



IN SEARCH OF SOLUTIONS:
ADDRESSING STATELESSNESS
IN THE MIDDLE EAST AND
NORTH AFRICA



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UNHCR/Christopher Herwig
New born Syrian Refugees in Jordan

FOREWORD

Over 10 million people are stateless worldwide, with a profound impact on countries in the Middle East and North Africa (MENA) region. While MENA is home to several historically stateless populations, the region has substantially reduced the number of stateless persons in 2010 and 2011, respectively in Iraq and Syria.

For stateless people, the lack of any nationality is not merely the lack of a legal status or document. It is a condition that deprives them of the basic rights that most of us take for granted. Addressing statelessness is a strategic priority for UNHCR both globally and in MENA, where conflict and instability have created new risks of statelessness.

As the conflict in Syria enters its sixth year, the region hosts 4.8 million Syrian refugees, and 13.5 million persons in Syria itself remain in need of protection and assistance, including some 6.5 million internally displaced persons. In the midst of the crisis, stateless people may not even have documents to prove their identity, further compromising their daily survival and ability to find safety.

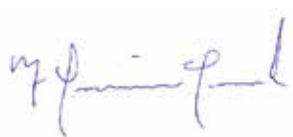
Over 300,000 Syrian children have been born in exile since the onset of the crisis, beginning their lives as refugees. Displacement on this scale is characterised by increased family separation and gaps in birth registration, a situation that could leave displaced children with no means of proving their parentage or their Syrian nationality.

Longstanding traditions in the region recognize the right of all children to belong, to enjoy their rights to family life and unity, and to have a name, a legal identity and a nationality. Governments, together with UNHCR and other partners, are bringing together all relevant sectors within the Regional Refugee and Resilience Plan (3RP) to uphold these principles and build a comprehensive response that safeguards the future of Syrian children and their families.

Consistent with the global #I Belong Campaign to End Statelessness worldwide by 2024, this report highlights the good practices of States, civil society organisations and UN agencies in preventing and reducing statelessness in MENA, including in the specific context of Syrian displacement.

Statelessness is a long-standing issue in the region, but one we can solve together if we act now and in concert. We should not let more people risk becoming stateless, nor wait to take action on helping those who are already stateless.

Amin Awad



DIRECTOR

UNHCR Bureau for the Middle East and North Africa

EXECUTIVE SUMMARY

Over 10 million people are stateless worldwide,¹ with no region of the world untouched by the issue. For stateless people, the lack of a nationality deprives them of rights that the majority of the global population takes for granted. They are denied a legal identity at birth and often refused education and opportunity during childhood, and find themselves unable to marry or work legally in adulthood. Even the basic ability to reside lawfully in their countries of birth remains precarious.

Since 2012, the rise of conflict and instability in the region has created new risks of statelessness among displaced and vulnerable populations, while also exposing existing stateless groups to greater hardship and uncertainty. The crisis in Syria has precipitated what is now the world's largest refugee situation under UNHCR's mandate.² Half of Syria's population is now displaced, with many separated from their family members and without basic documentation of their identity, family links or nationality.

Some 2.5 million Syrian children now live as refugees and 6 million inside Syria are in need of humanitarian assistance. Approximately 300,000 Syrian children have been born in exile as refugees, and 709,000 Syrian refugee children under the age of four were born during Syria's ongoing conflict. While the vast majority of these children are Syrian nationals, it is notable that Syrian refugee children acquire their nationality exclusively through their fathers. It is of particular concern, therefore, that the conflict has left one-fourth of Syrian refugee households with no fathers to attest to the children's nationality.³ These children are at risk of statelessness if left without legal documentation of their paternity.

Adults displaced by conflict and whose documentation is lost, destroyed or confiscated may also face a certain risk of statelessness if it becomes impossible to replace their documents due to the destruction of original civil registries in certain locations, which has been reported in Syria. The absence of this documentation also impacts on the registration of subsequent divorces, deaths, marriages, and births—all of which can, in turn, also affect a Syrian child's acquisition of nationality.⁴ The conflict in Syria has also led to forced displacement and protection risks among groups that were already stateless in Syria, including certain Kurdish populations.



Stateless children can face challenges in enjoying their rights to education, including the ability to attend class, sit for exams or obtain certificates of graduation. Photo: UNHCR / Jordi Matas

UNHCR has examined how conditions in the Syria crisis are impeding access to nationality, or the confirmation of nationality in the form of identity documentation, along with the immediate and longer term protection concerns raised by these gaps. UNHCR has focused on how various sectors of the refugee response as well as the response to the displacement situation inside

¹ UNHCR, UNHCR Global Trends 2014: World at War, 18 June 2015, at: <http://www.refworld.org/docid/558292924.html>.

² This report uses the term "Syrian refugee" to refer to all persons who have fled Syria due to the conflict including those under the temporary protection status in Turkey, displaced Syrians in Lebanon, and Syrians benefitting from international protection in Jordan, Iraq and Egypt.

³ UNHCR, Woman Alone: The fight for survival by Syria's refugee women, 2 July 2014, at: <http://www.refworld.org/docid/53be84aa4.html>.

⁴ In MENA, a widowed or divorced woman often cannot legally remarry without first obtaining a certificate of divorce or death of her spouse proving official termination of the first marriage. If the absence of death or divorce certificates makes it impossible for her to register a subsequent marriage, it can also prove impossible to register the births of new children.

Syria can reduce and mitigate the risk of statelessness, while also improving the protection, security and dignity of those displaced.

Across the region, UNHCR, governments, civil society and communities are working to ensure all children are born with a legal identity and a nationality. Progress is especially notable for Syrian refugee children in the steps Regional Refugee and Resilience Plan (3RP) countries are taking to document and register every child born in their territory, as well as the growing number of States in the region that are reforming their nationality laws to expand the rights of women and children. To prevent and reduce statelessness, efforts are underway in countries affected by conflict to strengthen and rebuild civil registration systems and help IDPs and conflict-affected families obtain and replace civil status documentation. Despite this progress, significant challenges remain and much more needs to be done to address statelessness across the region, including with respect to deprivation of nationality.

To prevent and reduce statelessness in MENA, including in relation to the crises currently affecting the region, the following actions are recommended:

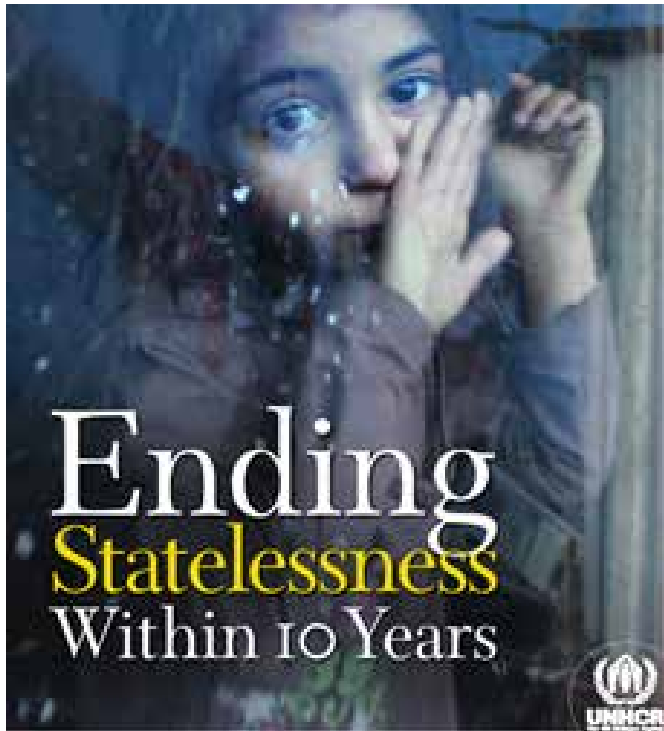
- ◆ Promote international standards related to the prevention and reduction of statelessness and accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- ◆ Remove gender-discrimination from nationality laws, especially by recognizing the right of women to confer nationality to their children on an equal basis as men.
- ◆ Support more effective implementation of existing legal safeguards against statelessness at birth, such as the provision to grant nationality to children of unknown parentage.
- ◆ Support dedicated efforts to reconstitute civil registries in countries affected by conflict and rebuild the reach and capacity of their national civil registration systems.
- ◆ Register and document every child immediately after birth, in particular by developing multi-sectoral national strategies and frameworks to achieve universal birth registration and dedicated efforts to register children at heightened risk.
- ◆ Identify solutions to facilitate and simplify the late registration of births and marriages without penalty.
- ◆ Strengthen engagement with refugees, host communities and internally-displaced persons as key sources of support, advice and problem-solving assistance in matters of civil registration.
- ◆ Integrate statelessness prevention strategies into programming and advocacy on child protection and the prevention of and response to sexual and gender-based violence (SGBV).
- ◆ Improve data collection on stateless populations, populations at risk of statelessness and access to birth registration.

UNHCR's Global Action Plan to End Statelessness

Since its establishment, UNHCR has been mandated to protect and assist refugees who are also stateless. Article 1 of the 1951 Refugee Convention addresses the situation of refugees “not having a nationality”. In 1995, this mandate was extended by the UN General Assembly to cover all stateless populations globally, including those who are not refugees.⁵ In line with this mandate, UNHCR's Executive Committee called on UNHCR in 2006 to work together with States to achieve four core goals:

- Identify stateless groups and individuals
- Protect their human rights
- Prevent new cases of statelessness, and
- Reduce existing situations of statelessness.⁶

To further operationalize this framework, UNHCR launched the #I Belong Campaign in 2014, which includes a Global Action Plan to End Statelessness (GAP) in a decade by promoting concrete action in 10 key areas.⁷



Action 1:

Resolve existing major situations of statelessness.

Action 2:

Ensure that no child is born stateless.

Action 3:

Remove gender discrimination from nationality laws.

Action 4:

Prevent denial, loss or deprivation of nationality on discriminatory grounds.

Action 5:

Prevent statelessness in cases of State succession.

Action 6:

Grant protection status to stateless migrants and facilitate their naturalization.

Action 7:

Ensure birth registration for the prevention of statelessness.

Action 8:

Issue nationality documentation to those with entitlement to it.

Action 9:

Accede to the UN Statelessness Conventions.

Action 10:

Improve quantitative and qualitative data on stateless populations.

⁵ In 1974, UNHCR received a provisional mandate from the UN General Assembly (UNGA) for all stateless people, including those who are not refugees (Resolution 3274). In 1995, UNGA Resolution 50/152 issued UNHCR a continuing mandate to facilitate protection and prevention in relation to statelessness, while also calling on States to prevent statelessness.

⁶ UNHCR, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons, 6 October 2006, No. 106 (LVII) - 2006, at: <http://www.refworld.org/docid/453497302.html>.

⁷ UNHCR, Global Action Plan to End Statelessness, 4 November 2014, at: <http://www.refworld.org/docid/545b47d64.html>

Taking Forward the Global Action Plan in MENA

In MENA, progress has been notable in relation to several action areas that are of particular relevance to the needs, challenges and opportunities seen in the region. In line with Action 7 of the GAP, birth registration forms a central component of the Regional Refugee and Resilience Plan (3RP), a framework for humanitarian programming which brings together over 200 agencies and protection actors to jointly serve Syrian refugees in Turkey, Lebanon, Jordan, Iraq and Egypt. Under this framework, UNHCR has coordinated multi-sectoral advocacy and programming to increase the number and percentage of Syrian refugee children registered at birth each year, while also strengthening national civil registration capacity. Consequently, the risk of statelessness among Syrian children is being substantially reduced across the region, while refugee children are also given a stronger foundation for protection against risks such as family separation, trafficking and illegal adoption.

Beginning in 2004 and in line with Action 3 of the GAP, a growing number of States in MENA have reformed their laws to enhance the ability of women to confer nationality to their children at birth—a measure that offers children vital protection against statelessness. Reforms of this nature have been adopted in Egypt, Algeria, Iraq, Morocco, Tunisia, and Yemen.⁸ The United Arab Emirates and the Kingdom of Saudi Arabia introduced measures to allow children to apply for nationality on the basis of maternal descent on a discretionary basis, in 2011 and 2014 respectively.

Building on this momentum, UNHCR has continued to support regional discussions and the sharing of good practices in cooperation with the Global Campaign for Equal Nationality Rights, an inter-agency initiative that promotes the adoption of gender equitable nationality laws worldwide.⁹ In 2016, UNHCR and the Global Campaign for Equal Nationality Rights supported a regional event in Bahrain on the importance for continued reforms, especially in relation to preventing risks of statelessness arising from crisis and displacement. Following this discussion, Bahrain and Kuwait have taken under active consideration the proposals for

legislative reform prepared by civil society groups in their respective countries. In June 2016, the UN Human Rights Council convened a special event on Realizing Women's Nationality Rights which was co-sponsored by 15 UN Member States including Algeria and Turkey. The event, supported by the Global Campaign for Equal Nationality Rights, drew attention to the important reforms undertaken in MENA, while stressing the urgent need for similar amendments in other States, particularly those affected by conflict and displacement.



A Kurdish maktoum refugee shows his “shahadat tararif” in the Kurdistan Region of Iraq (KR-I), an informal document issued to certain stateless individuals in Syria. Photo: UNHCR / Amit Sen

All States in the region have also incorporated into their domestic law dedicated safeguards against statelessness for “foundlings”—children of unknown parentage found in the territory of a State—a key protection that mirrors Article 2 of the 1961 Convention on the Reduction of Statelessness. To build on this progress, UNHCR and its legal aid partners offer technical support to States in the region on effective implementation of this key provision, including through the compilation of good practices in specific countries and regions. UNHCR's approach to Action 9 of the GAP is therefore twofold, encompassing

⁸ After enacting these legislative reforms, these States also withdrew their reservations to Article 9 of the CEDAW. However, a number of other States in the region maintain reservations to this Article.

⁹ The Global Campaign for Equal Nationality Rights is co-chaired by UNHCR, Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and the Women's Refugee Commission. See <http://equalnationalityrights.org/>.

advocacy for additional accessions to the 1954 and 1961 Statelessness Conventions, along with support for the effective introduction of their provisions into national law.¹⁰ Moreover, UNHCR promotes the strengthening of nationality legislation in line with all relevant international standards, including in relation to preventing arbitrary deprivations of nationality.

Collectively, UNHCR's efforts in these areas—increasing access to birth registration, supporting effective implementation of dedicated safeguards against statelessness for vulnerable children, and promoting women's nationality rights—also contribute to the broader goal of Action 2 of the GAP, namely, ensuring that no child is ever born stateless. In line with Action 10 on the GAP, UNHCR is also working in partnership with States, civil society organisations and scholars to improve qualitative and quantitative data on statelessness and documentation issues to strengthen programming and advocacy.

Action 2 of the GAP addresses the need to resolve existing situations of statelessness. While the MENA region is home to several historically stateless populations, the region is also notable for achieving substantial reductions

in statelessness, including the two largest resolutions of statelessness reported globally in 2010 and 2011, respectively in Iraq and Syria.¹¹ To support continued progress in identifying solutions for stateless people, UNHCR works with States and civil society partners in the region to strengthen the implementation of existing procedures for stateless people to acquire nationality, and promotes legislative reform to build a stronger foundation for the reduction of statelessness across the region.

Certain countries have adopted national strategies or inter-agency structures to address statelessness. In Lebanon, for instance, a national Working Group on Statelessness brings together the Ministries of Justice, Interior and Municipality, Public Health, Social Affairs, Education and Higher Education, together with the civil society organisation Frontiers Ruwad as well as UNHCR and other UN agencies. In 2016, the Working Group focused on ways to improve birth registration in Lebanon as a tool to prevent statelessness, including through the development of a national awareness-raising campaign. In Iraq, UNHCR has developed a multi-faceted strategy that prioritizes the reduction of statelessness, livelihoods support for extremely vulnerable stateless persons



Protecting the nationality and legal identity of children gives them a secure start in life, a stronger basis for the protection of their rights and the foundation to reach their full potential. Photo: UNHCR / Jordi Matas

¹⁰ Presently, Algeria and Israel are parties to the 1954 Convention, whereas Libya and Tunisia have acceded to both the 1954 and 1961 Conventions.

¹¹ In Iraq, over 110,000 stateless people acquired nationality on the basis of a new Nationality Law adopted in 2006. See Article 17, Law No. 26 of 2006, 7 March 2006, at: <http://www.refworld.org/docid/4b1e364c2.html>. In Syria, Decree 49 of 2011 allowed for more than 69,000 stateless Kurds to acquire nationality.

and improved data collection on the country's in situ stateless population. In 2015, UNHCR conducted 267 outreach sessions for persons who are stateless or at risk of statelessness, as well as for local authorities, to improve access to procedures related to the acquisition of nationality, civil status documentation and national ID documents. In 2015 and the first half of 2016, approximately 1,500 persons benefited from legal counseling on the acquisition or confirmation of Iraqi citizenship, and 3,320 individuals received counseling on nationality and documentation issues.

UNHCR is also working with the government to resolve the documentation challenges faced by IDPs and conflict-affected families. In 2014, UNHCR supported Iraq's Ministry of Migration and Displacement and Ministry of Interior with establishing two new "re-documentation centres" in Baghdad and Najaf to replace civil status documents, passports and birth certificates for internally displaced families who fled conflict areas such as Mosul, Salahaddin, Anbar, Diyala and Kirkuk. Following the displacement from Fallujah in 2016, Iraq's Nationality Directorate has also commenced the issuance and replacement of identity documents in several locations in the Anbar province. Over 7,000 IDP children have received legal assistance through UNHCR and its partners from 2015 to mid-2016, the majority of whom were helped with acquiring civil status documentation.

The Right to a Nationality and Legal Identity: International and Regional Standards

States in MENA have embraced certain key international principles and standards. The MENA region features universal ratification of the Convention on the Rights of the Child (CRC), Article 7 of which enshrines the right of all children to acquire a nationality, to have a name and to have their births immediately registered. The region also features widespread accession to the International Covenant on Civil and Political Rights (ICCPR), Article 24 of which reinforces the right of all children to be registered

at birth and to acquire a nationality. All States in MENA have also acceded to the Convention on the Elimination of All Forms of Violence against Women (CEDAW), Article 9(2) of which recognizes the right of women to confer nationality to their children on an equal basis as men.¹²

All children have the right to be registered at birth and to acquire a nationality.

These principles are reinforced by regional legal instruments, such as the Covenant on the Rights of the Child in Islam,¹³ which recognizes the right of the child to a name, a nationality and to be registered at birth. The Covenant also calls on States parties to "make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory". Similarly, the Arab Charter on Human Rights¹⁴ reaffirms that everyone has the right to a nationality and that no one shall be arbitrarily deprived of their nationality, rights originally recognized by the 1948 Universal Declaration of Human Rights, and calls on States to ensure equality between men and women in relation to the array of rights outlined in the Charter.

In addition to working with individual States to support effective implementation of these instruments, UNHCR has also partnered with key regional bodies, including the Gulf Cooperation Council (GCC) and the League of Arab States (LAS), to convene regional conferences and dialogues to catalogue urgent issues and needs, such as the vulnerability of unregistered refugee children, and to promote international standards, share good practices and identify solutions.

¹² A number of States in MENA maintain reservations to Article 9 of the CEDAW.

¹³ The Covenant on the Rights of the Child in Islam was adopted by the 32nd Islamic Conference of Foreign Ministers in Sana'a, Republic of Yemen, in June 2005. See Organization of the Islamic Conference (OIC), Covenant on the Rights of the Child in Islam, June 2005, OIC/9-IGGE/HRI/2004/Rep.Final, at: <http://www.refworld.org/docid/44eaf0e4a.html>.

¹⁴ Thirteen States are parties to the Arab Charter on Human Rights, namely Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Syria, the United Arab Emirates, and Yemen, whereas four States have signed the Charter but not yet ratified it: Egypt, Tunisia, Sudan and Morocco. The protection against arbitrary deprivations of nationality is also enshrined within Articles 5-9 of the 1961 Convention on the Reduction of Statelessness.

Addressing Statelessness in the Syria Situation

The conflict in Syria has precipitated what is now the world's largest refugee situation under UNHCR's mandate.¹⁵ Half of Syria's population is now displaced, and many are separated from their family members and without basic documentation of their identity, family links or nationality.

Some 2.5 million Syrian children now live as refugees and 6 million inside Syria are in need of humanitarian assistance. Approximately 300,000 Syrian children have been born in exile as refugees, and 709,000 Syrian refugee children are under the age of four, having thus been born during Syria's ongoing conflict. While the vast majority of these children are Syrian nationals, it is notable that Syrian refugee children acquire their nationality exclusively through their fathers. It is of particular concern, therefore, that the conflict has left one-fourth of Syrian refugee households with no father present to attest to the children's nationality.¹⁶ These children are at risk of statelessness if they are left without legal documentation of their paternity.

Adults displaced by conflict and whose documentation is lost, destroyed or confiscated may also face a certain risk of statelessness if it becomes impossible to replace such documentation due to the destruction of original civil registries in certain locations, which has been reported in Syria. The absence of this documentation also precludes the registration of subsequent divorces, deaths, marriages, and births—all of which can, in turn, also affect a Syrian child's acquisition of nationality.¹⁷ The conflict in Syria has also led to forced displacement and protection risks among groups that were already stateless in Syria, including certain Kurdish populations.

UNHCR has examined how conditions in the Syria crisis are impeding access to nationality, or the confirmation of nationality in the form of identity documentation, along with the immediate and longer term protection

concerns raised by these gaps. UNHCR has focused on how various sectors of the refugee response as well as the response to displacement inside Syria can minimize these risks of statelessness, while also improving the protection, security and dignity of those displaced.



A birth certificate gives a child proof of its parentage, and thus its nationality. Photo: UNHCR / S. Rich

¹⁵ All statistics in this report refer to persons that are of concern under UNHCR's mandate in Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, United Arab Emirates, the Western Sahara and Yemen.

¹⁶ UNHCR, *Woman Alone: The fight for survival by Syria's refugee women*, 2 July 2014, at: <http://www.refworld.org/docid/53be84aa4.html>.

¹⁷ See supra Note 4.

Preventing and Reducing Statelessness inside Syria

Addressing Pre-Conflict Situations of Statelessness

Syria is home to some historically stateless populations, including certain Kurdish populations, long-staying stateless migrants from other countries in the region, such as the bidoon, and individuals who may have become stateless due to the inability to acquire nationality from their mothers under the law.

Kurds registered in Syria's 1962 Census have the status of "ajanib". Kurds who did not register in the 1962 Census are designated as "maktoumeen". While both groups are considered non-nationals, the ajanib became eligible to apply for Syrian nationality in 2011.

In 2011, the adoption of Decree 49 in Syria successfully facilitated the reacquisition of nationality for thousands, representing the largest single reduction of statelessness in the world for that year.¹⁸

In 2013, UNHCR provided technical support for an assessment carried out by Rehabilitation Education and Community Health (REACH) and the Agency for Technical Cooperation and Development (ACTED) to assess how many stateless Kurds displaced to the Kurdistan Region of Iraq (KR-I) were able to successfully complete the procedure of applying for nationality prior to departing Syria. The assessment found that 98 per cent of those who applied for Syrian citizenship under Decree 49 acquired nationality within three months of applying.¹⁹ By mid-2013, 104,000 stateless individuals acquired nationality through the implementation of Decree 49.²⁰

However, the rise of conflict and insecurity in 2012 have made the process of applying for Syrian nationality more difficult, as both freedom of movement and government services are increasingly disrupted. In addition, many stateless Kurds were forcibly displaced from Syria prior to applying for Syrian nationality, while others remain ineligible for Syrian citizenship because they did not register in Syria's 1962 Census. Syria's past progress in resolving statelessness notwithstanding, renewed attention is now needed to ensure that solutions are identified for any residual situations of statelessness in the country, as those lacking a nationality are now likely to find daily life and survival even more difficult.

Preventing Statelessness and Enhancing Protection

Within Syria, the conflict is also endangering the protection and legal identity of those who are Syrian nationals. In 2015, the Whole of Syria (WoS) Protection Needs Overview identified the lack of civil status documentation as a leading concern for conflict-affected and internally displaced families, with 91 per cent of sub-districts identifying it as one of top three protection issues, and with more than a third identifying it as a primary protection concern.²¹

In 2011, half of all stateless people in the world who acquired nationality were in Syria.

¹⁸ See UNHCR, UNHCR Global Trends 2011: A Year of Crises, 18 June 2012, at: <http://www.refworld.org/docid/4fdeccbe2.html>.

¹⁹ This survey was conducted in Domiz Camp, located in Dohuk Governorate, in July 2013, and covered 393 families comprising 1,974 individuals. It found that of 544 ajanib who applied for citizenship, 531 were granted citizenship. A small group of those surveyed did not attempt to reacquire citizenship. REACH/ACTED, July 2013.

²⁰ UNHCR, Global Report 2012 – Syrian Arab Republic, 19 June 2013, at: <http://www.unhcr.org/51b1d63cb.html>.

²¹ The 2015 Protection Needs Overview uses the term "civil status documentation" to refer to identity cards as well as vital events registration documentation (certificates of birth, marriage, divorce, and death). Whole of Syria Protection Sector, 2015 Protection Needs Overview, October 2015, at: <http://hno-syria.org/WoS%20Protection%20Needs%20Overview%202015%20-%20Not%20protected.pdf>.

The need for civil status documentation was identified as a major protection concern in Syria in 2015.

Difficulties in acquiring and replacing civil status documentation are compromising freedom of movement and hindering civilians from reaching safer locations within or outside of Syria.²² The lack of civil status documentation also impedes access to services and employment, therefore limiting the capacity of families to cope with the consequences of the conflict. Reportedly, approximately half of the country's hospitals are damaged or destroyed, leaving many women to give birth in dire conditions each day—often without access to the medical birth notification required by law to obtain a birth certificate.²³ Syria has also witnessed the destruction of its physical civil registries, and civil registration services no longer function in several areas under the effective control of non-State actors.

Improving access to civil status documentation has been shown to mitigate the other protection risks identified in the 2015 Protection Needs Overview. This includes helping to resolve family separation through improved civil status records of family composition, addressing child labour and recruitment through documenting the ages of children and strengthening the enjoyment of property rights by improving access to identity documents that are helpful in proving land tenure.²⁴

Efforts to resolve documentation challenges are integrated into sexual and gender-based violence (SGBV) prevention and response initiatives, as there is evidence that women who are SGBV survivors may find it more difficult to register new births.²⁵ The lack of death and divorce certificates can also hinder the ability of widowed or divorced women to inherit property, legally remarry, or register children born through subsequent relationships.

With at least 55 civil registry departments damaged and others severely under-capacitated and struggling to respond to increasing needs, UNHCR is working with the Ministry of the Interior on a technical support project to facilitate the issuance and replacement of civil status documentation. UNHCR is also emphasizing efforts to expand the capacity and reach of the health sector to help ensure that pregnant women can safely deliver with a skilled birth attendant and receive a medical birth notification for their newborn children. Between January and October 2015, health sector interventions ensured that over 157,000 births were delivered with the assistance of skilled birth attendants. Humanitarian partners are also supporting the rehabilitation and reconstruction of damaged infrastructure including maternal healthcare centres.

With Syrians identifying civil society support as an important resource in coping with protection challenges, UNHCR supports community-based interventions that include a network of 52 community-centers and 1,200 community outreach volunteers. By the end of 2016, UNHCR aims to increase this network to 80 community centres and 2,000 community outreach volunteers, and outreach capacity will be further complemented by adding mobile units to 18 community centres to reach remote areas.



In Syria, and in exile abroad, civil status documentation serves as the foundation for enjoying an array of fundamental rights. Photo: UNHCR

²² See OHCHR, Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani, upon Conclusion of his Official Visit to the Syrian Arab Republic – 16 to 19 May, 2015, 19 May 2015, at: <https://shar.es/1uszOm>.

²³ UNFPA, An Estimated 200,000 Pregnant Women in Syria in Need of Urgent Care, Warns UNFPA, 19 March 2014, at: <http://www.unfpa.org/press/estimated-200000-pregnant-women-syria-need-urgent-care-warns-unfpa> (estimating that in 2014 some 1,480 Syrian women gave birth in dire conditions each day).

²⁴ See UNHCR, Protecting and Supporting the Displaced in Syria - UNHCR Syria End of Year Report 2015, February 2016, at: <http://www.refworld.org/docid/56cac3254.html> (outlining the protection challenges linked to the lack of civil status documentation). See also UN Office for the Coordination of Humanitarian Affairs, 2016 Humanitarian Needs Overview: Syria, at: http://reliefweb.int/sites/reliefweb.int/files/resources/2016_hno_syrian_arab_republic.pdf.

²⁵ UNICEF Innocenti Research Centre, Birth Registration and Armed Conflict, 2007, at: http://www.unicef.org/protection/birth_registration_and_armed_conflict%281%29.pdf.

Community-based approaches help to ensure that internally-displaced, conflict-affected, and other vulnerable people have updated information on the availability and procedures of civil registration services and the specific forms of assistance available to them in obtaining, renewing and replacing documents. In 2015, UNHCR and partners provided legal assistance and counselling to 27,414 IDPs across 10 governorates. The vast majority of the counselling focused on obtaining and replacing birth and marriage certificates.

Strengthening National Legal Frameworks

Syrian nationality law establishes that the child of a Syrian father automatically acquires Syrian nationality at birth on the basis of paternal descent, irrespective of whether he or she is born inside Syria or abroad.²⁶ It is important to note, therefore, that all refugee and IDP children born to Syrian fathers are Syrian nationals at birth.

However, Syrian children could become stateless if it ultimately becomes impossible for them to prove their Syrian nationality, especially if displacement leaves them forcibly separated from their fathers and without any records or documentation of their legal identity and parentage.

Certain gaps in national legislation have been identified as contributing to this risk. Syrian nationality law provides an exception whereby children born to Syrian women can obtain nationality through their mothers if the child's paternity is not legally established—but this protection is only afforded to children born inside Syria.²⁷ In contrast, for children born outside the country, including refugees, nationality is only available to children through paternal descent, without exception. Also, under Syria's Personal Status Law, Law No. 376 of 1957, certain profiles of vulnerable children can face difficulty in obtaining birth certificates, including children born out of wedlock, those born from incidents of sexual violence, and children born to parents in certain inter-faith marriages.²⁸

In 2012, during the periodic review by the Committee on the Rights of the Child, Syria noted its preparation of a draft amendment to the nationality law that would recognize the right of women to confer citizenship to children on an equal basis as men.²⁹ UNHCR continues to advocate for the adoption of this amendment, while also noting the importance of Syria's 2007 amendment of its Personal Status Code to make birth registration universal and compulsory, in principle.

To resolve remaining gaps in the legal framework, the Committee on the Rights of the Child noted the importance of amending “the Personal Status Code to fully recognize all mixed marriages and to take all the necessary measures to protect and properly register children born out of wedlock”.³⁰ Similarly, the Committee on the Elimination of Discrimination against Women has recommended comprehensive reform of the personal status law to ensure that women and men have equal rights, “with a view to facilitating the registration of all births, deaths, marriages and divorces”.³¹ The proposed reforms, if achieved, would improve the applicable legal framework and potentially reduce the serious risks of statelessness Syrian children are facing due to conflict, displacement, family separation and the lack of identity documentation.

UNHCR offers technical support in advocating for effective implementation of existing safeguards against statelessness in national legislation, such as Article 3(d) of Syria's nationality which, in principle, ensures the right of every child born in the country who would otherwise be stateless to acquire Syrian nationality.

²⁶ Legislative Decree 276 - Nationality Law, Syrian Arab Republic, 24 November 1969, at: <http://www.refworld.org/docid/4d81e7b12.html>.

²⁷ Id.

²⁸ See UN Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention: Convention on the Rights of the Child: concluding observations: Syrian Arab Republic, 9 February 2012, CRC/C/SYR/CO/3-4, at para. 43, at: <http://www.refworld.org/docid/5305e86f4.html>.

²⁹ Id.

³⁰ Id.

³¹ See UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding Comments, Syrian Arab Republic, 11 June 2007, CEDAW/C/SYR/CO/1, at paras. 33, 34, at: <http://www.refworld.org/docid/468b5bf02.html>.

Integrating Issues of Statelessness in the Syrian Refugee Response

Certain individuals within the Syrian refugee population may also be stateless persons. These are individuals who both have a well-founded fear of persecution in their country of origin, and are also not considered as a national by any State under the operation of its law. Refugees who are also stateless are protected under the refugee framework, which offers a higher standard of treatment under international law than that applicable solely on the basis of stateless status.³²

Advocacy and programming on protection issues linked to statelessness are coordinated at the national level through each of the 3RP country's inter-agency Protection Working Group, which have launched concerted efforts to increase birth registration and appropriately respond to situations where refugee children are unaccompanied or separated from their parents.

Identifying and Protecting Syrian Refugees who are Also Stateless

Within the framework of refugee protection, UNHCR seeks to ensure that all Syrian refugees have the best possible access to international protection. This includes clarifying at the outset that stateless persons are entitled to the international protection afforded by the 1951 Refugee Convention, provided they meet the definition of a refugee set out in Article 1A (2).³³

To support decision-makers in adjudicating claims for refugee status more effectively and reliably, UNHCR has incorporated detailed attention to issues related to statelessness, risks of statelessness and access to documentation in its guidelines on the international protection needs of individuals from Syria and Iraq.³⁴ UNHCR also provides individualised, technical support upon request to governments and UNHCR operations on the assessment of specific asylum claims that involve issues related to statelessness, nationality status or access to documentation.

As registration with UNHCR is often considered the “doorway to protection” in a country of asylum, UNHCR has established specialized regional registration protocols to ensure the identification and registration of stateless refugees from Syria, with particular attention to their demographic profiles, protection issues, and access to specific forms of documentation in the country of origin. In Iraq, for instance, UNHCR has identified 1,144 Kurdish refugees from Syria who are stateless.

Some Syrian refugee children, particularly those born in Syria and immediately displaced to a country in the region, may be without birth certificates or the means to obtain them. Where refugee children lack birth certificates, UNHCR also considers other documentation, such as medical documents or witness affidavits to help establish their identity and family links. In cases where a child is completely undocumented, UNHCR conducts family verification interviews with multiple family members to ensure the authenticity of the parent-child relationship in order to prevent illegal adoption, child trafficking or other situations which may endanger children.

Registration with UNHCR provides undocumented refugee children a vital layer of protection in documenting their identity, family composition, and nationality (or their country of origin, in the case of those who are stateless). The use of biometric registration undertaken by UNHCR in Lebanon, Jordan, Iraq and Egypt enhances protection by providing reliable records of declared parentage and family composition. This is critical for resettlement and other forms of admission where the careful verification of identity and family structure are core requirements for receiving countries.

Stateless refugees with vulnerabilities may require resettlement. During the resettlement interview processes, UNHCR reconfirms the identity and legal status of refugees through documentation assessments, which includes confirming if they are stateless in cases where their nationality status is uncertain.

³² This includes, inter alia, an express prohibition against non-refoulement under Article 33 of the 1951 Refugee Convention, as well as the principle of non-penalization for unlawful entry and stay in the course of seeking international protection, under Article 31. See UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, at: <http://www.refworld.org/docid/3be01b964.html>.

³³ Article 1A (2) of the 1951 Convention relating to the Status of Refugees specifically provides for persons “not having a nationality”. See id.

³⁴ See, UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update IV, November 2015, at: <http://www.refworld.org/docid/5641ef894.html>; UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq, 31 May 2012, HCR/EG/IRQ/12/03, at: <http://www.refworld.org/docid/4fc77d522.html>; UNHCR, UNHCR Position on Returns to Iraq, 27 October 2014, at: <http://www.refworld.org/docid/544e4b3c4.html>.

Registering and Documenting Each Syrian Refugee Child

Within the 3RP framework, UNHCR has established a coordinated regional strategy that aims to ensure each Syrian refugee children is registered and documented at birth to prevent statelessness and enhance child protection. Five core objectives are at the centre of this strategy:

- ◆ All refugee births are registered in a timely manner by UNHCR;
- ◆ More children of concern to UNHCR receive an official birth certificate within 12 months of their birth through the strengthening of maternal health and civil registration systems, resolving gaps in law and policy, and supporting interventions for profiles at particular risk;
- ◆ Families and communities are positively engaged through two-way communication to create an environment where civil registration of vital events is valued, understood and supported;
- ◆ Where it is not possible to immediately obtain an official birth certificate, more children of concern benefit from alternative documentation that addresses their immediate protection concerns, while also serving as a foundation to complete official birth registration at a later date and improve access to durable solutions; and
- ◆ Advocacy, planning and programming are grounded in evidence through systematic data collection and analysis at the national and regional levels.

Host governments have also adopted a range of interventions, in close partnership with UNHCR, to ensure that every Syrian refugee child begins life with a birth certificate serving as proof of its identity, parentage and nationality. Civil status documentation proving other vital events (such as marriage, divorce and death) facilitates birth registration and strengthens the enjoyment of

The percentage of Syrian refugee children who go undocumented at birth was reduced from 35% in 2012 to 7% in 2015.

women's rights. UNHCR therefore works to strengthen national civil registration frameworks and systems as a whole, while emphasizing accessibility, affordability and appropriateness for refugees. With the benefit of these interventions, the percentage of Syrian refugee children born in the region who go undocumented at birth (receiving neither a birth certificate nor a medical birth notification) has been reduced from 35 per cent in 2012, to 7 per cent in 2015 regionally.

Making Birth and Marriage Registration Procedures More Accessible

As a core element of the 3RP child protection response, UNHCR works with government authorities, local and international NGOs and displaced populations in Turkey, Lebanon, Jordan, Iraq and Egypt to mainstream birth registration within existing programmes and structures, including UNHCR reception centres, community-based activities and public health services.

In Lebanon, the birth registration process for all non-nationals, including Syrians, is complex.³⁵ UNHCR has worked in partnership with the authorities to facilitate the process. In 2013, Lebanon's General Directorate of Personal Status simplified procedures by accepting a single document, the Syrian Family Booklet, as evidence of both parental identity and marital status for families seeking to register new births. Also in 2013, the Minister of Interior and Municipalities issued directives to local authorities reaffirming that birth certificates should be issued to

³⁵ Non-nationals must first obtain a birth notification from the hospital or midwife, then obtain a birth certificate from the Mukhtar and then lodge the birth certificate with the local civil registry. If these three steps are not completed within 1 year of the birth, a court procedure is required to finalise the birth registration. Subsequently, the certificate needs to be registered with the foreigners department of the civil registry. Finally, if a family also wishes to transfer the birth record to Syria, the birth certificate must be authenticated with the Lebanese Ministry of Foreign Affairs and Syrian Embassy.

Syrian children born in Lebanon. In 2015, Lebanon's Personal Status Department provided clarifications to its local offices to facilitate birth registration for Syrians in the country. These measures significantly increased access to birth registration by reducing the need for a range of documents required to complete the procedure.

It is notable that 98 per cent of Syrian babies born in Lebanon have received the medial birth notification document. This ensures that children hold the minimum level of documentation needed to initiate the birth registration process at a later date. It also ensures that newborn children have some immediate evidence of their age, identity and parentage while efforts are underway to complete the official birth registration procedure.

Turkey is notable for having a national legal framework closely aligned with international standards, guaranteeing all children born in the country the right to be registered at birth. In October 2015, the government issued a circular to simplify the requirements for registering children born out of wedlock. Also, under Turkish law, the civil registration authorities are authorised to recognise identity documents issued by the asylum authorities to conduct official marriages, a critical measure in view of the fact that many refugees lack valid identity documentation from Syria due to its loss or expiration.³⁶ Building on the protective elements of the national legal framework, UNHCR engages with local authorities to support full and consistent implementation of the relevant laws.

In Jordan, the government and UNHCR partnered to establish dedicated civil registration offices in the country's two largest camps, Zaatari and Azraq, along with mobile registration for the Emirati Jordanian Camp (EJC) to ensure the regular issuance of birth certificates for all children born in camps. Fines for late birth registration have also been waived for refugees, and Jordan's Civil Status Department issued internal instructions to facilitate the issuance of birth certificates for all Syrian refugee children born in the country.

The government also established official courts presiding over family law issues and mobile judicial services for all camps to improve access to official marriage registration. This is a key protection measure which facilitates the prompt registration of new births, while also strengthening women's rights to property, child custody, alimony inheritance, and lawful remarriage in case of

separation, divorce or death of the husband. Religious courts and authorities serving the camps also assist with ratifying and legalizing marriages that were initially undertaken informally (known as "urfi" marriages), while also counselling individuals and families to deter child marriage.

12 times as many birth certificates were issued in 2015 than in 2013 to children born in camp in Jordan.

Jordan's courts have instituted evidentiary rules to ease the process of ratifying undocumented marriages on the basis of witness statements, and the documentary requirements for registering new births have also been eased. Under Jordan's Personal Status Law, only original identity documents or notarized copies are accepted to register new births. Noting that many refugees no longer possess their original identity documents, the government has established a policy of accepting photocopies of prerequisite documents, vastly increasing access to birth registration in the process. These measures have brought a 12 fold increase in the number of refugee children born in camps received birth certificates in 2015, (3,645 total) in comparison to 2013 (295 total).



A Syrian refugee child in Jordan has just received his birth certificate. Photo: UNHCR / Christopher Herwig

³⁶ See, UNHCR, Protecting and Supporting the Displaced in Syria - UNHCR Syria End of Year Report 2015, February 2016, at: <http://www.refworld.org/docid/56cac3254.html>.

In Iraq, UNHCR is prioritising birth registration for all children of concern, including those who are refugees, IDPs or conflict-affected. In the Kurdistan Region of Iraq (KR-I), the authorities have adopted flexible birth registration procedures, which include accepting UNHCR certificates as evidence of parental identity and marital status for families that lack Syrian identity documentation, marriage certificates, or Family Booklets. These initiatives, together with legal aid and counselling, have raised the Syrian refugee birth registration rate from 30 per cent in 2012 to 73 per cent in 2015. Furthermore, UNHCR's advocacy with the authorities led to all Syrian refugee children above 12 years old being provided with identity and residency documents.

In Egypt, the vast majority of Syrian refugee children born in the country have been successfully registered at birth under the current legal and administrative framework. UNHCR provides counseling on procedures for all families with newborn children underscoring the importance of early intervention to avoid complications.

Strengthening Legal Aid and Counselling

Legal aid and counselling on birth and marriage registration have been established in Turkey, Lebanon, Jordan, Iraq and Egypt, with each operation tailoring their response to address the specific challenges seen in their respective context.

In Lebanon, for instance, UNHCR reception centres are used as an important entry point to address challenges related to limited freedom of movement and difficulty accessing legal services. A joint procedure at the reception centres has been established between UNHCR and Lebanon's Ministry of Social Affairs to support Syrian families with obtaining birth certificates when they approach UNHCR to update their files following new births. The parents receive individual counseling on civil birth registration procedures from the relevant government authorities, UNHCR and partners, and are immediately referred to legal aid providers for any assistance that may be needed. In the first half of 2016, 14,100 persons received counseling on birth registration and 3,626 persons received direct legal assistance in completing birth registration procedures.

In Egypt, UNHCR supports legal aid for refugees to help them complete birth registration procedures, especially in more complex cases, and has commissioned research on the accessibility of birth registration to identify opportunities to resolve gaps and challenges. UNHCR has also finalized a new leaflet on birth registration that encourages refugees to contact the Office at least three months prior to the expected delivery to allow for early legal counselling. This allows UNHCR's legal partners to intervene early on in cases where refugee families lack the prerequisite documentation to ensure births can still be registered on time, thus removing the need to go through the more complicated procedures associated with late birth registrations. UNHCR's interventions, including legal counselling and representation in particular, have achieved a 92.2 birth registration rate for Syrian refugee children over the last 12 months (from June 2015 to June 2016).

In Jordan, approximately 26,000 families have received legal counselling and assistance with obtaining the civil status documentation they need—with 51 per cent more cases assisted in 2015 than the prior year. In Turkey, UNHCR and its partners have reached nearly 1 million Syrian refugees on civil registration through counselling sessions provided at community centres, UNHCR field offices, and through information leaflets. In Iraq, UNHCR supports legal aid partners to help refugees obtain certificates of marriage, birth, divorce and death as well as residency permits as a core protection function.

Engaging with Communities as Agents of Protection and Change

The 3RP is grounded in the recognition that refugees bring critical skills, capacities and knowledge to the challenges of serving their communities. UNHCR supports Refugee Outreach Volunteers in counselling and accompanying new mothers to hospital and civil registration offices. Religious courts and leaders counsel refugees on the importance of following official birth and marriage registration procedures, while also seeking to deter early marriage—a protection issue which can also impede the registration of any subsequent births.

Brochures have been developed in consultation with refugees to highlight the importance of completing official birth registration procedures and to outline the necessary steps and requirements. In total, over 300,000 informational brochures have been produced and shared with communities in 3RP operations to raise community awareness on the requirements to obtain a birth certificate in each host country. Multi-media materials, including film and photography, have been used to raise awareness among communities and key stakeholders, with instructional videos on birth registration screened to thousands daily at registration and community centres across the region.³⁷

In Jordan alone, for instance, over 155,000 brochures explaining birth registration procedures, requirements and deadlines have been distributed to Syrian refugees, along with leaflets informing communities of the procedures in place to legally register informal marriages. Two-way communication with communities is an ongoing and continuous process achieved by a dedicated UNHCR information line, help desks in numerous governorates, UNHCR field offices and legal partners.

In Lebanon, UNHCR is partnering with local legal aid organizations to support community dialogue, townhall meetings, and information sessions to further engage with refugees regarding the challenges they encounter in registering births and marriages, and to jointly identify solutions. Community engagement is further

strengthened through the development of products for local practitioners and non-governmental organizations assisting refugees, such as a detailed manual on marriage registration law, rules and procedures, developed with support from UNHCR in 2015.

Capacity-building activities have targeted local authorities in all governorates and districts, bringing a measured improvement in the accessibility of birth registration procedures at the local level. Partners have also mapped gaps in access to birth registration nationally and within various localities to conduct more targeted advocacy and to develop localized coordinated action plans involving humanitarian agencies and community-based organisations.



UNHCR's video on birth registration explains the steps and the importance of the procedure in the KR-I: www.youtube.com/watch?v=ZvtSIAMXx9U



Manual on Marriage Registration in Lebanon by Frontiers Ruwad, developed with support from UNHCR

In Iraq, UNHCR launched an intensive awareness-raising and community engagement campaign on birth registration, featuring the distribution of print and video materials throughout the KR-I. The UNHCR Office in

Egypt utilizes UNHCR registration activities as a key opportunity to strengthen community engagement on birth registration and maternal health issues. When refugee women who are either pregnant or have recently given birth approach the Office to add their children to their UNHCR documents, registration officers counsel them on how to obtain an official birth certificate, and on the available pre-natal, obstetric and post-partum health

³⁷ Informational brochures were jointly developed by a broad range of partners in Jordan, Lebanon, Turkey, Iraq and Egypt including UNHCR, UNICEF, host governments and other partners. The videos promoting refugee birth registration in Lebanon and Iraq are publicly available, at: <https://www.youtube.com/watch?v=fsmHvjeBODs&feature=youtu.be>; and at: <https://www.youtube.com/watch?v=ZvtSIAMXx9U>.

services in the country. Counselling on these issues is also available through UNHCR's telephone information line.

Turkey's Provincial Directorates of Migration Management, together with UNHCR and its partners, have increased the dissemination of information on the birth registration procedures targeting Syrian families through information leaflets, counselling sessions and direct referrals to the civil registration offices following births.

At the regional level, UNHCR is catalysing greater civil society engagement through a number of initiatives. In November 2015, a diverse array of civil society organizations, attorneys, academics and other experts from across the MENA region assembled in Beirut, Lebanon, to examine the issue of statelessness in the region. They concluded this event by agreeing to form a regional Civil Society Network on Statelessness, and adopted a platform of objectives and principles in support of their ongoing collaboration. In 2016, UNHCR has initiated a series of sub-regional consultations to identify civil society participants, consultation structures and strategies in support of developing a Regional Civil Society Network on Protection and Displacement, which has a thematic focus on statelessness.

Ensuring Access to Quality Maternal Health Services

UNHCR and 3RP partners including the World Health Organisation (WHO) and the United Nations Population Fund (UNFPA) have undertaken efforts to ensure Syrian refugee women have access to quality maternal health services to ensure they can deliver in safety and also receive a medical birth notification for all newborn children.

In Lebanon, birth registration has been mainstreamed into UNHCR's health programme. In 2015, UNHCR supported 33,000 Syrians at hospitals for delivery or pregnancy related conditions. With the benefit of this programme, 98 per cent of Syrian babies born in Lebanon were delivered with the assistance of a skilled birth attendant.

In Jordan, efforts to increase access to quality maternal health care resulted in 96 per cent of Syrian refugee women in non-camp settings giving birth in hospital in

2015, whereas medical partners reported that all refugee women residing in camps gave birth in hospital during the year. In addition, UNHCR's legal aid partners assign attorneys to be present at hospitals and maternal health centres to advise pregnant women and new mothers on the procedure for obtaining both medical birth notifications and birth certificates, and the need to do so within established deadlines.

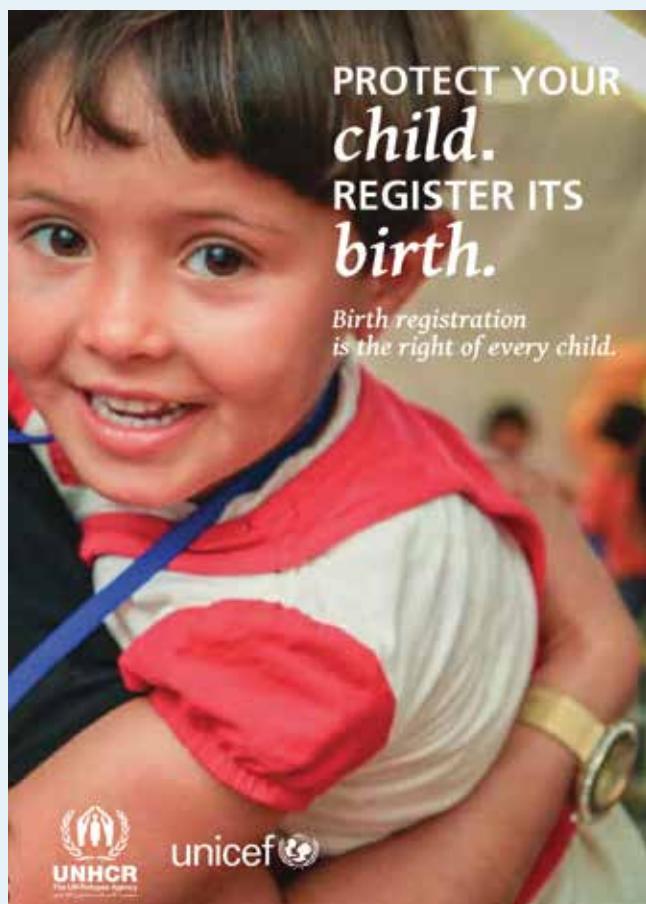
Syrian refugees in Egypt have access to public primary health care services, including maternal health services, on the basis of a 2012 ministerial decree. Under this framework, Syrian refugee women receive prenatal care in Egypt's public health facilities, and UNHCR provides additional support to ensure all pregnant refugee women can safely deliver in hospital, including in the case of high risk pregnancies.

Syrian nationals in Turkey registered by the government as Temporary Protection beneficiaries enjoy free access to all forms of maternal health services, including prenatal, delivery and post-natal care, as well as prescription medication. With the issue of transportation identified as a challenge for some refugees, the government has instituted transportation assistance to bring pregnant who reside in camps to hospitals to ensure safe deliveries and the issuance of medical birth notifications.



Marriage and birth certificates enhance the protection of women and children by securing their rights to family unity. Photo: UNHCR / J. Saidi

Jordan: Operational Response in Focus



The specific context of Jordan provides a more in-depth view of how one host country has developed a multi-sectoral, inter-agency strategy to register and document refugee children, with dedicated attention to finding solutions for children at heightened risk.

Protecting Undocumented Refugee Children Born in Syria

In Jordan, favourable solutions are actively sought to document and protect refugee children who were born in Syria, but who were neither registered at birth, nor issued any form of identity documentation prior to fleeing Syria. In 2015, UNHCR Jordan identified approximately 44,000 Syrian refugee children in the country in this situation. This number has been successfully reduced to 8,800 in 2016.

The government's prioritization of the issue allowed various agencies, experts and functions to work together to design complementary solutions. The government's establishment of a Special Protection Committee on Complex Cases was a key step. After UNHCR refers undocumented Syrian refugee children to the Committee, they are issued an official identity document that includes the same data traditionally found on a birth certificate, such as the child's age, identity and parentage. The government's urban

refugee verification exercise also increased access to documentation, including for Syrian refugee children who arrived in Jordan without birth certificates. By documenting Syrian refugee children now, Jordan is providing immediate protection of their legal identity and rights to family unity, while also laying the foundation for their future. In tandem with government efforts, UNHCR was able to secure durable solutions for undocumented Syrian children through targeted resettlement and family reunification initiatives.

Safeguarding Family Unity and the Right of the Child to a Nationality

The government of Jordan and UNHCR have also worked together to identify protection-sensitive approaches to mitigate the negative coping mechanisms some families may resort to when they lack basic identity documentation needed to register new births. Reportedly, some parents finding themselves in this situation have resorted to registering their own newborn children under the names of friends or relatives as a desperate attempt to provide the child with a legal existence. This approach raises a number of risks. Registering a child as belonging to another family can endanger the biological parents' rights to child custody and the child's right to know and be cared for by its parents. This can also jeopardise the child's claim to nationality, as citizenship acquired by fraud is revocable under Syrian law.³⁸ To resolve these risks, the Special Protection Committee on Complex Cases carries out careful verification of the actual parent-child relationship and issues official documentation to the concerned families that accurately reflects the child's identity, age, biodata and parentage.

³⁸ Articles 7 and 9 of the Convention on the Rights of the Child recognize, respectively, the right of the child "to know and be cared for by his or her parents" and to "not be separated from his or her parents against their will". Nationality acquired by fraud is revocable under Article of Syria's Nationality Law of 1969. See Legislative Decree 276 - Nationality Law [Syrian Arab Republic], 24 November 1969, at: <http://www.refworld.org/docid/4d81e7b12.html>.

A Stronger Foundation for Child Protection during Adolescence

Jordan's efforts to safeguard the legal identity of all refugee children generates solid data on their age and legal status as children. This is particularly important as a source of protection for adolescent children who face risks of forcible recruitment and the worst forms of child labour. UNHCR, the government of Jordan and partners have established prevention initiatives that include awareness-raising campaigns to highlight the risks associated with child recruitment. Secondary and tertiary education initiatives help adolescents and youth reach their potential, either in Jordan or through scholarship programmes facilitating study opportunities in third countries. UNHCR also works closely with the government of Jordan to monitor situations where adolescents and youth express an interest in spontaneously returning to Syria, including through regular assessments of their best interests, with particular attention to preventing child recruitment.

Addressing Protection Risks Associated with Informal Marriages

The multi-sectoral protection approach in Jordan also addresses the issues of informal and unregistered marriages which can raise protection concerns for women and make it more difficult to register births. A significant number of Syrian refugees had undertaken informal "urfi" marriages in Syria, and the practice remained prevalent among refugees in Jordan. In response, UNHCR, the government and other partners worked together to raise awareness of the importance of official marriage registration as a source of legal evidence of marital status and family composition. A large-scale initiative was also launched to resolve the situation of those already in informal marriages, with the government of Jordan granting two waiver periods, in 2014 and 2015, during which Syrian refugees were able to regularize their marriages free of charge and without penalty. This measure benefitted some 3,000 families, which were then also capable of registering new births without penalty or difficulty.

Partnerships and Interagency Coordination

UNHCR and other partners have incorporated statelessness prevention and response strategies into national coordination mechanisms and convened special events to resolve challenges. In 2014, the government of Jordan organised a roundtable with close cooperation from UNHCR that assembled a diverse array of civil society actors, NGOs and UN agencies, including the UN Children's Fund (UNICEF) and UNFPA, to identify solutions for refugees who face difficulties in registering births and marriages. In cooperation with UNHCR, the government has implemented the main recommendations of the roundtable, such as instituting mobile courts, judicial services and civil registration services for the camps. Moreover, ongoing programming and advocacy to address risks of statelessness in the Syria situation are coordinated at the national level through the 3RP Protection Working Group. Attention to statelessness prevention is also integrated within thematic sub-working groups on Child Protection and addressing SGBV.

Conclusion

MENA is home to several historically stateless populations, many of whom did not acquire a nationality at the time of State formation, or became stateless due to their failure or inability to register during census exercises. Another causal factor is the absence of adequate safeguards in nationality laws to ensure all children acquire a nationality at birth. While States in MENA have undertaken important reforms to close these gaps and to resolve existing situations of statelessness, renewed attention is now needed to eradicate the problem.

In MENA, conflict and displacement are also creating new risks of statelessness as family members are separated from one another, documents are lost, buildings where civil registration documents are stored are damaged or destroyed, civil registration systems break down and may need to be newly established in locations of displacement. These circumstances all pose formidable barriers to proving the identity, parentage and nationality of children.

In response, governments, civil society, communities, UNHCR and other partners have established multi-sectoral responses to ensure all children are born with a legal identity and a nationality. Progress is especially notable in the steps 3RP countries are taking to document and register every child born in their territory, as well as the growing number of States in the region that are reforming their nationality laws to expand the rights of women and children. In countries affected by conflict, efforts are also underway to strengthen and rebuild civil registration systems and help IDPs and conflict-affected families obtain and replace civil status documentation. These measures are complemented by the ongoing work of governments, civil society experts, communities and UNHCR to reform nationality laws to prevent and reduce statelessness. Despite this progress, significant challenges remain and much more needs to be done to address the risks and challenges now seen in the region, including with respect to deprivation of nationality.

To prevent and reduce statelessness in MENA, including in relation to the crises currently affecting the region, the following actions are recommended.

- Promote international standards related to the prevention and reduction of statelessness and accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- Remove gender-discrimination from nationality laws, especially by recognizing the right of women to confer nationality to their children on an equal basis as men.
- Support more effective implementation of existing legal safeguards against statelessness at birth, such as the provision to grant nationality to children of unknown parentage found in the country.
- Support dedicated efforts to reconstitute civil registries in countries affected by conflict and rebuild the reach and capacity of their national civil registration systems.
- Register and document every child immediately after birth, in particular by developing multi-sectoral national strategies and frameworks to achieve universal birth registration and dedicated efforts to register children at heightened risk.
- Identify solutions to facilitate and simplify the late registration of births and marriages without penalty.
- Strengthen engagement with refugees, host communities and internally-displaced persons as key sources of support, advice and problem-solving assistance in matters of civil registration.
- Integrate statelessness prevention strategies into programming and advocacy on child protection and the prevention of and response to sexual and gender-based violence.
- Improve data collection on stateless populations, populations at risk of statelessness and access to birth registration.

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IN SEARCH OF SOLUTIONS:
ADDRESSING STATELESSNESS IN THE
MIDDLE EAST AND NORTH AFRICA



UNHCR
The UN Refugee Agency
الوكالة العالمية للاجئين