

This paper is an output of a dialogue session held by Syrians for Truth and Justice as part of its project "Bridging the Gap between Syrians and the Constitutional Committee", supported by the National Endowment for Democracy.

The project aims to build the capacity of a diverse group of Syrians in northern Syria, on several topics; social justice, transitional justice, diversity and inclusion of minorities, gender and the constitution, and political participation. A sixth topic will be chosen by the participants themselves.

The mentioned project seeks to enhance communication between representatives of local communities in Syria and members of the Syrian Constitutional Committee, in order to ensure inclusiveness and guarantee that broader views of Syrians are represented in the constitutional process.

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Achieving social justice in Syria is a bridge towards sustainable peace, and a means to promote equal rights and opportunities for all Syrians

1. Background:

This paper addresses one of the most important social systems in many countries. A system that aims to achieve equality between members of society, preserve their access to equal opportunities, and ensure a fair distribution of wealth and other privileges (such as educational opportunities, health care, etc.).

In this paper, Syrians for Truth and Justice (STJ) aims to highlight the importance of including social justice in the new Syrian constitution,¹ the need to take legal and judicial measures in implementing the constitutional articles that achieve social welfare, and the reforming of relevant executive, legislative and judicial institutions.

The absence of social justice in Syria for decades contributed to the outbreak of protests in 2011. In order to prevent the recurrence of the violations that occurred during the armed conflict, it is necessary to address the social, economic and cultural problems of the Syrians, in accordance with the international covenants, human rights laws, and relevant international laws.

Achieving social justice in Syria constitutes one of the bridges towards sustainable peace in the country because of the historical roots of discrimination and inequality in opportunities, resources, and participation in public life, and the absence of the principle of separation of powers, which allowed the security services to interfere and control the work of public administrative institutions and limited the enforcement of laws and administrative decisions.

The long years of destruction during the Syrian conflict led to an acute shortage of resources. Therefore, achieving social justice will be one of the most difficult tasks facing those in charge of the transitional phase and beyond.

This paper is based on a four-session workshop organized by STJ. The workshop addressed general concepts of social justice and discussed issues related to education, health, and housing. Moreover, during the sessions, the inclusion of social justice in the Syrian constitution was discussed along with the best methods to preserve it. These topics were presented as models that can be used when dealing with other issues of social justice. Further, the need to include social justice in the agenda of the Syrian Constitutional Committee (SCC) was addressed.

¹ The Formation and Responsibilities of the Syrian Constitutional Committee. Syrians for Truth and Justice. 11 May 2021. Accessed on 20 December 2022.

<https://stj-sy.org/en/the-formation-and-responsibilities-of-the-syrian-constitutional-committee/>

2. Introduction:

Social justice is a basic human requirement in any modern state. This term refers to the human rights that are presented in the daily life of people. It refers to **justice and equality in terms of the distribution of wealth, opportunities, health care, education, etc.** In other words, this term refers to **the rights and means that enable citizens to live freely and enjoy equality.**

Social justice is a **political term** that considers the alleviation of poverty and the reduction of inequality a matter of justice rather than charity.

The concept of social justice raises a set of appeals and ideas that require achieving equality, providing the right to decent and equal opportunities, addressing economic injustice resulting from unregulated market forces, and recommending state actions to eliminate this injustice.²

Although different constitutions stipulate the importance of living under the principle of social justice, they often do not clarify the state's responsibilities in this regard. Despite its practical importance as a political principle in various schools of thought, social justice remains merely a guiding tool for legislators when defining general policies of a state, and the latter is not obligated to enforce it.

To achieve the principle of social justice, constitutions shall establish a range of rights for individuals to preserve their human dignity as a matter of immediate obligation. These rights are called "social and economic rights". Therefore, social justice is the most important among the principles that govern the relationship between a state and individuals.

3. The Notion of Social Justice:

Social justice is an old notion. Ancient philosophers were mostly interested in the relationship between peoples and their rulers. Philosophical thought could be classified into two groups, an aristocratic thought that believed in social strata and emphasized on its importance, and a liberal thought that denied social stratification and called for its elimination.³

Nevertheless, there is no comprehensive definition of social justice. Contemporary understanding of this notion is based on political philosophy. Moreover, various disciplines (including sociology, social psychology, law, jurisprudence, and anthropogeography) contribute to the formulation and reinforcement of the theoretical foundations of the concept and to the identification of its basic components.

Social justice is a broad and complex notion with multiple aspects and dimensions. It is a philosophical thought, a religious concept, a social value, and an ethical principle. It overlaps with the concepts of equality, equal opportunity, discrimination, marginalization, economic

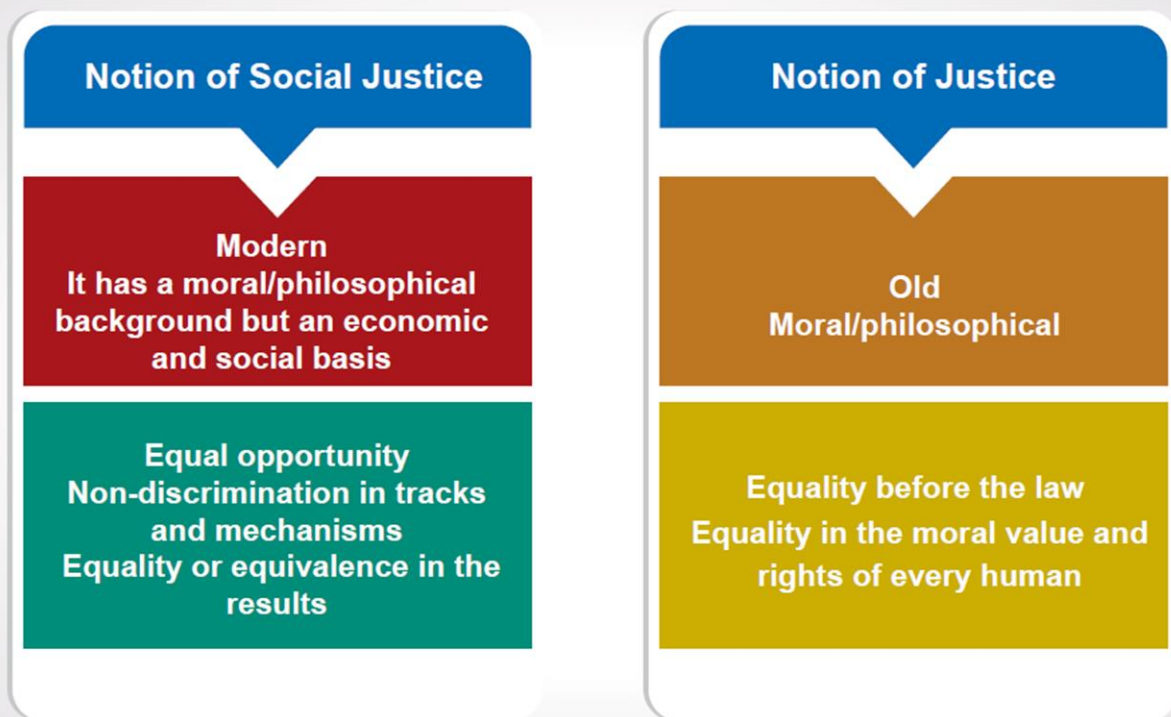
² Abdulrahman Hadidi. A Reading in the Notion of Social Justice: Theoretical Foundation. Democratic Arab Center, 11 April 2019. Accessed on 13 December 2022. <https://democraticac.de/?p=59997>

³ Egyptian constitutional legislation in the light of the standards of social justice in education "Analytical Study". Journal of the Faculty of Education. Al-Azhar University. Issue 170, part Four. October 2016. p. 10.

justice, legal justice, poverty, and freedom. Furthermore, there is a strong relation between social justice and socio-economic systems.⁴

Several philosophers and researchers have paid attention to the concept of social justice, but the definition formulated by the American thinker and philosopher John Rawls in his book *A Theory of Justice* laid the foundation for the notion as we know it today; **"Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all"**. *A Theory of Justice* holds that every individual has an equal right to basic liberties, and that they should have the right to opportunities and an equal chance as other individuals of similar ability.

According to Rawls and other theorists, claims of social justice fall under one of the following criteria: (a) inherent equality; (b) valuation of services in terms of supply and demand; (c) need; (d) inherited rights; (e) merit; (f) contribution to common good; (g) actual productive contribution; and (h) efforts and sacrifices.⁵



From the Notion of Justice to the Notion of Social Justice. Source (in Arabic): UN ESCWA⁶

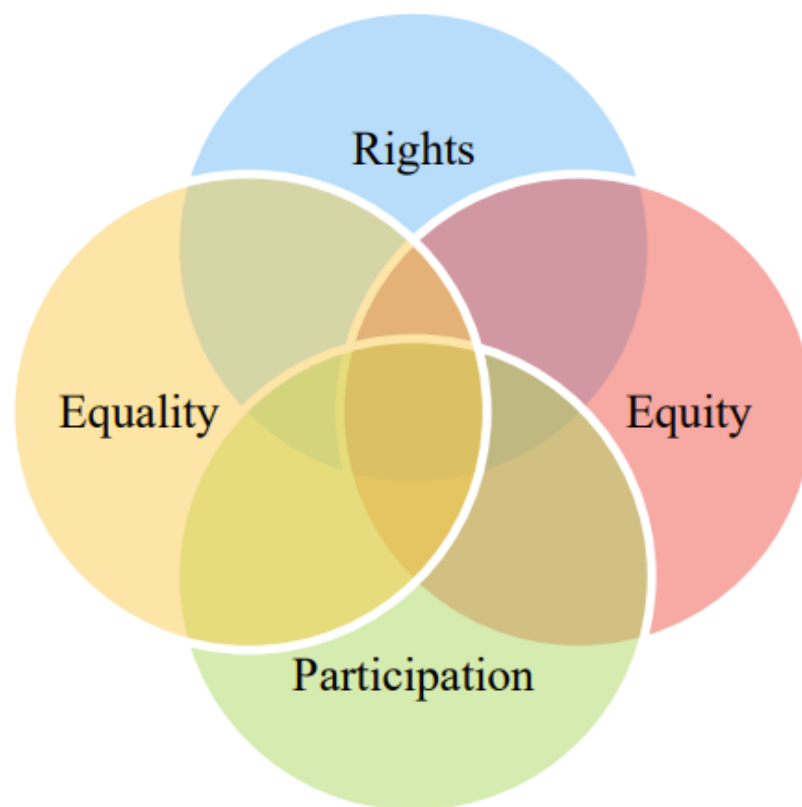
⁴ Ibrahim al-Issawi. *Social Justice and Models of Development, with special interest in Egypt and its revolution*. The Arab Center for Research and Policy Studies. April 2014. pp. 135-139.

⁵ Social justice: Concepts, principles, tools and challenges. UN ESCWA. January 2013. Accessed on 13 December 2022. <https://www.unescwa.org/publications/social-justice-concepts-principles-tools-and-challenges>

⁶ Toolkit for mainstreaming social justice principles in development policies. UN ESCWA. December 2020. Accessed on 13 December 2022. <https://www.unescwa.org/publications/toolkit-mainstreaming-social-justice-principles-development-policies>

Social justice could be defined in a society free of injustice, exploitation, oppression, deprivation of wealth and/or power, poverty, marginalization, and social exclusion. A society free of social differences between individuals, groups, and regions, and where everyone enjoys equal economic, social, political, and environmental rights and equal liberties. A society where equity, solidarity, and social participation prevails, and where people have equal opportunities to develop their capabilities and talents, unleash their power, and use it for the benefit of an individual in a manner that guarantees their upward social mobility on the one hand, and for the benefit of society on the other hand. A society free of economic exploitation or dependence on other societies.⁷

Finally, social justice cannot be separated from human rights. Social justice is a basic human entitlement that stems from the right to enjoy a set of economic, social and political rights and political and civil freedoms, as stipulated in the Universal Declaration of Human Rights and a subsequent set of international covenants, such as the International Covenant on Economic, Social and Cultural Rights and conventions on the rights of women and minorities.⁸



The four pillars of social justice. Source: UN ESCWA⁹

⁷ Ibrahim al-Issawi. Social Justice and Models of Development, with special interest in Egypt and its revolution. The Arab Center for Research and Policy Studies. April 2014. p. 95.

⁸ Ibid. p.106.

⁹ Policy Brief: From the Ideal of Social Justice to the Concept of Inequality. January 2018. UN ESCWA. Accessed on 13 December 2022. <https://www.unescwa.org/publications/policy-brief-ideal-social-justice-concept-inequality>

4. The Main Obstacles to Social Justice:

The need to demand social justice in society is a result of the absence of several principles. Therefore, achieving each aspect of social justice will be a challenge. The main obstacles to social justice are:¹⁰

- The absence of freedom and democracy, and the spread of injustice, corruption, and nepotism.
- Inequalities in the distribution of income among individuals at the local or national level (according to race, gender, etc.).
- Inequalities in the distribution of assets (such as lands and buildings).
- Inequalities in the distribution of opportunities for work and remunerated employment.
- Inequalities in the distribution of access to knowledge and educational services (such as the internet and books).
- Inequalities in the distribution of health services, social security, and the provision of a safe environment.

5. Social Justice and the Constitution:

The idea of social justice has evolved from a natural philosophical/religious idea into a constitutional goal which serves as an administrative agenda that requires the state to intervene positively and based on a constitutional principle protected by the judiciary.

According to the notion of social justice, the forms of social injustice, exploitation, oppression, and deprivation must end by the constitution.

Social justice is **distributive justice** in which the executive authority is committed to achieving equality for all before the law and the judiciary, **tax justice** that the legislative authority is obligated to take into consideration when enacting any legislation, and **legal justice** represented in a set of social, economic, environmental and cultural human rights that oblige the state to enable individuals to exercise their rights (such as the right to education, work, adequate housing, health, environment and social care). Therefore, social justice is a principle of supreme constitutional value, under which the state becomes a social state.

From a constitutional perspective, addressing the rights related to social justice seems complicated due to the difficulty of setting its clear boundaries, and because these rights require positive intervention from the state and are related to the state's financial and economic conditions.

¹⁰ Social Justice in an Open World The Role of the United Nations. 20 August 2015. United Nations. pp. 17-19. Accessed on 13 December 2022.

<https://www.un.org/development/desa/socialperspectiveondevelopment/2015/08/20/social-justice-in-an-open-world-the-role-of-the-united-nations/>

6. Social Justice in the Syrian Constitution of 2012:

The term social justice is mentioned in the preamble to the Syrian constitution of 2012.¹¹ Moreover, the term is mentioned in several articles linked to the principle of social solidarity and the social, educational and cultural rights. In other articles, the meaning of the term was indicated without being mentioned literally.

The below table shows the most prominent articles where the concept of social justice is literally or implicitly mentioned in the Syrian constitution.¹²

Article	Text
Preamble	The completion of this Constitution is the culmination of the people's struggle on the road to freedom and democracy. It is a real embodiment of achievements, a response to shifts and changes, an evidence of organizing the march of the state towards the future, a regulator of the movement of its institutions and a source of legislation. All of this is attainable through a system of fundamental principles that enshrines independence, sovereignty and the rule of the people based on election, political and party pluralism and the protection of national unity, cultural diversity, public freedoms, human rights, social justice , equality, equal opportunities, citizenship and the rule of law, where the society and the citizen are the objective and purpose for which every national effort is dedicated. Preserving the dignity of the society and the citizen is an indicator of the civilization of the country and the prestige of the state.
Title 1, Chapter 2, Article 13 (2)	Economic policy of the state shall aim at meeting the basic needs of individuals and society through the achievement of economic growth and social justice in order to reach comprehensive, balanced and sustainable development.
Title 1, Chapter 2, Article 18 (2)	The tax system shall be based on a fair basis; and taxes shall be progressive in a way that achieves the principles of equality and social justice .
Title 1, Chapter 3, Article 19	Society in the Syrian Arab Republic shall be based on the basis of solidarity, symbiosis and respect for the principles of social justice , freedom, equality and maintenance of human dignity of every individual.
Title 1, Chapter 3, Article 23	The state shall provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life, and the state shall work on removing the restrictions that prevent their development and participation in building society.
Title 1, Chapter 3, Article 25	Education, health and social services shall be the basic pillars for building society, and the state shall work on achieving balanced development among all regions of the Syrian Arab Republic.

¹¹ The Constitution of the Syrian Arab Republic. Legislative Decree No. 94 of 2012. 27 February 2012. Accessed on 13 December 2022. <https://egov.sy/page/en/137/0/Constitution.html>

¹² The concept of social justice is mentioned in the articles related to education (Articles 28, 29, 30 and 31).

Title 2, Chapter 1, Article 33 (3,4)	3. Citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed; 4. The state shall guarantee the principle of equal opportunities among citizens.
Title 2, Chapter 1, Article 34	Every citizen shall have the right to participate in the political, economic, social and cultural life and the law shall regulate this.

The numerous articles that mention social justice in the 2012 constitution (and previous constitutions) emphasize the importance of this notion as a goal and a means that all strategies, policies, and decisions must comply with.

The state should have taken appropriate measures within its available resources to ensure the realization of social justice stipulated in the constitution. However, the concept remained in the theoretical framework, and was not applied on the ground. The absence of social justice was one of the main reasons for the outbreak of the uprising in Syria in March 2011.

7. Social Justice and the Rights to Housing, Health, and Education:

Achieving social justice in a society by governments/states includes the implementation of several rights which are either included in the definition of social justice or in the International Covenant on Economic, Social and Cultural Rights. Nevertheless, the four-session workshop, organized by STJ, focused on the rights to housing, education, and health. During the workshop, the current status of these rights and its contradiction with the constitution and the administrative decisions of the Syrian government were discussed.

7.1. The Right to Housing:

The right to adequate housing (as an element of the right to an adequate standard of living) is mentioned in the Universal Declaration of Human Rights of 1948,¹³ and in the International Covenant on Economic, Social and Cultural Rights of 1966.¹⁴ Other international human rights conventions also recognize the right to adequate housing or refer to it indirectly¹⁵ (such as

¹³ Article 25 (1) of the Universal Declaration of Human Rights “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

¹⁴ Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

¹⁵ Article 38 of the Arab Charter for Human Rights “Everyone shall have the right to an adequate standard of living for himself and his family, ensuring well-being and a decent life, including adequate food, clothing,

Syria, its lack of independence, and its failure to address problems lead to the exacerbation of existing problems and the onset of many others.²⁰

After 2011, the state issued several decrees and laws which are considered to be a violation of property and housing rights, and an infringement of the terms of confiscation of property in Syria,²¹ which led to demographic change in many regions in the country.

7.2.The Right to health care:

Before the conflict in Syria, access to health information and services improved on a regular basis. According to the World Health Organization (WHO), in 2012, the life expectancy of a Syrian citizen was 75.7 years, after it was 56 years in 1970. Moreover, health indicators collected by the Syrian International Coalition for Health in 2012 reported a significant decrease in the average number of deaths.²²

Despite the improvement in the health system, there are challenges that need to be addressed to reduce inequalities in access to health care. For example, the verification of declared data, the inequality of health services, the lack of transparency in the provision of services, the limitation of technology in rural areas, the lack of capacity, the weak coordination between the various service providers, the unequal distribution of human resources, the resignation of qualified employees, and the shortage of qualified nurses. Recently, there has been an uncontrolled and poorly organized expansion of private service providers, which led to an unfair distribution of health and medical services based on geographical regions.²³

In March 2011, after the outbreak of protests in Syria, the country witnessed a political, social, and economic crisis that developed into a civil war and an armed conflict, which led to a severe deterioration in living conditions and a great destruction of the health system.

The healthcare system, public health infrastructure, and sources of health information in Syria have been devastated by the ongoing war, particularly in areas controlled by opposition groups. Healthcare personnel and facilities, ambulances, and suppliers of medical equipment and pharmaceuticals (including NGOs such as Doctors Without Borders) have been deliberately and aggressively targeted on several fronts, mainly by the Syrian government and Russian forces. The latter, which controls air operations, is responsible for 88 percent of the

²⁰ The role of transitional justice in addressing property and housing problems in Syria. 5 March 2022. The Day After organization. Accessed on 13 December 2022. p.23 <https://tda-sy.org/wp-content/uploads/2022/03/%D8%AF%D9%88%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D8%AF%D8%A7%D9%84%D8%A9-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D9%82%D8%A7%D9%84%D9%8A%D8%A9-EN-WEB-3-1.pdf>

²¹ Syria: Qaboun and Harasta Zoning Decree No. 237 Hails New Series of Property Confiscations near Damascus. 1 November 2021. Syrians for Truth and Justice. Accessed on 13 December 2022. <https://stj-sy.org/en/syria-qaboun-and-harasta-zoning-decree-no-237-hails-new-series-of-property-confiscations-near-damascus/>

Syria: Laws Allow the Ministry of Finance to Seize Syrians' Property. 10 February 2022. Syrians for Truth and Justice. Accessed on 13 December 2022. <https://stj-sy.org/en/syria-laws-allow-the-ministry-of-finance-to-seize-syrians-property/>

²² Syrian American Medical Society- SAMS. Official page on Facebook (Arabic). 31 October 2012. Accessed on 19 December 2022. <https://www.facebook.com/SyrianAmericanMedicalSociety/posts/295742723860578/>

²³ Ibid.

recorded attacks on hospitals and 97 percent of the killings of medical personnel, with 139 recorded deaths of torture or execution.²⁴

The Syrian government and the de facto authorities in Syria used the health sector to suppress their opponents.²⁵ Therefore, in the post-conflict phase, there will be an urgent need to reform the health system. The latter should be assessed using a comprehensive approach that includes the health sector, socio-economic conditions, and national policies and strategies that have a significant impact on health. This requires the adoption and implementation of unambiguous legal provisions that address the problems of the health system in a way that guarantees equal health care for Syrians, taking into account the importance of positive discrimination for the elderly, children, and women (especially pregnant women).

7.3.The Right to Education:

Since the adoption of the Universal Declaration of Human Rights, the right to education has been promoted in several international and regional conventions.²⁶ Several international covenants consider education compulsory for all. Moreover, this right is guaranteed in the Syrian constitution (Articles 28, 29, 30 and 31) which stipulates that everyone has the right to access equal educational opportunity and binds education with social justice and other human rights including the rights of the child.

Although education in Syria is compulsory and free for the basic education stage,²⁷ the statistics of the Ministry of Education show that this rule is a dead letter, especially in the Syrian countryside. In general, the dropout rate from basic education decreased from 3.8% in 2005 to 3.6% in 2010. However, some governorates witnessed a higher rate of dropouts (6.6%

²⁴ Steven Phillips. Syria's Compounding Health Care Crisis. 29 July 2016. Accessed on 19 December 2022.

<https://www.washingtoninstitute.org/policy-analysis/syrias-compounding-health-care-crisis>

Health care a casualty of 6 years of war in the Syrian Arab Republic. 15 March 2017. World Health Organization. Accessed on 19 December 2022.

<https://www.who.int/news/item/15-03-2017-health-care-a-casualty-of-6-years-of-war-in-the-syrian-arab-republic>

Crisis in Syria: 11 years on, health needs still urgent. 16 March 2022. World Health Organization. Accessed on 19 December 2022.

<https://www.emro.who.int/media/news/crisis-in-syria-11-years-on-health-needs-still-urgent.html>

TARGETING HEALTH Attacks Against Medical Facilities in Syria. Syrian Archive. Accessed on 19 December 2022.

<https://medical.syrianarchive.org/>

²⁵ Patterns of civilian and child deaths due to war-related violence in Syria: a comparative analysis from the Violation Documentation Center dataset, 2011–16. 6 December 2017. The Lancet Global Health. Accessed on 19 December 2022. [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(17\)30469-2/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(17)30469-2/fulltext)

The pandemic hasn't hit Syria hard yet. When it does, it'll be a disaster. 11 August 2020. The Foundation for Defense of Democracies. Accessed on 19 December 2022.

<https://www.fdd.org/analysis/2020/08/11/pandemic-syria-itll-be-a-disaster/>

²⁶ Article 26 of the Universal Declaration of Human Rights "Everyone has the right to education".

²⁷ Syrian education a casualty of war. 7 January 2014. Al-Monitor. Accessed on 21 December 2022.

<https://www.al-monitor.com/originals/2014/01/education-syria-decline-war.html>

in rural Damascus). Moreover, the dropout rate from basic education increased sharply between 2010 and 2016 and reached its highest rate in 2013 (30%).²⁸

The educational process in the institutions of the Syrian government lacks equity. Education opportunities are restricted by a number of biased social factors, especially factors that support the children of some group of Syrians. For example, the Syrian Ministry of Education grants additional grades (around %25) to certain groups of high school (children of martyrs, children of the teaching staff, and those enrolled in partisan courses for the Baath Party). Accordingly, these students have the chance to apply to advanced universities taking the place of the students who really deserve it.

The financial capability of students controls the educational opportunities in all disciplines. Thus, the ability to enroll in a university is not based on the student's knowledge, desire, or need, which is an absolute absence of social justice in the Syrian educational system.²⁹

Moreover, the higher education sector is well known for its corruption and inequality. Many questions about the quality, governance, and the mission of universities are raised. Furthermore, political, and economic grievances among Syrian students prevailed.

Reforms are difficult to achieve due to the administrative and security structure in the country, which prevents the liberalization of the higher education system from the centralized governance. Moreover, due to the significant decrease in funding for higher education institutions and the absence of evaluation at the sectoral level, all attempts to reform the system are doomed to fail.³⁰ Furthermore, there is a long history of arrest, harassment, and targeting of university employees and students opposed to the government (Human rights violations against students and academics have been documented for decades).³¹ Moreover,

²⁸ Education in Syria between the modularity of analysis and the horizon of goals (التعليم في سورية بين نمطية التحليل) (وأفق الأهداف). Damascus Center for Research and Studies. 3 August 2018. p. 10. Accessed on 21 December 2022. https://spu.edu.sy/downloads/files/1535362354_Education%20in%20Syria%20during%20the%20war.pdf

²⁹ Distribution of education in Syria.. and the absence of justice (وتوزيع التعليم في سورية.. وغياب العدالة). Harmoon Center for Contemporary Studies. 17 December 2021. Accessed on 19 December 2022. <https://www.harmoon.org/opinions/%d8%aa%d9%88%d8%b2%d9%8a%d8%b9-%d8%a7%d9%84%d8%aa%d8%b9%d9%84%d9%8a%d9%85-%d9%81%d9%8a-%d8%b3%d9%88%d8%b1%d9%8a%d8%a9-%d9%88%d8%ba%d9%8a%d8%a7%d8%a8-%d8%a7%d9%84%d8%b9%d8%af%d8%a7%d9%84%d8%a9/>

³⁰ Manifestations of the Syrian security state in the higher education sector (تجليات الدولة الأمنية السورية في قطاع (التعليم العالي). Harmoon Center for Contemporary Studies. 14 February 2022. Accessed on 19 December 2022. <https://www.harmoon.org/researches/%d8%aa%d8%ac%d9%84%d9%8a%d8%a7%d8%aa-%d8%a7%d9%84%d8%af%d9%88%d9%84%d8%a9-%d8%a7%d9%84%d8%a3%d9%85%d9%86%d9%8a%d8%a9-%d8%a7%d9%84%d8%b3%d9%88%d8%b1%d9%8a%d8%a9-%d9%81%d9%8a-%d9%82%d8%b7%d8%a7%d8%b9/>

Higher education in the areas of the Syrian regime: reality and future (والتعليم العالي في مناطق النظام السوري: الواقع (والمستقبل). Harmoon Center for Contemporary Studies. 16 November 2021. Accessed on 19 December 2022. <https://www.harmoon.org/researches/%d8%a7%d9%84%d8%aa%d8%b9%d9%84%d9%8a%d9%85-%d8%a7%d9%84%d8%b9%d8%a7%d9%84%d9%8a-%d9%81%d9%8a-%d9%85%d9%86%d8%a7%d8%b7%d9%82-%d8%a7%d9%84%d9%86%d8%b8%d8%a7%d9%85-%d8%a7%d9%84%d8%b3%d9%88%d8%b1%d9%8a/>

³¹ Ali Aljasem. In the Shadow of the State: The Rise of Kata'ib Al-Baath at Aleppo University after 2011. Journal of Perpetrator Research. May 2021. Accessed on 19 December 2022. https://www.researchgate.net/publication/351485022_In_the_Shadow_of_the_State_The_Rise_of_Kata'ib_Al-Baath_at_Aleppo_University_after_2011

the investment of the government in higher education institutions is declining. As a result, there are barriers between the elite class of students, especially those coming from urban areas with access to money and communication networks, and marginalized students often coming from northeastern and rural areas of Syria.

After 2011, all higher education institutions in Syria suffered from various degrees of politicization, whether in the areas controlled by the government or elsewhere. This included the militarization of university campuses, the lack of security, and the escalation of human rights violations against teaching staff and students. There have been allegations of widespread corruption and loss of university governance structures in which the security services played a dominant role (which has intensified since 2011). In areas controlled by the government, these structures witnessed the appointment of security figures to senior administrative positions in the university.³²

8. The Effectiveness of Judicial Protection for the Principle of Social Justice:

The right to resort to an independent judiciary is an essential pillar of the legality of any political system, because guaranteeing the right to litigation is the only way for the judiciary to exercise its constitutional power and to protect rights and freedoms. This is the goal of the legal system, and without it the judiciary would remain a dysfunctional institution.

To ensure the legitimacy of any law or decree, it must be consistent with the principles of the constitution, which requires that courts have the power to interpret laws. To ensure that the supremacy of the constitution is respected, the constitutionality of laws should be controlled.

The supremacy of the constitution requires the existence of a political, judicial, or constitutional body that has the right to repeal or suspend the work of a legal provision that is inconsistent with the constitution. In Syria, this body is represented by the Supreme Constitutional Court.³³ However, the latter has not issued any decision since the moment of its establishment in 1973.³⁴ Moreover, although several legislations that contradict the constitution were issued, the court did not repeal any of them. For example, Decree No. 14 of 1969 that established the State Security Administration, grants immunity to security personnel if they commit crimes while carrying out their duties. This immunity is inconsistent with the principle of the Rule of Law and the right to litigation stipulated in the constitution.

³² Syrian Higher Education Post 2011; Immediate and Future Challenges. The Council for At-Risk Academics (CARA). 2019. pp. 31, 101.

³³ The Supreme Constitutional Court in Syria: A Formal Independent Tool in the Hands of the President. 15 August 2022. Syrians for Truth and Justice. Accessed on 19 December 2022. <https://stj-sy.org/en/the-supreme-constitutional-court-in-syria-a-formal-independent-tool-in-the-hands-of-the-president/>

³⁴ In 2019, the Court repealed some articles of the State Council Bill (Administrative Judiciary), which was a poor attempt by the Syrian government to silence voices that blame the Court for not repealing or amending any law since the date of its establishment (nearly fifty years).

9. Conclusion and Recommendations:

Social justice is based on contractual theories, where the social contract emphasizes the principles of equality and equal opportunities as a criterion for social and political citizenship. The constitutionalizing of the principle of social justice represents an extension and expected development of the international protection of economic, social, and cultural rights. Many constitutional courts adopt this principle in their decisions on the constitutionality of laws related to social protection. They consider social justice as a constitutional principle that embraces all social, economic, environmental, and cultural elements necessary for human life (regardless of the nature of economic systems).

Moreover, the constitutional judiciary is one of the most important mechanisms to preserve fundamental rights and freedoms from any possible violation that an authority may commit. The existence of a constitutional judiciary remains the most important international criterion for establishing a state of citizenship and securing basic rights that form the backbone of social justice, even though it is not sufficient on its own to achieve stability or to create a general sense of justice and equity. Based on the sessions held by STJ, the following recommendations are proposed:

1. To include in the new Syrian constitution, the supremacy of international treaties and conventions related to human rights and fundamental freedoms over the national laws, particularly when Syria is a state party. Moreover, to grant the right to the Syrian national courts to enforce the provisions of those conventions when they conflict with national law.
2. To establish a committee to review laws and decrees that might violate human rights and fundamental freedoms, and to repeal/modify them, and should these committees have worked under the supervision of a Human Rights Council composed of experts in international human rights and humanitarian law; With the necessity of the presence of civil society representatives within these committees.
3. To review the law of the Supreme Constitutional Court, its formation, and the election of its members. Furthermore, to effectively involve the judicial and legislative authorities in electing/appointing members of the court; in a way that guarantees the court's independence and total impartiality; taking into account the representation of at least 30% of either gender.
4. To lift the illegal immunity which protects state officials from prosecution for offenses they committed while carrying out their duties, hold them accountable for their actions, and hold accountable the police and security forces involved in cases of torture and killing of detainees, Furthermore, to restructuring the Security Authority.
5. The right to housing is one of the fundamental human rights of men and women, appropriate national frameworks for the implementation of this right should be strengthened, developing policies and practices to meet housing-related needs.
6. The constitutional rights of refugees and displaced persons to ensure a safe return, adequate housing, education, and quality health care for all citizens should be guaranteed.
7. Establish a Women's Council in Syria to review existing laws and introduce new laws guaranteeing the legal, political, social, and economic rights of women in Syria.

► About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.

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