

# The Legal Situation for the Children of Syrian Women Married to ISIS Fighter during the Conflict



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during the Conflict**

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With the beginning of March of 2011, the protests started in most areas of Syria calling for liberty, reforms in government institutions, and the abolition of the emergency law. The development of these protests after one year and a half led to an armed rebellion, followed by the intervention of foreign powers such as Russia, Iran, Turkey and the United States in the Syrian conflict, and the Syrian regions were divided into areas under the control of the Syrian regime, and areas under the control of other armed forces.

By the end of 2013 the Islamic State in Iraq and Sham (ISIS) began describing itself as a faction supporting the opposition, but it soon declared itself a force controlling party that has its weight in the Syrian war, and started to gradually take over geographical areas in Syria.

This extremist organization recruited huge numbers of foreigners, named Muhajirin [migrants in Arabic]. These foreign fighters entered Syria illegally and soon after settling in Syria they started to integrate in the communities in which they settled. Among the forms of integration was marrying Syrian women due to the population's fear of them as they had arms and power over the indigenous populations, or due to the economic need of the population who suffered from dire economic and livelihood circumstances.

However, with the decline in the control of this extremist group over Syrian territories, and the flight and death of most foreign fighters after the military operations, the problem of the wives and children of these fighters began to appear, particularly regarding their legal status. Hence, this research seek to achieve the following:

#### **RESEARCH OBJECTIVES:**

1. To identify the current situation of Syrian women married to ISIS fighters.
2. To identify the factors that contributed to the marriage of Syrian women to foreign fighters.
3. To identify the challenges or conditions faced by women after the loss of their husbands (being arrest or killed)
4. To study the children's legal and social conditions.
5. To reach results and provide recommendations and solutions to organizations working on the issue of children, especially legal organizations.

## **RESEARCH METHODOLOGY AND INSTRUMENT:**

To achieve these objectives, this research adopted the descriptive analytical method, using the interview tool in order to delve deeper into each individual case, and to find out the legal difficulties faced by these women and their children in society.

## **THE RESEARCH SAMPLE:**

The research sample was determined to be 21 Syria ladies who married ISIS fighters during the period it was in control in the countryside of the Syrian province of Aleppo, in two areas: Al-Bab, Bazaah, Jarablos, Qabasin, Afrin; and inn areas in the province of Idlib. The interviews were conducted over the phone due to the COVID19 situation and due to the difficulty in direct access to the research subjects.

The research included a theoretical framework that included several paragraphs; Chapter One was about Syrian women under the circumstances of the popular protests in Syria, and it dealt with the situation of women in general and the difficulties they encountered both from the former Syrian regime, from ISIS, or other parties. Then, it addressed the status of women in the Syrian law, as they suffered from discrimination with regard to nationality and whether their children are entitled to it. The second chapter addressed to the legitimate rights of the child according to the Convention on the Rights of the Child and according to the United Nations, and the status of a child with unknown parents according to the Syrian law.

## **RESEARCH OUTCOMES:**

- Regarding the fate of the research subjects' husbands, 11 women indicated that their husbands were killed in the fighting or bombing. 5 women said their husbands were detained in Syrian Democratic Forces prisons in eastern Syria. 3 women answered that they are wives of missing persons that they do not know anything about, and one woman said that her husband was detained in his native country (Saudi Arabia)/ There was only one lady who was married at the present time.
- The largest percentage of women, sixteen women, have not been forced into marriage, and that they gave their consent to the marriage. The motivation, as I mentioned, was that most of them were living in difficult conditions. Three women indicated that they got married to escape from the oppression of the family, and because they believed that marriage was their only refuge.

- The marriage procedures started with betrothal, and then the religious wedding ceremony (the ceremony establishing the religious marriage contract) at home in the presence of a sheikh. Then, the contract was registered at the Sharia Court affiliated with ISIS, to obtain the marriage “documents.” Although in all cases it was known that these documents were not official, and that their rights is not reserved, there were no other options available in that period.
- All women moved between several cities, and lived a frightening life for the duration of the marriage because of the shelling and fighting and instability, which has had a psychological impact that was too big for them because of the narrow circle of acquaintances in the areas that went to, and because of the restrictions not to go out unless they had a chaperon, which was not available because they were far away from the place of residence of their parents. Their husbands were not often at home, and were absent for days, especially in the days of intense battles.
- The research subjects do not have anything to prove their marriage currently. However, most of them said that they had had documents before, but they tore them up before going out of the areas controlled by ISIS for fear of being arrested by the Syrian Democratic Forces, or being charged of collaboration with the extremist organization, ISIS, and to avoid having to stay in the camps that they described detainment facilities.
- The challenges faced by the women in the sample after their husbands fled or got killed included the fear of the unknown, waiting to know the fate of their husbands who were absent for a period of time before knowing by chance, or through other women that he was killed and left them in an unstable region, and the fighting and shelling does not cease. Thus, they were left alone with young children, and some of them were pregnant and without a breadwinner. In addition, they mentioned economic challenge during their escape from the areas controlled of ISIS.
- In general these women were thinking about how they will return to face the community and parents after the loss of their husbands and having children without any documents. Their suffering began at the attempts to register the

parentage of the children without official papers for the nationality of the father. They bear a great burden in raising the children and taking care of them in poor economic conditions, which makes them vulnerable to exploitation.

- All the children from the sample were not enrolled in public schools, and were not entitled to having any papers of identification to prove their nationality and identity, but there were some children under the age of six studying at private schools due to the easy registration procedures, and thirteen children of who were home-schooled.
- Bullying is a form of harassment that the children and their mothers undergo. They are often described as young ISIS members, and their mother are called ISIS wives.
- The most important steps that deemed necessary in this research paper to deal with the issue of these children is to deal with them as orphans and not as ISIS members, and to do a comprehensive census to find out the number of women and children. They should be registered in the official civil registry directorates. Special centers should be established to take care these women and children, and give them education, and health insurance. The children whose fathers are known should be registered by communicating with the relevant embassies. In addition, community awareness should be raised about these children, and it must be made clear that these children are innocent.

