

October, 2018

WOMEN AND THE JUSTICE SECTOR IN NORTH-WESTERN SYRIA



ACKNOWLEDGEMENTS

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TABLE OF ACRONYMS

AAS	Ahrar al-Sham
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
FGD	Focus Group Discussion
FSP	Free Syrian Police
HTS	Hayat Tahrir al-Sham
KII	Key Informant Interview
NRG	National Rescue Government
SYP	Syrian Pounds
UAL	Unified Arab Law
USD	United States Dollars

GLOSSARY OF TERMS

GENDERED

The way individual experiences and actions are affected by one's gender, and related cross-cutting identities (such as age or ethnicity), and their interactions with power dynamics at various levels including families, local institutions, and state institutions.

JUSTICE SYSTEM

All persons, institutions, and procedures related to both criminal and civil justice sectors. These include, but are not limited to, courts, informal arbitration mechanisms, police, and informal law enforcement entities.

ACCESS TO JUSTICE

The degree to which persons can access formal justice sector institutions (such as courts) and be assured that their rulings will be both fair and enforced, and the barriers that prevent certain groups from doing so.

NORTH-WEST SYRIA

Opposition-held territory in Idlib and western Aleppo Governorates, specifically excluding areas held by Kurdish forces.

INTRODUCTION





PART I: INTRODUCTION

More than seven years since the outbreak of conflict, Syria's governance and justice systems have become fragile and highly fragmented.



North-western Syria was chosen as the regional area of focus for several reasons. At the time this research took place, it was one of two opposition-held areas remaining in the country. The other, southern Syria, has since largely fallen to government control, making the north-west the last remaining bastion of the Syrian opposition.

Throughout the report, "north-western Syria" is used as shorthand to denote opposition-held areas of Idlib and Aleppo Governorates. It does not encompass areas in this region that are held by the Syrian government or by Kurdish forces.

In areas outside of government control, a mosaic of courts, police units, and civil society entities have emerged to meet the justice needs of local civilians with varying levels of success. However, for every community that is home to a functioning court or police system, many more remain directly governed by armed groups or exist in a relative security vacuum, with few to no mechanisms for enforcing rule of law. In the absence of guarantees to justice via formal institutions, informal justice mechanisms such as community-level arbitration committees have, in some communities, found a renewed degree of relevance.

One of the few constants in the justice sector has been the sustained marginalization of women and girls. Although present prior to the conflict, this marginalization has, for many women, deepened over the course of the war. The reasons for this are numerous, as institutions and family structures themselves have been challenged by instability, extremism, displacement, and financial hardship among myriad

other factors. However, despite the intimate ways in which justice, or a lack thereof, impacts women's lives in both peacetime and conflict, little research to date has sought to understand the ways in which these two areas of analysis have intersected within the Syrian context. In the absence of such analysis, practitioners lack critical information to inform their programming in these sectors, while the experiences and voices of women and girls remain unheard.

Proximity International initiated this study to fill this knowledge gap, as well as to amplify the voices of women living, and seeking justice within, the Syrian conflict. Initial findings from this study were presented at the Guarantees to Women's Access to Justice conference, jointly organized by Oxfam and Connecting Research to Development (CRD) on 10 and 11 May, 2018.

OBJECTIVES

This study was designed to respond to the core research question, “What are the gendered ways in which women (and their families) experience and interact with the justice sector in north-western Syria?” Central to this question were two primary objectives:

1. Identifying the ways in which women’s experience of justice sector institutions are defined by their gender, location, age, displacement status, and other key identities; and
2. In the absence of fair and inclusive justice institutions, elucidating what, if any, actions women are taking to secure justice for themselves and their families.

RATIONALE

Proximity International initiated this study to fill a critical gap in scholarship surrounding the Syrian conflict to date. As a company, it has provided a wide range of research support to organizations working in areas related to the justice sector in opposition-held territories. However, in more than four years of work in this sector, there has been little call for a gender analysis of the justice system or discrete justice institutions, nor has concerted research been conducted to understand the ways in which justice institutions and process are uniquely affecting the

lives of women. In addressing this gap, Proximity International seeks to deepen practitioners’ understanding of both gender and justice in the Syrian context, as well as to initiate a more robust conversation about the intersection of these two important areas of analysis.

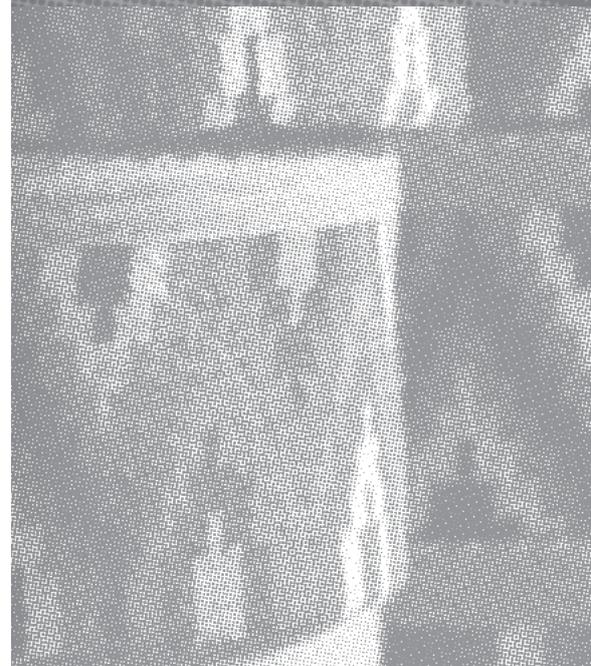
ANALYTIC FRAMEWORK

This study utilizes an Access to Justice framework whereby the concept of access is holistically assessed to mean not only an individual’s ability to obtain a court hearing, but rather the broader set of institutions, policies, and procedures in place to ensure that they are able to uphold their rights and seek redress for grievances. Such an understanding of access to justice is grounded in a rights-based understanding of justice itself, as well as the understanding that women and girls often experience unique challenges in claiming these rights through the justice system(s) in their areas of residence. Access to justice in the Syrian context is thus understood to be a twofold process whereby 1) relevant justice institutions are able and willing to provide access; and 2) women and girls are able to exercise their rights within these institutions.¹

PART II:**METHODOLOGY**

Research for this report took place in two stages. The first stage consisted of a mapping of justice sector institutions. This step took place from January to February 2018 and was conducted in order to obtain a detailed understanding of how formal and informal justice institutions in the region were organized and operated. This mapping exercise was conducted via desk research in Arabic and English, as well as Key Informant Interviews and community-specific Atmospheric Observation Reports. In total, three Atmospheric Observation Reports were completed in the towns of Atareb, Abzimo, and Qasimiya. Twelve Key Informant Interviews were conducted with legal practitioners residing in the towns of Deir Hassan, Atareb, Abzimo and Qasimiya.

A second stage of research sought to deepen the information obtained during the first stage, as well as to add a robust gender lens to findings. Research for this stage took place in April and May 2018 and consisted of Key Informant Interviews and Focus Group Discussions (FGDs). In total, twenty-six interviews were conducted across the communities of Atareb, Ma'arrat al-Nu'man, and Idlib City, while three FGDs with local women (both residents and internally displaced persons) were held in Ma'arrat al-Nu'man and Atareb.



Research locales in the second stage were chosen in order to deepen community-specific trends identified during the mapping phase, as well as to provide a comparison between the two military and justice contexts currently existing in north-western Syria. One context is defined by HTS control, with the extremist group closely regulating both justice and governance institutions in its areas of operation. Idlib City remains under active HTS control, while the group recently departed from Ma'arrat al-Nu'man. In contrast, Atareb has been under the control of HTS' rival faction, Nour al-Din al-Zinki, which itself is part of the opposition coalition Jabhat Tahrir Suriya (JTS). This town and its surrounding areas, primarily in Aleppo Governorate, boast a distinct judicial system that, while influenced by armed groups, is nonetheless more robust than many other areas Syria.

Interviewees included justice sector stakeholders (such as lawyers, civil society members, and judges) as well as local civilian women. Mixed teams of male and female field researchers were employed in order to ensure the comfort of research participants as well as the safety of researchers themselves. At all times, precautions were taken to conduct research according to Proximity International's local security and protection policies, which prioritize the safety of field staff conducting sensitive information in insecure environments.

To complement field research, additional desk research was conducted pertaining to women, the legal system, and the justice system both before and throughout the Syrian conflict. Interviews were also conducted with select experts who are working on justice, security, and governance programming in north-western Syria with international organizations.

STAGE 1

JANUARY-FEBRUARY 2018

JUSTICE SECTOR MAPPING

- Desk research
- Key Informant Interviews
- Atmospheric Observation Reports

STAGE 2

APRIL-MAY 2018

IN-DEPTH RESEARCH

(Idlib City, Maaret Al-Numan, Atareb)

- Desk Research
- Key Informant Interviews
- Focus Group Discussions

PART III:

CONCEPTUALLY FRAMING WOMEN AND JUSTICE IN THE SYRIA CON- TEXT

Before detailing the specific findings of this report, it is essential to first situate these findings within the broader context of women's activities in, and experiences of, the Syrian conflict to date. This section provides a conceptual overview of women's changing roles in the Syrian conflict, in particular the non-armed opposition, as well as women and the Syrian justice sector both pre- and post-conflict. In doing so, it creates a timeline and framework for understanding how opposition-held territories, in particular the north-west region encompassing parts of Idlib and Aleppo Governorates, came to exist in their current-day state.



CONCEPTUALLY FRAMING
WOMEN AND JUSTICE
IN THE SYRIA CON-
TEXT

WOMEN IN THE SYRIAN CONFLICT

Women were central to early pro-democracy organizing when protests broke out across Syria in 2011. They led as well as participated in political movements, with the two largest grassroots coalitions founded that year having been established by women.² In addition to overt political organizing, women also supported early opposition activities by providing emergency and medical assistance, participating in community-level initiatives, and laboring in the domestic sphere in support of activist family members.

However, the Syrian government's violent crackdown on pro-democracy protesters resulted in a subsequent militarization of the opposition movement, as men took up arms to resist the government's actions. The militarization of the Syrian resistance was also one of masculinization, as men pushed women from the public into the private sphere, often for their own "protection".³ So thorough was

the masculinization of the Syrian opposition that, when UN-brokered peace negotiations were held in early in 2014, not one woman was invited to participate in the negotiations. This oversight was partially addressed in 2016, when the UN Special Envoy appointed a Woman's Advisory Board, whose members act as third-party observers to the process and are able to provide advice to the UN, although they remain excluded from formal peace talks.⁴

Syrian women have also been marginalized at the local level. For example, by 2017 only 3 of 180 positions in Idlib Governorate local councils were held by women, who detailed exclusion from decision-making processes and public shaming by their male colleagues.⁵ In another instance, a female former lawyer from Idlib explained that local courts dominated by male, upper-class judges and lawyers and influenced by male militia members had become an inhospitable environment for women seeking to practice law.⁶

Although space for women's public activism has shrunk remarkably, many local women continue to work and organize, directly or indirectly, for pro-opposition causes and organizations. In north-western Syria, as in other opposition-held territories, women are frequently engaged in the provision of educational services, humanitarian aid, and medical assistance, the administration of community centers, and other similar activities. In a context such as Syria, despite being seen as situated within the private rather than public sphere, such actions are inherently political in nature and, according to feminist activists, qualify women to sit at the negotiation table, seek elected office, or otherwise be viewed as experts in their areas of work.⁷ Thus, even in conservative communities or in regions experiencing active conflict, such as north-western Syria, it is inaccurate to frame women solely as victims of their circumstances.

It is important to note that the teleology defined above is not unique to Syria, or even to the Middle East, but rather has characterized many major conflicts in recent decades. From Sierra Leone to Bosnia, and many countries in between, women have been marginalized in both conflicts and subsequent peace processes, often to the detriment of those processes' success as well as to their societies post-conflict.⁸

WOMEN AND JUSTICE PRE-CONFLICT

From the standpoint of the justice sector, challenges faced by women living through the Syrian conflict have been compounded by legal and structural vulnerabilities that existed well before 2011. One such vulnerabili-

ty was Syria's oft-contested Personal Status Laws. Initially passed in 1953, a number of these laws upheld discriminatory practices in the realms of divorce, alimony, and inheritance, among other domestic issues.

With little political representation under Baathist rule, few women had the opportunity to mount legal challenges to such discriminatory legislation. A CEDAW delegation in 2007 noted that women accounted for only 12 percent of seats in the Syrian Parliament, and 4 percent of local administrative councils. Moreover, only one women's civil society organization was allowed to operate during this time. This organization, called the General Women's Union of Syria, was established by the government and comprised primarily of Baath party members.⁹

Although largely barred from overt participation in politics or activism, prior to the conflict women were active across a range of professional sectors, including law. However, despite the fact that women have been allowed to practice law since 1975, and the relative abundance of female lawyers throughout the country, in 2009 only 13 percent of judges and public prosecutors were women. The majority of these women were located in Damascus,¹⁰ meaning that areas now under opposition control had few to no female judicial candidates to draw upon when forming opposition courts. The dual exclusion of women from both the executive and judiciary, coupled with the lack of civil space needed to contest discriminatory laws and policies, meant that women's legal status and ability to seek justice were already vulnerable before the revolution.

These vulnerabilities were subsequently activated and/or exacerbated due to the outbreak of conflict. For example, in a war where countless men have been killed or disappeared, discriminatory inheritance laws (whereby women inherit half of what their male relative can inherit) can exacerbate the vulnerability of the widows and female family members they leave behind, while laws restricting women's movement without her husband become highly problematic in the context of high internal displacement.¹¹

WOMEN AND JUSTICE IN CONFLICT

As the conflict has progressed, Syria's justice apparatus has fractured along territorial and military lines of control. Government legal and justice institutions (including courts, police, and civil registries) continue to function in government-held areas, providing services to local civilians. At the same time, there are now multiple autonomous justice systems operating, with varying degrees of transparency and efficiency, in Kurdish-held regions, extremist territories, and the opposition-held north-west. Prior to the regime's recent recapturing of territory in southern Syria, justice institutions were also operating in opposition-held communities in the south.

The fracturing of the justice system, as well as the introduction of new forms of vulnerability stemming from causes such as the degradation of medical and educational systems, airstrikes, and internal displacement, have intersected with women's lives in numerous ways. In many cases, these new intersections serve to further disenfranchise women and their families, entrenching their hardships and making it difficult for them to

achieve safety and security for themselves and their loved ones. Just a few examples of such intersections include the following:

-
- The disappearance of husbands have put women in legal limbo, where they are unable to obtain proof of death and unable to legally divorce;¹²
 - Families in opposition-held areas may be unable to obtain government documentation, such as birth certificates, that are essential for accessing aid, filing asylum applications, and other important procedures. Documents issued by local opposition entities may not be recognized beyond the territory over which they claim jurisdiction.¹³
 - Personal Status Laws restrict women's ability to travel, with their children, without the consent of their husband, presenting legal challenges to internally displaced women and their families.¹⁴
-

This report verifies and builds upon some of the findings described above by carefully interrogating the experiences of women in one specific territory - north-western Syria (Idlib and north-western Aleppo Governorates). In doing so, it seeks to obtain a more holistic understanding of how women are interacting with and experiencing the justice sector, as well as taking steps to protect and secure justice for themselves, their families, and their fellow civilians.

PART IV:**THE JUSTICE SECTOR IN OPPOSITION-HELD
NORTHWESTERN SYRIA**

The experiences of Syrians residing in the country today are defined not only by gender and other forms of identity, but also - and perhaps most powerfully - by the community in which they reside. Syrian territory is fragmented and divided between a wide range of local and international actors.

**THE JUSTICE SECTOR
IN OPPOSITION-HELD
NORTHWESTERN SYRIA**

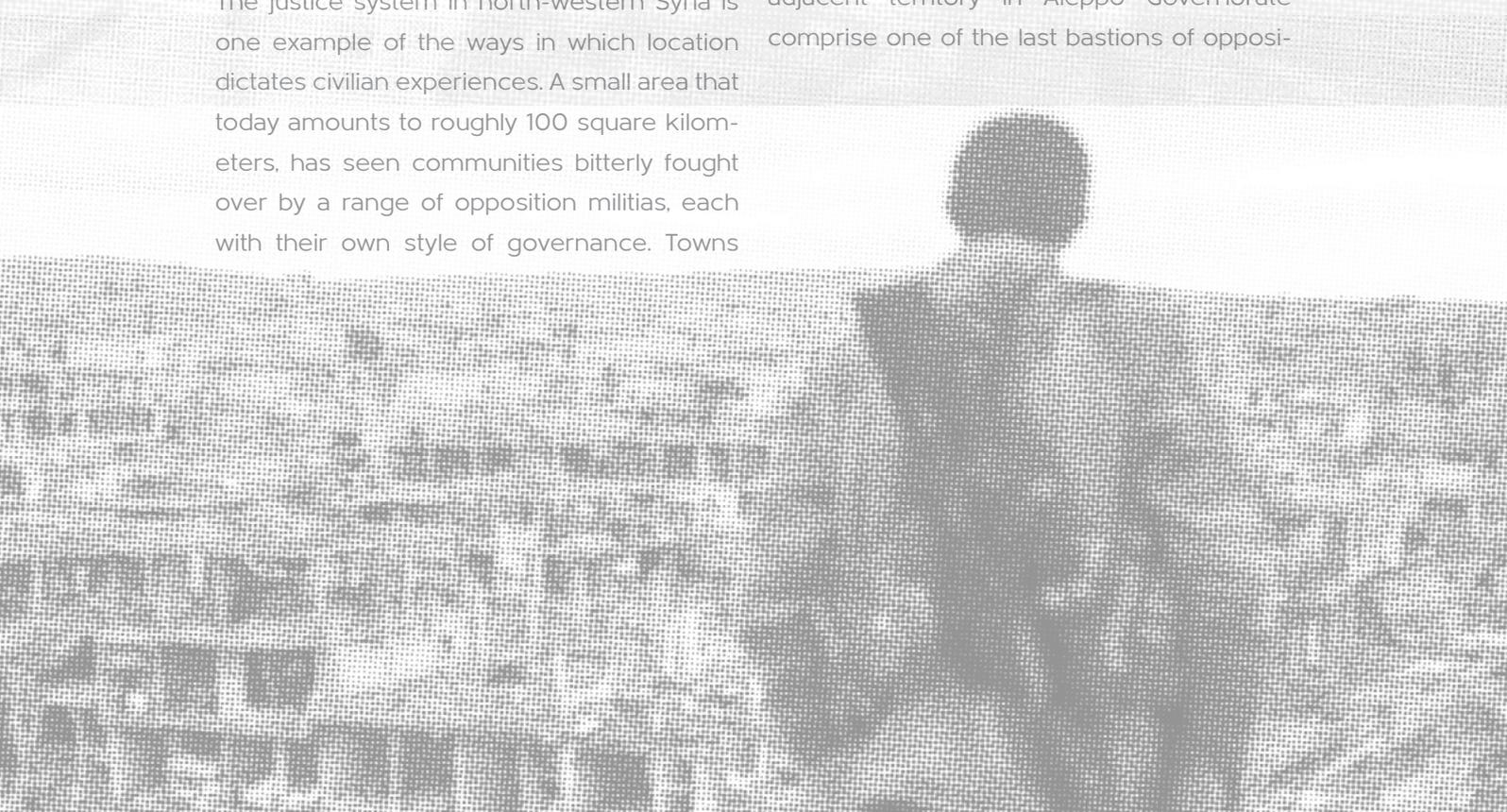
The party to the conflict that controls an individual's community often plays a major role in the way the community functions today. At the most basic level, some actors (the regime, the Turkish military, and some extremist and opposition armed groups) have been able to secure basic services such as electricity and potable water to cities and towns under their control, while vast regions of the country remain deprived of these life-saving essentials. Similarly, an individual's place of residence will dictate the kinds of civil institutions they are able to access, as well as the degree to which they are able to obtain services that are fair and effective.

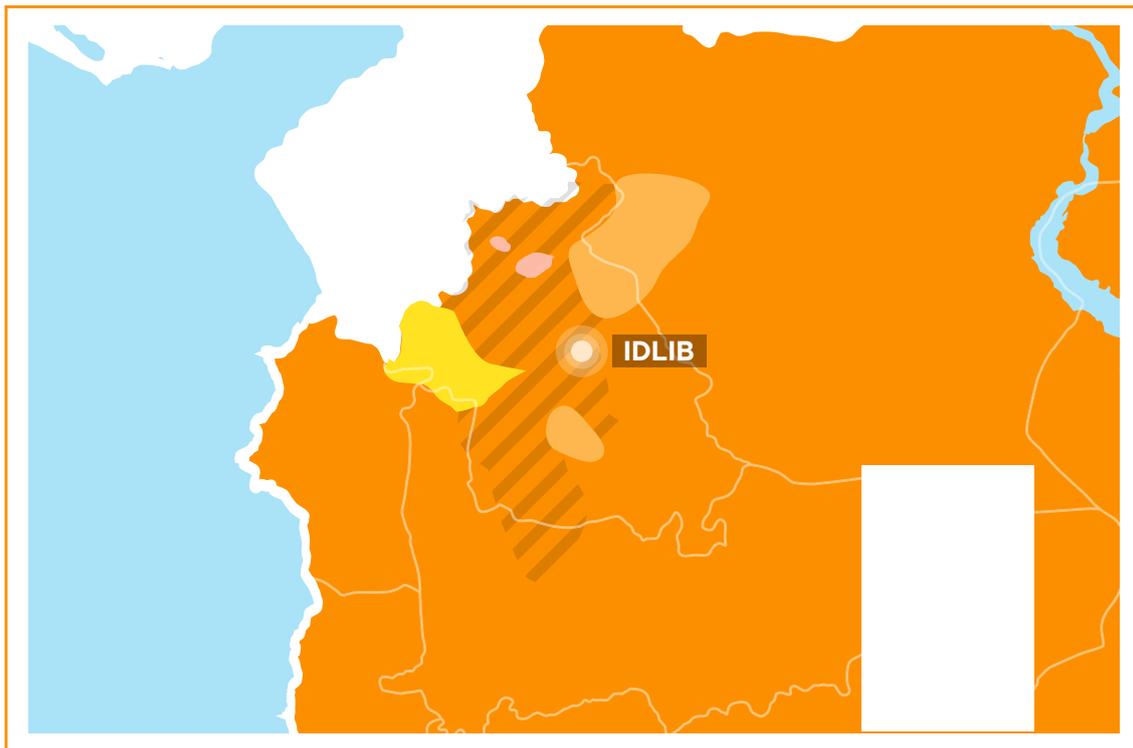
The justice system in north-western Syria is one example of the ways in which location dictates civilian experiences. A small area that today amounts to roughly 100 square kilometers, has seen communities bitterly fought over by a range of opposition militias, each with their own style of governance. Towns

have also faced a diverse array of challenges including pro-regime airstrikes, chemical weapons attacks, siege, incursion by Turkish forces (in the case of Afrin, to the north), among many other events. From a justice standpoint, these circumstances have resulted in the formation of two distinct justice systems within this relatively small territory.

In order to understand women's experiences of and within these two systems, this section will briefly map relevant justice institutions, with a specific focus on analyzing them through a gender lens.

As of summer 2018, Idlib Governorate and adjacent territory in Aleppo Governorate comprise one of the last bastions of opposi-





Regional and sectoral evolution throughout conflict

tion control in Syria. The region is controlled militarily by a complex network of armed opposition groups, the most dominant of which is the hardline Islamist coalition Hayat Tahrir al-Sham (HTS). It is home to a number of communities that have been long standing centers of pro-opposition organizing, which as a result has led to their extensive bombardment by pro-regime aerial forces. At various points throughout the conflict, events in this area have become focal points for broader national and regional disputes, such as the April 2017 chemical weapons attack on Khan Shaykhoun which prompted a temporary escalation of US military involvement in Syria.

As with other opposition-held territory, the

region of north-west Syria is highly militarized, with most communities surrounded by armed checkpoints while militia members frequent their markets, squares, and other public spaces. Accordingly, the public sphere has also become heavily masculinized. Few if any women participate in local governance, and although some women remain active in civil society, their activities are largely limited to feminized fields such as education or work in women's centers. Their marginalization is exacerbated by the fact that the most powerful armed factions are conservative and Islamist in nature, and in some cases - particularly HTS - members are prone to sanctioning women who they feel are transgressing strict

iterations of Islamic femininity through their actions or dress.

HTS is a coalition of Islamist factions that was founded in early 2017 by leaders of Jabhat al-Nusra, a militia that evolved as a direct successor to the Syrian branch of al-Qaeda. The new coalition quickly became the most powerful military presence in opposition-held north-western Syria, seizing extensive territory from Free Syrian Army factions as well as its arch-rival, the Islamist armed group Ahrar al-Sham (AAS).

HTS leadership has sought to not only establish military dominance, but also to install its own system of governance and social order in areas under its control. The pursuit of this goal has often included measures that, directly or indirectly, have impacted the lives of women and girls. For example, in many communities HTS forcibly dismantled government institutions and police forces in order to install its proxy, the National Rescue Government (NRG), as well as HTS-affiliated police forces and court systems.

In communities such as Ma'arrat al-Nu'man, these actions resulted in the shutdown of one of only two women's Free Syrian Police (FSP) forces in the region, as well as the removal of female lawyers from their posts. HTS has been so thorough in excluding those women lawyers still remaining in the governorate that, according to multiple ground sources, there is only one woman still actively practicing law in HTS-held Idlib Governorate.

Women are not wholly excluded from participation in HTS' justice apparatus. The group's affiliated religious police units often employ women, who are responsible for assisting in the enforcement of gendered dress codes, such as the mandatory wearing of hijabs. In addition, at least one woman is usually present at courthouses in order to search women entering the building, and possibly to assist women in basic administrative procedures. These positions are often given to the wives of HTS members. Local civilians noted that they are generally unskilled and thus offer opportunities for less educated women to work independently, while more educated, professional women in these fields have been actively marginalized.

HTS has since been expelled from some communities by rival opposition factions. However, the group's efforts to dismantle what in some areas was years of opposition governance and political organizing has resulted in communities that are struggling to reclaim momentum for such efforts. Moreover, they have further restricted an already miniscule space for women's work, advocacy, and public life by excluding women whose activities.

JUSTICE SECTOR MAPPING: IDLIB GOVERNORATE



**HTS-controlled
court system**



Currently Active



Top Tier Courts

Kherbet al-Juz,
Sarmada, Harem



HTS Military Courts

Operate in parallel to
Dar al-Qada



Community Level Courts

8 communities, formerly
including Maaret al-Nu'man



Judicial "Checkpoints"

11 through HTS territory

Presently, all formal courts in Idlib Governorate are HTS-affiliated, although some informal arbitration structures have persisted since before the conflict. The HTS judicial system, which began under its predecessor Jabhat al-Nusra, is known as Dar al-Qada. Decisions are grounded in sharia law, and there is thus no appeals process. As such decisions are deemed to be divinely inspired. Although there is no formal hierarchy, local interviewees have explained that the HTS system can be conceptually divided into three tiers of authority:

1. Three top-tier courts which are located firmly within HTS territory (the towns of Kherbet al-Juz, Sarmada, and Harem) and have the authority to adjudicate large cases, such as those concerning armed faction members, as well as to prescribe corporal punishment in relevant cases.
2. Community-level courts, which exist in around ten communities and hear a range of civil, criminal, and personal status cases.¹⁵ Although cases cannot be appealed, a judge may choose to escalate a case to a top-tier court or to another community court.
3. Judicial "checkpoints", often no larger than an office staffed by a military or sharia officer. These offices are often mobile, and allow for the speedy arbitration of minor disputes and the referral of more substantial cases to a formal court.



No Longer Functioning



Legal Clinics

Salqin
Closed by HTS in February 2018 after 2 months operation



Arbitration Center

Maaret al-Nu'man.
Closed by HTS in late 2017

Judges across all three institutional levels were reported to have widely divergent levels of qualifications, expertise, and previous judicial experience. They are exclusively men; as previously stated, female staff are only permitted in order to conduct security checks on women entering a courthouse.

Local civilians and justice experts have reported that Dar al-Qada is heavily influenced by HTS. Members of the armed group are not brought to trial in this court system, but rather in specially convened military courts. One resident of Ma'arrat al-Nu'man stated that HTS has also pressured judges to release some affiliated persons who had been issued prison terms.

Two legal clinics founded by the Free Syrian Lawyers Association (FSLA) prior to HTS' expansion have been allowed to continue operations.¹⁶ They supplement the court sys-

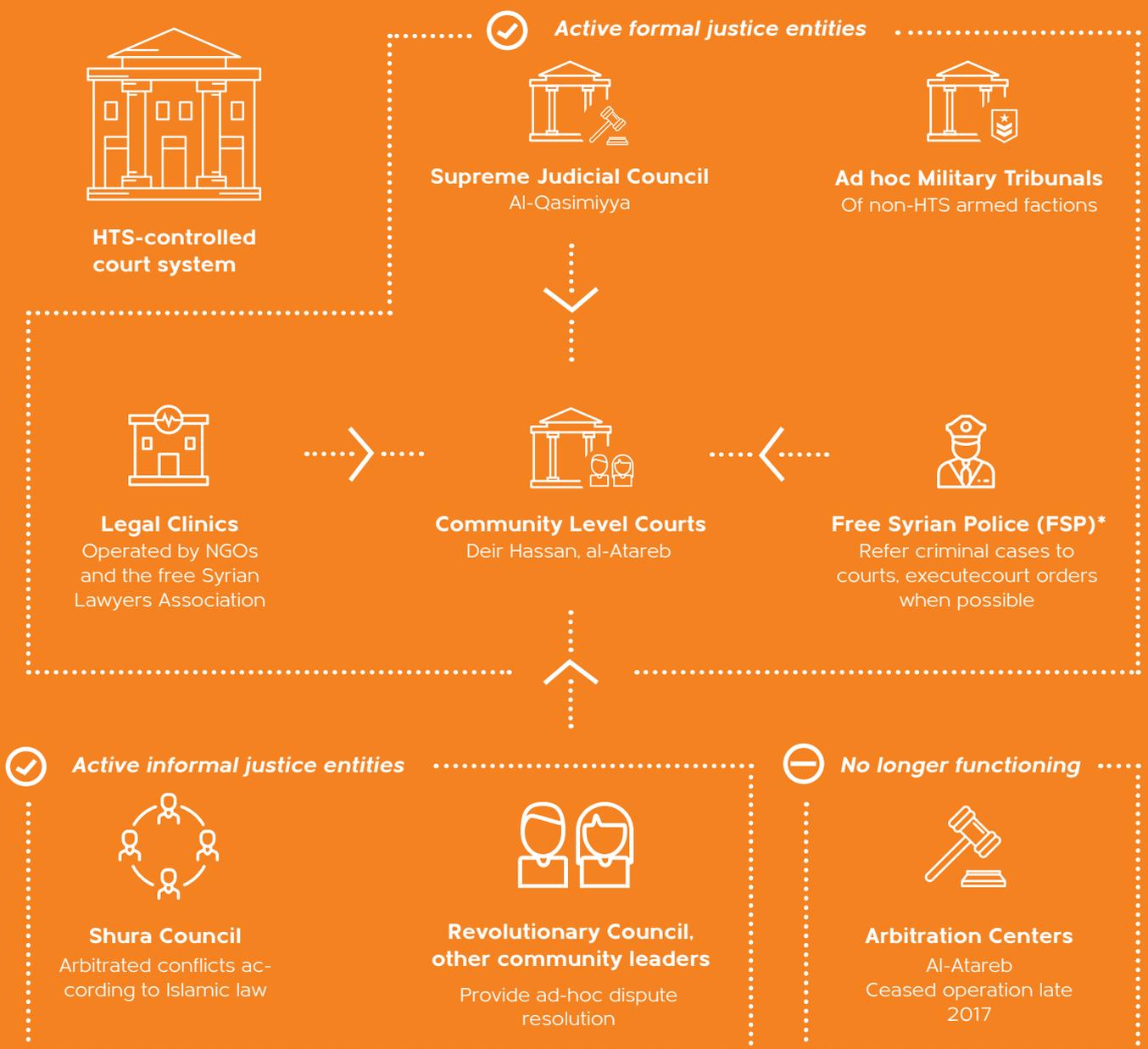
tem primarily by providing legal counsel to defendants who have been summoned to court. While in other opposition-held areas FSLA clinics have often hosted independent arbitration centers, such centers are not permitted under HTS as they would present a challenge to the group's legal authority. HTS leadership appears to have tacitly acknowledged that some civil society expertise is necessary for a functioning judiciary, however, as they have pivoted from decrying lawyers as infidels to inviting (male) lawyers to apply for accreditation in order to practice sharia law.¹⁷

Another institution that has been allowed to continue functioning under HTS is an opposition-run civil registration center in the town of Maaret Misrin. It provides birth, marriage, death, and other certificates in accordance with sharia legal standards.

JUSTICE SECTOR MAPPING: ALEPPO

The portion of western Aleppo analyzed in this report was under HTS control for a period of time, which resulted in many communities undergoing similar experiences to those in Idlib Governorate. However, the dominant armed faction in this region was Nour al-Din al-Zinki, a group that, although also Islamist, is disinclined to assert its authority over lo-

cal government and civil society. Although it initially joined HTS, internal disputes saw the group withdraw from the coalition in July 2017, taking with it the communities in Aleppo Governorate that were under its direct control,¹⁸ before forming a new coalition with AAS called the Syrian Liberation Front.¹⁹



The formal justice sector in Zinki-controlled areas is more developed than in HTS territory, with a more strongly developed institutional hierarchy. The top court in this region is the Supreme Judicial Council (SJC), located in the town of al-Qasimiya. Created by armed faction affiliates in 2015, the SJC's intent was to preside over a network of six courts across northern and western Aleppo.²⁰ Today, only two courts appear to be functioning in Atareb and Deir Hassan. Despite its perceived Islamist affiliations, the SJC and associated courts employ Unified Arab Law (UAL) rather than sharia law. UAL is a codified legal system developed by the Arab League but never implemented on a national level. It is important to note that the SJC has not been without controversy, with Amnesty International accusing its judges of sanctioning summary executions, including of a 17-year-old boy accused of being gay and a woman accused of adultery.²¹

As in HTS territory, local residents frequently emphasized that court decisions can be heavily influenced by armed groups. This can take the form of pressuring a judge to decide in a manner favorable to an armed faction, or in disputing parties resorting to their militia affiliates should a ruling not go in their favor. In Atareb, prominent civilian families may also use their local influence to sway a judge's decision.

In addition to courts, western Aleppo's justice system consists of a robust FSP force, including an active women's unit in the town of Atareb. These women participate in joint raids, the questioning and searching of women, and according to some ground sources also help women bring cases to court. However, the extent to which the police interact

"[A woman] went through a divorce, but her husband refused to give her what she was owed after the divorce. So this woman called upon one of her relatives, who belonged to an armed faction, to help her claim what was hers. However, the husband was connected to a different faction. The conflict escalated to the point where several people were almost killed, until the town elders intervened and resolved the case."

- Teacher, Maaret al-Nu'man

with the court system is not fully known, as some practitioners assert that the FSP is wary of associating too closely with the court due to its allegations of bias and harsh sentencing. Two Atareb interviewees stated that, without a police force to reliably act as the court's executive authority, some civilians will travel to the Dar al-Qada court in nearby Sarmada, because HTS is more proactive in carrying out judicial decisions.

INFORMAL JUSTICE SECTOR INSTITUTIONS

Although both FSLA arbitration centers have closed, informal justice mechanisms continue to exist across north-western Syria. These include ad hoc arbitration committees, which are often formed by community members in response to specific disputes. Rather than issuing an enforceable ruling, arbitration committees generally seek to achieve consensus among disputing parties. Such informal

mechanisms existed in local communities prior to the conflict and are often utilized in domestic cases where family reputation and honor is at stake.

It is unclear the extent to which such committees are operating in HTS-held communities. However, the fact that they were intermittently cited by research participants as an option for women who wished to avoid the formal court system suggests that they continue to function in some capacity. In areas such as Atareb that are outside HTS control, arbitration committees continue to function openly. In addition to these ad hoc committees, there is a functioning Shura Council and Revolutionary Council in Aleppo Governorate, both of which have been occasionally called upon to arbitrate disputes between local residents.

INSTITUTIONAL CHALLENGES TO WOMEN

With their evolving structures, lack of independence, and limited executive authority, the formal court systems of Idlib and western Aleppo governorates can be challenging for civilians without armed group connections to navigate and secure just decisions on their cases. In addition to these difficulties, women are also adversely affected by the lack of professional women in both the courts and police. Although HTS has allowed women to participate nominally in these institutions, they do not hold the power necessary to change their structures. Correcting this problem in communities transitioning from HTS control would take substantial time and resources, especially given the fact that these communities remain deeply patriarchal.

Compounding the lack of professional women in the justice sector are well-established cultural barriers to accessing both formal and informal justice institutions. The specific nature of these and other barriers to access are discussed in the following section of this report. When taken together, these challenges create justice systems that are institutionally structured in a way that makes it difficult for women to fully claim their rights.

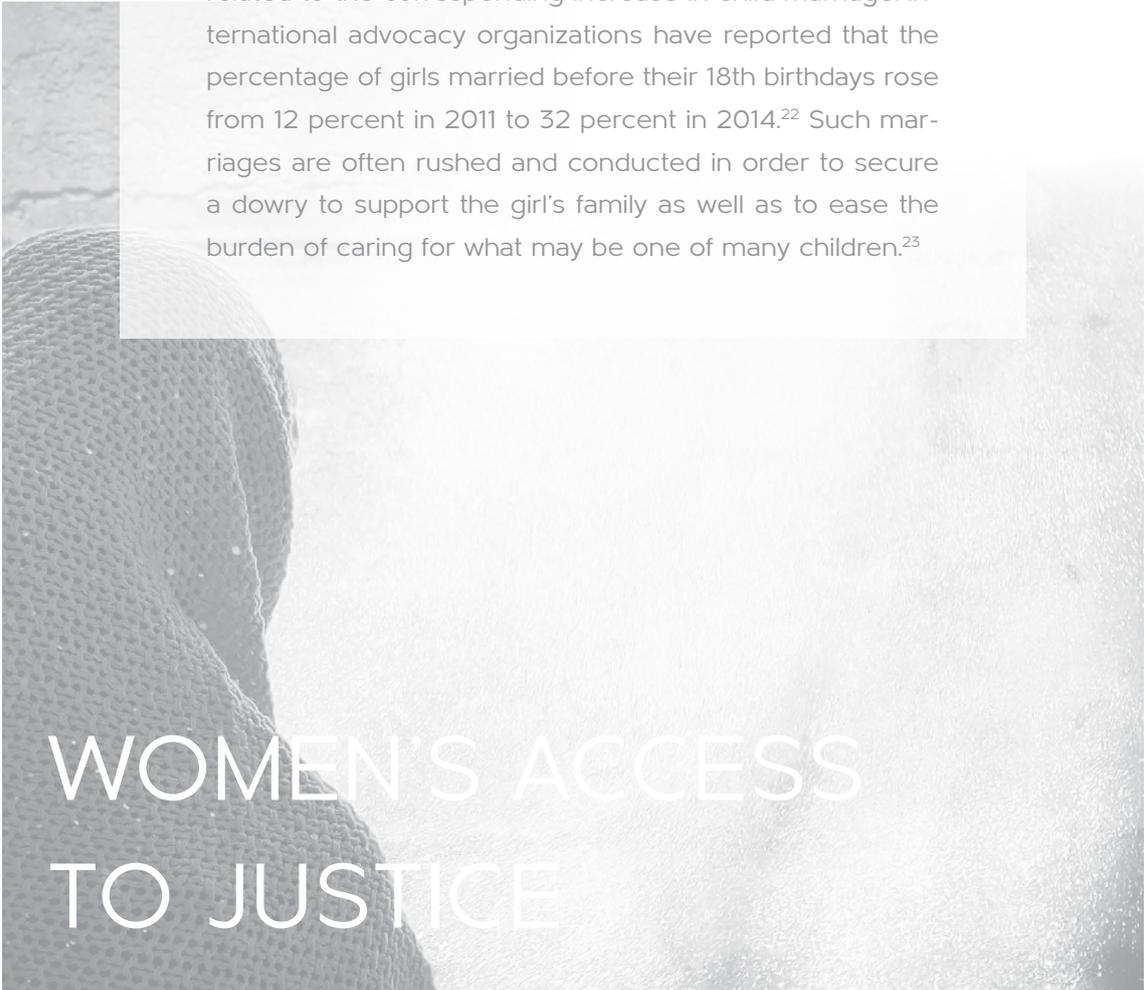
One of the most common claims made by interviewees in both HTS and non-HTS territory was that only women who are “courageous” and “have strong personalities” are likely to have their cases fairly assessed in a court. Some interviewees suggested that factors such as age, education, and social class were likely to enhance a woman’s capacity in this regard. Women with low education or social class, conversely, were reported to be less likely to be aware of and to utilize justice institutions. This was for several reasons, including the fact that poor women were often illiterate and rarely left the house without their husbands consent. As such, while it is difficult to generalize women’s experiences of the justice sector, it is clear that the sector as a whole is not currently structured in such a way as to ensure fairness for all women, but rather that a woman’s guarantee to justice is predicated on her capacity for self-advocacy.

"A woman's education and personality affects [her experience of the justice sector] the most. Women who are educated and have a strong personality can adapt to any kind of justice system in their community, whether the regime or HTS, if she has enough awareness and education."

- CSO Director, Idlib City

PART V:
WOMEN'S ACCESS TO JUSTICE

The motivating factors driving women in north-western Syria to engage with justice institutions are closely linked to developments and vulnerabilities that have evolved over the course of the country's conflict. For example, a strong majority of research participants stated that the primary reason women engage with a court is divorce. Although data on this topic from before the conflict's outset could not be obtained, multiple interviewees noted that the number of divorce cases has spiked significantly since the onset of conflict. They further suggested that this increase is almost certainly correlated to the corresponding increase in child marriage. International advocacy organizations have reported that the percentage of girls married before their 18th birthdays rose from 12 percent in 2011 to 32 percent in 2014.²² Such marriages are often rushed and conducted in order to secure a dowry to support the girl's family as well as to ease the burden of caring for what may be one of many children.²³



WOMEN'S ACCESS
TO JUSTICE

The second most commonly cited reason for women to access courts is inheritance disputes. Although interviewees did not specify why inheritance disputes are so common in their communities, it is likely that these issues have increased in part due to the large number of men who have been killed or disappeared over the course of the conflict. Inheritance claims are further complicated by lost documents, ownership disputes, property unlawfully occupied by others (particularly displaced persons), and transactions that were conducted without officially recognized documentation.²⁴ Women often face further challenges in obtaining their inheritance due to the fact that they may have relinquished inheritance rights to their husbands prior to the conflict, as well as the fact that marriage contracts often fail to cover assets, such as houses, that were acquired during the course of the marriage.²⁵ As such, many women may find themselves in a situation where they are unable to legally inherit assets without resorting to the judicial system.

BARRIERS TO ACCESS

None of the formal or informal justice institutions investigated in this region actively restrict women's access. Notably, both local as well as IDP women are allowed to bring cases before HTS and Aleppo courts. One interviewee in Ma'arrat al-Nu'man stated that, in an effort to ensure IDP access to the local court, certain days each month are reserved specifically to serve IDP needs.

Women's current ability, or lack of ability, to access justice institutions in 2018 is linked not only to structural bias but also to legal and economic challenges, some of which have predated the current conflict. The most significant barriers to accessing the justice sector include the following:

1. **Court fees, which poor civilians may be unable to pay.**

Courts affiliated with the Aleppo-based Supreme Judicial Council charge 2,000 SYP (4.47 USD) for civilians to open a new case.²⁶ HTS appears to have no set costs, with civil cases such as divorce often being processed for free while the fees for criminal cases are set arbitrarily. In both systems, further costs may be incurred should an individual wish to be represented by a lawyer. Multiple interviewees stated that cost was a significant reason that poor persons are likely to avoid formal courts in favor of informal arbitration, or refrain from seeking justice entirely. Women may be particularly disincentivized to utilize a court if the issue of cost is coupled with an additional barrier to access.

2. **A lack of women working in formal courts, which disincentivizes some women (particularly conservative women) from accessing the system.**

As previously stated, HTS has barred women from practicing law in the Dar al-Qada court system, while female lawyers in non-HTS areas are few. Interviewees repeatedly emphasized that, given the fact that women most

commonly seek out justice institutions for the resolution of domestic matters such as divorce or inheritance, many are uncomfortable if not unwilling to discuss such issues with male lawyers and court staff. Doing so is considered highly inappropriate by conservative segments of society, and those women who are willing to bring their cases forth may self-censor certain aspects of their interpersonal relationships in order to avoid embarrassment and shaming from their family and broader community. It is for this reason that some interviewed community activists were emphatic that a priority effort in the realm of judicial reform should be the introduction or reinstatement of female lawyers, judges, and other court staff.

“If a woman enters a court, it is preferable that there is a female advisor present to learn why the woman came to the court. Certain topics are the cause of great embarrassment to women, and [some subjects require women to explain issues] that would not be possible for them to do in front of a man. A female officer or lawyer could receive women, explain procedures to them, and inform male lawyers of the details. Many women have been deprived of their rights because of their inability to communicate their problems.”

– Educator, Idlib City

3. Women cannot enter HTS courts without a male guardian, thus complicating their ability to physically access a courthouse as well as limiting the range of issues they may bring before the court.

In December 2017, HTS passed a ruling that all women must live with a male guardian.²⁷ According to two interviewees in Idlib City, male guardians are also expected to accompany women who are entering courthouses. This presents both a logistical challenge as well as an emotional deterrent for many women who may have otherwise desired to bring a case before a judge. Many women, due to conflict or other life circumstances, do not currently have a husband or close male family member who could fulfill the guardian role. This is particularly true for IDPs, who may be residing away from their broader family networks. Furthermore, requiring a woman to be accompanied by her male guardian, when that guardian may be the very party she is seeking to take legal action against (such as in a case of divorce, child custody, or domestic abuse) is likely to be a stressful if not traumatic experience. This requirement is not present in territories outside HTS control.

4. Cultural stigmas that discourage women from bringing issues, particularly those seen as private in nature, to a justice institution.

One of the most commonly cited reasons for women declining to interact with justice institutions is their “shyness”, “modesty”, or “fear” of social sanctioning of their actions. In the most extreme iteration of these social pressures, interviewees stated that women

may be prevented by their family members (particularly parents or in-laws) from attending a court or even leaving their homes. More common, however, is an overarching fear of the social ramifications that could manifest should a woman's domestic issues become public knowledge in her community. This fear may be particularly acute for local women, as opposed to IDPs, due to the fact that locals are more integrated into their community of residence and thus may face longer-term repercussions from perceived scandals or transgressions. In such cases, an informal arbitration mechanism such as a shura council may be preferable to formal courts. These entities focus on bringing families together to resolve disputes via consensus and, according to some interviewees, are therefore sometimes preferred for issues relating to family honor.

Cultural stigmas tend to be more powerful for women who are poor, young, or uneducated, as well as those from particularly conservative households. This difference appeared to manifest within interviewees themselves. Several women interviewees who were educated and working in civil society were able to share their own stories of bringing cases to court. However, field staff interviewing local civilian women, two of whom were illiterate, noted that these women were largely unaware of the existence of justice institutions, had never attempted to pursue a justice-related issue, and were unwilling to speak about their personal experiences pertaining to justice issues.

“Women are restricted by social traditions, which may prohibit them from going to a courthouse. An arbitration center may provide an opportunity for litigation, especially in divorce cases. Some families also prefer to handle inheritance case through the center, in order to protect their family's reputation and avoid long processing times at the courthouse.”

– *Legal professional, al-Atareb*

5. A lack of awareness of rights, and in some cases (particularly IDPs) a lack of awareness of the range of justice institutions existing within a community.

Women appeared to vary in terms of awareness of courts, police institutions, and informal justice institutions in both HTS and non-HTS territory. In particular, women of lower classes as well as young women appear to be unaware of the scope of available options for pursuing justice. Two civil society workers shared stories of encountering girls as young as 14 through their work who were married and trapped in abusive relationships. In both scenarios, the interviewees explained that their civil society institutions worked with the girls, and their family members, to legally emancipate them from their abusive spouses by bringing their cases to court. Without

such external intervention, however, it is likely that cases of this nature will never be legally resolved.

IDP women, though afforded the same access rights as their local counterparts, expressed more awareness of formal court systems rather than informal institutions. One local resident speculated that this is likely tied to the fact that courts are relatively easy to learn about, while informal arbitration mechanisms are embedded within the local community and thus unlikely to be accessed by outsiders. Another interviewee suggested that IDPs are generally more likely to pursue their issues in a formal court because they

are less fearful of social stigma given their weaker community ties.

Overall, while women face some unique challenges in accessing justice institutions, it is clear that many women continue to turn to courts (and to a lesser extent, informal institutions) in order to secure their rights. Their experiences navigating these systems, as well as related institutions such as civil registries and police stations, are often similarly gendered and linked to developments and vulnerabilities that pre-date the Syrian conflict itself.

"I know a woman whose husband was murdered, and she was left alone with her son. The murderer paid blood money to the victim's family, but her husband's family deprived her of the compensation and her husband's inheritance. She went twice to court to reclaim her rights for herself and her son, but [community members] started gossiping about her all over town, so she had to forfeit everything."

- CSO employee, Idlib City

PART VI: WOMEN'S EXPERIENCES OF THE JUSTICE SECTOR

Women choose, or are compelled, to interact with justice sector institutions for myriad reasons. These can include, but are not limited to, bringing a case before a court or informal institution, obtaining relevant documentation in order to pursue an issue, or supporting other men and women in their legal endeavors. This section highlights some of these experiences while also exploring the strategies used by women and girls to cope with justice challenges stemming from conflict, culture, and institutionalized gender bias.

Despite having a range of personal experiences interacting with courts and other institutions, research participants did not specifically note any ways in which they felt their gender had fundamentally influenced these experiences. However, it is clear that these experiences, as well as those of their friends and family members, have influenced their perceptions as to these institutions' fairness and efficacy.

PERCEIVED FAIRNESS OF JUSTICE INSTITUTIONS

Research participants possessed varying opinions as to the extent to which justice institutions in their communities were fair to women and girls. In Ma'arrat al-Nu'man and Idlib City, interviewees often considered the Dar al-Qada system to be the most fair judicial entity in their communities. Idlib City interviewees praised the organization for having reinstated aspects of sharia law, and asserted that HTS-run courts are the fairest in the region due to their adherence to sharia. However, they were not categorized as entirely without bias, with one individual admitting that "they might not be 100% fair, but they are partially fair" while another estimated that only half of all cases are brought to justice. The primary critique of the Dar al-Qada courts was

that individuals with connections to the HTS are able to manipulate rulings in their favor. This can be done by both men and women who have family ties to the organization.

"A female frier with four children was abandoned by her husband without any alimony. He married another woman. She filed a lawsuit at the court to receive alimony for her children. The court has sentenced her husband to pay 80,000 SYP. The husband, then, showed up at the court with a wasta ("personal connection") and managed to reduce the alimony to 25,000 SYP."

- CSO Director, Idlib City

Unlike in Idlib City and Ma'arrat al-Nu'man, which are under HTS control to varying degrees, research participants in Atareb expressed conflicting perceptions as to whether formal or informal justice systems were more likely to be fair for women. Individuals expressing a preference for informal justice mechanisms did not clearly articulate reasons for their preference. However, those preferring formal courts emphasized that informal structures, which are focused on reconciliation and consensus-building between families, may be more liable to subordinate the voices of women and girls beneath those of elder family members in order to reach an agreement.

Given the lack of agreement on the issue of fairness, it is clear that no one institution is the obvious choice for a woman hoping to receive a fair and unbiased judicial decision. It is notable that, although several female interviewees shared stories of accessing various justice institutions, none reported having personally been victimized or treated with overt bias during the judicial process. As such, it is likely that challenges to fairness are often covert, such as institutional biases towards women with a high capacity for self-advocacy, only becoming overt in cases where family connections or other influencing factors are considered. It is therefore also likely that when determining the best route to ensure her rights are secure, a woman must determine which institution to access based on

the unique realities of her case.

OBTAINING CIVIL DOCUMENTATION

Securing civil documentation such as marriage, divorce, birth, and death certificates, is of critical importance for both men and women living in opposition-held territory. These documents are essential for securing basic needs for themselves and their families and become important objective criteria to be referenced during judicial proceedings. However, a variety of factors complicate the process by which a civilian in north-western Syria obtains such documentation.

Firstly, there are no government-run civil registries currently operating in opposition-held territories. Therefore, obtaining government records requires crossing front-lines into regime-held territory, a dangerous act that some civilians will nonetheless undertake in order to receive their documents. It is more difficult for women to complete this trip than men. Personal Status Law restricts the movement of unaccompanied women, though no instances of its implementation were reported by interviewees. Moreover, social stigmas associated with women traveling alone coupled with the possible burden of caring for children and families further disincentivize some women from making the trip. Instead, they may choose to hire a man to perform this task for them. One individual told the story of a friend who needed to add the names of two children to her family booklet in order

to prove custody and thus receive alimony from her ex-husband. Hiring an individual to bring the booklet to a regime registry cost “money that they didn’t have” - approximately 50,000 SYP (111.36 USD).

Various opposition bodies have sought to fill this need by issuing their own documents. These include documentation centers operated by the Syrian Interim Government in Ma'arrat al-Nu'man, Saraqib, Daret Ezza, and Jabal al-Zawieh, as well as documentation centers supported by western donor governments. The primary challenge with obtaining a document via one of these institutions is that it will not be recognized by the Syrian Government, and possibly not by foreign governments or even different actors within the same territory. One Idlib City interviewee described a dilemma faced by a family member who obtained a marriage certificate in an area controlled by one armed faction, and then attempted to obtain a family booklet in an area controlled by a second faction. The second faction demanded that the individual nullify his original marriage certificate and apply for a new one before obtaining the family booklet.

A lack of appropriate documentation can entrench the vulnerabilities of many women and children. For example, women whose husbands have disappeared find themselves in a difficult legal situation whereby they are unable to register themselves as widows and

therefore remarry or obtain benefits such as humanitarian assistance. In these cases, a woman may bring her case to a formal court in order to officially register the death of her spouse, as one interviewee in Idlib City reported they had done. This can become even more complicated if the woman was married after the onset of conflict, as she may also lack a recognized marriage certificate proving her initial relationship, a problem faced by another Idlib City interviewee.

Faced with what might seem like an impossible task, many research participants explained that women (and men) are likely to resort to forgery. This was the coping mechanism most commonly cited by interviewees in all three research locations. Further research would be needed to uncover the extent to which document forgery is taking place in Syria, as well as its ramifications.

“I was being asked for marriage, however I do not have any documentation proving that I am divorced. How can I prove that I am divorced? I am afraid [my husband] will file a complaint against me, as my children are living with me, saying that I got married despite already being married.”

- Teacher (displaced),
Maaret al-Nu'man

PART VII: WOMEN'S EXPERIENCES OF THE JUSTICE SECTOR

As evidenced throughout this report, women are not only affected by the policies, legal frameworks, and institutions of the justice system in their areas of residence, but they are also active decision-makers in their endeavors to secure justice for themselves and their families. In addition to personal actions, a number of civil society organizations have been created by and for women to assist them with their justice-related needs. These organizations, and the individuals working with them, are instrumental in assisting women and girls, particularly those of vulnerable groups, in securing justice against often formidable odds.

Despite HTS' ban on women lawyers and its general restrictions on women's participation in the public sphere, a number of women continue to be active in this field. Two such organizations are the Eilaf Center for Legal Counseling and the Barikat Amal Center, both of which are located in Idlib City and as-

ist women with legal issues. In Ma'arrat al-Nu'man, the Rakeen Organization recently established a small legal clinic that works in conjunction with the FSLA. One interviewee added that such work helps local women who are working to document human rights violations and early marriages in their communities.

In addition to casework, women at these and other institutions hold regular seminars on subjects such as women's legal rights, and their specific rights in scenarios such as divorce and domestic violence. Female FSP members reported that they conduct similar seminars as part of their work with the Atareb police force. One interviewee added that these seminars are increasingly being held in private houses, or even online, in order to be accessible to women who are unable to gather in public spaces or even to leave their houses unaccompanied at all.

WOMEN'S EXPERIENCES OF THE JUSTICE SECTOR

CONCLUSION

This report has outlined many of the ways in which the justice sector intersects with women's lives in one particular context within the broader Syrian conflict. It is not possible to generalize all the experiences captured here to other opposition-held areas, much less areas held by the Syrian government, Kurdish forces, or extremist organizations. Nonetheless, the overarching conclusions of this research serve to highlight some core challenges faced by women in a long-standing and strategically important region of Syria, and may suggest ways in which women elsewhere in the country are similarly experiencing justice-related challenges.

Some key conclusions include the following:

The lack of women's representation in justice sector institutions (including police forces, judges, and lawyers) is a significant deterrent for local women.

Cultural barriers preventing women from accessing formal court systems are reified and exacerbated by a lack of women in the formal court system. When presented with only male lawyers or legal personnel, many women may be disincentivized from bringing forth their cases. Moreover, a lack of female judges coupled with the inconsistent degrees to which male judges are educated suggests that decisions may not be made with a full understanding of women's experiences and specific legal needs.

Although it is critical that local and international actors continue to advocate for the inclusion of women in the broader opposition justice apparatus, it is also important that this advocacy is grounded in local needs and concerns. Working with local civil society entities in order to reflect their priorities for representation may help to mitigate any accusations of un-Syrian or un-Islamic agitation.

Marginalized women require additional assistance in order to access, and receive justice from, formal justice institutions.

As research participants frequently mentioned, the court system in particular is biased towards strong women with a capacity for self-advocacy. Such a capacity is often

lacking in poor women, uneducated women, and young girls in particular. Efforts to support programming that allows these women to become aware of and gain access to these institutions, as well as legal assistance, may contribute to creating a system in which these women and girls have a better chance of securing their rights.

Displaced persons are welcomed by formal courts - if they have the awareness and means to access them.

IDPs are not actively discriminated against by the justice sector in north-west Syria. However, they appear to possess a reduced knowledge of the formal court system, and little to no knowledge of informal justice mechanisms. Given the fact that many IDPs have few if any family connections to their host communities, it is also possible that arbitration committees would not be an appropriate mechanism for resolving IDP disputes. As such, it is imperative that IDP women are aware of the ways in which they can access courts, and potentially supported to do so via financial assistance or, in the case of camp residents, possibly transportation to and from a courthouse.

Educating women on their rights requires practitioners to creatively engage women who are unwilling or unable to participate in the public sphere.

Members of both police units and civil society organizations reported that educating women on legal rights and procedures is an

important part of their regular activities. However, many women do not feel comfortable attending lectures and educational sessions at a public institution. As such, these organizations provide some sessions online or in women's houses. Helping these organizations to better conduct sessions in a non-traditional context may expand the range of women being reached by these efforts.

Despite HTS efforts to restrict women's rights and limit civil society, women are continuing to organize around women's justice issues.

Despite the myriad challenges facing women in north-western Syria, local women are continuing to support their communities by helping women and girls secure justice for themselves and their families. It is essential to support the efforts of such individuals and organizations to thrive where possible. This is not only for moral reasons, but also practical: helping local women build their skills and capacity in this sector will create a cadre of experienced professionals who can be called upon to fill seats in judicial and governance organizations, thus strengthening these institutions overall.

The justice sector, like other opposition institutions, is highly fragile.

The establishment of opposition governance and justice institutions has taken years of concerted effort by local civilians and armed groups, sometimes with the support of international actors. Despite these efforts, these institutions continue to exist largely at the

whims of the armed groups controlling a given area. When a community is seized by the regime or a faction that disapproves of such governance, such structures are often quickly dismantled. Such was the case in many HTS-held communities, where years of work in building a robust justice sector were set back when HTS personnel installed their own court system. Rebuilding after such an event takes time, resources, and the concerted effort of local civilians.

At the same time, sustaining a fair and equitable justice sector can be a challenge even without a change in military control. As the Aleppo court system demonstrates, it is difficult in the current operating environment to ensure that justice institutions operate free of armed group influence. What is consistent across both contexts is that when the justice sector fails to operate at a level approaching international standards, women are often among the most disadvantaged by this service gap.

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