

April
2020



Suspended

Syrian women
suffering due to
the inability to end
the **divorce procedures**

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Free Syrian Lawyers Association



The Free Syrian Lawyers Association is a non-governmental, non-profit, legal and rights concerned organization that aims to build a society based on justice and governed by law through raising awareness and establishing concepts of justice, democracy and human rights.

The Free Syrian Lawyers Association aims to build an effective legal system that guarantees justice for all social groups, especially the marginalized.

The Free Syrian Lawyers Association works to make justice a reality for all Syrians because only justice can bring permanent peace to Syria, whereas it aims to form a state of justice, sovereignty of law, democracy, and human rights in Syria.

Syrian women protection network



The Women's Protection Network is a gathering of civic, non-political, non-partisan, and non-profit organizations that aim to support and empower women in all fields.

Founded July 31, 2019, headquartered in Turkey - Hatay - Antakya. we seek to expand it through several branches inside and outside Syria.

Area of operating: All places that host Syrians.

vision: Syrian women reaching decision-making positions through their active participation in the renaissance of the country.

Aim: Supporting and empowering Syrian women in all fields.

Motto: Thought creates protection.



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Terms:

Divorced woman: whenever we mention "divorced woman" in this report, we mean the woman who separated from her husband, but her divorce procedures are not completed.

Executive Summary:

Reports and statistics issued by international human rights organizations and bodies indicate that there are huge numbers of Syrians who have been forced to leave their home areas to become internally displaced or to take refuge in other countries, as the Syrian Observatory for Human Rights¹ estimates the number of internally displaced people to 6.6 million people, while the number of refugees was 5.6 million people who are mostly located in neighboring countries, especially Turkey, which hosts between three million and a half and four million refugees. Syrians living in areas that are out of regime's control inside Syria, whether they are IDPs or members of the host community suffer many difficulties related to their inability to reach the official state departments to obtain ID documents they need or to document any changes in their personal status such as marriage and divorce contracts, because the Syrian regime closed many official departments in areas out of its control. Refugees also face many difficulties, especially because many countries stopped the diplomatic missions affiliated with the Syrian regime, and the rest of these missions require many documents (that refugees cannot obtain) to complete the required procedures for registering personal status documents such as marriage and divorce. There is no doubt that these difficulties are more difficult for the most vulnerable groups, especially the divorced women.

Based on the above, given the importance of registering marriage and divorce contracts and the consequent legal problems resulted from not registering them at the official authorities in addition the loss of the rights of the wife and children, we have conducted this study, which aims to research the situation of divorced women residing in Turkey and to know the percentage of marriage and divorce contracts registered at the official authorities, and to identify the most prominent procedures used to register marriage and divorce contracts in addition to know the negative effects of not registering them on both the wife and children. The study also aims to reveal the difficulties and challenges faced by divorced women on the economic and social levels.

The study was conducted during December 2019 and covered three states in Turkey: Gaziantep, Antakya and Mardin, which host high numbers of Syrian refugees. The study included interviewing 3 experts who are Syrian lawyers residing in Syria to know the provisions of marriage and divorce contracts stipulated in the Syrian law, and to benefit from their expertise and experience of their work in Turkey and their knowledge of many cases of divorced women living in Turkey. The study also included interviewing a Turkish lawyer to know the provisions stipulated in the Turkish law. 16 Syrian divorced women who live in the study areas were also interviewed using an in-depth interview guide with closed and open-ended questions to accurately identify their personal experiences and the difficulties they are facing at various levels.

The study has encountered some difficulties which essentially were that many divorced women refused participating in the study because of their lack of awareness of the importance of the study and the importance of the results that will be concluded, in addition to their fear that they will be harassed if they share their experiences, knowing that they have been informed that their names and information will remain confidential. The study revealed that there are many obstacles that hinder the ability of divorced women to register their marriage and divorce contracts at the Syrian or Turkish

¹ The Syrian Observatory for Human Rights is a UK-based monitoring group.



authorities. The most prominent of these obstacles is the inability of divorced women to afford the expensive costs of registering these documents in light of the poor financial conditions of the vast majority of women, in addition to the absence of bodies or human rights organizations concerned with women's issues and providing legal assistance and advice to women, in addition to the difficulty of obtaining official documents required by the Syrian consulate in Istanbul or by the Turkish government to register marriages and divorces, as the Turkish authorities only accept the documents issued by the Syrian regime.

This study showed a low degree of awareness among women of their rights and what procedures is to be followed to demand registering marriage and divorce cases. Regarding financial conditions, divorced women face the difficulty of getting a job because they do not have the necessary scientific and practical experience and qualifications. On the social level, women suffer from the negative perspective of society and the false inherited customs and traditions that blame women and hold them responsible for separation.

Based on the above, we recommend increasing the support provided to human rights bodies and organizations concerned with women's issues and help them to follow the procedures for registering marriage and divorce contracts by providing them with legal advice, in addition to training cadres of Syrian lawyers and subjecting them to training courses on marriage and divorce provisions stipulated in Turkish law to enable them to represent divorced women, in addition to the need to work on raising the level of awareness among women of their rights and the procedures they need to follow by increasing the number of awareness sessions and providing psychological support to them, and targeting society in general and the family in particular with awareness sessions to correct prevalent societal misconceptions, and should work to enable women to enter the labor market by subjecting them to training courses and vocational rehabilitation programs and supporting small projects that target divorced women.

Key findings:

- 1- With regard to registering marriage and divorce contracts:
 - A- Syrians residing in Turkey can register their marriage and divorce contracts at both the Turkish and Syrian authorities.
 - B- The first method to register marriage or divorce contracts is to travel to regime-controlled regions and file a case at the competent court.
 - C- 81% of the women participating in the study indicated that they had left Syria illegally, while 94% of them indicated that they were unable to travel to regime-controlled areas for fear of arrest.
 - D- Divorced women can appoint a lawyer who resides in regime-controlled areas or an expeditor, but this method involves many risks and the possibility of women being victims of fraud. Divorce and marriage contracts can be registered by bribing employees of the official departments and authorities.
 - E- 75% of the husbands of the study participants left Syria illegally.
 - F- The most common way to register marriage contracts for Syrians residing in Turkey is by visiting the Syrian Consulate in Istanbul and making a power of attorney for a lawyer residing in regime-controlled areas to follow the procedures for registering marriage and divorce cases.
 - G- The costs of registering marriage and divorce contracts through the Syrian consulate are high, as the cost of scheduling an appointment at the consulate through a broker is 250 USD on average, while the fees of the power of attorney are 150 USD, while attorneys' fees in Syria range from 700 to 1,500 USD.



- H- Syrians who want to register their marriage contracts at the Turkish government are subject to the provisions stipulated in Turkish law, the same as Turkish citizens.
 - I- Turkish authorities only accept official documents issued by the Syrian government.
 - J- About two thirds of the study participants indicated that their marriage contracts were registered at the Syrian government.
 - K- 46% of the participants who registered their marriage contracts at the Syrian government do not have the official documents that prove they did at the present time.
 - L- 82% of the participants who lost official documents that prove their marriage are currently unable to obtain alternative documents.
 - M- 88% of the study participants indicated that their marriage contracts were not registered in Turkey.
 - N- 43% of the women participating in the study were verbally divorced.
 - O- The initial fees for the divorce procedures at the Turkish government are estimated at 265 TL, while the lawyer's fees range from 3000 to 5000 TL.
 - P- The majority of Syrians residing in Turkey are unable to obtain the official documents required by the consulate or the Turkish authorities to register marriages or divorces.
 - Q- Poor financial conditions of the majority of Syrians living in Turkey, especially divorced women make them unable to register marriage or divorce contracts.
 - R- Divorced women suffer a low level of legal awareness and lack of knowledge of the procedures that must be followed to register marriage and divorce contracts.
 - S- There is a severe scarcity in the number of bodies and institutions concerned with women's issues and providing legal assistance and advice to divorced women.
 - T- Half of the study participants said that they had not taken any action to demand registering their divorce cases due to the lack of knowledge of what they should do or because they did not have the necessary documents to demand registering the divorce.
- 2- With regard to the difficulties faced by divorced women:
- A- Divorce results in many financial rights for the wife, the most important of which is the right to receive the deferred dowry, alimony, and child support.
 - B- Failure to register marriage and divorce contracts at the official authorities deprives women of their right to resort to the judicial authorities and claim their rights.
 - C- About three quarters of the study participants do not have knowledge of the rights that can be obtained if divorce is requested or registered.
 - D- All participants in the study indicated that the husband does not pay their monthly alimony.
 - E- One of the study participants indicated that the husband provided children support.
 - F- Failure to register marriage contracts at the Syrian authorities has many negative effects on children, the most important of which is depriving them of the right to citizenship.
 - G- Divorced women face many financial difficulties, which mainly is their inability cover living expenses.



- H- The main sources of income for divorced women are humanitarian aid or financial support provided by a family member.
- I- 50% of the divorced women started working after requesting divorce, while the percentage of women who were working before requesting divorce was only 12%.
- J- Divorced women suffer the difficulty of obtaining a work opportunity because they do not possess the necessary scientific and practical experiences to have jobs.
- K- 88% of the study participants said that they do not have any previous work experience and did not participate in any educational activity or training course before requesting divorce.
- L- Almost half of the participants in the study only completed the primary education stage.
- M- About two-thirds of the study participants said that they did not take any gold jewelry, gifts they received when they were married, or clothing when they separated from the husband.
- N- 50% of the study participants reside in an independent residence, 25% of them reside with the family or a family member, while the percentage of those residing in a shared housing or care home was 13%.
- O- Divorced women who reside in care homes face very difficult living conditions due to the restrictions on their mobility and depriving them of living in these homes if they get a job.
- P- On the social level, divorced women suffer society's negative perspective of them, and the problem of blaming them and holding them responsible for the separation.
- Q- 56% of the study participants said that they were subjected to a kind of social harassment or pressure from the community as a result of separation from their husbands.
- R- Various economic and social factors negatively affect the psychological condition of women.
- S- 56% of the women participating in the study want to marry again, but failure to register their divorce contracts prevents them of doing so.
- T- In 94% of cases, children live with their mothers, knowing that in 85% of cases fathers do not see their children.

Recommendations:

- A- Increasing the support of human rights bodies and organizations concerned with women's affairs and providing legal advice and assistance to divorced women who want to register their divorce contracts by appointing qualified lawyers to represent them before the courts.
- B- Working on intensifying awareness sessions that aim to raise awareness of divorced women about their rights and what procedures they must follow to register their divorce contracts.
- C- Working to alleviate the negative psychological effects that divorced women are experiencing by targeting them with psychological support sessions, and working to target society with awareness raising sessions about how to deal with divorced women.
- D- Rehabilitating divorced women to occupy available job opportunities by targeting them with vocational training courses and programs.



- E- Providing scholarships for divorced women to help them complete their education.
- F- Supporting women with small projects support programs to help them start their own businesses.
- G- Working to build residential complexes to provide free or minimal rent housing for divorced women.
- H- Conducting statistics to know the numbers of children who are not registered and working on registering them at the Syrian government to ensure that they have their rights, especially the right to citizenship.
- I- Providing financial and in-kind support to divorced women and their children.
- J- Coordinating the efforts of human rights bodies and organizations and demanding the Turkish government to accept documents issued by the Syrian non-governmental authorities.
- K- Providing legal training for Syrian lawyers residing in Turkey with the aim of increasing their knowledge of the provisions and procedures stipulated in Turkish laws.
- L- International legal bodies and organizations should work to enable Syrians residing in areas beyond the control of the Syrian regime to obtain the identification documents they need to complete their personal status issues and register their marriage and divorce contracts.

Methodology:

Objectives:

The study aims to research the situation of the divorced women residing in Turkey, and to determine the legal options available to them to register their marriage contracts or divorce cases at the official authorities in both Syria and Turkey, and to reveal the most important difficulties and challenges facing them on the various aspects such as social, financial and legal aspects, and highlighting these difficulties through:

- A- Knowing the legal procedures that divorced women must follow to register marriage contracts or divorce cases and the necessary documents for that.
- B- knowing the difficulties that prevent divorced women from completing the procedures for registering marriage, divorce, or obtaining official documents.
- C- Identifying the rights of women in the event of separation from their husbands in both Turkish and Syrian laws, and knowing the extent of their awareness and ability to claim these rights.
- D- Knowing the legal status of children in terms of custody, child support, and parents' rights to see them.
- E- Revealing the negative psychological effects of separation of the spouses on children.
- F- identifying the financial difficulties experienced by divorced women and their ability to meet their needs and the basic needs of their children.
- G- identifying the social problems experienced by divorced women that are related to the society's perspective of them and how it deals with them.
- H- Knowing the role of civil society organizations and organizations concerned with women's issues towards the issue of divorced women.
- I- Discussing possible solutions for following divorce procedures and document it formally.



Data Sources:

Based on the aforementioned objectives of the study, which attempt to reveal the legal options available to divorced women residing in Turkey to register their marriage and divorce contracts, and to identify the social and living difficulties they face, in addition to identifying the legal status of children, to achieve these objectives, the following data resources were used:

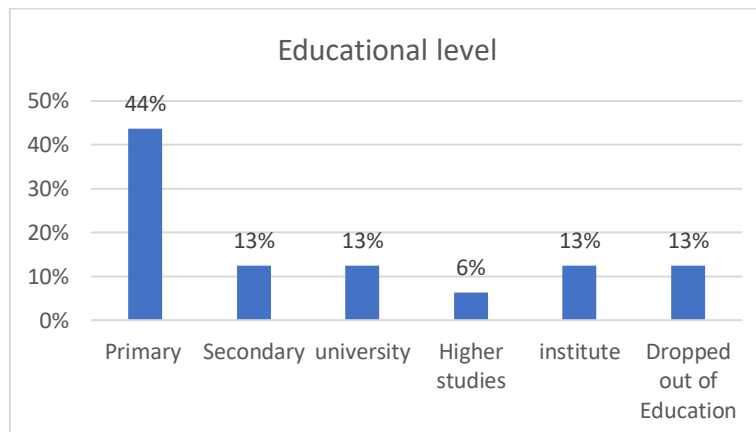
- A- Expert consultants who are Syrian and Turkish lawyers: to get an accurate understanding of the legal texts organizing personal status issues such as marriage and divorce in both the Syrian and Turkish laws, in addition to knowing the legal rights of both women and children in the event of separation and the procedures that must be followed to obtain those rights and to document the marriage or divorce at the official authorities.
- B- Divorced women residing in Turkey: in order to learn more about their personal experiences and know the most prominent difficulties and challenges that hinder their ability to register divorce, and the resulting problems at the social, financial and personal levels, in addition to determining their degree of awareness of their rights.
- C- Secondary data: Through perusing studies, researches and laws related to the current study.

Scope of the study:

The study was conducted during December 2019, and covered three states: Gaziantep, Antakya and Mardin, which host high numbers of Syrian refugees.

Sample method:

The study included a random sample of divorced women who reside within the targeted areas by interviewing 16 women using an in-depth interview guide that includes open-ended, closed-ended and semi-closed questions. we sought to take into account the diversity of the characteristics of the target group in terms of age, educational level, and financial status. The average age of the study participants was 33 years, whereas the oldest participant was 56 years old and the youngest one was 20 years old, in addition to conducting 4 interviews with experts (3 interviews with Syrian lawyers and an interview with a Turkish lawyer) using an interview guide that included a number of open questions.





Limitations:

The study encountered a number of obstacles and challenges during the data collection phase, which were as follows:

- 1- Although there are large numbers of Syrians in the targeted states, many women did not want to participate in the study, due to their lack of sufficient awareness about the importance of this study and their low confidence in study's ability to reach results that could contribute to correcting their legal status, in addition to some women's fear from the society's perspective of them, which prevented them from participating in the study, although data collectors have assured them that their names will not be mentioned in the results of the study. Due to the previous reasons, there has been a significant delay in the planned schedule for data collection, and we have only been able to conduct 16 questionnaires out of 20 questionnaires that were to be collected, knowing that there are many women who suffer the subject matter problem.
- 2- The difficulty of obtaining accurate information about the legal procedures available for Syrian women residing in Turkey in accordance with Turkish law, the study showed that Syrian lawyers in Turkey do not have sufficient knowledge of the procedures stipulated in Turkish law.

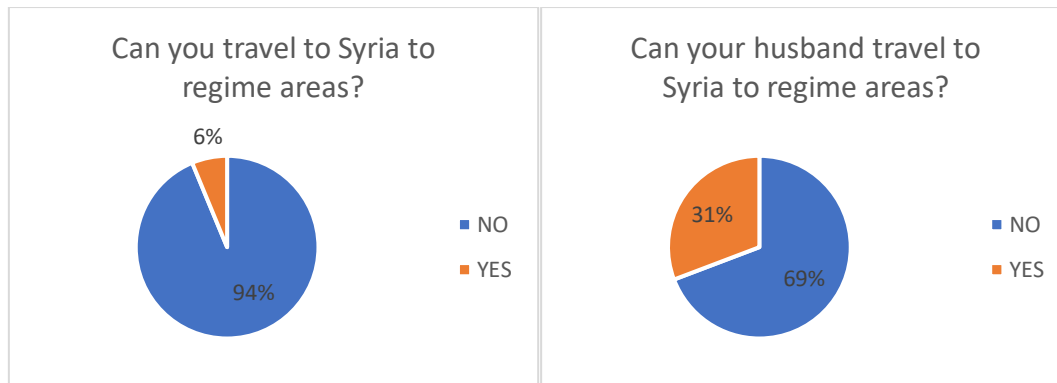
Findings:

First - Procedures for registering marriage and divorce contracts

The ongoing events in Syria have led millions of Syrians to leave their areas and take refuge in neighboring countries, especially Turkey, which hosts about three and a half million Syrians. During the years of the crisis many marriages happened, in which either both spouses were Syrians or one of them is Syrian and the other is Turkish, as there was also many cases of divorce, Syrian citizens can register their personal status documents such as marriage and divorce at both the Syrian government or the Turkish government according to the following procedures:

Registering Syrians marriage at Syrian government

Syrians residing in Turkey can register their marriage contracts at the Syrian government through several means, one of which is that they travel to regime-controlled areas within Syria and start following procedures for registering the marriage contract at competent courts. As for Syrians in Turkey, there are many obstacles that prevent them from following this method as the majority of the study participants (81% of them) said that they travelled out of Syria illegally, and cannot travel to regime areas now for fear of being arrested, even those who can travel to regime areas, many of them suffer poor financial conditions as they cannot afford the costs of travelling and filing claim of registering marriage, in addition to the fact that Turkish authorities do not allow Syrians to travel to Syria freely, as their ability to travel is mostly limited to holidays such as Eid al-Fitr and Eid al-Adha.



As for the second method, it requires the spouse to appoint a lawyer or an expediter who is located within regime areas to register the marriage contract at government authorities or pay bribes to employees in the official departments. It is worth mentioning that during the years of the crisis, many offices were opened in regime areas that work on obtaining the identification documents for Syrians and registering their personal status incidents, those offices promote their work through social media, but those offices do their work illegally and without a license, in addition to the fact that many of them practice fraud and embezzlement by taking the agreed fees and then refraining from registering personal status incidents or providing forged documents, taking advantage of clients' inability to resort to judiciary to hold them accountable, which makes divorced women residing in Turkey vulnerable to exploitation by the owners of those offices. It is worth mentioning here that Syrians' resorting to registering their marriage contracts through appointing a lawyer or an expediter or by paying bribes requires huge sums of money that the majority of divorced women cannot afford.²

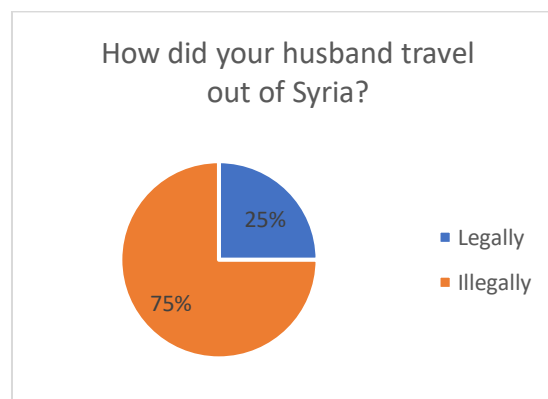
Finally, Syrians residing in Turkey can register their marriage contracts by visiting the Syrian consulate in Istanbul, and registering the marriage contract at the Syrian consulate requires following many complicated procedures, high costs and takes a long time to complete the procedures, according to the experts, registering a marriage at the Syrian Consulate requires the concerned person to schedule an appointment by getting a number ticket through one of the brokers in the area where the couple resides. The cost of getting this appointment number ticket varies between one broker and another, and its average cost, according to one of the study participants, is 250 USD, and then a legal power of attorney is made at the consulate for a lawyer who resides in Syrian city where the marriage contract is to be registered, which must be under the control of Syrian regime. The cost of registering the power of attorney at the consulate is 150 USD. One of the study participants mentioned that there are new procedures that allows visiting the Syrian consulate without a need for a broker, through scheduling an appointment online by visiting the official website of the consulate and filling an electronic form according to each type of applications and send it via email. It should be noted here that there is disagreement among experts about what the Syrian consulate does, some of them say that only organized legal power of attorney for one of the lawyers residing in the regime areas, while others say that they carry out the procedures of registering the Syrians marriages in Turkey and send legal papers to official departments in Syria to register the marriage contract. As for the documents needed to register the marriage contract, they are as follows:

² Syrians right to personal identification documents study report, Free Syrian Lawyers Association – INDICATORS Center 2019

- A- A certified copy of the civil registry entry and personal status of both spouses, provided that these copies are made and certified within the past three months from the application date.
- B- A medical report that confirms that the two spouses do not have communicable diseases or health problems that may prevent marriage.
- C- Marriage permit for military personnel and those who are of compulsory service age, knowing that on the 2nd of July 2010, Law No. 62 was issued, which included exempting expatriates from obtaining marriage permits from the competent recruitment departments, accordingly, the expatriate citizen is not required to submit a marriage permit issued by the recruitment departments.
- D- The suitors must reach the age of majority (the eligibility of marriage is completed for males by the age of eighteen and for females by the age of seventeen).

In view of the aforementioned required documents, we note that there are some difficulties represented by the inability of many Syrians to obtain the official documents that they need from the official state departments, especially passports, whereas passports copies are prerequisite for registering the marriage with the Syrian Consulate, knowing that three quarters of Syrians in Turkey do not possess passports and are unable to obtain them.³

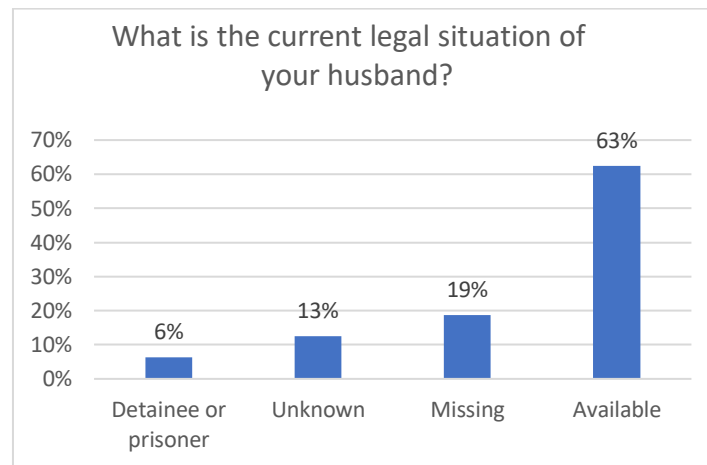
Moreover, although Law No. 62 of 2010 exempted expatriates from obtaining approval from the competent recruitment departments, the majority of young Syrians have left Syria to Turkey illegally, therefore, they are not registered at the Syrian government as expatriates.



Based on the above, we find that there are many obstacles that prevent Syrians in Turkey from completing the process of marriage registration in Syria, the most prominent of which are the inability of the majority of Syrians to travel to regime areas for fear of arrest, the high costs of registering marriage contracts and the difficulty of required procedures for marriage registration, and these difficulties increase for divorced women due to the low level of legal awareness and lack of knowledge of the procedures that must be followed to register marriage contracts, in addition to the poor financial conditions that hinder their ability to seek legal advice and assistance from a lawyer in Turkey, and these obstacles are getting more difficult in light of the

³ Syrians right to personal identification documents study report, Free Syrian Lawyers Association – INDICATORS Center 2019

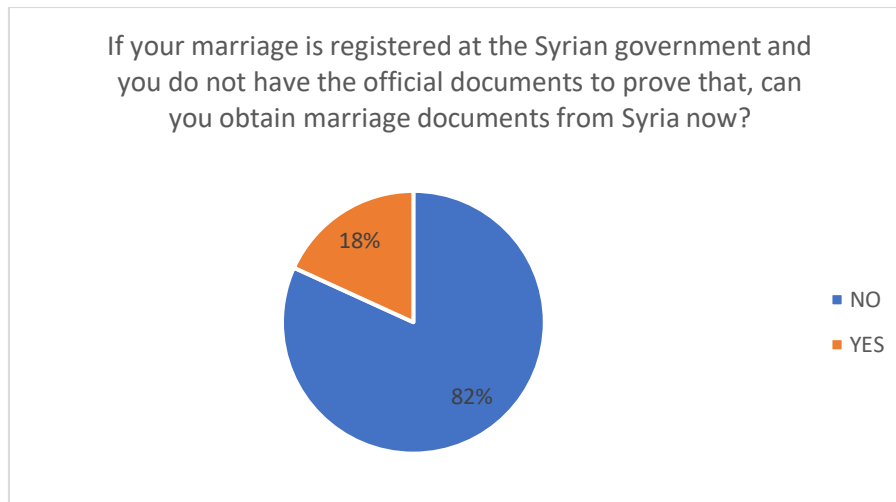
intransigence of the husband in many cases, and his refrainment from registering marriage or because his location is unknown.



Registering Syrians marriage at the Turkish government:

Syrians residing in Turkey can register their marriage contracts at the Turkish government, and they are subject to the provisions of Turkish law, whether the parties (husband and wife) are both Syrians or one of them is foreign, knowing that the provisions of marriage in Turkey differ significantly from provisions in Syria both in terms of the provisions of the document, its dissolution or its validity, as the provisions of the marriage contract in Turkey are civil provisions while the provisions of that document in Syria are Sharia provisions, and Turkish law does not allow polygamy.

The steps that the spouses must follow to register their marriage contract at Turkish authorities differ if they previously registered their marriage at Syrian government or not, so for those who have an official marriage contract issued by the Syrian authorities, they can resort to the Turkish family courts “municipalities” and register their marriage contract, even if their marital status at the Immigration Department is (married). It should be noted here that Turkish authorities only accept the official marriage contracts issued by Syrian government, which causes difficulty of registering marriages in Turkey for the Syrians who married in liberated areas where Syrian regime closed all government departments including courts and civil registry departments. Although nearly two-thirds of the study participants said that they had registered their marriage contracts at Syrian government, but 46% of them do not currently possess the papers that prove they are married because of being lost during the displacement journey or being damaged as a result of the bombing on their areas, knowing that the majority of them are currently unable to obtain these documents.



In the event that the spouses do not possess an official marriage contract, then the marital status of both spouses at the Department of Immigration and as registered in the temporary protection card (Kimlik) must be registered (single), and if the marital status of them is not single (married - widowed - divorced) then it is necessary to change the marital status first to (single), and then obtain an official document from Syria proving that, to submit it with the documents related to marriage registration, knowing that this paper should be certified by the Syrian consulate, and the reason for this is because many Syrians forged the seals of the Syrian consulate, therefore, the Turkish authorities now require authenticating this document from the governor of Istanbul, and as for the papers required by family courts to register the marriage contract, they are as follows:

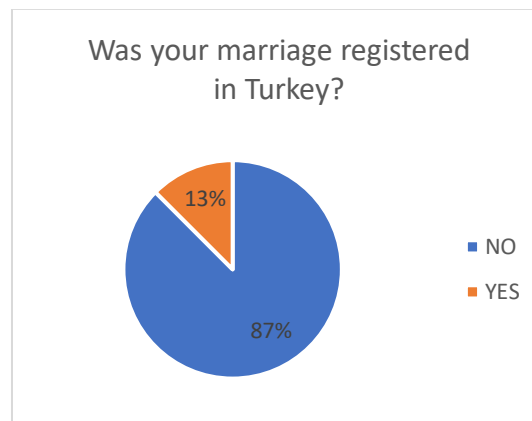
- A- 4 personal photos for each of the spouses.
- B- A copy of the temporary protection card (Kimlik) for each of the spouses, or a copy of the residence card (valid copy) with a translated and certified copy of the passport.
- C- A copy of civil registry entry (Nufustan adres) for each of the spouses, which can be obtained via the State website (e-devlet) on the internet browser or mobile phone application.
- D- Bachelorhood document (Bekarlık belgesi) for each of the spouses, which can be obtained from the Immigration department.
- E- A medical report from the hospital for both spouses certifies that there is no health problems that prevent marriage.
- F- Marriage contract fees (98 TL).

It is worth mentioning here that with regard to the holders of tourist residence tickets, they must first translate the passport and authenticate it from the notary public (notarization) and provide photos of the residence tickets provided that they are valid, and instead of the bachelorhood document, there is another procedure according to what the journalist Obadah Abdel Salam explained in an interview with Gairoun who registered his marriage at the municipality of Gaziantep, as he said, " Because I do not have a temporary protection card (Kimlik), and since I have a tourist residence ticket, I brought a copy of individual's civil registry entry exclusively from Syria, which is certified by the Ministry of Foreign Affairs, then I went to ratify it at the consulate in Istanbul, where I paid a fee of about 50 USD. Two days later, I received the civil registry entry, translated it, ratified it and had it signed by Istanbul governor, and finally

submitted it as a substitute for bachelorhood document, which is given to holders of temporary protection card (Kimlik).⁴

Having prepared all required documents, spouses visit marriage department at the municipality, once all papers are checked and ratified, they fill a marriage application form and the marriage ceremony is scheduled provided that there are two Turkish witnesses, whereas the spouses get married and receive a family book.

Because the Turkish government require many documents, some of which must be obtained from Syria despite the difficulties to obtain them, we find that a large number of Syrians do not register their marriage at the Turkish authorities, but instead, they resort to marry and register their marriage at one of the clergy (sheikhs), knowing that the Turkish law does not accept such a method.



It should be noted that registering marriage in Turkey does not cancel the necessity of registering it in Syria, as Syrian authorities do not register the marriage or the children once the marriage gets the Turkish family book, but this book is only considered as a document that can prove the occurrence of the marriage, and must be registered in Syria according to the aforementioned procedures.

Finally, with regard to registering marriage contracts, it should be noted that there are many cases in which marriage contract cannot be registered neither in Syria nor in Turkey, because the wife did not reach legal age for marriage, as the phenomenon of early marriage has dramatically spread during the years of the crisis as parents marry off their daughters for many reasons, including the poor financial condition of the family. In such cases, the law does not allow registering the marriage contract, since the legal age for marriage in Syria for a girl is 17, while in Turkey, the marriage age is the same for both men and women, which is 18, but you can register the marriage contract at the age of seventeen under the consent of the guardian, and at the age of sixteen under parent and the judge's consent.

Procedures of registering divorce cases in Syria:

According to Syrian law, Divorce may take place in several methods; it can either be based on the sole will of the husband or the mutual consent of both spouses and in this case it is called consensual divorce, or one of the spouses may refer to the court and demand a judgment of separation in the event of any legally stipulated causes, and the most prominent of which are the absence, the husband's imprisonment, the disease, or the marital dispute (which is a strong disagreement between the spouses), and in all

⁴ An interview made by Gairoun Media Network with journalist Obadah Abdel Salam



cases, Syrians in Turkey must follow the procedures specified by the Syrian Consulate in Istanbul to complete the divorce procedures, the first of which is that the concerned spouse attends in person with the following papers:

- A- A valid passport with two copies of the first and second pages, or Syrian ID, along with two copies of it.
- B- Two copies of the lawyer's ID.
- C- Personal information about the husband or wife (a copy of the passport or ID).
- D- Foreign residence ticket with two copies of it.
- E- The fees including the fee for organizing the special power of attorney which is specified by the Syrian consulate in Istanbul, and the consular registration form.

In the Syrian consulate, a lawyer who is within Syria is appointed with a special power of attorney to follow up on the divorce procedures, according to experts, the costs of the lawsuit vary from one lawyer to another, as there are no fixed costs for it, but it ranges between 700 and 1500 USD, and the period from filing the case until obtaining a divorce contract is two months from the time the divorce power of attorney papers arrive to Syria in case of mutual consent of both spouses to divorce, but in other cases it ranges from six months to two years, depending on the type of divorce and the legal status of the husband.

Returning to the results of this study, we find that Syrian women residing in Turkey are unable to register divorce, bearing in mind that verbal divorce occurred in 43% of cases, due to many reasons, most prominent of which is the lack of knowledge among women about the required procedures to register divorce cases, the poor financial conditions of divorced women, and their inability to cover the costs of making power of attorney at the consulate or ability to pay the lawyer and case's fees, knowing that these expenses increase if the marriage contract is not registered, which means that they have to register marriage contracts first.

[Procedures of registering divorce cases in Turkey:](#)

Divorce provisions differ according to Turkish law from those stipulated in Syrian law, as Turkish law provides that women are considered equal to men in terms of rights, and there is no guardianship of men over women, therefore, both spouses can apply for divorce, and Syrians in Turkey are subject to Turkish law provisions the same as Turkish citizens. Divorce procedures require that the marriage contract have been registered at the marriage offices of the municipality, or that the marital status is registered in the Immigration Department as (married). Syrians who want to register a divorce at the Turkish government must follow these steps:

- A- Visit the family court in the jurisdiction of which one of the spouses lives or where the couple previously lived.
- B- Submitting an application form explaining the reasons for requesting a divorce (you need a lawyer to draft the application).
- C- It is possible to apply for free legal assistance if the spouse is unable to afford the lawyer's expenses.
- D- If the spouses have children, they must apply for child custody, and judge's decision in this regard will be in the best interests of the child.

Divorce that takes place with the consent of both spouses is called a consensual divorce (based on a mutual consent), where both spouses agree to the divorce and apply to register it at the competent court. In this case, Turkish law stipulates that the couple have been married for a year at least, and divorce procedures take a maximum of two



months, but in case one of the spouses disagree about divorce, then it is called divorce based on marital dispute, and one of the spouses submits the divorce application to the court and several sessions are held (starting with notifying the other party), during which the statements of both parties are heard and a decision is taken regarding whether the terms of the divorce are fulfilled or not. In this case, procedures take longer, as it may last for two to three years (including the cassation and appeal) until a final decision is reached.

The initial fees for the divorce procedures in 2020 are estimated at 265 TL, and in the case of appointing a lawyer, his fees range from 3000 TL to 5,000 TL according to what the Turkish expert said, and that depends on what the client and the lawyer agree, while one of the Syrian experts said that the costs of appointing a lawyer range from 5,000 TL as a minimum and could reach 15,000 TL, which may reflect the low level of awareness of Syrian lawyers in Turkey about the costs and procedures for registering divorce cases.

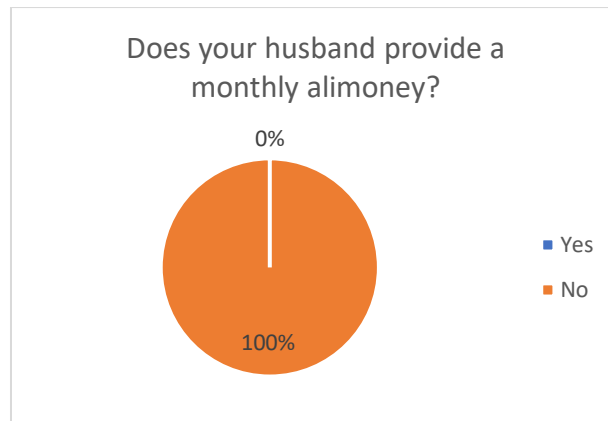
Second – Problems faced by divorced women in Turkey:

Negative effects of divorce on both spouses and children on the psychological and social level are known to everybody, and the severity of these effects increases in the case of the divorced women residing in Turkey, as failure to register marriage and divorce contracts results in many legal problems in addition to economic and social difficulties, therefore, we will list the most prominent of these problems and challenges:

Consequences of failure to register marriage and divorce contracts legally:

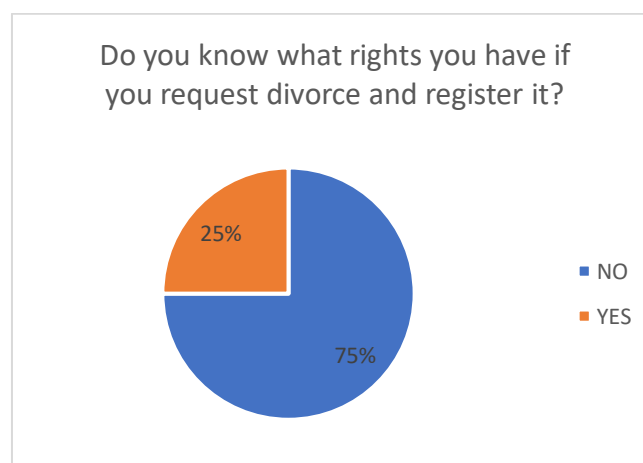
Marriage and divorce contracts are like other contracts, as they result in corresponding obligations for each of the two parties to the contract. The effects of the marriage contract are divided into two types, which are effects resulted from legislator's stipulations, which are uniform effects that do not affect the identity of the contracting parties because they are determined by law, and effects resulted from the contractors, in which each of the parties has the right to stipulate certain conditions within the contract. The Syrian law has stipulated many rights for the woman to be guaranteed by the husband under the marriage contract, including dowry, as Article 51 of the Syrian Personal Status Law stipulates that (the wife is to receive a dowry once a correct marriage contract is made, whether the dowry was specified when the contract was made or not, or even if it was originally annulled), and the dowry is not a basic element or a required condition for the marriage contract validity, but it is one of its consequences, therefore the contract is considered valid even if the couple did not specify the dowry, and in this case, the wife is entitled to a proper dowry which value is specified according to the prevailing customs. Since the dowry is not a basic element for the marriage, the husband can pay all or part of it when they make the marriage contract, and it is also possible to defer paying all or part of it, and in this case it is deferred until death or divorce.

Besides the dowry there are many financial rights for the wife over her husband, including marital alimony, and in the case of divorce, the law also stipulated a set of rights for the woman, including the right to claim the deferred dowry and alimony and child support in addition to many other financial rights. Therefore, not registering marriage and divorce contracts would deprive a woman of her right to resort to the judicial authorities to claim the rights granted to her by the law. All the study participants indicated that their husbands do not provide their monthly alimony, and only one participant indicated that the husband pays the child support.



Also, not registering marriage contracts would have many negative effects on children such as the inability of the divorced woman to register her children at the official state departments in Syria, which deprives them of their right to citizenship, knowing that women can prove her husband's paternity of their children, but this is done by filing a lawsuit at the Syrian courts. As for registering children at the Turkish authorities, it is possible even if the marriage contract is not registered at the Turkish family courts, by applying for the Immigration and Civil Registry Department.

Despite the importance of registering marriage and divorce contracts, we find that half of the study participants did not take any legal action to demand registering the divorce case, because they did not have enough money to initiate the divorce procedures or because they did not have the required documents to prove the marriage, in addition to many participants in the study do not know what procedures they should follow, as the majority of the divorced women residing in Turkey, according to what the experts said, do not have sufficient awareness of the laws governing divorce procedures, whether those stipulated in Syrian or Turkish law, also, the majority of divorced women do not have knowledge of the rights that they can obtain if their divorce is officially registered, all these problems occur in light of the weakness of initiatives and bodies concerned with women's issues and working to raise their awareness and provide legal assistance and advice to them, which is indicated by 81% of the study participants, knowing that the work of these bodies (if there are any) is limited to providing some psychological support and legal advice for women without taking practical steps to help women follow the procedures for registering divorce.

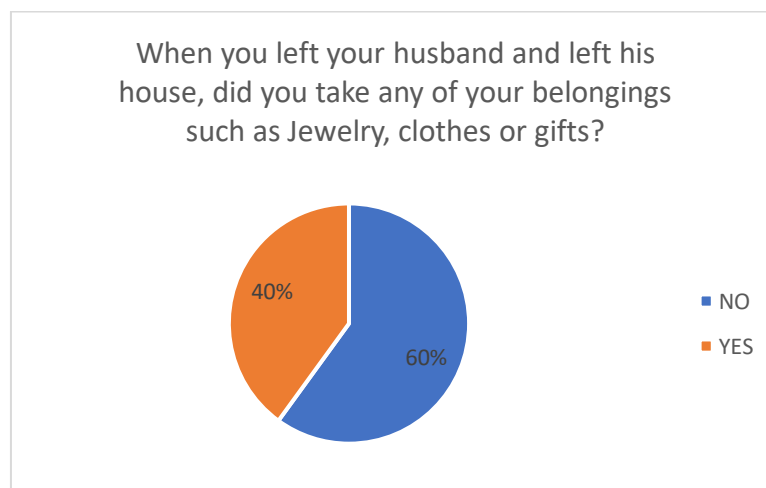


Financial issues:

Divorced women face many difficulties on the financial level, which is essentially being unable to provide money to cover life expenses for them and their children in light of the rising living expenses in Turkey, as the average monthly expenditure for divorced women is 1850 TL, The most prominent sources of income for divorced women are humanitarian aid provided by charity organizations and humanitarian organizations, or the money that these women receive from a member of their family, such as the father or brothers.

Divorced women suffer the difficulty of obtaining a job opportunity due to their lack of skills and scientific qualifications that qualify them to occupy job opportunities, as only about a third of the study participants have completed their post-secondary education (intermediate institute - university - higher studies) while about half of them have only completed primary school. Divorced women also lack practical experience since the majority of the study participants do not have previous work experience as 88% of them said that they did not have a job and did not participate in any educational activity or training course before requesting divorce, while the percentage of study participants who are working after requesting divorce reached 50%. It should be noted here that many working women mentioned that they experienced many harassment of employers, including extortion or sexual harassment or wage discrimination between them and other workers.

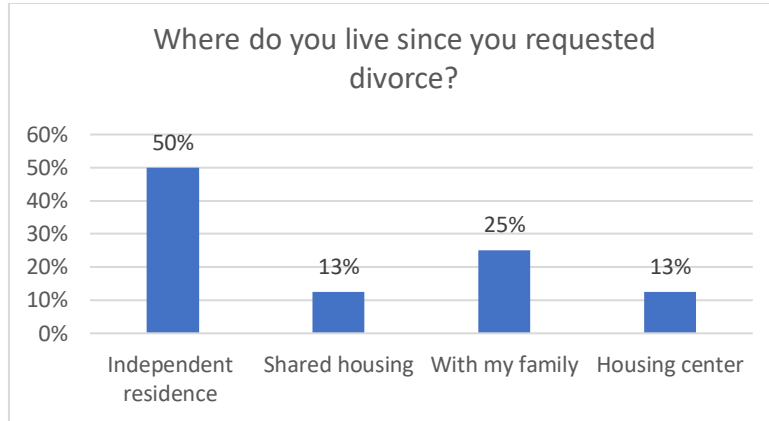
The suffering of divorced women increases as husbands refrain from paying alimony or child support in the vast majority of cases, and also due to not having any financial savings, especially that nearly two thirds of the study participants indicated that they did not take any gold jewelry, gifts they formerly received, or clothes when separating from their husbands.



The deterioration of the economic and financial situation of divorced women is clearly reflected in the housing conditions in which the divorced woman and her children reside, by having to live in a shared housing or with a member of her family, or searching for a separate house in one of the remote areas away from the cities centers where the house rent in those areas is low and divorced women can afford, but they may be exposed to many risks such as theft or harassment, but women who are unable to cover housing expenses, they are forced to live in divorcees and widows care homes, knowing that these care homes impose major restrictions on the freedom of women, as they cannot get out of it without filling a form and specifying the date of departure and return. Also, if a woman could get a job opportunity, she must leave the care home, as



she is considered ineligible of housing in this case, regardless of the number of family members or the amount of the monthly income that she gets from her work and the extent of its adequacy to meet her living needs, also, care homes do not provide enough money to support the woman and her family, therefore many women are forced to borrow money.



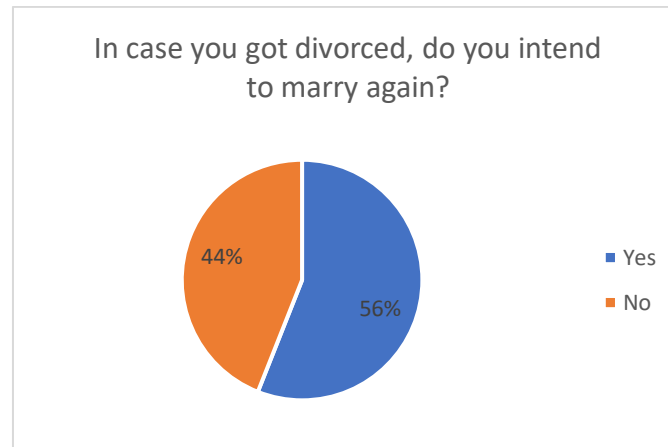
Social issues:

Syrian society is generally an oriental conservative society governed by customs and traditions, and men are given preference over women, the thing that makes them more important and reduces the significance of their mistakes, therefore, women are blamed in most of the cases of separation for not being able to maintain their marriage, whereas in accordance with the customs and traditions, women must sacrifice for the sake of the stability of the marriage and to preserve the children's future, and they must try to cope with the husband and his tempers no matter how bad it is, turn a blind eye to ill-treatment she is subjected to, therefore, we find that divorced women suffer the negative society perspective about them and they are held responsible for divorce without taking into account the circumstances that led to it. The most common comments according to study participants are the following: "If you were a good woman you would have never left your family" and "This is the situation of all women and all of them were patient in order to preserve their families".

Some divorced women also suffer ill-treatment of their parents, or from a state of isolationism because people do not socialize with them, as one of the participants mentioned that one of her confidante friends started avoiding her after separation for fear of ruining her marriage.



The problem of not registering divorce contracts impedes divorced women from the ability to move forward and marry again if they were engaged, in this case, it is not possible to register new marriage contracts at the relevant authorities, whether in Syria or Turkey, knowing that more than half of the study participants said that they want to marry again, but the failure to register divorce contracts hinders them.



All of the aforementioned social and economic factors and difficulties greatly affect the woman's psyche, and cause low self-confidence and make her vulnerable to a state of depression if assistance is not provided to her to overcome the pressures she is exposed to, and experts suggest that it is necessary to work on targeting divorced women with psychological support campaigns, and the intensification of awareness-raising workshops that seek to raise awareness of divorced women, their families and society as a whole of divorced women's rights and how to deal with them.

Third – Children custody

Custody is considered a right of the child's, which the law has established to protect him and his interests, and to ensure that he is psychologically, physically, and intellectually raised properly. The Syrian law has stipulated custody for the mother, but it can be annulled in some cases, such as the lack of required conditions established by the law in accordance with Article 137 of the Personal Status Law which are:

- A- Sanity.
- B- Puberty and not having serious infectious diseases.
- C- The ability to raise and care for children, and preserve their health and manners.
- D- Not to be formerly convicted for an honor crime.

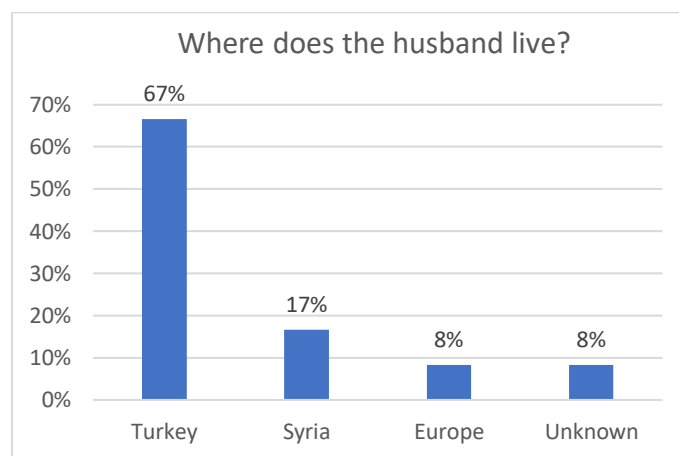
According to Article 146 of the Personal Status Law, custody ends when the child is 15 years old, whether male or female, and at that time he can choose which parent to live with, and the other party can see children in one of two ways, either by prior agreement between the parties or through controlled visits centers, with regard to child support, the judge determines it based on the financial condition of the husband.

As for Turkish law, the child needs custody unless he is over eighteen years old, and adjudicating the issue of custody is a capacity of the court, which always seeks to preserve the child's welfare and good living conditions, and when taking its decision, it takes into account the child's age and psychological, physical and emotional state, and the social and economic situation of both parents is taken into consideration, knowing



that the court often provides custody of the mother in the event that the child is young, and the mother’s religion or nationality does not affect the court’s decision, and the mother can voluntarily grant custody to the father and in this case she cannot regain custody again, and the other party is allowed to see the children in the Eids and official holidays.

Returning to the results of the study, we find that 94% of the study participants said that their children live with them, and children, whether they are in the custody of the mother or the father, suffer the negative psychological effects resulting from the separation of the parents, and they have the feeling of deprivation, as most of the study participants said that children are constantly asking about their father and comparing themselves to other children: “why all children have a father and we don’t?” while some participants indicated that their children have become accustomed to the absence of their father for many reasons, including the fact that father does not see his children in 85% of cases although two-thirds of the husbands reside in Turkey as well.



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