

GENDERED IMPACT

OF THE CONFLICT IN THE SYRIAN ARAB REPUBLIC

ON WOMEN AND GIRLS



Idlib, 7 February 2023

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1. Introduction

Over a decade of conflict in Syria has had a significant gendered impact on women and girls. The Commission has previously reported specifically on conflict-related sexual and gender-based violence as a persistent violation in Syria, including against women.¹ The present paper focuses on the direct negative consequence of the protracted conflict, in particular, as a result of massive displacement and the growth in the number of **female heads of households, including widows and wives of the hundreds of thousands killed,² disappeared or missing³** in Syria. It shows that pre-existing patterns of discrimination have increased significantly, that fear of stigmatization and its consequences has created greater hardships and undermined the potential gains or benefits from legal reforms and that violence against women and girls has become more entrenched and permeates both private and public space.

While both men and women in Syria have been subjected to forcible disappearance, the vast majority of those disappeared are men and boys. As a consequence, **tens of thousands of women across Syria continue to search for their loved ones who have gone missing or were forcibly disappeared**, primarily by government forces. Many women lead the work of victims' groups advocating for the release of detainees and clarification of the fate of those missing. The wives and family members left behind remain in a legal limbo, unable to settle key legal aspects of their lives. Under international human rights law, the cumulative emotional suffering of family members of victims of enforced disappearance is recognized as cruel and inhuman treatment.⁴

The conflict has affected women and girls' ability to enjoy their most basic rights, including food and health. **Female-headed households are twice as likely to report a complete inability to meet basic needs in comparison with male-headed households.**⁵ Those internally displaced as a result of the conflict are particularly affected, with 92 percent of female-headed households living in displacement camps reporting insufficient ability or complete inability to meet basic needs.⁶ Seventy-four percent of the 5.9 million people in Syria who are in dire need of nutritional assistance are women and girls.⁷ Owing to systematic attacks on health care facilities throughout the conflict, women and girls' access to health care, including reproductive health care services, has been severely impacted.

Early and forced marriages have reportedly increased in Syria as a consequence of the conflict (see section 4), primarily affecting girls. Such marriages are frequently deployed as a coping mechanism to ameliorate financial hardship exacerbated by the conflict, as well as to mitigate reputational risks for family honour amid increased risks of sexual violence in overcrowded living arrangements caused by destruction to homes and displacement.⁸

The gendered impact of the conflict partly results from **longstanding legal and customary discrimination against women and girls – the effects of which have been dramatically amplified owing to the protracted armed conflict and its consequences.** Pre-existing discriminatory practices and laws, often reinforced by societal and patriarchal cultural norms, placed women and girls at a disadvantage already prior to the conflict, regarding for example, equality before the law; protection against violence; equitable distribution of inheritance; access to housing and property; the right to family and custody of children; conferral of nationality to children; and sometimes even freedom of movement. In recent years, a number of laws and practices negatively impacting women and girls in Syria have been found by international human rights bodies to be discriminatory, and in violation of Syria's human rights treaty obligations.⁹ Although limited progress has been made in some areas, the Government of Syria has so far largely failed to implement positive measures and legal reforms recommended by the Committee on the Elimination of Discrimination Against Women (CEDAW) and other international human rights bodies to eradicate gender discrimination.¹⁰

For instance, **access to housing and property (section 2 below) is particularly complex for the increasing numbers of widows and other female heads of household**, including those whose husbands have been forcibly disappeared. The challenges related to their access to housing are exacerbated by societal and cultural norms, paired with discriminatory laws governing the distribution of inheritance. NGO sources estimate that the percentage of women in Syria who own residential property may be as low as two to five percent.

As a consequence of the conflict, many women heads of household in parts of Syria have furthermore been **unable to secure birth registration and nationality for their children (section 5 below)**. Their children remain at an increased risk of statelessness, which may compromise their recognition as a person before the law and their access to education and medical services, putting further strain on female-headed households.

Female heads of households and other women and girls living in protracted displacement due to conflict, often in camps, survive under exceptional hardship. Wives whose husbands are detained or disappeared and widows who live in camps face multiple and intersecting discriminatory treatment and harassment due to their gender and marital status. Many **displaced widows in north-west Syria face specific restrictions on human rights such as freedom of movement (case study I below)**.

In north-east Syria, some 56,000 people, including over 37,000 foreigners from approximately 66 countries, the majority of whom are **widows and wives of alleged Da'esh¹¹ fighters and their children under 12, are interned in camps in horrid conditions (case study II below)**, constituting unlawful deprivation of liberty and cruel and inhuman treatment. The form, duration, severity and intensity of the physical and mental suffering inflicted upon them amount to the war crime of committing outrages upon personal dignity.¹²

During the conflict, all types of sexual and gender-based violence have reportedly increased across the country (section 3 below).¹³ The United Nations in Syria estimates that in 2023, 7.3 million individuals, overwhelmingly women and girls, are in need of services related to gender-based violence.¹⁴ The Commission has previously reported that rape and other forms of sexual violence against men, women, boys and girls, particularly in government-controlled detention centres, is perpetrated on a widespread scale by State agents in Syria as part of an attack against the civilian population, and amounts to crimes against humanity under international criminal law.¹⁵ As rape may constitute torture, the United Nations Committee against Torture has, like CEDAW, urged Syria to amend their criminal legislation with regard to marital rape; laws granting rapists mitigated sentences if they agree to marry the victim; domestic violence; and other forms of gender-based violence, to bring its legislation into compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁶ These recommendations remain largely unimplemented, notwithstanding commitments made by the Government of Syria.¹⁷ Victims of gender-based violence in Syria continue to be stigmatized. The almost complete absence of protective measures for victims, such as shelters, coupled with prejudice against survivors, further reduce the ability of survivors to obtain justice. Such gaps are all the more concerning in the wake of the above-mentioned conflict-related increase in early or forced marriage, which render women and girls who have been forced to marry at an early age wholly defenceless from these serious types of abuse.

The United Nations has warned that **increased homelessness and displacement in the wake of the massive 6 February 2023 earthquakes, as well as economic hardships, has further increased risks of gender-based violence and exploitation for women and girls**. The lack of gender segregation in collective shelters is particularly risky for single, widowed, and divorced women and adolescent girls who are reported to be increasingly exposed to harassment and sexual violence. Specialized UN agencies have also raised concerns that early and forced marriage may further increase following the earthquake, for example as a consequence of overcrowded shelters, where privacy is lacking.¹⁸ As the humanitarian response scales up at the time of writing, the Government of Syria, de-facto authorities and parties to the conflict, as well as the international community, should at all times take into account the specific needs and vulnerabilities of Syrian women and girls, and recognize their contribution to humanitarian efforts.¹⁹

During the past decade, significant efforts were undertaken by Syrian women and men towards the strengthening of women and girls' empowerment and protection. Numerous Syrian women's rights and civil society organizations are making headway in raising awareness in areas such as women's human rights, gender equality, and gender-based violence. This paper outlines **sixteen concrete recommendations (section 6 below) on how the protection and rights of women and girls can be reinforced** to ensure equal treatment and non-discrimination and lessen the gendered impact of the conflict on them. These are addressed to the Government of Syria, other parties to the conflict and to the international community.

2. Obstacles to the right to adequate housing

Access to housing and ownership of property has proven to be complex for women in the context of the protracted conflict. This is particularly so for the tens of thousands of widows and wives of those detained, disappeared or missing, who are now heading households across Syria.

Legal and societal challenges to women's access to housing and inheritance

The legal and financial challenges related to women's access to housing can be illustrated by the fact that even before the conflict, by some estimates, as few as two and five percent of women in Syria owned residential property. The low percentage of women property owners may be explained by a combination of cultural norms whereby husbands are expected to purchase or provide family housing; laws governing the distribution of inheritance; the large number of informal and unregistered properties; outdated or destroyed cadastral records; as well as traditional gender roles impacting the percentage of women who are gainfully employed. As a consequence, women have traditionally accessed housing and other property-related assets through their husband or male relatives. However, this option is no longer available to the increasing numbers of widows and other women forced to head households in the wake of the conflict, rendering them particularly vulnerable to loss of access to housing.

For the majority of Syrians, inheritance is distributed differently for male and female heirs, with daughters entitled to half the inheritance of sons. In the absence of the concept of marital assets, widows with sons are only entitled to 1/8 of the inheritance of their husband, and widows are not guaranteed the right to continue to reside in a house owned by a deceased spouse.²⁰ Cultural norms and expectations present additional barriers for many women to inherit residential property, as well as other assets. Traditionally, housing is inherited from father to sons through generations, and in many cases, the father retains legal ownership of the house after his son moves in with his family. This may have varied reasons, including lengthy legal processes associated with hereditary evolution, or that deeds are outdated, in some cases dating back to the Ottoman era, with no subsequent update to cadastral record. In case the husband is declared dead, it is usually his sons or brothers, rather than his widow or daughters, who will inherit the majority of his assets and his residential property. Women are often expected to accept gold or other movable assets as part of their inheritance, while sons are favoured to inherit residential property. Across Syria, and in particular in rural areas, women face pressure from male family members not to claim any of their entitlement under inheritance laws, and pursuing such legitimate claims is often associated with shame.²¹ Many women have therefore given up their rightful inheritance to residential property altogether, in the context of a societal expectation that male family members will provide for them.²²

Specific challenges for widows and wives of the disappeared

As a consequence, across Syria, tens of thousands of widows and wives of killed, detained or disappeared husbands face particular and diverse challenges related to housing and property. In addition to difficulties faced due to the financial impact of the disappearance, these women also face challenges because they are rarely the legal owners of the house they reside in, alone or with their children.

Some women risk not obtaining their share of the inheritance, including shares in property, unless their missing or disappeared husband is declared dead, so as to be able to proceed with the inheritance process. However, many women are reluctant to proceed with such a death declaration since they still nurture a hope that their loved one is alive in one of the many detention facilities in Syria.²³ Yet other women describe being pressured by male siblings of their husband to refrain from proceeding with a death declaration or an inheritance procedure, so as to prevent her from obtaining her share of the inheritance.

Women who chose to proceed with a declaration of death, or to resolve administrative issues related to missing husbands or male relatives, also reported harassment and threats when they approached government institutions, often on account of perceived association with the opposition, as well as when approaching de facto authorities to clarify the fate of a loved one.²⁴ In one case, in 2018, a woman approaching the self-administration²⁵ in north-east Syria to inquire about her detained husband, reported

that she was later contacted by a number of officials who offered information about her husband in exchange for nude pictures or other sexual favours.

Women also reported losing access to homes and property due to decisions by government authorities to freeze the assets of their detained or disappeared husbands.²⁶ Through such measures, the Government of Syria deprived these female heads of households – despite them not being the subject of any criminal investigations themselves – of both their homes and essential financial resources, in contexts where they usually already struggle to meet basic needs, including those of their children.

The requirement of security clearance to be granted by Syrian intelligence agencies or police as a prerequisite to complete a number of administrative procedures, such as buying, selling or even renting homes, have also affected the ability of wives of detained or disappeared husbands to enjoy their property and housing rights.²⁷ In addition, Ministry of Justice Circular 22 issued in August 2022, requires courts dealing with personal status issues to obtain security clearance for individuals requesting death certificates pertaining to non-natural deaths. This practice raises concerns that further obstacles are being placed by the authorities for families perceived as affiliated to the opposition, and by extension, for female relatives of opposition associates. This decree affects in particular the ability of families of those forcibly disappeared to proceed with personal status and heritage affairs, while providing further opportunities for corruption and financial extortion.²⁸

Additional challenges in areas outside government control

While inheritance practices are largely the same across the country, widows and female heads of household residing in parts of Syria under the control of non-State actors sometimes faced additional challenges in terms of securing housing. For example, a widow of Yazidi origin in northern Syria reported that she was pressured to leave her house to another family, with the acquiescence of local armed groups, due to the stigma attached to women living alone in the family house. She refrained from approaching local dispute resolution mechanisms to get her house back, fearing intimidation as a widow, and expecting an unfavourable outcome.²⁹

In Afrin, widows without children reported that Syrian National Army (SNA)³⁰- factions confiscated their house and forced them to leave, on the pretext that they did not need the whole house. In one case, an elderly widow was forced to stay three nights on the street after she was expelled from her home by Faylaq al-Sham. One of the women described how, four years later, she had still not been able to recover her house, nor received any compensation. When approaching a local arbitration mechanism to claim her house, she was told “you're alone, you don't need a house just for you”. Another woman in Afrin whose home was confiscated by an Ahrar al-Sharqiya fighter described how she remained unable to regain access to her property several years later. When explaining to the fighter that she was herself the house owner, not her husband, the fighter was astounded as to how the property could possibly be owned by a woman.³¹

3. Lack of legal protection, stigmatisation, and other obstacles to justice for survivors of sexual and gender-based violence

Throughout the conflict, all types of sexual violence and other gender-based violence, such as domestic violence and rape, have reportedly increased across the country, amid the absence of national criminal laws effectively protecting women from violence.³² Since 2011, the Commission has found that rape and sexual violence by government forces in their detention facilities in Syria formed part of a widespread and systematic attack against the civilian population and amounted to crimes against humanity.³³ At least as of 2012, many of those acts amount to the war crimes of rape and other forms of sexual violence, including outrages upon personal dignity.³⁴ Rape and other forms of sexual violence, including sexual assault and sexual humiliation, were used against women, girls, men and boys, including some as young as 11 years of age, to extract information, as punishment, or to humiliate them and their families.³⁵ Armed group members, such as the SNA, also committed the war crime of rape or other sexual violence.³⁶

Widows, divorced women, and other women and girls perceived as not being under the protection of a man or a male guardian have been reported to be particularly vulnerable to all forms of violence, including sexual violence.³⁷

The United Nations in Syria estimates that currently, as many as 7.3 million Syrians, overwhelmingly women and girls, are in need of services related to gender-based violence.³⁸ An inadequate national legal framework, as well as discriminatory practices and policies are barriers to the protection of women, and hinder effective accountability for the violence exerted against them.

Access to interview survivors of sexual-and gender-based violence in government-controlled areas and elsewhere remains exceptionally limited, owing to challenges such as societal stigma, as well as concerns related to source protection.

National legal framework

Noting that rape may constitute torture, the United Nations Committee against Torture has previously urged Syria to amend its criminal legislation with regard to laws granting rapists mitigated sentences if they agree to marry the victim;³⁹ marital rape;⁴⁰ domestic violence; so-called ‘honour crimes’, and other forms of gender-based violence, to bring its legislation into compliance with their obligations under CAT.⁴¹ Similar recommendations were made by States, and supported by the Government, during Syria’s Universal Period Review in 2022.⁴² To date, no meaningful amendments to relevant legislation have been promulgated.

Rape is a crime under the Syrian Penal Code.⁴³ However, a continuing challenge to accountability for sexual violence and other crimes perpetrated by Syrian security forces is the de facto immunity they are granted through Syrian legislation that requires approval within the military chain of command prior to initiating investigations.⁴⁴ Such laws institutionalize and promote a long-standing practice of abuse and impunity.

In 2020, the Government of Syria repealed a law that amounted to legal recognition of so-called ‘honour killings’.⁴⁵ However, Article 192 of the Penal Code still gives judges wide discretion to significantly reduce sentences if extenuating circumstances apply, including when the crime had an ‘honourable’ motive, or if murder was committed in rage and motivated by an illegal act provoked by the victim (Article 242). There are country-wide reports of killings of women or girls by close relatives ‘to restore family honour’, in the context of allegations of immoral conduct, and a reported low rate of prosecutions for such ‘honour killings’, although no official statistics or estimates are available.⁴⁶

Adultery also remains a criminal offence in Syria,⁴⁷ which means that victims of rape risk being subjected to criminal investigation themselves. International expert bodies have found that such laws may lead women to refrain from reporting rape, and moreover, contribute to the societal stigmatisation of women who are raped or become pregnant out of wedlock, who may also be at a risk for ‘honour killings’.⁴⁸ In some cases, victims of sexual abuse in north-west Syria were reportedly taken into police custody for investigation on suspicion of a consensual extramarital relationship.

An initiative to propose a draft new law on protection of women against violence to the Syria legislature, initiated by Syrian women’s rights proponents, has stalled, and the Syrian Parliament has thus far declined to debate the proposal.

In areas under the control of non-State actors, the same Syrian legal frameworks are largely applied, with notable exceptions. For example, Hay’at Tahrir al-Sham (HTS)⁴⁹ is reported to rely on sharia law and jurisprudence (*fiqh*). While Syrian laws are applied in most areas under the self-administration in north-east Syria, in some areas, there have reportedly been attempts at enforcing new rules that promote gender equality.⁵⁰

While comprehensive statistics on prosecutions and convictions for such crimes is unavailable, the SNA has communicated that some of its members, operating in northern Syria, are under investigation for rape by local de facto military judicial bodies.⁵¹

In Idlib, perpetrators of rape are reported to have been sentenced to death and executed following proceedings in criminal courts established by HTS. Concerns remain regarding the compliance with applicable provisions of international humanitarian law during such prosecutions, including the right to a fair trial.⁵²

Barriers to accountability

Criminal accountability for perpetrators of sexual violence remains exceedingly rare across the country, since victims mostly do not come forward. Victims of rape or other forms of sexual violence frequently suffer from societal discrimination and enduring stigma, which often prevents criminal prosecutions. Some victims of rape were repudiated by their families and forced to move out of their home or divorced by their husbands. In one case, a judge in a court in a government-controlled governorate was reported to question why a woman would ‘destroy her reputation’ by pursuing a criminal complaint for what was ‘only’ an attempted rape.

Owing to fear of stigma, rape survivors even often refrained from approaching medical services, or declined medical examinations or documentation that could reveal sexual violence, fearing a lack of confidentiality. In one case in northern Syria in 2022, a woman seeking medical assistance after allegedly being subjected to multiple rapes by an armed faction declined to undergo a confidential medical check-up, as she did not want her name on record to be associated with injuries consistent with rape. She did not approach local law enforcement, but instead quit her job and avoided going outside to mitigate further risks. In other cases, family members accompanying minors with injuries who approached health providers were reported to hastily leave the clinic as soon as rape was confirmed by medical staff, leaving the victim without medical treatment nor documentation, for fear of the rape becoming known.

In northern and north-west Syria, medical personnel were reported to have received threats of violence from family members of victims of rape, as they were perceived as responsible for documenting that the victim was technically no longer a virgin. Health personnel therefore fear for their own safety when faced with victims who display physical signs of rape, and as a result, sometimes keep written reporting of such medical examinations vague, to avoid accusations that they are alleging rape to have occurred.

Stigma and social concerns around sexual violence are so severe that female victims of arbitrary detention are often presumed to be victims of rape. While far from all women detainees have been subjected to sexual violence, society around them presumes them to have suffered such violence. In one case, a former female detainee recounted that after her release, her family confiscated her ID and prevented her from leaving the house. The documentation of forcible disappearance of women is also hindered by the stigma attached to female detainees.

Domestic violence and marital rape

Syrian criminal law does not criminalize marital rape, nor is there any explicit provision criminalizing domestic violence.⁵³ In addition to such legal barriers to prosecution of sexual or gender-based violence, women who attempt to file complaints for severe violence within the family are often faced with stigma and shaming, including by State officials. As a result, there is little or no accountability or justice for most victims of such forms of abuse.

In one case, a woman was admitted to hospital in Damascus after suffering violent abuse and rape. She was given treatment for haemorrhage and other injuries. She filed a complaint to the police, but the man was able to avoid rape charges by producing a document showing he and the woman had entered into a customary, unregistered marriage [*urfi* marriage], following which the judge dropped the charge for rape. The woman did not appeal the case as she was put under pressure from the family of the perpetrator.

A number of women reported that they would face harassment or shaming by law enforcement and members of the judiciary when attempting to launch complaints for domestic violence. Members of the judiciary were reported to sometimes express attitudes indicating that women subjected to domestic abuse ‘were themselves to blame’. In one case, a woman in Damascus went to the police to report severe violence by her husband. When the police officer summoned her to an office to give a statement, he reportedly attempted to rape her. She did not dare to pursue the complaint.

‘Honour killings’ and mitigated sentences for rape

Notwithstanding some legal reforms, so-called ‘honour killings’ are reported to continue to occur across Syria. In many parts of Syrian society, the concept of honour is constructed around notions of female

virginity. For this reason, some Syrians consider that it is worse for a woman or girl to be raped than to be killed. In some cases, victims of rape were subjected to 'honour killings' by their own families, or were forced to flee due to threats thereof.⁵⁴ In some cases, local authorities were reported to take rape victims into protective custody to protect them from family members, given that 'honour killings' are still commonplace. Failure to investigate and prosecute such crimes, or lenient sentencing of so-called honour killings, presents another severe risk for victims of rape. In one case from northern Syria, a man who confessed to repeated rapes of a 11-year-old girl was able to negotiate a mitigated sentence by agreeing to marry the victim when she reaches the age of marriage, as this would be perceived as saving the honour of the victim and her family. In another recent case from the same area, a man reportedly served only one year in prison after being sentenced by a court for killing his female cousin, for reasons related to perceived family honour.

Owing to stigma attached to sexual violence as well as criminalization of and shame associated to adultery, infants born outside of marriage are sometimes abandoned by their mothers. Across the country, an increasing number of infants were reportedly found abandoned, sometimes outside mosques. Some were dead when discovered. While abandonment may also have other reasons, such as extreme poverty, in some cases, it was confirmed that mothers gave up their infants born outside of marriage for fear of stigmatization and 'honour killings'.

Absence of protective measures for survivors of violence

Owing largely to stigmatization of victims of sexual- and other gender-based violence, shelters are unavailable throughout most of Syria, with only one government-run shelter in operation in Damascus, which is reported to have limited capacity. In other parts of the country, including in areas outside government control, women have no alternative in terms of safe temporary housing to escape violence. For instance, Kurdish victims of domestic violence from north-east Syria reported having to flee across the border to seek safety.

For women seeking to escape physical abuse including rape, filing for divorce is often the only viable option. These women are often subjected to pressure from relatives, as in some conservative parts of Syrian society, the status as a divorced woman is associated with shame, even in cases where the wife is subjected to severe sexual and other violence from her husband.

Judges also often favour reconciliation, rather than granting a divorce requested by the victim. In one such case in Idlib, a woman filed a complaint to the de facto judicial authorities following repeated violence and sexual abuse by her husband. She had been married since age 16. Although she testified about serious sexual abuse and other violence, the arbitrators at a sharia court stressed the importance of reconciliation, in particular since the woman's father had passed away, and she would thus not have a male guardian. While she reported to have signs of injuries from the abuse, these were not visible to the arbiters, since she had to be fully covered. Eventually, she opted to return to her husband.

Additional obstacles to justice

In the few cases where victims have the courage to approach law enforcement to file complaints against their abuser, societal norms, as well as the precarious financial and humanitarian situation facing those in displacement, often become the final barrier to accountability and protection from continued abuse.

In one case in northern Syria, in 2022, an internally displaced woman was subjected to severe violence by her husband. After filing a complaint to the prosecutor of the de facto authorities, her husband was taken into custody by local police. However, following pressure from family members, and owing to her difficult financial situation, she agreed to drop the charges. She was herself a re-married widow. Her sister and mother, displaced from government-controlled areas to Idlib, were also widows, as their husbands had died during the conflict. Additionally, two of her brothers had been forcibly disappeared in government-controlled areas. After the charges were dropped and her spouse released, the woman had no other option than to return to her husband, since she did not have the means to survive on her own.

Victims who approach judicial authorities to launch a complaint for rape have also faced counter claims by the perpetrator for slander. In one case, a woman who accused a man of rape was arrested shortly afterwards by a law enforcement agency in the Damascus area, after the perpetrator filed such a complaint.

Discrimination against women with regard to accessing courts in Idlib

Widows and women in general in Idlib are not formally prevented from moving or travelling without a male mahram. One exception is however access to sharia courts in areas controlled by HTS. Physical access to these courts is conditioned on being accompanied by a male, including in courts where personal status issues such as marriage and divorce are adjudicated. The practice is also enforced in criminal courts, unless the woman herself is a defendant. As a plaintiff, she would need to be accompanied by a male relative or guardian. For women and girls who are widows, divorcees, and in particular internally displaced female heads of household, such discriminatory practices obstruct access to justice.

Likewise, no female judges have been appointed to these courts, and female lawyers face the same challenges as other woman in terms of attending court sessions, and therefore do not represent clients in these contexts. Widows and female heads of household are also reported to face high levels of sexual harassment when trying to access other administrative or judicial procedures.

Case Study I: “Widow camps” of Idlib

Residents of so-called “widow camps” in Idlib face restrictions and discrimination. There are an estimated 50⁵⁵ such sites operating with the authorization of the HTS-controlled so called ‘salvation government’ (SSG).⁵⁶ Widows living in areas controlled by HTS are not forced to reside in these camps. However, Idlib hosts over 2 million internally displaced persons, of whom 1.4 million are living in camps and 78 percent of whom are women and children. The conflict has left as many as 2.9 million individuals in Idlib in need of humanitarian assistance, of a total population of 3.2 million.⁵⁷ Many widows and divorced women with no family to support them often have no viable alternatives other than to reside in designated and confined “widow camps”.

The camps are managed by the SSG’s ‘ministry of development and humanitarian affairs’ and the ‘directorate of camps affairs’. Many camps are reported to receive charitable contributions from regional donors. The ‘directorate of camps affairs’ makes decision on entry and transfer between the widow camps. Admission to widow camps is often conditioned on the applicant providing a death certificate for her husband.

In 2017, the SSG’s ‘ministry of social affairs’ announced that widows were required to reside with a male guardian and prohibited from living alone in order ‘to protect their reputation’. Those infringing the decree would be held ‘legally and religiously accountable’. The regulation caused anger among parts of the population in Idlib and is reportedly no longer enforced. However, such concerns of reputation still impact the everyday lives of the women living in the widow camps and restrict their right to freedom of movement.

While restrictions vary among camps, in many, widows face strict control of their movements and are required to obtain prior permission from camp managers whenever they want to leave the premises. Several women reported that they were told by camp managers that such restrictions on movement were imposed in order to ‘protect their reputation’. Some widow camp inhabitants reported being allowed to leave the site only three days per month, subject to prior approval. Widows also reported limitations on the numbers of visits they may receive from relatives living outside the camp, while women in some camps reported that visits by male relatives were prohibited all together.

The restrictions applied in widow camps severely limit women’s opportunities to maintain an independent livelihood and pose undue impediments to women’s ability to participate in society and public life. In some widow camps, women are explicitly prohibited by camp management to take up employment outside the facility.

In addition to cultural norms or perceptions about reputation of widows requiring special protection, the strict control of movement is also said to be justified by security concerns experienced by widows. Many widows and female heads of household expressed concerns for their privacy and personal security caused by living in tents or temporary shelters in regular camps for internally displaced persons, with some not feeling safe to go outside their living quarters, fearing harassment or violence. Some women without a husband or male guardian indeed reported experiencing high levels of violence, harassment and attempts at sexual exploitation.⁵⁸

Security concerns are also impacting young boys and further dividing families. In most camps, due to restrictions imposed by camp management, boys residing with their mothers are forced to leave when they turn 13 years old, and in some cases even as early as 11. While specific data is not available, concerns remain with regard to how these young boys fare when forced to abandon their home and only remaining parent, either to live in orphanages or without any support system.

With some widows lacking the means to provide a livelihood for themselves and their families, many see re-marriage as the only viable option to live outside the camp. Some of the widows have also accepted polygamous marriages, as a second or third wife. According to Syrian national law, as well as local rules reported to be applied in Idlib, a woman automatically loses custody of her children if she re-marries, unless the new spouse is a blood relative of the former husband.⁵⁹

Case Study II: Internment camps in north-east Syria

In north-east Syria, some 56,000 people, the majority of whom are women and children under 12, including over 37,000 foreigners from approximately 66 countries, have been interned by the Syrian Democratic Forces (SDF)⁶⁰ in camps in horrid conditions for almost six years.

The Commission concluded in 2018 that the blanket internment of all civilians fleeing Raqqah and Dayr al-Zawr was unjustifiable.⁶¹ Since, the vast majority of the civilians interned in camps remain women and children, in addition to elderly, infirm and disabled persons, who do not represent an imperative security threat and whose continued detention is unnecessary.

Since their initial internment, the Commission has repeatedly concluded that the conditions in the displacement-turned-detention camps strongly suggest that the most basic human rights of those confined there are being violated, to the extent of constituting unlawful deprivation of liberty and cruel and inhuman treatment.⁶²

Internees' access to adequate health care remains extremely limited, affecting in particular women and children with chronic illness or disabilities, including people with untreated injuries dating back to 2019. Amid a lack of adequate security and frequent killings, numerous allegations of violence in the camps have been received - including sexual and gender-based violence, which remain under investigation.

The vast majority of women are interned on the basis of being wives and widows of men alleged to be members of the United Nations-designated terrorist organization Da'esh. By now, they and their children have been held for half a decade without the opportunity to challenge the grounds for their detention and tarred with the presumptive but unproven association with a United Nations-designated terrorist entity. In 2023, the Commission found that the form, severity, duration and intensity of the physical and mental suffering inflicted may amount to the war crime of committing outrages upon personal dignity, in particular humiliating and degrading treatment, in relation to each interned individual.⁶³

Extraordinarily, among the women interned in the camps are women belonging to Da'esh's notorious Hisba morality police, alongside women who were abducted, forcibly married, and subjected to sexual slavery by Da'esh.⁶⁴ Yazidi women and girls who survived genocide and persecution have thus been held alongside their tormentors in inhuman conditions for half a decade.⁶⁵

Women and girls who were subjected to sexual slavery by Da'esh members, such as the Yazidis, have also in the aftermath of their release faced discrimination at the societal and legal level, such as stigmatization in their home communities, as well as inability to register their children, many of whom remain stateless (see also section 5).

Widows and wives of alleged Da'esh members have also faced difficulties with registering their marital status, as well as the identity of their children.⁶⁶ This applies to women alleged to be wives of Da'esh fighters who still remain in the internment camps, as well as to women who returned to their home communities (see also section 5).

4. Increase in early and forced marriage

In the wake of the conflict and its ensuing mass displacement and economic hardship, early and forced marriage is reported to have increased across Syria. Such marriages are frequently deployed as a coping mechanism to ameliorate financial hardship exacerbated by the conflict, as well as to protect daughters amid overcrowded living arrangements caused by destruction to homes and displacement and to mitigate reputational risks for family honour amid increased risks of sexual violence.⁶⁷

The Commission has previously reported on girls forced to marry fighters of armed groups. Such forced marriages constitute sexual violence and amount to the war crimes of cruel treatment and, in many instances, rape. When committed as part of a widespread or systematic attack directed against a civilian population, as was the case in areas controlled by Da'esh,⁶⁸ forced marriage may also amount to a crime against humanity.⁶⁹

The Government of Syria commendably raised the minimum age for marriage from 17 to 18 years old for girls, the same as for boys, in 2019. However, the law simultaneously grants judges discretionary exceptions to approve marriage down to the age to 15, which are frequently used.⁷⁰ Eighty-four per cent of children in Syria now live in locations where child marriage is an issue for girls aged 15 to 17 years,⁷¹ indicating that a widespread practice of child or early marriage goes well beyond the issues of forced marriage to fighters in areas under armed group influence, but is common across the country.

In addition, the number of unregistered customary marriages, including with adolescent girls younger than 15, is reported to have increased.⁷² Girls married off as young as age 12 is not uncommon. Medical staff have reported girls as young as 12 years old giving birth, as well as 19–20-year-olds already giving birth for the fifth time. Pregnancy at such early ages is associated with serious health risks and pregnancy complications.

The conflict-related increase in early or forced marriage is furthermore particularly concerning in the context of the above-mentioned national laws which explicitly fail to criminalize marital rape as well as other forms of domestic violence, leaving young girls who were forced to marry wholly defenceless against these serious types of abuse.

5. Exacerbated risks of statelessness for children in women-headed households

Statelessness has been a persistent issue in Syria, including among parts of the Kurdish population, as well as Palestinians. Increased risk of statelessness among Syrian children born after 2011 has however become a sombre hallmark of the conflict in Syria, in particular in areas outside government control, but also among internally displaced persons in government-controlled areas.⁷³ Although statistics are unavailable, humanitarian agencies have reported in numerous surveys conducted in IDP camps, special camps for widows, as well as among returning IDPs, that many children frequently lack civil documentation or ID documents, and are at risk of remaining unregistered, and in practical terms, stateless. Access to civil documentation is also challenging for Syrian refugees abroad, with exorbitant fees being charged for certain documents, such as passports, by Syrian embassies.

Lack of civil documents have multifaceted and complex reasons, varying between regions. However, at the core of the question of statelessness lies the legal and societal discrimination of women with regard to conferral of nationality to their children. Women who had children born into unregistered marriages, and who were later widowed, are particularly impacted in this regard. Unregistered children face obstacles in accessing health care and education, adding a significant burden on female-headed households, who must provide for their children while being denied full access to already scarce services and assistance. Statelessness may further increase risks of child exploitation, abuse and trafficking.

Most children in Syria are registered and acquire Syrian nationality as a result of being born to a Syrian father.⁷⁴ Some recent legal changes implemented by the Government of Syria have expanded the possibility for women to register births under their own name. The new Civil Status Law promulgated in March 2021 treats the mother and father equally with respect to being able to register the birth (whereas the previous Civil Status Law of 2007 gave priority to the father). Another positive change related to conferral of nationality via the mother of a child was introduced by Legislative Decree 17 of 2022, amending article 28

of the Personal Status Law,⁷⁵ which provides that a child born outside of marriage can be directly registered if the filiation to the mother is supported by official documents.

These changes should benefit children born out of wedlock, or as a result of unregistered marriages, including to women who later became widows and could not register the marriage. However, in practice, women are reported to continue to be reluctant to register children under unknown paternity, fearing stigmatization and shaming by society, of themselves, the child, and their families.⁷⁶

The effectiveness of these legal reforms must therefore be understood in the context of the significant societal stigmatization of women who carry children out of wedlock, without a legally established lineage to the father – whether the child is conceived as a result of extramarital relationships, sexual exploitation or rape. There are numerous reports of mothers opting to abandon infants born out of wedlock. (as mentioned above).

The significance of stigma is further illustrated by the fact that also under previous legislation, in exceptional cases, women could in theory confer nationality to the child if the father was unknown, if the birth occurred in Syria. This included cases when a child is born to a Syrian mother, and the legal identity of the father could not be proven,⁷⁷ or where the father was a foreign national who could not pass on his nationality at the time of birth.⁷⁸ Such registration was however reported to be exceedingly rare, owing to stigmatization.⁷⁹ Many women instead opted to register their child on the name of their own father, a married brother, or another male relative, which deprived the mother of any legal link to, and rights vis-a-vis their own child.⁸⁰

Beyond social stigmatization which remains an issue throughout Syria, women who gave birth in areas controlled by non-State actors also faced administrative hurdles to obtain recognized evidence of the birth and birth registration, before proceeding to register the child with government agencies. For many living in protracted displacement, or who did not give birth in a hospital, such documentation may be difficult to obtain. Widows and female heads of household, in particular, remain vulnerable in this regard, and their children are at increased risk of statelessness.

Children born in Syria as a result of sexual slavery and rapes that occurred as part of the genocide against the Yazidi population perpetrated by Da'esh have faced particular challenges to acquiring nationality, since the legal name of their father is usually unknown and/or he is a foreign national. Moreover, Iraqi Yazidi mothers have been forced to abandon their children as a prerequisite to return to their home communities.⁸¹ Most of these children who stayed in Syria are reported to remain stateless, as they were born outside of registered marriages. As most fathers were killed or went missing, no legal link to the father can be proven, whether or not the father was a Syrian or a foreign national.

Particular challenges for widows in areas recaptured by the Government of Syria

Registration of a marriage with government agencies is a prerequisite for regular birth registration, in order for the child to acquire Syrian nationality with a proven lineage to a Syrian father. Syrian authorities generally do not recognize civil documentation issued by armed groups or de facto authorities in areas held by armed groups, including documentation issued by those authorities on birth, marriage and death.⁸² Women who entered into marriages in areas controlled by armed groups thus have faced challenges to register their children. The gendered challenges to such registration is all the more evident in cases where the husband/father died or went missing before the marriage was registered with government agencies.

Moreover, many marriages that occurred in areas controlled by armed groups were not registered even by local registration mechanisms but were so called '*urfi*' marriages, or 'customary marriage', whereby two individuals are married by a sheikh without recourse to any formal registration procedures. While '*urfi*' marriages were common throughout Syria also pre-2011, their number increased exponentially across the country during the conflict, and in particular as men and women living in armed group-controlled areas could not always easily access State registration procedures.

The Government of Syria has taken some positive steps to ease procedures for birth registrations,⁸³ and to an extent facilitated processes by which widows may take advantage of pre-existing legislation allowing for ex post facto registration of '*urfi*' marriages that occurred in areas previously held by armed groups. These

procedures can be used to validate a marriage which was entered into in areas previously controlled by armed groups, hence allowing for registration and conferral of nationality for the couple's children, in line with pre-existing laws.

It is thus possible to obtain ex post facto marriage registration of *'urfi* marriages with government registries, by ruling of a court. For such registration, the applicant has to present evidence and witnesses before the court, who can attest that the marriage took place, and that the children were born as a result of the marriage. The identity of the father must also be evidenced, and where applicable, his death.

A number of widows have been able to secure an ex post facto registration of their marriage, and hence secure formal registration and nationality for their children. However, in the context of mass displacement across Syria, given the evidential burden required to secure such registrations, some widows and women whose husbands are forcibly disappeared or missing have been unable to secure registration and nationality for their children.⁸⁴ For example, the challenge of securing witnesses to the marriage may represent a significant obstacle in many cases. Furthermore, a high proportion of Syrian civil registries in areas outside government control were destroyed during the conflict, which further prevents internally displaced persons from obtaining required documentation.

Recent interviews also indicate that court proceedings in Damascus to secure such registration are sometimes stalled by judges, with cases of children well above school age remaining stateless, unable to access education and other rights.

Other women experienced obstacles with issuance of civil documentation due to their perceived association with the opposition. In one recent case, a woman from eastern Syria, previously married to a Da'esh fighter who had fled, attempted through court proceedings to register her marriage and her children through a civil registration office in Damascus, in order to secure access to education. Following interference and intimidation by a Syrian intelligence agency official, the woman was too afraid to continue the procedure, and eventually gave up. Another woman, whose sister was detained by government forces, reported that several local mukhtars refused to provide her children with a copy of her family booklet, 'because her sister was a terrorist'. In 2019, she finally obtained the document after bribing a civil servant.

Additional challenges for widows living in areas controlled by armed groups

Widows, and women whose husband is missing, and who reside in areas controlled by armed groups, face additional barriers to obtain civil documentation for their children. These challenges appear both at the local level, where de facto authorities have instituted their own registration systems, as well as in terms of obtaining formal registration with Syrian government registries. In particular, women whose missing or dead husband was a non-Syrian national are reported to face unique challenges in this regard.

Numerous women in areas controlled by armed groups married Syrian and/or foreign fighters, without the husband ever revealing or documenting his legal name to his spouse, only his nom de guerre. These marriages were never registered, even at the local level, before the husband either died or left. In some cases, women entered consecutively into informal or customary marriages (sometimes forcibly) to three or more fighters. After the men had died or abandoned the family, evidence of the identity of one or more of the fathers was not attainable. Since the marriage could not be registered without proof of the identity of the father, it remained unregistered and the children too remained unregistered locally, let alone nationally. Local registration is also often a prerequisite to obtain access to humanitarian assistance, education, and some other services.

While registration without proving the lineage to the father is possible also in areas outside government control, such registration, as in government-controlled areas, is associated with significant societal shame and stigma, often deterring women from undertaking the procedure.

Government registration offices are not available in Idlib and northern Aleppo for instance, but registration may be obtained if conducted via a proxy. While many women have successfully registered their children via proxy, such procedures often involve significant costs. Although widows or female heads of household living in Idlib and other areas can, in theory, cross from areas controlled by armed groups into those

controlled by the Government to register their children, such travel is often associated with security risks and fear of approaching government agencies.

6. A way forward

2011 and ensuing years saw an initial strengthening of Syrian civil society in areas outside government control, as well as outside the country. Syrian women, as well as men, redoubled their efforts to enhance respect for international human rights law in general, as well as women's rights, including to eliminate discrimination and to promote protection of women against violence.

While some modest advances were made, major challenges remain. In addition, civil society activities, including those focusing on women's rights, remain under strict control and scrutiny by government agencies, with multiple levels of approval required for support projects related to women's rights and sexual and gender-based violence to be implemented. Proposed such projects by humanitarian organizations are reportedly often rejected, for unclear reasons. Furthermore, only Syria Trust For Development, an organization led by Asma al-Assad, wife of President Bashar al-Assad, and the Syrian Arab Red Crescent (SARC) are currently formally authorized to offer legal assistance services.

In areas outside government control, HTS and some SNA factions have on occasion intimidated and restricted certain outreach and awareness raising activities related to violence against women, or activities addressing topics such as child and early marriage. Some women's rights activists have faced harassment and negative speech from local religious authorities.

Nevertheless, despite huge challenges related to both the conflict and such restrictions, across the country, some civil society organizations have been able to carry out basic assistance programmes and other initiatives in support of women's rights, including advocacy.

Echoing their proposals, and in order to reinforce the protection of the rights of Syrian girls and women, especially the many women now heading households in the wake of the conflict, the Commission presents **sixteen concrete recommendations**, addressed to the Government of Syria, other parties to the conflict and the international community:

To the Government of Syria:

1. **Cease all forms of incommunicado detention and enforced disappearances** and ensure detainees are able to communicate with their families. Provide families of victims of disappeared persons with information on the whereabouts and fate of their loved ones, or with the means to regularize their legal status in relation to the disappeared persons after an appropriate period of time.⁸⁵ Under no circumstances should families of victims of enforced disappearance be obliged to declare them dead for administrative purposes or in order to be eligible for reparation.
2. **Implement recommendations by CEDAW, the Committee Against Torture, the Committee on the Rights of the Child and the Human Rights Committee,**⁸⁶ adopting measures to eradicate all forms of legal, societal or customary discrimination against women and girls, including a national strategy to eradicate stigmatization and negative stereotypes (comprising victims of rape and other forms of sexual violence, single mothers and children born out of wedlock) in all spheres of society. Such a strategy should include awareness-raising efforts targeting the general public and the educational system, the media and religious and community leaders, in collaboration with civil society and women's organizations.
3. **Take proactive measures to further equality for women in residential property matters including inheritance**, including eradicating any stigma attached to women claiming their inheritance. In the immediate term and pending the full implementation of CEDAW's recommendation on inheritance legislation and other personal status matters,⁸⁷ implement procedural protections for women in the distribution of estates and inheritance as has been done in neighbouring States.⁸⁸
4. **Take measures to change laws, practices, customs and attitudes that deter women from seeking accountability for acts of violence,**⁸⁹ including:

- a. **Adopt new legislation on violence against women**, ensuring that all acts of sexual and gender-based violence, including marital rape and domestic violence, are explicitly criminalized under the Syrian Penal Code, in line with Syria's obligations under international law and previous recommendations by CEDAW, the Committee Against Torture and other human rights bodies.
 - b. **Repeal laws that allow for reduced sentencing in case of 'honourable' motives** for murder or other crimes against women (e.g., change criminal law defence clauses to internationally recognized and recommended clauses, like self-defence, defence of others and necessity).
 - c. **Repeal legislation providing de facto immunity** from prosecution for members of State security forces.
 - d. **Increase the number of shelters and other protective measures**, to provide a safe alternative for women fleeing from domestic violence and abuse.
 - e. **Allow national, international and civil society organizations to freely provide support services, including legal counselling and representation services**, or awareness-raising regarding sexual and gender-based violence; and remove the current restrictions on such programmes.
5. **Take pro-active measures to combat early and forced marriage**, including developing awareness-raising campaigns on their harmful effects; sanctioning forced marriage; implementing legal measures to reduce the numbers of exemptions granted by judges to the minimum age of marriage of 18; increasing the rate of girls attending school; and establishing a mechanism for reporting cases of child marriage as recommended by the Committee on the Rights of the Child.⁹⁰
 6. **Ensure that all children born in Syria to Syrian mothers are granted nationality**, regardless of whether a lineage to the father remains unknown; and take active measures to ensure birth registration.

To non-State armed groups:

7. **Cease all forms of arbitrary as well as incommunicado detention and enforced disappearances** and ensure detainees are able to communicate with their families (as above).
8. **Take measures to combat early and forced marriage** including awareness-raising on their harmful effects; raising the minimum age of marriage applied in sharia courts to 18 for both boys and girls; sanctioning judges who approve marriages that are not legal under Syrian law; sanctioning forced marriage; and increasing the rate of girls attending school.
9. **Particularly to HTS, ensure that requirements regarding male escort for any purpose are no longer enforced** in any area under their control; and ensure that women lawyers and representatives can access all places necessary to represent their clients; **and that residents of widow camps enjoy freedom of movement.**
10. **Particularly to HTS and SNA, cease actions that obstruct programmes** aimed at promoting respect for the rights of women and girls.
11. **Particularly to SDF, improve conditions in Hawl and Rawj camps**, including health services and protection programmes to prevent violence, including sexual and gender-based violence; and ensure individual review of the grounds of detention of those interned and voluntary release for all not posing an imperative security threat nor being investigated for crimes.

To UN Member States:

12. **Create an independent institution with an international mandate to coordinate and consolidate claims regarding missing persons**, including persons subjected to enforced disappearance, and provide appropriate support for the families of the missing and disappeared.
13. **Repatriate nationals held in the north-east of the Syrian Arab Republic for alleged association with Da'esh, in particular children with their mothers**, in accordance with the best interests of the child; while repatriations should be avoided where individuals risk arbitrary detention or physical harm, including the death penalty, in their country of origin.

14. **Particularly to States of the International counter-Da'esh Coalition, support the SDF to improve conditions in Hawl and Rawj camps;** to ensure individual review and voluntary release (as above); and, in particular in light of the Commission's findings concerning the war crime of outrages upon personal dignity, to ensure compliance with obligations under Article 1 Common to the Geneva Conventions by ensuring they neither aid nor assist in violations of the Convention and do everything reasonably in their power to prevent and bring such violations to an end.
15. **Sustain funding to much needed programmes supporting and empowering women in Syria,** including programs supporting survivors of sexual and gender-based violence, widows and women heads of household. Ensure that earthquake relief is provided in a gender-sensitive manner.
16. **Continue seeking accountability for gender-based crimes** in Syria, including gender persecution,⁹¹ including by ensuring and investing in effective legislative, investigative, judicial and prosecutorial infrastructure.

International legal framework

The Syrian Arab Republic is a party to major United Nations human rights treaties guaranteeing non-discrimination and protection of the human rights of women and girls, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), CAT and the Convention on the Rights of the Child (CRC).

The Government of Syria is therefore bound to respect, protect, promote and fulfil the human rights of all persons present on its territory and within its jurisdiction. The obligation extends to investigating all alleged violations of international human rights law, providing reparations and bringing perpetrators to justice.⁹²

Under the Convention on the Elimination of All Forms of Discrimination against Women, Syria has committed to eliminate all forms of discrimination against women, requiring the State to take various positive measures to establish legal protection of the rights of women on an equal basis, and the effective protection of women against any act of discrimination. Furthermore, it obliges State parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise, as well as to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women, including discriminatory penal provisions.⁹³

Syria is bound by its international obligation to recognize all individuals present on its territory and subject to its jurisdiction as persons before the law,⁹⁴ while the right for every child to acquire a nationality and to be registered immediately at birth is enshrined in the ICCPR and the CRC.⁹⁵

Under the CAT, Syria is under an obligation to ensure that domestic violence, rape, marital rape and honour crimes are criminalized, and to abolish laws that provide for mitigating sentencing of perpetrators of rape if they agree to marry the victim.⁹⁶

Human rights obligations continue to apply during times of armed conflict concurrent with international humanitarian law.⁹⁷

Non-State actors cannot formally become parties to international human rights treaties, but are nevertheless obligated to respect fundamental human rights norms, which form part of customary international law in territory where such actors exercise de facto control.⁹⁸ This includes the customary prohibition of any discrimination based on sex or gender, including in the entitlement to equal protection of the law, and the protection against any discrimination in violation of other human rights considered part of customary international law.⁹⁹

The Syrian Arab Republic is party to the Geneva Conventions of 1949 and Additional Protocol I of 1977, as well as to several other international humanitarian law instruments. Customary international humanitarian law applies to all parties to a non-international armed conflict.¹⁰⁰ Rape, sexual violence, and other outrages upon personal dignity are prohibited by Article 3 Common to the Geneva Conventions and may also constitute war crimes in non-international conflict.¹⁰¹ The prohibition on adverse distinction or discrimination based on sex is recognized as binding customary law during non-international armed conflict,¹⁰² as is respect for family life¹⁰³ and fair trial guarantees.¹⁰⁴

¹ A/HRC/37/CRP.3. In its July 2022 resolution A/HRC/RES/50/19 para 18, the Human Rights Council, para.18. requested the Commission of Inquiry “to consider updating its report on sexual and gender-based violence, taking a victim- and survivor-centred approach, and in particular to look to make recommendations, including on broader efforts to bolster women’s full, equal and meaningful participation in political and public life.”

- ² A/HRC/50/68, para 18-19, indicating a total of 350,209 unique, documented, identifiable casualties for the period 1 March 2011 through 31 March 2021, of whom the vast majority are men.
- ³ A/HRC/46/55 and www.ohchr.org/sites/default/files/2022-06/PolicyPaperSyriasMissingAndDisappeared_17June2022_EN.pdf
- ⁴ Report of the working group on enforced or involuntary disappearances, A/HRC/16/48 (2011), para 4.
- ⁵ OCHA Humanitarian Needs Overview, 2023, p.77. www.unocha.org/syria.
- ⁶ OCHA Humanitarian Needs Overview, 2023, p 49. www.unocha.org/syria.
- ⁷ OCHA Humanitarian Needs Overview 2023, p.104. www.unocha.org/syria.
- ⁸ Voices from Syria, 2023, UNFPA, p. 31-33. <https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2023-assessment-findings-humanitarian-needs-overview-enar>
- ⁹ See e.g. UPR UN compilation on the Syrian Arab Republic, /HRC/WG.6/40/SYR/2, November 2021, para.54. G2133846.pdf (un.org), CRC/C/SYR/CO/5 (2019), para.17.a), and CEDAW/C/SYR/CO/2, (2014), CEDAW concluding observations) para. 46, referring to e.g. the Syrian Law on Personal Status, as well as Syrian criminal law, domestic laws governing inheritance distribution; child custody rights; the absence of criminalization of marital rape and provisions related to ‘honour killings’, amongst others, which are considered to be contrary to the prohibitions under international law regarding discrimination based on gender, and discriminatory against women and girls.
- ¹⁰ See ‘International Legal Framework’ below.
- ¹¹ Also known as the Islamic State in Iraq and the Levant (ISIL), A/HRC/45/31, footnote 6.
- ¹² A/HRC/52/69, para 121.
- ¹³ UNFPA: Voices from Syria 2023, p. 26. <https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2023-assessment-findings-humanitarian-needs-overview-enar>
- ¹⁴ Joint Statement by UN Resident Coordinator and Humanitarian Coordinator in Syria a.i. El-Mostafa Benlamlih, and Regional Humanitarian Coordinator for the Syria Crisis, Muhannad Hadi, on the 16 Days of Activism, Joint Statement by UN Resident Coordinator and Humanitarian Coordinator in Syria a.i. El-Mostafa Benlamlih, and Regional Humanitarian Coordinator for the Syria Crisis, Muhannad Hadi, on the 16 Days of Activism [EN/AR] - Syrian Arab Republic | ReliefWeb
- ¹⁵ A/HRC/31/CRP.1, paras 88-98. A/HRC/37/72/CRP.1, para. 120-122.
- ¹⁶ CAT/C/SYR/CO/1, paras.25-27, and CEDAW/C/SYR/CO/2, paras-27-32. See also section 3.
- ¹⁷ www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session40/sy/2023-01-09/UPR40_Syria_Thematic_List_of_Recommendations.doc, including recommendations nr. 133.67 “Criminalize rape under all circumstances, including marital rape” and nr. 133.142 “Combat impunity and ensure accountability for serious human rights violations and crimes committed, including sexual and gender-based violence and harassment”, see A/HRC/50/6/Add.1.
- ¹⁸ UNFPA, March 2023, see also UNFPA: <https://arabstates.unfpa.org/en/publications/aftermath-gender-considerations-assessments-syrian-regions-affected-2023-earthquake-0>
- ¹⁹ See also: www.ohchr.org/en/statements/2023/02/syria-un-expert-calls-immediate-and-unhindered-access-lifesaving-aid-after
- ²⁰ Syrian Personal Status Law, articles 260-299, as well as article 206. Under the Law, some matters relating to personal status are subject to the laws of the various religious communities, and its article 306 states that its provisions apply to all Syrians, except the provisions in two articles that exclude the Druze, Christian and Jewish communities (who adhere to the rule of equal inheritance between female and male heirs). For distribution of Amiri agricultural land, see The Law on Transfer of Immovable Amiri Properties, issued in 1928.
- ²¹ See e.g. Syria UNCT UPR submission 2021 (see ref. above).
- ²² See e.g. Syria UNCT UPR submission 2021 (see ref. above).
- ²³ See A/HRC/46/55.
- ²⁴ A/HRC/51/45, para. 33.
- ²⁵ A/HRC/52/69, footnote 78.
- ²⁶ A/HRC/45/31, para 32.
- ²⁷ A/HRC/51/45, para. 33.
- ²⁸ A/HRC/52/69 para 650.
- ²⁹ A/HRC/51/45, para. 78.
- ³⁰ A/HRC/52/69, footnote 14.
- ³¹ See also A/HRC/51/45, paragraph 76-77 and A/HRC/52/69, paragraph 102.
- ³² Voices of Syria 2022, 2023, <https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2023-assessment-findings-humanitarian-needs-overview-enar>
- ³³ A/HRC/31/CRP.1, paras 88-98. A/HRC/37/72/CRP.1, para. 120-122.
- ³⁴ A/HRC/37/72/CRP.2, para 122.
- ³⁵ A/HRC/37/72/CRP.3 A/HRC/46/55, paragraph 20.
- ³⁶ A/HRC/46/55/ para. 92.

- 37 UNFPA: Voices From Syria 2023, p.45. <https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2023-assessment-findings-humanitarian-needs-overview-enar>
- 38 Joint Statement by UN Resident Coordinator and Humanitarian Coordinator in Syria a.i. El-Mostafa Benlamlih, and Regional Humanitarian Coordinator for the Syria Crisis, Muhannad Hadi, on the 16 Days of Activism, Joint Statement by UN Resident Coordinator and Humanitarian Coordinator in Syria a.i. El-Mostafa Benlamlih, and Regional Humanitarian Coordinator for the Syria Crisis, Muhannad Hadi, on the 16 Days of Activism [EN/AR] - Syrian Arab Republic | ReliefWeb
- 39 Syrian Penal Code, Article 508.
- 40 Syrian Penal Code, Articles 489.
- 41 CAT/C/SYR/CO/1, paragraphs 25-27. See also CEDAW/C/SYR/CO/2, (2014), CEDAW concluding observations) para.46.
- 42 www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session40/sy/2023-01-09/UPR40_Syria_Thematic_List_of_Recommendations.doc, including recommendations nr. 133.67 “Criminalize rape under all circumstances, including marital rape”, see A/HRC/50/6/Add.1.
- 43 Syrian Penal Code, Article 489
- 44 Syrian Military Penal Code, Legislative Decree No. 61/1950 as amended by Decree No. 64/2008, and the legislation establishing the General Intelligence Division, Decree No. 14/1969. See also Law 1/2012 where determinations for referrals for Ministry of Interior forces are decided by the “Police Disciplinary Court”, which is in fact an appointed administrative body.
- 45 Law 2/2020 abolished the recognition of Honour killings before the law (repeal of Art. 548 of the 1949 Penal Code and therefore abolishes legal recognition of honour killings)
- 46 United Nations Syria Country Team Report prepared in accordance with paragraph 15(B) of resolution 5/1 of the HR Council For the Third Universal Periodic Review of the Syrian Arab Republic, para. A page 1.
- 47 Syrian Penal Code, Articles 473–474. See e.g. p.14 of www.unescwa.org/sites/default/files/event/materials/syria-adjusted.pdf
- 48 See e.g. the Working Group on the issue of discrimination of women in law and practice letter to Syria, www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/AdulteryasaCriminalOffenceViolatesWomenHR.pdf, footnote 13.
- 49 A/HRC/52/69 footnote 18
- 50 See e.g. The Women’s Law: <https://rojvainformationcenter.com/storage/2021/08/2014-Womens-Law-Basic-Principles-and-General-Principles-for-Women.pdf>
- 51 A/HRC/51/45, paragraph 67.
- 52 A/HRC/52/69 paras 75 and 81.
- 53 The penal code’s general provisions criminalizing of violent acts causing injury or temporary disability, such as Articles 540, 541, 542, 543, are reportedly rarely used to prosecute domestic violence, which is seen as a family matter. See CEDAW concluding observations, p.9 CEDAW/C/SYR/CO/2, in which CEDAW expressed concern about the high incidence of violence against women, in particular domestic violence in the State party and about the absence of comprehensive legislation on domestic violence; recommending Syria to adopt comprehensive legislation to prevent and criminalize domestic violence which provides for protection, assistance and support for victims.
- 54 A/HRC/37/CRP.3, paragraph 95.
- 55 UNFPA/OCHA ‘Widows’ Camps in North-West Syria, p.1. www.globalprotectioncluster.org/sites/default/files/2022-12/advocacy_one-pager_nws_widows_camps.pdf
- 56 A/HRC/48/70, para. 46, footnote 31.
- 57 OCHA North west Syria Factsheet, April 2023, https://reliefweb.int/attachments/9182103f-2303-4a82-9b88-58364421d19a/Northwest_Syria_Key_Figures_Factsheet_20230505.pdf
- 58 UNFPA: Voices From Syria 2023, p.45. <https://reliefweb.int/report/syrian-arab-republic/whole-syria-gender-based-violence-area-responsibility-voices-syria-2023-assessment-findings-humanitarian-needs-overview-enar>
- 59 Article 145 of the Personal Status Law (1953).
- 60 A/HRC/52/69, footnote 13.
- 61 A/HRC/37/72, annex III, paras. 1–18
- 62 A/HRC/39/65, paragraph 94; A/HRC/40/70, paragraph 10; A/HRC/42/51, paragraph 81-88; A/HRC/43/57, paragraph 60-64, 87; A/HRC/45/31, paragraph 80; A/HRC/46/54, paragraph 17; A/HRC/49/77 paragraph 113; A/HRC/51/45, paragraph 103; A/HRC/52/69, paragraph 121. <https://news.un.org/en/story/2023/03/1135207>
- 63 A/HRC/52/69, paragraph 115 onwards.
- 64 A/HRC/32/CRP.2, paras 19 and 168. See also *Policy on the Crime of Gender Persecution*, Office of the Prosecutor, International Criminal Court, December 2022.
- 65 On 25 August 2022, the Asayish, reportedly with the support of SDF and the international counter Da’esh coalition, began Operation Humanity and Security, which led to the transfer of scores of boys from the Hawl and Rawj camps, some to unknown locations (such transfers were again reported in early 2023, see

- www.ohchr.org/en/press-releases/2023/02/syria-un-experts-alarmed-reports-boys-taken-camp-roj-de-facto-authorities). During the August 2022 operation, SDF reported having found Yazidi women and girls, held captive by Da'esh associated families, some reportedly having been kept chained and tortured, A/HRC/52/69, paragraph 115 onwards.
- ⁶⁶ A/HRC/42/51, paragraph 85.
- ⁶⁷ Voices from Syria, 2023, UNFPA, p. 31-33 A/HRC/37/CRP.3, para 102 and https://arabstates.unfpa.org/sites/default/files/pub-pdf/syria_earthquake_gbv_risk_overview_-_fl.pdf
- ⁶⁸ A/HRC/37/CRP.3, para. 83-87, 130.
- ⁶⁹ See, e.g., Extraordinary Chambers in the Courts of Cambodia, Case 002 Closing Order, 15 September 2010, at para. 1443; see also *The Prosecutor v. Dominic Ongwen*, Decision on the confirmation of charges against Dominic Ongwen, Pre-Trial Chamber II, No.: ICC-02/04-01/15, 23 March 2016, at para. 95.
- ⁷⁰ Decree no. 20 of 27 June 2019 established that the minimum age of marriage is 18 for boys and girls. Under Article 18 of the Personal Status Law, a judge can authorize the marriage of a child aged 15 years or over who has reached puberty and requests to be married.
- ⁷¹ <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-2023-humanitarian-needs-overview-december-2022#:~:text=As%20a%20result%20of%20these,keep%20increasing%20across%20all%20sectors,page%2040>.
- ⁷² A/HRC/42/51, para. 75, 90.
- ⁷³ A/HRC/42/51, para. 93.
- ⁷⁴ Article 3(a) of the Nationality Law, Legislative Decree No. 27 of 1969, defines a Syrian national as “[a]nyone born inside or outside the country to a Syrian Arab father”.
- ⁷⁵ Legislative Decree 17 of the year 2022, amending the article 28 of the Personal Status Law, Article 28 of the law 13 of the year 2021.
- ⁷⁶ A/HRC/42/51 (August 2019), paragraphs 93-95, UNHCR, Good Practices Paper - Action 7: Ensuring birth registration for the prevention of statelessness (November 2017) at 16, available at: www.unhcr.org/ke/wpcontent/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf.
- ⁷⁷ Article 3(b) Nationality Law, Legislative Decree No. 27 of 1969, states that a Syrian national includes “anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established.”
- ⁷⁸ Article 3(d) of the Nationality Law, Legislative Decree No. 27 of 1969, states that a Syrian national includes “anyone born in the country and was not, at the time of his birth, entitled to acquire a foreign nationality by virtue of his parentage.” This provision does not apply to Palestinians in Syria.
- ⁷⁹ A/HRC/37/CRP.3.
- ⁸⁰ Such practices are commonly reported albeit not lawful.
- ⁸¹ See e.g. <https://mptf.undp.org/sites/default/files/documents/35000/30782>
- ⁸² A/HRC/40/70, paragraph 79.
- ⁸³ The Civil Status law No.13/2021, promulgated on 25 March 2021.
- ⁸⁴ See e.g. UNHCR, *The gender inequality embedded in the nationality law could also perpetuate intergenerational statelessness, which was further exacerbated by challenges related to registration and civil documentation.* Cited in UPR compilation on the Syrian Arab Republic, /HRC/WG.6/40/SYR/2, November 2021, para.74.
- ⁸⁵ Human Rights Committee, General Comment 36, paragraph 57-58.
- ⁸⁶ CEDAW/C/SYR/CO/2; CAT/C/SYR/CO/1; CRC/C/SYR/CO/5 and CCPR/CO/84/SYR. See also the government supported recommendation nr. 133.84 to “Remove from the relevant laws the provisions that are discriminatory against women”, see A/HRC/50/6/Add.1.
- ⁸⁷ The government supported recommendation nr 33.244 to “Amend the provisions in the Personal Status Law and the Citizenship Law that are discriminatory against women, specifically in the areas of marriage, divorce, inheritance, marital property and the granting of citizenship to children” during its recent Universal Periodic Review process, see A/HRC/50/6/Add.1.
- ⁸⁸ For instance, to ensure women are made aware of what their inheritance portion is worth before they are allowed to waive their right to it, and to institute a waiting period before any such rights may be waived; and to consider implementing other procedural protections for women in the distribution of states and inheritance.
- ⁸⁹ In this regard, during its Universal Period Review in 2022, the government supported recommendations nr. 133.67 “Criminalize rape under all circumstances, including marital rape”; nr. 133.213 “Take further steps to address violence against women and children, including by ensuring the provision of accessible and adequate support services for victims”; nr. 133.254 “Take concrete steps to eliminate sexual abuse and violence in all situations, particularly against women and children”; nr. 133.178 “Carry out effective measures to combat sexual and gender-based violence and trafficking in women and girls”; nr. 133.205 “Allocate adequate resources and adopt measures to ensure that all victims of sexual and gender-based violence have access to medical treatment, including psychosocial support”; nr. 133.212 “Intensify the fight against gender-based violence and help to

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- overcome the barriers that vulnerable women face in gaining access to care services”; and nr. 133.250 “Adopt measures to guarantee the public and political participation of women in national institutions and mechanisms for reconciliation and rectify any provision that fosters discrimination or violence against women and girls”, see A/HRC/50/6/Add.1.
- ⁹⁰ CRC/C/SYR/CO/5.
- ⁹¹ See e.g. *Policy on the Crime of Gender Persecution*, Office of the Prosecutor, International Criminal Court, December 2022.
- ⁹² See Human Rights Committee, General Comment No. 31.
- ⁹³ CEDAW article 2. While the Government of Syria entered certain reservations to CEDAW at the time of signature, in 2007, it withdrew its reservation to CEDAW article 2. In July 2017, the entering into force of Decree No. 230, which was published in the Official Gazette in Damascus on 16/7/2017, was announced, implementing the withdrawal of the reservation.
- ⁹⁴ ICCPR article 16.
- ⁹⁵ ICCPR article 24 (3), CRC article 7(1).
- ⁹⁶ CAT/C/SYR/CO/1, paras.25-27, and CAT/C/GC/2, para.18.
- ⁹⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 178, paras. 105-106, See also *ICJ Nuclear Weapons*, statements concerning international humanitarian law as *lex specialis*, para. 25. to General Comments 31 (para 11), 29 (para 3) and 36 (para 64).
- ⁹⁸ See A/HRC/34/64, Annex I, at para 5.
- ⁹⁹ Universal Declaration of Human Rights, Articles 2 and 7 as well as numerous other treaties and national legislation. It is also referenced as *jus cogens*, or peremptory norm of international law, by the Inter-American Court of Human Rights and European Court of Human Rights: see IAcCtHR, *Juridical Condition and Rights of Undocumented Migrants*, Advisory Opinion OC- 18/ 03, 17 September 2003, Series A, No. 17, para. 101; ECHR, *Georgia v. Russia (I)* [GC], no. 13255/ 07, 3 July 2014, Partially dissenting opinion of Judge Tsotsoria.
- ¹⁰⁰ For a full overview of Syria’s legal obligations under IHL, see A/HRC/46/55.
- ¹⁰¹ ICRC Customary IHL Study Rule 156.
- ¹⁰² ICRC Customary IHL Study Rule 88. See also, Article 3(1) Common to the Geneva Conventions.
- ¹⁰³ ICRC Customary IHL Study Rule 105.
- ¹⁰⁴ ICRC Customary IHL Study Rules 100, 101. See also, Article 3(1)(b) Common to the Geneva Conventions.