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Legal Assistance to Women's Rights to Housing, Land and Property in Syria¹

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Abstract

This paper aims to enhance the understanding of the Women's Housing, Land and Property (HLP) Rights in Syria as a crucial pillar to ensure social and economic development and increase the enjoyment of human rights. The paper explores two perspectives to address women's HLP needs: gender and legal aid services. It also addresses challenges in accessing land that women face in prescribed gender roles, unequal power dynamics, and traditional norms that deny women the chance to access land adequately. To this end, the paper presents the results of desk reviews of the national and international studies that revealed the importance of addressing HLP Rights of women in the post-conflict context to prevent increasing poverty and vulnerability faced by women although it has not focused on the Syrian context directly. The paper provides an analysis of the legal framework used to support interventions on the access to HLP rights by displaced Syrian women. Contrary to what has been assumed, the laws alone are insufficient to guarantee equal access to HLP Rights, when structural gender inequality compromises women's HLP Rights. This paper may constitute the object of future studies that could investigate the association between HLP Rights and sustainable development. A complex and inclusive approach needs to be adopted by engaging the relevant authorities, community, and international organisations to promote gender justice in addressing women's HLP Rights and contribute to peacebuilding, sustainable return and reinforcing the rule of law.

Keywords: Housing; Land and property rights; Gender, Legal assistance; Conflict; Women's rights

- 1 Some parts of the paper are extracted from my master's thesis titled 'Securing Housing, Land and Property Rights for Syrian Displaced Women: Realities and Perspectives. Mhd Ekbal Anak, Executive Master in Development Policies and Practices (DPP), Middle East and North Africa. Academic Year 2020-2021. Supervisor: Prof. Dr. Olha Gazziero Mykytyn. The Graduate Institute of International and Development Studies in Geneva, with the support of Qatar Fund for Development and Hamad Bin Khalifa University.

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المساعدة القانونية لحقوق المرأة في السكن والأراضي والملكية في الجمهورية العربية السورية¹

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ملخص

تهدف الورقة إلى تعزيز فهم حقوق المرأة في السكن والأراضي والملكية في الجمهورية العربية السورية، وذلك بوصفها ركيزة أساسية لضمان التنمية الاجتماعية والاقتصادية، وزيادة التمتع بمجموعة واسعة من حقوق الإنسان. تعالج هذه الورقة احتياجات المرأة في السكن والأراضي والملكية من منظورين أساسيين، هما: النوع الاجتماعي وخدمات المساعدة القانونية. كما تتناول تحديات الوصول إلى الأراضي التي تواجهها النساء بسبب الاعتبارات الجنسانية، وديناميات القوة غير المتكافئة بين الذكور والإناث، والأعراف التقليدية التي قد تحرم المرأة من فرصة الوصول إلى تلك الحقوق بشكل مناسب. وتحقيقاً لهذه الغاية، تعرض هذه الورقة نتائج مراجعات الدراسات الوطنية والدولية التي تناولت أهمية معالجة حقوق المرأة في السكن والأراضي والملكية في سياق ما بعد النزاعات، لمنع زيادة الفقر والضعف الذي تواجهه النساء على الرغم من عدم تركيز تلك الدراسات على السياق السوري مباشرةً. كما تقدم تحليلاً للإطار القانوني المستخدم لدعم تدخلات المساعدة القانونية المتعلقة بوصول النساء السوريات إلى حقوق السكن والأراضي والملكية. وعلى عكس المفترض، فإن القوانين وحدها غير كافية لضمان المساواة في الوصول إلى هذه الحقوق، إذ يؤدي عدم المساواة بين الجنسين إلى الإضرار بحقوق المرأة. قد تشكل هذه الورقة أيضاً موضوع الدراسات المستقبلية التي يمكنها البحث في العلاقة بين حقوق الإسكان والأراضي والملكية وموضوعات التنمية المستدامة. توصي الورقة باعتماد نهج شامل من خلال إشراك السلطات المعنية والمجتمعات المحلية والمنظمات الدولية لتعزيز العدالة بين الجنسين في معالجة حقوق الإسكان والأراضي والملكية للمرأة والمساهمة في بناء السلام والعودة المستدامة وتعزيز سيادة القانون.

الكلمات المفتاحية: حقوق السكن والأراضي والملكية، النوع الاجتماعي، المساعدة القانونية، النزاع، حقوق المرأة

1 تم استلال بعض أجزاء هذه الورقة من أطروحة الماجستير بعنوان «ضمان حقوق السكن والأراضي والملكية للنساء النازحات في سورية: الحقائق ووجهات النظر». محمد إقبال أنق، الماجستير التنفيذي في سياسات وممارسات التنمية، الشرق الأوسط وشمال إفريقيا. العام الدراسي 2020-2021. المشرف: الأستاذ الدكتور أولها غازيرو ميكيتين. المعهد العالي للدراسات الدولية والتنمية بجنيف، بدعم كريم من صندوق قطر للتنمية وجامعة حمد بن خليفة.

للاقتباس: أنق، محمد إقبال عز الدين. «المساعدة القانونية لحقوق المرأة في السكن والأراضي والملكية في الجمهورية العربية السورية»، المجلة الدولية للقانون، المجلد الحادي عشر، العدد الثالث، 2022، عدد خاص بمؤتمر «المساعدة القانونية: السبل والتحديات»، كلية القانون، جامعة قطر، 21-22 مارس 2022

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© 2022، أنق، الجهة المرخص لها: دار نشر جامعة قطر. تم نشر هذه المقالة البحثية وفقاً لشروط Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0). تسمح هذه الرخصة بالاستخدام غير التجاري، وينبغي نسبة العمل إلى صاحبه، مع بيان أي تعديلات عليه. كما تتيح حرية نسخ، وتوزيع، ونقل العمل بأي شكل من الأشكال، أو بأية وسيلة، ومزجه وتحويله والبناء عليه، طالما يُنسب العمل الأصلي إلى المؤلف.

1. Introduction

Housing, Land and Property (HLP) rights are about “entitlements to having a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure a livelihood.”¹ The HLP Rights constitute one of the main challenges for persons displaced due to the conflict in Syria since 2011. The Humanitarian Needs Assessment Programme revealed that “74% of internally displaced households across Syria who own or owned property in their place of origin before the displacement report that their property was damaged or destroyed.”² The United Nations High Commissioner for Refugees (UNHCR) found that Internally Displaced Persons (IDPs) constitute half of all people in humanitarian need in Syria in 2021. The 2022 Syria Humanitarian Needs Overview (HNO) “puts the number of people in need of humanitarian assistance inside Syria at over 14.6 million, a 9% increase from 2021 including 6.9 million Internally Displaced Syrians.”³ More than 5,599,200 refugees are left in surrounding countries, as per UNHCR’s update on 30 June 2022.⁴

As Syria moves towards the end of conflict, serious questions emerge regarding how and for whom return to places of origin and livelihoods will take place, and what recovery will look like.⁵ The Syrian women confront exacerbating challenges in exercising their HLP Rights and recovering land during the conflict. Their HLP concerns include issues such as “damage, explosive contamination, lack of official documents, and disputed ownership.”⁶ These women are much more likely to confront “serious legal, social and economic barriers to getting their HLP Rights upon return” with respect to their inheritance rights as they might not have the fundamental documents to demonstrate passing or the legitimate right to inherit.⁷ During the conflict, “many Syrian women found themselves without male support, becoming the main breadwinners for their families, and were compelled to play a more public role in both urban

1 Norwegian Refugee Council, Housing, land and property in the Syrian Arab Republic (2016), available at: <https://www.nrc.no/globalassets/pdf/reports/housing-land-and-property-hlp-in-the-syrian-arab-republic.pdf> (accessed on May. 18, 2022).

2 United Nations Office for the Coordination of Humanitarian Affairs, Humanitarian Needs Assessment Programme in Syria, Shelter Cluster (2020), available at: https://www.sheltercluster.org/sites/default/files/docs/shelter_conditions_-_idp_report_series_2020.pdf (accessed on May. 11, 2022).

3 United Nations Office for the Coordination of Humanitarian Affairs, Syria Humanitarian Needs Overview, (2022), available at: https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2022_final_version_210222.pdf (accessed on May. 14, 2022).

4 United Nations High Commissioner for Refugees, Syria Regional Refugee Response, (2022), available at: <https://data2.unhcr.org/en/situations/syria> (accessed on July. 17, 2022).

5 Jon D. Unruh, *Rural land tenure resilience in post-war Syria: Implications for restitution and stabilization*, 108 Land Use Policy 102 (2021).

6 United Nations High Commissioner for Refugees, Multi-Sector Needs Assessment, (2021), available at: <https://www.sheltercluster.org/whole-syria/documents/whole-syria-shelternfi-sector-hno-2021-analysis> (accessed on May. 20, 2022).

7 *Id.*

and rural contexts, distributing humanitarian aid and negotiating local ceasefires.”⁸

This paper addresses the issue of the main barriers that confront displaced Syrian women to access HLP Rights from the legal assistance perspective. The UNHCR obtained the official approval from the Syrian authorities to conduct HLP legal aid activities through implementing partners of the Syrian Arab Red Crescent (SARC) and Syria Trust for Development (STD) NGOs starting from 2020. The legal assistance services help the most vulnerable persons including women to register their main personal events and issue civil documentation including HLP documents before the Land Registry and courts. Legal issues concern “property registration, lease agreements, damages claim, squatting and the procedures to issue alternative HLP documents.”⁹

In this paper, “women” refers to single, married, divorced, and widowed, regardless of race, class, ability, age, etc. This paper assumes that “women’s HLP Rights” shall be independent rights, that is, “rights that are formally untied to male ownership.”¹⁰ The term “land” refers to all land whether it is agricultural, inherited, arable, leased, occupied, unoccupied, etc., when the term “property” indicates “immovable property.”¹¹ The term “housing” is used as it has been defined in international human rights law and refers to a “physical structure in which people can reside, having the attributes required for housing to be adequate.”¹² The Sustainable Development Goals (SDGs) adopted in 2016 define “ownership and control over land and other forms of property, as well as inheritance as key issues to promote reforms and give women equal rights to economic resources.”¹³ For purposes of this paper, “legal awareness” means the provision of legal information to a group of persons on different issues, while individual “legal counselling” is the tailored advice provided by a lawyer to assist to resolve a

8 *Id.*

9 Norwegian Refugee Council, Displacement, Housing, Land and Property and Access to Civil Documentation, (2017), available at: https://www.ecoi.net/en/file/local/1405606/1930_1503398808_final-nrc-displacement-hlp-and-civil-doc-s-syria-23-07-2017-en.pdf (accessed on May. 17, 2022).

10 Committee on Economic, Social and Cultural Rights, General Comment No. 4 on the Right to Adequate Housing, (1991).

11 United Nations Office of the High Commissioner for Human Rights, Women and the Right to Adequate Housing (2012), available at: <https://www.refworld.org/docid/5289e87b4.html> (accessed on July. 15, 2022).

12 *Id.*

13 Food and Agriculture Organisation, Gender and Land Rights Database, (2021), available at: <http://www.fao.org/gender-landrights-database/en/> (accessed on May. 17, 2022). The SDG Goal 5 provides an indicator to secure ownership and equitable land rights for women. This is often a key financial asset inseparably connected to get to, utilize and control of productive resources (Objective 5.a.1) and is fundamental for food security, inclusiveness and achievement of sustainable development objectives. In terms of gender equality and non-discrimination, the acknowledgement, recognition of ownership and land rights of women is tightly connected to empowerment and poverty reduction. Food and Agriculture Organisation, Measuring SDG Indicator 5.a.1, (2021), available at: <http://www.fao.org/3/I8808EN/i8808en.pdf> (accessed on May. 17, 2022).

particular legal issue. “Legal intervention and representation” are meant to be the engagement of a practising lawyer to act on behalf of an individual/family through power of attorney before an administrative body or a court.

The review of existing literature helped to identify specific laws and provisions that address HLP Women’s Rights under Islamic Law, in statutory and national laws and procedures that apply to HLP disputes regulation. The data concerning the scale of legal assistance provided was mainly provided by the UNHCR’s reports in Syria and regionally.

This paper provides a critical analysis of the legal framework used to support interventions and raises concerns about the impact of social norms and traditional practices on the access to HLP Rights by displaced Syrian women. Contrary to what has been assumed, the laws alone are insufficient to guarantee equal access to HLP Rights, when structural gender inequality compromises women’s HLP Rights.¹⁴ The paper also highlights the impact of legal assistance programs to tackle gender-related issues and must be introduced in the crosscutting and transformative perspective in policy planning, governance and budgeting. It is urgent to mainstream legal assistance in all humanitarian programmes, and not only programmes targeting women and girls. The campaigns to raise legal awareness of women shall be launched especially in rural areas. The study concludes on the importance of providing free-of-charge legal assistance and raising the involvement of government and legal institutions to reinforce a transformative approach in women’s empowerment programmes. In addition, legal counselling and assistance need to be improved to overcome the barriers to accessing HLP Rights.

2. Conceptualising Housing, Land and Property Rights in the Syrian Context

The Syrian recovery after eleven years of the conflict is impossible without the full participation of women, considering the high number of men who have died or left the country since 2011. Women’s HLP rights are the main conditions to guarantee security, economic stability and protection in the context of peacebuilding and recovery. Additionally, promoting better access to housing, land and property rights for Syrian women will be essential for supporting solutions to internal displacement in the context of peacebuilding and recovery from protracted conflict. HLP rights cover “the full spectrum of rights related to housing, land and property that are held in a wide variety of ways, from customary to statutory law, or mixed legal systems, and cover public and private, common, joint or individual rights.”¹⁵ Agarwal defines the legal HLP Rights in relation with the security of tenure, or as “rights to own, lease, rent, mortgage or dwell on land,

14 Feryal M. Cherif, Myths about Women’s Rights: How, Where, and Why Rights Advance, Oxford Scholarship Online, p. 12 (2015).

15 *Id.*

housing and property, and as a right to be protected from forced eviction or expropriation,”¹⁶ while Leckie and Huggins discuss them in the conflict-related scenarios through analysing the ubiquitous HLP challenges present in all conflict and post-conflict settings.¹⁷ In practical terms, the “Right to housing” is the right to get and occupy a secure home in which to live in peace and dignity. The “Right to land” refers to entitlements to land that are recognized socially or legally. “Property Rights” are about owning property and deciding how it is utilized.

The Special Rapporteur on the Human Rights of internally displaced persons provided a thematic report on HLP issues in the context of internal displacement.¹⁸ The Special Rapporteur addressed the impact of these issues on the Human Rights of IDPs. The report also validates the view that “patriarchal, statutory, customary, religious, and social norms disadvantage women in terms of access to land and terms of ownership and inheritance of land.” The Special Rapporteur calls upon all stakeholders to “protect women’s HLP Rights regardless of age, marital, civil or social status and independently of women’s relationship with male household or community members.”¹⁹

Moreover, the UN Secretary-General endorsed the Guidance Note of the Secretary-General on “the United Nations and Land and Conflict” on 15 March 2019. This note supports “Human Rights-based and gender-sensitive approaches to promote women’s rights to access, own, control and inherit land in the context of post-conflict assistance.”²⁰

3. Legal Basis for the HLP Rights of Women in Syria

The present section provides an overview of HLP’s Rights addressed in the international and national frameworks, with specific attention to Islamic law and dispute regulation regarding family, marriage, and inheritance.

3.1 The International Legal and Normative Framework for Women’s HLP Rights

Syria is a party to several international instruments that require the State to ensure and advance women’s rights, including HLP Rights, and to punish persons who use savagery or discrimination against them. These international legal frameworks cover the International Covenant on Economic, Social and Cultural Rights (ICESCR, accessed by Syria on 21 April 1969) and the International Covenant on Civil and Political Rights (ICCPR, accessed by Syria on 21 April 1969). Article 3 of the ICESCR “calls on State parties to undertake ensuring the equal right of men and women to the enjoyment of all economic, social and cultural rights outlined in the present Covenant and prohibits discrimination based on gender.”²¹ Security of tenure was asserted along with the right to adequate housing^a and non-discrimination including

21 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (Accessed on May, 21, 2022).

on gender basis.²²

Furthermore, the Convention on the Elimination of Racial Discrimination (CERD, accessed by Syria on 21 April 1969) affirmed the Right to Tenure Security that cannot be subject to any form of discrimination.²³ This protection applies to a wide range of tenure forms, including “ownership, rental, informal settlements, and customary usage.”²⁴ Article 3 of the ICCPR guarantees equality,²⁵ and prohibits “discrimination based on gender, among other grounds of race, colour, sex, language, religion or social origin.”²⁶ It also protects “persons from arbitrary or unlawful interference with their home.”²⁷

The Universal Declaration of Human Rights (UDHR) has numerous provisions regarding gender equality and HLP Rights protection, which are the core of the above-mentioned international instruments, but as a Declaration, it is not subject to ratification. It sets the principle of non-discrimination, - based on gender, in the enjoyment of rights guaranteed in the Declaration.²⁸ Among numerous other rights, Article 2 of the Declaration recognizes “the rights to property, food, housing and education. Everyone has the right to an adequate standard of living including housing.”²⁹ Article 17 also provides that “everyone has the Right to Own Property without Arbitrary Interference.”³⁰

The Convention against Elimination of Discrimination against Women (CEDAW) is an important international legal instrument to promote the protection of women’s rights at the national level. CEDAW calls on “State parties to end discrimination against women in laws, policies and practices, including through the adoption of temporary special measures some of which concern HLP Rights.”³¹ For example, Article 14 obliges “State parties to eliminate discrimination against women in respect of women in rural areas to ensure they enjoy adequate housing.”³² Article 2 of the CEDAW also addresses the primary requirement

22 *Id.* It should be noted that Syria has not ratified the Optional Protocols of ICCPR and ICESCR to allow the individuals who claim to be victims of violations of their rights and who have exhausted domestic remedies to submit requests to the Human Rights Committee.

23 <https://www.ohchr.org/en/treaty-bodies/cerd/international-convention-elimination-all-forms-racial-discrimination-50-years-fighting-racism> (Accessed on May. 21, 2022).

24 *Id.*

25 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (Accessed on May. 21, 2022).

26 *Id.*

27 *Id.*

28 <https://www.ohchr.org/en/universal-declaration-of-human-rights> (Accessed on May. 21, 2022).

29 *Id.*

30 *Id.*

31 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (Accessed on May. 21, 2022).

32 *Id.*

to “embody the principle of equality of men and women in their national constitutions or other appropriate legislation” and define realization of this principle through national laws and policies.³³ Perhaps, the CEDAW as most of international conventions, are not binding legal instruments and their main role consists in the provision of a general framework to eliminate gender-based discrimination against women. On 28 March 2003, Syria acceded to CEDAW, but many reservations have been made referring to *sharia*. The reservations exclude applying certain provisions.³⁴

The Security Council adopted resolution No. 1325 on 31 October 2000 under the rubric of Women, Peace and Security. Together with CEDAW, it provides a normative framework and a solid ground for the advancement of women’s rights in crisis-affected states and post-armed conflict environments. “Female participation in the public sphere has taken root in some areas of the country, and there were attempts to facilitate women’s entrance into public life at the local level through, for example, the creation of parallel structures explicitly created for the purpose.”³⁵

Additionally, the 2005 Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons are endorsed by the United Nations Sub-Commission on the Promotion and Protection of Human Rights.³⁶ These principles are highly relevant in the Syrian context due to the large numbers of IDPs, most of whom are women and children.³⁷ They emphasize the significance of considering women and their rights in the process³⁸. Eventually, the Guiding Principles on Internal Displacement (GPID) adopted by the General Assembly in 1998 also define the rights and guarantees of IDPs in all phases of displacement to ensure equal access to rights and prevention of discrimination.³⁹

33 *Id.*

34 The reservations made by the Syrian Arab Republic exclude the application of certain CEDAW provisions. Most of them guarantee equal rights of men and women in matters pertaining to marriage and family life, for example concerning freedom of movement and of residence and domicile, and equal rights and responsibilities during the marriage “in as much as this provision is incompatible with the provisions of the Islamic Shariah.”

35 Rana Khalaf, *Women’s Participation in Syrian Cities Today: Emerging Roles and Opportunities*. (European Union, 2017), available at: https://docs.euromedwomen.foundation/files/ermwf-documents/7096_3.180.womenparticipationinsyriancitiestoday-emergingrolesandopportunities.pdf (Accessed on May. 21, 2022).

36 <https://www.refworld.org/docid/4693432c2.html> (Accessed on May. 14, 2022).

37 George Somi, *Syria under Pinheiro: Reformulating Syrian Domestic Law for Decentralized Reconstruction*, 43 *Brook. J. Int’l L.* 717 (2018).

38 The Principle 4 concentrates on ensuring gender equality by States in the process of management of Housing, Land and Property Restitution Programmes, Land Policies and Practices, and avoid to disadvantage or discriminate women and girls.

39 <https://daccess-ods.un.org/tmp/9434667.82569885.html> (Accessed on May. 21, 2022). For example, those principles include a statement about equal access of women to shelter and housing: “Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies” as indicated in principle 7 and

3.2 The National Legal and Normative Framework for Women's HLP Rights

The Syrian Constitution stipulates the “State shall respect all religions and ensure the freedom to perform all the rituals that do not prejudice public order.”⁴⁰ “The personal status of religious communities shall be protected and respected.”⁴¹ In addition to religion and personal status, a special mention defines the family as “the nucleus of society” and guarantees, “the law maintains its existence and strengthens its ties.”⁴² With regard to the position of women before the law and in society, the Constitution grants equality to all its citizens expressed in the following terms: “Citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed.”⁴³ Furthermore, it stipulates: “The State shall provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life, and the State shall work on removing the restrictions that prevent their development and participation in building society.”⁴⁴ Despite the fact that there is no discrimination in the constitution against the Right to Property; perhaps, those formal statements and legal dispositions are denied by local practices regarding land, property and ownership access and control by women. The traditional discriminatory values and the segregation of gender roles; however, underpin the challenge to tackle gender inequalities in Syria while perpetuating and reinforcing the idea that gender-based violence is only a private matter.

On the other hand, the main law that regulates family relations is the Syrian Personal Status Law (PSL).⁴⁵ *Sharia* granted HLP Rights to all women since the majority of Syrians being Muslims. For this reason, Article 3 of the constitution stated that “Islamic jurisprudence should be a major source of legislation.” Notably, the main “Islamic legal provisions generally support women’s right to acquire, hold, use, administer, and dispose of the property.”⁴⁶ Moreover, *Sharia* law provides “significant protections for women’s inheritance rights: it provides inheritance rules, which are supposed to cover the needs of women within the family of the deceased husband

principle 18.

40 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf> (Accessed on July, 11, 2022).

41 Syria CONST. art. 3, cl. 4.

42 Syria CONST. art. cl. 20.

43 Syria CONST. art. 33. cl. 3.

44 Syria CONST. art. 23.

The Personal Status Law was promulgated on 17 September 1953 as Law no. 59 and amended in 1975, 2000, 2003, and 2010 and most recently through two amendments in 2019: Law No. 4 on 7 February 2019 and Law No. 20 on 27 June 2019, which introduced major amendments that can be considered as more favourable to women. <http://mitcp.gov.sy/index.php?page=show&ex=2&dir=news&lang=1&nt=7&nid=241&act=383> (Accessed on July, 12, 2022)

46 Siraj Sait and Hilary Lim, Land, Law and Islam: Property and Human Rights in the Muslim World, UN Habitat and Zed Books, p. 112 (2006).

with their specific shares, and support women's rights under Islamic Law to access, retain and manage their own land and wealth."⁴⁷ Traditionally, the application of Islamic inheritance laws would allow women to inherit half the share of their male counterparts in all forms of property except "Amiri lands, which are inherited in equal shares."⁴⁸ While the issue of how women are treated in *Sharia*, particularly in relation to men, is neither the purpose nor scope of this paper. Rather, this section seeks to explain to what extent Islamic jurisprudence supports the HLP Rights of women in Syria.

The jurisprudence of Syrian courts recognised financial autonomy in the case of marital property. The Syrian Court of Cassation decided that property purchased by a spouse's own money should belong to him/her individually. On the other hand, the property purchased from commonly owned funds should belong to the husband and wife equally.⁴⁹

4. Barriers to Rights and Justice for Displaced Women's HLP Rights

The main barriers that face women to access HLP Rights have to do with the actual context of Syria, which particularly relates to the displaced women. Some challenges resulted from the displacement and conflict situations, while other barriers are confronted by divorced or widowed women due to inheritance disputes and gender-related issues.

Despite the fact that the conflict-related challenges affect both women and men at different scales, this paper concentrates on the barriers to women's abilities to claim and exercise their HLP Rights considering their vulnerabilities.

4.1 Conflict-Related and Socio-Economic Specific Challenges

Low literacy level obstructs women's understanding of the law and negatively impacts their ability and capacity to claim HLP Rights, address the court or acquire land or other properties. In rural areas, the female illiteracy rate is high because of limited access to education and low income.⁵⁰ In addition, many women have no access to information and lack the confidence, experience and resources to obtain what they are legally entitled to. There is no specific data found by the researcher on the general literacy rates and awareness of rights of IDPs compared to non-IDPs. They have less access to the justice regulation system and legal counselling due to

⁴⁷ *Id.*

⁴⁸ Syria's Civil Code No. 84 of 1949, Art. 68. of particular importance for HLP matters across the Middle East are two land tenure types (Amiri and Mulk). Amiri lands, mostly agricultural, are owned by the state, and confer upon the occupier rights to use, cultivate, and dispose of, but can be forfeited back to the State if not used for five years or more. Mulk land (predominantly in urban areas) is similar to freehold, in which owners may buy, sell, rent and mortgage, exempt from certain taxes.

⁴⁹ Syria Court of Cassation. Department of Personal Status. Judgment No. 329 of 1988.

⁵⁰ United Nations Children's Fund, Education Section Facts and Figures, (2018), available at: <https://www.unicef.org/syria/reports/education-section-facts-and-figures> (Accessed on May. 21, 2022).

low economic, education and social status than their male counterparts do.

4.1.1 Lack of Civil and Property Documents

Lack of civil documentation continues to be a key protection concern regarding HLP Rights. In most cases, receiving legal assistance from Non-Governmental Organisations (NGOs) requires IDPs to present an identity card, family booklet, and a lease contract. Perhaps, many IDPs left their basic documentation behind them when leaving their homes in emergencies, lost it in the confusion of multiple displacements, or had it confiscated or damaged.⁵¹ Several displaced women often “lacked the main documents requested to claim their inheritance rights before the courts, such as death certificates or marriage contracts.”⁵² Additionally, even prior to the conflict, there has been over recent decades a widespread practice in rural Syria of not updating formal land records and registries in matters of inheritance or transfer; with the result being that the land market is largely informal and lacking in registration.⁵³

3.0.2 Poverty and Lengthy Judicial Procedures and Disputes

The assessment conducted in late 2020 by the World Food Programme (WFP) reports that a record 12.4 million people are food insecure.⁵⁴ This is by far the highest number ever recorded in Syria that can “contribute further to the risks of gender-based violence and harmful practices.”⁵⁵ The majority of displaced women cannot afford to pay costs to bring cases before the judiciary which may cost SP 300,000 up to 800,000 (\$120- \$320 as per the national official exchange rate of December 2021) including the fees of lawyers. In response to this observation, the UNHCR obtained the official approval to conduct HLP legal aid activities through implementing partners of SARC and Syria Trust for Development NGOs starting from October 2020. The complex judicial procedures take a long time for notifying the heirs, which makes it an issue. The huge number of cases before the judges force them to give long deadlines that may usually bypass two months. When the notifications of the heirs are complete, other procedures do not come in favour of the woman by the heirs who rely on procrastination in the case. It leads the woman to boredom and forfeits her right. At the least, the executive procedures that follow the issuance of the ruling of inheritance are very complicated, especially if the property is not cleared. Once again, this requires the woman to resort to the judiciary, to sort her share as little

51 Norwegian Refugee Council, Reflections on Future Challenges to Housing, Land and Property Restitution for Syrian Refugees, (2017), available at: <https://www.nrc.no/resources/briefing-notes/reflections-on-future-challenges-to-housing-land-and-property-restitution-for-syrian-refugees/> (Accessed on May. 21, 2022).

52 *Id.*

53 Martin Clutterbuck, Property Restitution in Post-conflict Syria, 57 Force Migr. Rev., 66 (2018).

54 <https://www.wfp.org/news/twelve-million-syrians-now-grip-hunger-worn-down-conflict-and-soaring-food-prices> (Accessed on May. 21, 2022).

55 *Id.*

as possible, because the property is not divisible. In addition, the costs of the cases represent an important aspect for the woman, who are often unable to cover them, which can result in withdrawal from filing the case, especially when a woman considers that she wins a little and needs to pay a lot.

4.2 Gender-Specific Challenges to Women's HLP Rights in Syria

Gender norms and roles have been significantly impacted by the conflict in Syria. Many women are *de facto* the heads of households in many areas. However, several displaced women or those who have lost husbands or male relatives are in difficult situations resulting from their limited access to the HLP's rights. Particular attention must be paid to securing women's legal access to the property, housing and land owned by their missing relatives, without putting them under the threat of expulsion or expropriation.

4.2.1 Registration and Ownership of Land under Male's Name

In 2006, the women only owned 5.3% of agricultural land, and land holdings owned by them were on average smaller than those owned by men were.⁵⁶ For example, "the results of the 1994 agricultural census show that the number of landowners in Syria reached 610,000 holders, among whom the percentage of male landowners was 94.7%, while the percentage of women landowners was only 5.3%."⁵⁷ The data provided for 2002 demonstrate a similar trend: "95% male farmers and only 5% of female farmers. The rate of assets related to agricultural resources was 82.5% for men and 57.4% for women, although women's general contribution to agriculture was estimated at 40%."⁵⁸

Even though inheritance rights are defined in Articles 260-304 of the 2019 Syrian Law on Personal Status⁵⁹, a challenge lies in the fact that "upon divorce, women are awarded property according to what is written in the marriage contract. In most cases, the marital contract did not refer to the assets accumulated during the marriage. Under the property rights legal system

56 Japan International Cooperation Agency, Gender Profile of the Syrian Arab Republic, Damascus, (2006), available at: https://www.jica.go.jp/activities/issues/gender/reports/ku57pq00002hdw5l-att/syr_2006_en.pdf (Accessed on May. 21, 2022).

57 Samira Soubh, The Role of Women in Agriculture and Gender Issues in Syria, (National Center for Agricultural Policies, 2006), available at: https://www.napcsyr.gov.sy/dwnld-files/working_papers/en/18_womenrole_ss_en.pdf (Accessed on May. 21, 2022).

58 *Id.*

59 A woman may inherit from her father, mother, husband or children, and under certain conditions, from other family members. However, her share is generally smaller than that of a man. A daughter, for example, inherits half as much as a son, while widows without children often receive nothing at all. Women are, therefore, in a very different situation to men in terms of entitlement and protection of their Housing, Land and Property Rights. In the case of the death of a spouse, if a woman has no sons, grandsons, or other male offspring, she will receive a quarter of the estate or property. In case she has sons or other male offspring, she will receive an eighth of the estate or property.

that was in place in Syria before 2011, women had comparatively weaker rights than men regarding access to HLP rights.”⁶⁰ Women’s names were not registered to the HLP documents related to their primary residence and as mentioned above, there was no provision in marriage contracts regarding housing, land and property accumulated during the marriage.

The National Report on Sustainable Development estimates “the percentage of women ownership of real estate properties at 25% in Damascus and 18% at Rural Damascus as per the cadastral documents of 2015.” The same report indicates that “the percentages of women ownership were 8% in Damascus and 7% in Rural Damascus of women own or share a house or real estate during 2010.”⁶¹ This proves that despite popular support and promotion to extend women’s rights and legal provisions, there is “clear male resistance in some areas, most notably in the issue of property claims either in divorce or inheritance and that women continue not to register land or property in their names due to persistence of cultural norms.”⁶²

4.2.2 Depriving Women from Inheritance

Women’s access to land ownership is usually acquired through inheritance. Since the shared portion of the estate is a significant concern because, without their resources, women remain dependent. Particularly if they are in an abusive relationship under marriage, it makes it very difficult to take off. This was confirmed by the results of a “field study, which was conducted on violence against women in 2005 by the General Union for Women, the Syrian Commission for Family Affairs, the Central Bureau of Statistics and the United Nations Population Fund. The study covered 1,891 households from urban and rural areas in fourteen provinces and indicate that 17.4% of women did not receive any legal inheritance (among which 14.7% were women in urban areas and 20.2% in rural areas), and only 24% of women received compensation for part of their inheritance.”⁶³

Despite the legal right to inheritance shares, the denial of inheritance rights is one of the most important issues faced by women in relation to their HLP Rights. For example, some women may be told that their shares are not worth registering because of the low value of their land and the high cost of the procedure. They were advised to waive their inheritance rights to the land to the male family members. Justification of practices that result in depriving women

60 Norwegian Refugee Council, Reflections on Future Challenges to Housing, Land and Property Restitution for Syrian Refugees, (2017), available at: <https://www.nrc.no/resources/briefing-notes/reflections-on-future-challenges-to-housing-land-and-property-restitution-for-syrian-refugees/> (Accessed on May. 21, 2022).

61 State Planning Commission. The National Report of Sustainable Development in Syria, (2020), available at: <https://sustainabledevelopment.un.org/memberstates/syria> (Accessed on May. 21, 2022).

62 *Id.*

63 European Union, National Situation Analysis Report: Women’s Human Rights and Gender Equality Syria, (2010), available at: https://docs.euromedwomen.foundation/files/ermwf-documents/5668_2.139.nationalsituationanalysis-syria.pdf (Accessed on May. 21, 2022).

of their inheritance rights over the property, land or other assets resulting from the wish to maintain agricultural property within the same family and avoid its fragmentation. Another way to deprive women of inheritance may take the form of donations to sons while the owner (mother or father) is still alive.⁶⁴

4.2.3 Missing and Absent Husbands

Women face higher barriers than men in claiming property, especially in case of divorce. The fact that women's names regularly do not appear on property documents limits their rights to claim for marital property subdivision, particularly given the other related provisions of the law. Another barrier concerns the difficulty for women to claim their share in the marital property in court, as well as in front of customary authorities or within the statutory court system.⁶⁵ An additional issue was identified about restitution claims. "Many women who lost or have been separated from their husbands are not able to claim marital property by lacking a formal marriage certificate."⁶⁶ As per the Study for the World Bank Conference on Land and Poverty, "restitution and compensation should consider the existing pluralistic legal system of land governance and customary practices that existed before the conflict and were impacted by a high number of internally displaced persons. On the other hand, some cases are among the most vulnerable – widows, divorced or abandoned women."⁶⁷ The study also indicates, "those women are often forced to leave the land and house of their deceased or former husband, or to remarry to a relative or another villager to remain in the same community."⁶⁸ Women may experience a lack of independence and loss of control over children's education after moving to their father's home. "They also experience a regret of social disapproval that concerns women who did not remarry and remain in their parental home after divorce. The pressure is worse when women are young and without children."⁶⁹

Regarding the inheritance and property of the missing person, the family members have a right to file a lawsuit to confirm the state of his death. This procedure is preliminary to access the inheritance, and in case of doubts, the court will appoint a tutor to represent the interests of the dead or the missing person during the process. Concerning the wife of the missing person, the legal way to claim her share or rights from her husband's property is to file a police report

64 *Id.*

65 *Id.*

66 *Id.*

67 Laura Cunial, Kirstie Farmer and Rachel Sider, Preparing the Ground for Property Restitution in the Syrian Arab Republic, (World Bank, 2018), available at: <https://www.oicrf.org/-/preparing-the-ground-for-property-restitution-in-the-syrian-arab-republic> (Accessed on May. 21, 2022).

68 *Id.*

69 *Id.*

to establish evidence about the period and duration since the disappearance of her husband. Based on the police report she can address her claim in court. “A missing person is considered dead after four years from the date of his missing in circumstances of war.”⁷⁰ In addition to the police report, two external witnesses must confirm the absence of the missing husband for more than four years. Approaches are needed that can induce the rapid reacquisition of HLP assets and access to livelihood for these women.⁷¹

4 Exploring the Scope of Legal Assistance to Women’s HLP Rights

Women may face numerous issues affecting their HLP Rights in Syria, including insecurity of title, secondary occupation, lack or loss of property documents, fraudulent transactions, and damaged property, destruction of land registration infrastructure, records and inadequate administrative registration. To address these problems in future, the collecting and recording of HLP documentation will be a critical component.

After eleven years of the Syrian conflict, it remains critical, the need to strengthen the capacity of legal assistance providers in Syria, particularly national legal actors, both in terms of technical expertise and familiarity with the specific legal issues related to displaced persons, returnees and refugees, as well as in the number of legal assistance services being made available to the most affected populations.

To date, legal assistance has been conducted mainly through the support of the international community through national NGOs, and to a much more limited extent, the legal aid units of bar associations. Further technical capacity building is still needed for established national NGOs as well as other national NGOs, civil society organizations and private Syrian lawyers interested in pro bono legal aid, to broaden and deepen their awareness and expertise in providing legal assistance on the specific issues related to civil documentation and Housing, Land and Property Rights.

5.1 Overview of the Legal Aid System in Syria

The Syrian constitution affirms the Right to Access to Justice, Non-discrimination, Equality before the Law, the Right to have a Fair Trial and be Represented by a Lawyer, irrespective of the economic status of a person.”⁷² Syrian laws foresee the right of any individual-including foreigners-to be represented by a lawyer. If a person cannot afford one due to his/her economic vulnerability, the State appoints a lawyer for him/her. As per the law, the eligibility for legal aid is decided by the court which refers the case to the Bar association, which-in turn-appoints a

70 Syria’s Personal Status Law No. 4 of 2019, art. 205.

71 Jon D. Unruh, *Evidencing the Restitution Landscape: Pre-emptive and Advance Techniques for War-torn Land and Property Rights Reacquisition*, 38 Land Use Policy 111 (2014).

72 Syria CONST. art. 13, 33 and 35.

lawyer.

The Code of Criminal Procedure stipulates that “every accused person has a guaranteed right to be informed of the charge brought against him/her and the evidence presented in substantiation thereof”.⁷³ The trials are normally held in the presence of the accused but, if he/she is unable to attend, he/she can be tried in absentia.⁷⁴ It stipulates that “the president of the criminal court must ask the accused whether he/she has chosen a lawyer to defend him/her and, if he/she has not done so, the president must immediately appoint one, failing which the proceedings would be invalid.”⁷⁵ It also stipulates that “the examining magistrate must notify the accused that he/she is not obliged to answer questions in the absence of his/ her lawyer, this notification being recorded in the examination report. In cases involving felonies, if the accused does not choose a lawyer and requests that one be appointed, the examining magistrate calls upon the president of the bar association to appoint a lawyer for him.”⁷⁶

The Statute of the Bar Association stipulates that “the Bar Association designates a lawyer to defend an accused person at no cost to himself.”⁷⁷ In this context, free legal assistance remains limited and insufficient to meet the overall needs, as private legal services through lawyers, as law firms are costly and not affordable to many. As a result, the majority of legal aid is provided through NGOs supported by donors, and only to a lesser extent through the pro bono legal aid departments of the bar associations, which are limited due to a lack of experienced lawyers, incentives and awareness.

5.2 Overview of Legal Aid Provided by UNHCR’s Partners to Enhance Women’s HLP Rights

UNHCR, through partnership agreements with two main partners, provide legal assistance to “Syrian displaced persons, returnees and host community members”. The main partners are the Syrian Arab Red Crescent (SARC) and the Syrian Trust for Development (STD). “The legal assistance is provided, through a group of around 300 experienced lawyers registered with the Syrian Bar Association and authorized to practice law by the Syrian National Laws.”⁷⁸ The legal assistance and representation before courts or other governmental bodies are carried out on behalf of vulnerable individuals who are more likely to need assistance due to their lack of

73 <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=11810&ref=tree&> (Accessed on July. 11, 2022).

74 Syria’s Code of Criminal Procedure No. 112 of 1950, art. 188.

75 Syria’s Code of Criminal Procedure No. 112 of 1950, art. 274.

76 Syria’s Code of Criminal Procedure No. 112 of 1950, art. 69.

77 Syria’s Statute of the Bar Association No. 30 of 2010, art. 56.

78 United Nations High Commissioner for Refugees, Syrian Arab Republic’s Factsheet, (2022), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%20Factsheet%20-%20March%202022.pdf> (Accessed on May. 22, 2022).

knowledge on the required legal procedures, having protection concerns, inability to reach the administrative and legal bodies, poverty and financial difficulties.

The lawyers provide a range of free-of-charge legal assistance services benefitting directly IDPs, returnees-affected host populations with civil registration/documentation concerns as well as questions on HLP issues, thereby supporting the national authorities in meeting their primary responsibility towards the Syrian population in providing civil and property documentation and access to due process.⁷⁹ The national authorities officially approved the HLP-related legal assistance activities in 2020 to be added to the legal assistance program. The legal team prioritized the most vulnerable and affected populations for HLP-related interventions. Legal themes touched upon the restoration of HLP documents, property registration, claiming compensations and restitution.⁸⁰ The project aims at “strengthening the protection of women’s HLP rights through enhanced access to legal counselling and information; provision of legal assistance before courts and administrative bodies responding to women’s HLP issues.”⁸¹ In 2021, UNHCR provided “legal interventions before courts and administrative bodies to 30,398 IDPs, returnees and host community members, and 74,739 IDPs, returnees and host community members have been provided with legal advice during 2021.”⁸² The below section provides an overview of the type of legal support provided.

5.2.1 Legal Counselling and Awareness Raising Sessions

Legal counselling takes place either at the community centres, collective shelters, and temporary facilities used by the lawyers in the various governorates and other NGO community centres.⁸³ The counselling shall be conducted on a range of legal matters, which are related to, inter alia, civil status law, real estate law, civil law and personal status law. Legal concerns may include, but not limited to consultations regarding the legal procedures for the issuance of civil documents (family booklet, identity cards, etc.), marriage and lineage authentication, death authentication, how to draft a sale contract and claim damages, etc. It shall include legal advice and professional counselling on the relevant procedures applicable to the registration and/or authentication of personal status events, and replacement of lost and/or damaged civil and HLP documentation. The lawyers also provide legal awareness sessions to women and men

79 *Id.*

80 *Id.*

81 United Nations High Commissioner for Refugees, Syrian Arab Republic’s Operational Update, (2021), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Syria%20Operational%20Update%20December%202021.pdf> (Accessed on May. 21, 2022).

82 *Id.*

83 *Id.*

on HLP-related issues, such as inheritance. The local context is taken into consideration.⁸⁴ The objective of legal awareness sessions is to provide affected populations with basic information on legal matters relating to personal status issues, civil registration, family law, HLP and the assistance that is available to them. “Individuals in need of more specialized information or assistance are identified and referred to the relevant partner for further support.”⁸⁵

Legal counselling for women’s HLP Rights can be seen as a “step beyond the information on durable solutions or rights because it entails a degree of analysis of the problems faced by the beneficiary and includes advice on what is the best possible course of action to solve a particular problem.”⁸⁶ The main legal themes that matter to women are rent contracts, ownership of property documents, compensation for damaged properties, restoration of damaged real-estate documents, ways of property transactions, ending of common property and eviction of illegal occupant-related issues.

5.2.2 Legal Interventions and Representation for women

Where legal counselling is not sufficient to address the problems faced by women, partners support them through the provision of legal and administrative assistance and—in some cases—legal representation before the courts. Unlike legal counselling and awareness where women can sort out the issues by themselves, further judicial assistance is required by the partners’ lawyers.⁸⁷ “Legal interventions are carried out on behalf of particularly vulnerable individuals before courts or civil status departments and corresponding registries or police stations and other relevant government departments for issues that would maintain and enhance women and children’s rights.”⁸⁸ The UNHCR’s strategy indicates, “if a woman who has received legal counselling under the first activity chooses to, she may then also seek legal assistance. Legal representation will be provided by lawyers directly if it relates to land registration and/or proof of ownership.” Overall, the lawyers assisted women to “access their HLP Rights especially in issues related to property registration before the courts and issued property documents for women to restore the property rights.”⁸⁹

84 Norwegian Refugee Council, Legal Identity and Housing, Land and Property Rights of Syrian Refugees from a Durable Solutions Perspective, (2021), available at: <https://www.nrc.no/globalassets/pdf/reports/legal-identity-and-hlp-rights-of-syrian-refugees/legal-identity-and-hlp-rights-of-syrian-refugees-from-a-durable-solutions-perspective---english.pdf> (Accessed on May. 22, 2022).

85 *Id.*

86 *Id.*

87 *Id.*

88 United Nations High Commissioner for Refugees, Syrian Arab Republic: 2022 Strategy and Response Plan Overview, (2022), available at: <https://reporting.unhcr.org/document/2040> (Accessed on May. 22, 2022).

89 United Nations High Commissioner for Refugees, Operational Update, (2020), available at: <https://reporting.unhcr.org/syria?year=2020> (Accessed on May. 22, 2022).

Overall, the free-of-charge legal assistance has had a positive effect on IDPs and returnees including women and men since it has enriched the beneficiaries' knowledge regarding the procedures for safeguarding their HLP Rights. However, the legal team has faced some challenges. It includes, but is not limited to the loss of ownership documents as a result of fleeing from dangerous areas; many land registries and directorates of Cadastral Affairs were damaged or destroyed without having backup copies of the HLP registries. Another issue is the spread of common properties in many governorates, which has created difficulties in recognizing individual ownerships and proving them. In light of the aforementioned difficult situations, the lawyers have played a major role in providing HLP services through conducting legal awareness sessions and legal assistance through the provision of - property documents because many beneficiaries including women have to travel a long distance to reach the Directorates of Cadastral Affaires, the high expense of travelling, and the scarce legal knowledge; the lawyers have assisted many beneficiaries and provided them with the documents they needed from the Directorates of Cadastral Affairs. Many people have benefited from obtaining Agricultural Aid from active NGOs such as agricultural machinery and equipment. In 2021, UNHCR aimed to reach 200,000 beneficiaries with legal services, which are provided through an extensive network of about 219 national lawyers and 108 legal outreach volunteers. The expanded advocacy and legal services have "enabled beneficiaries to enjoy their basic rights, access to legal remedies, and improve their freedom of movement, which would empower them to return and reintegrate in their place of origin/ choice."⁹⁰

5 Conclusion

The main findings of the research point to highlight the significant role of legal assistance programs to increase the enjoyment of HLP Rights for Syrian women. The analysis demonstrates several insufficiencies and obstacles that compromise women's HLP Rights. The displacement of populations reveals additional factors that need to be urgently addressed to secure HLP Rights of women in policy and institutional approaches. Despite that, the national legal system and *Sharia* provide no explicit barriers for women to access, use and control over land, the existing widespread practices discriminate against women in accessing their HLP Rights. Important obstacles result from social norms, traditions and customary practices that not only limit women's autonomy in accessing property, land or housing; but also constitute the main limitations to addressing women's specific rights. The research findings demonstrate that further policies and any operational interventions to address women's HLP Rights needs should be designed with consideration of local specificities and the real needs of targeted populations. While there are several initiatives currently launched at the policy and institutional level to support the exercise of rights, including HLP Rights, they need to take into consideration

several barriers that can challenge them. Without law enforcement mechanisms and changes in social practices supporting discrimination against women, gender norms and unequal power relations will continue to exclude women's needs from effective rights responses. The results of the research could help design some recommendations at policy, institutional and operational levels.

The humanitarian organisations should collaborate to:

- Enhance the free-of-charge legal-aid services to support women in their claim of the HLP Rights. Legal assistance programmes shall continue to support displaced women; and use gender-mixed legal advisors teams;
- Raise legal awareness in urban and rural areas about HLP Rights of women and encourage families to register land in the names of both spouses;
- Enhance the collaboration with women, religious and traditional leaders to create spaces for communication and exchange, and provide women with the possibility to claim the rights granted under *Sharia*;
- Increase the awareness, advocacy and initiatives to improve women's enjoyment of their HLP Rights: inform women about their rights, and enforcement mechanisms and provide the necessary support (e.g. legal, financial and psychological);
- Target humanitarian interventions to support women in accessing civil documentation and overcome related disadvantages to HLP Rights. The lawyers should consider the importance of women's awareness of obtaining death documents for their husbands to access the property and HLP Rights, including in the case of missing or disappeared persons after the legal deadline of 4 years has expired;
- Expand work on women's inheritance rights to housing and land and reinforce legal interventions in remote rural communities.

The national authorities should work on:

- Collecting national statistics disaggregated by gender, age and other factors to support targeted policies and programs development and implementation;
- Conducting training to the national administrative and judicial authorities on women's HLP Rights in practical terms. It is also important to produce and disseminate gender-disaggregated data on a regular basis to monitor the extent to which women enjoy equal access to HLP Rights in Syria;
- Harmonizing the Syrian constitution and other relevant national laws and regulation procedures to comply with international agreements related to political, economic and social rights and international conventions ratified by Syria, as long as it is consistent with the *Islamic Sharia* and public order in the country.

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