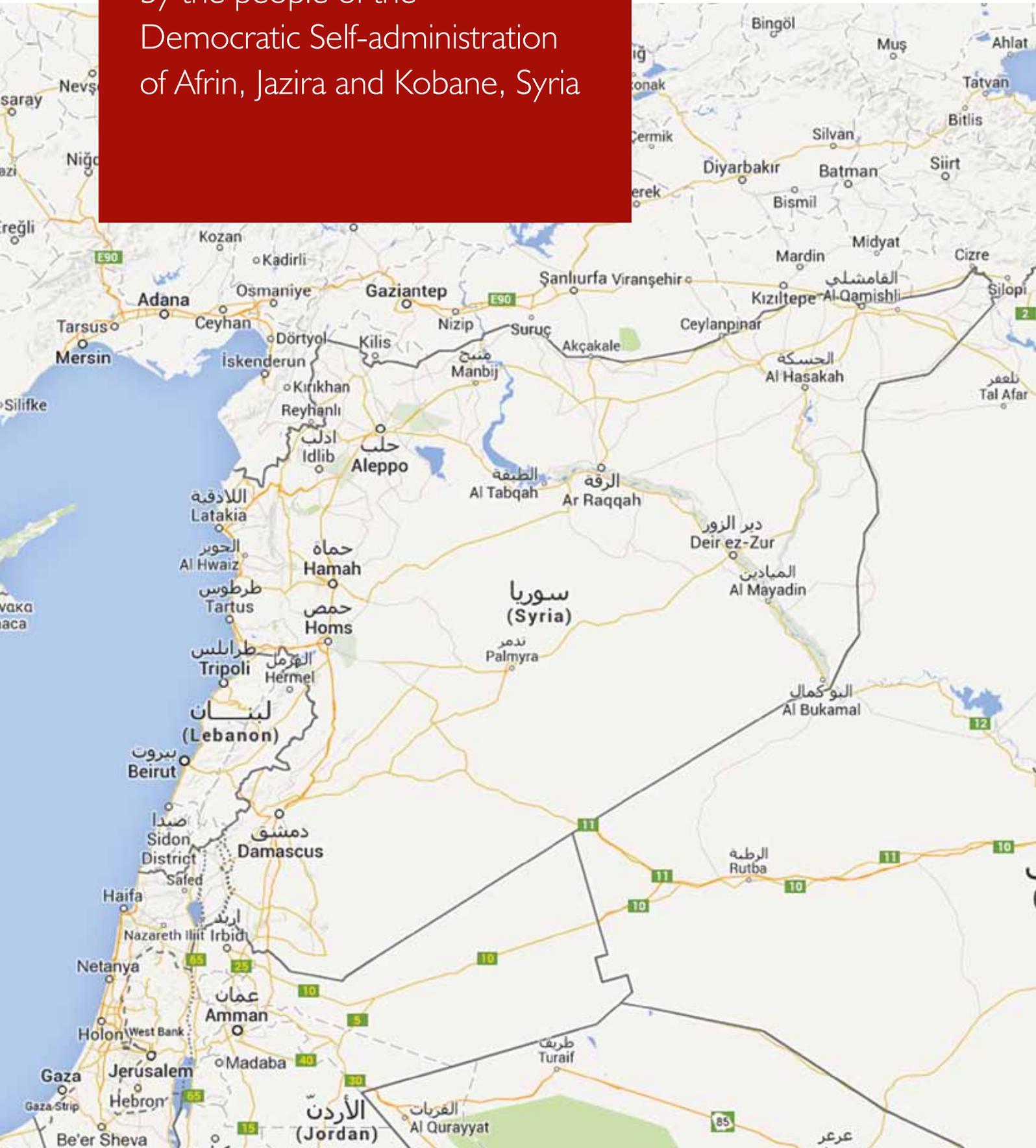


THE SOCIAL CONTRACT

by the people of the
Democratic Self-administration
of Afrin, Jazira and Kobane, Syria



The Social Contract

Preamble

We, the people of the Democratic Self-administration of Afrin, Jazira and Kobane, a confederation of Kurds, Arabs, Syriacs (Assyrians, Chaldeans, Arameans), Turkmen, Armenians and Chechens freely and solemnly declare and establish this Charter.

In pursuit of freedom, justice, dignity and democracy and led by principles of equality and environmental sustainability, the Charter proclaims a new social contract based upon mutual and peaceful coexistence and understanding between all strands of society. It protects fundamental human rights and liberties and reaffirms the people's right to self-determination.

Under the Charter we, the people of the Democratic Self-administration, unite in the spirit of reconciliation, pluralism and democratic participation so that all may express themselves freely in public life. In building a society free from authoritarianism, militarism, centralism and the intervention of religious authority in public affairs, the Charter recognizes Syria's territorial integrity and aspires to maintain domestic and international peace.

In establishing this Charter, we declare a political system and civil administration founded upon a social contract that reconciles the rich mosaic of Syria through a transitional phase from dictatorship, civil war and destruction to a new democratic society that builds unity through diversity where civic life and social justice are preserved.

I. General principles

Article 1:

The Charter of the Democratic Self-administration of Afrin, Jazira, and Kobane, [hereinafter “the Charter”], is a renewed social contract between the peoples of the Democratic Self-administration. The Preamble is an integral part of the Charter.

Article 2

Authority resides with and emanates from the people of the Democratic Self-administration. It is exercised by governing councils and public institutions elected by popular vote. The people constitute the sole source of legitimacy for all governing councils and public institutions which are founded on democratic principles essential to a free society.

Article 3:

Syria is a free, sovereign and democratic state, governed by a parliamentary system based on principles of decentralization and pluralism.

The Democratic Self-administration are composed of the three cantons of Afrin, Jazirah and Kobane, forming an integral part of the Syrian territory. The administrative centres of each Canton are:

Afrin city, Canton of Afrin;

Qamishli city, Canton of Jazira;

Kobane city, Canton of Kobane.

The Canton of Jazirah is ethnically and religiously diverse with Kurdish, Arab, Syriac, Chechen, Armenian, Muslim, Christian and Yazidi communities peacefully co-existing in brotherhood.

The elected Legislative Assembly represents all three Cantons of the Democratic Self-administration.

Article 4:

The Structure of governance in the Democratic Self-administration

Legislative Assembly

Executive Councils

High Commission of Elections

Supreme Constitutional Courts

Municipal/Provincial Councils

Article 5:

The administrative centres of each Canton are:

Qamishli city, Canton of Jazira;

Afrin city, Canton of Afrin;
Kobane city, Canton of Kobane.

Article 6:

All persons and communities are equal in the eyes of the law regarding rights and responsibilities.

Article 7:

All cities, towns and villages in Syria, which accede to this Charter may form cantons falling within Democratic Self-administration.

Article 8:

All cantons in the Democratic Self-administration are founded upon the principle of local self-government. Cantons may freely elect their representatives and representative bodies, and may pursue their rights insofar as it does not contravene the articles of the Charter.

Article 9:

The official languages of the Canton of Jazirah are Kurdish, Arabic and Syriac. All communities have the right to teach and be taught in their native language.

Article 10:

The Democratic Self-administration shall not interfere in the domestic affairs of other countries, and it shall safeguard its relations with neighbouring states, resolving any conflicts peacefully.

Article 11

The Democratic Self-administration have the right to be represented by their own flag, emblems and anthem. Such symbols shall be defined by law.

Article 12

The Democratic Self-administration form an integral part of Syria and are a model for a future decentralized system of federal governance in Syria.

II Basic Principles

Article 13

There shall be a separation of powers between the legislature, executive and judiciary.

Article 14

The Democratic Self-administration shall seek to implement a framework of transitional justice measures. They shall take steps to redress the legacy of chauvinistic and discriminatory State policies, including the payment of reparations to victims, both individuals and communities, in the Democratic Self-administration.

Article 15

The People's Protection Units (YPG) are the sole military force of the three cantons, with the mandate to protect and defend the security of the Democratic Self-administration and their peoples against both internal and external threats. The People's Protection Units act in accordance with the recognized inherent right to self-defense. Power of command in respect of the People's Protection Units is vested in the Body of Defense through its Central Command. Its relation to the armed forces of the central Government shall be defined by the Legislative Assembly in a special law. The Asayish forces are charged with civil policing functions in the Democratic Self-administration.

Article 16

If a court or any other public body considers that a provision conflicts with that of a fundamental law or any other superior statute, or that the procedure prescribed was set aside in any important respect when the provision was introduced, the provision shall be nullified.

Article 17

The Charter guarantees the rights of youth to participate actively in public and political life.

Article 18

Unlawful acts and omissions and their appropriate penalties are defined by criminal and civil law.

Article 19

The system of taxation and other fiscal regulations are defined by law.

Article 20

The Charter holds as inviolable the fundamental rights and freedoms set out in international human rights treaties, conventions and declarations.

III Rights and Liberties

Article 21

The Charter incorporates the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as other internationally recognized human rights conventions.

Article 22

All international rights and responsibilities pertaining to civil, political, cultural, social and economic rights are guaranteed.

- a - Everyone has the right to express their ethnic, cultural, linguistic and gender rights.
- b - Everyone has the right to live in a healthy environment, based on balanced ecology.

Article 24

Everyone has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Freedom of expression and freedom of information may be restricted in deference to the security of the Democratic Self-administration, public safety and order, the integrity of individuals, the sanctity of private life, or the prevention and prosecution of crime.

Article 25

Everyone has the right to liberty and personal security.

All persons deprived of their liberty shall be treated humanely and with respect for the inherent dignity of the human person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Prisoners have the right to humane conditions of detention, which protect their inherent dignity. Prisons shall serve the underlying objective of the educational and social rehabilitation of prisoners.

Article 26

Every human being has the inherent right to life. No one within the jurisdiction of the Democratic Self-administration shall be executed.

Article 27

Women have the inviolable right to participate in political, social, economic and cultural life.

Article 28

Men and women are equal in the eyes of the law. The Charter guarantees the effective realization of equality of women and mandates public institutions to work towards the elimination of gender discrimination.

Article 29

The Charter guarantees the rights of the child. In particular, children shall not suffer economic exploitation, child labour, torture or cruel, inhuman or degrading treatment or punishment, and shall not be married before attaining the age of majority.

Article 30

All persons have the right:

- to personal security in a peaceful and stable society;
- to free and compulsory primary and secondary education;
- to work, social security, health, adequate housing;
- to safe motherhood and maternal and pediatric care; and
- to adequate health and social care for the disabled, the elderly and those with special needs.

Article 31

Everyone has the right to freedom of worship, to practice one's own religion either individually or in association with others. No one shall be subjected to persecution on the grounds of religious belief.

Article 32

Everyone has the right to freedom of association with others, including the right to establish and freely join any political party, association, trade union and/or civil assembly.

In exercising the right to freedom of association, the political, economic and cultural expression of all communities is protected. This serves to protect the rich and diverse heritage of the peoples of the Democratic Self-administration.

The Yezidi religion is a recognized religion and its adherents' rights to freedom of association and expression are explicitly protected. The protection of Yezidi religious, social and cultural life may be guaranteed through the passage of laws by the Legislative Assembly.

Article 33

Everyone has the freedom to obtain, receive and circulate information and to communicate ideas, opinions and emotions, whether orally, in writing, in pictorial representations, or in any other way.

Article 34

Everyone has the right of peaceful assembly, including the right to peaceful protest, demonstration and strikes.

Article 35

Everyone has the right to freely experience and contribute to academic, scientific, artistic and cultural expressions and creations, through individual or joint practice, to have access to, enjoy, and disseminate their expressions and creations.

Article 36

Everyone has the right to vote and to run for public office, as circumscribed by law.

Article 37

Everyone has the right to seek political asylum. Persons may only be deported following the decision of a competent, impartial and properly constituted judicial body, where all due process rights have been afforded.

Article 38

All persons are equal before the law and are entitled to equal opportunities in public and professional life.

Article 39

Natural resources, located both above and below ground, are the public wealth of society. Extractive processes, management, licensing and other contractual agreements related to such resources shall be regulated by law.

Article 40

All buildings and land in the Democratic Self-administration are owned by the Transitional Administration and are public property. Their use and distribution shall be determined by law.

Article 41

Everyone has the right to the use and enjoyment of his private property. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in such cases according to the forms established by law.

Article 42

The economic system in the provinces shall be directed at providing general welfare and in particular granting funding to science and technology. It shall be aimed at guaranteeing the daily needs of people and to ensure a dignified life. Monopolies are prohibited by law. Labor rights and sustainable development are guaranteed.

Article 43

Everyone has the right to liberty of movement and freedom to choose his residence within the Democratic Self-administration.

Article 44

The enumeration of the rights and freedoms set forth in Section III is non-exhaustive.

IV Legislative Assembly

Article 45:

The Legislative Assembly in the Autonomous Region is elected by the people by direct, secret ballot; the duration of the term of office is four (4) years.

Article 46:

The first meeting of the Legislative Assembly shall be held no later than the 16th day following the announcement of the final results of elections in all Democratic Self-administration. Such results will be certified and announced by the High Commission of Elections.

The President of the Transitional Executive Council will convene the first meeting of the Legislative Assembly. If compelling reasons dictate that its first meeting cannot be so held, the President of the Transitional Executive Council will determine another date to be held within fifteen days.

Quorum is met by fifty + one percent (50 + 1) attendants of the total membership. The oldest member of the Legislative Assembly will chair its first meeting at which the Co-Presidents and Executive Council will be elected.

The sessions of the Legislative Assembly are public unless necessity demands otherwise. The movement of the Legislative Assembly into closed session is governed by its rules of procedure.

Article 47:

There shall be one member of the Supreme Legislature Council per fifteen thousand (15,000) registered voters residing within the Autonomous Region. The Legislative Assembly must be composed of at least forty per cent (40%) of either sex according to the electoral laws. The representation of the Syriac community, as well as youth representation in the election lists, is governed by electoral laws.

Article 48:

- 1- No member of the Legislative Assembly may run for more than two consecutive terms.
- 2 - The term of the Legislative Assembly may be extended in exceptional cases at the request of one-quarter ($\frac{1}{4}$) of its members or at the request of the Office of the President of the Council, with the consent of two-thirds ($\frac{2}{3}$) of the members of the Council. Such extensions shall be for no longer than six (6) months.

Article 49:

Every person who has reached the age of eighteen (18) years is eligible to vote. Candidates for the Legislative Assembly must have attained the age of twenty-two (22) years. Conditions for candidacy and election are stipulated by electoral law.

Article 50:

Members of the Legislative Assembly enjoy immunity in respect of acts and omissions carried out in the function of official duties. Any prosecutions require the authorization of the Legislative Assembly, with the exception of flagrant crime. At the earliest opportunity, the Office of the President of the Council shall be informed of all pending prosecutions.

Article 51:

No member, during his term of office, is permitted any public, private, or other profession. Such employment is suspended once he/she takes the constitutional oath. He/she has the right to return to his/her job, with all its rights and benefits, once his/her membership ends.

Article 52:

Local Councils in each province of the Autonomous Regional shall be formed through direct elections.

Article 53:

The functions of the Legislative Assembly are to:

- Establish rules and procedures governing the work of the Legislative Assembly;
- Enact legislation and proposed regulations for the Local Councils and other institutions, including permanent and ad hoc committees, under its purview;
- Exercise control over administrative and executive bodies, including use of powers of review;
- Ratification of international treaties and agreements;
- Delegate its powers to the Executive Council or to one of its members and thereafter to withdraw such powers;

- Declare a state of war or peace;
- Ratify the appointment of members of the Supreme Constitutional Court;
- Adopt the general budget;
- Establish general policy and development plans;
- Approve and grant amnesty;
- Adopt decrees promulgated by the Executive Council; and
- Adopt laws for the common governance of the Provincial Councils of the Democratic Self-administration.

Part V Executive Council

Article 54:

Canton Governor:

The Canton Governor, together with the Executive Council of the Democratic Self-administration, holds executive authority as set forth in this Charter.

The candidate to the post of Canton Governor must:

- Be over thirty-five (35) years of age;
- Be a Syrian citizen and a resident of the canton; and
- Have no criminal convictions.

The procedure governing the candidacy and election of Canton Governor:

- Within 30 days of the first session of the Legislative Assembly, its President must call for the election of the Canton Governors;
- Requests to nominate candidates for the position of Canton Governor must be made, in writing, to the Supreme Court which shall examine and accept or reject all nominations not later than ten (10) days after the close of nominations;
- The Legislative Assembly shall elect the Canton Governor by a simple majority;
 - If no candidate receives the required simple majority, a second electoral round is initiated, with the candidate receiving the highest number of votes being elected;
- The term of Canton Governor is four (4) years from the date of the taking of the Oath of Office;
- The Canton Governor takes the Oath of Office before the Legislative Assembly prior to commencing official duties;
- The Canton Governor appoints one or more Deputies, approved by the Legislative Assembly. The Deputies take an Oath of Office before the Canton Governor, after which specified functions may be delegated to them;
- Should the Canton Governor be unable to fulfill his official functions, one of his

Deputies shall replace him;

- Where the Canton Governor and the Deputies are unable to fulfill their duties for any reason, the tasks of the Canton Governor will be carried out by the President of the Legislative Assembly; and
- The Governor must address any letter of resignation to the Legislative Assembly.

D. The powers and functions of the Canton Governor:

- The Canton Governor shall ensure respect for the Charter and the protection of national unity and sovereignty, at all times performing his functions to the best of his ability and conscience;
- The Canton Governor shall appoint the President of the Executive Council;
- The Canton Governor shall implement laws passed by the Legislative Assembly and issue decisions, orders and decrees in accordance with those laws.
- The Canton Governor must invite the newly elected Legislative Assembly to convene within fifteen (15) days from the announcement of the election results;
- The Canton Governor may grant medals;
- The Canton Governor may issue amnesties as recommended by the president of the executive council;

E. The Canton Governor is responsible to the people through his representatives in the Legislative Assembly. The Legislative Assembly has the right to bring him before the Supreme Constitutional Court for charges of treason and other forms of sedition.

The Executive Council:

The Executive Council is the highest executive and administrative body in the Democratic Self-administration. It is responsible for the implementation of laws, resolutions and decrees as issued by the Legislative Assembly and judicial institutions. It shall coordinate the institutions of the Democratic Self-administration.

Article 55:

The Executive Council is composed of a chairman, representatives and committees.

Article 56:

The party or bloc winning a majority of seats in the Legislative Assembly shall form the Executive Council within one month from the date of assignment, with the approval of the simple majority (51%) of the members of the Legislative Assembly.

Article 57:

The Head of the Executive Council shall not serve more than two consecutive terms, each term being four (4) years in length.

Article 58:

The Head of the Executive Council may choose advisers amongst the newly elected members of the Legislative Council.

Article 59:

Each adviser shall be responsible for one of the bodies within the Executive Council.

Article 60:

The work of the Executive Council, including the bodies and their relation to other institutions/committees, is regulated by law.

Article 61:

After the formation and approval of the Executive Council, it shall issue its prospective program for Government. Following its passage through the Legislative Assembly, the Executive Council is obliged to implement the program during that legislative term.

Article 62:

Senior civil servants and body representatives shall be nominated by the Executive Council and approved by the Legislative Council.

Provincial Administrative Councils [Municipal Councils]:

- 1 The Cantons of the Democratic Self-administration are composed of Provincial Administrative Councils [Municipal Councils] and are managed by the relevant Executive Council, which retains the power to amend its functions and regulations;
- 2 The powers and duties of the Provincial Administrative Councils [Municipal Councils] are founded upon an adherence to a policy of decentralization. The Canton's supervision of the Provincial Administrative Councils' [Municipal Councils'] authority, including its budget and finance, public services and mayoral elections, are regulated by law.
- 3 Provincial Administrative Councils [Municipal Councils] are directly elected by the public, using secret ballot.

Part VI The Judicial Council:

Article 63:

The independence of the Judiciary is a founding principle of the rule of law, which ensures a just and effective disposition of cases by competent and impartial courts.

Article 64:

Everyone charged with a criminal offence shall be presumed innocent until and unless proved guilty by a competent and impartial court.

Article 65:

All institutions of the Judicial Council must be composed of at least forty per cent (40%) of either sex.

Article 66:

The right to defense is sacred and inviolable at all stages of an investigation and trial.

Article 67:

The removal of a judge from office requires a decision from the Judicial Council.

Article 68:

Judgments and judicial decisions are issued on behalf of the people.

Article 69:

Failure to implement judicial decisions and orders is a violation of law.

Article 70:

No civilian shall stand trial before any military court or special or ad hoc tribunals.

Article 71:

Searches of houses and other private property must be done in accordance with a properly executed warrant, issued by a judicial authority.

Article 72:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his/her rights and obligations and of any criminal charge against him/her.

Article 73:

No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his/her liberty except on such grounds and in accordance with such procedure as are established by law.

Article 74:

Anyone who has been the victim of unlawful arrest or detention or otherwise suffered damage or harm as a result of the acts and omissions of public authorities has an enforceable right to compensation.

Article 75:

The Judicial Council is established by law.

VII The High Commission of Elections

Article 76:

The High Commission of Elections is an independent body deemed competent to oversee and carry out the electoral process. It is composed of 18 members, representing all cantons, who are appointed by the Legislative Assembly.

1. Decisions in the Commission require a qualified majority of eleven (11) votes;
2. Members of the High Commission of Elections may not stand for office in the Legislative Assembly;
3. The High Commission of Elections determines the date on which elections are held, the announcement of the results, and receives the nominations of eligible candidates for the Legislative Assembly;
4. As stated in paragraph 51, the High Commission of Elections verifies the eligibility of candidates seeking election to the Legislative Assembly. The High Commission of Elections is the sole body competent to receive allegations of electoral fraud, voter intimidation or illegal interference with the process of an election.
5. The High Commission of Elections is monitored by the Supreme Court and may be monitored by observers from the United Nations and civil society organizations; and
6. The High Commission of Elections, together with the Judicial Council, shall convene a meeting of all candidates seeking election to the Legislative Assembly to announce the names of eligible candidates.

Part VIII The Supreme Constitutional Court:

Article 77:

The Supreme Constitutional Court is composed of seven (7) members, all of whom are nominated by the Legislative Assembly. Its members are drawn from judges, legal experts and lawyers, all of whom must have no less than fifteen (15) years of professional experience.

No member of the Supreme Constitutional Court shall be eligible to serve on the Executive Council or in the Legislative Assembly or to hold any other office or position of emolument, as defined by law.

A member's term of office runs for four (4) years. No member may serve more than two terms.

The functions of the Supreme Constitutional Court:

Article 78:

- To interpret the articles and underlying principles of the Charter.
- To determine the constitutionality of laws enacted by the Legislative Assembly and decisions taken by Executive Council.
- To judicially review legislative acts and executive decisions, where such acts and decisions may be in the conflict with the letter and spirit of the Charter and the Constitution.
- Canton Governors, members of the Legislative Assembly and Executive Council may be brought before the Supreme Constitutional Court, when alleged to have acted in breach of the Charter.
- Its decisions are reached through simple majority vote.

Article 79:

A member of the Supreme Constitutional Court shall not be removed from office except for stated misbehavior or incapacity. The provisions and procedures governing the work of the Supreme Constitutional Court shall be set out in a special law.

Article 80:

I. Procedure for determination of the constitutionality of laws:

- Where, prior to a law's enactment, more than twenty per cent (20%) of the Legislative Assembly objects to its constitutionality, the Supreme Constitutional Court

is apprised of the matter and shall render its decision within fifteen (15) days; if the law is to be urgently enacted, a decision shall be rendered within seven (7) days.

- Where, following the rendering of the judgment of the Supreme Constitutional Court, more than twenty per cent (20%) of the Legislative Assembly still objects to its constitutionality, an appeal may be lodged;
- If, on appeal, the Supreme Constitutional Court rules the law to be enacted as unconstitutional, the law shall be considered null and void.

2. When an argument is raised in a court concerning the constitutionality of a law:

- If parties to a case raise a challenge to the constitutionality of a law and the court so holds, the matter is stayed while it is referred to the Supreme Constitutional Court; and
- The Supreme Constitutional Court must deliver its judgment within thirty (30) days.

Part IX General Rules

Article 81:

The Charter applies within the Democratic Self-administration. It may only be amended by a qualified majority of two-thirds () of the Legislative Assembly.

Article 82:

The Charter shall be laid before the Transitional Legislative Assembly for review and ratification.

Article 83:

Syrian citizens holding dual nationality are barred from assuming leading positions in the Office of the Canton Governor, the Provincial Council, and the Supreme Constitutional Court.

Article 84:

The Charter sets out the legislative framework through which laws, decrees, and states of emergency shall be formally implemented.

Article 85:

Elections to form the Legislative Assembly shall be held within four (4) months of the ratification of the Charter by the Transitional Legislative Assembly. The Transitional Legislative Assembly retains the right to extend the time period if exceptional circumstances arise.

Article 86:

The Oath of Office to be taken by members of the Legislative Assembly

“I solemnly swear, in the name of Almighty God, to abide by the Charter and laws of the Democratic Self-administration, to defend the liberty and interests of the people, to ensure the security of the Democratic Self-administration, to protect the rights of legitimate self-defense and to strive for social justice, in accordance with the principles of democratic rules enshrined herein.”

Article 87:

All governing bodies, institutions and committees shall be made up of at least forty percent (40%) of either sex.

Article 88:

Syrian criminal and civil legislation is applicable in the Democratic Self-administration except where it contradicts provisions of this Charter.

Article 89:

In the case of conflict between laws passed by the Legislative Assembly and legislation of the central government, the Supreme Constitutional Court will rule upon the applicable law, based on the best interest of the Democratic Self-administration.

Article 90:

The Charter guarantees the protection of the environment and regards the sustainable development of natural ecosystems as a moral and sacred national duty.

Article 91:

The education system of the Democratic Self-administration shall be based upon the values of reconciliation, dignity, and pluralism. It is a marked departure from prior education policies founded upon racist and chauvinistic principles.

Education within the Democratic Self-administration rejects prior education policies based on racist and chauvinistic principles. Founded upon the values of reconciliation, dignity, and pluralism, the new educational curriculum of the cantons shall recognize the rich history, culture and heritage of the peoples of the Democratic Self-administration; and

The education system, public service channels and academic institutions shall promote human rights and democracy.

Article 92

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The Charter enshrines the principle of separation of religion and state. Freedom of religion shall be protected. All religions and faiths in the Democratic Self-administration shall be respected. The right to exercise religious beliefs shall be guaranteed, insofar as it does not adversely affect the public good.

Article 93

A. The promotion of cultural, social and economic advancement by administrative institutions ensures enhanced stability and public welfare within the Democratic Self-administration.

B. There is no legitimacy for authority, which contradicts this charter.

Article 94

Martial law may be invoked and revoked by a qualified majority of two-thirds () of the Executive Council, in a special session chaired by the Canton Governor. The decision must then be presented to and unanimously adopted by the Legislative Assembly, with its provisions contained in a special law.

The Executive Council Bodies

Article 95:

- Body of Foreign Relations
- Body of Defense
- Body of Internal Affairs
- Body of Justice
- Body of Cantonal and Municipal Councils and affiliated to it
Committee of Planning and Sensus
- Body of Finance, and affiliated to it:
 - a) Committee on Banking Regulations
 - b) Committee of Customs and Excise
- Body of Social Affairs
- Body of Education
- Body of Agriculture
- Body of Energy
- Body of Health
- Body of Trade and Economic Cooperation
- Body of Martyrs and Veterans Affairs
- Body of Culture
- Body of Transport
- Body of Youth and Sports
- Body of Environment, Tourism and Historical Objects
- Body of Religious Affairs
- Body of Family and Gender Equality
- Body of Human Rights
- Body of Communications
- Body of Food Security

Article 96:

The Charter shall be published in the media and press.