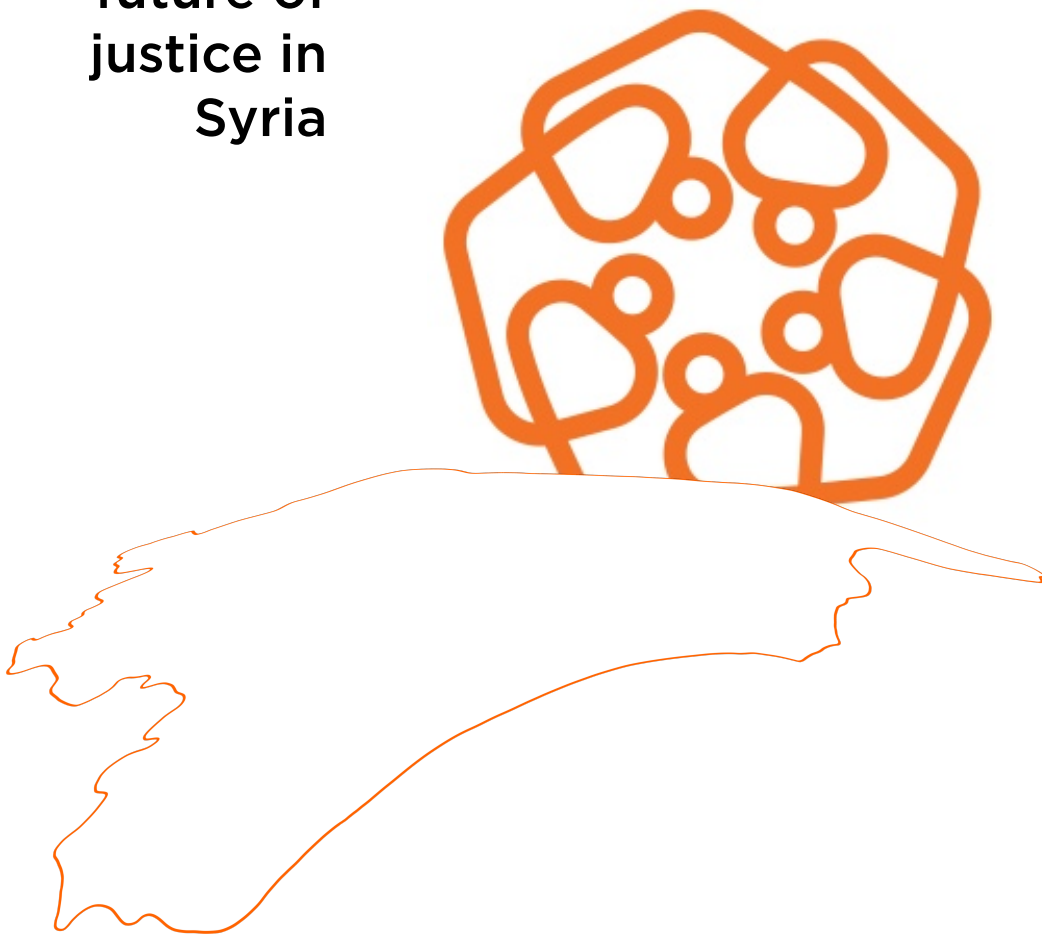


COVID-19 and the future of justice in Syria



مبادرة الابتكار من أجل العدالة في سوريا
Syria Justice Innovation Process

Introduction

It may not be obvious at first sight, but like the health sector, the [justice sector is on the frontline of the response to the Covid-19 pandemic](#). Around the world, justice systems are responsible for designing lockdowns and restrictive measures. Justice systems set the legal-framework for surveillance measures that track and trace infections. Humanitarian disasters are looming in congested prisons – an ideal breeding ground for the virus. We hear of increased violence against women and children, who are isolated in their homes, and of difficulties in guaranteeing the right to education under lockdowns. Massive recovery programs will only be effective if they are protected from corruption and regulated by the rule of law. These are all justice issues.

The [Syria Justice Innovation Process](#) (SJIP) gathers knowledge on everyday justice needs facing the people of Syria and brings together people who are committed to addressing them. SJIP aims to produce practical, innovative tools, partnerships, and networked actors to help address these needs. The process is led by a Stakeholder Team of Syrians of different perspectives, backgrounds, areas of expertise, ages and genders. During technical dialogues in 2018-2019 (funded by the Ministry for Foreign Affairs of the Netherlands as well as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)), this group assessed everyday justice needs of Syrians and developed a set of six Justice Innovation Goals. These goals convey a selection of needs around which the Stakeholder Team sees potential for innovation. They also comprise an outline of an evidence and needs-based innovation agenda to contribute to and invest in. They are not a proclamation of the most important justice goals for Syria as a country.



Syria Justice Innovation Goals

SJIP currently runs Justice Innovation Labs (funded by the EU) for two of the six goals. They develop scalable, user friendly-solutions to the most pressing justice problems. In addition and with funding from Porticus we interviewed and convened 17 Syrian justice leaders in May and June 2020 to give “Covid relevance” to the work of SJIP. They discussed the impact of Covid-19 on the pursuit of the six goals, as well as possible responses. This paper summarizes the results of this dialogue. It is grounded in the perspectives and concerns of this group on the current and future impact of Covid-19. It does not reflect quantitative data, research, or projections.

The six Justice Innovation Goals

- Reducing violence and discrimination against women
- Syrians have safe and effective access to personal documents
- Syrians have access to services which are guaranteed by laws and regulations
- Children have access to protection, education and health services guaranteed by international law
- Syrians have access to their full rights to housing, land and property
- Syrians and others are safe and protected from murder, arbitrary detention, arrest and other forms of threats and violations that endanger their lives and freedoms by all authorities, parties and groups as guaranteed by Syrian and international law

The COVID futures framework

In order to explore the relationships between Covid-19 and everyday legal problems in Syria, SJIP developed a “Covid futures framework” exploring two layers of impacts:

- 1) direct, short term (3-12 months) and
- 2) indirect long-term (3+ years).



Direct, short-term impacts

The impacts of COVID-19 on the problems addressed by the justice innovation goals.

By direct impacts, we mean not only impacts of the illness itself but also of the immediate precautionary measures and restrictions in light of the public health emergency.



Indirect long-term impacts

The impacts of the consequences of COVID-19 on the problems addressed by the goals.

Drawing on interviews, we identified four key consequences of COVID-19 that have an impact. Looking at the longer term these consequences pose grave challenges, but also possible opportunities for the pursuit of justice in Syria.

A separate Annex provides full details of these two layers of impact on each of the six justice goals as mapped by the participants.

The first layer of impact: direct, short-term

In some cases, the precautionary measures in response to Covid-19 exacerbate the justice problem itself. This is particularly the case in relation to violence against women and children. Precautionary measures lead to the family being more present in the home. The fear of the unknown (possible unemployment or illness) increases stress levels. These factors have demonstrably increased domestic violence. When such violence happens during confinement, communication and access to help is also more difficult.

Across all the legal problems addressed, participants were concerned about reduced access to justice and other services in the short-term. Precautionary measures hinder mobility as public transport is unavailable and some services are closed or only open for limited hours. This makes it more difficult if not impossible for people seeking help for example with personal documentation, public services, or to get tested or treated for Covid-19. These difficulties disproportionately affect people in rural and isolated areas. Some areas also have no internet access and therefore no access to online education, and in areas without water supply infrastructure that rely on water tanks to be refilled regularly, lockdown prevents people from access to water. The threat of armed actors further restricts movement including the access to healthcare.

A concern was raised that precautionary measures increase corruption and exacerbate inequalities. Enforcement is often inconsistent such that only those who can afford to pay manage to access services including testing for Covid-19.



Quarantine locations were not fairly allocated for those who were approved to return to Syria, and quarantine duration was based on favoritism and discrimination. Covid-19 can be used as an excuse by local authorities to stop delivering services to the people or to discriminate against internally displaced persons (IDPs) by denying them access. It was noted that IDPs and those who lack personal documents suffer the most.

Another concern was pertaining to low transparency regarding political detainees and no access to information. Families are concerned about the health services delivered in such facilities and delays to proceeding and hearing testaments from detaining due to the unpreparedness of the judicial system. Another distress is whether legal deadlines for hearings will be extended.

The link between Covid and justice in Syria is also about the impact of the prevalence of justice needs on the spread of the disease itself. This is particularly stark in relation to the prison population, where detention centers are not adapted for Covid-19. A lack of housing leads to overcrowded shelters, camps and displacement areas and puts people more at risk of spread of the disease. Overcrowding of service centers or courts due to limited opening hours poses a similar risk.

Finally, a few positive short-term impacts were identified. In particular participants voiced that rates of arrests and military operations as well as the rates of arrests had been reduced during lockdown. There was also an increase in issuing amnesty and release orders of political detainees. Lately the Supreme Judicial Council was allowed to extend the duration of appeals and litigation.

The second layer of impact: indirect, long-term

The implications and ripple effects of Covid-19 extend far beyond the immediate impacts being felt now. The second layer of impact looks at the impacts of the consequences of the pandemic. We focused on four Covid-affected trends (identified through interviews with participants) to map their impact on the justice needs and the pursuit of the justice goals. Two of these consequences are primarily threats and the other two are primarily opportunities.



Threats

- Economic recession, inequality, and unemployment.
- Heightened control, censorship, and discrimination.



Opportunities

- Increased digitization, technological awareness and
- Enhanced responsibility, communication, social awareness and women's empowerment.

1. Key impacts of economic recession, inequality, and unemployment

The participants recognized that a scenario of protracted economic recession that leads to unemployment, bankruptcies, increase of criminality rate and violations resulting from arbitrary detention and inequality would greatly exacerbate the justice needs in Syria, in particular access to services, housing, and children's access to education. It would also increase the level of corruption whereby detainees would pay bribes for their release. It would also likely lead to increased violence, both domestic and societal, as well as increased child labour. Rural areas and women would be particularly disadvantaged. Furthermore, the participants were aware that Covid-impacted recession at the international level may lead to reduction of donor funds as donor countries reprioritize towards their own internal challenges, in turn increasing economic problems in Syria.

“Empowering women economically is key to end violence and which reduce many legal problems.”
- Participant

2. Key impacts of sustained heightened control, censorship, and discrimination

The precautionary measures during Covid-19 have the potential to lead to a longer period of sustained heightened control. The participants expect that the impacts of such a scenario would include heightened corruption and waste of resources, distrust of the law, delayed implementation of court decisions, and slow access to personal and property documentation. They also expect an increase in committing violations due to the expanded authority that is given to the law enforcement bodies as part of reinforcing lockdown procedures. It is also foreseen there would be discrimination in applying the law. Vulnerable groups including women, children, IDPs and detainees would suffer the most.

3. Key impacts of increased digitization, technological awareness, and infrastructure

Many Syrians still have limited access to communication technologies, and there is a generational divide in digital awareness, especially in rural areas. However, Covid-19 has raised awareness of the opportunities of enhanced digitization. Considering the longer-term impact of this trend, participants voiced that new digital platforms play an important role in providing information around rights, violations, and procedures. Digital technologies can enable people to obtain civil registration documents electronically, create more transparency in land pricing, allow for automation of public services and create safe online spaces for dialogue. The participants highlighted that technological awareness could put pressure on the government to abide by laws when carrying out investigations to avoid any national or international exposure. They noted that this aspect is a leverage point for positive change and in need of further investment in infrastructure and platforms. However, the participants emphasized the fact that there would be a high risk of occurrence of digital crimes.

4. Key impacts of enhanced responsibility, connection, social awareness, and women's empowerment

The participants expressed that one of the possible consequences of Covid-19 is an increase in awareness, connection, and responsibility. This is partly due to the increased access to knowledge via digital platforms as mentioned above, but also as a result of needing to adapt quickly to Covid conditions. This awareness could potentially bring with it more social cohesion, community resilience, and more inclusion of vulnerable populations in access to quality services, including for example, children with special needs.

Contextual factors

The severity of the above mentioned short- and long-term impacts of Covid on justice in Syria depends on a number of contextual factors that can alleviate or exacerbate the situation. The future landscape can be determined largely by how these play out over the coming months and years. These factors are presented in the following diagram.



“ COVID19 is part of our new life, it taught us how to remain resilient and we should remain resilient. People should be like a lifeline for each other. ”
- Participant

Possible responses

Based on the mapping of the Covid futures framework, the participants brainstormed possible strategic responses considering the threats and opportunities. In particular, they emphasized:

- Building on the enhanced technological awareness and capability that has resulted from Covid19, to accelerate digitization and automation of procedures such as real estate registries, personal documentation, civil registries, and e-signatures as well as continuing prosecutions through the internet. This requires safe platforms with appropriate privacy and security.
- Building on the enhanced technological awareness and capability, to integrate information technically in the curricula of schools and vocational training centres.
- Building on the enhanced technological awareness and capability, to raise awareness among Syrians on their legal rights.
- Building on the enhanced attention to access to justice in order to facilitate access to legal and justice-related services through one-stop shops and decentralization.
- Building on the enhanced attention to violence against women to establish e-response programmes including hotlines, and empower women economically.
- Building on the enhanced responsibility, communication and social awareness to reinforce social security funds.
- Engaging stakeholders and users in the development of solutions to all six justice goals.

The road ahead

SJIP will continue to bring Syrian stakeholders together to collaborate towards a people-centered approach to justice and to identify practical solutions to everyday justice needs. The rich knowledge gathered through the SJIP Covid futures process will inform the two ongoing innovation labs, the work of SJIP overall, as well as the work of each of the participants individually or together within their own spheres of influence. In addition, SJIP is uniquely positioned to consolidate the experience and knowledge of Syrian stakeholders and to make this available to a broader, supportive international audience. Our intention with this paper is to provide these insights on Covid-impacted justice in Syria to help inform broader efforts to alleviate the detrimental effects of the pandemic.

“Behind every crisis there is a hidden opportunity.”
- participant



This process was collaboratively designed, facilitated, and documented by Hiil and Reos Partners

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