

Overall Score:

29 - Very Weak

Legal Framework Score:

35 - Very Weak

Actual Implementation Score:

16 - Very Weak

Category I. Civil Society, Public Information and Media

I-1. ²⁵ Civil Society Organizations

1. Are anti-corruption/good governance CSOs legally protected?

67

1a. In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

YES | **NO**

Comments:

The Ministry of Social Affairs and Labor, according to the law, has the right to reject the organization's decisions and replace the board. It also imposes many restrictions on the activity of associations. The government has not made any changes to the law, despite promises from the Ministry of Social Affairs and Labor in 2008 and 2009 that it would.

A group of lawyers, activists, economists and former officials tried in 2007 to establish the Syrian Organization for Transparency (SOFT); the Ministry of Social Affairs and Labor rejected their application without giving any legal reason.

I think the constitution is above the emergency law, and the problem is in practice.

References:

The law of associations and private institutions No. 93, 1958 is still in effect until now.

The Syrian constitution(1973) provides for the right of assembly; however, the Emergency Law, which is still in effect from 1963, has provisions that superseded this right, and the government did not respect it in practice.

YES: A YES score is earned when freedom to assemble into groups promoting good governance or anti-corruption is protected by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

1b. In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

YES | NO

References:

But this funding should get the permission from the Ministry of Social Affairs and Labor, according to the Syrian law No. 93, 1958.

YES: A YES score is earned if anti-corruption/good governance CSOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within last ten years) are banned.

NO: A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for CSOs focused on anti-corruption or good governance.

1c. In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

YES | NO

References:

This sources of funding should be under the supervision of The Ministry of Social Affairs and Labor according to article 21 from the associations law No.224, 1969

YES: A YES score is earned if anti-corruption/good governance CSOs are required to publicly disclose their sources of funding.

NO: A NO score is earned if no such public disclosure requirement exists.

2. Are good governance/anti-corruption CSOs able to operate freely?

0

2a. In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.

Comments:

See also a report on the organization published by a leading Arabic newspaper Al-Hayat of May 2007. Also see a report on that done by United Nations Development Programme: Programme on Governance in the Arab Region, see the link: <http://www.pogar.org/countries/theme.aspx?t=13&cid=19> we are talking here only on anti-corruption/good governance CSOs, where non of them get registered.

References:

The government does not allow any of anti-corruption/good governance CSOs to exist.

The Ministry of Social Affairs and Labor refused in 2007 to give permission for the formation of the Syrian Organization for Transparency (SOFT), an organization established by a group of lawyers, activists, economists and former officials, like former minister of Justice Mouzhar Chourbajie. The Ministry of Social Affairs and Labor said in its response that the group would not serve the national interest.

Interview with a Civil Society activist, December 2009.

100: CSOs focused on promoting good governance or anti-corruption can freely organize with little to no interaction with the government, other than voluntary registration.

75:

50: CSOs focused on promoting good governance or anti-corruption must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSO. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Other than pro-government groups, CSOs focused on promoting good governance or anti-corruption are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

2b. In practice, anti-corruption/good governance CSOs actively engage in the political and policymaking process.

References:

The Syrian government runs anti-corruption drives directly, without the help of any specialized government body or non-governmental organizations.

See a report by United Nations Development Programme: Programme on Governance in the Arab Region, see the link: <http://www.pogar.org/countries/theme.aspx?t=13&cid=19> we are talking here only on anti-corruption/good governance CSOs, where non of them get registered.

100: Civil society organizations focused on anti-corruption or good governance are an essential component of the political process. CSOs provide widely valued insights and have political power. Those CSOs play a leading role in shaping public opinion on political matters.

75:

50: Anti-corruption/good governance CSOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25:

0: Anti-corruption/good governance CSOs are effectively prohibited from engaging in the political process. Those CSOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

2c. In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

YES | **NO**

References:

Ministry of Social Affairs and Labor refused in 2007 to give a permission to form the Syrian Organization for Transparency (SOFT).

Interview with a Civil Society activist on December 2009.

I agree there are no formal anti-corruption CSO's they can not be shut down.

YES: A YES score is earned if there were no CSOs shut down by the government or forced to cease operations because of their work on corruption-related issues during the study period. YES is a positive score.

NO: A NO score is earned if any CSO has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. The causal relationship between the cessation of operations and the CSO's work may not be explicit, however the burden of proof here is low. If it seems likely that the CSO was forced to cease operations due to its work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3. Are civil society activists safe when working on corruption issues?

100

3a. In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

YES | NO

Comments:

Interview with a civil society activist, December 2009.

See the statement by Alkarama organization in Geneva on the arrest of Ma'an Aqil:

http://en.alkarama.org/index.php?option=com_content&view=article&id=373:syria-arbitrary-detention-of-maan-aqil&catid=36:communiqu&Itemid=198

References:

There were no anti-corruption/good governance CSOs established in 2009.

But the government put many journalists in prison in 2009 for their work on corruption issues. The last one was Ma'an Aqil. The General Intelligence Directorate arrested Ma'an Aqil in his office at Al-Thawra newspaper in Damascus on Nov. 22, 2009.

Ma'an Aqil is a prominent journalist in Syria, known for his investigations into corruption within the government and in privately owned pharmaceutical companies.

YES: A YES score is earned if there were no CSO activists imprisoned because of their work covering corruption. YES is a positive score.

NO: A NO score is earned if any activist was jailed in relation to work covering corruption. The causal relationship between the official charges and the person's work may not be explicit, however the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

3b. In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

YES | NO

Comments:

Interview with a Civil Society activist, December 2009.

References:

There are no reports of anti-corruption or civil society activists working on corruption issues who have been physically harmed in 2009.

YES: A YES score is earned if there were no documented cases of CSO activists covering corruption being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who covers corruption. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

3c. In practice, in the past year, no civil society activists working on corruption issues have been killed.

YES | NO

References:

Interview with a Civil Society activist, December 2009.

YES: A YES score is earned if there were no documented cases of CSO activists being killed because of their work covering corruption in the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period where a person was killed related to a corruption trial, scandal or investigation. The relationship between a mysterious death and an individual's history may not be clear, however the burden of proof here is low. If it is reasonable that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

4. Can citizens organize into trade unions?

25

4a. In law, citizens have a right to organize into trade unions.

YES | **NO**

Comments:

For more on the trade unions in Syria, see the link:

<http://survey07.ituc-csi.org/getcountry.php?IDCountry=SYR&IDLang=EN>

References:

The law prohibits independent trade unions. All workers' organizations must be affiliated with the country's sole official trade union federation, the General Federation of Trade Unions (GFTU), which is strictly controlled by the ruling Baath party.

The GFTU controls most aspects of union activity and determines which sectors or areas of activity can have a union. It acts as an information channel between political decision-makers and workers, also passing back to the decision-makers information about workers' needs. It has the power to disband the executive committee of any union.

YES: A YES score is earned when trade unions are allowed by law, regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence.

NO: A NO score is earned when any single non-violent trade union is legally prohibited by the government from organizing.

4b. In practice, citizens are able to organize into trade unions.

100 | 75 | **50** | 25 | 0

Comments:

Hinnebusch about the revolution Youth Federation" and its role in Ba'thist social recruitment: Raymond Hinnebusch, "Political Recruitment and Socialization in Syria: the Case of the 'Revolutionary Youth Federation,'" International Journal of Middle East Studies, v. 11, 1980, pp. 143-174.

Raymond Hinnebusch, "State and Civil Society in Syria," Middle East Journal, v. 47, No. 2, spring 1993, pp.243-257.

References:

The Syrian regime worked toward establishing popular organizations for the purpose of regulating the active and politically-significant sectors in syndication institutions. These organizations are practically considered as a reserve for the regime because

their main objective is to tame the public protests by systematizing them in semi-official institutions in which the regime has the role of directing and determining their main aims and activities like (the Ba'th pioneers; the revolution youth union; the national union of the Syrian students; -the peasants' union; the general union of women, etc.).

Thus, the role of the popular organizations does not go beyond that of rendering services to their members: a role previously determined by the regime so that it does not go beyond the fixed frame. This means that the labor union commits itself to defend the workers as long as this is not contradicted with the already fixed limitations. It had no role, for example, in the negotiations about the wage increase, because the main task of the labor union is to defend the regime policies and not to carry out effective procedures for the benefits of its members which sometimes require executing a labor strikes for instance. Here the role of labor syndicate is not only to refrain from supporting its members but also to cooperate with the security organizations to suppress them.

This censorship role framing all life aspects was surely reflected on the life of civil society in Syria and the role of non-governmental organizations. The detailed map of civil society institutions shows that there is an immense lack on the quantity level with regard to the number of native and charitable associations as well as non-governmental organizations. This is due mainly to legal or rather security-political obstacles which stand in the way of forming civil associations and organizations with different objectives.

Workers dare not exercise the right to strike, given the heavy penalties foreseen and the memories of past repression. Especially after 1980 strike, when the Syrian Authority put all the unions leaders especially the lawyers, doctors and engineers syndicates, in prison and changed the law of the syndicates and unions.

100: Trade unions are common and are an important part of the political process and political discourse. Trade union organizers have widely understood rights. Trade unions are free from intimidation or violence.

75:

50: Trade unions exist, but are not always relevant to politics or policy debates. Barriers to organizing trade unions exist, such as intimidation at work, or retribution firings. Trade union organizers have some rights, but these may not be commonly known, or are difficult to defend.

25:

0: Trade unions are rare. Significant barriers to organization exist, including direct violence. Rights of union organizers are not widely known, or are ineffective in protecting organizers.

I-2. Media

5. Are media and free speech protected?

0

5a. In law, freedom of the media is guaranteed.

YES | **NO**

Comments:

For more info see:

"Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008 - 2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

I think its constitutional rights, and the martial law should be under the constitution.

References:

In spite of the article 38 of the Syrian Constitution, which says every citizen has the right to express freely and openly say by writing and all other means of expression, there are numerous laws that restrict this right, such as:

The Publications Law No. 50 of 2001 contains a lot of articles which prevent free and independent press, such as:

Imprisonment for those who publish or distribute material the Government considers relevant to incitement on crimes (article 52)

Imprisonment in case of publishing ads for foreign companies or organizations (article 55)

Providing licenses on the basis of (Type) in order to prohibit political topics (article 44).

The absolute right of the Minister of Information to prevent the entry of foreign publications into Syria (articles 9-10)

Negative discrimination on the basis of nationality (articles 16-18-19)

Prevention of political prisoners from the ownership or management of publications (article 16)

The absolute right of the Prime Minister to refuse to give a license to any print (article 12)

The law of the Union of Journalists No. 1 Date Jan. 14,1990, which includes: Lack of recognition of the journalist working for the private media, and discrimination and control” of membership and registration and practicing the profession of journalism.

Law No. 68, date Jan. 17, 1951, of the Radio Regulations and its amendments: this added article excludes private and commercial radio stations of the decision to restrict the right to use the frequency antenna (radio) with the government and military administrations according to article 1 of law No.68, year 1951.

Article 2 of law No.68, year 1951.

YES: A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

5b. In law, freedom of speech is guaranteed.

YES | **NO**

Comments:

Silence of Pens And Noise of Control,” Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

The Publications Law No. 50 of 2001 contains dozens of articles that restrict the right of freedom of expression and speech, such as:

Imprisonment that is defined in loose legal terms (article 51)

Imprisonment penalty for slander or libel or contempt (article 41)

Punishment for publications that call for constitutional and political reform (article 56).

YES: A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

6. Are citizens able to form print media entities?

19

6a. In practice, the government does not create barriers to form a print media entity.

100 | 75 | 50 | **25** | 0

Comments:

Syria," Media Sustainability Index 2008, IREX, 2009.

– Interview with journalists by phone, December 2009.

the government licensed many economic magazines in the last five years.

References:

Although private media exists, since 2003, no media outlet in Syria can be effectively independent of the regime. The private media is semi-official because it is linked to the regime. There is no independent press at all in Syria.

An outlet seeking to be independent would not be given a license, said a writer and lawyer.

100: Print media entities can freely organize with little to no interaction with the government. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of print media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur.

25:

0: Print media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

6b. In law, where a print media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES | **NO**

Comments:

Silence of Pens And Noise of Control.” Report on The State of Media and Press Freedom in Syria 2008- 2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

The Publications Law No. 50 of 2001 (article 12-a) gives the Prime Minister the authority to refuse to give a license to any print media according to the National Interest. There is no appeals mechanism, therefore, the refusal of the Prime Minister is final.

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied print media license, including through the courts. A YES score is also earned if no print license is necessary.

NO: A NO score is earned if there is no appeal process for print media licenses.

6c. In practice, where necessary, citizens can obtain a print media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interviews with civil society and journalists representatives by phone, December 2009.

References:

The law gives the Minister of Information the right to set regulations for the application of the Publication Law, adding further restrictions on the process; for example, the Minister of Information issued decision No. (297) of 2001, after the issuance of the Publication law, setting out additional conditions for a daily political newspaper. These newspapers are obliged to issue a certain number of pages: (8) pages of large size, or (16) Page of small size. They are also required to have the presence of five editors and five reporters at a minimum. It also forced the newspaper to be a subscriber to the Syrian news agency SANA”, Arab news agency and foreign news agency as a minimum condition.

There is no doubt that these requirements constitute a significant material burden so that only a significant capital daily newspapers having a political one.

In addition there is a series of forms of approvals, insurance and time periods required by the restrictive licensing requirements.

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

6d. In practice, where necessary, citizens can obtain a print media license at a reasonable cost.

Comments:

Interviews with civil society and journalists representatives by phone, December 2009

References:

The law gives the Minister of Information the right to set regulations for the application of the Publication Law, adding further restrictions on the process; for example, the Minister of Information issued decision No. (297) of 2001, after the issuance of the Publication law, setting out additional conditions for a daily political newspaper. These newspapers are obliged to issue a certain number of pages: (8) pages of large size, or (16) Page of small size. They are also required to have the presence of five editors and five reporters at a minimum. It also forced the newspaper to be a subscriber to the Syrian news agency SANA", Arab news agency and foreign news agency as a minimum condition.

There is no doubt that these requirements constitute a significant material burden so that only a significant capital daily newspapers having a political one.

In addition there is a series of forms of approvals, insurance and time periods required by the restrictive licensing requirements.

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

7. Are citizens able to form broadcast (radio and TV) media entities?

19

7a. In practice, the government does not create barriers to form a broadcast (radio and TV) media entity.

Comments:

Syria's first private channel, Sham TV, owned by parliamentarian Mohammed Akram Jundi, began broadcasting from Dubai in October 2005 and then from outside Damascus a year later. It immediately fell afoul of the authorities and was ordered off the air by the Ministry of Information on the day of its first local news broadcast. His parliamentary immunity lifted, Jundi reportedly fled to Cairo to re-establish his channel. No private radio stations are allowed to report news.

see: Syria," in: Media Sustainability Index 2008, IREX, 2009.

http://www.irex.org/programs/MSI_MENA/2006/MSIMENA06_syria.asp

"Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

After nearly a year of allowing private publications operate according to the new law of publications in 2001, the Legislative Decree No. 10 dated April 4, 2002, was issued and added an article to law No. 68 of year 1951. This added article excludes private and commercial radio stations from the decision to restrict the right to use the frequency antenna (radio) with the government and military administrations according to article 1 of law No.68 year 1951.

Article 2 of law No.68 year 1951 stated on the following:

a. Commercial and private radio broadcasts, limited to programs of music, musical programs and ads, are excluded from this inventory subject to the provisions of article 8 of Law No. 68. The decision to permit these broadcasts comes from the Prime Minister upon the proposal of the Minister of Information.

b. Rules, assets and conditions for granting licenses to private commercial broadcasters, in addition to the conditions of the exercise of its functions and work, are determined by regulatory decisions issued by the Prime Minister on the proposal of the Minister of Information.

Thus, the Syrian government has abolished its monopoly only for songs, music, advertising, commercials, and social and light programs; they continue to monopolize everything else. There are no signs or even promises to change this, according to a journalist and civil society activist.

Until now there was no law to regulate TV media companies

100: Broadcast media entities can freely organize with little to no interaction with the government. Media groups have equal access to broadcast bandwidth through a reasonably fair distribution system. This score may still be earned if groups or individuals with a history of political violence or terrorism (within last ten years) are banned from forming media entities.

75:

50: Formation of broadcast media groups is possible, though there is some burden on the media group including overly complicated registration or licensing requirements. Some unofficial barriers, such as harassment of minority groups, may occur. Division of broadcast bandwidth is widely viewed to be somewhat unfair.

25:

0: Broadcast media groups are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear. This score is appropriate if the division of broadcast bandwidth is widely viewed to be used as a political tool.

7b. In law, where a broadcast (radio and TV) media license is necessary, there is an appeals mechanism if a license is denied or revoked.

YES

NO

Comments:

Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

The Law of Publications gives the Prime Minister, upon the proposal of the Minister of Information, the right to approve or reject the application for a license to print for reasons of public interest" without any legal standards that determine these reasons. An applicant who is refused cannot appeal in front of a civil or administrative court and is not entitled to re-application for a license for a full year from the date when the application was rejected.

We have to mention that until now there has been no law to regulate TV media companies; it depends only on the permission given by the security services.

YES: A YES score is earned if there is, in law or in accompanying regulations, a formal process to appeal a denied broadcast media license, including through the courts. A YES score is also earned if no broadcast license is necessary.

NO: A NO score is earned if there is no appeal process for broadcast media licenses.

7c. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interviews with journalist by phone, December 2009.

References:

This is only depends on the intelligence services permissions, it takes a years or may be only a few months, and without this permissions you will never get a license at all," according to a journalist in Damascus.

100: Licenses are not required or licenses can be obtained within two months.

75:

50: Licensing is required and takes more than two months. Some groups may be delayed up to six months.

25:

0: Licensing takes close to or more than one year for most groups.

7d. In practice, where necessary, citizens can obtain a broadcast (radio and TV) media license at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interviews with journalist by phone, December 2009

References:

This is only depends on the intelligence services permissions; there is nothing clear in the law of Publications," according to a journalist in Damascus.

This law does not include Radio or TV media.

100: Licenses are not required or can be obtained at minimal cost to the organization. Licenses can be obtained on-line or through the mail.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

8. Can citizens freely use the Internet?

25

8a. In practice, the government does not prevent citizens from accessing content published on-line.

100 | 75 | 50 | **25** | 0

Comments:

Syria," in Media Sustainability Index 2008, IREX, 2009

The citizens can publish on line some info but not sensitive or related to the opposition or Human Rights groups.

References:

From its introduction to the Syrian public in 2000, the Internet has been as thoroughly and methodically policed as all other media sectors. Aided by the web applications firm Platinum Inc., whose representative Erik Tetzlaff attended an Internet security conference in Damascus in July 2008, the Syrian authorities successfully block around 161 documented web sites, according to the Syrian Center for Media & Freedom of Expression.

Other rights groups put the figure closer to 600. The largest number of blocked sites are related to Kurdish organizations, with several more added during 2007 and 2008; followed by domestic political opposition and Lebanese groups deemed by Damascus to be opponents.

Social networking sites Facebook and YouTube continue to be blocked, along with sites where individuals can establish an online blog, such as Blogspot, Googleblog, and the largest Arabic blog site, Maktooblog.

In May 2008, Syrian authorities ordered Internet café owners to take down the names and identification cards of their clients as well as the times they arrive and leave. The records are to be presented regularly to the authorities. In 2007, the government ordered Internet sites based in Syria to provide the clear identity and name of those behind any article or comment they publish.

Recent arrests and trials of bloggers include a poet who wrote about a civic society forum, a writer who highlighted fuel and electricity shortages, and a teacher from the farming province of Raqa who criticized patronage and nepotism in the state-run education system. Blogger Tariq Biasi was sentenced to three years in prison in May 2008 for weakening national sentiment.

100: The government does not prevent Internet users from accessing online content. While some forms of content may be illegal to download or own (such as child pornography), the government does not manipulate networks to prevent access to this information. This indicator addresses direct government intervention in the transfer of information, not indirect deterrents such as intimidation, surveillance or technical difficulties in countries with poor infrastructure.

75:

50: Internet users are prevented by the government from reaching online content in some cases. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

25:

0: Internet users are routinely prevented from accessing online content. Government restrictions are in place at all times for certain topics. Government tactics may include firewalls preventing access to networks in other countries, or manipulating search engine results to exclude politically sensitive topics.

8b. In practice, the government does not censor citizens creating content on-line.

100 | 75 | 50 | **25** | 0

Comments:

Silence of Pens And Noise of Control.” Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

SYRIA, in: Media Sustainability Index 2008, IREX, 2009.

The citizens can publish on line some info but not sensitive or related to the opposition or Human Rights groups.

References:

Syrian citizens continued to be arrested for forwarding articles on the Internet, while media researchers found evidence of e-mails that were intercepted and added to intelligence files.

The continuous tightening of control on Internet cafes is still in effect. In addition to the licensing procedures, the Political Security Division of the Ministry of Interior requires owners of Internet cafes — especially those who are adjacent to the housing location of universities and university — to register the personal data of Internet users at their Internet cafes and maintain a record containing the name of the user and his mother’s name and personal identification number or passport number; the device used; and the time the user arrived and left the coffee shop; they require owners of cafes to deliver this register to the delegates of the security agencies when they are present.

The total number of blocked sites until the date as of May 1, 2009, according to the Syrian Center for Media & Freedom of Expression is 225, an increase of 65 sites over the previous year. This is in addition to the expansion of direct interference of the security agencies in the work of the sites through direct contact with administrators, who are asked to remove articles, stories or to not publish a book or certain news about a certain viewpoint.

100: The government never removes online information or disables servers due to their political content. All political speech is protected with limited exceptions, such as legitimate intellectual property restrictions; direct calls to violence; or pornography.

75:

50: In some cases, the government restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting restricted content, or indirectly through threats or intimidation against the persons posting political content.

25:

0: The government regularly restricts political speech by its citizens on the Internet. This is accomplished either directly by controlling servers hosting the restricted content, or indirectly through threats or intimidation against the persons posting political content.

9. Are the media able to report on corruption?

9a. In law, it is legal to report accurate news even if it damages the reputation of a public figure.

YES | **NO**

Comments:

Silence of Pens And Noise of Control,” Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

The article 29 of the Law of publications (2001) include a list of topics under embargo:

Proceedings of humiliation and lawsuits for slander and libel and slander.”

“Articles and news that affect national security and unity.”

“Books, letters, articles and investigations, drawings and stories with an appeal to privacy.”

This article used often to ban any articles or reports targeting a public figure.

YES: A YES score is earned if it is legal to report accurate information on public figures regardless of damage to their reputations. Public figures are defined broadly, including anyone in a position of responsibility in the government or civil service; any political leader; leaders of civil society groups including religious groups, trade unions, or NGOs; leaders or officers of large businesses. A YES score can still be earned if a reckless disregard for the truth (i.e. slander) is prohibited.

NO: A NO score is earned if privacy laws protect any public figures (as defined in the YES coding) from accurate information.

9b. In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

100 | 75 | 50 | **25** | 0

Comments:

Interviews with journalist by phone, January 2010.

References:

It is very difficult to be a journalist in Syria working on corruption issues, because nobody knows exactly where the red line is; it can be changed every day, or every hour. You can be covering issues that you think are not sensitive, but after publishing, the government may ban the publication from distribution at the least; or, maybe, you will spend some days in the prison, as happened for many journalists last year. It is much safer not to touch the corruption issues at all according to a journalist who works for a private print media outlet.

100: The government, its proxies, or media ownership/distribution groups make no attempt to restrict media coverage of corruption-related issues through unofficial means.

75:

50: The government, its proxies, or media ownership/distribution groups make some attempts to restrict media coverage of corruption-related issues through unofficial means, such as restricting access by disfavored media outlets, or other short-term consequences. Violent reprisals against media outlets are rare.

25:

0: The government, its proxies, or media ownership/distribution groups actively use illegal methods to restrict reporting of corruption-related issues. This may include harassment, arrests, and threats. Journalists and publishers take a personal risk to report on corruption, and media outlets who commonly report on corruption face long-term consequences or violent reprisals.

9c. In practice, there is no prior government restraint (pre-publication censoring) on publishing corruption-related stories.

100 | 75 | 50 | **25** | 0

Comments:

Interviews with journalist by e-mail, January 2010.

But there is some private media especially the new economic magazines.

References:

There are many different levels of pre-publication censoring in Syria, and when it comes to corruption issues it becomes much more difficult, especially when you are talking about someone like an official.

Often, you cannot publish something like that without getting permission from the institution, then permission from the owner of the print media or editor in chief in editor, who may ask permission from the ministry of information or in some cases the security services to print the information. Even when you get all of these permissions, there is still no guarantee that you will not be arrested if someone in the security services does not like what you said in your article or report.

100: The government never prevents publication of controversial corruption-related materials.

75:

50: The government prevents publication of controversial corruption-related material in cases where there is a strong political incentive to suppress the information. This score is appropriate if in countries where illiteracy is high, the government may allow a free print press but censor broadcast media.

25:

0: The government regularly censors material prior to publication, especially politically sensitive or damaging corruption-related material. This score is appropriate even if the government restricts only politically damaging news while allowing favorable coverage.

10. Are the media credible sources of information?

45

10a. In law, print media companies are required to publicly disclose their ownership.

YES | NO

Comments:

Editors of media organizations cannot be changed without the approval of the ministry of information. In addition, when they are changed, even in the state media, the process can be arbitrary. In May 2008, Mohammad Agha was sacked as editor in chief of the state-run daily Syria Times over a mistake on a caption to a photograph — an all too common occurrence in a paper that is littered with language errors. Some observers suspect that a bad relationship with the minister for information, Mohsen Bilal, may have had more to do with it.

SYRIA, in: Media Sustainability Index 2008, IREX, 2009.

References:

All periodical print media must obtain the approval from the Ministry of Information before any change of owner, manager or print editor according to the article 20 (a) of the Law of Publications (2001).

YES: A YES score is earned if print media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10b. In law, broadcast (radio and TV) media companies are required to publicly disclose their ownership.

YES | NO

Comments:

Syria's first private channel, Sham TV, owned by parliamentarian Mohammed Akram Jundi, began broadcasting from Dubai in October 2005 and then from outside Damascus a year later. It immediately fell afoul of the authorities and was ordered off the air by the Ministry of Information on the day of its first local news broadcast. His parliamentary immunity lifted, Jundi reportedly fled to Cairo to re-establish his channel.

SYRIA, in: Media Sustainability Index 2008, IREX, 2009.

References:

Until now, there is no law to regulate TV media companies.

But nobody can get a license without permission from the security services. Usually, the owner has to be very close to the security services to be able to get the permission to start his or her own TV station.

YES: A YES score is earned if broadcast media companies are required by law to publicly disclose all owners of the company.

NO: A NO score is earned if there is no such requirement or if the requirement is optional, only partially applicable, or exempts certain types of entities or agents from being publicly disclosed.

10c. In practice, journalists and editors adhere to strict, professional practices in their reporting.

100 | 75 | 50 | 25 | 0

Comments:

Interviews with journalist by email, December 2010.

References:

This practice — to sell your coverage — is very common in the Syrian media, and it has become more common after the private print media were allowed to enter to the market, according to a journalist in Damascus.

100: Editors and journalists at the major media outlets abide by a strict journalistic code of conduct and are unwilling to alter their coverage of a particular issue, event or person in exchange for money, gifts, or other favors or remuneration.

75:

50: Editors and journalists at the major media outlets generally avoid altering coverage in exchange for favors but some exceptions have been noted. Not all newsrooms abide by a formal journalistic code of conduct.

25:

0: Editors and journalists are widely known to sell” favorable or unfavorable coverage in exchange for money, gifts, or other remuneration. The major media outlets do not abide by any formal journalistic code of conduct.

10d. In practice, during the most recent election, political parties or independent candidates received fair media coverage.

100 | 75 | 50 | 25 | 0

References:

The Syrian Center for Media & Freedom of Expression (not a registered organization in Damascus) monitored the performance of the Syrian media in the presidential referendum period from May 15, 2007 until May 27, 2007.

The Center Monitored 34 Syrian outlets including newspapers, radio stations, websites and TV channels covered 14,879 different articles, reports and other presentations.

The final report concluded that:

1. Both official and private media are propaganda machines, mobilizing and functioning to mobilize citizens and encourage them to participate actively in the process of the presidential referendum.
2. The Syrian government has shown considerable progress towards stricter control of private newspapers by creating favorable publicity and mobilizing the masses for the re-election of the President.
3. The focus of the mass media in the entire state media reports positively to the President.

Silence of Pens And Noise of Control,” Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

100: All political parties and independent candidates have some access to media outlets. Individual media outlets may have biases, but on balance, the national media coverage reflects the interests of the electorate. Media groups generally act as

disinterested parties in an election. In places where a government is popular with the public, opposition viewpoints can access the public via media outlets.

75:

50: Major popular media outlets have a persistent bias regarding some parties or independent candidates. Some major parties may be partially excluded from media coverage, or draw more negative coverage. Media sectors may have distinct biases, such as newspapers favoring one party, while radio favors another.

25:

0: The mass media, on balance, have clear preferences in election outcomes and coverage is driven to achieve these goals. Some major parties or independent candidates are excluded or consistently negatively portrayed by mass media. Dissenting political opinions are only found on fringe or elite media outlets, such as Web sites.

10e. In practice, political parties and candidates have equitable access to state-owned media outlets.

100 | 75 | 50 | 25 | 0

Comments:

Interviews with professor at Damascus University, December 2009

References:

There were no other candidates in the presidential referendum of 2007. The official and private media are only propaganda machine, mobilizing citizens and encouraging them to actively participate in the presidential referendum.

100: The government ensures that equal access and fair treatment of election contestants is provided by all state-owned media outlets, including all electronic and print media. This obligation extends to news reports, editorial comment, and all other content. All parties and candidates are offered consistent and equivalent rates for campaign advertising on state-owned media outlets.

75:

50: The government generally ensures equal access and fair treatment of all candidates and parties by state-owned media outlets but some exceptions exist. State-owned media may occasionally discriminate against particular parties or candidates and advertising rates may be confusing or non-transparent.

25:

0: The government uses state-owned media to routinely discriminate against opposition candidates and parties. Advertising space may be denied to opposition candidates and parties or higher rates may be charged.

11. Are journalists safe when investigating corruption?

67

11a. In practice, in the past year, no journalists investigating corruption have been imprisoned.

YES | NO

Comments:

For more info see :

http://www.ifex.org/syria/2008/08/29/twenty_six_ifex_members_appeal/

References:

Syrian authorities continue to arrest, prosecute, imprison, and harass journalists, cyber dissidents, and anyone who speak out about the corruption of President Bashar al-Asad or his cousin Rami Makhlouf.

There is a long list of writers, journalists, bloggers and activists who have been jailed for expressing themselves peacefully or writing on the corruption in the Syrian institutions. Among them is journalist Ali al-Abdallah and his son Omar Ali al-Abdallah, who is serving a five-year sentence as part of a group of seven young bloggers, all of whom received five to seven years in jail simply for blogging. The others are Tarek Ghorani, Maher Ibrahim Isbir, Diab Sirieyeh, Husam Ali Mulhim, Ayham Saqr and Alam Fakhour.

Reports from human rights groups repeatedly detail unwarranted arrests, arbitrary detentions, instances of ill-treatment and torture, denials of access to legal representation, politically motivated charges and sham trials facing those who express critical and dissident views.

Other journalists and writers who have faced persecution include journalist and writer Fayez Sarah, writer Akram al-Bunni, blogger Tarek Bayasi, blogger Karim Arbaji, political writer Firas Saad and political writer Habib Saleh.

YES: A YES score is earned if there were no journalists imprisoned related to work covering corruption during the study period. A YES score is positive.

NO: A NO score is earned if any journalist was jailed because of his/her work covering corruption during the study period. The causal relationship between the official charges and the journalist's work may not be explicit, however the burden of proof here is low. If it seems likely that the journalist was imprisoned due to his or her work, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes. Imprisoned" is defined here as detention by the government lasting more than 24 hours.

11b. In practice, in the past year, no journalists investigating corruption have been physically harmed.

YES | NO

Comments:

Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

On March31,2009 the Syrian authority transfer blogger Osama Edouard Kerio, who is an English teacher, to an arbitrary region to the compound educational in Tel Tamer in Alqamishly, which lies 100 kilometers from the place of residence, by Resolution No. 1486 / 4 /date 31 / 3 / 2009. The blogger Osama Edward was arrested on 2722008 by the General Intelligence in Damascus on the background of an article entitled (no gas, no fuel, and no electricity).

Also on April5,2009, the security services arrest journalist and writer Farouq Haji Mustafa in Aleppo, his fate was still unknown so far and it was believed to be on the background accompanying German press on a tour in the governorate of Al hasakah Syria.

YES: A YES score is earned if there were no documented cases of journalists being assaulted during the specific study period for their work covering corruption issues. A YES score is positive.

NO: A NO score is earned if there were any documented cases of assault to a journalist covering corruption during the study period. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

11c. In practice, in the past year, no journalists investigating corruption have been killed.

YES | NO

References:

There are no documented cases of journalists being killed in the last year in Syria.

Interviews with journalist in Syria by phone, January 2010.

YES: A YES score is earned if there were no documented cases of journalists being killed because of their work covering corruption-related issues during the study period. A YES score is positive.

NO: A NO score is earned if there were any documented cases where a journalist was killed in relation to his or her work covering corruption-related issues in the study period. The relationship between a mysterious death and an individual's work may not be clear, however the burden of proof here is low. If it is a reasonable guess that a person was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

27 I-3. Public Access to Information

12. Do citizens have a legal right of access to information?

0

12a. In law, citizens have a right of access to government information and basic government records.

YES | NO

References:

Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

YES: A YES score is earned if there is a formal right to access government documents, including constitutional guarantees. Exceptions can be made for national security reasons or individual privacy, but they should be limited in scope. All other

government documents should be available upon a public request.

NO: A NO score is earned if there is no such right.

12b. In law, citizens have a right of appeal if access to a basic government record is denied.

YES | **NO**

Comments:

Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

References:

There is no such a law in Syria

YES: A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

NO: A NO score is earned if there is no such formal process.

12c. In law, there is an established institutional mechanism through which citizens can request government records.

YES | **NO**

References:

Silence of Pens And Noise of Control," Report on The State of Media and Press Freedom in Syria 2008-2009, Syrian Center for Media & Freedom of Expression, Damascus, September 2009.

YES: A YES score is earned if there is a formal government mechanism/institution through which citizens can access government records available under freedom of information laws. This mechanism could be a government office (or offices within agencies or ministries) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

13. Is the right of access to information effective?

0

13a. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a journalist by phone, Damascus, January 18, 2010.
the problem that there is no mechanism which citizens can receive responses to access to information requests.

References:

In most cases it is very difficult to get the information you want, and in many cases you will have no response at all.

100: Records are available on-line, or records can be obtained within two weeks. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive national security-related information.

75:

50: Records take around one to two months to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25:

0: Records take more than four months to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. National security exemptions may be abused to avoid disclosure of government information.

13b. In practice, citizens can use the access to information mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a journalist by phone, Damascus, Jan. 19, 2010.

References:

There is no such a mechanism at all.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

13c. In practice, responses to information requests are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Interview with journalist by phone, Damascus, Jan.19, 2010.

the central Bureau of Statistics is a governmental agency to give statistics to the officials and some of them are public but it never offer a mechanism where the citizens can have an access to the information.

References:

There no such a law organizes this process.

100: Responses to information requests typically address the requestor's questions in full and are not redacted or edited to remove sensitive information.

75:

50: Information requests are sometimes met with sufficient responses, but responses to information requests may be vague or overly general when sensitive information is sought.

25:

0: The government rarely or never replies to information requests with meaningful responses. If and when responses are issued, they are so overly general or heavily redacted as to render them useless.

13d. In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a journalist by phone, Damascus, Jan. 19, 2010.

References:

There is no law that organizes this process.

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: The agency/entity acts on appeals quickly but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity does not resolve appeals in a timely fashion quickly. Appeals may be unacknowledged for many months and simple issues may take more than three months to resolve.

13e. In practice, citizens can resolve appeals to information requests at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a journalist by phone, Damascus, Jan. 19 , 2010.

References:

There is no such law that organizes this process.

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

25:

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

13f. In practice, the government gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a journalist by phone, Damascus, Jan. 19, 2010.

References:

The government always uses the emergency law as pretext to refuse to give any information related to national security.

100: The government always discloses to the requestor the specific, formal reasons for denying information requests.

75:

50: The government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain.

25:

0: The government does not regularly give reasons for denying an information request to the requestor.

Category II. Elections

II-1. ²³Voting & Citizen Participation

14. Is there a legal framework guaranteeing the right to vote?

100

14a. In law, universal and equal adult suffrage is guaranteed to all citizens.

YES | NO

References:

The Syrian Constitution, adopted on March 13, 1973, says in article 54 that voters are citizens of at least 18 years of age who are listed in the civil status register and who meet the conditions specified in the election law.

The election law No.26, adopted on April 14,1973, says in article 3 that every Syrian citizen has the right to vote.

YES: A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

NO: A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

14b. In law, there is a legal framework requiring that elections be held at regular intervals.

YES | NO

References:

The Syrian Constitution, adopted on March 13, 1973. says in article 51 that the People's Assembly is elected for 4 years beginning on the date of its first meeting. This term can be extended by law only in the state of war.

YES: A YES score is earned if there is a statutory or other framework enshrined in law that mandates elections at reasonable intervals.

NO: A NO score is earned if no such framework exists.

15. Can all citizens exercise their right to vote?

50

15a. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

Comments:

I think 25 is fair enough, according to the note which mean that voting is not available to some people therefore I think 25 is the right score.

References:

The Baath party generally monopolizes the political activity in Syria, while the opposition is not allowed to practice any open and free activity. The state of emergency has been existent since 1963.

In addition, tens of thousands of Kurds are still foreigners” in the country of birth; however, they have not sought any other nationality, and of course, they cannot vote or participate in any social or political activities.

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

100: Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

75:

50: Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

25:

0: Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

15b. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

References:

There is no law to protect the election process, and the entire parliamentary and presidential (the referendum) elections took place with any kind of monitoring from local or international organizations.

100: Ballots are secret, or there is a functional equivalent protection, in all cases.

75:

50: Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

25:

0: Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

15c. In practice, elections are held according to a regular schedule.

100 | **75** | 50 | 25 | 0

Comments:

There are rare times when Hafez Asad changed the date of the presidential election like 1999, and also few cases when Hafez Asad cancel the parliamentary elections and renewal to the members of the assembly for new term without election, but these still rare cases.

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime, as are elections for the 250-seat, unicameral People's Council, whose members serve four-year terms and hold little independent legislative power. Almost all power rests in the executive branch.

2009 Freedom House Report on Syria, New York: Freedom House, 2010

The only legal political parties are the Baath Party and its several small coalition partners in the ruling National Progressive Front (NPF). Independent candidates, who are heavily vetted and closely allied with the regime, are permitted to contest about a third of the People's Council seats, meaning that two-thirds of them are reserved for the NPF. The ruling party pledged to legalize other political parties that are not based on religious or ethnic identity (a condition that would exclude the Muslim Brotherhood and Kurdish opposition groups) at its June 2005 conference, but no legislation implementing this pledge has been forthcoming.

100: Elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

75:

50: Elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

25:

0: Elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

16. Are citizens able to participate equally in the political process?

0

16a. In law, all citizens have a right to form political parties.

YES | **NO**

Comments:

2009 Freedom House Report on Syria, New York: Freedom House, 2010

References:

There is no law for political parties until now.

The ruling party pledged to legalize other political parties that are not based on religious or ethnic identity (a condition that would exclude the Muslim Brotherhood and Kurdish opposition groups) at its June 2005 conference, but no legislation implementing this pledge has been forthcoming.

YES: A YES score is earned if citizens have the right to form political parties without interference from government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

NO: A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

16b. In law, all citizens have a right to run for political office.

YES | **NO**

References:

There is no law regarding political parties.

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

NO: A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

16c. In practice, all citizens are able to form political parties.

100 | 75 | 50 | 25 | **0**

Comments:

2009 Freedom House Report on Syria, New York: Freedom House, 2010.

References:

There is no law regarding political parties.

The ruling party pledged to legalize other political parties that are not based on religious or ethnic identity (a condition that would exclude the Muslim Brotherhood and Kurdish opposition groups) at its June 2005 conference, but no legislation implementing this pledge has been forthcoming.

100: While there is no guarantee of electoral success, political parties can form freely without opposition.

75:

50: Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

25:

0: Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

16d. In practice, all citizens can run for political office.

100 | 75 | 50 | 25 | 0

References:

There is no law for political parties.

100: While there is no guarantee of electoral success, anyone can run for office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

75:

50: Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office. A system of party lists may discourage or prevent independent candidates from running for office.

25:

0: Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

16e. In practice, an opposition party is represented in the legislature.

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

References:

There is no opposition political parties represented in the People's Assembly.

100: The opposition party always has some influence on the proceedings of the legislature. The opposition party can introduce legislation or bring pending matters to a vote without the consent of the ruling party.

75:

50: The opposition party has influence on the proceeding of the legislature, but it is limited in scope. The opposition's ability to force votes or publicly debate certain topics may be limited.

25:

0: The opposition party has only token participation in the legislature's proceedings and cannot advance legislation or force a debate.

II-2. Election Integrity

18. Is the election monitoring agency effective?

0

18a. In law, the agency or set of agencies/entities is protected from political interference.

YES | **NO**

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

YES: A YES score is earned only if the agency or set of agencies/entities has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the election monitoring agency or set of agencies/entities is legally tied to bodies contesting the election (i.e. an executive branch agency such as the Interior Ministry, or a committee of the legislature). A NO score is automatically earned if there is no domestic election monitoring agency.

18b. In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

100: Appointments to the agency or set of agencies/entities are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

18c. In practice, the agency or set of agencies/entities has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course, there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

100: The agency or set of agencies/entities has staff sufficient to fulfill its basic mandate.

75:

50: The agency or set of agencies/entities has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency or set of agencies/entities has no staff, or such a limited staff that is clearly unqualified to fulfill its mandate.

18d. In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course, there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

100: Reports are released to the public on a predictable schedule, without exceptions.

75:

50: Reports are released, but may be delayed, difficult to access, or otherwise limited.

25:

0: The agency or set of agencies/entities makes no public reports, issues reports which are effectively secret, or issues reports of no value.

18e. In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course, there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

100: When rules violations are discovered, the agency or set of agencies/entities is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

75:

50: The agency or set of agencies/entities enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or set of agencies/entities does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

19. Are elections systems transparent and effective?

17

19a. In practice, there is a clear and transparent system of voter registration.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

In Syria never used the system of the list of the voters which identify the voter where he or she should go to vote, and they never used the class boxes or have domestic or international monitoring, this is why the score should be 0.

References:

Syria is not an electoral democracy; almost all power rests in the executive branch. There is no clear and transparent system of voter registration.

100: There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

75:

50: There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote but there are some problems. Voters may have not access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

25:

0: The system of voter registration is incomplete or does not exist. Government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and ghost^o voting by non-existent voters is common.

19b. In law, election results can be contested through the judicial system.

YES | NO

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

Article 144 of the Constitution affirms the Supreme Constitutional Court's (whose members are appointed by the President) competence to settle the disputes arising from the electoral process. The Court is entrusted with investigating the contests related to the People's Assembly's elections validity (Article 144).

YES: A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms.

NO: A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

19c. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

Article 144 of the Constitution affirms the Supreme Constitutional Court's (whose members are appointed by the President) competence to settle the disputes arising from the electoral process. The Court is entrusted with investigating the contests related to the People's Assembly's elections validity (Article 144). However, none of the contests filed against the parliamentary elections has been taken seriously, and sometimes sentences revoking some members' membership have been ignored.

100: The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

75:

50: The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

25:

0: The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

19d. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

We are talking about the elections, it never mind if the military or the security forces are intervening in the elections, the results are the same.

References:

The parliamentary elections have been followed by a referendum on a second presidential constitutional term in May 2007, in which al-Asad gained 97.62 percent of votes, the same ratio obtained by his father in the past and he insisted on having it. The referendum was accompanied by a lavish propaganda and advertising campaign that the Syrians had not seen during the era of his father, Hafez al-Asad. The campaign used big posters and advertising campaigns, though al-Asad was the sole candidate. The campaign was confined to a single phrase, repeated on all posters: "We love you."

100: The military, military officers, and other security forces refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

75:

50: The military, military officers, and security forces may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

25:

0: The military or other security forces are an active and explicit player in politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

19e. In law, domestic and international election observers are allowed to monitor elections.

YES | **NO**

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course, there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

YES: A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

NO: A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

19f. In practice, election observers are able to effectively monitor elections.

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course, there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring during the elections.

100: Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

75:

50: Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

25:

0: Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

0

17. In law, is there an election monitoring agency or set of election monitoring agencies/entities?

YES | **NO**

Comments:

Radwan Ziadeh, Decision Making and Syrian Foreign Policy, (Cairo: Alahram Center for Strategic Studies, 2007).

References:

Syria is not an electoral democracy; almost all power rests in the executive branch, and of course there is no election monitoring agency.

The government refused to accept any kind of local or international monitoring of the elections.

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the election process.

NO: A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

6 II-3. Political Financing

20. Are there regulations governing the financing of political parties?

0

20a. In law, there are limits on individual donations to political parties.

YES | **NO**

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

The Election Law has not been amended since 2006; the elections were held under the same old Election Law; only a tiny formal amendment has been done, which was related to the amount of funds disbursed for the electoral campaign. This has nothing to do with the essence of the election process which is supposed to lead to democratic, transparent and honest elections.

YES: A YES score is earned if there are any limits in size on individual contributions to political parties. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20b. In law, there are limits on corporate donations to political parties.

YES | **NO**

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

the Election Law has not been amended; the elections were held under the same old Election Law; only a tiny formal amendment

has been done, which was related to the amount of funds disbursed for the electoral campaign. This has nothing to do with the essence of the election process, which is supposed to lead to democratic, transparent and honest elections.

YES: A YES score is earned if there are any limits in size on corporate contributions to political parties. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to political parties. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20c. In law, there are limits on total political party expenditures.

YES | **NO**

References:

There is no law for political parties at all.

YES: A YES score is earned if there are any limits in size on political party expenditures during the course of an election.

NO: A NO score is earned if there are no limits on political party expenditures during an election. A NO score is also earned if limits are applied by the government on opposition parties in a discriminatory manner.

20d. In law, there are requirements for the disclosure of donations to political parties.

YES | **NO**

References:

There is no law for political parties at all.

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to political parties.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to political parties, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

20e. In law, there are requirements for the independent auditing of the finances and expenditures of political parties when financial irregularities are uncovered.

YES | NO

References:

There is no law for political parties at all.

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of party finances and expenditures when irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of political parties' finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for parties to self-audit.

20f. In law, there is an agency or entity that monitors the financing of political parties.

YES | NO

References:

There is no law for political parties at all.

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of political parties. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

21. Are there regulations governing the financing of individual political candidates?

60

21a. In law, there are limits on individual donations to political candidates.

YES | NO

References:

The Election Law had been amended in 2006; article 1 determines the ceiling of fiscal spending on campaigning for the candidate of SYP 3 million (US\$65,000).

Article 4 prohibits candidates in their electoral constituencies from providing services or assistance in kind or cash to individuals, associations, sports clubs and legal persons; other non-state groups are also prohibited from accepting services and assistance.

YES: A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21b. In law, there are limits on corporate donations to individual political candidates.

YES | NO

References:

The Election Law had been amended in 2006; article 1 determines the ceiling of fiscal spending on campaigning for the candidate of SYP 3 million (US\$65,000).

Article 4 prohibits candidates in their electoral constituencies from providing services or assistance in kind or cash to individuals, associations, sports clubs and legal persons; other non-state groups are also prohibited from accepting services and assistance.

YES: A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

21c. In law, there are requirements for the disclosure of donations to individual political candidates.

YES | NO

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

The Election Law had been amended in 2006; article 1 determines the ceiling of fiscal spending on campaigning for the candidate of SYP 3 million (US\$65,000).

Article 4 prohibits candidates in their electoral constituencies from providing services or assistance in kind or cash to individuals, associations, sports clubs and legal persons; other non-state groups are also prohibited from accepting services and assistance.

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

21d. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates when irregularities are uncovered.

YES | **NO**

References:

The election law in Syria does not include any independent process for auditing.

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures when financial irregularities are uncovered. A NO score is also earned if such requirements exist but allow for candidates to self-audit.

21e. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | **NO**

References:

The Election Law had been amended in 2006. The new amendment assures that a candidate must, within three days of receipt of the approval to appoint a financial commissioner, vest in him exclusively the validity of fiscal spending on the publicity campaign.

The candidate should provide the central committee of the constituency, on behalf of the financial commissioner, audited statements and reports.

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations around the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity. A NO score is also earned if this monitoring is solely carried out by the media and civil society organizations.

22. Are the regulations governing the political financing of parties effective?

22a. In practice, the limits on individual donations to political parties are effective in regulating an individual's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget.

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which individuals can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a political party are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22b. In practice, the limits on corporate donations to political parties are effective in regulating a company's ability to financially support a political party.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget.

100: Existing limits represent the full extent to which a company can directly or indirectly financially support a political party. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support a political party. However, exceptions and loopholes exist through which companies can indirectly support political parties above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular party; unregulated loans to parties (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to political parties are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

22c. In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget.

100: Existing limits represent the full extent to which political parties are able to finance their activities. Limits are reasonably low enough in the context of the total costs of running a party to be meaningful.

75:

50: Existing limits generally represent the full extent to which a political party can finance its activities. However, exceptions and loopholes exist through which parties can generate revenue or finance their activities beyond the scope of existing regulations. Such loopholes could include taking loans that are outside of the scope of regulations covering direct donations; links to revenue-generating business activities that are beyond the scope of electoral or campaign-related regulations; or accepting in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a party

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of expenditures are made outside of the formal limitation system. Limits are so high that they are meaningless in the context of the overall costs of running a party.

22d. In practice, when necessary, an agency or entity monitoring the financing of political parties independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget.

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of political parties, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, has limited effectiveness when investigating, or is reluctant to cooperate with other agencies in politically sensitive cases. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency or entity rarely investigates on its own, is uncooperative with other agencies, or the agency or entity is partisan in its application of this power.

22e. In practice, when necessary, an agency or entity monitoring the financing of political parties imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget.

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or cooperates well with other agencies that impose penalties.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power and may refuse cooperation with other agencies.

22f. In practice, contributions to political parties are audited.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party depends on its budget from the state budget.

100: Political party finances are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities. Auditing includes the auditing of nominally independent financial organizations that act as financial extensions of the party.

75:

50: Political party finances (as defined) are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions. Contributions to the political party may be sufficiently audited, but the auditing of nominally independent extensions of the party may not be.

25:

0: Party finances are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

23. Are the regulations governing the political financing of individual candidates effective?

15

23a. In practice, the limits on individual donations to political candidates are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

Interview with journalist by email, Damascus, Jan. 23, 2010.

References:

Despite of the amendment of the Election Law (2006), which determines the ceiling of fiscal spending on campaigning for the candidate of SYP 3 million (US\$65,000 \$).

However, the second parliamentary elections during the era of Bashar al-Asad (April 22, 2007) have resulted in an increased number of candidates who are businessmen, and they are overspending on the campaign in amounts above SYP 10 million (US\$217,600); among them are Mohammed Hamsho and others who are very close to the security services.

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

75:

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23b. In practice, the limits on corporate donations to individual candidates are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | **25** | 0

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

Interview with journalist by email, Damascus, January 23,2010.

References:

Despite of the amendment of the Election Law (2006), which determines the ceiling of fiscal spending on campaigning for the candidate of SYP 3 million (US\$65,000).

However, the second parliamentary elections during the era of Bashar al-Asad (April 22, 2007) have resulted in increased number of candidates who are businessmen, and they are over spending on the campaign with above 10 million Syrian pounds (US\$217,600) like Mohammed Hamsho, who used his companies to support him financially without any limits.

100: Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75:

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25:

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

23c. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

References:

There is no an agency or entity monitoring the financing of individual candidates' campaigns independently.

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns, or cooperates well with other agencies that do. The agency is fair in its application of this power.

75:

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power. It may be reluctant to cooperate with other investigatory agencies.

25:

0: The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power. It does not cooperate well with other investigatory agencies.

23d. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

References:

There is no an agency or entity monitoring the financing of individual candidates' campaigns independently.

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders or in cooperating with other agencies that do.

75:

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power or may refuse to cooperate with other agencies.

23e. In practice, the finances of individual candidates' campaigns are audited.

100 | 75 | 50 | **25** | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Despite of the amendment of the Election Law (2006), which determines the ceiling of fiscal spending on campaigning for the candidate of SYP 3 million (US\$65,000).

However, the second parliamentary elections during the era of Bashar al-Asad (April 22, 2007) have resulted in increased number of candidates who are businessmen, and they are over spending on the campaign with above 10 million Syrian pounds (US\$217,600) like Mohammed Hamshe, who used his companies to support him financially without any limits.

We have not heard about any investigation into this.

100: The finances of individual candidates' campaigns are regularly audited using generally accepted auditing practices. The auditing may be regular and comprehensive or only initiated after an initial review reveals irregularities.

75:

50: The finances of individual candidates' campaigns are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

25:

0: The finances of individual candidates' campaigns are not audited, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

24. Can citizens access records related to the financing of political parties?

0

24a. In practice, political parties disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget, and the public does not have access to it.

100: Political parties disclose their sources of funding and expenditures at least every quarter.

75:

50: Political parties disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Political parties never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

24b. In practice, citizens can access the financial records of political parties within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget, and the public does not have access to it.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

24c. In practice, citizens can access the financial records of political parties at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime.

There is no law for the political parties, and the Baath Party receives its budget from the state budget, and the public does not have access to it.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

24d. In practice, the publicly available records of political parties' finances are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

No.

100: Publicly available records of political parties' finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political parties' finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political parties' finances, when available, are so incomplete or overly general as to render them useless in understanding a party's sources of income and its expenditures.

25. Can citizens access records related to the financing of individual candidates' campaigns?

0

25a. In practice, individual political candidates disclose data relating to financial support and expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

There is no such a law in Syria that forces political candidates to disclose data relating to financial support and expenditures.

100: Individual candidates disclose their sources of funding and expenditures at least every quarter.

75:

50: Individual candidates disclose their sources of funding and expenditures only one or two times per year. Delays may occur when sensitive political information is involved.

25:

0: Individual candidates never publish their sources of funding or expenditures or publish that information only rarely with more than a year in between publication. Politically sensitive information is regular withheld from public disclosure.

25b. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

There is no such a law in Syria that forces political candidates to disclose data relating to financial support and expenditures.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take two to four weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. There may be persistent delays in obtaining politically sensitive records.

25c. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

There is no such a law in Syria that forces political candidates to disclose data relating to financial support and expenditures.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

25d. In practice, the publicly available records of political candidates' campaign finances are of high quality.

100 | 75 | 50 | 25 | 0

References:

There is no such a law in Syria that forces political candidates to disclose data relating to financial support and expenditures.

100: Publicly available records of political candidates' campaign finances are complete and detailed, itemizing all significant sources of income and expenditures.

75:

50: Publicly available records of political candidates' campaign finances are available but are often lacking in important details, are overly general, or are otherwise incomplete.

25:

0: Publicly available records of political candidates' campaign finances, when available, are so incomplete or overly general as to render them useless in understanding a candidate's sources of income and expenditures.

Category III. Government Accountability

III-1. ²⁵ Executive Accountability

27. Can the chief executive be held accountable for his/her actions?

38

27a. In practice, the chief executive gives reasons for his/her policy decisions.

100 | 75 | 50 | **25** | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

References:

Since the emergence of the third republic" in 1963 the Syrian political system has been based on three sides forming the pyramid (Administration Bureaucracy – Ba'ath Party- Military/Intelligence) whose faces lead to the position of the president. These three faces constitute the structure of the Syrian totalitarianism.

The pyramid structure of the regime provided the president a position with constitutionally, legally and actually the absolutely best situation that no other position contests the right to. The threat to the presidency had been completely removed by the end of the eighties when al-Asad himself could rearrange the security organizations and military units that threatened his position as a president.

The Syrian Constitutions gives wide powers to the president, who, in addition to these powers, is entitled to lead the state and society as the general secretary of the Ba'ath party, according to Article 8 of the Constitution. He also holds the post of the General Commander of the Army and Armed Forces, according to Article 103 of the Constitution. He also is the chief of the central command of the Progressive National Front. His powers exceed those of the legislative branch, as he has the power to dissolve the People Assembly (Article 107), and to issue legislative decrees, while the Assembly is out of sessions (Article 111) and to refuse bills (Article 108 of the People Assembly Statute).

He is entitled to appoint one vice president or more, define their powers and to dismiss them. He also has the right to appoint the prime minister and his deputies and ministers and depose them (Article 95 of the Constitution). He has power to declare state of war (Article 100) and state of emergency and to revoke it (Article 101).

The powers of the president in the Syrian Constitution reflect the extent of his "constitutional" domination over other state institutions.

The style of development of the state and its institutional structures is based on a hierarchical presidential regime that concentrates powers in the hand of the state president.

Finally, it is obvious that the president does not need to give reasons for his policy decisions.

100: The chief executive and/or cabinet ministers give formal explanations of all policy matters. The chief executive regularly takes critical questions from journalists or an opposition party, usually at least once a month. There is no censoring of such sessions.

75:

50: The chief executive and/or cabinet ministers give explanations of policy, but not always in a timely or complete way. The chief executive occasionally takes critical questions from journalists or an opposition party, but not in a regular or formalized process. Particular issues of political sensitivity may be censored by government broadcasters.

25:

0: The chief executive and/or cabinet ministers do not give substantial justifications for policy. Public appearances by the chief executive offer no exposure to critical questions. The government and government-run media routinely censor such sessions.

27b. In law, the judiciary can review the actions of the executive.

YES

NO

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

Article 145 from the Syrian Constitution says: The Supreme Constitutional Court looks into and decides on the constitutionality of laws in accordance with the following:

- 1) Should the President of the Republic or a quarter of the People's Assembly members challenge the constitutionality of a law before its promulgation, the promulgation of such law is suspended until the court makes a decision on it within 15 days from the date the appeal was filed with it. Should the law be of an urgent nature, the Supreme Constitutional Court must make a decision within 7 days.
- 2) Should a quarter of the People's Assembly members object to the constitutionality of a legislative decree within 15 days of the date of the People's Assembly session, the Supreme Constitutional Court must decide on it within 15 days from the date the objection was filed with it.
- 3) Should the Supreme Constitutional Court decide that a law or a decree is contrary to the Constitution, whatever is contrary to the text of the Constitution is considered null and void with retroactive effect and has no consequence.

However, the Supreme Constitutional Court has no right to look into laws which the President of the Republic submits to public referendum and are approved by the people (article 46).

Article 147 defines the role of the Supreme Constitutional Court; at the request of the President of the Republic, it gives its opinion on the constitutionality of bills and legislative decrees and the legality of draft decrees.

YES: A YES score is earned if there is a formal process by which the judiciary can pass judgments on the legality or constitutionality of actions taken by the executive.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a national security exemption, for example).

27c. In practice, when necessary, the judiciary reviews the actions of the executive.

100 | 75 | 50 | 25 | 0

Comments:

in some cases the judiciary reviews the actions of the executive power especially in the issues which not have security threat.

References:

The role of the Supreme Constitutional Court in the public and political life in Syria is completely absent.

The Supreme Constitutional Court has never rejected constitutional bills, but in some legislative decrees played a very minor role.

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing executive actions and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power. It does not need to rely upon the executive to initiate a constitutional or legal review.

75:

50: The judiciary will review executive actions, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review executive policy. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power. It must rely on instructions from the executive in order to initiate a legal or constitutional review.

27d. In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, Power and Policy in Syria, (London: I.B. Touris, 2010).

References:

The approach that former president Hafez Assad (1970-2000) adopted to build state institutions, in a way that he could control them, was reflected in his drafting of a permanent constitution that was approved in 1973, and is still in effect.

The Syrian Constitutions gives wide powers to the president, who in addition to these powers is entitled to lead the state and society as the general secretary of the Ba'ath party, according to Article 8 of the Constitution. He also holds the post of the General Commander of the Army and Armed Forces, according to Article 103 of the Constitution. He also is the chief of the central command of the Progressive National Front. His powers exceed the legislative branch, as he has the power to dissolve

the People's Assembly (Article 107), and to issue legislative decrees, while the Assembly is out of session (Article 111) and to refuse bills (Article 108 of the People Assembly Statute). He is entitled to appoint one vice president or more, define their powers and to dismiss them. He also has the right to appoint the prime minister and his deputies and ministers and depose them (Article 95 of the Constitution). He has power to declare state of war (Article 100) and state of emergency and to revoke it (Article 101).

This approach continues through his son Bashar who followed his father in the presidency. The powers of the president in the Syrian Constitution reflect the extent of his constitutional" domination over other state institutions.

The style of development of the state and its institutional structures is based on a hierarchical presidential regime that concentrates powers in the hand of the state president.

Surely, this was the starting point that allowed Assad to build a state as a pyramid that has the president at its top, with the government bureaucracy; the military, security apparatuses and intelligence; and Ba'ath Party as the three pillars of that pyramid.

These three sets of apparatuses are concentrated in pyramid-like structures that run from the regime leadership down to the city, then the village and the neighborhood with different degrees and in parallel. So, Governors are representatives to the president at the provincial level, making the 14 governors in Syria, who are implementing orders issued directly to them from the president, dominating and overseeing the works of administrations that are affiliated to ministries of central government and other public sector entities in the governorate and their surroundings.

The governor is the chief executive of the government administration, and he also the chief of the governorate local council, due to his position. In emergencies, the governor is the commander of police and army troops stationed in his governorate.

Parallel to the governor, the secretary of Ba'ath party provincial branch represents also central government. As such, secretaries of the party branches in governorates are thoroughly scrutinized by the president, who also serves as the General Secretary of the Ba'ath Party and branches' secretaries report to him directly. These 14 provincial branches of the Ba'ath watch the works of government administrations and institutions in their respective 14 governorates that work in education, universities, health, culture, arts and sports and public sector units as well. This monitoring is done through their subdivisions and units that are existent in all the government institutions and they report to the leaders of provincial branches.

In cases of the governor's absence, the provincial party leader becomes an acting governor. At a third and last level, the activities of the party and other administrations are closely subject to daily scrutiny of the four security agencies working in Syria.

100: The chief executive utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75:

50: The chief executive sometimes relies on executive orders to implement policies and regulations opposed by the legislature. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25:

0: The chief executive routinely abuses executive orders to render the legislature practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

28. Is the executive leadership subject to criminal proceedings?

100

28a. In law, the heads of state and government can be prosecuted for crimes they commit.

YES | NO

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

Article 91 from the Syrian Constitution says that the President cannot be held responsible for actions pertaining directly to his duties, except in the case of high treason. A request for his indictment requires a proposal of at least one-third of the members of the People's Assembly and an Assembly decision adopted by a two-thirds majority in an open vote at a special secret session. His trial takes place only before the Supreme Constitutional Court.

YES: A YES score is earned if the heads of state and government can be investigated, charged or prosecuted for criminal allegations. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on the heads of state or government.

28b. In law, ministerial-level officials can be prosecuted for crimes they commit.

YES | NO

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

Article 123 from the Syrian constitution says that the President of the Republic has a right to refer a minister to trial for whatever crimes he commits while in his post or because of it, in accordance with provisions of the Constitution and the law.

Article 124 continues that an accused minister is suspended as soon as the indictment is issued and until the court arrives at a decision regarding the charges brought against him. His resignation or dismissal does not prevent committing him to trial. The trial and its procedures are in accordance with the law.

YES: A YES score is earned if ministerial-level officials, or their equivalents, can all be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if any ministerial-level official, or equivalent official, cannot be investigated, charged or prosecuted for criminal allegations or the executive branch controls whether investigative or prosecutorial immunity can be lifted on ministerial-level officials.

29. Are there regulations governing conflicts of interest by the executive branch?

0

29a. In law, the heads of state and government are required to file a regular asset disclosure form.

YES | **NO**

References:

There is no law in Syria that requires the heads of state and government to regularly file an asset disclosure form.

YES: A YES score is earned if the heads of state and government are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if either the head of state or government is not required to disclose assets.

29b. In law, ministerial-level officials are required to file a regular asset disclosure form.

YES | **NO**

References:

There is no law in Syria that requires the heads of state and government to regularly file an asset disclosure form.

YES: A YES score is earned if ministerial-level officials, or their equivalents, are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets.

NO: A NO score is earned if ministers are not required to disclose assets. A NO score is earned if some ministers must disclose assets, but other ministers are not required.

29c. In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

YES | **NO**

References:

There is no such a law in Syria.

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the executive branch of government.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

29d. In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

YES | **NO**

References:

There is no such a law in Syria.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of executive branch asset disclosures. The auditing is performed by an impartial third-party. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of executive branch asset disclosures or if such requirements exist but allow for self-auditing.

29e. In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

YES | **NO**

References:

There is no such a law in Syria.

YES: A YES score is earned if there are regulations restricting the ability of heads of state/government and ministers to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues. Figurehead officials (symbolic figures without day-to-day authority) may be exempt.

NO: A NO score is earned if no such restrictions exist.

29f. In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

100 | 75 | 50 | 25 | **0**

Comments:

Interviews with civil society representative by phone, Damascus, January 12, 2010.

References:

Many former ministers got high positions in the private sector companies, and some of them used their network to begin their own business without any regulations.”

100: The regulations restricting post-government private sector employment for heads of state/government and ministers are uniformly enforced. There are no cases or few cases of those officials taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off” period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, heads of state/government or ministers are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Heads of state/government or ministers routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if heads of state and government or minister are allowed to hold private sector jobs while in office.

29g. In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, January 19, 2010.

References:

There is no such regulations in the Syria laws, and this practice became very common because of the spread of the corruption in the Syrian institutions.”

100: The regulations governing gifts and hospitality to members of the executive branch are regularly enforced. Members of the executive branch never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the executive branch are generally applied though exceptions exist. Some ministers in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to members of the executive branch are routinely ignored and unenforced. Ministers and other members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

29h. In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

Comments:

Interview with civil society representative by phone, Damascus, January 19, 2010.

References:

There is no such law in Syria that forces the executive branch officials to disclose their assets.”

100: Executive branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Executive branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Executive branch asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

30. Can citizens access the asset disclosure records of the heads of state and government?

0

30a. In law, citizens can access the asset disclosure records of the heads of state and government.

YES | **NO**

Comments:

Interview with civil society representative by phone, Damascus, January 19, 2010.

References:

There is no such a law in Syria.

YES: A YES score is earned if the heads of state and government file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for either the head of state or government. A NO score is earned if the form is filed, but not available to the public.

30b. In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, January 19, 2010.

References:

There is no such a law in Syria.”

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some additional delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

30c. In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, January 19, 2010.

References:

There is no such a law in Syria.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

30d. In practice, the asset disclosure records of the heads of state and government are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, January 19, 2010.

References:

There is no such a law in Syria.

100: The asset disclosure records of the heads of state and government are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the heads of state and government contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the heads of state and government are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

26. In law, can citizens sue the government for infringement of their civil rights?

100

26. In law, can citizens sue the government for infringement of their civil rights?

YES | NO

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

The article 25 of the Syrian Constitution says that:

- (1) Freedom is a sacred right. The state protects the personal freedom of the citizens and safeguards their dignity and security.
- (2) The supremacy of law is a fundamental principle in the society and the state.
- (3) The citizens are equal before the law in their rights and duties.
- (4) The state insures the principle of equal opportunities for citizens.

Article 28 says :(1) Every defendant is presumed innocent until proven guilty by a final judicial decision.

(2) No one may be kept under surveillance or detained except in accordance with the law.

(3) No one may be tortured physically or mentally or be treated in a humiliating manner. The law defines the punishment of whoever commits such an act.

(4) The right of litigation, contest, and defense before the judiciary is safeguarded by the law..

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) can receive compensation or redress through the courts for civil rights violations committed by the government, such as failure to follow due process of law when detaining suspected criminals.

NO: A NO score is earned if any group of citizens is excluded from the right to sue the government, or no such mechanism exists.

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

0

31. In practice, official government functions are kept separate and distinct from the functions of the ruling political party.

100 | 75 | 50 | 25 | 0

Comments:

Kamel Abu Jaber, *The Arab Ba'th Socialist Party: History, Ideology and Organization*, (Syracuse: Syracuse University press, 1966)

John F. Devlin, *The Ba'th Party, A History from its Origins to 1966*, Hoover Institution Publications, 156 (Stanford, ca: Hoover Institution press, 1976);

Itamar Rabinovich, *Syria under the Ba'th 1963-1966: the Army Party Symbiosis*, Shiloah Center for Middle Eastern and African studies (Jerusalem: Israel University press, 1972)S

David Roberts, *the Ba'th and the Creation of Modern Syria* (New York: St. Martin's press, 1987)

References:

The Ba'ath party is considered as the ruling party or the party which leads both society and the state" according to the eighth article of the Syrian constitution, just as the regional leadership of the party suggests the name of the presidency candidate.

The number of those who join the party has been dramatically increasing since 1963, when the party held sway over power at a time when number of the party members did not exceed a few hundred.

"The policy of Ba'athization", as it was called, was adopted. It ordained doubling the members affiliated to the party and giving them the priority for employment in the governmental administrations and educational missions and limiting the chief military, security, ministerial and administrative high positions to them.

100: Clear rules are followed distinguishing state functions from party activities. Government funds are never used for party activities. The civil service is completely distinct from party bureaucracy.

75:

50: The ruling party is, in principal, separate from the state, but exceptions to this standard sometimes occur. Examples may be the use of civil servants to organize political rallies, use of government vehicles on campaign trips, or use of government funds for party purposes.

25:

0: The government bureaucracy is an extension of the ruling party. There are few boundaries between government and party activities. Government funds, equipment and personnel are regularly used to support party activities.

III-2. Legislative Accountability

32. Can members of the legislature be held accountable for their actions?

67

32a. In law, the judiciary can review laws passed by the legislature.

YES | NO

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

Article 145 from the Syrian Constitution says: The Supreme Constitutional Court looks into and decides on the constitutionality of laws in accordance with the following:

3) Should the Supreme Constitutional Court decide that a law or a decree is contrary to the Constitution, whatever is contrary to the text of the Constitution is considered null and void with retroactive effect and has no consequence.

Article 147 defines the role of the Supreme Constitutional Court, at the request of the President of the Republic, gives its opinion on the constitutionality of bills and legislative decrees and the legality of draft decrees.

YES: A YES score is earned if there is a formal process by which the judiciary or constitutional courts can pass judgments on the legality or constitutionality of laws passed by the legislature.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if judicial review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a national security exemption, for example).

32b. In practice, when necessary, the judiciary reviews laws passed by the legislature.

Comments:

Interview with government official by e-mail, Damascus, January 23, 2010

References:

It is very rare, but this can happen in very minor issues not related to the national security or the laws which shape the political life, such as the law of publication or another law that limits or restricts the basic freedoms.”

100: When constitutional or legal questions or possible violations are raised, the judiciary is aggressive in reviewing laws passed and can void illegal or unconstitutional actions. The judiciary is fair and nonpartisan in its application of this power.

75:

50: The judiciary will review laws passed, but is limited in its effectiveness. The judiciary may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce its judgments.

25:

0: The judiciary does not effectively review laws passed. The judiciary may make judgments but not enforce them, or may fail to pass judgments on executive abuses. The judiciary may be partisan in its application of power.

32c. In law, are members of the national legislature subject to criminal proceedings?

YES | NO

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

Article 123 from the Syrian constitution says: the President of the Republic has a right to refer a minister to trial for whatever crimes he commits while in his post or because of it, in accordance with provisions of the Constitution and the law.

Article 124 continues: An accused minister is suspended as soon as the indictment is issued and until the court arrives at a decision regarding the charges brought against him. His resignation or dismissal does not prevent committing him to trial. The trial and its procedures are in accordance with the law.

YES: A YES score is earned if all members of the legislature can, in law, be investigated and prosecuted for criminal allegations.

NO: A NO score is earned if any member of the legislature cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the legislature.

33. Are there regulations governing conflicts of interest by members of the national legislature?

33a. In law, members of the national legislature are required to file an asset disclosure form.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if all members of the legislature are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the legislature is not required to disclose assets.

33b. In law, there are restrictions for national legislators entering the private sector after leaving the government.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if there are regulations restricting national legislators' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

33c. In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the legislature.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the legislature. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

33d. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of legislative branch asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

33e. In practice, the regulations restricting post-government private sector employment for national legislators are effective.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There are many cases of businessmen who were 'elected' to the national Parliament and who continue their business after finishing their terms. Also, we have some cases with ministers who established their company when they left the government."

100: The regulations restricting post-government private sector employment for national legislators are uniformly enforced. There are no cases or few cases of legislators taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, legislators are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if legislators are allowed to hold private sector positions while in office.

33f. In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

I think in some cases some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

but also in other cases those who accept some kind of gifts can be punished.

References:

There was a phenomenon in the parliamentary election 2007 where many businessmen ran for a seat in the People's Assembly and it was clear to the Syrian people how much money they spent during the campaign. Everyone in Syria knows that they use this seat to benefit from the protection it offers in order to continue their businesses.”

100: The regulations governing gifts and hospitality to national legislators are regularly enforced. Legislators never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to national legislators are generally applied though exceptions exist. Some legislators in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

33g. In practice, national legislative branch asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There is no such a law like this Syria, even after the parliamentary election in 2007. There were many voices calling for a law to force the ministers or those who want to run for a seat in the People's Assembly to disclose their assets.”

100: Legislative branch asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Legislative branch asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Legislators routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

34. Can citizens access the asset disclosure records of members of the national legislature?

0

34a. In law, citizens can access the asset disclosure records of members of the national legislature.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if members of the national legislature file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national legislature. A NO score is earned if the form is filed, but not available to the public.

34b. In practice, citizens can access legislative asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There is no law like this in Syria.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

34c. In practice, citizens can access legislative asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There is no law like this in Syria.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

34d. In practice, the asset disclosure records of members of the national legislature are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There is no law like this in Syria.

100: The asset disclosure records of members of the national legislature are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the members of the national legislature contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the members of the national legislature are overly general, lack any meaningful detail, and do not provide clear accounting of the individuals' sources of income, investments, and other financial assets.

35. Can citizens access legislative processes and documents?

0

35a. In law, citizens can access records of legislative processes and documents.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if there is a general legal right to access records of legislative proceedings including voting records. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to national security).

NO: A NO score is earned if there is no general right to access documents recording legislative proceedings. A NO score is earned if there are exemptions to the general right that are not clearly defined by formal rules.

35b. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There is no law like this in Syria.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

35c. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with journalist by phone, Damascus, January 25, 2010.

References:

There is no law like this in Syria.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

18
III-3. Judicial Accountability

36. Are judges appointed fairly?

8

36a. In law, there is a transparent procedure for selecting national-level judges.

YES | **NO**

Comments:

The head of the executive branch is also the head of the Higher Council of the Judiciary. This is best example of the role of the

executive power over the Judicial Authority.

References:

Article 132 of the Syrian Constitution says that: The President of the Republic presides over the Higher Council of the Judiciary. The law defines the method of its formulation, its powers, as well as its internal operating procedures.”

YES: A YES score is earned if there is a formal process for selecting national level justices. This process should be public in the debating and confirmation stages. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

NO: A NO score is given if there is no formal process of selection or the process is conducted without public oversight. National-level judges are defined as judges who have powers that derive from a national law or constitution; are nominated/appointed by a national governmental body (head of state/government or national legislature); and/or are elected nationally.

36b. In practice, professional criteria are followed in selecting national-level judges.

100 | 75 | 50 | **25** | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

The process itself is not clear at all, because it depends only on the president with consultation with the minister of Justice — there is no transparent process.”

100: National-level judges selected have relevant professional qualifications such as formal legal training, experience as a lower court judge or a career as a litigator.

75:

50: Most national-level judges selected meet these qualifications, with some exceptions.

25:

0: National-level judges are often unqualified due to lack of training or experience.

36c. In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

YES | **NO**

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

References:

The article 139 of the Syrian Constitution says that: The Supreme Constitutional Court is composed of five members, of whom one will be the President, and all of whom are appointed by the President of the Republic by decree.”

YES: A YES score is earned if there is a formal process establishing a review of national-level judicial nominees by an agency or entity independent from the body appointing the judges.

NO: A NO score is earned if there is no formal review. A NO score is earned if the review is conducted by the same body that appoints the judges (such as the Prime Minister approving judicial nominees put forward by the Minister of Justice, both of whom are part of the executive).

37. Can members of the judiciary be held accountable for their actions?

46

37a. In law, members of the national-level judiciary are obliged to give reasons for their decisions.

YES | NO

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

According to the Judicial Authority Law No.98 (1961).

YES: A YES score is earned if there is a formal and mandatory process for judges to explain their decisions.

NO: A NO score is earned if justices are not required to explain decisions. A NO score is earned if there is a general exemption from explaining some decisions (such as national security).

37b. In practice, members of the national-level judiciary give reasons for their decisions.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

According to the Syrian constitution and The Judicial Authority Law No.98 (1961), the President of the Republic is the head of the Higher Council of the Judiciary, which includes in its membership the ministry of Justice. This has allowed the executive power to interfere in the business of the Judicial Authority in many ways, among them selecting the judges and firing them from their positions as has happened many times. The last time was in 2005 when the government fired 83 judges from their offices.

100: Judges are formally required to explain their judgments in detail, establishing a body of precedent. All judges comply with these requirements.

75:

50: Judges are compelled to give substantial reasons for their decisions, but some exceptions exist. These may include special courts, such as military courts or tribunals.

25:

0: Judges commonly issue decisions without formal explanations.

37c. In law, there is a disciplinary agency (or equivalent mechanism) for the national-level judicial system.

YES | NO

Comments:

http://en.wikipedia.org/wiki/High_Judicial_Council

References:

The High Judicial Council is the highest judicial authority in Syria. The council is charged with the appointment, transfer and dismissal of judges. It is composed of senior civil judges and chaired by the president. The independence of the judiciary is guaranteed by the president in his role as chairman of the High Judicial Council, according to Article 131 of the constitution. Article 133 stipulates that judges be autonomous and subject to no authority other than the law.

YES: A YES score is earned if there is a disciplinary agency (or equivalent mechanism) for the judicial system. A disciplinary agency is defined here as an agency or mechanism specifically mandated to investigate breaches of procedure, abuses of power or other failures of the judiciary. A YES score can still be earned if the judicial disciplinary agency (or mechanism) is internal to the judiciary.

NO: A NO score is earned if no agency or mechanism is specifically mandated to act as a disciplinary mechanism for the national-level judiciary.

37d. In law, the judicial disciplinary agency (or equivalent mechanism) is protected from political interference.

YES | NO

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

Article 81 of the Judicial Authority Law No.98 (1961) says: Judges are forbidden to express opinions and political leanings. The judges are also prohibited from engaging in politics.

YES: A YES score is earned if there are formal rules establishing that the judicial disciplinary agency (or equivalent mechanism) is protected from political interference by the executive and legislative branches.

NO: A NO score is earned if there are no formal rules establishing the independence of the judicial disciplinary agency (or equivalent mechanism). A NO score is given if the judicial disciplinary agency or equivalent mechanism function is carried out by an executive ministry or legislative committee.

37e. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

This is very rare and depends only on the political interest of the president or the officials in the security services.”

100: The judicial disciplinary agency (or equivalent mechanism) aggressively starts investigations — or participates fully with cooperating agencies’ investigations — into judicial misconduct. The judicial disciplinary agency (or equivalent mechanism) is fair in its application of this power.

75:

50: The judicial disciplinary agency (or equivalent mechanism) will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The judicial disciplinary agency (or equivalent mechanism), though limited in effectiveness, is still fair in its application of power.

25:

0: The judicial disciplinary agency (or equivalent mechanism) rarely investigates on its own or cooperates in other agencies’ investigations, or the judicial disciplinary agency (or equivalent mechanism) is partisan in its application of this power.

37f. In practice, when necessary, the judicial disciplinary agency (or equivalent mechanism) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

<http://www.undp-pogar.org/publications/judiciary/nbrown/syria.html>

References:

Syria has remained under emergency law since 1963. The regime used the Supreme State Security Court to silence its opposition. Its judgments are not subject to appeal nor is it bound by the same procedures as the courts of regular jurisdiction. The president of the republic must approve a verdict; he may also cancel it and ask for a retrial.

The administrative court system in Syria is stipulated in the constitution. During the period of union with Egypt, the Syrian Council of State” was brought into harmony with the Egyptian model and it remains similar to its Egyptian counterpart until today. There are two levels of courts to hear administrative cases: the Council of State (which includes advisory as well as judicial functions) remains independent and separate from the courts of general jurisdiction. The Syrian administrative courts have demonstrated some independence in reviewing government actions.

100: When rules violations are discovered, the judicial disciplinary agency (or equivalent mechanism) is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The judicial disciplinary agency (or equivalent mechanism) enforces rules, but is limited in its effectiveness. The judicial disciplinary agency (or equivalent mechanism) may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The judicial disciplinary agency (or equivalent mechanism) does not effectively penalize offenders. The judicial disciplinary agency (or equivalent mechanism) may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The judicial disciplinary agency (or equivalent mechanism) may be partisan in its application of power.

38. Are there regulations governing conflicts of interest for the national-level judiciary?

0

38a. In law, members of the national-level judiciary are required to file an asset disclosure form.

YES | **NO**

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria, but article 140 of the Syria constitution says that: It is not permissible to combine the membership of the Supreme Constitutional Court with a ministerial post or membership in the People’s Assembly. The law defines other functions which cannot be combined with court membership.”

YES: A YES score is earned if all members of the national-level judiciary are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the national-level judiciary is not required to publicly disclose assets.

38b. In law, there are regulations governing gifts and hospitality offered to members of the national-level judiciary.

YES | **NO**

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

The Judicial Authority Law No.98 (1961) does not say anything regarding the regulation of gifts and hospitality offered to judges.

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the national-level judiciary.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the national-level judiciary. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

38c. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national-level judiciary.

YES | **NO**

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of national-level judiciary asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of national-level judiciary asset disclosures or if such requirements exist but allow for self-auditing.

38d. In law, there are restrictions for national-level judges entering the private sector after leaving the government.

YES | **NO**

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria.

YES: A YES score is earned if there are regulations restricting national-level judges' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

38e. In practice, the regulations restricting post-government private sector employment for national-level judges are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria. There are many judges who established their own business after they left office.

100: The regulations restricting post-government private sector employment for national-level judges are uniformly enforced. There are no cases or few cases of judges taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain cases, judges are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced. A zero score is also earned if judges are allowed to hold private sector jobs while serving on the bench.

38f. In practice, the regulations governing gifts and hospitality offered to members of the national-level judiciary are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

Bribery is a very common phenomenon inside the judiciary system in Syria, due to the low wages and the economic situation of the judges. But it cannot be justified, of course.

This has created a perception that there is no need for a lawyer at all, as long as a defendant can save attorney fees by paying them instead to the judge directly. This has led directly to the emergence of middlemen and brokers in the role of the courts.

100: The regulations governing gifts and hospitality to members of the national-level judiciary are regularly enforced. Judges never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to members of the national-level judiciary are generally applied though exceptions exist. Some judges are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

38g. In practice, national-level judiciary asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria.

100: National-level judiciary asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: National-level judiciary asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: The regulations are rarely or never enforced. Judges routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

39. Can citizens access the asset disclosure records of members of the national-level judiciary?

0

39a. In law, citizens can access the asset disclosure records of members of the national-level judiciary.

YES | **NO**

References:

There is no law like this in Syria.

YES: A YES score is earned if members of the national-level judiciary file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the national-level judiciary. A NO score is earned if the form is filed, but not available to the public.

39b. In practice, citizens can access judicial asset disclosure records within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

39c. In practice, citizens can access judicial asset disclosure records at a reasonable cost.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

39d. In practice, the asset disclosure records of the national-level judiciary are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Interview with lawyer and expert by phone, Damascus, January 28, 2010.

References:

There is no law like this in Syria.

100: The asset disclosure records of the national-level judiciary are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of the national-level judiciary contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of the national-level judiciary are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

III-4. Budget Processes

40. Can the legislature provide input to the national budget?

40a. In law, the legislature can amend the budget.

YES | **NO**

Comments:

http://www.servat.unibe.ch/icl/sy00000_.html

I disagree, because the article 74 say clearly that The draft budget is submitted to the Assembly two months before the beginning of the fiscal year. The budget is not in force unless it is approved by the Assembly” . the article 79 say “During study of the budget, the Assembly has no right to increase the estimates of revenues and expenditures.” but according to the law which dose` t mean that the the Assembly has no right to amend the budget.

References:

Article 25 of the Syrian Constitution says that: The People’s Assembly assumes the following powers:
4) Approval of the general budget and development plans.”

YES: A YES score is earned if the legislature has the power to add or remove items to the national government budget.

NO: A NO score is earned if the legislature can only approve but not change details of the budget. A NO score is earned if the legislature has no input into the budget process.

40b. In practice, significant public expenditures require legislative approval.

100 | 75 | 50 | 25 | **0**

Comments:

Radwan Ziadeh, Power and policy in Syria, (London: I.B. Touris, 2010).

References:

The Parliament had no role in the Syrian political life since 1971: Its role has been confined to approving the laws proposed by the Government. It has never withdrawn confidence from any government, or objected or defeated any draft law from the government.

Therefore, the Parliament did not exercise its monitoring functions over the government, or supervise the management of important or political issues; it maintained a role not exceeding administrative and service performance.

President Bashar al-Asad has not introduced any changes to laws governing the People’s Assembly’s elections, or any amendments to its role and performance. Moreover, two ministers of parliament (MPs) were arrested (Riad Seif and Maamun al-Homsi) in 2001 during their membership in the Parliament because of their opinions and political standpoints; the MP Seif had uncovered corruption in a deal related to the cellular companies’ contracts. This, in addition to his political activity in the forums, sent him to prison for five years.

100: All significant government expenditures (defined as any project costing more than 1% of the total national budget), must be approved by the legislature. This includes defense and secret programs, which may be debated in closed hearings.

75:

50: Most significant government expenditures (as defined) are approved by the legislature, but some exceptions to this rule exist. This may include defense programs, an executive's personal budget, or other expenses.

25:

0: The legislature does not have the power to approve or disapprove large portions of the government budget, or the legislature does not exercise this power in a meaningful way.

40c. In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

100 | 75 | 50 | 25 | 0

Comments:

Radwan Ziadeh, *Power and Policy in Syria*, (London: I.B. Touris, 2010).

<http://www.zawya.com/Story.cfm/sidv53n01-3NC26/Parliament%20Approves%20Syrian%202010%20Budget/>

References:

The Syrian Parliament did not exercise its monitoring functions over the government and its budget. For example, the Syrian parliament on Dec. 20, 2009 approved the 2010 budget with no modification to the draft submitted to parliament to the government in Oct 2009. The budget was issued as Law 37 of 2009 shortly after the parliament's ratification.

100: Legislators benefit from a sufficient and qualified staff as well as adequate financial and physical resources. Lack of capacity is never a reason why legislators cannot carry out their duties effectively.

75:

50: Legislators have some staff and financial resources but are limited by a shortfall of resources to adequately perform all of their budgetary oversight functions. Legislators are occasionally overwhelmed by the volume of work to be performed.

25:

0: Legislators have little to no staff and virtually no financial resources with which to perform their budgetary oversight role. Lack of resources is a regular and systemic problem that cripples the performance of the legislature.

41. Can citizens access the national budgetary process?

0

41a. In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, February 3, 2010.

References:

If the parliament cannot play role in monitoring the budget, how can a Syrian citizen do it?"

100: Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75:

50: There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items, such as non-secret defense projects, may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25:

0: Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussion and debate happens in other, closed settings.

41b. In practice, citizens provide input at budget hearings.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, February 3, 2010.

References:

If the parliament can not play role in monitoring the budget, how can a Syrian citizen do it?"

100: Citizens, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

75:

50: Citizens or CSOs can provide input, but this information is often not relevant to budget decisions.

25:

0: Citizens or CSOs have no formal access to provide input to the budget debate.

41c. In practice, citizens can access itemized budget allocations.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, February 3, 2010.

References:

If the parliament can't play role in monitoring the budget, how the Syrian Citizen can do that?"

100: Citizens, journalists and CSOs can access itemized lists of budget allocations. This information is easily available and up to date.

75:

50: Citizens, journalists and CSOs can access itemized lists of budget allocations but this information may be difficult to access, incomplete or out of date.

25:

0: Citizens cannot access an itemized list of budget allocations, due to secrecy, prohibitive barriers or government inefficiency.

43. Is the legislative committee overseeing the expenditure of public funds effective?

8

43a. In practice, department heads regularly submit reports to this committee.

100 | 75 | 50 | **25** | 0

Comments:

Interview with government official by phone, Damascus, February 5, 2010.

References:

It has an automatic role in ratification of all the accounts and the budget offered by the government. The chair of the committee is a member in the Ba'ath Party (the ruling party)."

100: Heads of ministry- or cabinet-level agencies submit regular, formal reports of expenses to a budget oversight committee.

75:

50: Agency heads submit reports to a budget oversight committee, but these reports are flawed in some way. The reports may be inconsistently delivered, or lacking important details.

25:

0: There is no budget oversight committee or equivalent, or heads of agencies do not submit meaningful reports to the agency.

43b. In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 5, 2010.

References:

It has an automatic role in ratification of all the accounts and the budget offered by the government, the chair of the committee is a member in the Ba`ath Party (the ruler party), and there is no opposition party represented in the Syrian Parliament.”

100: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties in a roughly equitable distribution. All members of the committee — including opposition party members — are able to fully participate in the activities of the committee and influence the committee’s work to roughly the same extent as any other member of the committee.

75:

50: The committee is comprised of legislators from both the ruling party (or parties) and opposition parties although the ruling party has a disproportionate share of committee seats. The chairperson of the committee may be overly influential and curb other members’ ability to shape the committee’s activities.

25:

0: The committee is dominated by legislators of the ruling party and/or the committee chairperson. Opposition legislators serving on the committee have in practice no way to influence the work of the committee.

43c. In practice, when necessary, this committee initiates independent investigations into financial irregularities.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 5, 2010.

References:

The committee never initiates independent investigations into financial irregularities in 2001 when former minister of parliament Riad Seif uncovered the corruption deal related to the cellular companies’ contracts that were owned by Rami Makhoulf (the president’s cousin). MP Seif asked for an investigation inside the parliament. The committee said in its report that this deal is a part of the national security interests.” This ended with Riad Seif serving five years in prison.

100: When irregularities are discovered, the committee is aggressive in investigating the government.

75:

50: The committee starts investigations, but is limited in its effectiveness. The committee may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The committee does not effectively investigate financial irregularities. The committee may start investigations but not complete them, or may fail to detect offenders. The committee may be partisan in its application of power.

42. In law, is there a separate legislative committee which provides oversight of public funds?

100

42. In law, is there a separate legislative committee which provides oversight of public funds?

YES | NO

References:

The committee is called The Budget Committee and Accounts. It oversees all regular and supplementary budgets and the development of projects and cuts the budget accounts.

YES: A YES score is earned if there is a dedicated legislative committee (or equivalent group located in the legislature) that oversees the expenditure of public funds.

NO: A NO score is earned if no such body exists within the legislature. A NO score is earned if there is a body executing this function but it is not part of the legislature (such as a separate supreme audit institution).

Category IV. Administration and Civil Service

IV-1. Civil Service Regulations

44. Are there national regulations for the civil service encompassing, at least, the managerial and professional staff?

50

44a. In law, there are regulations requiring an impartial, independent and fairly managed civil service.

YES | NO

References:

According to the civil service law No.50, 2004.

YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference.

NO: A NO score is earned if there are no formal rules establishing an independent civil service.

44b. In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

YES | NO

References:

According to the civil service law No.50, 2004.

YES: A YES score is earned if there are specific formal rules prohibiting nepotism, cronyism, and patronage in the civil service. These should include competitive recruitment and promotion procedures as well as safeguards against arbitrary disciplinary actions and dismissal.

NO: A NO score is earned if no such regulations exist.

44c. In law, there is an independent redress mechanism for the civil service.

YES | NO

References:

According to the article 137 of civil service law No.50, 2004: The President has the right to fire any civil servant, without giving reasons, and the second paragraph of this article prevents the civil servant from using his constitutional right to go to court to challenge or appeal of the resolution."

This was issued on Nov. 3, 2004, but later the president changed this article to allow the civil servant to go to the court.

YES: A YES score is earned if there is a mechanism to which civil servants and applicants for the civil service can take grievances regarding civil service management actions. The mechanism should be independent of their supervisors but can still be located within the government agency or entity (such as a special commission or board). Civil servants are able to appeal the mechanism's decisions to the judiciary.

NO: A NO score is earned if no such mechanism exists, or if the only recourse civil servants have is directly through the courts.

44d. In law, civil servants convicted of corruption are prohibited from future government employment.

YES | **NO**

References:

Nothing about this issue in the civil service law No.50, 2004.

YES: A YES score is earned if there are specific rules prohibiting continued government employment following a corruption conviction.

NO: A NO score is earned if no such rules exist or if the ban is not a lifetime ban.

45. Is the law governing the administration and civil service effective?

31

45a. In practice, civil servants are protected from political interference.

100 | 75 | 50 | 25 | **0**

Comments:

John F. Devlin, *The Ba`th Party, A History from its Origins to 1966*, Hoover Institution Publications, 156 (Stanford, ca: Hoover Institution press, 1976);

Itamar Rabinovich, *Syria under the Ba`th 1063-1966: the Army Party Symbiosis*, Shiloah Center for Middle Eastern and African studies (Jerusalem: Israel University press, 1972)S

David Roberts, *the Ba`th and the Creation of Modern Syria* (New York: St. Martin's press, 1987)

References:

When the Ba`ath Party took the power at 1963, the policy of Ba`thization"as it was called, was adopted. It ordained doubling the members affiliated to the party and giving them the priority for employment in the governmental administrations and educational missions and limiting the chief military, security, ministerial and administrative high positions to them.

100: Civil servants operate independently of the political process, without incentive or pressure to render favorable treatment or policy decisions on politically sensitive issues. Civil servants rarely comment on political debates. Individual judgments are rarely praised or criticized by political figures. Civil servants can bring a case to the courts challenging politically-motivated firings.

75:

50: Civil servants are typically independent, yet are sometimes influenced in their judgments by negative or positive political or personal incentives. This may include favorable or unfavorable treatment by superiors, public criticism or praise by the government, or other forms of influence. Civil servants may bring a case to the judicial system challenging politically-motivated firings but the case may encounter delays or bureaucratic hurdles.

25:

0: Civil servants are commonly influenced by political or personal matters. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. Civil servants are unable to find a remedy in the courts for unjustified or politically-motivated firings.

45b. In practice, civil servants are appointed and evaluated according to professional criteria.

100 | 75 | 50 | **25** | 0

Comments:

Interview with civil society representative by phone, Damascus, February 5, 2010.

References:

There is no clear mechanism. It depends on the department, but usually personal loyalties, family connections, political considerations and sometimes bribery play an important role for the individuals who apply for a job in the public sector.

100: Appointments to the civil service and their professional evaluations are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments and professional assessments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments and professional assessments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

45c. In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

100 | 75 | 50 | **25** | 0

Comments:

Interview with government official and civil society representative by phone, Damascus, February 4, 2010.

References:

There is no clear mechanism for hiring, firing, promotions in the public sector. It depends on personal loyalties, family connections, political considerations and sometimes bribery play an important role for the individuals who apply for a job in the public sector.

The firing policy depends on the civil servant's political beliefs. If anyone belongs to any of the opposition parties they will be fired from their position, as happened for a Damascus Deceleration employee in 2008.

100: Nepotism (favorable treatment of family members), cronyism (favorable treatment of friends and colleagues), and patronage (favorable treatment of those who reward their superiors) are actively discouraged at all levels of the civil service. Hirings, firings, and promotions are based on merit and performance.

75:

50: Nepotism, cronyism, and patronage are discouraged, but exceptions exist. Political leaders or senior officials sometimes appoint family member or friends to favorable positions in the civil service, or lend other favorable treatment.

25:

0: Nepotism, cronyism, and patronage are commonly accepted principles in hiring, firing and promotions of civil servants.

45d. In practice, civil servants have clear job descriptions.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

When Bashar Al-asad succeeded his father in 2000, he tried to start administrative reform, especially for the civil servants, and established a new institution for rehabilitation of the civil servants in the public sector with European fund. But this plan was not accompanied by legal reform; therefore, it did not have any impact on the public institution.

100: Civil servants almost always have formal job descriptions establishing levels of seniority, assigned functions, and compensation. Job descriptions are a reliable representation of positions in terms of a person's authority, responsibility and base pay.

75:

50: Civil servants often have formal job descriptions, but exceptions exist. Some civil servants may not be part of the formal assignment of duties and compensations. Some job descriptions may not map clearly to pay or responsibilities in some cases.

25:

0: Civil servants do not have formal roles or job descriptions. If they do, such job descriptions have little or nothing to do with the position's responsibilities, authority, or pay.

45e. In practice, civil servant bonuses constitute only a small fraction of total pay.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

According to the law, all employees in the same class should receive the same bonuses until they reach a specific level.

100: Civil servant bonuses constitute no more than 10% of total pay and do not represent a major element of take-home pay.

75:

50: Civil servant bonuses are generally a small percentage of total take-home pay for most civil servants though exceptions exist where some civil servants' bonuses represent a significant part of total pay.

25:

0: Most civil servants receive bonuses that represent a significant amount of total take-home pay. In some cases bonuses represent the majority of total pay to civil servants.

45f. In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

100 | 75 | 50 | **25** | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no transparency in the process. Some departments may announce a call for jobs in the public newspaper, but the process after that (interviews, selection, etc.) will be out of the public view.

100: The government publishes such a list on a regular basis.

75:

50: The government publishes such a list but it is often delayed or incomplete. There may be multiple years in between each successive publication.

25:

0: The government rarely or never publishes such a list, or when it does it is wholly incomplete.

45g. In practice, the independent redress mechanism for the civil service is effective.

100 | 75 | 50 | **25** | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

According to the law, the president has the right to fire any civil servant without giving reasons, and the second paragraph of this article (137) obstructs the civil servant from using his constitutional right to go to court to challenge or appeal of the resolution. Later on, they changed this article to allow to the civil servant to go to court.

100: The independent redress mechanism for the civil service can control the timing and pace of its investigations without any input from the bodies that manage civil servants on a day-to-day basis.

75:

50: The independent civil service redress mechanism can generally decide what to investigate and when but is sometimes subject to pressure from the executive or the bodies that manage civil servants on a day-to-day basis on politically sensitive issues.

25:

0: The civil service redress mechanism must rely on approval from the executive or the bodies that manage civil servants on a day-to-day basis before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

45h. In practice, in the past year, the government has paid civil servants on time.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

The Syrian government usually pays civil servants on time.

100: In the past year, no civil servants have been paid late.

75:

50: In the past year, some civil servants have been paid late.

25:

0: In the past year, civil servants have frequently been denied due pay.

45i. In practice, civil servants convicted of corruption are prohibited from future government employment.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no law that prohibits any civil servant convicted of corruption from having a future government employment.

100: A system of formal blacklists and cooling off periods is in place for civil servants convicted of corruption. All civil servants are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some civil servants may not be affected by the system, or the prohibitions are sometimes not effective. Some bans are only temporary.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future employment of convicted civil servants.

46. Are there regulations addressing conflicts of interest for civil servants?

6

46a. In law, senior members of the civil service are required to file an asset disclosure form.

YES | **NO**

References:

Nothing about this issue in the civil service law No.50, 2004.

YES: A YES score is earned if senior members of the civil service are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any senior member of the civil service is not required to disclose assets.

46b. In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

YES | **NO**

References:

Nothing about this issue in the civil service law No.50, 2004.

YES: A YES score is earned if there are requirements for civil servants to recuse themselves from policy decisions where their personal interests, including personal financial interests as well as those of their family and friends, are affected.

NO: A NO score exists if no such requirements exist in regulation or law.

46c. In law, there are restrictions for civil servants entering the private sector after leaving the government.

YES | **NO**

References:

Nothing about this issue in the civil service law No.50, 2004.

YES: A YES score is earned if there are regulations restricting civil servants' ability to take positions in the private sector after leaving government that would present a conflict of interest, including positions that directly seek to influence their former government colleagues.

NO: A NO score is earned if no such restrictions exist.

46d. In law, there are regulations governing gifts and hospitality offered to civil servants.

YES | **NO**

References:

Nothing about that in the civil service law No.50, 2004.

YES: A YES score is earned if there are formal guidelines regarding gifts and hospitality given to civil servants.

NO: A NO score is earned if there are no such guidelines or regulations.

46e. In law, there are requirements for the independent auditing of the asset disclosure forms of senior members of the civil service.

YES | **NO**

References:

Nothing about that in the civil service law No.50, 2004.

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of civil service asset disclosures. The auditing is performed by an impartial third-party.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of civil service asset disclosures or if such requirements exist but allow for self-auditing.

46f. In practice, the regulations restricting post-government private sector employment for civil servants are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There are no regulations restricting post-government private sector employment for civil servants.

100: The regulations restricting post-government private sector employment for civil servants are uniformly enforced. There are no cases or few cases of civil servants taking jobs in the private sector after leaving government where they directly lobby or seek to influence their former government colleagues without an adequate cooling off" period.

75:

50: The regulations are generally enforced though some exceptions exist. In certain sectors, civil servants are known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues. Cooling off periods are short and sometimes ignored.

25:

0: The regulations are rarely or never enforced. Civil servants routinely take jobs in the private sector following government employment that involve direct lobbying or influencing of former government colleagues. Cooling off periods are non-existent or never enforced.

46g. In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.
there are some case where the civil servants are punished because accepting gifts, but very few.

References:

There are no such regulations in the Syrian laws, and this practice became very common because of the spread of the corruption

in the Syrian institutions.”

100: The regulations governing gifts and hospitality to civil servants are regularly enforced. Civil servants never or rarely accept gifts or hospitality above what is allowed.

75:

50: The regulations governing gifts and hospitality to civil servants are generally applied though exceptions exist. Some civil servants in certain sectors are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25:

0: The regulations governing gifts and hospitality to the civil service are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

46h. In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

In general the civil service hasn't role in the decision process but in some department they can play a role but may be not effective enough.

References:

There is no role for the civil service in the decision making process in any way; the decisions are taken by the Ba`th party or the high officials in the departments such as ministers.

100: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are routinely followed by most or all civil servants.

75:

50: The requirements that civil servants recuse themselves from policy decisions where their personal interests are affected are followed by most civil servants though exceptions exist. In certain sectors, civil servants are known to routinely participate in policy decisions where their personal interests are affected.

25:

0: Most civil servants routinely ignore recusal requirements and continue to participate in policy decisions where their personal interests are affected.

46i. In practice, civil service asset disclosures are audited.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is nothing about this in the Syrian laws.

100: Civil service asset disclosures are regularly audited using generally accepted auditing practices.

75:

50: Civil service asset disclosures are audited, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25:

0: Civil service asset disclosures are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

47. Can citizens access the asset disclosure records of senior civil servants?

0

47a. In law, citizens can access the asset disclosure records of senior civil servants.

YES | **NO**

References:

There is nothing about this in the civil service law No.50, 2004.

YES: A YES score is earned if laws or regulations guarantee that citizens can access the asset records of senior civil servants.

NO: A NO score is earned if senior civil servants do not file an asset disclosure. A NO score is earned if senior civil servants file an asset disclosure, but it is not available to the public.

47b. In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is nothing about this in the Syrian laws.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

47c. In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is nothing about this in the Syrian laws.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

47d. In practice, the asset disclosure records of senior civil servants are of high quality.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is nothing about this in the Syrian laws.

100: The asset disclosure records of senior civil servants are complete and detailed, providing the public with an accurate and updated accounting of the individuals' sources of income, investments, and other financial interests.

75:

50: The asset disclosure records of senior civil servants contain some useful information but may be lacking important details, including politically sensitive investment or other financial arrangements in which the individual has an interest.

25:

0: The asset disclosure records of senior civil servants are overly general, lack any meaningful detail, and do not provide a clear accounting of the individuals' sources of income, investments, and other financial assets.

IV-2. Whistle-blowing Measures

48. Are employees protected from recrimination or other negative consequences when reporting corruption (i.e. whistle-blowing)?

13

48a. In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | **NO**

References:

Nothing about this in the civil service law No.50, 2004.

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers.

48b. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Comments:

Interviews with civil society representative by phone, Damascus, February 5, 2010.

References:

There are many cases of civil servants who report cases of corruption to their manager or especially to the media and then are fired from their jobs.

100: Public sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Public sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Public sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

48c. In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if there are specific laws against recrimination against private sector whistleblowers. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private-sector whistleblowers.

48d. In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Comments:

Interviews with civil society representative by phone, Damascus, February 5, 2010.

References:

There are some cases of private sector employees who report cases of corruption to their manager or especially to the media, and then are fired from their jobs.

100: Private sector whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75:

50: Private sector whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Private sector whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

50. In practice, is the internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption effective?

6

50a. In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no internal reporting mechanism for public sector corruption at all.

100: The agency/entity has staff sufficient to fulfill its basic mandate.

75:

50: The agency/entity has limited staff, a fact that hinders its ability to fulfill its basic mandate.

25:

0: The agency/entity has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

50b. In practice, the internal reporting mechanism for public sector corruption receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no internal reporting mechanism for public sector corruption at all.

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

50c. In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no internal reporting mechanism for public sector corruption at all.

100: The agency/entity acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

50d. In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no internal reporting mechanism for public sector corruption at all.

100: When irregularities are discovered, the agency/entity is aggressive in investigating the government or in cooperating with other agencies' investigations.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

0

49. In law, is there an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption?

YES | NO

References:

Within the Syrian Parliament there is what is called the Complaints and Petitions Committee," which receives complaints from the Syrian citizens about different issues, though not specifically about corruption.

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple national government agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists.

6 IV-3. Procurement

51. Is the public procurement process effective?

3

51a. In law, there are regulations addressing conflicts of interest for public procurement officials.

YES | **NO**

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for public procurement officials. A YES score is earned if such regulations cover all civil servants, including procurement officials.

NO: A NO score is earned if no such rules exist.

51b. In law, there is mandatory professional training for public procurement officials.

YES | **NO**

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

51c. In practice, the conflicts of interest regulations for public procurement officials are enforced.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no process or regulation that organizes or eliminates the conflicts of interest for public procurement officials.

100: Regulations regarding conflicts of interest for procurement officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from regulations.

25:

0: Conflict-of-interest regulations do not exist, or are consistently ineffective.

51d. In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

YES | NO

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if there is a formal mandate to some agency to monitor the assets, incomes and spending habits of public procurement officials, such as an inspector general, or ombudsman.

NO: A NO score is earned if no such mandate exists.

51e. In law, major procurements require competitive bidding.

YES | NO

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if all major procurements (defined as those greater than 0.5% of GDP) require competitive bidding.

NO: A NO score is earned if competitive bidding is not required by law or regulation for major procurement (greater than 0.5% OF GDP).

51f. In law, strict formal requirements limit the extent of sole sourcing.

YES | **NO**

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if sole sourcing is limited to specific, tightly defined conditions, such as when a supplier is the only source of a skill or technology.

NO: A NO score is earned if there are no prohibitions on sole sourcing. A NO score is earned if the prohibitions on sole sourcing are general and unspecific.

51g. In law, unsuccessful bidders can instigate an official review of procurement decisions.

YES | **NO**

References:

There is nothing about this in the Syrian laws, but there is what's called "The central body of control and inspection" which monitors some deals and initiates investigations inside the public sector or state sector. But this depends on whether an investigation would be in the political interest of the president or the security services.

YES: A YES score is earned if there is a formal appeal process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

51h. In law, unsuccessful bidders can challenge procurement decisions in a court of law.

YES | **NO**

References:

There is what is called "The central body of control and inspection" which monitors some deals and initiates investigations inside the public sector or state sector, but this depends solely on whether it is in the political interest of the president or the security services.

When the central body of control and inspection decides there is a case of corruption, it can turn the file over to the court.

YES: A YES score is earned if unsuccessful bidders can use the courts to appeal a procurement decision.

NO: A NO score is earned if no such process exists.

51i. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

YES | **NO**

References:

There is nothing clear about this in the Syrian laws.

YES: A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

NO: A NO score is earned if no such process exists.

51j. In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

100 | 75 | 50 | **25** | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

The Syrian Law does not prohibit anyone who violates the procurement regulations from participating in future procurement bids.

100: A system of formal blacklists and cooling off periods is in place for companies convicted of corruption. All companies are subject to this system.

75:

50: A system of formal blacklists and cooling off periods is in place, but the system has flaws. Some procurements or companies may not be affected by the system, or the prohibitions are sometimes not effective.

25:

0: There is no such system, or the system is consistently ineffective in prohibiting future hiring of blacklisted companies.

52. Can citizens access the public procurement process?

0

52a. In law, citizens can access public procurement regulations.

YES | **NO**

References:

There is no transparency in the process at all.

YES: A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

NO: A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

52b. In law, the government is required to publicly announce the results of procurement decisions.

YES | **NO**

References:

There is nothing in Syrian law that requires the government to publicly announce the results of procurement decisions.

YES: A YES score is earned if the government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the public procurement process.

52c. In practice, citizens can access public procurement regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

Citizens cannot access public procurement regulations at all.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

52d. In practice, citizens can access public procurement regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

Citizens cannot access public procurement regulations at all.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. These records are defined here as the rules governing the competitive procurement process.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

52e. In practice, major public procurements are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

There is no formal process for advertising major public procurements.

100: There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising major public procurements or the process is superficial and ineffective.

52f. In practice, citizens can access the results of major public procurement bids.

100 | 75 | 50 | 25 | 0

Comments:

Interview with government official by phone, Damascus, February 4, 2010.

References:

This information is not available to the public through an official process.

100: Records of public procurement results are publicly available through a formal process.

75:

50: Records of public procurements are available, but there are exceptions to this practice. Some information may not be available, or some citizens may not be able to access information.

25:

0: This information is not available to the public through an official process.

IV-4. Privatization

53. Is the privatization process effective?

0

53a. In law, all businesses are eligible to compete for privatized state assets.

YES | **NO**

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if all businesses are equally eligible to compete for privatized assets. A YES score is still earned if the government did not privatize any state-owned assets during the study period.

NO: A NO score is earned if any group of businesses (other than those blacklisted due to corruption charges) is excluded by law.

53b. In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

YES | **NO**

References:

There is nothing about this in the Syrian laws.

YES: A YES score is earned if there are specific formal regulations defining and regulating conflicts of interest between official public duty and private interests for privatization officials. A YES score is earned if such regulations cover all civil servants, including privatization officials.

NO: A NO score is earned if there are no such formal regulations.

53c. In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

Comments:

Interview with an economic expert by phone, Damascus, February 8, 2010.

Bassam Haddad, "The Formation and Development of Economic Networks in Syria: Implication for Economic and Fiscal Reforms, 1986-2000," in *Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited*, edited by Steven Heydemann (New York: Palgrave MacMillan, 2004) p. 37-75.

References:

Conflict of interest regulations do not exist in Syria, and the best example of this is the Rami Makhoul case.

There were widespread news about the major commercial transactions undertaken by the president's cousin, Rami Makhoul, on his behalf, who monopolizes the ownership of the two mobile phone companies, the free trade zones on the Syrian borders, plus more than 200 agencies of foreign companies that are operating in Syria.

100: Regulations regarding conflicts of interest for privatization officials are aggressively enforced.

75:

50: Conflict-of-interest regulations exist, but are flawed. Some violations may not be enforced, or some officials may be exempt from the regulations.

25:

0: Conflict of interest regulations do not exist, or are consistently ineffective.

54. Can citizens access the terms and conditions of privatization bids?

0

54a. In law, citizens can access privatization regulations.

YES | **NO**

References:

There is nothing about this in Syrian laws.

YES: A YES score is earned if privatization rules (defined here as the rules governing the competitive privatization process) are, by law, open to the public. Even if privatization is infrequent or rare, the most recent privatization should be used as the basis for scoring this indicator.

NO: A NO score is earned if privatization rules are officially secret for any reason or if there are no privatization rules.

54b. In practice, privatizations are effectively advertised.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 8, 2010.

Bassam Haddad, The Formation and Development of Economic Networks in Syria: Implication for Economic and Fiscal Reforms, 1986-2000,” in Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited, edited by Steven Heydemann (New York: Palgrave MacMillan, 2004) p. 37-75.

Søren Schmidt, The Developmental Role of the State in the Middle East, Paper presented at the Centre for Syrian Studies conference, April 10-12, 2008, St Andrews, UK.

Kjetil Selvik , Syria’s Turn to the Private Sector , Paper presented at the Centre for Syrian Studies conference, April 10-12, 2008, St Andrews, UK.

References:

the Ba’ath Party’s 10th Country Conference, in 2005, announced its new economic reform policy” called the “social market economy” which aimed to maintain social stability and, at the same time, move towards the market economy and ease the burden on the State’s budget for subsidizing basic commodities, which cost the State hundreds of millions of dollars annually.

There were no privatizations declared, but there is what many Syrian call ” Ramitization”. This means that the president’s cousin Rami Makhlof, on the president’s behalf, controls the whole economy. He monopolizes the ownership of the two mobile phones companies (Syria has only two), the free trade zones on the Syrian borders with Lebanon, Jordan, Iraq and Turkey , in addition to more than 200 agencies of foreign companies who are operating in Syria.

100: There is a formal process of advertising privatizations. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75:

50: There is a formal process of advertisement but it is flawed. Some privatizations may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25:

0: There is no formal process of advertising privatizations or the process is superficial and ineffective.

54c. In law, the government is required to publicly announce the results of privatization decisions.

YES | NO

References:

There is nothing in Syrian law to require the government to publicly announce the results of privatization decisions.

YES: A YES score is earned if the government is required to publicly post or announce the results of the privatization process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the government to publicly announce the results of the privatization process.

54d. In practice, citizens can access privatization regulations within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, February 8, 2010.

References:

Citizens cannot access privatization regulations at all.

100: Records (defined here as the rules governing the competitive privatization process) are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

54e. In practice, citizens can access privatization regulations at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with civil society representative by phone, Damascus, February 8, 2010.

References:

Citizens cannot access privatization regulations at all.

100: Records (defined here as the rules governing the competitive privatization process) are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

Category V. Oversight and Regulation

V-1. ⁵⁰National Ombudsman

56. Is the national ombudsman effective?

25

56a. In law, the ombudsman is protected from political interference.

YES | NO

References:

The Central Body of Control and Inspection, which monitors some deals and initiate investigations inside the public sector or state sector, was established as an independent agency according to the law No.24 (1981).

YES: A YES score is earned only if the agency (or set of agencies) has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

56b. In practice, the ombudsman is protected from political interference.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The Central Body of Control and Inspection works in consultation with the Ba`ath Party (the ruling party in Syria), and cannot initiate an investigation without a permission from the security services.

100: This agency (or set of agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or set of agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include public criticism or praise by the government. The ombudsman may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or set of agencies) is commonly influenced by political or personal incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The ombudsman cannot compel the government to reveal sensitive information.

56c. In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The head of the Central Body of Control and Inspection is appointed in consultation with the Ba`ath Party (the ruling party in Syria), and with the permission from security services; therefore, it is really difficult to say that he is independent and protected by the law.

100: The director of the ombudsman (or directors of multiple agencies) serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the ombudsman (or directors of multiple agencies) serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the ombudsman (or directors of multiple agencies) can be removed at the will of political leadership.

56d. In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The Central Body of Control and Inspection has a limited staff and is neither professional nor qualified to fulfill its mandate.

100: The ombudsman agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The ombudsman agency (or agencies) has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The ombudsman agency (or agencies) has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

56e. In practice, agency appointments support the independence of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The head of the Central Body of Control and Inspection agency is appointed in consultation with the Ba`ath Party(the ruler party in Syria), and with permission of the security services; therefore, it is really difficult to say that he is independent or protected by the law.

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

56f. In practice, the ombudsman agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The Central Body of Control and Inspection depends on the government for its funds and most of the fund covers only the salaries of the employee.

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

56g. In practice, the ombudsman agency (or agencies) makes publicly available reports.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

All the reports done by the Central Body of Control and Inspection are secret and not open for the public.

100: The agency (or agencies) makes regular, publicly available, substantial reports either to the legislature or directly to the public outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature and/or directly to the public that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

56h. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010

References:

The Central Body of Control and Inspection cannot initiate an investigation without permission from the security services.

100: The agency aggressively starts investigations — or participates fully with cooperating agencies' investigations — into judicial misconduct. The agency is fair in its application of this power.

75:

50: The agency will start or cooperate in investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

25:

0: The agency rarely investigates on its own or cooperates in other agencies' investigations, or the agency is partisan in its application of this power.

56i. In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The mandate of the Central Body of Control and Inspection allows it to open an investigation, then turn all the files to the court after consultation with the government.

100: When rules violations are discovered, the agency is aggressive in penalizing offenders or in cooperating with other agencies who penalize offenders.

75:

50: The agency enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, resistant to cooperating with other agencies, or occasionally unable to enforce its judgments.

25:

0: The agency does not effectively penalize offenders. The agency may make judgments but not enforce them, does not cooperate with other agencies in enforcing penalties, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

56j. In practice, the government acts on the findings of the ombudsman agency (or agencies).

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The mandate of the central body of control and inspection allows it to open an investigation, then turn all the files to the court after consultation with the government. When the decision is made by the court, the government should implement it.

100: Ombudsman's reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, ombudsman's reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Ombudsman's reports are often ignored, or given superficial attention. Ombudsman's reports do not lead to policy changes.

56k. In practice, the ombudsman agency (or agencies) acts on citizen complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

There is no process that allows a citizen to complain to the the Central Body of Control and Inspection in Syria.

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

57. Can citizens access the reports of the ombudsman?

0

57a. In law, citizens can access reports of the ombudsman(s).

YES | **NO**

References:

There is nothing about that in the Syrian laws.

YES: A YES score is earned if all ombudsman reports are publicly available.

NO: A NO score is earned if any ombudsman reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute the reports.

57b. In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

All the reports done by the Central Body of Control and Inspection are secret and not open for the public.

100: Reports are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

57c. In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

All the reports done by the Central Body of Control and Inspection are secret and not open to the public.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Reports costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

100

55. In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

YES | NO

References:

There is what is called "The Central Body of Control and Inspection" which monitor some deals and initiate investigations inside the public sector or state sector. It was established as an independent agency according to the law No.24(1981), but the same law restrict the mandate of this agency. It is not allowed to open an investigation in the fellow institutions:

Reinforcing, organization and preparation with regard to the Ministry of Defense

Internal security forces with regard to the Ministry of the Interior

The ordinary and administrative courts

Municipalities, public institutions, public companies, enterprises, and public bodies with legal personality, and directorates of Religious Affairs, and units of local administration

The joint sector institutions and companies, which shall be determined by resolution of (Prime Minister)

The institutions and private enterprises that have a relationship or influence in education or public health

Grass-roots organizations, associations and clubs of different kinds

Any other hand, the State granting loans or advances, or subsidies, or guarantees a minimum limit of profit or have a relationship or influence in the process of socialist transformation.

YES: A YES score is earned if there is a specific agency or set of agencies whose primary mandate is to investigate the actions of government on the behalf of common citizens. This agency or set of agencies should be specifically charged with seeking out and documenting abuses of power.

NO: A NO score is earned if no such agency or set of agencies exists, or that function is a secondary concern of a larger body, such as the legislature.

V-2. Supreme Audit Institution

59. Is the supreme audit institution effective?

56

59a. In law, the supreme audit institution is protected from political interference.

YES | NO

Comments:

http://www.arabdecision.org/inst_brows_3_5_3_1_3_2.htm

References:

The High Council for Financial Control is the higher audit institution, and, according to the presidential law of March 29, 2003 is an independent institution and works under supervision of the President of the Council of Ministers.”

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department.

59b. In practice, the head of the audit agency is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The president of the High Council for Financial Control is appointed in consultation with the Ba`ath Party (the ruling party in Syria), and with permission of the security services; therefore, it is really difficult to say that he is independent or protected from removal for political reasons.

100: The director of the agency serves a defined term and cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director of the agency serves a defined term, but can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director of the agency can be removed at the will of political leadership.

59c. In practice, the audit agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The High Council for Financial Control has a limited staff to fulfill its mandate, but it's much better than the Central Body of Control and Inspection.

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

59d. In practice, audit agency appointments support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The head of High Council for Financial Control appointed with consultation with the Ba'ath Party (the ruling party in Syria), and with permission of the security services; therefore, it is really difficult to say that he is independent.

100: Appointments to the agency are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

59e. In practice, the audit agency receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010

References:

The High Council for Financial Control depends on the government for its funds, and most of the fund covers only the salaries of the employee.

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

59f. In practice, the audit agency makes regular public reports.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

All the reports done by the High Council for Financial Control are secret and not open for the public.

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25:

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

59g. In practice, the government acts on the findings of the audit agency.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The mandate of the High Council for Financial Control allows it to open its own investigation or open them by request of the government. It then turns all the files to the court after consultation with the government. When the decision is made by the court, the government should implement this decision.

The High Council for Financial Control can keep the employee who is under investigation from their job.

100: Audit agency reports are taken seriously, with negative findings drawing prompt corrective action.

75:

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25:

0: Audit reports are often ignored, or given superficial attention. Audit reports do not lead to policy changes.

59h. In practice, the audit agency is able to initiate its own investigations.

100 | 75 | **50** | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

The mandate of the High Council for Financial Control allows it to open its own investigations, but of course this depends on the final decision of the prime minister. However, the High Council for Financial Control has more freedom than the Central Body of Control and Inspection.”

100: The supreme audit institution can control the timing and pace of its investigations without any input from the executive or legislature.

75:

50: The supreme audit institution can generally decide what to investigate, and when, but is subject to pressure from the executive or legislature on politically sensitive issues.

25:

0: The supreme audit institution must rely on approval from the executive or legislature before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

60. Can citizens access reports of the supreme audit institution?

0

60a. In law, citizens can access reports of the audit agency.

YES | **NO**

References:

The citizens cannot do that according the law.

YES: A YES score is earned if all supreme auditor reports are available to the general public.

NO: A NO score is earned if any auditor reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

60b. In practice, citizens can access audit reports within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

All the reports done by the High Council for Financial Control are secret and not open for the public.

100: Reports are available on-line, or records can be obtained within two days. Reports are uniformly available; there are no delays for politically sensitive information.

75:

50: Reports take around two weeks to obtain. Some delays may be experienced.

25:

0: Reports take more than a month to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

60c. In practice, citizens can access the audit reports at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

All the reports done by the High Council for Financial Control are secret and not open for the public.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line.

75:

50: Reports impose a financial burden on citizens, journalists or CSOs. Retrieving reports may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

100

58. In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

YES | NO

References:

The High Council for Financial Control is the higher audit institution that was created in 2003 to achieve effective control over state funds and follow-up performance of the executive administrative and economic responsibilities in terms of financial and specialized audit and inspection of accounts,” according to the law promulgated on March 29, 2003.

YES: A YES score is earned if there is a specific agency whose primary mandate is to audit and track the movement of money through the government. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

52
V-3. Taxes and Customs

62. Is the tax collection agency effective?

63

62a. In practice, the tax collection agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010

References:

The Ministry of Finance has a limited staff to fulfill its mandate; also, they are not well-trained and are less experienced in the use

of the new system or technology.

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

62b. In practice, the tax agency receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

References:

There is no national tax agency; tax collection is part of the Ministry of Finance, which depends on its funding from the government; most of the funding covers only the salaries of the employees.

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

65. Is the customs and excise agency effective?

50

65a. In practice, the customs and excise agency has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 3, 2010.

References:

The General Customs Office has unqualified staff to fulfill its mandate they also lack training and knowledge in the use of the new system or technology.

Bribe” is the magic word inside this office.

100: The agency has staff sufficient to fulfill its basic mandate.

75:

50: The agency has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

65b. In practice, the customs and excise agency receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 3, 2010.

References:

The General Customs Office depends on its funding from the government: it has a regular source of funding.

100: The agency has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

61. In law, is there a national tax collection agency?

0

61. In law, is there a national tax collection agency?

YES | **NO**

References:

There is no a national tax agency, but the Ministry of Finance takes care of collecting taxes in Syria.

YES: A YES score is earned if there is a national agency formally mandated to collect taxes.

NO: A NO score is earned if that function is spread over several agencies, or does not exist. A NO score is earned if national government ministries can collect taxes independently.

63. In practice, are tax laws enforced uniformly and without discrimination?

25

63. In practice, are tax laws enforced uniformly and without discrimination?

100 | 75 | 50 | **25** | 0

Comments:

Interview with an expert by phone, Damascus, February 2, 2010.

Also see: Bassam Haddad, Business As Usual in Syria?" Middle East Report online, September 7, 2001, <http://www.merip.org/mero/mero090701.html>

References:

The Ministry of Finance and its department of tax has sometimes increased the tax on some businessmen who criticized the government for its domestic and foreign policies; for instance businessman like Raid Seif and Mamoun Houmsie (both of whom are former Ministers of Parliament) in 2001; this creates an understanding that the government can use the tax as a tool to silence the private sector.

100: Tax laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

75:

50: Tax laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

25:

0: Tax law is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

64. In law, is there a national customs and excise agency?

100

64. In law, is there a national customs and excise agency?

YES | NO

Comments:

http://www.arabdecision.org/show_func_3_5_3_1_3_12911.htm

References:

It is called the General Customs Administration.

YES: A YES score is earned if there is an agency formally mandated to collect excises and inspect customs.

NO: A NO score is earned if that function is spread over several agencies, or does not exist.

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

25

66. In practice, are customs and excise laws enforced uniformly and without discrimination?

100 | 75 | 50 | 25 | 0

Comments:

Interview with an expert by phone, Damascus, February 3, 2010

Al-Khabar, Damascus, February 19, 2009

<http://www.cham-post.com/news/1227.html>

References:

The General Customs Office has the most corrupted and unqualified staff in comparison to other departments or agencies in Syria.

Bribery” is the magic word inside this office.

The case of Hasan Makhloof, who was the head of this office for more than a decade, is very well known in Syria. The prime minister fired him in February 2009 and confiscated all his property and the froze the bank assets for Makhloof, his wife, his five children, his parents, his ten brothers and his agent. The media later discovered that he had over 137 homes and farms in five different Syrian cities.

100: Customs and excise laws (which may be economically unfair as written) are enforced consistently for all citizens. No general group of citizens is more or less likely to evade customs than another.

75:

50: Customs and excise laws are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade customs requirements.

25:

0: Customs and excise laws are unequally applied. Some groups of citizens are consistently more or less likely to evade customs and excise laws than others.

V-4. State-Owned Enterprises

68. Is the agency, series of agencies, or equivalent mechanism overseeing state-owned companies effective?

50

68a. In law, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies is protected from political interference.

YES | NO

Comments:

The reviewer mentioned what's happened in the practice during the years which I totally agree, but the text of the law No.24, 1981 say something different.

References:

The Central Body of Control and Inspection is an independent institution according to the law No.24, 1981.

YES: A YES score is earned only if the agency, series of agencies, or equivalent mechanism has some formal operational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency, series of agencies, or equivalent mechanism is a subordinate part of any government ministry or agency.

68b. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 1, 2010.

References:

The High Council for Financial Control is the higher audit institution. It has existed since 2003, but it has limited staff who lack training and knowledge of new technology or international standards and laws; it lacks the mechanism to combat corruption in state-owned companies.

100: The agency, series of agencies, or equivalent mechanism has staff sufficient to fulfill its basic mandate.

75:

50: The agency, series of agencies, or equivalent mechanism has limited staff that hinders its ability to fulfill its basic mandate.

25:

0: The agency, series of agencies, or equivalent mechanism has no staff, or a limited staff that is clearly unqualified to fulfill its mandate.

68c. In practice, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an official by phone, Damascus, February 1, 2010.

References:

The staff of the High Council for Financial Control receives regular funding from the government.

100: The agency, series of agencies, or equivalent mechanism has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency, series of agencies, or equivalent mechanism has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency functions.

68d. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 1, 2010.

References:

The High Council for Financial Control works in consultation with the Ba`ath Party (the ruling party in Syria), and cannot initiate an investigation without permission from the security services via the prime minister.

100: When irregularities are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in investigating and/or in cooperating with other investigative bodies.

75:

50: The agency, series of agencies, or equivalent mechanism starts investigations, but is limited in its effectiveness or in its cooperation with other investigative agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively investigate financial irregularities or cooperate with other investigative agencies. The agency, series of agencies, or equivalent mechanism may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

68e. In practice, when necessary, the agency, series of agencies, or equivalent mechanism overseeing state-owned companies imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 1, 2010.

References:

The Law of the High Council for Financial Control does not allow it to penalize offenders directly; it must do so in consultation with the government, which turns the file over to the court.

100: When rules violations are discovered, the agency, series of agencies, or equivalent mechanism is aggressive in penalizing offenders and/or in cooperating with other agencies that impose penalties.

75:

50: The agency, series of agencies, or equivalent mechanism enforces rules, but is limited in its effectiveness or reluctant to cooperate with other agencies. The agency, series of agencies, or equivalent mechanism may be slow to act, unwilling to

take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency, series of agencies, or equivalent mechanism does not effectively penalize offenders or refuses to cooperate with other agencies that enforce penalties. The agency, series of agencies, or equivalent mechanism may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency, series of agencies, or equivalent mechanism may be partisan in its application of power.

69. Can citizens access the financial records of state-owned companies?

10

69a. In law, citizens can access the financial records of state-owned companies.

YES | **NO**

References:

There no such a law like this in Syria that allows citizens to access the financial records of state-owned companies.

YES: A YES score is earned if the financial information of all state-owned companies is required by law to be public. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if any category of state-owned company is exempt from this rule, or no such rules exist.

69b. In practice, the financial records of state-owned companies are regularly updated.

100 | 75 | 50 | **25** | 0

Comments:

Interview with an official by phone, Damascus, February 1, 2010.

References:

Financial records of state-owned companies are not available, but there is what is called the Central Bureau of Statistics, which should give only the necessary information and numbers to the public. However, the bureau usually says that the records are not available, or are not updated or have been declared secret for national security reasons.

100: State-owned companies always publicly disclose financial data, which is generally accurate and up to date.

75:

50: State-owned companies disclose financial data, but it is flawed. Some companies may misstate financial data, file the information behind schedule, or not publicly disclose certain data.

25:

0: Financial data is not publicly available, or is consistently superficial or otherwise of no value.

69c. In practice, the financial records of state-owned companies are audited according to international accounting standards.

100 | 75 | 50 | **25** | 0

Comments:

Interview with an official by phone, Damascus, February 1, 2010.

References:

State-owned companies are audited by the High Council for Financial Control, but the records are not open to the public.

100: Financial records of all state-owned companies are regularly audited by a trained third party auditor using accepted international standards.

75:

50: Financial records of state-owned companies are regularly audited, but exceptions may exist. Some companies may use flawed or deceptive accounting procedures, or some companies may be exempted from this requirement.

25:

0: State-owned companies are not audited, or the audits have no functional value. The auditors may collude with the companies in providing misleading or false information to the public.

69d. In practice, citizens can access the financial records of state-owned companies within a reasonable time period.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with an official by phone, Damascus, February 1, 2010.

References:

There no such a law in Syria that allow citizens to access the financial records of state-owned companies.

100: Records are available on-line, or records can be obtained within two days. Records are uniformly available; there are no delays for politically sensitive information.

75:

50: Records take around two weeks to obtain. Some delays may be experienced.

25:

0: Records take more than a month to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

69e. In practice, citizens can access the financial records of state-owned companies at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an official by phone, Damascus, February 1, 2010.

References:

There no law in Syria that allows citizens to access the financial records of state-owned companies.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line.

75:

50: Records impose a financial burden on citizens, journalists or CSOs. Retrieving records may require a visit to a specific office, such as a regional or national capital.

25:

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

100

67. In law, is there an agency, series of agencies, or equivalent mechanism overseeing state-owned companies?

YES | NO

References:

The Central Body of Control and Inspection, which monitors the public sector.

YES: A YES score is earned if there is an agency, series of agencies, or equivalent mechanism tasked with overseeing the conduct and performance of state-owned companies on behalf of the public. A YES score can be earned if several

government agencies or ministries oversee different state-owned enterprises. State-owned companies are defined as companies owned in whole or in part by the government.

NO: A NO score is earned if this function does not exist, or if some state-owned companies are free from government oversight.

53
V-5. Business Licensing and Regulation

70. Are business licenses available to all citizens?

56

70a. In law, anyone may apply for a business license.

YES | NO

References:

Except for some professions that related to National Security” you need to get permission from the security services.

The Law of Companies No.3, 2008, specifies some businesses that are prevented from obtaining a business license.

YES: A YES score is earned if no particular group or category of citizens is excluded from applying for a business license, when required. A YES score is also earned if basic business licenses are not required.

NO: A NO score is earned if any group of citizens are categorically excluded from applying for a business license, when required

70b. In law, a complaint mechanism exists if a business license request is denied.

YES | NO

References:

According to the Law of Companies No.3 (2008).

YES: A YES score is earned if there is a formal process for appealing a rejected license.

NO: A NO score is earned if no such mechanism exists.

70c. In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 4, 2010.

References:

Bureaucracy and corruption (bribes, personal relations, etc) are the major problems that prevent citizens from obtaining any business licenses they need within a reasonable time period.

100: Licenses are not required, or licenses can be obtained within roughly one week.

75:

50: Licensing is required and takes around one month. Some groups may be delayed up to a three months

25:

0: Licensing takes more than three months for most groups. Some groups may wait six months to one year to get necessary licenses.

70d. In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 4, 2010.

References:

Bureaucracy and corruption (bribes, personal relations, etc) are the major problems that prevent citizens from obtaining any business licenses they need within a reasonable cost.

100: Licenses are not required, or licenses are free. Licenses can be obtained at little cost to the organization, such as by mail, or on-line.

75:

50: Licenses are required, and impose a financial burden on the organization. Licenses may require a visit to a specific office, such as a regional or national capital.

25:

0: Licenses are required, and impose a major financial burden on the organization. Licensing costs are prohibitive to the organization.

71. Are there transparent business regulatory requirements for basic health, environmental, and safety standards?

100

71a. In law, basic business regulatory requirements for meeting public health standards are transparent and publicly available.

YES | NO

References:

Yes, according to the Law of Companies No.3 (2008).

YES: A YES score is earned if basic regulatory requirements for meeting public health standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71b. In law, basic business regulatory requirements for meeting public environmental standards are transparent and publicly available.

YES | NO

References:

Yes, according to the Law of Companies No.3 (2008).

YES: A YES score is earned if basic regulatory requirements for meeting public environmental standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

71c. In law, basic business regulatory requirements for meeting public safety standards are transparent and publicly available.

YES | NO

References:

Yes, according to the Law of Companies No.3 (2008).

YES: A YES score is earned if basic regulatory requirements for meeting public safety standards are publicly accessible and transparent.

NO: A NO score is earned if such requirements are not made public or are otherwise not transparent.

72. Does government effectively enforce basic health, environmental, and safety standards on businesses?

25

72a. In practice, business inspections by government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 4, 2010.

References:

Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion that is designed to extract extra payments from businesses in exchange for favorable treatment.

100: Business inspections by the government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public health standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72b. In practice, business inspections by government officials to ensure public environmental standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 4, 2010.

References:

Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion that is designed to extract extra payments from businesses in exchange for favorable treatment.

100: Business inspections by the government to ensure that public environmental standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public environmental standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public environmental standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

72c. In practice, business inspections by government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

Comments:

Interview with an economic expert by phone, Damascus, February 4, 2010.

References:

Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion that is designed to extract extra payments from businesses in exchange for favorable treatment.

100: Business inspections by the government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements.

75:

50: Business inspections by the government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25:

0: Business inspections to ensure that public safety standards are met are routinely carried out by government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment.

Category VI. Anti-Corruption and Rule of Law

VI-1. ⁴²Anti-Corruption Law

73. Is there legislation criminalizing corruption?

100

73a. In law, attempted corruption is illegal.

YES | NO

References:

Article 31 from the economic criminal law 1966: the initiation of economic crime is as a full crime. Most of the corruption acts is considered economic crimes, and punishable by the economic criminal law.

YES: A YES score is earned if corruption laws include attempted acts.

NO: A NO score is earned if this is not illegal.

73b. In law, extortion is illegal.

YES | NO

References:

Yes, according to economic criminal law (1966).

YES: A YES score is earned if corruption laws include extortion. Extortion is defined as demanding favorable treatment (such as a bribe) to withhold a punishment.

NO: A NO score is earned if this is not illegal.

73c. In law, offering a bribe (i.e. active corruption) is illegal.

YES | NO

References:

Yes, according to the economic criminal law (966).

YES: A YES score is earned if offering a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73d. In law, receiving a bribe (i.e. passive corruption) is illegal.

YES | NO

References:

Yes, according to the economic criminal law (1966).

YES: A YES score is earned if receiving a bribe is illegal.

NO: A NO score is earned if this is not illegal.

73e. In law, bribing a foreign official is illegal.

YES | NO

References:

Yes, according to the economic criminal law (1966).

YES: A YES score is earned if bribing a foreign official is illegal.

NO: A NO score is earned if this is not illegal.

73f. In law, using public resources for private gain is illegal.

YES | NO

References:

Yes, according to the economic criminal law (1966).

YES: A YES score is earned if using public resources for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73g. In law, using confidential state information for private gain is illegal.

YES | NO

References:

Yes, according to the economic criminal law (1966).

YES: A YES score is earned if using confidential state information for private gain is illegal.

NO: A NO score is earned if this is not illegal.

73h. In law, money laundering is illegal.

YES | NO

References:

Yes, according to the money laundering law No.59 (2003).

YES: A YES score is earned if money laundering is illegal. Money laundering is defined as concealing the origin of funds to hide wrongdoing or avoid confiscation.

NO: A NO score is earned if this is not illegal.

73i. In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

YES | NO

References:

Yes, according to the economic criminal law.

YES: A YES score is earned if organized crime is illegal.

NO: A NO score is earned if this is not illegal.

VI-2. Anti-Corruption Agency

75. Is the anti-corruption agency effective?

0

75a. In law, the anti-corruption agency (or agencies) is protected from political interference.

YES | NO

References:

There is no national agency with a legal mandate to address corruption issues in Syria.

YES: A YES score is earned only if the agency (or agencies) has some formal organizational or operational independence from the government. A YES score is earned even if the agency/agencies is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency (or agencies) is a subordinate part of any government ministry or agency, such as the Department of Interior or the Justice Department, in such a way that limits its operational independence.

75b. In practice, the anti-corruption agency (or agencies) is protected from political interference.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: This agency (or agencies) operates independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Investigations can operate without hindrance from the government, including access to politically sensitive information.

75:

50: This agency (or agencies) is typically independent, yet is sometimes influenced in its work by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government, political appointments, or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: This agency (or agencies) is commonly influenced by political or personal incentives. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power. The agency (or agencies) cannot compel the government to reveal sensitive information.

75c. In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: The director(s) cannot be removed without a significant justification through a formal process, such as impeachment for abuse of power.

75:

50: The director(s) can in some cases be removed through a combination of official or unofficial pressure.

25:

0: The director(s) can be removed at the will of political leadership.

75d. In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest arising from personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

75e. In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: The agency (or agencies) has staff sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25:

0: The agency (or agencies) has no staff, or a limited staff, that is clearly unqualified to fulfill its mandate.

75f. In practice, the anti-corruption agency (or agencies) receives regular funding.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: The agency (or agencies) has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75:

50: The agency (or agencies) has a regular source of funding, but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25:

0: The agency's funding sources are unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

75g. In practice, the anti-corruption agency (or agencies) makes regular public reports.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: The agency (or agencies) makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75:

50: The agency (or agencies) makes publicly available reports to the legislature that are sometimes delayed or incomplete.

25:

0: The agency (or agencies) makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

75h. In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: The agency (or agencies) has powers to gather information, including politically sensitive information. The agency (or agencies) can question suspects, order arrests and bring suspects to trial (or rely on related agencies or law enforcement

authorities to perform such functions).

75:

50: The agency (or agencies) has most of the powers needed to carry out its mandate with some exceptions.

25:

0: The agency (or agencies) lacks significant powers which limit its effectiveness.

75i. In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: When irregularities are discovered, the agency (or agencies) is aggressive in investigating the government or in cooperating with other investigative agencies.

75:

50: The agency (or agencies) starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency (or agencies) may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency (or agencies) does not effectively investigate or does not cooperate with other investigative agencies. The agency (or agencies) may start investigations but not complete them, or may fail to detect offenders. The agency (or agencies) may be partisan in its application of power.

76. Can citizens access the anti-corruption agency?

0

76a. In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: The agency (or agencies) acts on complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency (or agencies) acts on complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency (or agencies) cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take more than three months to resolve. Serious abuses are not investigated with any urgency.

76b. In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

100 | 75 | 50 | 25 | 0

References:

There is no national agency to address corruption issues in Syria.

100: Whistleblowers can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers, or may be due to a culture that encourages disclosure and accountability.

75:

50: Whistleblowers are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, either through official or unofficial means.

25:

0: Whistleblowers often face substantial negative consequences, such as losing a job, relocating to a less prominent position, or some form of harassment.

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

0

74. In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

YES | NO

References:

There was a discussion in the 2005 Ba`ath Party (the ruling party) national conference to establish a central agency to combat corruption, but nothing happened after that. Up to now, there has been no national agency with a legal mandate to address corruption issues in Syria.

YES: A YES score is earned if an agency is specifically mandated to address corruption. A YES score is earned if there are several agencies or entities with specific roles in fighting corruption, including special prosecutorial entities.

NO: A NO score is earned if no agency (or group of agencies/entities) is specifically mandated to prevent or prosecute corruption.

0
VI-3. Rule of Law

77. Is there an appeals mechanism for challenging criminal judgments?

50

77a. In law, there is a general right of appeal.

YES | NO

Comments:

Nathan J. Brown, Arab Judicial Structures: A Study Presented to the United Nations Development Program (UNDP), C:Syria insideUNDP-POGAR Arab Judicial Structures.mht

References:

The courts of general jurisdiction in Syria are divided into three levels: The first level consists of the Magistrate Courts (mahakim al-sulh), the Courts of First Instance (mahakim al-bidaya), Juvenile Courts (mahakim al-ahdath) and Customs Court (al-mahkama al-jumrukiyya). These courts are assigned jurisdiction according to the nature of a case.

The second level of court are for appeals (mahakim al-isti'naf); they are divided into civil and criminal chambers.

The top level is the Court of Cassation (mahkamat al-naqd), which has three sections: civil and commercial, criminal, and personal status.

YES: A YES score is earned if there is a formal process of appeal for challenging criminal judgments.

NO: A NO score is earned if there is no such process.

77b. In practice, appeals are resolved within a reasonable time period.

Comments:

Interviews with lawyer and expert by e-mail, Damascus, January 23, 2010.

References:

According to one judicial assistant, there are at least 200 cases in the ordinary courts that need to consider action on a daily basis. Some of these cases have been going on more than five years without any decision being taken.

The same problem applies to the Supreme Administrative Court, which is chaired by the President of the Council of State and advisers of the Council of State, because: This court is only looking at more than fifteen thousand cases; therefore, the cases are usually delayed for more than three years before a decision is made.”

100: Appeals are acted upon quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75:

50: Appeals are generally acted upon quickly but with some exceptions. Some appeals may not be acknowledged, and simple cases may take years to resolve.

25:

0: Most appeals are not resolved in a timely fashion. Appeals may go unacknowledged for months or years and simple cases may never be resolved.

77c. In practice, citizens can use the appeals mechanism at a reasonable cost.

Comments:

Interviews with lawyer and expert by e-mail, Damascus, January 23, 2010.

References:

Because there is a long delay in making the decision, the costs will increase.”

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees are not a barrier to appeals.

75:

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge criminal judgments. Attorney fees present somewhat of a barrier to pursuing appeal.

25:

0: The prohibitive cost of utilizing the appeals mechanism prevents middle class citizens from challenging criminal judgments. Attorney fees greatly discourage the use of the appeals process.

78. In practice, do judgments in the criminal system follow written law?

25

78. In practice, do judgments in the criminal system follow written law?

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

Bribery is a very common phenomena inside the judiciary system in Syria, due to the low level of wages and the economic situation of the judges. Of course, this cannot be justified. This creates a perception that there is no need for a lawyer at all, as long as the defendant can save attorney fees by instead paying the money directly to the decision-maker (judges). This has led directly to the emergence of middlemen and brokers playing a role of the courts.”

100: Judgments in the criminal system are made according to established legal code and conduct. There are no exceptional cases in which individuals are treated by a separate process. Political interference, bribery, cronyism or other flaws are rarely factors in judicial outcomes.

75:

50: Judgments in the criminal system usually follow the protocols of written law. There are sometimes exceptions when political concerns, corruption or other flaws in the system decide outcomes.

25:

0: Judgments in the criminal system are often decided by factors other than written law. Bribery and corruption in the criminal judicial process are common elements affecting decisions.

79. In practice, are judicial decisions enforced by the state?

25

79. In practice, are judicial decisions enforced by the state?

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

The following cases are just examples of how the abolition of judicial rulings and the disruption of their implementation provides examples of the lack of judicial independence from the domination by the executive and the security services:

The issue regarding the Damascus Beirut Declaration detainees. Journalist Michel Kilo was arrested on April 14, 4 2006, by the internal security branch, along with nine other individuals, in response to the signing of the Damascus Beirut Declaration. This declaration, which was signed by about 134 Syrian and Lebanese intellectuals, called for changes in Lebanese-Syrian relations, such as the demarcation of the border between the two countries and the exchange of diplomatic relations between them.

On Oct. 19, 2006, a judge issued a decision on an appeal for the release Mr.Kilo. But the Solicitor General denied the access decision, despite informing Mr. Kilo in prison about the decision to release him.

The trial of former deputies in the Parliament, Riad Seif and Mamun al-Homsi, where the defense decided to withdraw. The Court issued its decision on Mr. Mamoun al-Homsi without him having lawyers or a defense.

100: Judicial decisions are enforced quickly regardless of what is being decided or who is appearing before the court. Failure to comply brings penalties enforced by the state.

75:

50: Judicial decisions are generally enforced by the state, with some exceptions. Certain areas of law may be ignored, or certain parties appearing before the courts may evade or delay enforcement.

25:

0: Judicial decisions are often ignored. The state lacks the will or capacity to consistently enforce these decisions.

80. Is the judiciary able to act independently?

56

80a. In law, the independence of the judiciary is guaranteed.

YES | NO

References:

According to the Syrian Constitution, article 131: The judicial authority is independent. The President of the Republic guarantees this independence with the assistance of the Higher Council of the Judiciary.”

YES: A YES score is earned if there are formal rules establishing that the judiciary is independent from political interference by the executive and legislative branches. Independence includes financial issues (drafting, allocation, and managing the budget of the courts).

NO: A NO score is earned if there are no formal rules establishing an independent judiciary.

80b. In practice, national-level judges are protected from political interference.

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

In the last twenty years, the Higher Council of the Judiciary has never appointed a judge who is not a Ba`athist. There has been a stated policy to implement the Ba`athization Policy in the Judiciary system (which means maintaining affiliation to the ruling party). This applies especially for judges who deal with investigations and prosecutions.

The Ba`athist judges hold partisan meetings in the Justice Palace in Damascus. They have been allocated a room for their meetings and are provided with a large hall for their celebration party.

100: National-level judges operate independently of the political process, without incentive or pressure to render favorable judgments in politically sensitive cases. Judges never comment on political debates. Individual judgments are rarely praised or criticized by political figures.

75:

50: National-level judges are typically independent, yet are sometimes influenced in their judgments by negative or positive political incentives. This may include favorable or unfavorable treatment by the government or public criticism. Some judges may be demoted or relocated in retaliation for unfavorable decisions.

25:

0: National-level judges are commonly influenced by politics and personal biases or incentives. This may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include demotion, pay cuts, relocation, threats or harassment.

80c. In law, there is a transparent and objective system for distributing cases to national-level judges.

YES | NO

Comments:

Nathan J. Brown, Arab Judicial Structures: A Study Presented To The United Nations Development Program (UNDP), c:Syria insideUNDP-POGAR Arab Judicial Structures.mht

References:

The constitution provides for the Supreme Judicial Council, which is headed by the president of the republic. He may deputize the minister of justice. The Attorney-General, the chief of judicial inspection, the deputy minister of justice, the president of the Court of Cassation, and his two most senior deputies also serve on the council. The council acts on suggestions that come from the minister of justice for appointments, transfers, and disciplines.

YES: A YES score is earned if there is an objective system that is transparent to the public that equitably or randomly assigns cases to individual judges. The executive branch does not control this process.

NO: A NO score is earned if the case assignment system is non-transparent or subjective where judges themselves have influence over which cases they adjudicate. A NO score is also earned if the executive branch controls this process.

80d. In law, national-level judges are protected from removal without relevant justification.

YES | **NO**

References:

Legislative Decree No. 95 of 2005: gives the cabinet the right to fire judges

YES: A YES score is earned if there are specific, formal rules for removal of a justice. Removal must be related to abuse of power or other offenses related to job performance.

NO: A NO score is earned if justices can be removed without justification, or for purely political reasons. A NO score is earned if the removal process is not transparent, or not based on written rules.

81. Are judges safe when adjudicating corruption cases?

50

81a. In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

YES | **NO**

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

As we explained before, the judges are not independent at all; therefore, it is very difficult or may be impossible to issue a decision on corruption cases without permission from the security services.

YES: A YES score is earned if there were no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases of assault to a judge related to his/her participation in a corruption trial. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

81b. In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

YES | NO

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

The judges are not independent at all; therefore, it is very difficult or impossible to issue a decision on corruption cases without permission from the security services.

YES: A YES score is earned if there were no documented cases of judges being killed related to their involvement in a corruption case during the study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases where a judge was killed because of his/her participation in a corruption trial. The relationship between a mysterious death and a judge's involvement in a case may not be clear, however the burden of proof here is low. If it is a reasonable assumption that a judge was killed in relation to his or her work on corruption issues, then the indicator is scored as a NO. Corruption is defined broadly to include any abuses of power, not just the passing of bribes.

82. Do citizens have equal access to the justice system?

50

82a. In practice, judicial decisions are not affected by racial or ethnic bias.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

We found some cases where judicial decisions are affected by ethnic bias, especially in those related to Kurdish issues (Kurds are the largest ethnic minority in Syria).

100: Judicial decisions are not affected by racial or ethnic bias.

75:

50: Judicial decisions are generally not affected by racial or ethnic bias, with some exceptions. Some groups may be occasionally discriminated against, or some groups may occasionally receive favorable treatment.

25:

0: Judicial decisions are regularly distorted by racial or ethnic bias. Some groups consistently receive favorable or unfavorable treatment by the courts.

82b. In practice, women have full access to the judicial system.

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010

References:

There are more 100 women serving as judges. However, some of them cannot serve at certain levels of the courts.

100: Women enjoy full and equal status in the eyes of the courts. There are no exceptions or practices in which women are treated differently by the judicial system. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

75:

50: Women generally have use of the judicial system, with some exceptions. In some cases, women may be limited in their access to courts, or gender biases may affect court outcomes. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

25:

0: Women generally have less access to the courts than men. Court decisions are commonly distorted by gender bias. Women may have to go through intermediaries to interact with the court, or are unable to present evidence. For this indicator, discrimination against women should reflect specific biases that confront women in the justice system as opposed to difficulties resulting from broader socio-economic disadvantages or discrimination against women.

82c. In law, the state provides legal counsel for defendants in criminal cases who cannot afford it.

YES | NO

References:

The bar association is responsible for that according to law No.39, 1981, which regulates legal practice in Syria.

YES: A YES score is earned if the government is required by law to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

NO: A NO score is earned if there is no legal requirement for the government to provide impoverished defendants with legal counsel to defend themselves against criminal charges.

82d. In practice, the state provides adequate legal counsel for defendants in criminal cases who cannot afford it.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

In most cases where State offers legal aid or public defenders, the lawyers are not qualified or unwilling to fairly represent all defendants.

100: State-provided legal aid is basic, but well-trained and effective in representing the rights of impoverished defendants.

75:

50: State-provided legal aid is available, but flawed. Legal aid may be unavailable to some impoverished defendants. Legal aid/public defenders may be sometimes unable or unwilling to competently represent all defendants.

25:

0: State-provided legal aid is unavailable to most impoverished defendants. State legal aid/public defenders may be consistently incompetent or unwilling to fairly represent all defendants.

82e. In practice, citizens earning the median yearly income can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

The cost of engaging with the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

100: In most cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. Attorney fees do not represent a major cost to citizens.

75:

50: In some cases, the legal system is an affordable option to middle class citizens seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents middle class citizens from filing suits. Attorney fees are high enough to discourage most citizens from bringing a case.

82f. In practice, a typical small retail business can afford to bring a legal suit.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

Small retail business in Syria can afford to bring a legal suit.

100: In most cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. Attorneys fees do not represent a major cost to small businesses.

75:

50: In some cases, the legal system is an affordable option to a small retail business seeking to redress a grievance. In other cases, the cost is prohibitive. Attorney fees are a significant consideration in whether to bring a case.

25:

0: The cost of engaging the legal system prevents small businesses from filing suits. Attorney fees are high enough to discourage most small businesses from bringing a case.

82g. In practice, all citizens have access to a court of law, regardless of geographic location.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

There are only few courts in Syria and they are located in specific regions. Courts are unavailable in some regions, which requires significant travel on the part of citizens.

100: Courtrooms are always accessible to citizens at low cost, either through rural courthouses or through a system of traveling magistrates.

75:

50: Courts are available to most citizens. Some citizens may be unable to reach a courtroom at low cost due to location.

25:

0: Courts are unavailable to some regions without significant travel on the part of citizens.

VI-4. Law Enforcement

83. Is the law enforcement agency (i.e. the police) effective?

42

83a. In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

Appointments are often based on political considerations, especially in the security services. But the situation is much better in the police, even though appointments depend, in many cases, on conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

100: Appointments to the agency (or agencies) are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75:

50: Appointments are usually based on professional qualifications. Individuals appointed may have clear party loyalties, however.

25:

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

83b. In practice, the law enforcement agency (or agencies) has a budget sufficient to carry out its mandate.

100 | 75 | 50 | 25 | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

The police and security services receive a sufficient budget from the government to fulfill their mandates.

100: The agency (or agencies) has a budget sufficient to fulfill its basic mandate.

75:

50: The agency (or agencies) has limited budget, generally considered somewhat insufficient to fulfill its basic mandate.

25:

0: The agency (or agencies) has no budget or an obviously insufficient budget that hinders the agency's ability to fulfill its mandate.

83c. In practice, the law enforcement agency is protected from political interference.

100 | 75 | 50 | **25** | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

The investigative and enforcement work of the police and security services are totally influenced by the Ba'ath party (the ruling party).

100: The agency (or agencies) operates independently of the political process and has operational independence from the government. All laws can be enforced regardless of the status of suspects or the sensitivity of the investigation.

75:

50: The agency (or agencies) is typically independent, yet is sometimes influenced in its investigations or enforcement actions by negative or positive political incentives. This may include favorable or unfavorable public criticism by the government or other forms of influence. The agency (or agencies) may not be provided with some information needed to carry out its investigations.

25:

0: The investigative and enforcement work of the agency (or agencies) is commonly influenced by political actors or the government. These may include conflicting family relationships, professional partnerships, or other personal loyalties. Negative incentives may include threats, harassment or other abuses of power by the government.

84. Can law enforcement officials be held accountable for their actions?

8

84a. In law, there is an independent mechanism for citizens to complain about police action.

YES | **NO**

References:

There is no an independent mechanism for citizens to complain about police actions in Syria.

YES: A YES score is earned if there is a formal process or mechanism by which citizens can complain about police actions. A YES score is earned if a broader mechanism such as the national ombudsman, human rights commission, or anti-corruption agency has jurisdiction over the police.

NO: A NO score is earned if there is no such mechanism

84b. In practice, the independent law enforcement complaint reporting mechanism responds to citizen's complaints within a reasonable time period.

100 | 75 | 50 | **25** | 0

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

There is mechanism for this, but on Sept. 30, the government issued Legislative Decree No. 69. This decreed conferred immunity against prosecution for political security, police and customs officials for crimes they have committed on duty, except in cases where a warrant was issued by the general leadership of the army and military forces.

100: The agency/entity responds to complaints quickly. While some backlog is expected and inevitable, complaints are acknowledged promptly and investigations into serious abuses move steadily towards resolution. Citizens with simple issues can expect a resolution within a month.

75:

50: The agency/entity responds to complaints quickly, with some exceptions. Some complaints may not be acknowledged, and simple issues may take more than two months to resolve.

25:

0: The agency/entity cannot resolve complaints quickly. Complaints may be unacknowledged for more than a month, and simple issues may take three to six months to resolve. Serious abuses are not investigated with any urgency.

84c. In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

YES | **NO**

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

There is no such agency in Syria.

YES: A YES score is earned if there is an agency/entity specifically mandated to investigate corruption-related activity within law enforcement. This agency/entity may be internal to the police department (provided it has a degree of independence, such as an internal affairs unit) or part of a broader national mechanism such as the national ombudsman, human rights commission, or anti-corruption agency.

NO: A NO score is earned if no such agency/entity exists.

84d. In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

100 | 75 | 50 | 25 | **0**

Comments:

Interview with a lawyer by phone, Damascus, February 9, 2010.

References:

There is no such an agency in Syria.

100: When irregularities are discovered, the agency/entity is aggressive in investigating government law enforcement officials or in cooperating with other investigative agencies.

75:

50: The agency/entity starts investigations, but is limited in its effectiveness or is reluctant to cooperate with other investigative agencies. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25:

0: The agency/entity does not effectively investigate or does not cooperate with other investigative agencies. The agency may start investigations but not complete them, or may fail to detect offenders. The agency may be partisan in its application of power.

84e. In law, law enforcement officials are not immune from criminal proceedings.

YES | **NO**

Comments:

<http://www.amnestyusa.org/annualreport.php?id=ar&yr=2009&c=SYR>

References:

On Sept. 30, the government issued Legislative Decree No. 69. This conferred immunity against prosecution for political security,

police and customs officials for crimes they have committed on duty, except in cases where a warrant was issued by the general leadership of the army and military forces.

YES: A YES score is earned if law enforcement officers are fully accountable for their actions under the law and can be investigated and prosecuted for their actions.

NO: A NO score is earned if law enforcement enjoys any special protection from criminal investigation or prosecution.

84f. In practice, law enforcement officials are not immune from criminal proceedings.

100 | 75 | 50 | 25 | 0

Comments:

Amnesty International 2009 Annual Report for Syria, <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2009&c=SYR>

References:

Law enforcement, especially the security services, enjoy a general protection from most criminal investigation, according legislative Decree No. 69. This confers immunity against prosecution for political security, police and customs officials for crimes they have committed on duty except in cases where a warrant was issued by the general leadership of the army and military forces.

100: Law enforcement officers are subject to criminal investigation for official misconduct. No crimes are exempt from prosecution.

75:

50: Law enforcement is generally subject to criminal investigation but exceptions may exist where criminal actions are overlooked by the police or prosecutors. Some crimes may be exempt from prosecution, such as actions taken in the line of duty.

25:

0: Law enforcement enjoys a general protection from most criminal investigation. This may be due to a formal immunity or an informal understanding that the law enforcement community protects itself.