syrians residing in Syria.

Discrimination based on place of birth, race, gender, religion, opinion, or any other personal or social circumstance or condition is prohibited.

Syrians adults have the right to choose the personal status to which they are subject under the conditions provided by law.

### *Article 3*

The safety of the individual is inviolable.

Everyone has the right to life under the law.

The Syrian Republic prohibits all types of torture, inhuman or degrading treatment or punishment.

The death penalty shall be abolished, except for special legislative provisions applicable in times of crisis.

### *Article 4*

Freedom is the ability to perform any act as long as their actions do not harm others.

Everything which is not forbidden by law is permitted, and everyone can do what he wants as not being forced to do what others want.

Restrictions imposed by the law on rights and freedoms must be justified on the basis of the public interest and fully compatible with the requirements.

### *Article 5*

No person may be charged, arrested or detained except in the specific cases and in accordance with the conditions prescribed by law.

The law only stipulates severe and clear penalties, and no person may be punished except by virtue of the implementation of a previously issued and approved legal text.

Every person is presumed innocent until proven guilty.

### *Article 6*

Everyone has the right to appeal before an independent and impartial judge to consider his case and acknowledge his rights.

Defense rights and the principle of contradiction must not be violated. The law shall regulate the application of these principles.

### *Article 7*

Only a judge, according to the conditions stipulated by law, authorizes arrest, issues arrest warrants against wanted individuals and orders inspection.

In exceptional necessary and urgent cases, which are explicitly stipulated by law, the police authority may take temporary measures, which shall be notified to the judicial authority within forty-eight hours. If this authority does not confirm these measures within forty-eight hours, it is considered canceled and ineffective.

#### *Article 8*

Every arrest and detention of liberties pending investigation is subject to the law and the authority of the judge.

Physical and moral violence against arrested persons deprived of their liberties is prohibited and punishable by law.

#### *Article 9*

Freedom of expression, the secrecy of correspondence and communication shall not be violated.

This freedom can only be restricted due to a decision issued by the judicial authority within the guarantees stipulated by the law.

#### *Article 10*

Any citizen may move and reside freely in any part of the national territory, taking into consideration the restrictions generally determined by the law for health or safety reasons. No restrictions can be specified for political reasons.

Every citizen is free to leave and return to the territory of the Republic, taking into consideration legal obligations and conditions.

#### *Article 11*

Citizens have the right to peaceful and unarmed assembly under the conditions provided by law.

#### *Article 12*

All citizens are entitled to form associations, including unions, according to the conditions stipulated by the law.

Secret and non-secret societies are prohibited from achieving direct and indirect political goals through paramilitary organizations.

#### *Article 13*

Freedom of opinion: one should not worry because of his opinions and ideas. Nor can someone be forced to express his opinions.

#### *Article 14*

Every person has the right to freedom of religion, as well as the right not to hold a belief or profess a religion.

The Syrian Republic does not have a formal religion. It recognizes all religions or beliefs with which it shares mutual ties.

Religious freedom includes the right to put thoughts and beliefs into action, provided it does not violate the legally binding public order.

#### *Article 15*

Everyone has the right to express his thoughts, speech, in writing freely or any other means of publication in accordance with the general system stipulated by the law.

#### *Article 16*

The press is free and independent. It contributes to the smooth functioning of democracy within the framework of the laws that regulate it.

#### *Article 17*

Publications, recordings or other media means may not be seized except with a judicial decision and under the conditions prescribed by law.

#### *Article 18*

No one may be deprived, for political reasons, of his legal capacity, civil rights, nationality, or name.

### *Article 19*

The law defines the types of taxes and fees with respect to the autonomy of the regions.

### *Article 20*

Citizens may not be extradited to a foreign state, except in the cases prescribed by law or in accordance with international agreements. It also does not apply in the case of political misdemeanors.

### *Article 21*

Under criminal, administrative, and civil law, state officials and public agents bear direct responsibility for actions that violate rights.

## TITLE II

### MORAL, ECONOMIC AND SOCIAL RIGHTS

#### *Article 1*

The Syrian Republic recognizes the right to marriage as well as the right to celibacy.

The law authorizes the organization of unions and relationships other than marriage and prohibits any union established without the free and informed consent of both partners. The Syrian Republic shall protect the coerced or subjugated party or partner.

Marital and non-marital unions shall be based on moral and legal equality between both parties.

#### *Article 2*

The Syrian Republic recognizes the importance of the family as an essential component of society.

The Syrian Republic shall enhance the economic measures and other types of measures with a view to protect the family.

Parents must provide assistance and care to their minor children in all areas and to their adult children in cases specified by the law, whether they were born within or outside of wedlock.

### *Article 3*

The Syrian Republic shall protect mothers, children, and youth by reinforcing the necessary legal institutions to that effect. Labor of school-bound children under the legal age is prohibited. The Syrian Republic protects the work of minor children by virtue of special laws that guarantee their right to and equality in pay and employment.

### *Article 4*

The Syrian Republic recognizes health as a fundamental right of every person and social interest. It shall regulate the provision of assistance, care, and welfare to the needy.

No one can be coerced into pursuing a particular health treatment, except by legal judgment.

### *Article 5*

Education is open to everyone and compulsory until the age of 16. Primary and secondary education is free in public schools. Public education shall be neutral and shall not favor any political, philosophical, or religious ideologies.

Subject to the conditions prescribed by the law, private entities and individuals may establish schools and educational institutions without any financial support from the State.

Higher education institutions and universities shall enjoy the right to managerial freedom and independence within limits laid down by the law.

### *Article 6*

The Syrian Republic shall protect the freedom to conduct business and work within limits set out by the law.

The Syrian Republic shall secure vocational training and education and the promotion of workers..

### *Article 7*

Every worker has the right to receive pay commensurate with ability and skill, which guarantees a decent and dignified life to him and his family. The law shall specify the maximum number of working hours per day. Every worker is entitled to a weekly rest and a paid annual leave, which he is not entitled to renounce.

### *Article 8*

Women shall enjoy the same rights as men in employment and be paid the same wage on an equal footing.

The working conditions of every mother shall be taken into account her central role within the family. Special care and protection shall be provided both to child and mother.

### *Article 9*

All citizens who are unfit to work and lack the basic wherewithal to live shall be entitled to means of subsistence and welfare assistance.

All workers have the right to access the necessary conditions allowing them to adapt to life requirements in the case of accidents, illnesses, disability, old age, and involuntary unemployment.

Persons with disabilities shall enjoy the right to education and vocational training.

The State shall create the organizations and institutions necessary to sustain the commitments specified in the present article and support them in their fulfillment of this role.

Special care and assistance shall be provided for free.

### *Article 10*

The right to strike shall be exercised under conditions defined by law that regulate it.

### *Article 11*

Property is a right. The right to property is inviolable.

The law must set forth any restrictions imposed on the right to property and justify them on the grounds of public utility.

The law must specify the cases of deprivation of the right to property, provided that such deprivation be justified on the grounds of public utility and decided against fair compensation.

#### *Article 12*

The law shall set forth the rules and limits that apply to legal inheritance and wills, as well as the State's inheritance entitlements.

#### *Article 13*

Every person has the right to live in and enjoy a secure and healthy environment.

In accordance with the conditions set out in the law, the Syrian Republic shall guarantee the rational use of all the natural resources with a view to improving the quality of life, protecting the environment, and ensuring its regeneration.

#### *Article 14*

The Syrian Republic shall guarantee the preservation of the historical, cultural, and artistic heritage of the Syrian nation, and promote the development and diversity of its historical heritage.

### TITLE III

### POLITICAL RIGHTS AND OBLIGATIONS

#### *Article 1*

Voters are male and female citizens who have reached the age of majority. The vote shall be individual, equal, free, and secret. Voting is a civil duty. The law shall lay down the conditions and modalities for the exercise of the right to vote by citizens residing abroad and guarantee the actual exercise of such right. To that effect, an overseas constituency shall be

established for election of the National Assembly and the Senate and a specific number of seats shall be created and assigned to the said constituency under the conditions provided in the law.

The right to vote cannot be restricted or limited, except in the case of a civil disability or an irrevocable criminal conviction or in other cases provided by law that involves a violation of moral dignity.

#### *Article 2*

Political parties shall enjoy freedom.

#### *Article 3*

All male and female citizens are entitled to run for public and elected offices based on the principle of equality and in accordance with the rules laid down by the law.

The Syrian Republic shall promote equal opportunities for men and women by taking proper measures to that effect.

#### *Article 4*

The defense of the nation is a sacred duty of each citizen.

The law shall determine the military duties of Syrian citizens.

The organization of the armed forces shall be consistent with the democratic spirit of the Republic.

#### *Article 5*

The law may regulate the obligations of citizens in the cases of grave danger, disasters, and public emergencies.

#### *Article 6*

Every citizen shall contribute to the public expenditures in proportion to their financial abilities.

Taxation shall be based on the principles of equality and graduation in proportion to the financial income of each citizen.

#### *Article 7*

Loyalty to the Republic and respect of the Constitution and laws thereof constitute a duty of all the Syrian citizens.

Citizens entrusted with public functions must observe loyalty, honor, and discipline while carrying out their duties, by taking an oath in cases specified by the law.

## **SECTION II**

### **THE ORGANIZATION OF THE REPUBLIC**

#### **TITLE I**

#### **THE TERRITORIAL ORGANIZATION OF THE REPUBLIC**

##### **Chapter I**

##### **General Provisions**

###### *Article 1*

The territory of the State is divided into towns, provinces, and regions. These entities shall enjoy autonomy in the management of their respective interests.

###### *Article 2*

The State shall guarantee the effective implementation of the principle of solidarity provided for in Article 2 of the Constitution and to ensure fair and equitable economic balance between the different areas of the Syrian territory.

Differences between the statutes of the regions may, in no case, result in economic or social privileges.

###### *Article 3*

- 1- All the Syrian citizens, in any part of the Syrian territory, have the same rights and obligations.
- 2- No authority may take measures that hinder directly or indirectly the freedom of movement and settlement of persons and the free movement of goods throughout the Syrian territory.

## Chapter II

### Local Administration

#### *Article 1*

The Constitution guarantees the autonomy of municipalities. Municipalities shall enjoy full legal personality and be governed and administered by their respective municipal councils, each consisting of a mayor and councilors. Councilors shall be elected by the residents of municipalities by universal, equal, free, direct, and secret suffrage as prescribed by the law. Mayors shall be elected by the councilors.

#### *Article 2*

The governorate is a local entity that enjoys legal personality and is determined by the grouping of municipalities and by territorial division. In order to carry out the activities in the State. Any alteration of the provincial boundaries must be approved by the Parliament by means of an organic law. The province must ipso facto be already existing. Provincial councils shall be entrusted with the administration of the province in a free and independent manner.

#### *Article 3*

Local treasuries must have at their disposal sufficient resources to perform the tasks mandated to them by law, and shall mainly be financed by their own taxation as well as by their share of State and territorial taxes.

## Chapter III

### Regions

### *Article 1*

The Constitution recognizes the existence of regions and guarantees the autonomy thereof. The said regions shall enjoy full legal personality and be governed in accordance with their respective statutes and legal status.

### *Article 2*

The statute may provide for the cases, conditions, and modalities according to which autonomous communities can conclude agreements among themselves for the management and provision of the services pertaining to them, and their impact on the Parliament. In other cases, cooperation agreements concluded between autonomous communities require the authorization of the Parliament.

### *Article 3*

The draft statute shall be drawn up by an assembly consisting of the members of the provincial council or the elected members of the municipal council and the elected members of the National Assembly and the Senate, and shall be submitted to the Parliament for consideration and passing into law. The statute shall constitute the basic institutional norm for each region and shall be recognized and protected by the State as an integral part of its legal system.

The statutes of autonomy must include:

- (a) the name of the region that corresponds to its historical identity;
- (b) the delimitation of its territory;
- (c) the name, organization, and seat of its autonomous institutions; and (d) the powers assumed within the framework established by the Constitution and the basic rules for the transfer of the services corresponding to the said powers.

Any amendment of the statute shall be subject to the provisions prescribed therein and shall require in any case the approval of the Parliament by means of an organic law.

### *Article 4*

The regions may assume jurisdiction in respect of the following matters: 1) organization of the institutions of self-government; 2) changes to the municipal borders within their territory, and in general the exercise of functions pertaining to the State administration regarding local authorities, whose transfer shall be authorized by legislation on local government;

- 3) land-use planning, urban planning, and housing;
- 4) public works of benefit to the region and conducted within its own territory;
- 5) railways and roads whose routes lie exclusively within the territory of the region and transport by the above means or by cable fulfilling the same conditions;
- 6) ports of haven, recreational ports and airports and, in general, those which are not engaged in commercial activities; (to be discussed) 7) agriculture and livestock raising, in accordance with general economic planning;
- 8) woodlands and forestry;
- 9) environmental protection management;
- 10) planning, construction, and exploitation of hydraulic projects, canals, and irrigation systems of benefit to the autonomous community; and mineral and thermal waters;
- 11) inland water fishing, the shellfish industry, aquaculture, shooting, and river fishing;
- 12) local fairs;
- 13) promotion of the economic development of the region within the objectives set by national economic policy;
- 14) handicrafts;
- 15) museums, libraries, and music conservatories of interest to the region;
- 16) the region's monuments of interest;
- 17) the promotion of culture and research and, when applicable, the teaching of the language of the region;
- 18) the promotion and planning of tourism within the territorial area of the region;
- 19) the promotion of sports and the proper use of leisure;
- 20) social assistance;
- 21) health and hygiene; and
- 22) the supervision and protection of the buildings and installations of the region.

1-After ten years have elapsed, the provinces may, by amendment of their statutes, gradually enlarge their powers within the framework established in Article (the next Article).

### *Article 5*

The State holds exclusive jurisdiction over the following matters:

- 1) regulation of the basic conditions guaranteeing the equality of all Syrians in the exercise of their rights and the fulfillment of their constitutional duties;
- 2) nationality, emigration, immigration, status of foreigners, and right of asylum;
- 3) international relations;
- 4) defense and the Armed Forces;
- 5) administration of justice;
- 6) commercial, criminal, and penitentiary legislation, without prejudice to the necessary special applications in these fields derived from the peculiar features of the law of the regions;
- 7) labor legislation without prejudice to its execution by regional bodies;
- 8) civil legislation, without prejudice to the preservation, modification, and development by the regions of their special civil rights, whenever these exist; in any event the enactments relative to the application and effectiveness of legal provisions, legal-civil relations arising from the forms of marriage, the keeping of records and drawing up of public instruments, bases of contractual obligations, rules for resolving conflicts of law, and the determination of the sources of law in conformity, in this last case, with the rules of specific laws;  
(Should we recognize special civil rights for the regions?)
- 9) legislation on intellectual and industrial property;
- 10) customs and tariff regulations, and foreign trade;
- 11) monetary system: foreign currency, exchange, and convertibility;  
bases for the regulations concerning credit, banking, and insurance;
- 12) legislation on weights and measures and the determination of the official time;
- 13) bases and coordination of general planning of economic activity;
- 14) general finances and the State debt;
- 15) promotion and coordination of scientific and technical research; 16) public health, bases and general coordination of health matters, and legislation on pharmaceutical products;
- 17) basic legislation and financial system of social security, without prejudice to the implementation of its services by the autonomous communities;
- 18) bases of the legal system of public administrations and the statutes of their public officials which shall, in any case, guarantee that all citizens will receive equal treatment under the said administrations, without prejudice to the special arrangements of the autonomous communities' own organization; legislation on compulsory expropriation;

basic legislation on contracts and administrative concessions; and the system of liability of all public administrations;

- 19) sea fishing, without prejudice to the powers which, in the regulations governing this sector shall be conferred on the autonomous communities; 20) maritime trade and registration of ships; lighting of coasts and signals at sea; general-purpose ports; general-purpose airports; control of the air space, transit, and air transport; meteorological services; and registration of aircraft;
- 21) railways and land transport passing through the territory of more than one autonomous community, general system of communications, motor vehicle traffic, telecommunications, air, and underwater cables and radiocommunications;
- 22) legislation, development, and concession of hydraulic resources and exploitation when the waters flow through more than one region, and authorization of hydro-electrical installations when their development affects another region or when energy transport leaves its territorial area; 23) basic legislation on environmental protection, without prejudice to the powers of the regions to establish additional protective measures; basic legislation on woodlands, forestry, and their transport trails;
- 24) public works of general benefit or whose execution affects more than one region;
- 25) bases of the organization of mining and energy;
- 26) system of production, possession, and use of arms and explosives; 27) basic rules relating to the organization of the press, radio, and television and, in general, all the means of social communication, without prejudice to the powers vested in the districts with regard to their development and implementation;
- 28) protection of Syria's cultural, artistic, and historical heritage against exportation and vandalism; museums, libraries, and archives belonging to the State, without prejudice to their management by the districts;
- 29) public safety, without prejudice to the possibility of development of policies by the districts, in the manner to be laid down in their respective statutes and within the framework to be established by an organic law;
- 30) regulation of the conditions relative to the obtaining, issuance, and certification of academic degrees and professional qualifications in order to guarantee the fulfillment of the obligations of public authorities in this matter;
- 31) provision of statistics to the State; and

32) authorization of popular consultations through the holding of referenda. Matters not expressly assigned to the State by virtue of the present Constitution fall under the jurisdiction of the governorates by virtue of their respective statutes. Matters for which jurisdiction has not been assumed by the districts shall fall under the jurisdiction of the State, whose laws shall prevail, in case of conflict, over those of the districts. State law shall, in all cases, be supplementary to that of the districts.

#### *Article 6*

The Parliament, in matters of State jurisdiction, may confer upon all or any of the districts the power to enact legislative norms within the framework of the principles, bases, and guidelines established by State law. Without prejudice to the jurisdiction of the courts, each law shall set out the method of control by the parliament over the districts' legislative norms.

The State may transfer or delegate to the districts, by virtue of an organic law, powers pertaining to it which by their very nature lend themselves to transfer or delegation. The law shall, in each case, provide for the corresponding transfer of financial means, as well as specify the forms of control to be retained by the State.

The State may enact laws establishing the principles necessary for harmonizing the rule-making provisions in the districts, even in the case of matters over which jurisdiction has been conferred upon the latter, when this is necessary for the general interest. It is incumbent upon the Parliament, by an absolute majority of the members of each House, to evaluate this necessity.

#### *Article 7*

The procedures for drafting the statute shall be as follows:

- 1) The Government shall summon all the Deputies and Senators elected in the constituencies within the territorial jurisdiction seeking self-government in order that they resolve themselves into an assembly for the sole purpose of drawing up the corresponding draft statute for autonomy, to be passed by the absolute majority of its members.
- 2) The draft statute shall be submitted to the constitutional committee of the National Assembly which shall examine it within a period of two months with the cooperation and assistance of a delegation from the assembly which has proposed it, in order to decide in common agreement upon its final form.

3) If such an agreement is reached, the resulting text shall be submitted in a referendum to the electorate within the territorial area to be covered by the proposed statute.

4) If the draft statute is approved by the majority of validly cast votes, it shall be referred to the Parliament. Both Houses, in plenary assemblies, shall decide upon the text by means of a vote of ratification. Once the statute has been passed, the President of the Republic shall give it his assent and promulgate it as a law.

5) If the agreement referred to in Sub-Clause (2) of this article is not reached, the draft statute shall be remitted to the Parliament as a bill. The text passed by the latter shall be submitted in a referendum to the electorate within the territorial area to be covered by the draft statute. In the event that it is passed by the majority of the validly cast votes, it shall be promulgated in the manner outlined in the previous sub-clause.

### *Article 8*

The organization of autonomous institutions shall be based on a legislative assembly elected by universal suffrage in accordance with a system of proportional representation which shall ensure as well the representation of the various areas of the territory, a governing council with executive and administrative functions, and a chairperson elected by the said council from amongst its members and appointed by the President of the Republic. The chairperson shall be responsible for directing the governing council, the supreme representation of the respective community, and the State's ordinary representation in the latter. The chairperson and the members of the governing council shall be politically accountable to the assembly. Once the statutes have been approved and promulgated, they may only be amended by means of the procedures established therein and through a referendum of the electors registered in the corresponding electoral rolls.

### *Article 9*

Control over the agencies of the districts shall be exercised by:

- a) the Constitutional Court, in matters relative to the constitutionality of their regulatory provisions having the force of law;
- b) the Government, upon consultation of the Council of State, regarding the exercise of the delegated functions;
- c) administrative litigation jurisdictional bodies, with regard to self-government and its regulations.

### *Article 10*

A delegate appointed by the Government shall preside over State administration in the territorial area of each region and coordinate it, when necessary, with the district's own administration.

### *Article 11*

If a region does not fulfill the obligations imposed upon it by the Constitution or other laws, or acts in a way seriously prejudicing the general interests of Syria, the Government, after lodging a formal notice to the President of the Region and failing to receive satisfaction therefor, may, following an approval granted by an absolute majority of the Senate, take the necessary measures in order to compel the region forcibly to meet said obligations or in order to protect the above-mentioned general interests.

With a view to implement the measures provided for in the previous paragraph, the Government may issue instructions to all the authorities of the districts.

### *Article 12*

- 1- The districts shall enjoy financial autonomy for the development and exercise of their powers, in conformity with the principles of coordination with the State Treasury and solidarity amongst all Syrians.
- 2- The districts may act as delegates or collaborators of the State for the collection, management, and settlement of the latter's tax resources, in conformity with the law and the statutes.

### *Article 13*

- 1- The resources of the districts shall consist of:
  - a) taxes wholly or partially made over to them by the State, surcharges on State taxes, and other shares in State revenue;
  - b) their own taxes, duties, and special levies;
  - c) transfers from an inter-territorial compensation fund and other allocations to be charged to the general State budget;
  - d) revenues accruing from their property and private law income; and
  - e) yield from credit operations.

2- The districts may under no circumstances introduce financial measures targeting properties located outside their territory or likely to hinder the free movement of goods or services.

3- The exercise of the financial powers set out in Clause 1 above, the rules for settling the conflicts which may arise, and the possible forms of financial collaboration between the districts and the State may be regulated by an organic law.

#### *Article 14*

In order to correct inter-territorial economic imbalances and implement the principle of solidarity, a compensation fund shall be set up to finance investment expenditure. The resources of the said fund shall be distributed by the Parliament amongst the districts, as the case may be.

## TITLE II

### THE EXECUTIVE POWER

#### Chapter I

#### The President of the Republic

##### *Article 1*

The President of the Republic shall oversee the observance of the Constitution and guarantee, by means of arbitration, the orderly performance of public authorities as well as the continuity of the State authority. He is the guarantor of national independence, territorial integrity, and respect of treaties.

##### *Article 2*

The President and Vice-President shall be elected at the same time for a term of office of seven years by direct universal suffrage. Neither of them may serve more than two consecutive terms. The detailed rules regulating the execution of the present article are laid down by an organic law.

### *Article 3*

The President shall be elected by an absolute majority of votes cast. If that is not obtained on the first round of voting, a second round shall be held fourteen days after the first ballot. This second round shall only be open to the two candidates who have gained the highest number of votes in the first round.

The ballot shall be open upon convocation by the Government.

The election of the new President shall take place at least twenty days and at most thirty-five days before the expiration of the mandate of the incumbent President.

In the case of vacancy of the Presidency of the Republic for whatever reason, or incapacity declared by the Constitutional Court convened by the Government and deciding by an absolute majority of its members, the functions of the President of the Republic shall be provisionally exercised by the Vice-President, in case he was not himself incapacitated for the exercise of these functions by the Government.

In the case of vacancy or when the incapacity is definitively declared by the Constitutional Court, the balloting for the election of the new President of the Republic shall take place, except in the case of force majeure declared by the Constitutional Court, at least twenty days and at most thirty-five days after the opening of the vacancy of the Presidency or the declaration of the definitive character of the incapacity.

### *Article 4*

The President of the Republic appoints the Prime Minister and determines his functions.

On the proposal of the Prime Minister, the President of the Republic shall name the other members of the Government and end their terms of office and services. The President of the Republic enjoys a veto power over the appointment of the Ministers of Interior, Defense and Foreign Affairs.

### *Article 5*

The President of the Republic shall preside over the Council of Ministers and promulgate laws within the fifteen days which follow the referral to the Government of the definitively adopted laws.

At any time, the President of the Republic may, before the expiration of the said time period, demand the Parliament to conduct a new deliberation of the law or certain articles thereof. This new deliberation cannot be refused and

may be adjourned by absolute majority in the National Assembly. (The President of the Republic may reject the law and use his veto right which can only be overturned by an absolute majority in the National Assembly)

#### *Article 6*

The President of the Republic may, after consultation with the Prime Minister and the Presidents of the Houses, pronounce the dissolution of the National Assembly.

General elections shall take place twenty days at the least and forty days at the most after the dissolution. The National Assembly shall convene as of the second Thursday following its election. In case the said session was held outside of the period dedicated to the ordinary session, it shall remain open for a period of fifteen days.

The National Assembly cannot be dissolved in the year following these elections.

#### *Article 7*

The President of the Republic shall sign the ordinances and decrees adopted in the Council of Ministers and exercise a regulatory power.

He shall name civil servants and military officers.

(The wording of this clause must either be general or include specific cases as examples)

Ambassadors and envoys extraordinary, public servants, and directors of central administrations shall be appointed in the Council of Ministers. The law specifies the other functions to which officials are appointed in the Council of Ministers and the conditions under which the power of appointment vested in the President of the Republic may be delegated.

#### *Article 8*

The President of the Republic shall accredit the ambassadors and envoys extraordinary to foreign powers. Foreign ambassadors and envoys extraordinary shall be accredited to him.

#### *Article 9*

The President of the Republic is the Commander-in-Chief of the Armed Forces. He shall preside over the Council of National Security.

### *Article 10*

When the institutions of the Republic, the independence of the nation, the integrity of its national territory, or the fulfillment of its international commitments are threatened in a grave and immediate manner and when the regular functioning of the constitutional governmental authorities is interrupted, the President of the Republic shall take the measures commanded by these circumstances, after consultation with the Prime Minister and the Presidents of the Houses as well as the Constitutional Court.

He shall inform the nation of these events through an official announcement. Such measures should seek to provide the constitutional governmental authorities with the necessary resources for the fulfillment of their mission without any delay. Consultations shall be held with the Constitutional Court. It is the absolute right of the government to convene.

The National Assembly cannot be dissolved during the exercise of these exceptional powers.

### *Article 11*

The President of the Republic is entitled to exercise the right of pardon by personal initiative.

### *Article 12*

The President of the Republic shall communicate with the two Houses of the Parliament by messages which he shall have read and which shall not be debated.

He may address the Parliament which shall convene in Congress to this effect. The message of the President of the Republic may, in his absence, bring about a debate that shall not be subject to any vote.

Out of session, the Parliament shall specially convene for this purpose.

### *Article 13*

The Prime Minister shall endorse the acts of the President of the Republic; and as required, the said acts shall be countersigned by the concerned Ministers.

(This means that they are politically accountable, considering that the Head of State is not so)

## Chapter II

### The Government

#### *Article 1*

The Government shall implement the policy of the nation prescribed by the President of the Republic. It shall have at its disposal the administration and the armed forces.

The Government shall be responsible before the Parliament under the conditions and following the procedures set out in relevant articles. The Government shall also be responsible before the President of the Republic, who can demand its resignation.

#### *Article 2*

The Prime Minister directs the acts of the Government. He shall be responsible for national defense and ensure the enforcement of the laws. He shall exercise the power of regulation and appointment of civil and military officers.

He may delegate certain of his powers to the Ministers.

He may exceptionally supplant the President of the Republic in the Presidency of the Council of Ministers, by virtue of an express delegation and according to a specific agenda.

#### *Article 3*

The acts of the Prime Minister shall be countersigned by the Ministers or those responsible for their execution.

#### *Article 4*

The office of a member of the Government shall not be incompatible with the exercise of any parliamentary mandate, any function of professional representation at the national or local level, any public employment, or any professional activity.

An organic law shall determine the conditions in which it shall be necessary to replace the holders of such mandates, functions, or employments.

## *Article 5*

The Government shall be politically responsible before the President of the Republic, who can demand its resignation.

## Chapter III

### Council of National Security

#### *Article 1*

The Council of National Security presided by the President of the Republic shall determine the State defense and security policy.

The Ministers of Interior and Defense and the Head of State as Commander-in-Chief of the Armed Forces and Heads of State are, as of right, members of the Council.

The President of the Republic, the Prime Minister, the President of the National Assembly and the President of the Senate shall each name two qualified persons.

## SECTION III

### The PARLIAMENT

#### TITLE I

### THE PARLIAMENT

#### Chapter I

### General Provisions

#### *Article 1*

1- The Syrian Parliament represents the Syrian people. It consists of two Houses: the National Assembly and the Senate.

2- The Parliament exercises the legislative power of the State, approves its budget controls Government action and holds all the other powers vested in it by the Constitution.

3- In cases stipulated in the Constitution, the two Houses shall convene jointly in the Senate.

### *Article 2*

1- No person may be a member of both Houses simultaneously, or be a representative in the assembly of an autonomous region at the same time that he is a member of the National Assembly or the Senate.

2- The members of the Parliament shall not be bound by any compulsory mandate.

3- The organic law shall establish the terms governing the benefits of Parliamentarians and the grounds for their eligibility, ineligibility, and other cases of incompatibility with the provisions of the Constitution. Grounds for ineligibility and incompatibility for Deputies and Senators shall concern those who are:

a) members of the Constitutional Court;

b) holders of high State administrative offices, as may be laid down by law;

c) magistrates, judges, and public prosecutors when in office; and

d) soldiers and members of the security and police forces on active service. 4- No person may hold a parliamentary office at the same time that he is a member of the Government.

5- No person may serve more than three successive terms as Deputy or Senator.

### *Article 3*

1- The Houses shall meet, as of right, for an ordinary session that starts on the first working day of October and ends on the last working day of June.

2- The meetings of the Houses shall be public, except when otherwise decided by each House by absolute majority, or in accordance with the standing orders.

3- The Prime Minister (or the President), after consultation with the President of the concerned House, or the majority of the members of each House may decide to hold additional days of sitting.

The days and times of these additional meetings shall be determined in accordance with the rules of each meeting.

### *Article 4*

- 1- The Parliament may meet in extraordinary session at the request of the Prime Minister or of the absolute majority of the members of the National Assembly with a specific agenda.
- 2- A decree adjourning the extraordinary session held at the request of the National Assembly members shall be issued once its agenda has been exhausted within a period of twelve days from its meeting.
- 3- Only the Prime Minister is entitled to demand the holding of a new session before the end of the month following the closing decree.
- 4- Except in cases where the Parliament meets as of right, the extraordinary sessions are opened and closed by decree of the President of the Republic.

#### *Article 5*

- 1- The voting rights of the Parliament members are personal.
- 2- The organic law may authorize the delegation of votes. In this case, no one can receive delegation for more than one mandate. Delegation for House meetings is prohibited.

#### *Article 6*

- 1- The National Assembly shall consist of no less than 225 and no more than 285 Deputies. These Deputies shall be elected by universal, free, independent, and direct suffrage that guarantee ballot secrecy, in accordance with the conditions laid down by the organic law.
- 2- The term of office of a Deputy ends five years after his election or on the day that the House is dissolved.
- 3- Elections shall be held within sixty-three days after the end of the previous term of office. The National Assembly so elected must be convened within twenty-five days following the holding of elections.

#### *Article 7*

- 1- The Senate is the House where the autonomous districts are represented.
- 2- In each district, Senators shall be elected, for a term of office of five years, by the voters of the same region by universal, free, equitable, direct, and secret suffrage, under the conditions, to be laid down by an organic law.
- 3- The President of the Republic shall name X figures who have contributed outstanding services to the Syrian nation for a term of office of five years as Senators. Appointed Senators shall have a deliberative vote.
- 4- Former

Presidents of the Republic are entitled to a life tenure at the Senate with a deliberative vote.

#### *Article 8*

The acts of the members of both Houses shall be subject to the control of the Constitutional Court which shall verify the validity thereof, in accordance with the conditions laid down by the organic law.

#### *Article 9*

1- No member of Parliament may be prosecuted, investigated, arrested, detained, or judged on the occasion of opinions expressed inside or outside the Parliament in the exercise of his functions in a political, national, or local matter, or votes cast by him in the exercise of his functions. 2- No member of Parliament may be subject to arrest or any other privative or restrictive measure of liberty without the authorization of the Bureau of the House of which he is a member, except in the event of a crime, flagrant offense, or final conviction.

#### *Article 10*

1- The Houses establish their own standing orders, adopt their budgets autonomously and, by common agreement, regulate the personnel statutes of the Parliament. The standing orders and any alteration thereof shall be subject to a final vote, which shall require an absolute majority.

2- The Houses elect their respective Presidents and the other members of their Bureaus for the entirety of the legislative power term of office. 3- The Congress meetings shall be presided over by the President of the National Assembly and shall be governed by the standing orders of one of the Houses, passed by absolute majority of the members of each House. 4- The Presidents of the Houses shall exercise, in the name of the Parliament, all administrative powers and disciplinary functions within their respective Houses.

#### *Article 11*

1- The National Assembly and the Senate and, when appropriate, both Houses jointly, may appoint fact-finding committees on any matter of public interest. The conclusions of these committees shall not be binding on the Courts, nor shall they affect judicial decisions, notwithstanding the fact that

the results of investigations may be referred to the Public Prosecutor for him to take appropriate action whenever necessary.

2- It shall be compulsory to appear when summoned by the Houses. Penalties which may be imposed for failure to comply with this obligation shall be established by law.

### *Article 12*

1- In order to pass resolutions, the Houses must meet in a statutory manner, with a majority of their members present.

2- In order to be valid, such resolutions must be passed by the majority of the members present or represented, without prejudice to the special majorities that may be established by the organic laws and those which are established by the standing orders of the Houses for voting.

### *Article 13*

The Parliament authorizes, by a vote of the absolute majority of its members, the President of the Republic to declare war.

## Chapter II

### The Drafting of Laws

#### *Article 1*

1- The organic laws are those relating to the development of fundamental rights and public liberties, those which establish the statutes of autonomy and the general electoral system, and other laws provided for in the Constitution.

2- The passing, amendment, or repeal of organic laws shall require an absolute majority of the members of the Parliament in a final vote on the bill submitted by a joint committee formed of members of the National Assembly and the Senate. If the joint committee fails to reach an agreement, the text drafted by the Government shall be submitted to the National Assembly.

Congress shall convene within three months of receiving the bill from each House. The sitting period may not exceed one week.

3- The President of the Republic shall give his assent to organic laws and promulgate them within one month without any possibility that such acts be vetoed.

#### *Article 2*

Legislative initiative shall belong to the Government and both Houses, in accordance with the Constitution and the standing orders of each House.

#### *Article 3*

Government bills shall be adopted by the Council of Ministers, which shall refer them to the Parliament, accompanied by a statement setting forth the necessary grounds and precedents in order for it to reach a decision thereon.

#### *Article 4*

Priority shall be given in the agenda of the National Assembly to the bills related to draft proposals.

#### *Article 5*

1- Once an ordinary bill has been passed by the National Assembly, the President of the Assembly shall immediately report on it to the President of the Senate, who shall submit it to the latter for consideration.

2- Within two months of receiving the text, the Senate may, by means of a considered opinion, veto it or introduce amendments into it.

In the absence of a veto or amendments, the bill passed by the National Assembly may be submitted to the President of the Republic for promulgation. The veto must be passed by an absolute majority or 3/5 of the Senate. A bill may not be submitted to the President of the Republic for promulgation unless the initial text has been ratified by an absolute majority in the Senate.

Two months later, the text amended by the Senate shall be submitted to the National Assembly, which may reject the amendments passed by the Senate by an absolute majority within a period of one month. In such case, the text submitted to the President of the Republic for promulgation shall be the last text voted by the National Assembly.

3- The period of two months given to the Senate for vetoing or amending a bill shall be reduced from two months to twenty calendar days for bills declared

by the Government to be urgent by virtue of a decree issued by the Council of Ministers.

#### *Article 6*

Any proposals or amendments drafted by the members of the Parliament whose passing would result in the reduction of public resources or the creation or aggravation of a public burden are inadmissible.

#### *Article 7*

- 1- The President of the Republic shall, within fifteen days, promulgate the laws passed by the Parliament.
- 2- The President of the Republic may, for a specific reason, refuse to promulgate a law and demand the Parliament to hold a new deliberation in accordance with the conditions provided for in which case Clause 3 shall be automatically applicable.
- 3- The National Assembly may make a request to hold another deliberation by the absolute majority of its members, in which case the President of the Republic shall promulgate the law that was initially voted within a period of forty-eight hours.

#### *Article 8*

- 1- The National Assembly may mandate the Government to enact decrees on matters that are not specified in the previous article.
- 2- Legislative delegation must be granted by means of an ordinary law. 3- Legislative delegation must be expressly granted to the Government for specific purposes and with a fixed period of time for its exercise. The delegation shall expire when the Government has announced and published the official document.
- 4- Enabling laws shall precisely define the purpose and scope of legislative delegation, as well as the principles and criteria to be followed in its exercise.
- 5- If the bill is not submitted to the National Assembly for ratification by the date prescribed in the enabling law, the legislative delegation shall become null, and the bill can only be ratified by a simple majority. Once a bill is ratified, a law can only be amended by another law in matters that fall within the legislative scope.

#### *Article 9*

In the event that a bill or an amendment is contrary to a currently valid legislative delegation, the Government may oppose its passage. In this case, a bill may be submitted for the total or partial repeal of the delegation law.

#### *Article 10*

The Parliament shall vote on financial bills.

Voting must take place before the first of December of each year. In the event that the Parliament could not reach a decision by the prescribed time limit, the provisions of the bill can be enforced by virtue of a decree.

### Chapter III

#### International Treaties

##### *Article 1*

- 1- The President of the Republic negotiates and ratifies treaties.
- 2- He shall be informed of any negotiations leading to the conclusion of an international agreement not subject to ratification.

##### *Article 2*

1- Peace treaties; commercial treaties; treaties or agreements pertaining to the international organization; those relating to the finances of the State; those that modify provisions of a legislative nature; those that relate to the situation of the people; or those requiring assignment, exchange or addition of territory may be ratified or approved only by law. 2- They take effect only after they have been ratified or approved.

##### *Article 3*

If the Constitutional Council, at the request of the President of the Republic, the Prime Minister, or the President of one of the Houses or another assembly declared that an international commitment contains a

clause contrary to the Constitution, the authorization to ratify or approve the international commitment in question can only be made after the revision and amendment of the Constitution.

#### *Article 4*

Treaties or agreements that are duly ratified or approved have, from their publication, an authority superior to that of the laws, subject to the application of each treaty or agreement by the other party.

## Chapter IV

### The Relations Between the Government and the Parliament

#### *Article 1*

The Government is responsible for its political management before the National Assembly.

#### *Article 2*

The members of the Government are entitled to attend meetings of the Houses and their committees and to be heard in them, and may request that officials from their departments report to them.

#### *Article 3*

1- The Government and each of its members are subject to questions put to them orally or in writing by the members of the Houses. The standing orders shall establish a minimum weekly period for this type of debate. 2- Responses to such questions shall not involve any voting.

#### *Article 4*

1- The Prime Minister, after deliberation of the Council of Ministers, may submit to the National Assembly a motion of confidence in the Government on its program or statement of general policy within fifteen days of his appointment.

A motion of confidence is passed by a simple majority.

2- The Prime Minister may, after deliberation with the Council of Ministers, engage the responsibility of the Government for the bill under consideration by the National Assembly.

In this case, the bill is to be adopted, unless a motion of censure tabled within twenty-four hours is voted.

The Prime Minister may, in addition, use this procedure for another legislative project or proposal in each session.

#### *Article 5*

1- The National Assembly may challenge the political responsibility of the Government by passing a motion of censure by an absolute majority of its members.

2- The motion of censure must be submitted by at least one tenth of the Deputies, including a candidate for the office of Prime Minister.

3- The motion of censure may not be voted until five days have elapsed after its submission. During the first two days of this period, alternative motions may be submitted.

4- If the motion of censure is not passed by the National Assembly, its signatories may not submit another during the same session.

#### *Article 6*

1- If the National Assembly withholds its confidence from the Government, the latter shall submit its resignation to the President of the Republic who shall subsequently appoint the Prime Minister.

2- If the National Assembly adopts a motion of censure, the Government shall submit its resignation to the President of the Republic, while the candidate proposed in the motion of censure shall be considered to have the confidence of the House.

The President of the Republic shall appoint him Prime Minister.

#### *Article 7*

1- The President of the Republic, after deliberation of the Council of Ministers and the Presidents of both Houses and under his own responsibility may announce the dissolution of the National Assembly. The decree of dissolution shall set a date for the elections.

2- The proposal for dissolution may not be submitted while a motion of censure is pending.

3- There shall be no further dissolution until a year has elapsed since the previous one.

## TITLE

### THE CONSTITUTIONAL COURT

#### ELECTORAL DISPUTES OR ELECTORAL OFFENCES?

##### *Article 1*

1- The Constitutional Court comprises nine members, of whom three members are appointed by the President of the Republic, three by the President of the National Assembly, and three by the President of the Senate. The voting in each House.

2- The members of the Constitutional Court shall be appointed from amongst judges, public prosecutors, university professors, public officers, and lawyers. They must all be jurists of recognized skills who have been practicing their profession for more than fifteen years. They can also be appointed from amongst retirees of the said professions.

3- The members of the Constitutional Court are appointed for an unrenovable term of office of nine years.

4- The membership in the Constitutional Court is incompatible with any representative mandate, the exercise of any political or administrative functions or leadership positions within a political party or a trade union or any employment in their service, or the performance of judicial or public prosecution functions or any other professional or commercial activity whatsoever.

As for the rest, incompatibilities related to the members of the Judiciary shall also be applicable to the members of the Constitutional Court. 5-

The members of the Constitutional Court shall be independent and irrevocable during their term of office.

##### *Article 2*

The President of the Republic shall appoint the President of the Constitutional Court from amongst its members for a term of office of nine years or change its President during the term of office.

### *Article 3*

The Constitutional Court has jurisdiction over the whole of the Syrian territory and is competent to:

- a) conduct constitutional reviews of laws;
- b) conduct constitutional reviews of treaties prior to the ratification thereof;
- c) hear conflicts of jurisdiction and competence between the State and the autonomous districts or between the autonomous districts themselves;
- and d) examine other matters assigned to it by the Constitution or the organic laws.

### *Article 4*

1- With respect to constitutional reviews, the Constitutional Court may be seized and its opinion may be solicited before the publication of a law or the ratification of an international treaty by:

- a) the President of the Republic or the Prime Minister;
- b) the President of the National Assembly or the Senate;
- c) a number of Deputies and Senators; or
- d) the Presidents of autonomous districts.

2- In the context of conflicts of jurisdiction and competence, the Constitutional Court may be seized by:

- a) the President of the Republic or the Prime Minister;
- b) the President of the National Assembly or the Senate; or
- c) the Presidents of autonomous districts.

3- The Government may challenge judgments and decisions issued by the authorities of the autonomous regions before the Constitutional Court. A challenge shall result in the suspension of the contested judgment or decision. If required, the Court approves or repeals the said judgment or decision within a maximum period of three months.

4- In other cases, the organic law shall determine which persons and agencies are eligible.

### *Article 5*

1- The decisions of the Constitutional Court shall be published in the Official State Gazette. They are non-appealable and have the validity of *res judicata* from the day following their publication.

2- A provision declared unconstitutional cannot be published or enforced. 3- If the Constitutional Court declares the unconstitutionality of a provision contained in the treaty, an authorization can only be granted to ratify the international commitment in question after the amendment of the Constitution.

### *Article 6*

An organic law shall govern the functioning of the Constitutional Council, its headquarters, the procedures that are followed before it, and the conditions applicable to these procedures.

## TITLE

### AMENDMENT OF THE CONSTITUTION

#### *Article 1*

- 1- The constitutional amendment initiative shall lie with the President of the Republic on the joint proposal of the Prime Minister and members of the Parliament.
- 2- The parliamentary initiative shall lie with the members of the National Assembly or the Senate.

#### *Article 2*

- 1- Each of the Houses approves the constitutional amendment proposals by a majority of two-thirds of its members. If there is no agreement between the Houses, an effort to reach it shall be exerted by setting up a joint Commission of Deputies and Senators which shall submit, within a maximum period of four months, a text to be voted on by the National Assembly and the Senate. The text shall be approved by a majority of three-fifths of the members of each House.
- 2- If approval is not obtained from the joint commission or agreement between the Houses is not reached, the text who obtained a majority of three-fifths of the members of the National Assembly or the Senate may be submitted to ratification by means of referendum called by the President of the Republic within three months.

3- The President of the Republic shall promulgate within one month the bill that was passed by the Parliament or might be submitted to the people by means of the referendum.

*Article 3*

- 1- No constitutional amendment may take place in the following cases: -
  - one year before or after the holding of legislative or presidential elections;
  - in state of war or crises or in the case of damage to the integrity of the nation;
  - the President is hindered from performing his duties
  - dissolution of the National Assembly and within six months of such dissolution.
- 2- The republican form of Government cannot be revised or amended.