

SECURITY PROVISION AND GOOD GOVERNANCE IN POST-WAR SYRIA:
A SECURITY NEEDS ASSESSMENT AMONG THE SYRIAN DIASPORA IN GERMANY

Experiences with the Syrian Justice Sector before and during the War

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This security needs assessment aims to contribute to open access information on good governance and security sector reform in Syria. It was specifically designed to understand citizens' needs and identify entry points for citizen-oriented security sector reform efforts. It analyses how the Syrian security system would need to change in order for Syrians to feel safe and secure in post-war Syria.

The survey's online questionnaire consists of 63 questions in Modern Standard Arabic. Between March and August 2018, 619 Syrians living in Germany completed the questionnaire. They came from all 14 Syrian governorates. On average, participants were 29 years old (born in 1989).

This working paper is part of a series. For an overview of the survey's objectives, content, and participants, please refer to the Introduction to the Survey and Sample Group Composition, which may be found along with all other working papers by scanning the QR code or accessing the link below:



<https://www.lanosec.de/ssr-survey-syria/>

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Executive Summary

This working paper examines respondents' knowledge regarding the various roles, processes, and structures of justice institutions in Syria. It also presents survey participants' experiences with the most common and serious types of insecurity and injustice related to the justice sector, comparing general perceptions with personal experiences both before and during the war in Syria.

Survey results

Survey respondents were partially aware of the roles and responsibilities of the Ministry of Justice and of lawyers. Less clear were the roles and responsibilities of judges. Knowledge regarding how to sue an individual or organisation was even more limited.

In general, survey participants perceived the Syrian justice sector as a source of insecurity and injustice both before and during the war. *Unfair rulings by justice institutions* and *Lack of access to justice institutions* ranked among the three most common and serious types of insecurity and injustice in Syria before the war, and were cited significantly more than the other pre-defined variables. During the war, all types of insecurity and injustice increased substantially, with justice system-related variables among the four most common and serious types of insecurity and injustice.

On a personal level, while many survey participants stated *Unfair rulings by justice institutions* as being among the most common and serious types of insecurity and injustice before the war, fewer respondents indicated they had experienced this themselves. By contrast, the perceived level of *Lack of access to justice institutions* corresponded strongly with the level of participants' personal experiences. Before the war, survey participants experienced only one type of insecurity and injustice to an even greater extent: *Repression and violence by state security forces*. During the war, personal experiences with both *Unfair rulings by justice institutions* and *Lack of access to justice institutions* increased.

When asked about the Syrian justice system before the war, most participants stated that it was unable to defend citizens from human rights abuses and that citizens were not treated equally before the law.

Conclusions

Current political developments in Syria, and the likelihood that the regime will win the war militarily, limit the prospects for comprehensively reforming the Syrian security sector. However, it is important for international actors working in and on Syria to keep in mind how Syrians envisage an ideal security sector for post-war Syria, and what kind of experiences they had with justice institutions both before and during the war. Without taking these into consideration, long-term stability and peace will be doomed to fail. This, therefore, prompts several recommendations for further academic research as well as policy analysis and development:

- » **Assess the Syrian justice system** to obtain more details on deficits and malfunctions, with a focus on human rights violations and discrimination. Conduct surveys and focus group discussions with victims and beneficiaries from all governorates to identify their needs. Review legislation governing the justice sector based on international standards to detect any deficits. Publish the results.
- » **Foster gender equality and women's rights through the justice system.** Women and girls in particular are often victims of discriminatory laws, policies, and practices. To increase women's rights and their empowerment, justice sector reform has to respond equally to the needs of all; girls and women, men and boys.
- » **Call for justice sector reform processes** that aim to provide justice for all Syrians, based on the principles of accountability and rule of law, regardless of their sex, origin, religion, age, ethnicity, political orientation, language, etc.

Experiences with the Syrian Justice Sector before and during the War

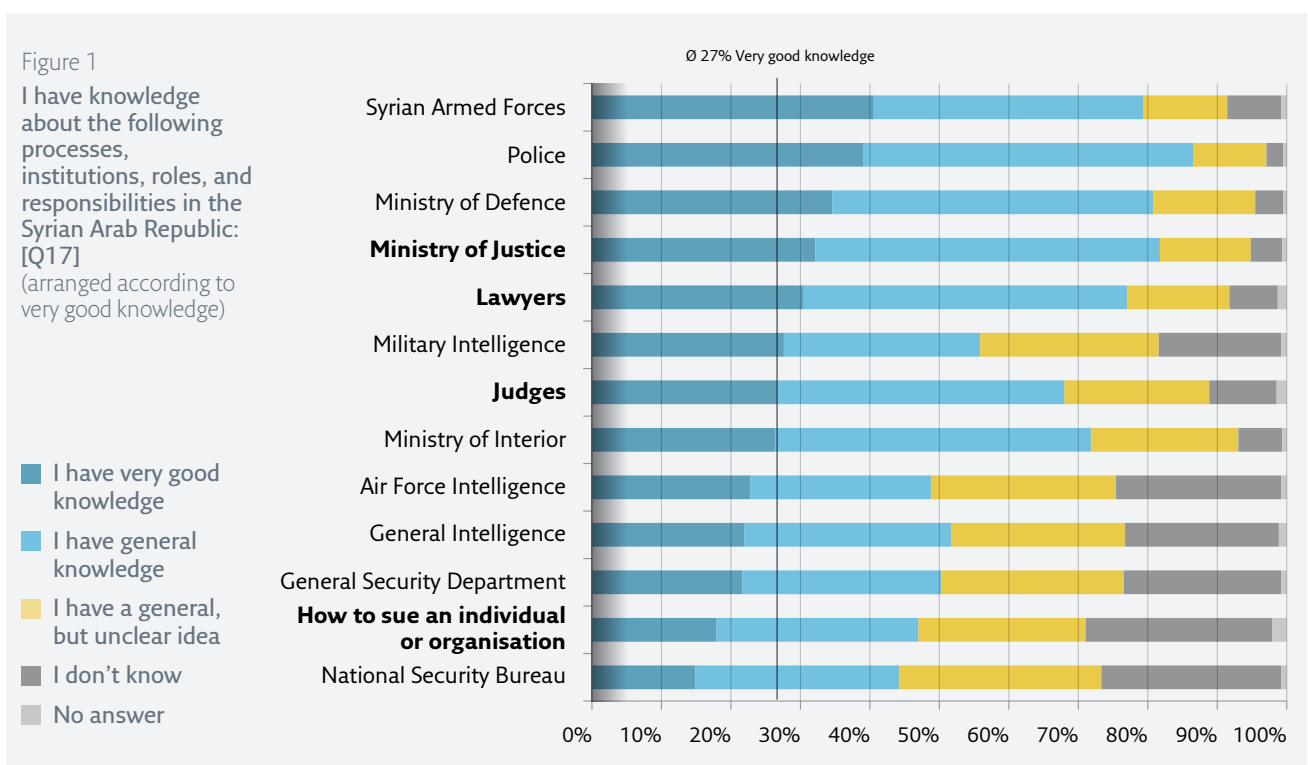
Insecurity and injustice do not manifest themselves in physical violence, torture, and crime alone. When mandates and processes of state institutions do not respond to the needs of all citizens, but instead are biased against particular groups, they also foster structural insecurity and injustice in society; for example, through unequal access to government services. This is especially the case for the justice sector, which should guarantee the separation of powers, non-discriminatory access to justice, an independent judicial system, including fair and transparent court rulings, and accountability for state authorities based on the rule of law.

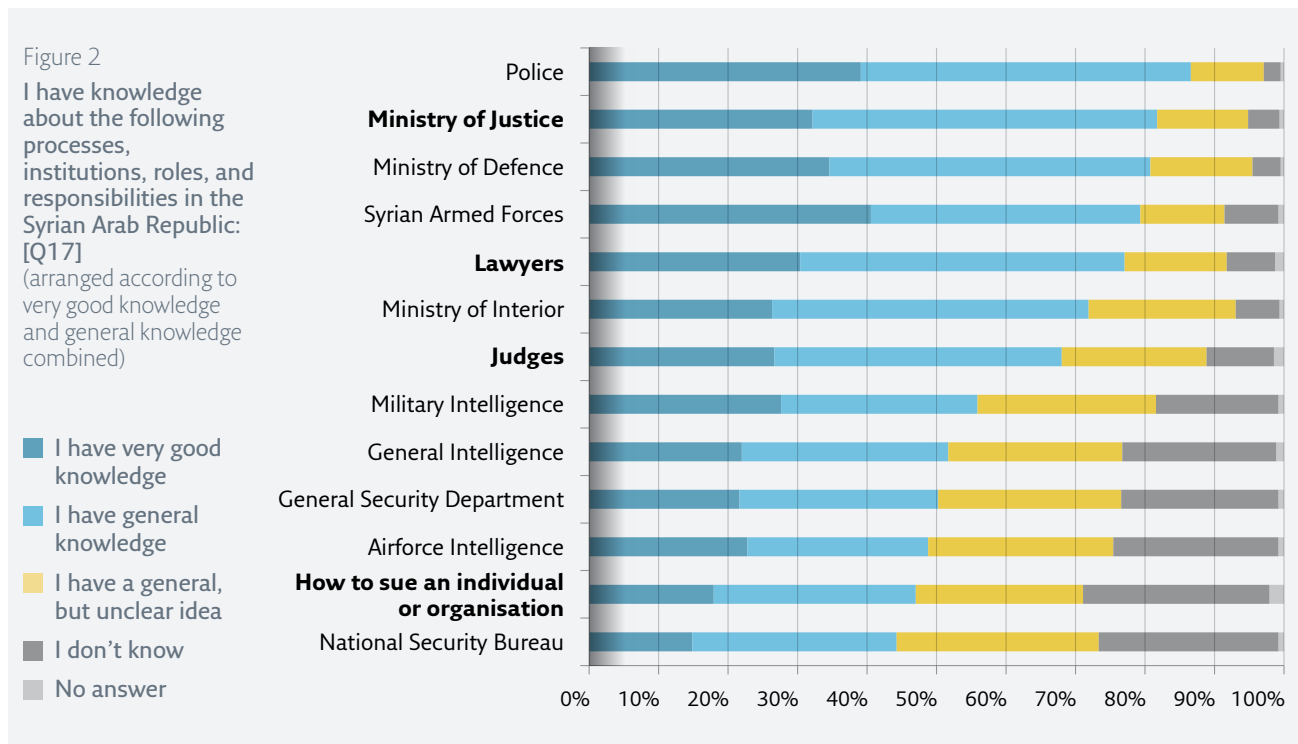
Limited knowledge of the justice sector in the Syrian Arab Republic

Survey participants rated their knowledge about processes, institutions, roles, and responsibilities of various entities and groups in the Syrian Arab Republic. On average, 27% stated they had very good knowledge of all institutions and processes presented; 37% had general knowledge; and 14% no knowledge at all.

The justice sector was directly addressed in four variables: 1) the Ministry of Justice; 2) lawyers; 3) judges; and 4) how to sue an individual or organisation. These four variables received quite different ratings in terms of *very good knowledge*: three variables yielded results above or in line with the average of 27%, while one variable ranked below average (Figure 1; for an analysis of all variables, please refer to Working Paper 5: Transparency of the Syrian Security Sector).

Among all four, the roles and responsibilities of the Ministry of Justice were best known (32%). However, participants were still better acquainted with the Syrian Armed Forces, the police, and the Ministry of





Defence than with the Ministry of Justice. Lawyers ranked right behind the Ministry of Justice (30%). Very good knowledge of the roles and responsibilities of judges corresponded to the average of 27%, but only 18% of survey participants knew how to sue an individual or organisation.

When combining responses for *I have very good knowledge* and *I have general knowledge* (see Figure 2), results differ slightly. In this case, the Ministry of Justice's roles and responsibilities were second best-known (82%) among all institutions and processes, after the police. The ranks for knowledge of lawyers and judges remained the same, with lawyers' roles and responsibilities being better known than those of judges. Less than half of all survey participants (47%) knew how to sue an individual or organisation. In addition, this category received the highest number of *I don't know* answers (27%).

Apparently, one third of respondents found the functioning of the Syrian justice sector and its institutions to be transparent, while another third evaluated it as somewhat transparent. More than half of participants indicated having no knowledge of how to sue an individual or organisation. This may be linked to the fact that respondents never needed to do so. Another possibility, however, is that, due to the lack of trust in the justice system, Syrians assumed it would be useless to know how the system worked. It could also be that the information was not available or never appropriately explained to citizens. Without proper knowledge of the functioning of the justice system and legal proceedings, citizens cannot address it to defend their rights. At the same time, the knowledge that a justice system is, for example, discriminatory (see sections below) will also prevent citizens from using it.

Table 1 presents results for *I have very good knowledge* according to sex and last area of residence. Women indicated having very good knowledge less often than men. This could be due to actual knowledge gaps, or to a lack of confidence in assessing their own knowledge. If it was indeed limited, this might prevent women from taking an active role in the Syrian justice system and, hence, partaking in the defence of their own rights. The roles and responsibilities of lawyers were the only exception: 36% of participating women stated they had very good knowledge in this regard, versus 30% of participating men. One way this could be explained is through the provisions of the Syrian personal status laws. Muslim men, for example, may divorce without consulting a court. Women, on the contrary, must go to court to get divorced and, thus, need a lawyer.

Table 1: I have knowledge about the following processes, institutions, roles, and responsibilities in the Syrian Arab Republic: [Q17]

Value: I have very good knowledge

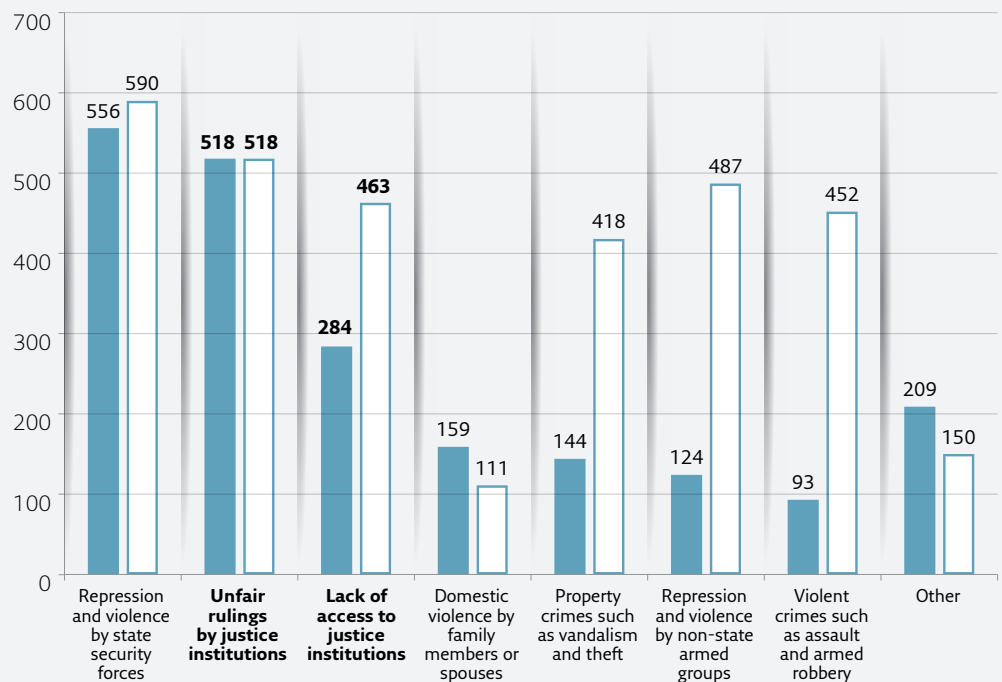
	Sex		Area of residence		
	Men	Women	Governorate of Aleppo	Governorate of Damascus	Other governorates
Ministry of Justice	33%	27%	37%	29%	32%
Judges	27%	21%	32%	22%	27%
Lawyers	30%	36%	35%	29.3%	29.4%
How to sue an individual or organisation	19%	12%	21%	16%	18%

Survey participants from the Governorate of Damascus indicated having very good knowledge less often than those from the Governorate of Aleppo and other governorates. It appears that Syrians outside Damascus knew the justice system better than those living in the capital. To better understand such discrepancies in knowledge among Syrians in different geographical areas, and their underlying causes, further research needs to be done.

Unfair rulings by, and lack of access to, Syrian justice institutions before and during the war

Before the war, *Unfair rulings by justice institutions* and *Lack of access to justice institutions* were among the three most common and serious perceived forms of insecurity and injustice in Syria (see Figure 3; for a complete analysis of all types of insecurity and injustice covered in the following Questions 5, 6, 7, and 8, refer to Working Paper 2: Insecurity and Injustice in Syria before and during the War). *Unfair rulings by justice institutions* ranked especially high, at 84%. Perceived state violence and repression correlated with an unfair

Figure 3
Common and serious types of insecurity and injustice before and during the war in Syria [Q5 & Q6] (arranged according to before the war)



justice system, meaning that the same participants who selected *Repression and violence by state security forces* also selected *Unfair rulings by justice institutions* (correlation coefficient of 0.20125). Again, this demonstrates that both the security and justice sectors are crucial for creating an environment in which citizens can feel safe and secure. In the open-ended answer option, survey participants introduced two other types of insecurity and injustice linked to the justice sector: the *Absence of a fair and comprehensive legal framework* and the *Absence of an independent judiciary* (see Box 1: Selected statements of survey participants on experiences with injustice before and during the war).

During the war, most types of insecurity and injustice increased. *Lack of access to justice institutions*, for example, soared from 46% to 75%. *Unfair rulings by justice institutions*, however, remained at the same high level as before the war.

Box 1
Selected statements
of survey participants
on experiences with
injustice before and
during the war
[Q5 & Q6]

"There was no law that ruled the people. It was the people who relied on their ethics and education. Each person behaved based on his/her education."

"If I had been poor in Syria, I would not have had any rights."

"The lack of the rule of law in some areas led to a security breakdown, resulting in fear, panic, and the absence of security and safety."

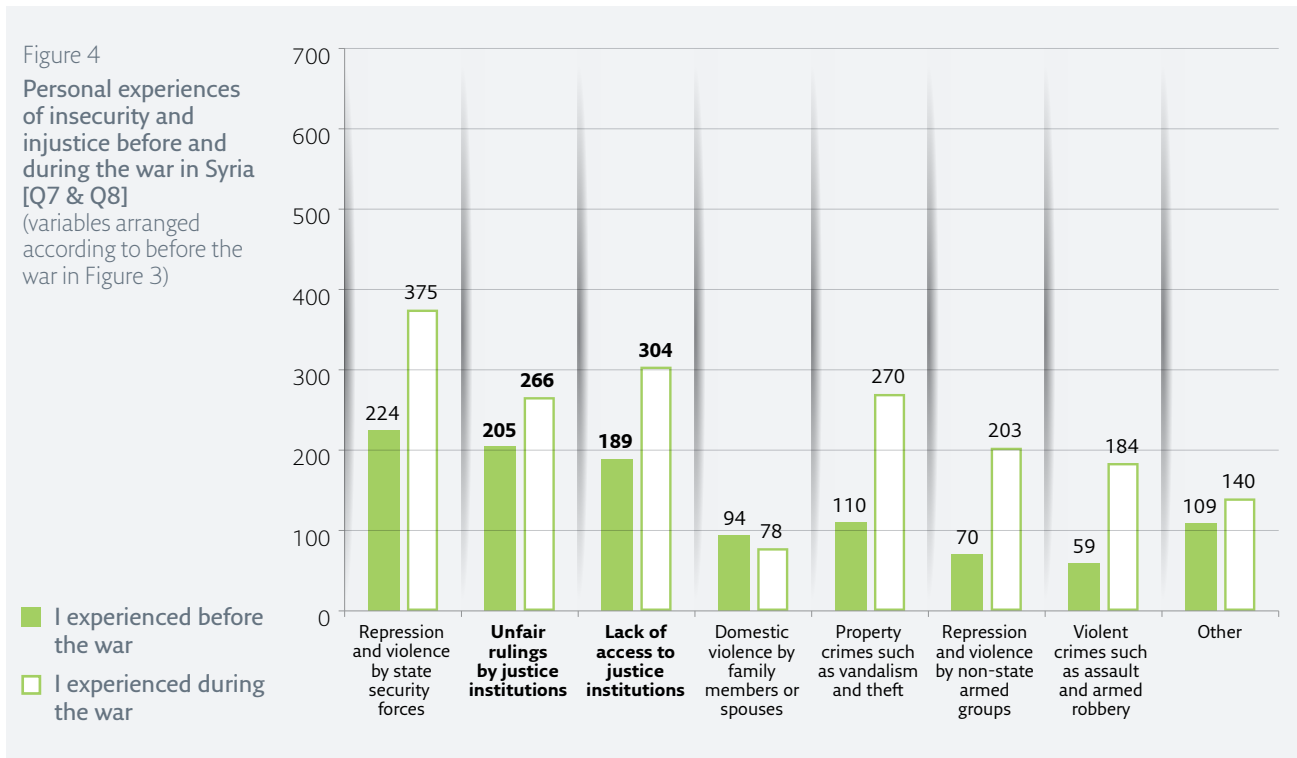
"In times of war everyone makes their own laws and enforces them violently, regardless of whether they are good or bad laws. During the war, the country turned into a jungle. Now, the logic of the weak and the strong rules. There is no space for dialogue in any way. In war, there is only the logic of war [...]."

Personal experiences with unfair rulings by, and lack of access to, Syrian justice institutions before and during the war

After being asked about their perceptions of insecurity and injustice (Questions 5 and 6), survey participants indicated their personal experiences regarding the same variables (see Figure 4).

Before the war, around one third of survey participants stated they had personally experienced *Unfair rulings by justice institutions* (33%) or *Lack of access to justice institutions* (31%). In fact, the only form of insecurity that survey participants experienced more was *Repression and violence by state security forces*.

During the war, even more respondents experienced *Unfair rulings by justice institutions* and *Lack of access to justice institutions* in person. However, the ranking of the two types switched. While 49% of the participants experienced a *Lack of access to justice institutions* themselves, only 43% experienced *Unfair rulings by justice institutions*. The latter did not increase as much as the former. There are three possible explanations for this. First, rulings were less unfair during the war, which is highly unrealistic. Second, the justice system delivered proportionally fewer rulings. Third, because of the war, many survey participants had left Syria, and so did not experience unfair rulings themselves. On the contrary, it seems there was high demand for accessing justice and, evidently, many lacked that access.



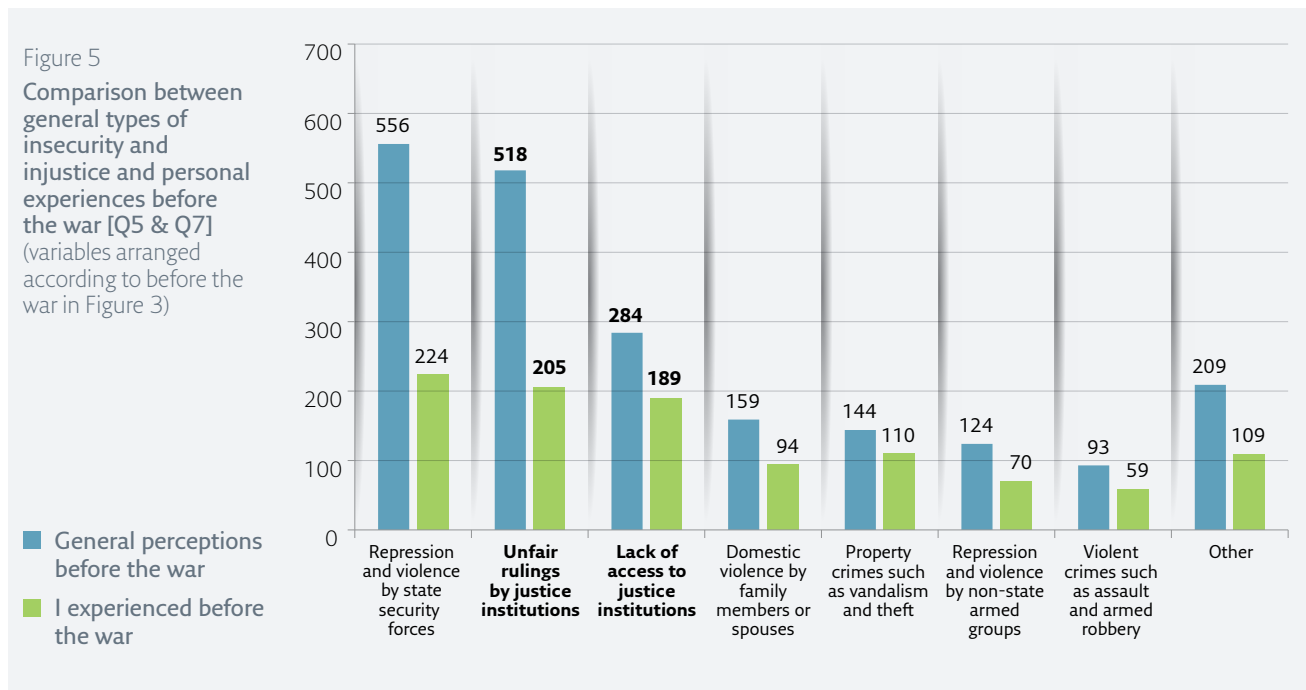
More men than women responded that they had experienced the two deficits linked to the justice system, especially before the war (see Table 2). 35% of all men, for example, experienced *Unfair rulings by justice institutions*, compared to 17% of all women. This could mean that, before the war, men went more often to court than women, either addressing the court themselves or as representatives of their family members, especially women and girls.

During the war, the increase in 'I experienced' answers was more substantial for women than for men. It appears that, suddenly, more women were in direct contact with, or affected by, Syrian justice institutions. One reason could be that fewer men were available during the war to undertake court decisions on behalf of their families; for example, because they were imprisoned, in the army, or had fled Syria. The increase in personal experiences for both men and women during the war could also be explained by more court rulings linked to repression and persecution of political activism. It is also possible that participants had to deal with a generally increased level of lawlessness and the associated rise in property crimes and physical violence.

Table 2: Before or during the war, did you or a person close to you experience any type of insecurity and injustice? [Q7 & Q8]

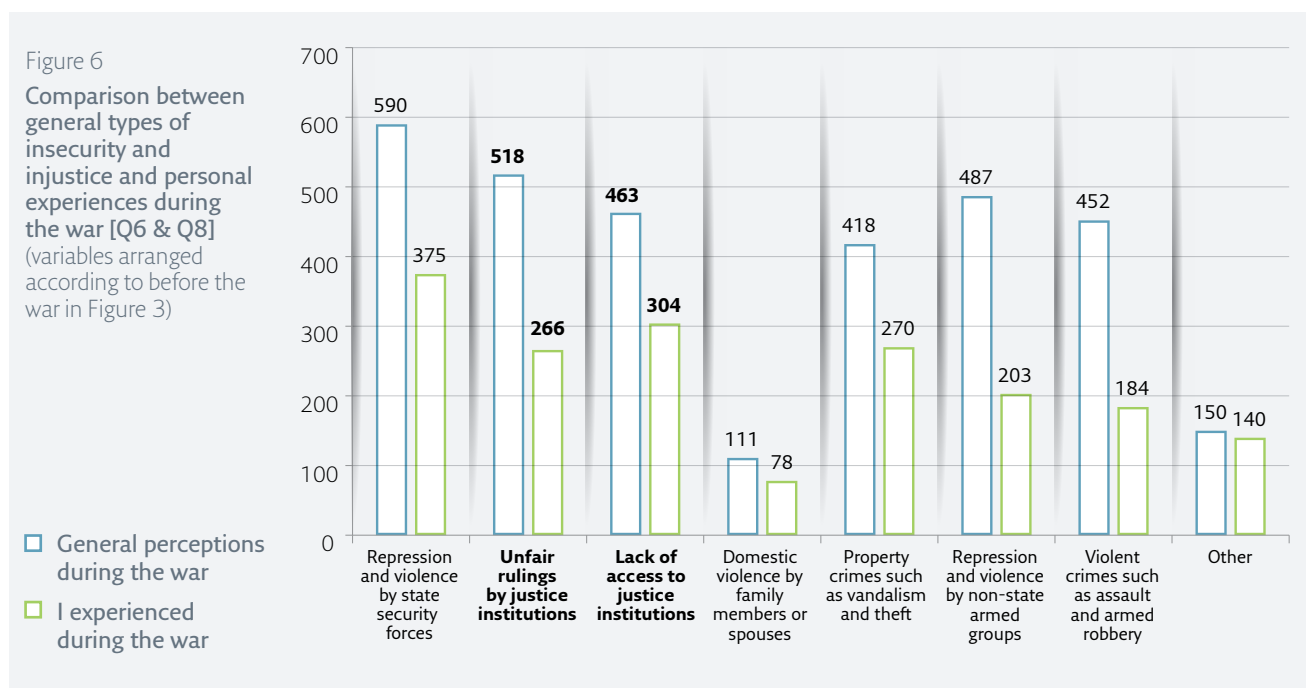
Value: I experienced

		Before the war	During the war	Increase
Lack of access to justice institutions	Men	33%	51%	+54%
	Women	15%	35%	+133%
Unfair rulings by justice institutions	Men	35%	45%	+28%
	Women	17%	25%	+47%



Comparing general levels with personal experience

The comparison of general perceptions of unfair rulings by and lack of access to justice institutions (Questions 5 and 6) with personal experiences of survey participants yields noteworthy results. Perceived levels of *Unfair rulings by justice institutions* before the war (see Figure 5) greatly exceed levels of personal experiences. It appears that many survey participants feared *Unfair rulings by justice institutions*, but did not experience them personally. This fear was seemingly based on factors such as hearsay or experiences of family members or friends rather than direct experience. The perceived *Lack of access to justice institutions*, by contrast, corresponds more strongly with respondents’ personal experiences.



During the war, the two variables reflect different trends (see Figure 6). First, 49% of all respondents experienced *Lack of access to justice institutions* themselves, making it the second most experienced form of insecurity and injustice. However, among perceptions of the most common and serious types of insecurity, *Lack of access to justice institutions* was less of a threat than three other variables. Apparently, survey participants were less afraid, in relative terms, of lacking access to justice institutions, although many actually experienced this themselves. Second, results for *Unfair rulings by justice institutions* demonstrated an opposite trend. Although it was the second most common and serious perceived type of insecurity and injustice during the war, survey participants had fewer personal experiences thereof.

To sum up, the two justice-related variables were among the most common and serious types of insecurity and injustice both before and during the war. Although the war caused a general increase of violence in Syria, it did not result in a relativisation of justice system-related grievances. Most survey participants cited unfair rulings by, and lack of access to, justice institutions as major reasons for their hardship during the war. Accordingly, the judiciary should be high on any reform agenda.

How the Syrian justice system treated citizens before the war

Two questions focus on how the Syrian justice system treated citizens in terms of human rights and equality before the war. The first concerns human rights and the protective duty of the judiciary. Only 9% of survey participants agreed with the statement that the Syrian justice system was able to defend citizens from human rights abuses before the war (Figure 7). 72%, however, fully disagreed with it. Results demonstrate a fundamental lack of trust in the judiciary as well as in its institutions. They reflect a Syrian justice system that was either unable or unwilling to defend citizens from human rights abuses.

By further analysing the sample group, the divergence of results becomes evident along the distributions of participants' age, sex, and areas of residence (see Table 3). Full disagreement with the statement tends to be found among men; participants born before 1980 (older than 40 in 2020); and those originating from the Governorate of Aleppo. Longer life experience, perhaps, increased the possibility of being exposed to or knowing someone who was exposed to a situation in which the Syrian justice system failed to defend citizens from human rights abuses.

Figure 7

Before the war in Syria, the Syrian justice system was able to defend citizens from human rights abuses. [Q25]

- Fully agree
- Somewhat agree
- Somewhat disagree
- Fully disagree
- I don't know
- No answer

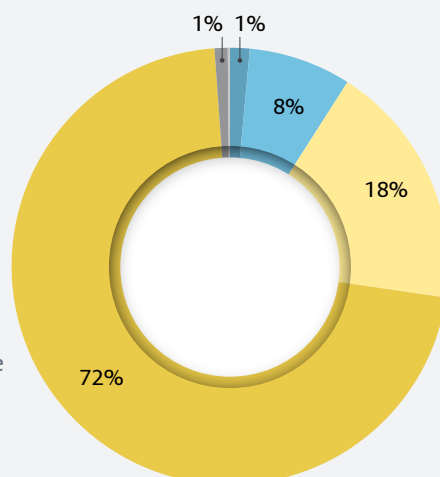
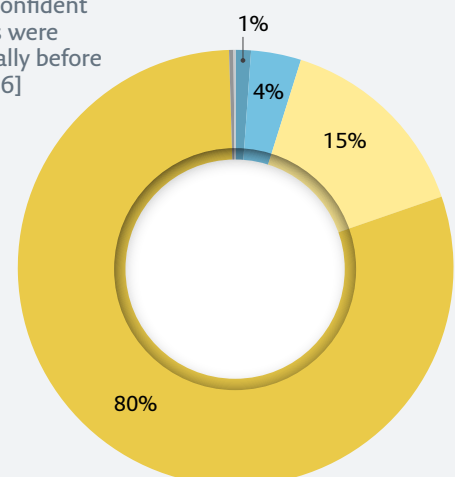


Figure 8

Before the war in Syria, I am confident that citizens were treated equally before the law. [Q26]



The second statement dealt with inequalities: 'I am confident that citizens were treated equally before the law' (Figure 8). The rejection rate for this statement is even higher than for the previous one: 95% of all survey participants disagreed (80% fully disagreed and 15% somewhat disagreed). This means that survey participants perceived the justice system before the war as discriminatory, with their own rights as citizens circumscribed. In a society where the sense of lacking equal rights before the law is so deeply rooted, it is very difficult to achieve and sustain long-term peace and stability.

Table 3: Before the war in Syria, the Syrian justice system was able to defend citizens from human rights abuses. [Q25]

	Fully disagree	Somewhat disagree	Somewhat agree	Fully agree
Sex				
Men	73%	17%	7%	2%
Women	59%	27%	12%	0%
Age				
Born before 1980	78%	14%	8%	0%
1980-1985	75%	17%	5%	2%
1986-1990	72%	19%	7%	2%
1991-1994	77%	14%	7%	1%
1995-1997	61%	24%	13%	1%
Born after 1997	61%	29%	6%	3%
Area of residence				
Governorate of Damascus	66%	22%	9%	2%
Governorate of Aleppo	77%	14%	5%	0%
Other governorates	73%	17%	8%	2%

Recommendations

Current political developments in Syria, and the likelihood that the regime will win the war militarily, limit the prospects for comprehensively reforming the Syrian security sector so as to turn it from an oppressive regime-protecting sector into one that provides security in accordance with the needs of Syrian citizens. However, it is important for international actors working in and on Syria to keep in mind how Syrians envisage an ideal security sector for post-war Syria, and what kind of experiences they had with justice institutions both before and during the war. Without taking these into consideration, any future approach for peacebuilding and establishing stability in Syria will be doomed to fail in the long run. This, therefore, prompts several recommendations for further academic research as well as policy analysis and development:

- » Carefully assess the Syrian justice system to obtain further details regarding deficits and malfunctions (e.g., unfair rulings and lack of access to justice institutions), with a special focus on human rights violations and discrimination. Put specific emphasis on linkages between the justice and security sectors to identify where the justice sector protected or allowed for maltreatment by Syrian security forces.
 - » Conduct surveys and focus group discussions with victims and beneficiaries from all governorates regarding their experiences with justice in general and the Syrian justice system in specific. Understand the needs of Syrian girls, boys, men, and women. Involve civil society organisations as well as citizens in research and consultations. Publish the results.
 - » Review legislation governing the justice sector based on international standards to identify any gaps and deficits, with a particular focus on all forms of discrimination. Publish and use the results of the review to support legislative processes based on international best practices. Special attention should be given to the protection of human rights and the fair treatment of all Syrians before the law.
 - » Foster gender equality and women's rights through the justice system. Women and girls in particular are often victims of discriminatory laws, policies, and practices. To increase women's rights and their empowerment, justice sector reform must respond equally to the needs of all; girls, women, men, and boys. Call for reform programmes that include, for example, legislative reform; training of judges on women's rights; equal opportunities for women in the judiciary; awareness-raising on legal issues and rights; and specific support for women victims of crime. If there is no fundamental change of the Syrian justice system, based on the will to eliminate all kinds of discrimination, a simple increase of women personnel will not be sufficient.
 - » Call for justice sector reform processes that aim to provide justice for all Syrians, based on the principles of accountability and the rule of law, regardless of their sex, origin, religion, age, ethnicity, political orientation, language, etc.
 - » Support programmes that raise awareness about the functioning of the justice system and its institutions in parallel to supporting deep-rooted reform efforts regarding the justice sector. Participants indicated they had limited knowledge of the Ministry of Justice, lawyers, and judges. They also lacked knowledge of legal processes; for example, how to sue an individual or organisation.
 - » Support Syrians in setting up transitional justice mechanisms, once a political window of opportunity opens, in order to deal with systematic and grave human rights abuses before and during the war. Transitional justice could be one approach to help come to terms with the past; to forgive and reconcile; to receive compensation; and to pave the way for peaceful and respectful inter-communal relations in future.
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