



CHILDREN ON THE MARGINS

The Impacts of Depriving Children of their Right to Nationality and Legal Identity in Northwest Syria

Report by the Fletcher Graduate School of Global Affairs
International Law Practicum (FILP)
In partnership with the Norwegian Refugee Council



*The graduate school
of global affairs
at Tufts University*



NORWEGIAN
REFUGEE COUNCIL



*The graduate school
of global affairs
at Tufts University*

CHILDREN ON THE MARGINS:

The Impacts of Depriving Children of their Right to Nationality and Legal Identity in Northwest Syria

July 2023

ACKNOWLEDGMENTS

Report researched and drafted by:

The Fletcher School of Global Affairs International Law Practicum (FILP)

FILP Supervisor & Lead Author, Christine Bustany, Senior Lecturer in International Law, The Fletcher School, at Tufts University

FILP Masters of Law and Diplomacy (MALD) and Master of Law (LLM) students: Khulood Fahim (MALD '22); Shuchi Purohit (LLM '22); Amal Rass (MALD '22); Gaurav Redhal (LLM '22); Michael Vandergriff (MALD '22); Alex Avaneszadeh (MALD '23); Zaina Basha Masri (MALD '24); Samata Sharma Gelal (MALD '24); Shahzel Najam (LLM '23); Padmini Subhashree (LLM '23)

In partnership with: The Norwegian Refugee Council (NRC)

NRC is an independent, international, humanitarian non-governmental organization which provides assistance, protection and contributes to durable solutions for refugees and internally displaced people worldwide.



**NORWEGIAN
REFUGEE COUNCIL**

Cover photo: child living in a displacement camp in Northwest Syria, photo by NRC.

This report does not necessarily reflect the views of the Fletcher School of Global Affairs nor the Norwegian Refugee Council.

TABLE OF CONTENTS

- EXECUTIVE SUMMARY 1
- RECOMMENDATIONS 8
 - A. To the Government of Syria 8
 - B. To Non-State Armed Groups and De Facto Authorities..... 9
 - C. To UN Agencies and Humanitarian Actors..... 9
 - D. To Donor Governments 10
 - E. To Asylum and Refugee-Hosting Countries..... 11
 - F. To All Parties to the Conflict 11
- METHODOLOGY 12
 - A. Terminology 13
 - B. Limitations..... 14
- II. BACKGROUND 15
 - A. The Ongoing Conflict and Northwest Syria 15
 - B. De Facto Authorities in Northwest Syria..... 17
 - C. Humanitarian Situation in Northwest Syria 18
 - D. Civil Documentation in Northwest Syria 19
- III. LEGAL FRAMEWORK 21
 - A. Human Rights Obligations of Government of Syria and De Facto Authorities in Northwest Syria..... 21
 - B. International and Regional Laws Protecting Children’s Right to Nationality and Legal Identity..... 22
 - 1. Right to Recognition as a Person Before the Law.....23
 - 2. Right to Nationality23
 - 3. Right to Birth Registration.....24
 - 4. Right to Marriage Registration24
 - C. Government of Syria Domestic Legislation Governing Nationality and Civil Registration 24
 - 1. The Constitution of the Syrian Arab Republic.....25
 - 2. Syrian Nationality Law25
 - 3. Civil Code and Child Protection Law.....26
 - 4. Personal Status Law26
 - 5. Civil Status Law27
 - 6. Overview of Civil Registration for Births and Marriages.....28

IV.	DEPRIVING CHILDREN IN NORTHWEST SYRIA OF THEIR RIGHT TO NATIONALITY & LEGAL IDENTITY	31
A.	Gaps in the Nationality Law and its Implementation	31
1.	Gender Discriminatory Nationality Law.....	31
2.	Lack of Implementation of Statutory Safeguards Protecting Child’s Right to a Nationality	32
B.	Barriers to Accessing Civil Registration Documentation in Northwest Syria	34
1.	Barriers to Accessing Government of Syria Civil Registration.....	34
2.	Barriers to Securing De Facto Authorities’ Documentation	39
C.	Profiles of Children at Heightened Risk.....	41
1.	Children Born to Undocumented Parents.....	41
2.	Children Born to Stateless Fathers.....	42
3.	Children Born to Non-Syrian Fathers	43
4.	Children Born to Unregistered Marriages	46
5.	Children Born to Fathers Who Have Died, Are Imprisoned, or Have Disappeared	47
6.	Unaccompanied and Separated Children (UASC)	48
V.	ACUTE CONSEQUENCES FOR CHILDREN IN NORTHWEST SYRIA	51
A.	Children’s Rights Affected by Lack of Access to Nationality and Documentation	51
1.	Right to Nationality and “the Right to have Rights”	51
2.	Access to Humanitarian Aid.....	52
3.	Right to Health	53
4.	Right to Education	54
5.	Right to Work.....	57
6.	Right to Housing, Land and Property	57
7.	Right to Freedom of Movement and Travel	58
8.	Right to Family Unity.....	58
B.	Negative Coping Mechanisms—“They are putting their lives at risk”	59
1.	Traveling Outside Northwest Syria to Procure Syrian Government Documents	60
2.	Procuring Forged or Fraudulent Documentation.....	60
3.	Relying on Smugglers, Middlemen and Bribes.....	60
4.	Particular Coping Mechanisms Affecting Children.....	62
VI.	CONCLUSION	65
	APPENDIX.....	66
A.	Glossary.....	66
B.	Acronyms	69
	ENDNOTES.....	70

EXECUTIVE SUMMARY

Hundreds of thousands¹ of children living in opposition-held areas in Northwest Syria (NWS) are denied access to their right to a nationality and legal identity.² This fundamental violation of a child's right to a nationality - guaranteed under numerous international and regional instruments ratified by Syria - results in children of NWS experiencing a slew of deprivations of their basic rights and entitlements, including not being able to access healthcare, humanitarian aid, education, and travel outside the area, even to reunite with their family. Already highly vulnerable after over a decade of war's displacement and violence, and now the catastrophic February 2023 earthquakes, undocumented children in NWS are suffering alarming protection issues and are often forced to adopt harmful coping mechanisms as means of overcoming the impacts of being undocumented. Unless and until there is a systematic approach by relevant governments and stakeholders to address the core barriers to accessing nationality and legal documentation—including Syria's gender discriminatory nationality law and its onerous civil registration requirements—children in NWS collectively will continue to not only face severe protection gaps but risk becoming a new generation of stateless people in the region.³

Children in NWS are often referred to as being 'trapped,' 'stuck in limbo,' 'becoming a lost generation,' and the issue of nationality access in Syria a 'ticking time-bomb.'⁴ Yet to date, there has been only limited focus on their plight, especially as it pertains to their nationality rights.⁵ This 65-page Report examines the governing legal framework, documents the barriers that children in NWS face in accessing their right to nationality and legal identity as well as the profound impacts of such deprivations on their lives, and provides recommendations on how to address these fundamental children's rights violations.

Prior to February's tragic earthquakes, NWS was largely framed in terms of geopolitical and security related concerns—lost had been the plight of the children and their families who were on the edge of survival after twelve years of war. NWS, a region bordering Turkey, has been host to much of the confrontations between the Government of Syria (GoS) forces and multiple armed groups, channeled and influenced by several regional and international powers, and is considered to be the last major opposition-held territory.⁶ NWS is home to nearly three million internally displaced persons (IDPs), i.e., nearly half of all IDPs in Syria, the vast majority of whom live in camps, with widowed mothers heading many households.⁷ Of the more than 1.7 million children in NWS, approximately one million are internally displaced.⁸ Impoverished and stuck between a border wall which Turkey resurrected to prevent them from fleeing and "a hostile government that could attack at any moment," children and their families struggled to meet their most basic needs even prior to the devastating earthquakes, considered the worst natural disaster in a century in that area.⁹ Although the violence has decreased in intensity since the March 2020 Idlib ceasefire, localized hostilities continue, and the plummeting economy, in addition to the devastating earthquakes, has made the humanitarian situation bleak.¹⁰

Compounding these challenges, children and their families in NWS face major and often insurmountable obstacles to securing civil documentation. Despite high reported rates of birth registration in Syria prior to the conflict, today, it is likely that over a quarter of children in NWS do not have birth registration documents, national identity cards, and passports, nor are identified in family booklets. Key informants stress that most children in NWS born after 2017 are not registered with the GoS.¹¹ Birth registration and legal identity documents are not only critical for children to establish relationship of children to parents, enroll in school, and access other basic rights, but also for safeguarding their nationality claims. Lack of legal identity in the context of conflict and displacement can result in children in the longer term moving from being at risk of statelessness to becoming legally stateless.

Efforts by families to obtain valid civil documents for their children from GoS-controlled areas involve life-threatening risks. Key Informant Interviews (KIIs) highlighted how security concerns at check points and travel to GoS areas are among the most significant barriers to accessing GoS civil documentation. Such risks include arbitrary detention, paying bribes to be released after detention, being forcefully conscripted into the Syrian army, torture and other ill-treatment, sexual assault, enforced disappearance, and death in custody. Moreover, even for those who would attempt to travel, since March 2020 nearly all crossings between NWS and GoS-controlled areas were closed due to the COVID-19 pandemic and have, in general, remained closed.

Beyond security risks, there are many administrative and practical barriers which stand in the way of children being registered. Before registering a child's birth, parents have to first secure a civil registration of their marriage, an insurmountable barrier for many. While some barriers to securing marriage certificates pre-date the Syrian conflict, many are the result of or have been exacerbated by the war and particularly the isolation of living in NWS. Among the relevant issues are: (i) lost, destroyed or confiscated marriage registration documentation, or underlying documentation needed to effectuate the marriage, (ii) customary (*urfi*) marriages unrecognized by the GoS, (iii) out of wedlock births (hence no marriage to register), (iv) lack of GoS-recognition of NWS's *Shari'a* court processes formalizing marriage, (v) death, disappearance, or separation from the father, and (vi) fear or unwillingness of the father to approach the authorities. The marriage registration prerequisite results in high numbers of children never being registered and thus being deprived of their right to birth registration. Another major barrier is that a significant percentage of people in NWS do not have many of the underlying documentations required to complete their child's birth registration, with many IDPs having lost their documents, had them destroyed and/or confiscated in the process of their displacements, continuing encampments, and the recent earthquake. The associated costs with registration in the form of fees, fines, transportation, legal assistance or intermediaries is also a major hurdle, considering most families' desperate economic situation.

Though local *de facto* authorities in NWS, including the *Hay'at Tahrir al-Sham*-affiliated Syrian Salvation Government (SSG), have issued their own civil documentation to a significant extent based also on the Syrian domestic laws and templates, this documentation is not internationally recognized nor recognized by the GoS; and in fact such documentation is largely perceived by GoS

as evidence of being traitors and/or affiliated with the opposition. Since December 2022, the local authorities in NWS began to link their own ID cards to access to basic services, including obtaining salaries, applying for school exams, and transferring ownership of a car. While obtaining particular *de facto* authorities' documentation may allow for children and their families to access services within areas under that specific *de facto* authority's control, having such documentation can also present grave security risks if found by GoS, or even other government and *de facto* authorities. Based on these and other barriers highlighted in the Report, one key informant noted that people living in NWS often conclude: "What's the point [of getting *de facto* authorities documentation]? I've already got 1,000,001 problems in my life, why do I need to go through this process?"

In addition to barriers to accessing recognized legal identity documents, as a threshold matter, thousands of children in NWS are denied their right to a nationality based solely on Syria's gender discriminatory nationality law—in particular, Article 3(A) of the Syrian Nationality Law (Legislative Decree No. 276 of 1969)—which prevents Syrian women from passing on citizenship to their children except in certain limited circumstances, rarely implemented in practice. Syria's gender discriminatory nationality law not only implicates children in NWS who are born to foreign or stateless fathers, but also children whose fathers have died, disappeared, are absent, are fearful of cooperating in the civil registration process, or lack the means to prove their nationality (or even their marriage), leaving countless children in NWS with limited to no possibility of accessing citizenship. Multiple KIIs underscored that a reform of Syria's nationality law would have a profound impact on the ability of children in NWS to access their right to nationality.

Children in Northwest Syria who lack access to civil documentation and nationality already suffer from severe violations of their basic rights and child protection gaps.

While the risk of statelessness is not limited to NWS and statelessness has been present in Syria for decades,¹² KIIs stressed that child populations in NWS were at heightened risk of statelessness and being undocumented. The Report details how children in NWS with the following profiles are particularly vulnerable: children born to undocumented parents; children born to stateless fathers, namely, stateless Kurds; children born to foreign fathers; children born to parents with unregistered marriages; children born to deceased, imprisoned, and/or missing fathers; and unaccompanied and separated children (UASC).

The Report shows that failures to secure civil documentation for children "who are, in principle, nationals of a country can result in untold deprivations, including some of the very same deprivations associated with full-on statelessness."¹³ Informants emphasized that children in NWS lacking access to civil documentation and nationality are already suffering severe violations of their basic rights and child protection gaps.

Among the consequences, undocumented children experience hampered access to humanitarian aid, on which the vast majority of families in NWS is dependent. Parents and caregivers of children are often required to present documentation to access shelter, provision of food baskets, and even baby formula to prove that their child is below a certain age. Despite many humanitarian organizations' policy of providing aid based on need alone, one survey found that approximately twenty percent of IDPs are not able to access aid because they do not have civil documentation.

Without documentation, children are also often prevented from accessing even the limited health care which exists in NWS, including vaccines, mental health services, physical rehabilitation, and disability services. The general lack of health services in NWS also poses health risks to undocumented children who require special care, in the sense that as an alternative, undocumented children are not being referred to Turkey to obtain these special services because they need documentation in order to cross the border. If their parent or guardian lacks documentation, this also means that they may have issues establishing parental consent for medical services, or cannot travel with their child to Turkey.



Out of 1.7 million school-age children in Northwest Syria, an estimated one million are not enrolled in school, whereas prior to the conflict Syria had school enrollment rates of over 97 percent A 2021 household survey in Northwest Syria found that 57 percent of households reported a lack of access to schooling because of civil documentation issues.



Lack of civil documentation also significantly impacts children's right to education. Although financial circumstances of families are often cited as the main barrier, children's lack of civil documentation prevents them from enrolling in school, enrolling too late, or dropping out. Out of 1.7 million school-age children in NWS, an estimated one million are not enrolled in school, whereas prior to the conflict Syria had school enrollment rates of over 97 percent. While education in NWS is largely supported by donors and NGOs, etc., there are still schools that require documentation. A 2021 household survey in NWS found that 57 percent of households reported a lack of access to schooling because of civil documentation issues. Even if a school in NWS accepts a child without documentation, in some cases a certificate of completion will not be issued, leaving the child without proof of ever having attended school. One survey conducted in NWS found that for nearly a third of students, lacking official residency documentation was a reason for dropping out of school.

Lack of documentation severely constrains the right to freedom of movement for children and their families/caregivers in NWS. Children and their families and caregivers living in NWS are

essentially prohibited from traveling outside of the region without documentation. Similarly, a lack of civil documentation has tremendous repercussions on children being able to realize their right to family unity, restricting as well those displaced children from returning home to their community of origin, or to overseas reunification. Mothers who are not able to document their children or prove that they are the children's parent are also not able to travel with their children for fear that they may be separated, including by way of kidnapping, human trafficking, and/or sexual violence. Lack of documentation may be both a cause of family separation and the consequence of it. As many children lost or were separated from their immediate family due to the earthquake, NWS is said to have extremely high numbers of unaccompanied children.

In addition, lack of civil documentation and nationality impacts children's employment opportunities and their rights to housing, land, and property, especially in the longer term. Among the most debilitating effects of lacking civil documentation is chronic economic instability. Children's lack of documentation, for example, contributes to their inability to access education, while a parent's lack of documentation makes the parents ineligible for formal work, or pursuing economic opportunities outside NWS. Both situations can lead to children engaging in child labor as a means to support the family. Lack of documentation also means that children have limited prospects in the long-term for accessing the formal labor market, and are vulnerable to exploitative working conditions well beyond their childhood years. This is in part why the issue of lack of legal status for children is framed as a "ticking time-bomb." Even if the child does not experience the repercussions immediately, with time, the impacts of being undocumented become increasingly grave.

With such limited prospects, one key informant described the situation for youth in NWS as akin to "living in a prison." He said that he understood why some sought to be smuggled to Europe, while noting that "they have no ID recognized by anyone in the world." Given the circumstances, children and their families/caregivers have resorted to a range of harmful coping mechanisms to access GoS civil documentation and/or to mitigate the effects of being undocumented. As one informant stressed, in order to overcome being undocumented, children and their families "are putting their lives at risk."

Some in NWS put themselves in tremendous danger by travelling cross-line into GoS-controlled areas to procure official GoS documentation, despite GoS likely to regard them as sympathetic or supportive of *de facto* authorities or even 'terrorists' merely because they are coming from NWS. Due to the risks involved, informants note that crossing such lines is not commonly pursued. Another coping mechanism is for parents to procure forged or fraudulent documentation, including registering children under the names of different adults who had the relevant documents necessary, for example, a registered marriage. Among the ensuing risks is that in times of displacement or resettlement, children risk being separated from their parents. Forging documents or using IDs of relatives or others to register children can also risk imprisonment, impact the parent's legal custody of their child, and put the child's claim to nationality at risk, since nationality acquired through fraudulent means is generally revocable under Syrian law.

A common practice is also to pay large amounts of money to people outside NWS to secure GoS documentation or to overcome the barriers associated with not having documentation, including the use of illicit channels to smuggle children to GoS-held areas, or across the border to Turkey. This creates a situation where children are either passed along to smugglers or sent unaccompanied, placing children into extremely vulnerable positions where their protection is jeopardized.

Other harmful practices affecting especially undocumented children—related in part to difficulties in proving their age—include child labor, military recruitment, and child marriage. Unregistered children are especially vulnerable to child labor, which has become increasingly common in NWS, within the context of an overall dire economic situation and lack of access to schooling. In one 2020 survey, 82 percent of interviewees reported that children in NWS are “engaged in child labor, preventing them from attending school.” Child labor among undocumented children is connected to problems accessing education and restricted freedom of movement (both for them and their family), as well as issues with regards to establishing a child’s age or family relationships.

Children being recruited into military and armed operations is reportedly becoming increasingly common in NWS. According to UNICEF, seven out of ten children recorded as having been recruited and used in the conflict were in NWS, with verified reports from NWS numbering in the hundreds. Lack of documentation and the obstacles that it poses on accessing education, family unity, and formal work for them and their family members reportedly drives children to join armed groups. Boys whose mothers reside in widows’ camps were noted as particularly vulnerable for recruitment since the community considers boys past the age of 15 (and sometimes as young as 11) as male adults and they are not permitted to stay in the camps.

Child marriage can be the result of being undocumented and can also lead to children born of the marriage being undocumented. Being undocumented increases risks of early marriage for many reasons, including because it becomes more challenging to prove a person’s age or family relationships, lack of access to schooling and some families believe that early marriage is a pathway to securing legal status of their daughters. Unregistered girls as young as 12 - 14 years old are being married, with the parents sometimes indicating that their children, especially girls, are older.¹⁴ Given that the conflict is now in its twelfth year, it is likely the girls marrying early are not themselves registered. Early marriage is particularly problematic for children lacking documentation because the children born of these marriages will not be registered, thus potentially perpetuating an intergenerational issue of family statelessness.

As further detailed in the Report, lack of access to *recognized* nationality and legal identity documentation results in profound and immediate deprivations of children’s basic rights and entitlements, and perhaps even more so with respect to the longer-term when children become closer to adult-age, including creating a catastrophic problem of statelessness.

Notwithstanding the fact that the GoS lacks effective control in NWS, under international law, the GoS's obligations to protect the rights of children persist, and *de facto* authorities also must respect and protect the human rights of individuals and groups in NWS. GoS's laws, policies, and practices violate core dimensions of its numerous international and regional obligations to safeguard a child's right to a nationality and legal identity. Reforming Syria's nationality law to allow for Syrian mothers to pass their nationality to their children is critical for addressing these fundamental violations.

Lack of access to recognized nationality and legal identity results in profound and immediate deprivations of children's basic rights ... even more so with respect to the longer-term when children become closer to adult-age, including creating a catastrophic problem of statelessness.

Another necessary reform is to simplify and facilitate access to Syria's civil registration system, including, for example, by: eliminating the marriage registration prerequisite for birth registration; and ensuring that possession of non-GoS documents not be conflated with affiliation or endorsement of Non-State Armed Group (NSAG), allowing instead such documentation to be used as *prima facie* evidence of the occurrence of vital events. While there have been recent legal reforms to civil status law and administrative practices instituted by the GoS, the scope and scale of violations of children in NWS's rights require more than a tinkering with the laws and practices in place; the situation necessitates a comprehensive, systematic approach by the GoS and relevant stakeholders. Without such concerted action, a key informant asked what future for the children in NWS but try and escape by sea, for 'papers and a life'?



Woman and child in Northwest Syria, photo by NRC

RECOMMENDATIONS

A. To the Government of Syria

- Remove any distinction in the laws and regulations on nationality based on gender, ensuring a higher level of protection in accordance with international and regional law obligations. This includes adopting the draft amendment to Article 3 of the Syrian Nationality Law allowing women to transmit nationality to their children on an equal basis with men.
- Review legislation to implement gender-equitable measures regarding civil documentation allowing women to be the legal guardians of their children.
- Ensure the implementation of statutory safeguards found in the Nationality Law to protect against child statelessness, including through the consistent implementation of Articles 3(B), 3(C) and 3(D). Additionally, ensure that naturalization becomes a viable, transparent and functioning pathway to citizenship for children and their families in Syria who meet the requirements, and that the process itself is uniform and not discretionary, nor discriminatory.
- Simplify the birth registration process by removing the marriage certificate requirement, which currently acts as a major barrier. Pending the removal of the marriage certificate

requirement, enable widows and mothers whose husbands are absent to provide a wide array of evidence of their marriage, for the purpose of conferring nationality onto their children.

- Strengthen efforts to build the capacity of civil registries, taking into account the difficulties faced by families currently or previously living in areas controlled by non-State actors in gaining access to official documentation.
- Facilitate the late registration of children in cases of those living in NWS, including by waiving fees and any fines for late birth (and marriage) registration, and consider recognizing documents issued locally by *mukhtars* or *sheikhs* to facilitate the issuance of birth certificates.
- Ensure that there is an established process for displaced Syrians to replace false or forged documents with official documents and to amend incorrect information on such documents, subject to verification, and without punitive action or fines.
- Amend the Personal Status Code to ensure that children born to unmarried parents, children born from situations of sexual violence, children of Muslim mothers and non-Muslim fathers, are recognized, registered and have access to birth registration documents.

B. To Non-State Armed Groups and *De Facto* Authorities

- Ensure that individuals, including children and their caregivers, traveling to and from GoS areas to obtain GoS documentation, are not harmed, arbitrarily detained, nor delayed upon return to NWS and suspected of trying to ‘reconcile.’
- Ensure that any Syrian possessing GoS or other non-SSG documentation is not penalized and that mere possession of such documents is not conflated with affiliation or endorsement of other parties.
- Allow for greater flexibility with regard to engaging with humanitarian organizations, ensuring that they have sufficient scope to carry out humanitarian service delivery to individuals lacking documentation.

C. To UN Agencies and Humanitarian Actors

- Continue to advocate for reform of Nationality Law to allow mothers to confer their nationality to their children on an equal basis as men. In particular, UNHCR, UNICEF, and UN WOMEN should lead in this effort.
- Advocate for the GoS’s implementation of the existing statutory safeguards in the Syrian Nationality Law protecting children in Syria against statelessness.
- Advocate for the GoS to recognize documentation issued by *de facto* authorities, stressing that non-GoS documents can be used as *prima facie* evidence of the occurrence of vital events and possession of non-GoS documents should not be conflated with affiliation or endorsement of NSAG.
- Ensure that the protection challenges related to civil documentation and its consequences are included in any ongoing discussions at the international level to inform a broader post-conflict settlement.
- Ensure that any future civil documentation programs, at a minimum, include full protection assessments of both short- and long-term risks prior to implementation, with clear mitigation strategies in place to address potential risks and unintended consequences. Humanitarian civil documentation programs should focus on reinforcing the message as to

the importance of preservation of existing documents (including due to earthquakes, flooding, etc.), as well as accessing safe and available documents, including medical notifications of births and deaths, to enable access to services.

- Support medical staff in providing birth and death notifications, as these will support future applications for birth registration, registration of children in family booklets and proving death for purposes of inheritance. These documents should be considered solely as medical documents and should not contain any language or logo which may undermine their neutrality.
- Develop innovative approaches to addressing the consequences and negative coping mechanisms associated with children lacking civil documentation, including education access and child labor, for example, by combining education and financial support, and reviewing education certification requirements.
- Ensure that the provision of services and assistance to individuals is on the basis of need alone, in accordance with humanitarian principles. Humanitarian actors should prioritize non-discrimination and maintain flexibility in the delivery of services. All humanitarian actors should refrain from denying services to individuals who lack documentation, particularly to vulnerable groups including children, IDPs and female headed households; and other forms of documentation or evidence should be considered acceptable as a means of proving the identity of humanitarian aid recipients (e.g., witness statements or *Mukhtar* declarations).
- Implement legal training programs for humanitarian staff and service providers in general and health sector workers specifically focusing on the importance of civil status documents.
- Support training of *mukhtars* concerning mechanisms for issuing certificates and documents, building their capacity, and providing them with legal support.
- Advocate for humanitarian aid workers' access to NWS's widow camps to ensure the women and children's humanitarian needs are being met, that they are protected from harm, and receive civil documentation support.
- Pursue further research to understand the circumstances and protection risk profiles of Kurdish children and families in Syria with regard to accessing civil documentation and nationality and UNHCR, in particular, should further support and register Kurdish families as they come under their mandate.
- UNHCR should assess approaches to recognize statelessness within the Refugee Status Determination (RSD) process that considers the consequences of this identification, namely discrimination or stigmatization, and operational constraints.
- UNHCR should review the gap between Stateless Status Determinations Procedure (SDP) and RSD processes to recognize the stateless of Syrian refugees during RSD.

D. To Donor Governments

- Expand support for legal service programming related to civil registration, allowing more children and their families/caregivers in NWS to find solutions to their lack of access to civil documentation.
- Review and assess any limitations or restrictions on humanitarian organizations with regard to legal assistance in NWS, in line with humanitarian principles and right to legal identity.

- Provide financial support to cover costs associated with transportation and related expenses to enable broader access to civil documentation, particularly for vulnerable populations, including female-headed households.
- Adopt a more flexible approach to the validation of identification documents when devising rules and regulations for the programming donors support, e.g., cash distribution initiatives.
- Support health care providers' development of a standardized format for birth notifications issued by health facilities and requiring such facilities to provide mothers with birth notices and reports after having given birth in the facility.
- Support the registration of unaccompanied or separated children (UASC) among kinship carers and foster carers.
- Ensure adequate funding for civil documentation in the earthquake response, particularly the inclusion of legal assistance, in the Syrian Humanitarian Response Plan, Flash Appeal and International Donors' Conference.
- Ensure that any funding and scaling up of humanitarian aid dedicated to the earthquake is additional funding and not re-direction of existing financial support from the Syria Humanitarian Response Plan.

E. To Asylum and Refugee-Hosting Countries

- Ensure that those in possession of non-GoS documentation be protected, and possession of non-GoS document, including SSG documentation, should not be conflated with affiliation or endorsement of Non-State Armed Groups (NSAG), and allow such documents to be used as *prima facie* evidence of the occurrence of vital events by those children and their families seeking asylum and family reunification.

F. To All Parties to the Conflict

- Support the continuation of unfettered access to humanitarian organizations and UN agencies to allow for delivery of impartial humanitarian assistance to civilians in need in NWS, including through cross-border and cross-line operations.
- Cease grave violations against children immediately and comply with UN Security Resolutions 2139 and 2165 concerning respect for international humanitarian law and human rights.

METHODOLOGY

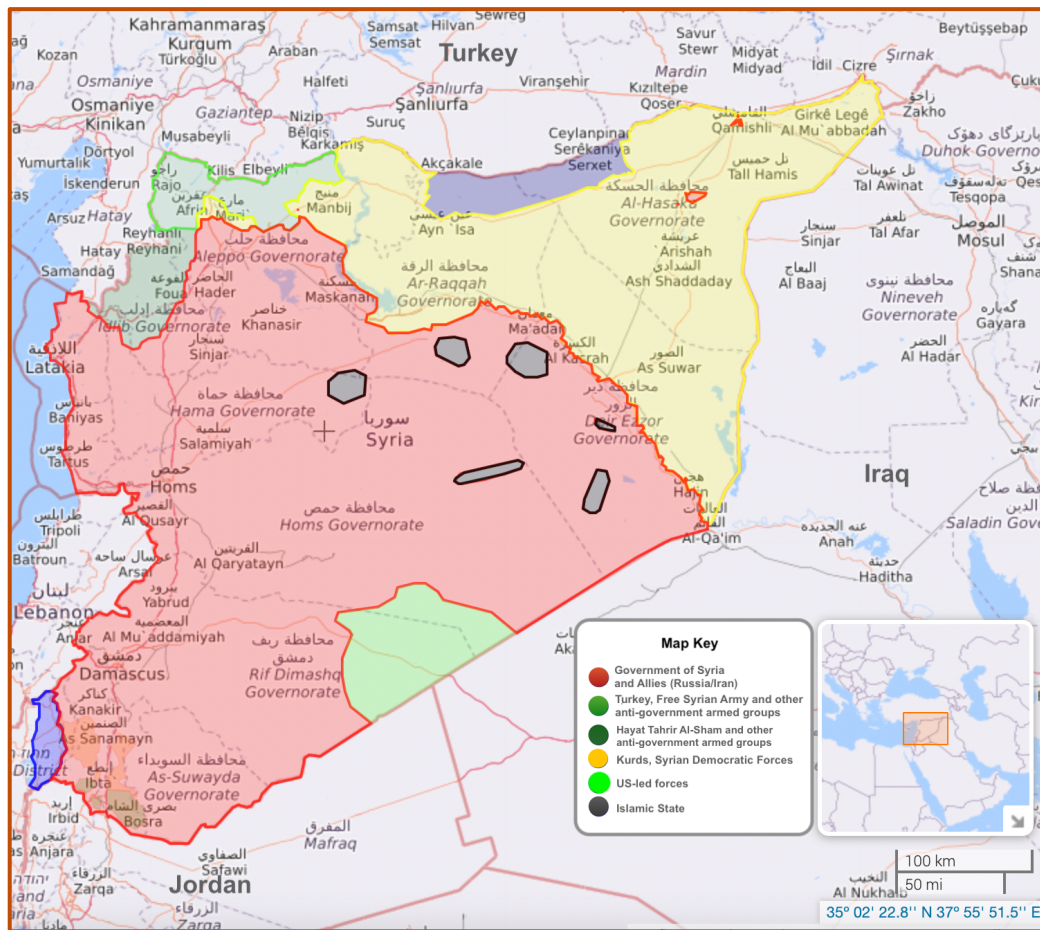
The Fletcher Graduate School of Global Affairs at Tufts University's International Law Practicum (FILP) researched and wrote this Report in partnership with the Norwegian Refugee Council (NRC). The FILP research team consisted of graduate students with an interdisciplinary international affairs and law background and a faculty supervisor with expertise in International Human Rights Law. The Report relies on interviews, primary source documents, and a literature review of publicly available material. Desk research included extensive review and analysis of Syrian domestic laws, including the Constitution, nationality law, personal status laws (i.e., family law), civil registration laws and procedures, and the applicable international and regional laws, as well as reports and studies from non-governmental organizations (NGOs), intergovernmental organizations (IGOs), academics, and the GoS submissions to United Nations (UN) treaty bodies concerning issues of statelessness and access to nationality and civil documentation in Syria and NWS, specifically. Surveys of affected populations and beneficiaries of humanitarian programs in NWS, along with anonymized case studies of undocumented families in NWS, were critical as well.

Supplementing the desk research was a series of key informant interviews (KIIs), indispensable to the underlying research and report findings. The team conducted remote video and audio interviews of lawyers, UN and NGO staff, and academic researchers. Several informants work directly on statelessness and access to nationality and civil registration issues, either by providing legal consultation to Syrians and others affected by the Syrian conflict who are trying to obtain civil documentation, or by conducting academic research on behalf of international research institutions and NGOs. Other informants were involved in the humanitarian sector and were engaged with issues related to nationality access and child protection, and had direct knowledge concerning the lack of access to documentation.¹⁵ During interviews, the team focused on: the problem of statelessness and access to legal identity documentation; gaps in Syrian nationality and civil registration laws and procedures; consequences of those gaps in the form of deprivation of rights and child protection concerns in NWS; resulting coping mechanisms to which children and their families/caregivers in NWS have resorted; and recommendations on remedies and solutions to addressing the core violations. In addition, a humanitarian organization collected from the field a number of case studies of individual women with undocumented children to gain a deeper understanding of access to nationality and legal identity issues and their impacts, particularly on women and their children in NWS. All names in the case studies have been changed to protect the individuals' privacy.

The Report is structured as follows. Following the Report's Summary and Recommendations, Part I provides a background on the Syrian conflict focusing on NWS, the humanitarian conditions, the *de facto* authorities operating in the region, and the issue of accessing nationality and civil documentation for those living in NWS. Part II provides an overview of the legal framework beginning with the international human rights law obligations of the GoS and *de facto* authorities in non-GoS controlled NWS, followed by an examination of the international, regional, and Syrian domestic laws relevant to nationality rights and civil registration in NWS. Part III then

examines how the Syrian domestic laws and practices violate children’s right to a nationality and legal identity under the applicable international and regional laws, with specific attention on how particular profiles of children in NWS are impacted. Part IV examines the consequences for children in NWS being deprived of their right to nationality and legal identity and the plethora of other basic rights affected, along with the coping mechanisms adopted by children and their families as a result. Included throughout Part III and Part IV are a series of anonymized case studies derived from a humanitarian organization’s work with affected children and their families in NWS, highlighting how lacking civil documentation causes a cascade of problems and deprivations for the parents and children.

MAP OF SYRIA – APPROXIMATE AREAS OF CONTROL, SPRING 2023¹⁶



A. Terminology

It should be noted that different actors and humanitarian organizations define NWS as including different territory, and due to the nature and length of the ongoing conflict, the groups in control have changed over time and the territorial borders remain fluid.¹⁷ In terms of what is referred to as ‘NWS,’ the term often designates a region that includes two sub-territories: (i) one area which is under *Hayat Tahrir al-Sham* (HTS) control, or the ‘Idlib Area,’ (*dark green area in below map*) and (ii) the area under Syrian National Army (SNA) control, or ‘Turkish operation areas,’ or ‘Northern Aleppo Area.’ (*lighter green area in map*).¹⁸ For example, the UN Office for the Coordination of Humanitarian Affairs

(OCHA) generally refers to these two sub-territories together as NWS, such that statistics on NWS often includes both, without disaggregation.¹⁹ However, for the purposes of this Report’s discussion on access to civil documentation and nationality, the primary focus is on NWS areas under HTS control (reflected in map as darker green). Many of the barriers to nationality and civil registration and protection concerns, are similarly pertinent to children and their families living in other areas of NWS as well.

B. Limitations

The aim of the research team was to present a detailed examination of children in NWS’s lack of access to their nationality rights and right to legal identity, with a focus on child protection impacts. However, the research team was constrained by a number of factors, foremost among them was its distance from NWS. Consequently, the research team was heavily reliant on desk research and information and insights derived from KIIs, as well as support from humanitarian actors operating in the field. Another limitation was that the desk research itself was largely focused on English-language sources with only limited use of Arabic-language sources (the team did include several members fluent in Arabic), nor other relevant languages such as Turkish and Kurdish. While the team did include a number of individual case studies collected from a humanitarian organization in the field highlighting the issues faced by women and their children connected to civil documentation access, the authors did not seek interviews with members of the affected populations in question (i.e., children and families), due to the many potential risks to their wellbeing and security concerns. The team recognizes, however, that the affected individuals’ insights into their personal experiences would provide valuable perspectives, and thus should be sought in the future, provided that sufficient protective mechanisms are in place to ensure anonymity and respond to their potential service and security needs.



Earthquake damage in Northwest Syria, photo by NRC

II. BACKGROUND

A. The Ongoing Conflict and Northwest Syria

After over a decade of the Syrian conflict—resulting in an estimated 300,000 to over 500,000 deaths, along with 13 million Syrians forcibly displaced,²⁰²¹—millions of children and their families continue to find themselves displaced, sometimes multiple times, fleeing violence, and struggling to access basic food, shelter, water and sanitation, protection, essential health services. In the entirety of opposition-held NWS, i.e., the Idlib area and Northern Aleppo areas, the situation has been especially dire, with nearly half the internally displaced population of Syria living there.²² Approximately one million children, out of a total of 1.7 million children living in NWS, are IDPs.²³ Two million IDPs live in the Idlib area, and over 800,000 IDPs are living in Northern Aleppo area.²⁴ Most IDPs live in one of NWS's more than 1,400 overcrowded camps and informal sites, with around 56 percent of the entire camp population being children.²⁵

The devastating earthquakes which rocked the region in February 2023 made the situation in NWS even more grim, with more than 4,500 deaths, 10,400 injured, and over 10,000 partially or fully damaged buildings recorded in the area, rendering a reported 11,000 people homeless.²⁶

The region of NWS is often referred to as the ‘last stronghold’ of the opposition to the GoS.²⁷ The Idlib governorate was among the first to join the 2011 uprising against the GoS and has been referred to as a stronghold of so-called Islamist militants among other opposition groups. Control over Idlib’s capital city oscillated for many years between the GoS and anti-government armed groups, including HTS, a coalition of armed groups, and *Jabhat Fateh al Sham* (previously known as *Jabhat al-Nusra*), until in 2015 armed opposition groups gained full control.²⁸ By 2019, HTS had consolidated its control and become the dominant group, even establishing the Syrian Salvation Government (SSG) to administer the territory under its control as early as November 2017.²⁹

News sources note that the SSG “was first announced in October 2017 as a ‘national’ entity, with opposition figures reportedly hailing it, at the time, as a counterbalance to the ‘Turkish-Russian-Iranian intervention’ in Syria.”³⁰ Since that time SSG has developed a Shura Council, which acts as a legislative body, and has 5,000 employees and ten “ministries” including: economy and resources; health; justice; interior; education; higher education; religious affairs; development and humanitarian affairs; agriculture; and local administration and services.³¹

Throughout the Syrian conflict, NWS became a destination as well as a site of migration, hosting the most IDPs.³² Based on a rough estimation of the population,³³ today NWS’s population has more than doubled—to an estimated 4.5 million,³⁴ including an estimated 2.9 million IDPs.³⁵ Idlib became the refuge of last resort for Syrians fleeing the GoS forces.³⁶

By 2017, Russia, Iran, and Turkey agreed that the Idlib governorate would be part of a ‘de-escalation’ area, with cessation of hostilities and improved humanitarian access. However, GoS military operations persisted in the area, recapturing half of the ‘de-escalation’ area by mid-2018.³⁷ In September 2018, Russia and Turkey agreed to create a demilitarized zone in parts of Idlib province, but by April 2019 the agreement collapsed following a GoS military escalation, supported by Russia, in an effort to recapture areas of NWS controlled by HTS.³⁸ GoS’s ensuing military interventions resulted in major advances, as the offensive attacked civilians and civilian infrastructure, including destroying and damaging hospitals, schools, agricultural sites, and IDP camps.³⁹ By early 2020, nearly one million Syrians in Idlib had been displaced,⁴⁰ and opposition armed groups lost control of roughly half of the Idlib governorate,⁴¹ with Russia-backed GoS troops having captured the strategic Damascus-Aleppo highway (known as M5 highway) and the nearby towns and villages from which the civilian population had fled.⁴² Turkey subsequently engaged in a major counterattack, which led to a Turkish-Russian summit and the March 2020 ‘Idlib ceasefire.’⁴³ The ceasefire required parties to the conflict to stop armed hostilities, with the new front lines in Idlib monitored by joint Russian and Turkish patrols.

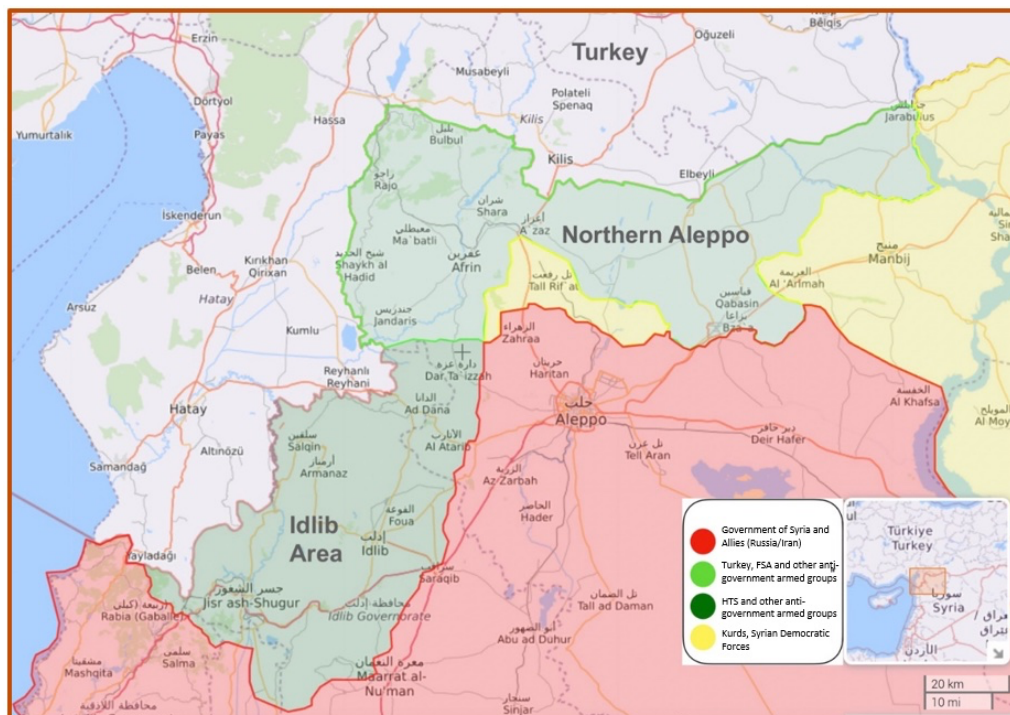
Since the Idlib ceasefire, the military conflict has notably transformed from large-scale confrontations along major frontlines to more “localized clashes” between armed groups and the GoS.⁴⁴ While hostilities persist, in particular on the frontline areas, the overall level of violence in the region has significantly abated.⁴⁵ Despite this, the economic situation has continued to plummet, and the region is highly dependent on humanitarian aid.⁴⁶

B. De Facto Authorities in Northwest Syria

Syria is currently divided into different areas of control. The GoS controls about two-thirds of the state's territory, including central and southern Syria, the governorates along the Mediterranean coast, and parts of eastern Syria and Aleppo.⁴⁷ Other parts of Syria are largely controlled by the following groups: the Syrian Democratic Forces (SDF) backed by Kurds in northeast Syria; HTS in Idlib; and the Free Syrian Army (FSA) backed by Turkey in several cantons.⁴⁸

The *de facto* authorities of NWS have changed over the course of the conflict, with HTS, as noted, now the dominant anti-GoS armed group in the province of Idlib, and its administrative wing, the SSG. HTS's predecessor, *Jabhat al-Nusra*, was linked to *al-Qaida*. Sources note that since 2016 HTS has attempted to distance itself from *al-Qaida* and other global Islamist militancy movements.⁴⁹ HTS is subject to UN sanctions and is listed as a terrorist organization by the governments of Australia, Canada, Russia, Turkey, the United States, and the United Kingdom.⁵⁰ In 2022, the UN Security Council (UNSC) reported that some 10,000 HTS militia fighters were estimated to be in Idlib province, with HTS recruitment largely being derived from within Syria. Other rival rebel groups are also in the area, including *Hurras al-Din* (HAD), with roughly 1,000-3,000 fighters, with estimates of half of HAD being of foreign origin.⁵¹

**MAP OF NORTHWEST SYRIA
APPROXIMATE AREAS OF CONTROL, SPRING 2023⁵²**



As previously noted, what is referred to as NWS often includes two areas: one area is HTS-controlled (Idlib) (darker green area in above map); and the other area is the ‘Turkish Operation Area’ (Northern Aleppo) (lighter green area in above map).⁵³ The Turkish-supported Syrian

National Army (SNA), “the second largest opposition coalition in Syria and is composed of multiple Free Syrian Army factions, with many of the factions functioning as distinct units and engaging in armed infighting,” controls the Northern Aleppo area.⁵⁴ HTS is dominant in Idlib province, part of Aleppo’s western countryside, the Syrian coast’s mountains, and the al-Ghab Plain in northwestern Hama. Again, for purposes of this Report’s discussion on access to civil documentation and nationality, the primary focus is largely on NWS wherein HTS is dominant; but many of the barriers to nationality and civil registration are pertinent to children living in the ‘Turkey operation areas’ of Northern Aleppo as well.⁵⁵

C. Humanitarian Situation in Northwest Syria

Even prior to the February 2023 earthquakes, years of war and marginalization had made NWS’s children and their families unable to meet their health, food, education, and security needs.⁵⁶ The conflict has decimated Syria’s civilian infrastructure and services, including healthcare facilities, water and sanitation systems, and electricity grids⁵⁷—and the earthquakes have only worsened the conditions.⁵⁸ When the GoS lost control of the area in 2015, it stopped providing essential services such as healthcare, water, electricity, education, and paying civil service employees their salaries, and since has obstructed access for humanitarian organizations.⁵⁹ Armed opposition groups controlling the area maintained limited civil and public functions, but largely have relied on humanitarian organizations to provide services.⁶⁰

Extreme poverty has consistently increased—leaving 97 percent of the population in NWS (Idlib area and Northern Aleppo area) living below the poverty line and 75 percent food insecure, according to assessments made prior to the earthquakes.⁶¹ The UN OCHA’s 2023 Humanitarian Needs Overview (HNO) for Syria identified 4.1 million people in these areas in need of humanitarian assistance, including over 1.9 million IDPs in the region, 80 percent of whom were women and children.⁶² Even prior to the earthquakes, over half of IDPs lived in small one-person tents without insulation during the winter months.⁶³

The region continues to face formidable health challenges, including COVID-19 and more recently a cholera outbreak with more than 48,900 suspected cholera cases, of which half are children under the age of five.⁶⁴ The devastating earthquakes caused at least 55 health facilities to be partially or fully damaged.⁶⁵ The health crisis combined with the socio-economic conditions, ongoing violence in NWS, and recent earthquakes are increasing the vulnerability of families and children in particular.⁶⁶ For example, children are suffering severe acute malnutrition in NWS, the rate doubling since last year, with one out of four children reported as being stunted.⁶⁷

The ability of children and their families to access life-saving assistance and services, and the ability of humanitarian organizations to reach out to those in need have been impacted by these health challenges, the increasing complexity of stakeholders, the variety of administrative procedures and restrictions on movement, including the periodic closure of internal crossing points, and the politicization of aid. Since 2014, the UN and its partners, as well as other humanitarian organizations, have been providing food, water, sanitation, health, education and protection for

people living in NWS. Humanitarian access to NWS has been extremely challenging with three of the initial four UN-authorized cross border mechanisms closed as of 2020, following Russia's veto at the UNSC. This means that prior to the February 2023 earthquakes there was only one UN-authorized cross-border entry point (Bab al-Hawa) on the Turkish border valid for UN humanitarian assistance,⁶⁸ despite the fact that 2.4 million people in NWS are entirely dependent on the cross-border mechanism.⁶⁹ In July 2022 and January 2023, respectively, the UNSC authorized the continuation of humanitarian assistance to cross into Syria from Bab al-Hawa, but only for a period of six months.⁷⁰ Due to the recent earthquakes, the GoS granted the UN permission in mid-February to scale up its operations, providing aid to NWS through two additional border crossings for a period of three months, which was renewed for an additional period in May and will end on August 13, 2023.⁷¹ Many have critiqued the overall system of humanitarian aid delivery and the limitations of the cross-border mechanisms in NWS to providing humanitarian assistance to millions of civilians of NWS in desperate need, as violating their rights to life, to an adequate standard of living including housing, water and sanitation, and to health.⁷²

D. Civil Documentation in Northwest Syria

Given the dire humanitarian situation in NWS, obtaining birth registration documents and other identity documents may not initially be perceived as a high priority. Yet for children and their families living in NWS—many of whom have experienced what it means to be undocumented, including an inability to reunite with family members—the issue is fundamental and persists as a primary protection risk.⁷³ Recognizing the importance of registering and documenting life events (birth, marriage, divorce, death, etc.), an array of non-governmental actors and *de facto* authorities in opposition-held areas in Syria have stepped in to register and document life events, including Islamic State of Iraq and Syria (ISIS), the Syrian Interim Government/Syrian National Coalition, Hay'at Tahrir al-Sham's Syrian Salvation Government (SSG), the Kurdish Autonomous Administration of North and East Syria (AANES), as well as Turkey in the northern Operation Euphrates Shield zone.⁷⁴ A 2019 report found that, in non-GoS controlled districts in the Aleppo and Idlib governorates of NWS, over 70 percent reported that they did have access to documentation issued by non-state actors. But less than 30 percent of the displaced Syrians said that it was possible to obtain GoS documentation where they were living.⁷⁵ A more recent survey from 2022 found that only 13 percent of households in both NWS and Northeast Syria report having all the official documentation they need.⁷⁶

Different leadership authorities in power in NWS over the years have issued different types of identification documentation.⁷⁷ The most significant non-government actors issuing documents in NWS are civil registries affiliated with the local councils, followed by *mukhtars*, and courts under the control of non-state actors.⁷⁸ In the HTS-controlled areas, although some civil registries were targeted and damaged during the course of the conflict, the *de facto* authorities' civil registry practices are largely similar to the GoS; they use the same registry, the same templates, and even are staffed by some of the same professional personnel formerly employed by the GoS, though the

documentation issued has different logos and stamps and they no longer share information with the Syrian government-affiliated civil registries. In contrast, in the ‘Turkish operation areas,’ each local council is issuing its own version of civil documentation; and they have their own database and within that there is one that is reportedly controlled by Turkey.⁷⁹ Since December 2022, SSG has increasingly linked its own ID cards to access to basic services, including obtaining salaries, applying for school exams, and even transferring ownership of a vehicle.⁸⁰ While having particular authorities’ documentation may allow for access to services within areas within that specific authority’s control, this documentation is not recognized outside of the area of that particular *de facto* authority’s control,⁸¹ and, moreover, having such documentation can also present grave security risks if found by other *de facto* or government authorities.⁸²

As detailed in this Report (*infra* Part IV), lack of access to *recognized* nationality and legal identity documentation results in profound and immediate deprivations of children’s basic rights and entitlements, and perhaps even more so with respect to the longer-term when children become closer to adult-age, including creating a catastrophic problem of statelessness. Notwithstanding the fact that the GoS lacks effective control in NWS, under international law, GoS’s obligations to protect the rights of children to a nationality and legal identity persists, and *de facto* authorities also must respect and protect the human rights of individuals and groups in NWS (as discussed in Part II.A).



Government of Syria family booklet, photo by NRC

III. LEGAL FRAMEWORK

After briefly outlining the international human rights obligations of GoS and non-state actors and armed groups (NSAGs) in NWS, Part II provides an overview of the legal framework governing access to nationality and legal identity in Syria. This Part examines the relevant regional and international treaties ratified by Syria,⁸³ and Syria’s applicable domestic laws, which remain critical for children living in NWS – not only with respect to their ability to access nationality and civil documentation from the GoS, but also because Syrian domestic procedural laws continue to be applied to a significant extent in *de facto* controlled areas in.⁸⁴

A. Human Rights Obligations of Government of Syria and *De Facto* Authorities in Northwest Syria

As a threshold matter, it is important to underscore that although the GoS does not have effective control in NWS, the international treaties to which the GoS is a party are applied throughout Syria, including in NWS. The GoS has ratified the International Covenant on Civil and Political Rights (ICCPR),⁸⁵ the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁸⁶ the Convention on the Rights of the Child (CRC),⁸⁷ and the Geneva Conventions.⁸⁸ Consequently, the human rights obligations enshrined in these instruments specifically associated with the right to nationality and legal identity (as discussed in II.B), and the plethora of basic rights accessed as a

result (as discussed in IV.A), persist in the context of NWS, irrespective of the area being under the effective control of *de facto* authorities.

In addition, although traditionally only states are considered to have obligations as signatories of international human rights treaties, non-state actors or non-state armed groups (NSAG), even though not signatories to such agreements, have increasingly been recognized as having human rights obligations.⁸⁹ This is largely based “on the idea that human rights obligations devolve with territory and bind NSAGs even if they only control part of a State’s territory.” NSAGs have been called on to respect and protect human rights, especially when the non-state actor effectively controls a territory, *or* performs government-like functions in a territory.⁹⁰ In terms of evolving practice, numerous UNSC resolutions have also indicated that organized armed groups which exercise effective control over territory and carry out administrative and public functions are responsible for protecting the rights of civilians in the territories they control.⁹¹ In addition to the UNSC, reports by UN Special Rapporteurs⁹² and entities including the UN Office of the High Commissioner for Human Rights (OHCHR) increasingly impose human rights obligations on NSAGs that have effective control over a territory.⁹³ More recently, a group of independent UN experts weighed in, arguing that individuals cannot lose their inalienable rights due to changes in authorities as “human rights protection devolves with territory” and that “*at a minimum*, armed non-State actors exercising either government-like functions or *de facto* control over territory and population must respect and protect the human rights of individuals and groups.”⁹⁴

In the context of NWS, because HTS retains *de facto* control over the civilian population in large areas of NWS, HTS and the SSG must also protect the human rights of those in its territory. In addition to a showing of its effective control, HTS can also be held to have human rights obligations based on its exercising of government-like functions,⁹⁵ “ranging from registering births, running clinics and schools, collecting taxes, developing rules and policies and operating dispute-resolution mechanisms or prisons.”⁹⁶ Indeed, the SSG has a fully established administrative structure with ten ministries, passes legislation, issues ID documents, and performs roles that were previously performed by the GoS.⁹⁷ Accordingly, there are grounds to establish that HTS/SSG have human rights responsibilities due to HTS’s *de facto* control of territory and performance of government functions.⁹⁸ This includes the obligation to protect international standards of rights related to civil documentation (as discussed in Part II.B). In addition, although civil documentation is not clearly defined or protected in International Humanitarian Law (IHL), the right to birth registration is arguably protected under Article 4(3) of Additional Protocol II of IHL as non-state groups must “take all appropriate steps” to protect children.⁹⁹

B. International and Regional Laws Protecting Children’s Right to Nationality and Legal Identity

Syria is a party to several international and regional instruments which recognize children’s right to nationality and legal identity.¹⁰⁰ Although Syria has not acceded to the 1954 UN Convention relating to the Status of Stateless Persons nor the 1961 UN Convention on the Reduction of

Statelessness, a review of Syria's commitments under the regional and international treaties ratified by the GoS underscores that all individuals, especially children, have a right to a nationality and legal identity.¹⁰¹ These obligations have also been highlighted by the UN Committee on the Rights of the Child in its fifth periodic review for the Syrian Arab Republic. Indeed, the Committee has recommended that the GoS facilitate access to nationality documents in areas controlled by non-State actors, consider recognizing documents issued locally by *mukhtars* or *sheikhs*, consider waving fees for late birth registration, make legislative reforms to allow women to be legal guardians of children and transmit nationality to their children on an equal basis with Syrian men.¹⁰²

1. Right to Recognition as a Person Before the Law¹⁰³

The international and regional legal instruments to which Syria is bound explicitly stipulate an individual's right to recognition as a person before the law.¹⁰⁴ This right is one of the most basic rights and is a prerequisite for the enjoyment of other rights.¹⁰⁵ The right to recognition as a person before the law, also known as the "right to have rights,"¹⁰⁶ is non-derogable¹⁰⁷ and is provided in several human rights instruments, including the ICCPR, UDHR, and the Arab Charter of Human Rights (Arab Charter).¹⁰⁸ This right is further strengthened by Article 15 and Article 16 of Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), ratified by Syria in 2003,¹⁰⁹ which creates an obligation on State Parties to provide equal legal capacities and opportunities to women as afforded to men, and to take appropriate measures to eliminate discrimination of women in matters relating to marriage and family relations.¹¹⁰ By way of regional law, the Covenant on the Rights of the Child in Islam (CRCI), ratified by Syria in 2005 though still not entered into force,¹¹¹ also includes a commitment to safeguarding children's right to legal identity, including the rights to a good name, to be registered with concerned authorities and to have nationality determined.¹¹²

2. Right to Nationality

The Universal Declaration on Human Rights (UDHR), parts of which are considered to be international customary law,¹¹³ recognizes an individual's right to nationality and denounces arbitrary or unlawful deprivation of nationality by a state (Art. 15).¹¹⁴ Inspired by the UDHR, numerous international human rights instruments, ratified by GoS, thereafter made the right to a nationality a binding obligation.¹¹⁵ For example, the right to nationality is protected under Article 24 of the ICCPR.¹¹⁶ Moreover, Article 7 of the Convention on the Rights of the Child (CRC) provides that every child has the right to a name, right to a nationality, and as much as possible, the right to know and be cared for by parents.¹¹⁷ Moreover, the CRC explicitly emphasizes that state parties are required to implement this right "in particular where the child would otherwise be stateless."¹¹⁸ The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ratified by Syria in 1969, provides that nationality be guaranteed "without distinction as to race, colour, or national or ethnic origin."¹¹⁹ Regional instruments also protect the right to a nationality, particularly, the Arab Charter on Human Rights (the Arab Charter),¹²⁰ which

provides under Article 29 that everyone has a right to nationality and creates an obligation on state parties to take measures “in accordance with their domestic laws on nationality, to allow a child to acquire the mother’s nationality, having due regard, in all cases, to the best interests of the child.”¹²¹ In addition, the Arab Charter’s Article 4 provides that the right to a nationality among other rights may not be derogated even in “exceptional situations of emergency.”¹²²

3. Right to Birth Registration

Birth registration is a procedural right which secures the substantive right to recognition as a person under the law. Both CRC’s Article 7 and ICCPR’s Article 24 provide for the right to birth registration. CRC’s Article 7 prescribes that the child shall be registered immediately after birth and shall have the right from birth to a name and as far as possible, the right to know and be cared for by their parents. It further obliges states to ensure the implementation of these rights, especially in cases where the child otherwise would be stateless.¹²³ Similar reiteration of the right to birth registration is found in ICCPR’s Article 24, which also grants a child “the right to have such measures of protection as are required by their status as a minor, on the part of their family, society, and the State.”¹²⁴

Likewise, CRCI’s Article 7 provides that a child has a right to be registered from birth.¹²⁵ The right to birth registration is one of the most fundamental of rights which provides the “initial foundation for the fulfillment of other rights of the child.”¹²⁶ It is considered to be fundamental to preventing statelessness and assuring that no child is discriminated against and has an equal opportunity with an equal access to rights.¹²⁷ Civil registration encompasses a wide array of rights in its expanse, particularly birth registration rights.

4. Right to Marriage Registration

The right to marriage registration is also protected as Article 16 of CEDAW provides that States must take appropriate measures to eliminate discrimination against women in matters related to marriage and family, and that marriage registration is an obligation of the state.¹²⁸ Further, the CEDAW Committee has stated that parties should also require the registration of all marriages whether contracted civilly or according to custom or religious law.¹²⁹

C. Government of Syria Domestic Legislation Governing Nationality and Civil Registration

The following section outlines the Syrian domestic laws concerning nationality and civil registration, which remain critical for children living in NWS – not only with respect to their ability to access nationality and civil documentation from the GoS, but also because Syrian domestic laws continue to be applied to a significant extent in areas in NWS under the control of the *de facto* authorities. Although the *de facto* authorities are reported to be producing its own laws and/or amending legislation, to date, SSG authorities have largely been applying the pre-2011 Syrian civil status and personal status laws. Generally, most new provisions or revisions to Syrian domestic

laws over the course of the conflict—e.g., changes to the Personal Status Law and the Civil Status Law—are not applied in NWS.¹³⁰ The key Syrian domestic laws which have bearing on nationality and legal identity include the Syrian Constitution of 2012, the Nationality Law of 1969, the Children Protection Law of 2021, the Personal Status Law of 1953 (and its amendments), and the Civil Status Law of 2021.¹³¹

1. The Constitution of the Syrian Arab Republic

Adopted in February 2012 through Presidential Decree No. 94, the Syrian Constitution provides a number of safeguards relevant to ensuring a child’s right to nationality and legal identity.¹³² Although the Constitution does not contain provisions on nationality beyond Article 48 stating “[t]he law shall regulate the Syrian Arab citizenship,” Article 33 explicitly provides that Syrian citizens are equal irrespective of their “sex, origin, language, religion or creed.”¹³³ Furthermore, the Constitution provides that the “state shall protect and encourage marriage” and will “provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life.”¹³⁴ These provisions underscore the state’s constitutional obligation to provide equal opportunities for Syrians to acquire legal identity and civil documentation essential to enjoy basic rights.

2. Syrian Nationality Law

The Syrian Nationality Law, enacted through Legislative Decree 276 in 1969, governs the acquisition, transmission, and renunciation of citizenship.¹³⁵ The Syrian Nationality Law confers nationality via *jus sanguinis* through patrilineal familial ties, such that Syrian men can pass their nationality to their children at birth, wherever they are born, whereas Syrian women cannot generally pass on their nationality to their children.¹³⁶ However, the Syrian Nationality Law contains limited exceptions under which women may pass nationality to their children, but notably all involve children born inside Syria. More specifically, conditions stipulated under Article 3(B)-3(D)—pertaining to cases of children whose paternity has not been legally established (i.e., those born to unknown fathers, or out of wedlock), children with unknown parents (‘foundlings’), or children born to a stateless father or parents—provide for exceptions in which nationality may be conferred to their children, without having a Syrian father.¹³⁷ However, sources indicate that these provisions, with the exception of the case of foundlings, have not been known to be implemented in Syria except perhaps in rare instances.¹³⁸

In addition to patrilineal acquisition, the Syrian Nationality Law provides that citizenship can be procured through naturalization as provided under Articles 4 through Article 8.¹³⁹ Among the requirements include a five-year residency in Syria, fluency in speaking and reading Arabic, and lack of any infectious diseases, infirmities, and ailments that may prevent a person from working.¹⁴⁰ Naturalization for a person who originally belongs to an ‘Arab’ country involves a more simplified procedure.¹⁴¹ A foreigner may be conferred naturalized nationality by the recommendation of a minister by virtue of a decree.¹⁴² Nationality may also be granted to the adult children of a naturalized father upon their request following the same procedures.¹⁴³ A non-national wife of a

Syrian national can also acquire citizenship, but there is no special provision for non-national husband of a Syrian national.¹⁴⁴

In connection with naturalization, it is important to highlight that following the early onset of Syria's civil protests in April 2011, Presidential Decree No. 49 was adopted, which stated that authorities will grant "Syrian Arab nationality" to people registered as "foreigners" in the province of Hasakah. In effect, this was to allow the stateless Kurdish population registered as "foreigners" (*ajanib*) in the Governorate of Hasakah, whom had been denationalized decades earlier, to acquire Syrian nationality.¹⁴⁵

In terms of withdrawal of nationality, the Syrian Nationality Law provides broad discretion for the GoS to deprive a citizen of their nationality, including, among others, for reasons based on military service in another country or engaging in any activity in a country at war with Syria.¹⁴⁶ However, one source indicated that this provision had not been known to be used by the GoS since 2011.¹⁴⁷

3. Civil Code and Child Protection Law

Article 40 of the Syrian Civil Code provides that the GoS is obliged to guarantee that "everyone [shall] have a name and a surname, and the surname shall be passed on to the person's children."¹⁴⁸

In August 2021, the GoS issued a new Child Protection Law, Legislative Decree No.21/2021, which is to expand the rights of children – and specifically provides that the right to have a nationality is to be protected "according to the provisions of the law."¹⁴⁹ The Child Protection Law also provides the right to enjoy all the legitimate rights stipulated in the Personal Status Law, including the rights to education, and healthcare, and prohibits child marriage, child labor, and recruitment of children in combat. The Child Protection Law is reportedly not being applied in NWS.¹⁵⁰

4. Personal Status Law

Syria's Personal Status Law (PSL), Law No. 59 of 1953, amended in 1975, 2003, 2010, and 2019, is critical for civil registration and legal identity as it regulates the substantive laws and procedures for marriage, divorce, death registration, custody and guardianship, determination of paternity, missing persons, and inheritance.¹⁵¹ The PSL is derived from Islamic legal sources,¹⁵² specifically, *Hanafi fiqh* (Islamic jurisprudence),¹⁵³ and *Shari'a* courts (as opposed to Syria's secular courts) have jurisdiction over these matters. Reportedly, in response to challenges brought about by the war,¹⁵⁴ the 2019 amendments to the PSL increased the legal age of marriage for females to 18 (as it had been for males); allowed both spouses to include stipulations in the marriage contract; improved women's rights to maintenance and divorce; and eased the process of registering informal marriages (*urfi*).¹⁵⁵ However, it should be noted that these amendments do not appear to be applied by the *de facto* authorities in NWS.¹⁵⁶

While all Syrians, regardless of religion, are subject to the exclusive jurisdiction of the *Shari'a* courts on most family law matters,¹⁵⁷ the PSL continued in part the Ottoman tradition of a mixed legal system and allows certain religious minorities in Syria, e.g., Christians, Druze, and Jews, to

rule their own personal status affairs, specifically related to marriage, divorce, and inheritance.¹⁵⁸ In addition to a plurality of personal status laws and courts, the PSL also allows for the recognition of customary legal practices—a particular case in point is with regard to *urfi* (informal) marriages.¹⁵⁹ This is important, given that *urfi* marriages have increased significantly among the displaced populations over the course of the conflict.¹⁶⁰

5. Civil Status Law

The Civil Status Law (CSL), Legislative Decree No.13/2021,¹⁶¹ outlines the roles and responsibilities of the civil registry, the key procedures for obtaining a birth registration document, death certificate, and family booklet, as well as the required national identity card upon reaching the age of 14.¹⁶² In GoS-controlled areas, the civil registry system, commonly referred to as the *Nofous*, operates under the authority of the General Directorate for Civil Affairs, which is a subdivision of the Ministry of Interior.¹⁶³

The CSL has been amended several times, including most recently by Legislative Decree No. 17 of 2022. The recent changes from the 2007 CSL were to update and improve access to civil documentation, but the 2021 CSL largely has not changed the previous law’s rules and procedures for registering vital life events, including birth, marriage, divorce and death, as well as for issuing identity (ID) cards and Syrian family booklets.¹⁶⁴ Although the *de facto* authorities civil registries in NWS also use largely the same legal procedures set out by the CSL to register vital events,¹⁶⁵ to date, it appears that the more recent amendments to the CSL, in addition to amendments to the PSL, are not being applied by *de facto* authorities in NWS.¹⁶⁶ Consequently, to the extent that there are changes from the earlier CSL, it will be noted below.

The 2021 CSL presents some significant and in part welcome changes:¹⁶⁷

- permits registration of the vital events and obtaining of civil documents at any civil registry center, as opposed to the earlier practice wherein Syrians were obliged to return to the registry office in their place of origin to register vital life events or obtain ID cards and family booklets;¹⁶⁸
- transitions from the paper-based records kept in a person’s place of origin (*makan al-qayd al-asli*) over the course of generations, to the new “Single Syrian Registry” digitally recording all the individual books, connecting them as part of one registry, accessible anywhere in (GoS-controlled) Syria;
- expands or more clearly specifies which family members can register or obtain birth and death certificates, as well as family books, on one’s behalf;¹⁶⁹
- extends the time people have to register their vital events from 30 days to three months if the event occurred inside Syria and 90 days to nine months if it occurred outside the country;¹⁷⁰
- facilitates the birth registration for children born out of wedlock, lessening the need for a lawsuit if lineage is established by “official documents;”¹⁷¹
- removes the requirement for widowed parents to obtain the approval of the Minister prior to registering a marriage or divorce.¹⁷²

It should be noted that the new law increases, albeit marginally, the fees associated with civil registration of life events though increases more significantly some of the penalty fines.¹⁷³

6. Overview of Civil Registration for Births and Marriages

While other civil registration documents, e.g., the family booklet, also have relevance, the following section will focus on the laws and policies governing obtaining birth and marriage registration documentation, given their critical and interlinked importance for children to secure their right to nationality and legal identity.¹⁷⁴ The focus herein will be on the laws governing Syrians registering life events *inside* Syria, as opposed to those for Syrians living abroad.

(a) Birth Registration

Birth registration is used to prove Syrian nationality and obtain other types of identification, including inclusion in a family booklet.¹⁷⁵ It should be noted that once a child is included in a family booklet, the family booklet “acts as a birth record that replaces birth certificates” and in turn becomes essential for accessing basic rights and services in Syria.¹⁷⁶

Who may register a birth: The parents of the child are required to report the birth event, and the 2021 CSL clarified that in addition to *either* parent being able to register, legal adult relatives of the newborn “up to the fourth degree” may also register a birth event.¹⁷⁷



Key required documents for registering a birth:

- *Birth notification* from the administering hospital, doctor, or licensed midwife;
- *Birth attestation* obtained from the *mukhtar* as per the birth notification for the births occurring at home, or as per birth attestation issued by the hospital for the births occurring in the hospital;
- *Family booklet*, or if that is not available, the personal ID cards of both parents;
- Family statement which proves the *registration of parents' marriage*.¹⁷⁸

Marriage registration requirement: It is not permissible to register a child born from an unregistered marriage, except after the marriage has been duly registered.¹⁷⁹ If the marriage has not been registered, or in case of a child born out of wedlock, the CSL forbids the name of the father

or mother, or both parents together, to be mentioned in the birth record, except following a court ruling.¹⁸⁰ The 2022 amendment (via Legislative Decree No. 17)¹⁸¹ introduces Article 28(c) into the CSL, which provides that if a mother can establish the lineage of the child through “official documents,” the birth will be directly recorded in the directory without a lawsuit.¹⁸² Once an *urfi* marriage has been registered, one source noted that the “marriage certificate will be back-dated to the actual date of the marriage by the *Shari’a* Court, meaning that children are considered born within the marriage place and can thus be issued with a birth certificate reflecting their actual age.”¹⁸³

Birth registration in the case of children of unknown parentage, ‘Foundlings’: The CSL mandates that an individual who finds a person of unknown parentage is to report to the police or the *mukhtar* at the earliest; thereupon such person found is handed over to one of the institutions approved by the GoS’s Ministry of Social Affairs and Labor.¹⁸⁴ The receiving institution will then issue a birth certificate which is subsequently registered in the civil registry. The civil registry chooses a name for the child, parental names,¹⁸⁵ and a family name; the phrase ‘unknown parentage’ has been prescribed not to be mentioned in the documents granted to such child.¹⁸⁶ The child will be considered a Muslim Syrian Arab born in Syria at the location where found, unless proven otherwise.¹⁸⁷

Unregistered parents: The birth of a child whose father or mother is unregistered cannot be registered, if such child follows the mother in nationality, except on the basis of a decision issued by a central committee formed by a decision of the Minister.¹⁸⁸

Statutory Time Period and Late Fees: The birth of a child must be registered within 90 days of the birth if it occurred in Syria and nine months if it occurred outside Syria.¹⁸⁹ (This is a significant change from the previous law, wherein births had to be registered within 30 days if the birth occurred inside Syria, and 90 days if the birth occurred outside of Syria.) Births which have not been registered after one year of their occurrence or before persons reach the age of 18 are required to undergo a different registration process, requiring submission of a police report, and such cases are subject to different fines.¹⁹⁰ After an individual attains 18 years of age, a person’s birth can only be registered, “[if] based on a decision by a subcommittee formed by the governor in the center of each governorate.”¹⁹¹

By way of fines, 5,000 SYP is levied in the event of failure to report within the period specified, which again is three months if it occurred inside Syria, or nine months if it occurred abroad. A 15,000 SYP fine is imposed in the event of failure to report within one year from the date of the occurrence of the incident. A fine of 20,000 SYP is imposed when an individual not apply for registration within one year of reaching the age of majority.¹⁹²

(b) Marriage Registration

Registration of a child’s parents’ marriage is a prerequisite to having a birth registered. The CSL stipulates that a marriage may not be registered in the civil registry between citizens, unless it was conducted by a competent authority, in accordance with the laws and regulations in force in this

regard.¹⁹³ Under Syrian law, a marriage is not considered to meet the legal requirements unless it is registered in the civil registry.¹⁹⁴ Marriage contracts must be submitted to the competent religious court, along with relevant documentation, including proof of parties' civil status, as well as evidence that the prospective husband is fully compliant with the Military Service Law.¹⁹⁵

The application process requirements will differ based on the circumstances, including among others: whether there already was an *urfi* marriage, yet no children born; whether there was an *urfi* marriage and the wife has given birth or is pregnant;¹⁹⁶ and/or whether *one of the spouses is foreign*.¹⁹⁷ For example, for couples formalizing *urfi* marriages where there is a child or the wife is visibly pregnant, the Ministry of Defense requirement does not apply, provided there is either a birth notification or a medical report confirming the wife is at minimum four months pregnant.¹⁹⁸ Registering *urfi* marriages also incurs a fine, which increased significantly several years ago.¹⁹⁹

In cases where the husband has died, disappeared or where the parties have separated and the husband does not wish to register the marriage, registering an *urfi* marriage becomes extremely difficult. Although witness statements can be filed with the court to prove the existence of the marriage, sources note that “this can be a complex and stressful process.”²⁰⁰ Absent proof of the *urfi* marriage, children of the marriage are considered to “born out of wedlock and thus illegitimate.”²⁰¹

The PSL provides that the age of capacity for marriage is 18 years old for both men and women.²⁰² However, children ages 15 years or older may be married only if they obtain a court decision finding that they meet certain conditions.²⁰³ Once a marriage has been certified by the *Shari'a* (or in the case of non-Muslims other religious) court, the marriage is then documented and the marriage contract is transmitted to the civil registry office, which will record the marriage.²⁰⁴



Earthquake damage in Northwest Syria, photo by NRC

IV. DEPRIVING CHILDREN IN NORTHWEST SYRIA OF THEIR RIGHT TO NATIONALITY & LEGAL IDENTITY

Gaps in Syria's laws and practices violate core dimensions of GoS's international and regional treaty obligations, as well as its constitutional and domestic laws with regard to safeguarding a child's right to a nationality and legal identity.²⁰⁵ In particular, gender discrimination in the Syrian Nationality Law and the overly burdensome civil registration processes represent the two major barriers contributing to Syria's failure to ensure children in NWS's right to a nationality and legal identity.

A. Gaps in the Nationality Law and its Implementation

1. Gender Discriminatory Nationality Law

Syria's gender-discriminatory Nationality Law is a critical factor to child statelessness and more generally children in NWS's lack of access to basic rights. Although the Syrian Nationality Law allows Syrian men married to non-Syrian women to pass their nationality on to their children and spouses, it does not allow Syrian women to do so.²⁰⁶ This violates the Syrian Constitution's provisions concerning equality and equality of opportunity for women in the Syrian Constitution, as well as international law broadly, under which parties are "to pursue by all appropriate means and without delay a policy of eliminating discrimination against women."²⁰⁷ Despite ratifying

CEDAW in 2003, Syria included reservations to Article 9(2), which relates to women’s right to confer nationality to their children. The GoS claimed that Article 9(2) was incompatible with *Shari’a* law. However, Syria has not filed any reservations under Article 9(1) of CEDAW, which provides women equal rights as men to “acquire, change, or retain their nationality.”²⁰⁸ The Syrian Nationality Law is in contravention to CEDAW Article 9(1) as it does not allow women to transfer their citizenship to their spouse, as Syrian men can.²⁰⁹ Reserving Article 9(2) is contrary to its obligations to follow the object and purpose of CEDAW.²¹⁰

There have been serious efforts by women’s rights movements in Syria to change this law. In 2004, the Syrian Women’s League presented a memorandum to the Syrian Parliament in order to remove this discriminatory provision which then resulted in the formation of a committee to discuss this amendment, with the Ministry of Justice manifesting its support for the reform.²¹¹ However, in 2006, Parliament voted against the amendment arguing that it was contrary to *Shari’a* law as the child’s identity and nationality stems from their father. In 2011, efforts were renewed by a larger coalition of civil society organizations, including the Syrian’s Women’s League, which resulted in a new bill being presented in Parliament. Although a committee was once more formed to discuss amending the law, the bill was not put to a vote, purportedly because of the conflict and ongoing migration crisis.²¹² To date, the status of this law remains the same.²¹³

Even prior to the conflict, this provision meant that an estimated 100,000 Syrian women could not provide their children with Syrian nationality,²¹⁴ and today the problem has become exponentially more severe, especially for children in NWS.²¹⁵ Lack of access to Syrian nationality through the Syrian mother precludes access to nationality for children born to foreign fathers, and also to children born to Syrian fathers who have difficulty in proving their legal link to their father.²¹⁶

2. Lack of Implementation of Statutory Safeguards Protecting Child’s Right to a Nationality

(a) *Statelessness and unknown parent(s) exceptions*

While children born to Syrian women are generally not able to acquire Syrian nationality on the basis of their mother’s nationality, the Syrian Nationality Law provides that Syrian women are supposed to be able to pass their nationality if born in Syria *and* if the father’s status is *stateless*, or *unknown*. Multiple sources report, however, that these provisions are not followed in practice.²¹⁷ For example, stateless Kurds in Syria as well as stateless Palestinians have historically been foreclosed from using this provision for purposes of gaining access to Syrian citizenship for themselves, or their children.²¹⁸ Indeed, UNHCR specifically cited the Syrian example in its 2019 global report on statelessness, emphasizing that “Syria has a safeguard in place to prevent statelessness among children born in the territory, but it is not clear that this is implemented in practice.”²¹⁹

With regard to the unknown parent exception of the Syrian Nationality Law (Art. 3(B)), it should be noted that this provision is limited to children who are born in Syria as compared to Article 3(A), which grants citizenship to all children born to Syrian fathers, regardless of whether born inside or outside the country. Furthermore, in practice, Article 3(B) is not implemented due to the significant social barriers and stigma faced by women to admitting to having a child outside marriage, including possible negative legal consequences.²²⁰ One informant went as far as to note that in certain cases such women could face harmful social practices, even honor crimes, if pursued.²²¹



Photo by NRC

A number of sources note that they were not aware of a single case where citizenship was granted on mother's nationality with an unknown father.²²² Further, even if women were to try and transfer citizenship to their children, they would need to do so with the presence of a legal guardian.²²³

Having to rely on the father for access to Syrian citizenship also presents problems for children's whose fathers are unwilling or unable to cooperate in the civil registration process to establish paternity.²²⁴ Among others, this includes children in NWS whose fathers are missing, imprisoned, dead, and/or fear being affiliated with an armed group, such that they or their relatives do not want to present to the GoS authorities.²²⁵

Meanwhile, although the Syrian Nationality Law's provision (Art. 3(C)) for granting Syrian nationality to "foundlings" has been recognized as being implemented well,²²⁶ the situation for foundlings' access to nationality and documentation in NWS is highly precarious, as discussed in *infra* Part III.C.4 & III.C.6.²²⁷ Consequently, lack of implementation of these key provisions meant to protect against statelessness has resulted in thousands of children in NWS not having access to nationality.

(b) Naturalization

For those without citizenship, especially those residing in NWS, naturalization also does not appear to be a viable pathway to gaining Syrian nationality, because in addition to the serious obstacles (to be discussed *infra* Part III.B), Syria's laws and policies provide no transparent functioning process by which individuals may apply for and acquire nationality, apart from girls

later acquiring citizen through marriage to a Syrian male (Art. 8).²²⁸ While as an initial matter, the law's requirement of five years of residence disqualifies those who do not have access to formal legal status in the country,²²⁹ sources suggest that even when a person meets the naturalization requirements, apart from a woman's marriage to a Syrian man, they have not been able to secure citizenship.²³⁰ One informant noted that they were not aware of any cases of naturalization in NWS.²³¹ Even more broadly, there appears to be no official statistics as to how many cases of individuals have been naturalized in Syria generally, apart from the *Ajanib* Kurds statistics released subsequent to Presidential Decree No. 49—and the GoS's decision concerning naturalization (outside of the case of *Ajanib* Kurds) appears to be entirely at the discretion of the Minister of Interior.²³²

While the 2011 Presidential Decree No. 49 was itself a welcome advancement to addressing the lack of nationality among a segment of Kurds in Syria and their descendants who had been stripped of their Syrian nationality in 1962, it is not known how many Syrian Kurds have been able to subsequently obtain citizenship as a result.²³³ Some sources note the figure to be about 105,000 as of 2015.²³⁴ It should be noted that because the citizenship process included an interview with the GoS security services and potential military conscription, many Kurds have declined to pursue it.²³⁵ Moreover, the decree did not apply to the approximately 150,000 *maktoumeen* ['concealed'] Kurds, who remain stateless. Some have also critiqued the decree as it noticeably allowed for acquisition of nationality from that day forward, "rather than reinstatement of nationality or indeed recognition that the person was always a national."²³⁶ (Further examination of the status of Kurds, in particular related to their status in NWS, is discussed below in III.C.2).

B. Barriers to Accessing Civil Registration Documentation in Northwest Syria

In addition to the core gaps in law and implementation with regard to the Syrian Nationality Law, there are formidable barriers to accessing civil registration which hinders a children's right to a nationality and legal identity. Barriers to children accessing civil registration in the context of NWS needs to be explored along two tracks: *first*, barriers related to accessing GoS civil registration; and *second*, barriers related to accessing *de facto* authorities' civil registration.

1. Barriers to Accessing Government of Syria Civil Registration

(a) Security Concerns: Detention, Arrest, Abduction, Sexual Assault, Conscription

Lack of freedom of movement due to security concerns is one of the most important barriers to obtaining GoS civil identification for those living in NWS.²³⁷ Many noted that the most significant barrier to accessing GoS documentation was the concern that children or their caregivers would be at risk.²³⁸ Those living in NWS fear crossing military checkpoints due to concerns of arrest and detention. For example, men in NWS who have not completed their military service are especially concerned about abduction, detention, and forcible conscription while traveling through both GoS and non-GoS areas.²³⁹ Meanwhile, women also risk getting arrested while crossing checkpoints if,

for example, it is found that any of their family members are wanted by the GoS.²⁴⁰ There have also been reports of sexual assault against women at roadblocks.²⁴¹ Such factors generally make it extremely unsafe for persons to leave NWS and cross into GoS-controlled zones in pursuit of civil registration.

More broadly, it should be emphasized that the GoS often depicts those living in NWS collectively as the opposition—or even ‘terrorists.’²⁴² By consequence, people in NWS fear engaging with the GoS authorities, so minimize any such encounters, including obtaining civil registration. Any connection to non-GoS rebel groups is viewed with distrust by GoS officials. Indeed, GoS soldiers have been reported to even have interrogated and arrested a disabled person who had been a victim of an airstrike, because the soldier at the check point said that “airstrikes only targeted terrorists.”²⁴³ For this and other reasons, people in NWS minimize any encounters with the GoS, including for purposes of obtaining civil registration.

(b) Closure of Cross-Line Access to Government of Syria-controlled areas

Another important barrier to accessing GoS documentation is that since 2020 there has been extremely limited if any access to the GoS-controlled areas. Cross-line travel between NWS and GoS-controlled areas was initially shutdown in March 2020 on account of the COVID pandemic, but has remained restricted due to each party’s military and/or security concerns.²⁴⁴ Before that, some access to the GoS-controlled areas was still possible, even if dangerous.²⁴⁵ The process of accessing civil registration with GoS authorities has been markedly difficult since.²⁴⁶

(c) Marriage Registration Requirement

Problems associated with securing a marriage certificate create major obstacles to children being able to access legal identity in NWS, since marriage registration is a prerequisite to obtaining a birth registration of a child whether born in Syria or abroad.²⁴⁷ Religious officiation of a marriage alone is not sufficient to formalize a marriage until the civil registration process is done.²⁴⁸ This requirement dramatically restricts access to citizenship to even those who qualify under the Syrian Nationality Law.²⁴⁹ While some barriers to securing marriage certificates pre-date the Syrian conflict, many are the result of or have been exacerbated by, the war and particularly the isolation of living in NWS. Among the issues are: (i) lost, destroyed or confiscated marriage registration documentation or underlying documentation needed to effectuate the marriage, (ii) informal (*urfi*) marriages, (iii) out of wedlock births, and (iv) lack of recognition of NWS’s *Shari’a* court processes formalizing the marriage.

Lost, destroyed or confiscated marriage registration documentation or underlying documentation needed to effectuate the marriage: A clear obstacle to obtaining marriage certificates is not having the requisite documents because the marriage certificate itself has been lost, destroyed or confiscated during the course of the conflict or the couple may lack the underlying documentation to secure a marriage certificate, including even personal identification like a birth registration document, family book, or national ID.²⁵⁰ The earthquakes have only compounded this problem.²⁵¹

Informal (*urfi*) marriages: Whereas previously customary or informal (*urfi*) marriages were often found primarily in rural areas,²⁵² they are reported to have increased during the conflict.²⁵³ These marriages are not registered with the state and are commonly contracted without formal government involvement.²⁵⁴ *Urfi* marriages are usually performed by a religious leader (a *sheikh*),²⁵⁵ and do not require witnesses.²⁵⁶ People have many reasons for having an *urfi* marriage, including:

- *urfi* marriages are a common custom in the couple's community (e.g., in rural areas);
- the spouses are from different Muslim sects;
- the couple marries against their family's wishes;
- it concerns a polygamous marriage, with one of the wives not giving consent;
- one or both of the spouses are children, i.e., below the legal age allowed to marry;
- the man serves in the army and does not have permission from the army to marry (or does not want to seek permission);
- the couple cannot afford a wedding;
- man agrees to contract a *urfi* marriage to allow the wife's child born out of wedlock receive a (his) family name.²⁵⁷

Parents of children born from these marriages often have difficulty securing a birth registration as they may lack the required documentation to prove their marriage.²⁵⁸ In practice, the PSL can be quite flexible such that establishing the paternity of a child born from an *urfi* marriage traditionally “poses no serious problems.”²⁵⁹ Once an *urfi* marriage is registered, it will be considered a valid marriage and children born during the marriage are attributed to the husband.²⁶⁰ Indeed, the marriage certificate will “be back-dated to the actual date of the marriage by the *Shari'a* Court, meaning that children are considered born within the marriage place and can thus be issued with a birth certificate reflecting their actual age.”²⁶¹ One source noted that in practice for this to happen, it is probable “that either both spouses would have to be present in Syria, or the court may possibly accept an application presented by a relative or legal agent (*wakil*).”²⁶² Furthermore, it should be noted that where the husband has died or disappeared, it becomes exponentially more difficult – the child will “be considered illegitimate” and “can only be affiliated to the mother.”²⁶³ Because the law does not allow a mother to “pass on her surname to her child, the child will be without a last name and thus without citizenship.”²⁶⁴

Out of wedlock births: In terms of out of wedlock births, the recent amendment allowing mothers to register their children born out of wedlock without the need for a lawsuit if the lineage is established by “official documents” could be a welcome reform if implemented correctly. But at this point it is unclear how “official documents” is defined, nor “whether it will be written in the child's records that he/she is a born of wedlock child.”²⁶⁵ Children born out of wedlock cannot be registered under the name of their parents unless they provide a written request supported by a court ruling.²⁶⁶ Notwithstanding these issues, by way of social norms, without a formal marriage relationship, women do not usually approach the GoS civil registration department to register their child's birth,²⁶⁷ as it is considered socially prohibited, unacceptable, and unsafe for the woman to do so.²⁶⁸ There do not appear to be any special rules governing cases of children born out of sexual

violence, and social stigma surrounding gender-based violence inhibits the reporting of such cases.²⁶⁹

Salma and Her Children

Salma²⁷⁰ is a 19-year-old housewife with two children living in NWS. She did not officially register her marriage and her children's births are also not registered. She also lacks a family booklet, a key civil registration document in Syria.

Salma got married at the age of 13 because her parents feared that she could be kidnapped and/or raped as a result of the ongoing war, and they believed that marriage would protect her. In meetings with an NGO, Salma noted the difficulties she faced due to her early marriage, including enduring C-section surgeries at a young age. Salma also mentioned the challenges she faced with her husband—she said that they were not in what could be described as “a good relationship.”

After the NGO followed up many times on her case, Salma explained that her husband is a day labourer and her family's highly precarious economic situation presents a major obstacle to her initiation of a civil documentation process. She also said that another obstacle is that she cannot go herself to the civil registries and court to initiate the civil documentation process. The community is another challenge because her husband is her cousin and, based on tradition, there is not considered to be a need to officially register their marriage, since they are coming from one extended family, such that they believe the ‘sheikh’ (or *urfi*) marriage is sufficient.

Having an unregistered marriage, however, leads to many difficulties, especially for her children. The children cannot be officially registered to their parents, nor acquire birth certificates, and as a consequence cannot access basic rights. For example, birth registration is essential for enrolling in school and for accessing urgent or specialized healthcare for referrals to Turkey's hospitals, given NWS's lack of health services. A family booklet issuance is also important for accessing basic humanitarian assistance provided by different humanitarian parties or by the local authorities. Should Salma divorce (or if at some point her husband were to die), without a registered marriage, Salma (and her children) would be deprived of sharing of any of the assets, accessing alimony, or, in the case of death, accessing inheritance. Salma's children lack of birth registration also heightens their risk of statelessness, since a birth certificate provides proof of where a person was born and parentage – critical to establishing a claim to Syrian nationality.

Lack of recognition of Shari'a court processes in NWS: Another major issue is that even when marriage certificates are issued by *Shari'a* courts operating in NWS, GoS civil registration agencies do not recognize the ensuing marriage documentation issued by these courts or by local *Sheikhs* in NWS.²⁷¹ Again, if the husband has died, is no longer present, or is unwilling to approach GoS

institutions, securing marriage registration documentation from GoS represents a nearly impossible barrier to overcome.²⁷²

(d) Gender-Based Barriers

In practice, there are significant gender-based barriers specific to women and men which make securing documentation impossible for many in NWS. Women typically encounter significant barriers to obtaining civil registration documentation, unless they have a legal guardian. This is especially true if their father is not present or their husband is absent, and they are living on their own.²⁷³ For example, there are reports of widows facing challenges in obtaining documentation for their children given their husbands cannot be present.²⁷⁴ The Civil Status registry often requires that the father be present or that his death certificate be produced.²⁷⁵

Various other social norms and administrative barriers related to gender make it difficult for women to access documentation, including: dependency on husbands or male relatives for travel,²⁷⁶ widespread unfamiliarity and lack of education among women about civil documentation process,²⁷⁷ and mistreatment by civil registry staff,²⁷⁸ and lack of female staff in civil registries and in *Shari'a* courts, etc.²⁷⁹ These factors contribute to dissuading women from interacting with functionaries of the civil registration process.

Meanwhile, the most significant barrier for men to obtaining GoS civil documentation are related to security concerns.²⁸⁰ Men have been disproportionately targeted in the conflict, and disproportionately high numbers of deaths,²⁸¹ fear of conscription, humiliation, interrogation, detention, or arrest discourages men from attempting to travel to GoS-controlled areas for documentation.²⁸² Moreover, the GoS reportedly generally regards Syrian men in NWS as being a part of the opposition, defectors, and/or having failed to complete their military service.

(e) Destroyed or Lost Civil Documents and Destruction of Civil Registries

As noted, people not possessing the underlying civil documentation also represent a major barrier to having a child registered and securing a marriage registration. A significant percentage of people in NWS do not have many of the underlying documentations required to complete their child's birth registration, with many IDPs having lost their documents, had them destroyed and/or confiscated in the process of their displacements and continuing encampments.²⁸³ The February 2023 earthquake also resulted in many people losing their documents or having them damaged or destroyed, with no way to replace GoS documentation.²⁸⁴ In addition, civil registries have been destroyed either as a collateral result of the fighting or, at times, due to deliberate targeting.²⁸⁵

In areas previously under its control, ISIS reportedly destroyed people's passports and legal records.²⁸⁶ There have also been reports of IDPs who have had their documents destroyed due to snowstorms and floods, as well as the fires common in the camps.²⁸⁷ The effects of the powerful earthquakes are yet another cause for people in NWS to have had their own documents lost or destroyed.²⁸⁸

(f) *Administrative Fees and Associated Costs*

Another significant challenge faced by the population in NWS is the high amount of fees levied on GoS civil registration documents, especially given the economic situation for most families. The CSL 4/2017 and 2019 introduced significantly higher fees for issuing and replacing essential civil registration documents, such as ID cards and family booklets.²⁸⁹ In 2017, for example, the GoS raised consular fees for new passports to USD 300 for normal processing and USD 800 for expedited applications, making the Syrian passport “the world’s most expensive.”²⁹⁰ As of late 2020, the average monthly wage in Syria stood at USD 81,²⁹¹ and, notably, since that time the economy has further plummeted.²⁹²

Apart from the official fees, the cost of travel to the GoS-controlled areas, fees paid to middlemen, and the associated legal fees (prevalent in the less straightforward cases) result in the overall cost being unaffordable for families living in NWS who are experiencing an increasingly grave economic situation.²⁹³ Inaccessibility to register newborn children is further compounded by Syrian law that fines individuals anywhere between 5,000 to 20,000 SYP in case of failure to report the occurrence of a civil status incident in a timely manner.²⁹⁴ Given the numerous obstacles to accessing the GoS registries, a timely registration is often impossible to realize.

Hadeel and Her Children

Hadeel²⁹⁵ and her late husband did not register their marriage and none of their children were able to obtain a birth certificate. Her husband died years ago, and she did not get issued a death certificate until now. Her two children are school-aged but could not enroll in school due to lacking proper documentation. Currently, she needs different civil documents to be able to access the needed services, including education for her children. She needed to register the death of her late husband, register their marriage, obtain a family booklet, and register the birth of her three children. Without those documents, her two children cannot access education, along with many other basic rights and entitlements that the family might need in the future.

Hadeel’s financial condition is difficult, and she will need referrals to other essential services providers if needed. Financial barriers do add to the difficulties that beneficiaries in NWS face in general and women, in particular, when they are trying to obtain the needed civil documentation.

2. Barriers to Securing *De Facto* Authorities’ Documentation

While accessing GoS civil documentation represents a significant struggle for people living in NWS due to the serious barriers involved, accessing *de facto* authorities’ documentation is not without its own set of serious problems and barriers.

Although *de facto* authorities in NWS issue similar documents—even following procedures adopted by the GoS—non-recognition of such documents within and beyond Syria can compel

individuals to cross into GoS areas to access civil registration, or resort to other coping mechanisms that present serious risks. However, since crossing such lines involves acute risks, most living in NWS do not attempt to go into GoS areas. Yet, many in NWS do not secure *de facto* authorities documentation either, for reasons outlined below.

(a) *Insufficient Knowledge of the Registration Procedures*

According to a 2021 series of surveys and focus groups in NWS, among the key barriers to birth registration was the lack of knowledge of registration procedures, “including not knowing what documents are required for registration or not knowing where to register in the opposition area.”²⁹⁶ Lack of awareness of procedures was also significant with regard to marriage registration.²⁹⁷ Those surveyed also noted the complicated and lengthy process as an inhibiting factor in preventing them from registering.²⁹⁸ Informants stressed, however, that people generally understood the importance of civil registration.²⁹⁹

(b) *Lack of Legitimacy of De Facto Authorities’ Documentation*

A major barrier to *de facto* authorities’ documentation is that many in NWS do not value *de facto* authorities’ documentation, given that *de facto* authorities-issued documents are considered invalid by the GoS, which refuses to recognize non-GoS documents issue so as not to legitimize *de facto* authorities’ governance in any way.³⁰⁰ Internationally, *de facto* documentation is also not recognized.³⁰¹

(c) *Non-Affiliation with or Opposition to De Facto Authorities*

Another obstacle to people accessing *de facto* authorities documentation is that they fear future ramifications or retaliation by the GoS for having such documentation.³⁰² Others in NWS may not want *de facto* authorities documentation because they themselves may be pro-GoS and therefore do not want any affiliation with SSG.³⁰³

There are also some living in NWS who were displaced from areas formerly under ISIS control,³⁰⁴ who find it difficult to obtain *de facto* authorities documentation because they are often stigmatized or viewed as ISIS sympathizers—and thus perceived to be in opposition to the rebel groups associated with the *de facto* authorities.³⁰⁵

(d) *Lack of De Facto Authorities Administrative Capability*

Another barrier is that *de facto* authorities registration mechanisms have weak infrastructural capabilities. For example, *de facto* authorities only have a portion of the registry data, which results in some family members being in the registry while other members being missing.³⁰⁶ Such issues challenge not only the reliability of the system, but people’s confidence in it.³⁰⁷

The infrastructure to provide supporting documents is also limited. For example, the provision of birth notifications, one of the critical supporting documents needed to register a birth, remains

low in NWS, even among hospital births. According to healthcare providers, roughly 45 percent of births in NWS do not include a birth notification.³⁰⁸

(e) *Lack of Cohesiveness of De Facto Authorities' Civil Registration Systems*

Another key barrier involves the lack of an overall cohesive civil registration process in NWS. Significant challenges emerge within the different areas controlled by non-GoS areas, as there is no single document or format that all the parties use for documentation purposes.³⁰⁹ There are different NSAGs which have formed their own separate administrative and judicial bodies.³¹⁰ Accordingly, there is no single system of governance in non-GoS areas. Each of them uses their own format of documentation as different areas have different laws that they follow. Thus, when people from one area go to another area of NWS, their problems of documentation persist.³¹¹ The civil registration documents issued by local councils in different parts of NWS are distinct, and a document issued by one local council may not be recognized in another area in NWS.³¹² As a result, people, including professionals within the civil registries, are not only confused but also people within the area do not see the point in registering.³¹³

Based on this and other barriers highlighted (especially regarding the recognition and legitimacy of the *de facto* authorities civil documentation), one key informant noted that people living in NWS often conclude: “What’s the point? I’ve already got 1,000,001 problems in my life, why do I need to go through this process?”³¹⁴

C. Profiles of Children at Heightened Risk

While informants emphasized that all children across NWS are faced with acute vulnerability to statelessness due to the effects of the ongoing conflict and being undocumented, there exists a heightened vulnerability to lacking access to legal identity and nationality among certain profiles of children.³¹⁵ Our research determined that particularly at-risk children can be categorized into six groups. These categories are, however, not mutually exclusive, and many children (and their families) often fall into more than one of these profiles.

1. Children Born to Undocumented Parents

As noted, a significant percentage of parents in NWS, especially among IDPs, have either lost their personal identification documents, such as birth certificates and ID cards, or were never documented in the first place. Informants note that they find families in NWS who have been undocumented for two or three generations.³¹⁶ *Maktoum* is a term used to describe “the situation of individuals who had never been registered in Syria and for whom there is no official record of their existence”³¹⁷ (though the same term also refers to a category of stateless Kurds).³¹⁸ The 2022 Syria Humanitarian Needs Overview reports that 76 percent of the assessed households across the country indicated a lack or loss of GoS-issued civil documentation, with disproportionately high lack of access to GoS-issued civil documentation among Syrians in northern Aleppo and Idlib, as well as other areas.³¹⁹ Many people, particularly those who are internally displaced, do not know how to apply for new documents or replace their lost ones, and obtaining replacement documents

can be a difficult process.³²⁰ Not having the requisite civil documents proving, for example, that the father is a Syrian national, means that the father's children also cannot access nationality and is at a heightened risk of statelessness. Moreover, lack of GoS-issued civil documentation amongst IDPs particularly in NWS affects immediate access to services and long-term prospects related to return.³²¹

2. Children Born to Stateless Fathers

Children born to stateless fathers in Syria are especially prone to being stateless, because despite safeguards in the Syrian Nationality Law under Article 3(C) to protect against statelessness, sources indicate this legal provision is not implemented in practice, leaving children born to stateless fathers deprived of their right to a nationality.³²² Moreover, Syria's gender discriminatory nationality law whereby citizenship is conferred through the father, not through the mother, means that even if a child is born to a Syrian mother, they will not be able to access Syrian nationality.³²³

Hereditary statelessness pre-existed the Syrian conflict as the country had for generations a significant stateless population, namely, the stateless Kurds and Palestinians.³²⁴ But since 2011 the problem has only been exacerbated and been made more complex. Given the Kurdish presence—albeit diminished—in the NWS region, this Report focuses on children born to stateless Kurds in Syria. The presence of many Palestinians in NWS has not been noted by informants.³²⁵

By way of historic background, Syria's Kurdish-majority province of Hasakah in the al-Jazira region³²⁶ underwent a special census in 1962 that resulted in approximately 120,000 Syrians losing their citizenship overnight.³²⁷ As part of this *Jazira* census, Kurds were: (i) thereafter classified as *Ajanibs* (foreigners rather than Syrians) if they possessed ID documents but could not meet residency requirements in Syria and were eligible for foreigners' residency status; (ii) were later referred to as *Maktoumeen Kurds* (i.e., unregistered Kurds), if they could not provide any documents, as they were not registered in the census and were not recognized as Syrian citizens; or (iii) those who were able to fulfill the registration requirements and remained citizens.³²⁸ The haphazard nature of the special census meant that in the same village, there were often brothers from the same family classified differently. As a consequence of being denied nationality, stateless Kurds in Syria have for decades since faced restricted access to basic rights, including among other things restrictions on being able to own land, obtain a marriage certificate, enroll in school, vote, or get a job.³²⁹ As descendants of those Kurds who lost their citizenship multiplied, the number of stateless Kurds reached an estimated 300,000 people prior to the Syrian civil war.³³⁰

While geographically northeastern Syria is the predominant Kurdish region of Syria, NWS also had a significant Kurdish population along the Turkish border to the northwest, reaching Afrin. Indeed, the Afrin area is a historically Kurdish majority area.³³¹ Kurdish population lives in the now Turkey-controlled Afrin city within NWS region, and hold (*Ajanib*) identity documents or full citizenship documents.³³² Apart from Afrin, sources note that there are also Kurds living in Idlib whom have been displaced from other parts of Syria.³³³

Sources note that the percentage of Kurds in Idlib is very small, but because there is no census, there is no accurate information. Furthermore, many members of the Kurdish communities moved away at the start of the crisis. The communities tend to be rather integrated, not separated. The Syrian ID does not specify ethnic identity, so it is difficult to know what their identity is. Also, sources noted that people are hesitant to tell the *de facto* authorities their identities.³³⁴



As noted previously, the GoS granted citizenship in 2011 to stateless, registered *Ajanib* Kurds by decree No. 49.³³⁵ The decree, however, did not mention *Maktoumeen* Kurds. While the war made applying for citizenship more difficult by 2015, about 105,000 *Ajanib* were able to obtain nationality.³³⁶ However, it is difficult to accurately assess the impact of the decree and the number of stateless Kurds in Syria due to the ongoing conflict and the large number of Kurds who were displaced, with over one million seeking refuge in the Kurdistan Region of Iraq.³³⁷ While a segment of stateless Kurdish children living in NWS may be eligible to obtain Syrian citizenship based on Decree No. 49, the practical barriers to this pathway remain significant.³³⁸ Informants note that the population of stateless Kurds in NWS is significant and while some may understand the issue to have been resolved, for example, by decree no. 49, it has not been and it remains an ongoing issue.³³⁹

3. Children Born to Non-Syrian Fathers

Another group of children at heightened risk in NWS are those born to marriages to foreign fathers. The main issue with respect to children born to mixed marriages in Syria is the country's gender discriminatory nationality law, which does not allow Syrian women married to foreigners to pass on their nationality to their children.³⁴⁰ Children born from these marriages may not have a legally recognized parent-child relationship, which can lead to complications. Additionally, even for those who do, accessing their father's foreign nationality for many living in NWS is untenable, due to the many practical barriers in accessing their father's citizenship, as well as a reported rise in denationalization of alleged foreign fighters from European countries.³⁴¹

Children born to these marriages are children with at least one foreign born parent, who came to Syria for different reasons. Some parents came as refugees, e.g., Iraqis,³⁴² others to fight in Syria under the territory held by ISIS,³⁴³ and/or to NWS to support opposition groups.³⁴⁴ In addition, there have also been reports of foreigners increasingly being forcibly displaced to Idlib area from Turkish-controlled areas, including Afghans and Pakistanis.³⁴⁵

In terms of those who came to Syria as foreign fighters, a UNSC report estimated in 2017 that more than 40,000 foreign fighters from 110 countries might have travelled to Iraq and to Syria.³⁴⁶ Many of these fighters have been killed, imprisoned, or have gone missing, leaving many children without a parent and often without proper identification or nationality,³⁴⁷ with some of these children living in IDP camps across Syria; though most appear to be located in Northeast Syria, some are in NWS.³⁴⁸ However, there is little in the way of verifiable numbers. One informant noted that they suspected that the percentage of children born to foreign fighters in NWS was actually extremely small, not even one percent. In the informant's visits to NWS after 2018 and 2019, they had not met any children where it was said that the child's father was a foreign fighter with ISIS, though the informant noted that this could be because they were separated into a specific camp.³⁴⁹ The informant further noted that it was not possible to discern necessarily the father's countries of origin; among the countries include: Tunisia, Egypt, Saudi Arabia, Yemen, Afghanistan, and also some from Europe, e.g., Germany.³⁵⁰

With respect to refugees, informants also noted that another constraint is that to their knowledge there are no organizations operating in NWS that are registering refugees.³⁵¹ This includes organizations that specifically work with registering Palestinians inside of Syria, though the source noted that there are not many known Palestinians in the area.³⁵²

Warda and Her Children

Warda³⁵³ is a displaced woman in her twenties from Aleppo. She is a widow and the sole breadwinner for her a five-year-old son and six-year-old daughter. Their father was from Tunisia and came to Syria at the beginning of the Syrian conflict. He was killed in 2016, leaving behind his wife and children in the most severe conditions of poverty, need, and vulnerability. Her six-year-old daughter suffers from cerebral atrophy which is exacerbated by the absence of any type of medical care and their harsh living conditions. In addition, Warda's family has disowned her.

Warda and her children are now living in an IDP camp in NWS. They live within a small residential block and do not feel safe in this shelter. Warda dreams of a shelter within one of the widow's camps, which are exclusive sites hosting thousands of widowed, divorced and other single women and their children, which offer more targeted services for widows and she believes she would feel safer; gaining access to such camps is nearly impossible since she does not have any legal proof of her status as a widow, a requirement for granting women shelter in these camps.

During meetings with an NGO, Warda expressed her suffering and the pressures she endured due to her family's rejection and disapproval of her marriage to a Tunisian man and having children with him (especially by her young brothers). Her family has permanently cut off their ties with her.

Warda's in-laws in Tunisia severed their relationship with her as well. Though the relationship between them was good before her husband's death, after he died, their relationship changed, and they stopped accepting her calls. She explained that her in-laws do not want to recognize her marriage to their son, nor her children's parentage to their father. "They are financially well-off, and they don't want to acknowledge my children's parentage in order to keep the inheritance for themselves."

She completely rejects the idea of remarrying. She has had several painful experiences with suitors saying that they would only marry her on the condition that she place her daughter in an orphanage. "Those who know that I have a daughter with cerebral atrophy ask me to abandon her and place her in orphanage, and, of course, it's impossible for me to leave my daughter. Unfortunately, if my family were with me, I would not have been exposed to these experiences."

Warda is in need of psychological support. She spoke of her feelings of loneliness and was despondent about not being able to legally recognize her marriage, recognize the parentage of her children, nor obtain them their nationality. This is in addition to the difficulties in obtaining all the civil documents she lacked--children's birth attestations, marriage certificate, family booklet, and her husband's death certificate.

Warda is also in need of financial support as her situation is dire—she cannot afford the transportation costs to go to Idlib, much less cover the expenses for a lawyer to work on obtaining all her necessary documents. Apart from support for civil registry matters, she needs monthly medication for her child with cerebral atrophy. Warda was also hopeful to find a center for people with special needs that will accept her child so that her daughter will receive an education and integrate with society one day.

Current status:

Warda was able to obtain some legal support from an NGO to help her get started on registering her husband's death, her marriage, and the birth of her children with the local authorities, as well as receiving economic and social support. Yet, her case demonstrates how many hurdles there are for her children to access a birth certificate even with the *de facto* authorities—lack of registration of Warda's marriage and death documentation of her husband prevents her from being able to register her children, and from accessing more targeted humanitarian services. Moreover, due to Syria's gender discriminatory nationality law wherein Syrian citizenship is passed to children only through the father, her children are precluded from accessing Syrian nationality.

4. Children Born to Unregistered Marriages

Because a prerequisite to registering a birth in Syria is having a marriage certificate, children born to unregistered marriages risk being not only undocumented, but vulnerable to statelessness. Due to the ongoing conflict, there has been a significant increase in the number of unregistered marriages in NWS and the causes for not having a registered marriage are many.³⁵⁴

First, there has been an increase in informal (*urfi*) marriages.³⁵⁵ Because *urfi* marriages are not formally registered, children born from these marriages may not have a legally recognized parent-child relationship, which can lead to complications.³⁵⁶ Unregistered marriages sometimes have been known to involve forced or early marriage, particularly for adolescent girls.³⁵⁷ Adolescent Syrian girls are particularly vulnerable to being forced into early marriage, as they may feel that they have few other options or opportunities. These marriages may be motivated by financial or security concerns and may be arranged as a way to alleviate financial burdens or protect girls from rape and sexual abuse.³⁵⁸ One negative outcome of *urfi* marriages is that since the marriages are not legally recognized, if a husband divorces or abandons his wife,³⁵⁹ the wife is left with little recourse, including often lacking legal documentation for herself and her children, and the inability to access financial rights, including alimony.³⁶⁰

Another dimension to unregistered marriages involves children born in second or third marriages, who themselves are not unregistered. This can arise when it is the mother's or father's second or third marriage. For example, there are cases of women who have not been able to register their divorce from their first husbands, or register their previous husbands' deaths, such that they are not been able to register their later marriages; this results in the children of subsequent marriages being unregistered.³⁶¹ Another situation is when the first wife puts a condition on allowing her husband to marry a second or third wife by forbidding that the children from these sub]sequent marriages be registered or included in the family book to protect her own children's inheritance rights. This can lead to these children being denied nationality and not recognized by the government. Although this issue is not necessarily related to the conflict in Syria, it persists to be a problem, given gender discrimination and concerns about inheritance.³⁶²

Children born out of wedlock also present a highly at-risk group, based largely on social norms which prevent unwed women from trying to register their children. In addition, children born out of rape are also highly vulnerable.³⁶³ Although the Syrian Nationality Law allows for children of "unknown" fathers to acquire citizenship, the authorities rarely implement the provision in practice,³⁶⁴ and the child remains undocumented. In such situations, an unwed mother may resort to abandoning her child as a "foundling" or, "if she wants to keep the child, try to find a man who is willing to marry her and recognize the child as his own."³⁶⁵ Alternatively, the mother registers the child to a family member, e.g., the mother's father, such that her child legally becomes her brother, or to the mother's aunt such that her child legally becomes her cousin.³⁶⁶

5. Children Born to Fathers Who Have Died, Are Imprisoned, or Have Disappeared

Another category of particularly vulnerable children is those born to fathers who have died, are imprisoned, or have disappeared. One estimate found that the conflict claimed 494,438 lives since it began in 2011,³⁶⁷ with men being estimated as ten times more likely to have died than women; this means that those killed, whether combatant or civilian, left behind “children without fathers and mothers without husbands.”³⁶⁸ Because nationality is primarily conferred through verification that the father is a Syrian citizen, without the means to confirm the father’s nationality if they are dead, imprisoned, or missing, securing the child’s nationality is increasingly difficult, if not impossible, to do.



Often children without their fathers present have significant difficulty possessing the necessary documentation to prove their father’s identity or obtaining citizenship through the mother. One informant noted that sometimes there are cases where the mother does not know the father’s real legal name, as he may have been known by a nickname or *nom de guerre* instead, or she does not know his nationality.³⁶⁹ In NWS, this issue has materialized most dramatically with regards to those children living in so-called ‘widow camps’³⁷⁰ – exclusive sites hosting thousands of widowed, divorced and other single women and their children.³⁷¹ The first such site was reported in 2014. Today, among the roughly 1,400 estimated IDP camps in NWS, there are at least 42 such sites in Idlib and four in Aleppo, with estimated total populations in widow camps ranging between 13,000 to 19,000 women and children.³⁷² A number of these sites are managed by local authorities, such as those under the SSG’s Department of Displaced People in Idlib governorate and the Turkish authorities (AFAD) in Aleppo governorate.³⁷³ Widow camps are often justified as being a way to protect divorced and widowed women who are vulnerable to gender-based violence and stigmatization when without a male guardian. But it should be noted that access to the camps is limited. Field teams have heard allegations of sexual abuse by some camp management.³⁷⁴

Children living in widows' camps often face multiple challenges in obtaining nationality and documentation, due to the absence of their fathers as well as restrictions on their freedom of



movement. Children born to parents who are or are alleged to be affiliated with different armed groups may face additional challenges in proving their father's identity or obtaining citizenship documents through their mother. These barriers can have significant negative impacts on these children's ability to access basic rights and opportunities, and can lead to a range of negative outcomes, including statelessness and discrimination. Boys past the age of 15 (and sometimes as young as 11) are not allowed to live in the camps, which can lead to them being highly vulnerable to exploitative labor, sexual abuse, and military recruitment.³⁷⁵

The security situation and lack of protection and law enforcement in NWS resulted in many Syrian women being forced into survival sex, or temporary marriage with fighters in Syria,³⁷⁶ including those affiliated with GoS forces, ISIS and other armed groups. These women, who are often widows of foreign and ISIS combatants, may also be confined to specific locations that have not been accessible to humanitarian organizations.³⁷⁷

One source noted that there are also cases of widows who are of different nationality, e.g., Moroccan or Egyptian, living in widows camps who are not able to return to their country of origin with their children. The source indicated that though their country would accept having them return, their respective governments would not allow them to bring back their children.³⁷⁸

6. Unaccompanied and Separated Children (UASC)

Unaccompanied and separated children (UASC) are at heightened risk of lacking access to nationality and documentation. Being undocumented can be both the cause of separation and the consequence of it. There is no systematic data collected on UASC in NWS.³⁷⁹ Several sources indicated, however, that despite the lack of data, the number of abandoned infants and children in NWS appeared to be on the rise,³⁸⁰ especially of unaccompanied boys.³⁸¹ This was even before the February 2023 earthquake. As many children lost or were separated from their immediate family due to the earthquake, NWS is said to be “now inundated with extremely high numbers of unaccompanied children.”³⁸² Another key informant noted that although their organization received monthly notices of such cases, there are no accurate numbers because many incidents are

not reported. The informant suggested that if one added the number of foundlings (unknown parents) to the number of children with unknown fathers but known mothers, the number would be very large.³⁸³

Separation from families takes on different forms for children in NWS.³⁸⁴ Worsening socio-economic conditions in NWS are increasing the risk of children being abandoned or sent to orphanages, especially in cases where the father is absent.³⁸⁵ More specifically, 72 percent of KIIs reported death of a caregiver/parent as the cause of child separation, followed by divorce of caregiver/parent at 52 percent.³⁸⁶ Other sources note that children with disabilities are at increased risk of becoming UASC.³⁸⁷ In NWS, many children are separated from their families due to the death or disappearance of parents and guardians or sometimes out of desperation some are sent unaccompanied to Turkey.³⁸⁸ Often, this separation in the NWS context comes as a result of parents and guardians themselves lacking the necessary nationality and identity documentation required.³⁸⁹ Many children are separated from their parents who have left in search of work or to relocate, such as to Lebanon, Jordan, and Turkey,³⁹⁰ or when trying to make their way to Europe to resettle in a stable country.³⁹¹ Even when trying to reunite overseas, lack of civil documentation is one of the main barriers.³⁹²

To date, alternative care for UASC is highly under-resourced and fragmented with little to no oversight, resulting in precarious civil registration practices. Below is a brief description of the various alternative care options available in NWS.

Kinship care: The majority of reported UASC are in kinship care, staying with friends and family, with very informal placement. In this context, “caregivers may not register changes in care arrangements with local authorities owing to their informal nature and the fear of sharing information in the current context.”³⁹³ One report concluded: “With no assistance being provided by anyone, there is little motivation for a family to legally register these changes, leaving them unsupported and invisible and with the risk that many children are being treated badly without being identified and reported.”³⁹⁴ The lack of registering results in children being at risk of “losing their formal identity.”³⁹⁵

Child-headed households: One survey reported that the second most used alternative care option was children living with siblings (roughly 20 percent), followed by children living with other children (about nine percent).³⁹⁶ There is little data, however, concerning child-headed households.³⁹⁷

Institution-based care: About six percent of those surveyed were in residential care (e.g., orphanages).³⁹⁸

Foster care: Foster care is not often used in Syria, even before the conflict; in NWS, typically when it is used, it is mainly for infants until family tracing and unification or *kafala* procedures are completed and involves little to no oversight by child protection organizations.³⁹⁹

The case of children with unknown parents, ‘foundlings’: In cases where a child has been found with unknown parents,⁴⁰⁰ the child is taken to a clinic, which then reports to child protection actors

and police or security authorities, and the police subsequently record the child as being abandoned with unknown parents. If the family that found the child wants to care for the child, the police may pursue a basic investigation of the family. If the family is approved by the police, the police make a report documenting the child's placement in the presence of two witnesses; thereafter, the family can "certify the process at the *Shari'a* court, under the legal framework of full *Kafala*." In terms of registering the child, the *kafil* family is not allowed to register the child with the *kafil* family's name, but when the child reaches the age of 14, the family is obliged to assist the child to acquire a family book.⁴⁰¹ If a *kafil* family is not subsequently found by the police or child protection actor, the child will be placed in an orphanage.⁴⁰² In Idlib, one report found that "the Sharia Commission of the Unified Court maintains that these children are registered but held in a separate category until their parents bring the necessary documents which confirm their lineage. Otherwise, they remain legally registered as 'foundling' and receive a separate name from the family raising them."⁴⁰³

'Foundlings' born in NWS may face challenges in obtaining proof of their birthplace since GoS does not recognize documents from non-GoS areas.⁴⁰⁴ Yet, according to the Syrian Nationality Law, any child found in Syria with unknown parents has the right to automatic Syrian citizenship.⁴⁰⁵ But, the social protection institutions charged with these processes do not exist in areas outside of GoS control, and there is no systematic child protection in place such that there is no independent party that can issue documents recognized by the GoS proving where they were found.⁴⁰⁶



Displacement camp in Northwest Syria, photo by NRC

V. ACUTE CONSEQUENCES FOR CHILDREN IN NORTHWEST SYRIA

A. Children’s Rights Affected by Lack of Access to Nationality and Documentation

Being deprived access to their nationality and legal identity documentation leads children in NWS to experience a slew of violations of their basic rights and entitlements. As informants described it, “lack of these documents is really postponing their life in the world,” and “they are putting their lives at risk.”⁴⁰⁷ As discussed, even though NWS is not under the control of the GoS, the human rights of those living in the territories and the obligations of the GoS persist. The *de facto* authorities also have the responsibility to respect and protect the rights of those living in the territory, including by providing and facilitating humanitarian assistance. International human rights law is applicable at all times, subject only to lawful derogations.⁴⁰⁸

1. Right to Nationality and “the Right to have Rights”

As detailed in Part III, there are numerous barriers which make it nearly impossible for children in NWS to overcome ‘undocumented nationality’ (or ‘evidentiary statelessness’) and statelessness itself.⁴⁰⁹ Though some may not be formally considered stateless, they have particular vulnerabilities

in documentation and legal identity status. Without birth registration and documentation, lack of legal identity results in children in the longer term moving from being at risk of statelessness to becoming legally stateless.⁴¹⁰ Despite the right to nationality being established among numerous international and regional instruments,⁴¹¹ accessing their right to nationality continues to go unrealized for thousands of children in NWS.⁴¹² Children’s risk of statelessness also raises the longer-term issue of intergenerational statelessness.⁴¹³ Furthermore, the statelessness of children has wide-ranging implications on their right to humanitarian aid, health, education, work, property, freedom of movement and family unity.⁴¹⁴

2. Access to Humanitarian Aid

Even prior to the devastating earthquakes, over four million people in NWS required urgent humanitarian assistance—among them, 2.7 million are IDPs, and an estimated 1.2 million are children in need.⁴¹⁵ For many, however, lacking access to identity documentation deprives them of humanitarian assistance.⁴¹⁶ All parties to the Syrian conflict have a responsibility to protect children and ensure humanitarian access. Under international humanitarian law and human rights law, the Syrian civilian population has a right to receive humanitarian aid.⁴¹⁷

With a collapsed civilian infrastructure, humanitarian NGOs in NWS generally provide assistance in the form of food aid, hygiene supplies, disability aid, psycho-social support, and shelter.⁴¹⁸ Due to the ongoing conflict, access to humanitarian assistance has been challenging enough without the added obstacle of lack of civil documentation.⁴¹⁹

Acknowledged by nearly all informants as a point of concern, some humanitarian organizations still require proof of nationality or form of legal documentation from beneficiaries to provide aid, though many organizations have adapted their practices.⁴²⁰ The rationale behind this requirement is that documentation verifies the individual and the size of a family to allow the organization to determine the appropriate amount of aid to distribute on a regular basis.⁴²¹ Documentation also tells humanitarian organizations where an individual or family is from, so that additional aid is not being given to anyone who is already receiving it from another organization in another area.⁴²² This was especially with respect to providing shelter, such that families had to show where they were initially displaced from.⁴²³

While these circumstances have aid implications for the population at large in NWS, children without legal documentation or nationality are presented with unique issues hindering their access to humanitarian aid.⁴²⁴ One 2021 survey among those without IDs found that 20 percent were not able to access humanitarian aid as a result.⁴²⁵

The family booklet is the most frequently requested document, as aid is usually distributed on a per family basis.⁴²⁶ Families and caregivers of children are required to present their family booklet to determine the amount of aid a family is eligible to receive, as well as the type of aid. For example, whether a family receives baby formula might require the family to prove that their child is below a certain age.⁴²⁷ For access to shelter, a family booklet is needed to demonstrate that there is in fact a family that needs shelter.⁴²⁸

Another issue raised by informants pertains to the lack of an organized, coherent and standardized documentation system in Syria, in large part due to the various *de facto* documentation systems in NWS, which ultimately prevents humanitarian organizations from implementing targeted assistance and effective child protection activities.⁴²⁹ Governing authorities are better equipped to receive, resource-allocate and support these vulnerable populations when they have birth registration and documentation records; without this information, effectively implementing such activities in an effective manner that address the target populations' needs becomes significantly more difficult.⁴³⁰

3. Right to Health

As a result of the ongoing conflict, areas within NWS lack availability of basic healthcare and existing health services are increasingly overwhelmed.⁴³¹ Compounding the limited health care within the region, children in NWS are denied their right to health because they lack the requisite documentation.⁴³² Such restrictions in access constitute a violation of Article 22 of the Syrian Constitution ensuring the health of citizens, Article 24 of the CRC, Article 12 of the ICESCR, Articles 39 and 40 of the Arab Charter, as well as other international human rights instruments.⁴³³ Non-state actors, exercising territorial and administrative control, “must prevent violations of the right to health.”⁴³⁴

Without documentation, sources indicate that children are prevented from accessing even the limited health care services which exist in NWS, including mental health services, physical rehabilitation, disability services, vaccines, and the alternative of pursuing health services in Turkey, posing yet another set of risks to children.⁴³⁵ In the Idlib Governate, the Idlib Health Directorate (IHD) effectively became the health ministry in the area; although SSG's Ministry of Health overlaps territorially with IHD, it has little experience or capacity in managing a health care system, and there is a general lack of coordination between the two.⁴³⁶ One source noted that each hospital in NWS receives financial support from different sources, which might have different political orientations, rules, and regulations. This could affect whether an individual without documents or with documents from a specific region is allowed to access services. Some facilities are more lenient, whereas others are stricter. Although generally hospitals are providing a birth notification document,⁴³⁷ in stricter institutions, women might be able to deliver their babies but may not be able to get a birth notification.⁴³⁸

Children without documentation are deprived access to healthcare. For example, one informant mentioned that in some cases if a child's mother or father cannot present the required documentation, then their child cannot be vaccinated.⁴³⁹ Similarly, documentation is also needed to prove a type of disability, for which children who have been physical disabled as a result of the conflict cannot receive the disability-specific aid they need.⁴⁴⁰ Children also need documentation to access the (albeit limited) mental health care services available in NWS.⁴⁴¹

One informant noted that the lack of identification documents is so pervasive that hospitals are known to resort to employing social media and WhatsApp groups to identify accident victims because they have no idea who the person is, nor their family.⁴⁴²

The general lack of health services in NWS also poses health risks to undocumented children who require special care related to physical and/or mental health issues, in the sense that as an alternative, undocumented children are not being referred to Turkey to obtain these special services because they need documentation in order to cross the border into Turkey.⁴⁴³

While children without documentation are not permitted to cross into areas controlled by different *de facto* authorities in NWS, they are permitted to enter Turkey to access medical assistance, though only via a medical evacuation, and this is an exceptional practice and limited to the most serious medical cases.⁴⁴⁴ However, when crossing through normal border checkpoints, Turkey requires that the individual accompanying the child, usually a family member or guardian, provide documentation to prove they are coming to represent the child, and thus must also have documentation. The purported reason for the requirement is to clamp down on smuggling practices.⁴⁴⁵ If the accompanying individual does not have documentation, they are not permitted to accompany the children across the border.⁴⁴⁶ As a result, there have been cases in which children have crossed into Turkey without a guardian and then been denied treatment as there was no parent or guardian to authorize consent.⁴⁴⁷

In one interview, an aid worker told the story of a newborn baby with a heart condition in need of specialized medical care, who was evacuated to Turkey without any family members. The parents contacted the aid worker located in Turkey to visit the baby, but the parents did not know to which hospital the baby had been taken. The aid worker had to visit multiple hospitals before locating the child. He said that he clandestinely took photos, even though not allowed because he was not next of kin, which were then smuggled to the mother in NWS who had not seen her baby since birth.⁴⁴⁸ Another informant stressed that because legal guardians are not able to cross the border with their child, children have even gone missing once they crossed the border.⁴⁴⁹

There are also cases of children who need medical care only available in Turkey yet are denied access to it because the parents are not able to prove they are the child's parents and have the authority to give consent to the procedure.⁴⁵⁰ The medical institution will be concerned about not having proper permission and will therefore not move forward with the evacuation.⁴⁵¹

Given the situation, it is not surprising there exists a profound crisis of unaddressed mental/psychosocial issues among children in NWS.⁴⁵² Indeed, almost one in five of all recorded suicide attempts and deaths in NWS were children, with a total of 246 suicides and 1,748 attempts recorded in 2020.⁴⁵³

4. Right to Education

The right to education is guaranteed in Article 29 of the Syrian Constitution, as well as numerous international and regional human rights instruments ratified by GoS—including Articles 13 and

14 of the ICESCR, Articles 28 and 29 of the CRC, and Article 41 of the Arab Charter.⁴⁵⁴ Failure to register a child's birth leads to lack of documentation, which can prevent children from accessing both primary- and secondary-level education.⁴⁵⁵ Although education in NWS is largely supported by donors and NGOs, etc., allowing for flexibility with respect to documentation, there are still schools that require documentation.⁴⁵⁶

In NWS, there are an estimated one million out of 1.7 million school-age children not enrolled in school,⁴⁵⁷ whereas prior to the conflict Syria had school enrollment rates of over 97 percent.⁴⁵⁸ Although financial circumstances of family are often cited as the main reason, children's lack of civil documentation also prevents them from enrolling in school, or enrolling too late.⁴⁵⁹ One survey conducted in NWS found that for nearly a third of students lacking official residency documentation was a reason for dropping out of school.⁴⁶⁰ Another 2021 household survey in NWS found that lack of civil status documents had impacted the household respondents in several ways, with 57 percent (390) households reporting a lack of access to school.⁴⁶¹ For IDPs in NWS, 57 percent of sites do not have access to primary school, and 80 percent do not have access to secondary schools.⁴⁶²

Children may also be rejected from schools in subsequent years and forced out of formal education due to lack of official documentation.⁴⁶³ Even if a school in NWS accepts a child without documentation, in some cases a certificate of completion will not be issued, with the child having no proof of ever having attended school.⁴⁶⁴ This can impact a child's prospects of enrolling in university, limiting their entrance into accredited programs.⁴⁶⁵ Even if undocumented children are enrolled, schools in NWS are not accredited nor recognized by the GoS or internationally.⁴⁶⁶ In NWS, even school curriculums vary, with Idlib schools following its own curriculum and others following that of Turkey or Libya even.⁴⁶⁷ In effect, these factors disincentivize children in NWS from enrolling and staying in school, when accredited education can only be pursued in GoS areas by those children with GoS IDs.⁴⁶⁸

Higher academic institutions are also not recognized in NWS,⁴⁶⁹ leaving education in NWS a "dead-end."⁴⁷⁰ One informant noted that there are three universities in the area, but none are recognized outside the area—even Turkey reportedly does not recognize the university in NWS that it had established.⁴⁷¹ As a result, to obtain an education from accredited primary or secondary-level schools and universities, children would be required to move outside of NWS, which given their inability to do so without GoS documentation, is a foreclosed possibility for most.⁴⁷²

The "psychosocial impacts of limited prospects" on undocumented children in NWS who want to pursue higher education but do not have formal certification for their studies nor "legal authorization to work" in the future leaves them dejected.⁴⁷³ One KII summarized the situation this way: "[children in NWS] do not want to go back into the education system because they know that even if they do graduate, they won't find a proper university. Even if they go outside the

Nawal and Her Nieces

Nawal is originally from the southern countryside of Idlib but was forcibly displaced due to the conflict. She is married and lives with her husband, who suffers from a war injury in his right leg which has led to a disability, and her three children ages 4, 6, and 9. In addition to taking care of her family, Nawal takes care of her two nieces after they lost their father, Nawal's brother, in the war, and their mother traveled to another country, and the children were not welcomed by their other relatives. Nawal's nieces do not have any personal documents because their parents' marriage was not registered and their father's death has not yet been confirmed, though he has been missing since 2013. That he 'disappeared' makes it a tremendous challenge to register his death with the civil registries. Because her nieces do not have a family booklet nor birth registration, Nawal has not been able to enroll them in school--with multiple schools refusing them admission.

Main problems:

Nawal and her family's living conditions are poor and Nawal is the main supporter of her family and her nieces due to her husband's disability and asthma. She also indicated that her 9-year-old son dropped out of school and works in garbage collection to support the family as she is unable to solely secure her family's needs. The work is harsh for children, and her son was injured working in garbage collection. He remained at home until his condition improved. Now, she shoulders all these troubles on her own, which has led to Nawal's poor mental health.

Nawal sought help from an NGO to register her nieces with the *de facto* authorities and obtain economic and livelihood aid. To be able to register her nieces, Nawal first must confirm whether her nieces' father is deceased or missing and if a ruling of his death was issued or was not. If the father is deceased, this must be proven by "all means of proof" before the courts. A ruling of his death is then issued, which officially registers the death, and a death certificate is released. After that, Nawal will file a lawsuit against the father's heirs and all those who may be connected to the case to prove the children's parentage again by "all means of proof." In the event that the court does not issue a ruling on his death, a lawsuit must be filed to prove the parentage of the children, and this is also proven by "all means of proof." After obtaining a ruling from the court to prove the parentage, the ruling is registered with the civil registries within NWS. Only after such an arduous process, Nawal can obtain a civil status statement for the two children to prove their identity and to officially register them in school.

Current status:

Although Nawal went to the court in the area and spoke with the concerned authorities to follow up on her case, she faced significant difficulties completing the process because of her work, the transportation costs, and her overall extremely poor living conditions. These procedures take a long time, include financial cost, and require frequent visits to the registration sites. She does not have enough time as she works throughout the entire day with no other breadwinner who can support her family, and her parents and siblings reside outside Syria. This places a great burden on her to bear all the family responsibilities. To date, her nieces remain undocumented even with the local authorities, despite Nawal's efforts.

country, they wouldn't be able to work with that. So they go do child labor, sell drugs...."⁴⁷⁴ Another KII described the situation for youth in NWS as akin to "living in a prison." Consequently, he did not blame those who sought to be smuggled to Europe, while noting that when there "they have no ID recognized by anyone in the world."⁴⁷⁵

5. Right to Work

Among the most debilitating effects of lacking civil documentation is chronic economic instability. Children's lack of documentation, for example, contributes to their inability to access education, while a parent's lack of documentation makes the parents ineligible for formal work, or pursuing economic opportunities outside NWS.⁴⁷⁶ Both situations can lead to children engaging in child labor as a means to support the family.⁴⁷⁷ Lack of documentation also means that children have limited prospects in the long-term for accessing the formal labor market, and thus become vulnerable to exploitative working conditions well beyond their childhood years. This is in part why the issue of lack of legal status for children is framed as a "ticking time-bomb." Even if the child does not experience the repercussions immediately, with time, the impacts of being undocumented become increasingly grave.⁴⁷⁸ The right to work recognized in Article 40 of Syria's Constitution, Articles 6 and 16 of the ICESCR, Article 34 of the Arab Charter, and several other human rights treaties to which Syria is a party—⁴⁷⁹ is fundamental to allowing people to live in dignity.⁴⁸⁰

A parent's lack of documentation also can compel their children to join the informal labor market to support their family.⁴⁸¹ Without civil documentation, children in NWS are exposed to exploitation under informal employment,⁴⁸² including those below the age of 15 and who have not completed primary-level education as required per Syrian Labor Law.⁴⁸³ Children without documentation who then work in the informal labor market often take less pay, lack job security, and are more exposed to dangerous work environments.⁴⁸⁴ As highlighted by multiple informants, undocumented children's inability to access education also creates a long-term consequence of them remaining in the informal labor market as adults.⁴⁸⁵

6. Right to Housing, Land and Property

Lack of civil documentation has proven particularly devastating on the housing, land and property (HLP) rights of women and by extension, mothers and their children, increasing their vulnerability.⁴⁸⁶ The registration (or lack thereof) of the death of a parent/spouse, a child's birth, and a parent's marriage plays a vital role in determining children's access to HLP rights.⁴⁸⁷ Syria has ratified a number of international and regional human rights instruments which guarantee this collective bundle of HLP rights, including ICESCR (Art. 11), CRC (Art. 27), Arab Charter (Art. 31) and CEDAW (Art. 14)⁴⁸⁸ – and the Syrian Constitution's Article 15 and Article 17 guarantees the right to own property and the right to inheritance, respectively.⁴⁸⁹ As a result of the ongoing conflict, with deaths having gone undocumented and unregistered, the resolution of inheritance disputes has become even more contentious.⁴⁹⁰ Land registry offices have also reportedly been

burned in areas under GoS and *de facto* authority control, making proof of property ownership even more difficult to acquire.⁴⁹¹

Lack of documentation has both a direct and indirect impact on children's security. Children who are unable to prove and document their legal connection with their fathers lose any claim to their inheritance from all paternal relatives.⁴⁹² Even with proof of marriage, children who lack birth certificates cannot inherit property if they cannot prove their connection to the parents, especially if one, or both parents, died.⁴⁹³ In addition, documentation of marriage is often essential for mothers to claim rights and financial benefits, especially in the event that their husbands die, desert them, or separate from them.⁴⁹⁴ Women at the very least require a marriage certificate (or death certificate of the husband) to access the property, financial inheritance, widow's benefits, alimony, and child custody under Syrian law.⁴⁹⁵ Similarly, without a marriage certificate (whether or not the father is absent), children become undocumented, and are ultimately unable to access property by way of inheritance and more generally.⁴⁹⁶

7. Right to Freedom of Movement and Travel

Lack of documentation severely constrains the right to freedom of movement for children and their families/caregivers in NWS.⁴⁹⁷ One survey found that for those in NWS who were undocumented, their freedom of movement was what they indicated as being the most significantly impacted.⁴⁹⁸ The right to freedom of movement and to choose residence is closely related to the legal identity of an individual, and has been recognized by Syria under Article 12 of the ICCPR, Articles 26 and 27 of the Arab Charter, and Article 38 of the Syrian Constitution.⁴⁹⁹ Children and their families and caregivers living in NWS are essentially prohibited from traveling outside of the region without documentation.⁵⁰⁰

Those who attempt to leave NWS are at heightened risk of arrest, detention, kidnapping, and forced conscription, as individuals may be perceived to be affiliated with opposition or NSAGs not aligned with the GoS.⁵⁰¹ Men and boys are particularly vulnerable for being targeted as potential affiliates of opposition groups or forcibly conscripted for failure to complete military service.⁵⁰² The fear of perceived affiliation with NSAGs also contributes to individuals within NWS refraining from acquiring documentation issued under the *de facto* authorities.⁵⁰³ That said, there are a number of areas restricted by checkpoints that require such documentation to pass through.⁵⁰⁴

8. Right to Family Unity

A lack of civil documentation has tremendous repercussions on being able to realize the right to family unity, restricting as well IDPs from returning home to their community of origin.⁵⁰⁵ A recent report found that lack of civil documentations in NWS constitutes one of the most critical barriers to overseas reunification.⁵⁰⁶ The report found that it is easier to reunify a child with their caregiver in NWS as opposed to trying to reunify a child in NWS whose parents are in GoS-controlled areas or overseas.⁵⁰⁷ Mothers who are not able to document their children or prove that they are the

children’s mother are also not able to travel with their children for fear that they may be separated, including by way of kidnapping, human trafficking, and/or sexual violence.⁵⁰⁸

Syria has repeatedly recognized the rights to family unity through its various international law and constitutional commitments—the Fourth Geneva Convention (Art. 26), Additional Protocol I (Art. 74), CRC (Arts. 9, 10, and 22), the Arab Charter (Art. 33), and the Syrian Constitution (Art. 20).⁵⁰⁹ Under international human rights law, the right to family reunification comes as a consequence to the principle of family unity.⁵¹⁰ By failing to preserve family unity, Syria is directly contradicting its obligations, particularly under Article 10 of the ICESCR, which calls upon States to secure “the widest possible protection and assistance,” to families,⁵¹¹ signaling that the implementation of State obligations in this area is not limited to formal recognition or non-interference, but also requires positive measures.⁵¹²

Lack of documentation may be both a cause and consequence of family separation.⁵¹³ For example, in the widows’ camps, after a male child typically reaches the age of 14, they may no longer be able to stay in the camp with their mothers, and risk family separation.⁵¹⁴ The workaround to maintain family unity has been to not register their children at all or to forge documents to alter the child’s age so as to maintain the family’s unity.⁵¹⁵ Family reunification can be difficult without documentation, as it puts into question a child’s filiation or the extent and existence of family connections.⁵¹⁶ This can have long-term ramifications for family unity if the family wants to travel within or outside NWS but cannot because their child does not have documentation to prove a legal family relationship at checkpoints.⁵¹⁷ Being unable to show documentation at checkpoints puts the child at risk of separation from their family if any of them become detained.⁵¹⁸ Similarly, forged documents can also put a mother’s custody of her child at risk.⁵¹⁹

For those living outside Syria, lack of recognized documentation may also interfere with the ability to return to Syria and to reunite with other family members.⁵²⁰ Families with undocumented children are at risk of being separated because they are unable to prove that the child is theirs so as to be allowed to resettle together back in the country and community of origin.⁵²¹

B. Negative Coping Mechanisms—“They are putting their lives at risk”

Children and their families in NWS engage in a number of different harmful coping strategies to obtain documentation or adapt their lives due to a lack of official documentation.⁵²² As one informant noted, in order to overcome being undocumented, children and their families “are putting their lives at risk.”⁵²³ Below are some of the major negative coping mechanisms children and their families in NWS employ.

1. Traveling Outside Northwest Syria to Procure Syrian Government Documents

In order to procure official GoS documentation, people put themselves at tremendous risk by travelling crossline into GoS-controlled areas, despite GoS potentially regarding them as sympathetic or supportive of *de facto* authorities.⁵²⁴ Other children may try to escape to Europe through the sea “for papers and a life.”⁵²⁵ Such risks include arbitrary detention, paying bribes to be released after detention, being forcefully conscripted into the Syrian army, torture and other ill-treatment, enforced disappearance and death in custody.⁵²⁶ In particular, young boys from NWS who attempt to cross into GoS-held areas risk being conscripted, arrested and/or interrogated in suspicion of being affiliated with *de facto* authorities.⁵²⁷ Families can also be subject to separation if they cannot prove their connection to their children.⁵²⁸ Given the extremely high level of risk posed to individuals who leave NWS, sources note that crossing such lines is not commonly pursued.⁵²⁹

2. Procuring Forged or Fraudulent Documentation

Unable to obtain recognized identity documentation, Syrians are increasingly resorting to forged or fraudulent documents, which puts children at risk of separation from their families, and jeopardizes their legal claim to nationality.⁵³⁰ Parents who prefer GoS documents over unrecognized *de facto* documents are registering their children’s birth on borrowed or false identity cards to provide their children with a recognized legal identity.⁵³¹ Forging documents or using IDs of relatives to register children can result in imprisonment, impact the parent’s legal custody of their child, and put the child’s claim to nationality at risk, since nationality acquired through fraudulent means is generally revocable under Syrian law.⁵³²

Mothers living in widows camps have also been reported to resorting to forging documents for their male children to prevent them from being kicked out once they reach a certain age.⁵³³ Some women whose children were born out of wedlock and/or to foreign fighters register their children under their grandfather’s name with the legal ramification being that the mother appears as a sibling to her children.⁵³⁴ These situations can have long-term consequences for verifying the actual identity of children and their families, putting both the parents and those who lent their identities at risk of imprisonment, fines, and prosecution, which ultimately risks family separation and jeopardizes the child’s claim to nationality.⁵³⁵

3. Relying on Smugglers, Middlemen and Bribes

Paying large amounts of money to people outside NWS has become common practice to secure GoS documentation or to overcome the barriers associated with not having documentation, including the use of illicit channels to smuggle children to GoS-held areas.⁵³⁶ Brokers are often employed by those families living in NWS who are able to designate a power of attorney to individuals in GoS areas to renew GoS documents. The cost of paying an intermediary for securing

Raghda and Her Children

Raghda⁵³⁷ has been married twice and is a mother of seven children, five of whom are unregistered and without education. In response to the difficulties she faces, Raghda was forced to marry off one of her two young daughters from her first marriage. Raghda's children are also dropping out of school and working despite their young age.

Raghda's first marriage (which was registered) was 18 years ago, and she had two children as a result of that marriage: a 16-year-old and a 17-year-old, both of whom are registered.

Three years after her first marriage, her husband died and she married another man, with whom she had 5 children, the eldest is now 14 years old. Her five children from her second marriage remained unregistered (*Maktoumeen*), as Raghda did not document the marriage. She was unable to register them because she did not have the financial resources necessary to confirm the marriage, register the children, and obtain a family booklet. Due to poverty, she was forced to marry her eldest daughter when she was only 15 years old and made the other daughter drop out of school. She was also forced to push her 14-year-old child to work to help the family alongside his father, a day laborer.

Raghda's family lives in poor conditions and her husband is frequently unemployed, though he takes whatever job he can find. They have been evicted more than once. Due to their level of destitution and the number of family members implicated, it was impossible for the family to document their marriage and the birth events for their five children, nor obtain a family booklet. Without documentation, the family was unable to enroll the children in school, and this in part contributed to their need for their children to work and marry young.

Legal Issues:

Raghda's unregistered second marriage means that her children from that marriage have not been able to be registered. Birth attestations are necessary to enroll children in schools and are also necessary for urgent health cases that require a referral to hospitals in Turkey. In addition, a family booklet is often essential to be able to receive basic assistance from various humanitarian agencies or aid distributed by local authorities.

Another issue is that the legal age for marriage under Syrian law is 18 years for both males and females, but Raghda married her eldest daughter when she was 15 years old. This means that not only will her daughter's marriage not be registered but any children born from the marriage will likely not be registered, thereby potentially perpetuating the problem of being undocumented.

An additional issue is that under Syrian law, it is not permissible to employ a child who has not reached the age of fifteen or has not completed their elementary education, so any work pursued by Raghda's 14 year old son is in the informal sector and subject to exploitative conditions.

Current status:

Raghda sought support from an NGO and was subsequently able to register her marriage with the *de facto* authorities, obtain a new family booklet for her second marriage, register her five children, and enroll two children of school age in school. Registering these life events has had a significant positive impact helping her preserve her and her children's legal status. Her 14-year-old child, however, is still working to support the family alongside his father, though fewer hours; and the registration of her marriage is not recognized by the GoS, nor are registrations of any of her five children.

a GoS family booklet could be 1,500-3,000USD.⁵³⁸ Given the demand, the overall costs for obtaining legal identity and civil documentation have increased dramatically, making bribes a less feasible option for accessing documentation.⁵³⁹ Smuggling children to GoS areas or across the border to Turkey risks arrest or death.⁵⁴⁰ This creates a situation where children are either passed along to smugglers or sent unaccompanied by caregivers, thrusting children into extremely vulnerable positions where their protection is jeopardized, and at risk of exploitation and becoming missing.⁵⁴¹ Out of desperation, parents may try to illegally cross the border or smuggle their children into Turkey, which may lead to them being arrested or even killed.⁵⁴² The Syrian Observatory for Human Rights estimates that at least 422 Syrian civilians, including 76 children, have been killed since 2011 by Turkish border guards when attempting to cross from NWS into Turkey.⁵⁴³

4. Particular Coping Mechanisms Affecting Children

(a) *Child Labor*

Unregistered children are especially vulnerable to child labor, which has become increasingly common in NWS, within the context of an overall dire economic situation. Child labor among undocumented children is connected to their problems accessing education and restricted freedom of movement, as well as issues with regards to establishing a child's age or family relationships.⁵⁴⁴

In a 2020 survey conducted in NWS, 82 percent of interviewees reported that children in NWS are “engaged in child labor, preventing them from attending school.”⁵⁴⁵ With limited work options, children are resorting to engage in the “‘worst form of Child Labour’ [...] including joining armed groups as reported from all governorates,” selling drugs, and working and begging on the streets.⁵⁴⁶ Without documentation, many children forego education all together in search of such economic opportunities for themselves and their families.⁵⁴⁷ Even if they could enroll in school, the additional deterrent is that the schools are not accredited, and therefore children will not be able to attend an accredited university in the future and subsequently find better employment opportunities.⁵⁴⁸ That said, lack of documentation also creates obstacles for freedom of movement, preventing families from seeking formal employment outside NWS, and further subjecting them to the harsh and exploitative conditions of the informal labor market in NWS.⁵⁴⁹

(b) *Children Recruited into Military and Armed Operations*

Lack of documentation and the obstacles that it poses on accessing education, family unity, and formal work for them and their family members drives children, even sometimes at the request of their mothers for financial reasons, to join armed groups.⁵⁵⁰ Children being recruited into military and armed operations is reportedly becoming increasingly common in NWS.⁵⁵¹ According to UNICEF, “seven out of ten children recruited and used in the conflict” were recorded in NWS,⁵⁵² with the UN having verified the recruitment and use of hundreds of boys by armed opposition groups in NWS.⁵⁵³ In particular, boys are more vulnerable and at risk of being recruited into armed groups,⁵⁵⁴ especially those whose mothers reside in widows camps since the community considers

boys from as early as age 11-14 as male adults and not permitted to stay in the camp.⁵⁵⁵ Children being recruited and used as soldiers under the age of 15 is a violation of children's rights, prohibited under international humanitarian law, and is considered a war crime.⁵⁵⁶

(c) *Child Marriage*

Child marriage is also increasingly common, especially among girls but also boys in NWS.⁵⁵⁷ Child marriage can be the result of being undocumented and can lead to children born of the marriage being undocumented. Being undocumented increases risks of early marriage for many reasons, including because it becomes more challenging to prove a person's age or family relationships.⁵⁵⁸ Unregistered girls as young as 12-14 years old are being married, with the parents sometimes indicating that their children, especially girls, are older.⁵⁵⁹ There have been anecdotal but to date unverifiable reports of girls also being subject to 'forced puberty,' that is, injecting young girls with hormones to induce puberty for the purposes of child marriage.⁵⁶⁰

Child marriage in situations of conflict and displacement is driven by increased vulnerability and perceived limited choice, the breakdown of social functions and services, and the collective failure to prioritize and secure child protection systems.⁵⁶¹ Lack of access to schooling also compounds child labor and the risk of child marriage. Girls lacking access to nationality may also be at heightened risk of child marriage, with some reports of families believing that early marriage is a pathway to securing legal status of their daughters.⁵⁶²

Early marriage is particularly problematic for children lacking documentation⁵⁶³ because the children born of these marriages will not be registered, thus potentially perpetuating an intergenerational issue of family statelessness.⁵⁶⁴ Given that the conflict is now in its twelfth year, it is likely the girls marrying early are not themselves registered.⁵⁶⁵ Even if the girl is documented, it is highly likely that her *urfi* marriage will not be registered, and since these marriages are illegal, this means the children born of the marriage will likely not be registered, at least not for several years.⁵⁶⁶

While child marriage existed in Syria before the crisis—with 13 percent of girls under 18 were married in 2011—after nearly a dozen years into the conflict, child marriage has increased alarmingly in NWS.⁵⁶⁷ Whereas early marriage among boys is largely driven by the need to seek independence from parents, pursue the social status of a breadwinner, and to fill time in the absence of education or employment opportunities, for girls, it is often deemed to be a protective measure or to alleviate financial burdens. Conflict and displacement have fueled increased poverty and insecurity, and escalated the rates of violence including sexual violence, abuse and abductions.⁵⁶⁸ This results in further family pressure and parent's decisions to compel girls into early marriage, believing it to be a protective measure, or to alleviate financial burdens.⁵⁶⁹

Maryam and Her Children

Maryam⁵⁷⁰ is a refugee and widow from Iraq who married a Syrian man at the age of 12. They had six children together, but in 2020 her husband was killed in the conflict. He had been the primary breadwinner. As a result of their poor living and health conditions, two of her children subsequently passed away. She and her remaining four children now live in a tent outside any formal displacement camp or informal site.

Without documentation of her marriage, Maryam had been unable to access humanitarian assistance, healthcare, enroll her children in school, nor live in a widow's camp. Given her level of poverty, especially following her husband's death, Maryam was not even able to afford the cost of transportation to reach the *de facto* authorities documentation centers in Idlib to register her and her children.

Current status:

While her legal issues were complex, through legal counseling assistance of an NGO, Maryam was able to ultimately prove her marriage and parentage of her children with the court in Idlib. As a result, she was able to register her marriage with the local authorities and subsequently her children, and finally acquire a family booklet. Maryam was then able to receive a food basket from an international NGO and was provided psychosocial support by a center in her village. She had previously contemplated suicide, but through such support, her mental health has improved. Another NGO is now helping her daughter access schooling. It is important to note that her marriage and her children, however, are still not registered with the GoS; the documentation they have been issued is from the *de facto* authorities. Thus, her and her family's documentation is not recognized outside the area, and may even involve risks since possessing *de facto* documents is largely perceived as affiliation. While these documents may be all that are available to Maryam's family, like most in NWS, questions as to their legal validity and recognition persist; without GoS documentation, Maryam's children continue to be at risk of statelessness.

VI. CONCLUSION

Children in NWS, living in this often forgotten and isolated pocket of the country, have had most if not all of their childhood years impacted by devastating war and forced displacement. Compounding their vulnerability, hundreds of thousands of children in NWS lack access to their rights to legal identity and nationality, resulting in a slew of deprivations of their most basic rights. While the rights to legal identity and nationality are critical throughout a person's life, these enabling rights can be even more so during the particularly vulnerable early childhood years when a person's "identity, personality and life trajectory are set in motion."⁵⁷¹ As documented in the Report, undocumented children in NWS are missing out on school, are being separated from their family, lacking access to healthcare and humanitarian aid, and enduring alarming child protection issues, which have life shattering implications. Moreover, lacking recognized legal identity documents coupled with a gender discriminatory Syrian nationality law means that children in NWS are at heightened risk of statelessness. To address the crisis, the Report outlines the major barriers to civil documentation and nationality for children in NWS and its impacts and provides key recommendations as to how the GoS and relevant stakeholders can overcome the challenges to ensure that the children of NWS's rights to legal identity and nationality are recognized.⁵⁷² If the obstacles are not overcome, these children, and the adults they become, will remain living on the margins, vulnerable to the harms associated with exclusion and statelessness.

APPENDIX

A. Glossary

Ajanib [‘foreigner’ in Arabic] – Syrian Kurds who presented documentation but could not meet the residency requirement of showing proof of residence in Syria back to 1945, were registered as *Ajanib*. Consequently, the 1962 Syrian census stripped such Kurds of their Syrian citizenship. *Ajanib* Kurds, up until Syria’s Decree 49 (2011), were only eligible to receive GoS identification stating that they were foreigners.⁵⁷³

Birth certificate – “an original document, usually issued by a government authority, stating when and where a person was born and identifying one or both of his or her parents.”⁵⁷⁴

Birth registration – “the continuous, permanent and universal recording within the civil registry of the occurrence and characteristics of birth, in accordance with the national legal requirements. It establishes the existence of a person under law, and lays the foundation for safeguarding civil, political, economic, social and cultural rights. As such, it is a fundamental means of protecting the human rights of the individual.”⁵⁷⁵

Civil documentation – “[a] physical token or credential that serves as a form of proof of civil status, such [as] certificates of birth, adoption, marriage, divorce, or death. A person can have multiple forms of civil documentation.”⁵⁷⁶

Civil registrar – “[t]he official authorized by law with the responsibility for carrying out

the civil registration of vital events in a well-defined area (an entire country, or a county, district, municipality, parish, etc.) and for recording and reporting information on those vital events for legal and statistical purposes.”⁵⁷⁷

Civil registration – “[the] continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements in each country. This process establishes and provides legal documentation for such events. The civil registration records are also the best source of vital statistics.”⁵⁷⁸

De facto authorities – “any non-State entities in actual control of parts of a State’s territory which are parties to an armed conflict and/or internal strife or have generated or hosted internally displaced persons.”⁵⁷⁹

Family booklet (*bitakah al-usareeh*) - is a civil document used in Syria in which civil status events within a family --including births, marriages, divorces and deaths--are recorded.⁵⁸⁰

Internally displaced person (IDP) - “[a] person who has been forced or obliged to flee from their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internationally recognized State border.”⁵⁸¹

Kafala – a practice of Islamic societies that is to “provide a nurturing environment for children and youths left without parents, while maintaining family unity, identity and inheritance rights.”⁵⁸²

Legal identity – “[although] a uniform definition of the concept of legal identity has not been employed...legal identity may be defined as the recognition of a person’s existence before the law, facilitating the realization of specific rights and corresponding duties. Legal identity... can encompass such characteristics as name, age, place of birth, address, sex, gender, marital status, nationality and, depending on the national context, these are sometimes linked to a personal identification number or/and identity card.”⁵⁸³

Legal identity documentation – “[p]hysical documents, digital certificates, identity numbers, or similar credentials that serve as proof of a person’s legal identity. This includes civil status documents (e.g. birth, adoption, marriage, divorce, or death certificate), nationality documents (e.g. nationality certificate, national ID card, passport), and forms of identification based on migration status (e.g. refugee card, foreigner identity card).”⁵⁸⁴

Maktoumeen [‘concealed’ in Arabic] – Syrian Kurds “who could not present any documents or did not participate in the [1962 Syrian census held in the majority-Kurdish Hasakah province] were not registered and became known as *maktoumeen*[], whose residence in Syria became illegal.”⁵⁸⁵ As a result, the 1962 Syrian census stripped *Maktoumeen* Kurds of their Syrian citizenship. *Maktoumeen* Kurds are not referenced in Syria’s Decree 49 (2011),

remaining ineligible to apply for Syrian citizenship and can only receive informal documents from the Syrian police or a *mukhtar*, or a community leader to register their children in school, obtain an informal marriage certificate, as well as documentation for other services.⁵⁸⁶ The term can also be used to refer to those in Syria who are unregistered persons older than 18 years.⁵⁸⁷

Mukhtar – “traditionally served quasi-governmental functions related to civil documentation in Syria, both in practice and pursuant to Syrian legislation,” and “are responsible for (1) signing birth attestations, reporting when children of unknown parentage are found, preparing death attestation, and submitting supporting documentation for marriage petitions verifying ages and names of both parties and that there is no lawful impediment to the marriage.”⁵⁸⁸

Nationality – “the legal bond between a person and a State, which entitles the individual to the State’s protection as its national and entails legal rights and responsibilities. Nationality can be established at birth by a person’s place of birth (*jus soli*) and/or bloodline (*jus sanguinis*) or can be acquired through naturalization. The concept is referred to as citizenship in some national jurisdictions.”⁵⁸⁹

Nofous – an informal term to refer to official civil registry offices of Government of Syria-controlled areas.⁵⁹⁰

Refugee – is a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion,

is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”⁵⁹¹

Shari’a courts – these courts (as opposed to Syria’s secular courts) apply *Shari’a* (Islamic law) in Personal Status Law (family law) matters. It should be noted that there is no one set code of *Shari’a*, but rather varying and often contested interpretations. Each state’s personal status law may rely on varying interpretations of *Shari’a*, incorporating reforms and innovations from within and outside the respective jurisdictions.⁵⁹²

Stateless person – “[a] person who is not considered as a national by any State under the operation of its law.”⁵⁹³

Unaccompanied and separated children - are persons under the age of 18 years “who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible to do so.”⁵⁹⁴

Undocumented national – “nationals who lack the official papers necessary to be recognized as full citizens in their countries.”⁵⁹⁵

Urfi marriage – refers to traditional or customary Muslim marriage, signed in the presence of two witnesses, but not officially registered with government authorities.⁵⁹⁶

B. Acronyms

CSL: Civil Status Law

GoS: Government of Syria

HLP: Housing, Land, and Property

HTS: Hay'at Tahrir al-Sham

ID: Identification Document

IDP: Internally Displaced Person

IHD: Idlib Health Directorate

KII: Key Informant Interview

NGO: Non-Governmental Organization

NSAG: Non-State Armed Group

NWS: Northwest Syria

PSL: Personal Status Law

RSD: Refugee Status Determination

UASC: Unaccompanied and separated children

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNSC: United Nations Security Council

SDP: Stateless Status Determinations Procedure

SSG: Syrian Salvation Government

SYP: Syrian Pound

ENDNOTES

¹ *Humanitarian Needs Overview: Syrian Arab Republic, 2023*, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) 38-39, 74 (Dec. 22, 2023) [hereinafter UN OCHA SYRIA'S HUMANITARIAN NEEDS 2023]. While there are no publicly available reliable statistics on children at risk of statelessness in NWS, household surveys and Key Informant Interviews indicate that the overwhelming majority of households lack access to legal documentation necessary to secure nationality. Surveys indicate that only 13 percent of households in northwest and northeast Syria have the official documentation that they need. See *id.* at 74. Compare Martin Clutterbuck et al., *Establishing legal identity for displaced Syrians*, FORCED MIGRATION REV. 59 (Feb. 2018),

<https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/syria2018/clutterbuck-cunial-barsanti-gewis.pdf> (noting that in NWS nearly half of IDP children aged five and under were not included in their family booklet, the primary civil document in Syria). Compare also *Challenges of Civil Status Documentation in Aleppo and Idlib Governorates, NW Syria*, SHAFAK & UN INT'L ORG. OF MIGRATION (Oct. 2021) [hereinafter *Challenges of Civil Status Documentation*]; *Committee on the Rights of the Child reviews the situation of Children in Syria*, UN COMM. ON THE RIGHTS OF THE CHILD (Jan. 16, 2019), <https://www.ohchr.org/en/press-releases/2019/01/committee-rights-child-reviews-situation-children-syria?LangID=E&NewsID=24082> (“The lack of identity documentation was particularly critical in the areas out of the control of the Government [of Syria], where 25 per cent of adolescents did not have identity cards and a quarter of new-borns had not been registered since the beginning of the crisis.”). See also *infra* note 2.

² *Lost Identity: Challenges relating to legal identification and civil documentation in the north-west of the Syrian Arab Republic*, UNHCR & NORWEGIAN REFUGEE COUNCIL 8-9 (2019) [hereinafter *Lost Identity*] (based on its surveys of 1,100 households in non-government controlled districts in the Aleppo and Idlib governorates less than 30 percent of the displaced Syrians said that it was possible to obtain Syrian Government documentation where they were living). Compare *Identity Me: The Documentation Crisis in Northern Syria*, INT'L RESCUE COMM. 2, 8 (Nov. 2016) [hereinafter *Documentation Crisis in Northern Syria*] (survey of 2,917 households in Idlib and Aleppo in 2015-2016 estimated that 34 percent of families were missing birth certificates for their children and 27 percent of households had no identity documents at all). Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022) (noting most children in NWS born after 2017 are not registered with the GoS).

³ Under international law, a stateless person is one who is “not recognized as a national by any state under the operation of its law.” Convention relating to the Status of Stateless Persons, art. 1, Sept. 28, 1954, 360 U.N.T.S. 117 [hereinafter 1954 Statelessness Convention]. This definition of stateless persons is widely considered to be international customary law. International Law Commission, Draft Articles on Diplomatic Protection with Commentaries, 58th session, at 36 (2006), http://legal.un.org/ilc/texts/instruments/english/commentaries/9_8_2006.pdf.

⁴ See *Reaching the Final Straw: Shedding Light on Alarming Suicide Trends and Perceptions Impacting Women, Girls, and Young People Stuck in Limbo in Northwest Syria* WORLD VISION 5 (Dec. 7, 2022), <https://reliefweb.int/report/syrian-arab-republic/reaching-final-straw-shedding-light-alarming-suicide-trends-and-perceptions-impacting-women-girls-and-young-people-stuck-limbo-northwest-syria> [hereinafter *Reaching the Final Straw*] (referring to children of NWS as ‘trapped’). Compare *id.* at 5 (calling young people of NWS as ‘stuck in limbo’); *Documentation Crisis in Northern Syria*, *supra* note 2 (stating that children in Northern Syria are ‘becoming a lost generation’). Compare Remote Interview with Zahra Al-Barazi, Independent Consultant and Researcher on Statelessness (Mar. 25, 2022) (risk of statelessness with regard to displaced Syrian referred to as a ‘ticking time bomb’). Compare also Marika Sosnowski and Noor Hamadeh, *Risk and Reward: Legal Identity Documentation in the Syrian Civil War*, TAHRIR INST. FOR MIDDLE EAST POL'Y (Oct. 21, 2021) (stating “[the UN] has outlined the issue of legal identity documentation [for Syrians] is a ‘ticking time bomb’”).

⁵ For reports focused on civil documentation access in NWS, see *Lost Identity*, *supra* note 2; *Documentation Crisis in Northern Syria*, *supra* note 2. *Challenges of Civil Status Documentation*, *supra* note 1.

⁶ For the definition of what comprises Northwest Syria (NWS), see *Terminology* section at pg. 13.

⁷ *The women and children of Syria's widow camps: Hardest to reach, most at risk*, WORLD VISION 6 (Apr. 11, 2022), <https://reliefweb.int/report/syrian-arab-republic/women-and-children-syria-s-widow-camps-hardest-reach-most-risk> [hereinafter *Women and Children of Syria's Widow Camps*]. *North West Syria Situation Report*, UN OFFICE FOR THE

COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) (2022), <https://reports.unocha.org/en/country/syria/>. It should be noted that these population statistics include both the Idlib area and the Northern Aleppo area. *Id. Compare Terminology* section at pg. 13 (noting Report focuses primarily on Idlib area).

⁸ Note that these population figures include children living in both the Idlib area and Northern Aleppo area. See *Reaching the Final Straw*, *supra* note 4, at 5. ‘Unbearable Living Conditions’: *Inadequate Access To Economic And Social Rights In Displacement Camps In North-West Syria*, AMNESTY INT’L 4 (2022) (“Out of the total displaced population, around 1.7 million live in camps, 58% of whom are children”) [hereinafter ‘Unbearable Living Conditions’]. *Compare Terminology* section at pg. 13 (noting Report focuses primarily on Idlib area under de facto control of HTS, but many of the issues with regard to nationality and civil documentation access are pertinent in other areas of NWS).

⁹ See Ben Hubbard, *In a Syrian Rebel Bastion, Millions Are Trapped in Murky, Violent Limbo*, N.Y. TIMES (Apr. 6, 2021), <https://www.nytimes.com/2021/04/06/world/middleeast/syrian-war-refugees.html>. For description of NWS’s humanitarian situation, see *infra Part I.C.*; see also *Reaching the Final Straw*, *supra* note 4, at 5. 2022 *North West Syria Situation Report*, OCHA, *supra* note 7. *Compare Turkey-Syria quakes: ‘Worst natural disaster’ in a century*, DW (Feb. 14, 2023), <https://www.dw.com/en/turkey-syria-earthquakes-worst-natural-disaster-in-a-century/a-64696911>.

¹⁰ UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1, at 6-8; see also *Syria: UNHCR Operational Update, September 2022*, UNHCR (Sept. 2022), <https://reliefweb.int/report/syrian-arab-republic/syria-unhcr-operational-update-september-2022>.

¹¹ Birth registration in Syria was reported to be 96 percent in 2006. World Bank Data, *Completeness of Birth Registration (%)*, World Bank (last accessed May 1, 2023), <https://data.worldbank.org/indicator/SP.REG.BRTH.ZS>. For various estimates of the extent of civil documentation access for children in NWS, see *supra* notes 1 & 2.

¹² This issue has been present among specific groups; historically, segments of certain ethnic groups have been denied citizenship in Syria, including Syria’s Kurdish community, which were systematically denied citizenship beginning in 1962. See *infra Part III.C.2.* See also *Understanding statelessness in the Syria refugee context*, NORWEGIAN REFUGEE COUNCIL & INST. ON STATELESSNESS & INCLUSION (NOV. 28, 2016), <https://www.nrc.no/resources/reports/understanding-statelessness-in-the-syria-refugee-context/> [hereinafter *Understanding statelessness in the Syria refugee context*]; Susan M. Akram, *The Search for Protection for Stateless Refugees in the Middle East: Palestinians and Kurds in Lebanon and Jordan*, 30 INT’L J. REFUGEE L. 406 (2018). Another population of stateless in Syria include the estimated over 500,000 Palestinian refugees from Syria from prior to the conflict. For a discussion on the varied legal status of Palestinian refugees in Syria, see generally, *Statelessness in Syria: Country Position Paper*, INST. ON STATELESSNESS & INCLUSION 18-20 (Aug. 2019), <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf> (last visited May 14, 2023).

¹³ See WENDY HUNTER, UNDOCUMENTED NATIONALS: BETWEEN STATELESSNESS AND CITIZENSHIP 1 (2019).

¹⁴ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).

¹⁵ For example, NGO staff involved in aid delivery were aware of requirements of legal documentation that posed barriers to accessing assistance, and others were involved directly in relevant protection activities.

¹⁶ The map is derived from LiveUAMap (April 2023). The key for the map is derived from multiple sources, including LiveUAMap (April 2023), Armenak Tokmajyan and Kheder Khaddour, *Border Nation: The Reshaping of the Syrian-Turkish Borderlands*, CARNEGIE ENDOWMENT FOR INT’L PEACE vii (2022), https://carnegieendowment.org/files/Tokmajyan_Khaddour_Syria_Turkey_final.pdf, “It Was Really Hard to Protect Myself”: Impact of the Armed Conflict on Children with Disabilities, HUMAN RIGHTS WATCH 1 (Sept. 2022), https://www.hrw.org/sites/default/files/media_2022/09/syria0922_web.pdf [hereinafter “*It Was Really Hard to Protect Myself*”].

¹⁷ *Country of Origin – Syria: Security Situation*, EUROPEAN UNION ASYLUM AGENCY 48-51 (Sept. 2022), https://euaa.europa.eu/sites/default/files/publications/2022-09/2022_09_COI_Report_Syria_Security_Situation_EN.pdf.

¹⁸ See, e.g., NORTHWEST SYRIA FACTSHEET AS OF 21 SEPTEMBER 2022, UN OCHA (Sept. 2022), https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/northwest_syria_key_figures_factsheet_20220921.pdf. See generally Remote Interview with Thomas McGee, PhD researcher at the Peter McMullin Centre on Statelessness (Mar. 24, 2022).

¹⁹ NORTHWEST SYRIA FACTSHEET AS OF 21 SEPTEMBER 2022, *supra* note 17.

²⁰ UN Human Rights Office estimates more than 306,000 civilians were killed over 10 years in Syria conflict, UN OFFICE OF THE HIGH COMM'R FOR HUMAN RTS. (June 2022), <https://www.ohchr.org/en/press-releases/2022/06/un-human-rights-office-estimates-more-306000-civilians-were-killed-over-10> (noting over 300,000 civilians killed in ten year period due to Syrian war). Cf. *Syrian Observatory for Human Rights Booklet*, SYRIAN OBSERVATORY FOR HUMAN RTS. (2021), <https://www.syriahr.com/en/233685/> (last visited May 1, 2023); *Compare also Syria*, MINORITY RTS. GRP. (June 2019), <https://minorityrights.org/country/syria/> (noting an estimate of more than 500,000 dead with the caveat that “figures are impossible to verify”).

²¹ “*It Was Really Hard to Protect Myself*,” *supra* note 19.

²² Samuel Granados, *The last stronghold. Syrians At the Border Await War Bitter End* REUTERS GRAPHICS (2019), <https://www.reuters.com/graphics/SYRIA-SECURITY-NORTHWEST/0100B251105/index.html>; *Idlib*, ENCYCLOPEDIA BRITANNICA, (2020), <https://www.britannica.com/place/Syria/The-winds>. Tokmajyan and Khaddour, *Border Nation: The Reshaping of the Syrian-Turkish Borderlands*, *supra* note 19.

²³ *Reaching the Final Straw*, *supra* note 4. ‘Unbearable Living Conditions’, *supra* note 8, at 4.

²⁴ NWS *Situation Report*, UN OFF. FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) (2023), <https://reports.unocha.org/en/country/syria/>. *Compare Population Dynamics And Impact Of Housing, Land, And Property (HLP) On Return And Integration Of IDPs In Northern Aleppo*, iMMAP 6 (Jan. 2022), <https://immap.org/wp-content/uploads/2022/02/Population-Dynamics-and-HLP-in-Northern-Aleppo-RCM-Thematic-Report-Jan-2022-1.pdf> (estimating IDP population of Northern Aleppo at over 800,000).

²⁵ UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1fsit, at 22, 49, 84. *Compare Humanitarian Needs Overview 2021: Syrian Arab Republic*, UNICEF 10-14, 61 (2021), https://www.unicef.org/mena/media/13036/file/syria_2021_humanitarian_needs_overview.pdf (last visited May 1, 2023).

²⁶ North-West Syria: Situation Report, UN OFF. FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA) (Apr. 28, 2023), <https://reliefweb.int/report/syrian-arab-republic/north-west-syria-situation-report-28-april-2023>. Cf. *Earthquakes: North-west Syria: Flash Update No. 11 as of 17 February 2023*, UN OCHA (Feb. 17, 2023), <https://reliefweb.int/report/syrian-arab-republic/earthquakes-north-west-syria-flash-update-no-11-17-february-2023>.

²⁷ Granados, *The last stronghold. Syrians At the Border Await War Bitter End*, *supra* note 22.

²⁸ *Idlib*, EUROPEAN UNION ASYLUM AGENCY (Sept. 2020), <https://euaa.europa.eu/country-guidance-syria/Idlib>.

²⁹ See ‘Unbearable Living Conditions,’ *supra* note 8, at 8.

³⁰ See, e.g., Abdirahim Saeed, *Analysis: Who is Behind the ‘Salvation Government’ running Northern Syria?*, BBC MONITORING (Dec. 13, 2019), <https://monitoring.bbc.co.uk/product/c201b6nn>.

³¹ See Syrian Salvation Government website, <https://syriansg.org/> (outlining SSG’s various ministries). *Compare* Hubbard, *In a Syrian Rebel Bastion*, *supra* note 9 (noting number of employees as of 2021 and ten ministries).

³² See ‘Unbearable Living Conditions,’ *supra* note 8, at 8. See also Tokmajyan and Khaddour, *Border Nation: The Reshaping of the Syrian-Turkish Borderlands*, *supra* note 19, at 8, 14, 15. Zaman Al-Wasl, *Assad Forces, Allied Militias Carried out Widespread Looting in Seized Areas*, THE SYRIAN OBSERVER (Apr. 2, 2020), <https://syrianobserver.com/news/57072/assad-forces-allied-militias-carried-out-widespread-looting-in-seized-areas.html>. Hubbard, *In a Syrian Rebel Bastion*, *supra* note 9.

³³ See *Regional Analysis Syria*, SYRIA NEEDS ANALYSIS PROJECT (SNAP) 20 (Jan. 2013), <https://data.unhcr.org/en/documents/download/38134> (noting in 2004 the census found that there were 1.25M people living in Idlib Governorate with a projection of 1.46M in 2010). *Compare Idlib Governorate*, AL-MAREFA ENCYCLOPEDIA (2011), <https://www.marefa.org/> (noting that 800,000 people lived in Idlib prior to war). Omer Karasapan, *The coming crisis in Idlib*, BROOKINGS INST. BLOG (May 13, 2021), <https://www.brookings.edu/blog/future-development/2021/05/13/the-coming-crisis-in-Idlib/> (estimating a population of 3.4 million in Idlib Governorate).

³⁴ *North West Syria Situation Report*, UN OCHA, *supra* note 26.

³⁵See *Id.*; see also Natasha Hall, *It's time to talk about northwest Syria*, THE NEW HUMANITARIAN (Sept. 29, 2022), <https://www.thenewhumanitarian.org/opinion/2022/09/29/northwest-Syria-conflict-humanitarian-policies-reform>. Fabrice Balanche, *Idlib May Become the Next Gaza Strip*, WASHINGTON INST. (May 26, 2020), <https://www.washingtoninstitute.org/policy-analysis/idlib-may-become-next-gaza-strip> (noting population in Idlib area on border has increased fourfold). Prior to the war, the region was largely comprised of Arab Sunni Muslims and Kurdish communities (also Sunni). See Fabrice Balanche, *Sectarianism in Syria's Civil War: A Geopolitical Study*, THE WASHINGTON INST. (2018), <https://www.washingtoninstitute.org/policy-analysis/sectarianism-syrias-civil-war-geopolitical-study>. As noted by multiple sources, “[s]pecific demographic data for Syria is unreliable. Some minority groups are defined primarily by religion, others by ethnicity, and some are relatively recent immigrants.” See Syria, MINORITY RTS. GRP. (Feb. 2018), <https://minorityrights.org/country/syria/>.

³⁶ Idlib, EUROPEAN UNION ASYLUM AGENCY, *supra* note 28. See Hubbard, *In a Syrian Rebel Bastion*, *supra* note 9.

³⁷ Idlib, EUROPEAN UNION ASYLUM AGENCY, *supra* note 28.

³⁸ *Silencing the Guns in Syria's Idlib*, INT'L CRISIS GRP. (May 2020), <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/213-silencing-guns-syrias-Idlib>. *Country Reports on Human Rights Practices: Syria*, U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR (2020), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/syria/>. In surrender deals or military defeats, GoS forces pushed many people from Aleppo, Eastern Ghouta, Homs or Daraa, to NWS, mainly Idlib. *10 things you need to know about Idlib province in Syria today*, PEOPLE IN NEED (Sept. 12, 2018), <https://reliefweb.int/report/syrian-arab-republic/10-things-you-need-know-about-idlib-province-syria-today>.

³⁹ *Silencing the Guns in Syria's Idlib*, INT'L CRISIS GRP., *supra* note 38. ‘Unbearable Living Conditions,’ *supra* note 8, at 9. Idlib, EUROPEAN UNION ASYLUM AGENCY, *supra* note 28.

⁴⁰ See ‘Unbearable Living Conditions,’ *supra* note 8, at 8-9

⁴¹ See Idlib, EUROPEAN UNION ASYLUM AGENCY, *supra* note 28.

⁴² See ‘Unbearable Living Conditions,’ *supra* note 8, at 9.

⁴³ *Silencing the Guns in Syria's Idlib*, INT'L CRISIS GRP., *supra* note 38.

⁴⁴ See Natasha Hall, *Syria: The Not So Frozen Crisis*, IEMED MEDITERRANEAN YEARBOOK 2022 (2022), <https://www.iemed.org/publication/syria-the-not-so-frozen-crisis/>.

⁴⁵ See UN OCHA SYRIA'S HUMANITARIAN NEEDS 2023, *supra* note 1, at 12 (noting despite a decline, in NWS “active armed incidents and clashes are regularly reported around frontline areas and cause civilian casualties”).

⁴⁶ See Hall, *Syria: The Not So Frozen Crisis*, *supra* note 44.

⁴⁷ See *id.* (noting GoS controlled two thirds of the territory). *Compare Country of Origin – Syria: Security Situation*, *supra* note 16, at 41 (noting GoS controlled 63 percent of the territory).

⁴⁸ See Tokmajyan and Khaddour, *Border Nation: The Reshaping of the Syrian-Turkish Borderlands*, *supra* note 19, at vii.

⁴⁹ See Nisreen Al-Zaraee & Karam Shaar, *The Economics of Hayat Tahrir al-Sham*, MIDDLE EAST INST. (June 21, 2021); Hubbard, *In a Syrian Rebel Bastion*, *supra* note 9; Priyanka Boghani, *Syrian Militant and Former Al Qaeda Leader Seeks Wider Acceptance in First Interview With U.S. Journalist*, PBS FRONTLINE (Apr. 2, 2021). *Silencing the Guns in Syria's Idlib*, INT'L CRISIS GRP., *supra* note 38.

⁵⁰ See UN SECURITY COUNCIL, LETTER DATED 11 JULY 2022 FROM THE CHAIR OF THE SECURITY COUNCIL COMMITTEE PURSUANT TO RESOLUTIONS 1267 (1999), 1989 (2011) AND 2253 (2015) CONCERNING ISLAMIC STATE IN IRAQ AND THE LEVANT (DA'ESH), AL -QAIDA AND ASSOCIATED INDIVIDUALS, GROUPS, UNDERTAKINGS AND ENTITIES ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, S/2022/547, ¶44 (July 15, 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/394/29/PDF/N2239429.pdf?OpenElement>; compare UN Security Council, Twenty-fifth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2368 (2017) concerning ISIL (Da'esh), Al-Qaida and associated individuals and entities, S/2020/53, at ¶¶15-16 (Jan. 20, 2020), https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_53.pdf. A *Vital Humanitarian Mandate for Syria's NorthWest*, INT'L CRISIS GRP. (July 4, 2022), <https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/syria/vital-humanitarian-mandate-syrias-north-west>.

⁵¹ *Country of Origin – Syria: Security Situation*, *supra* note 16, at 35-37

⁵² The map is derived from LiveUAMap (June 2023). The key for the map is derived from multiple sources, including LiveUAMap (June 2023), Armenak Tokmajyan and Kheder Khaddour, *supra* note 19, at vii, “*It Was Really Hard to Protect Myself*,” *supra* note 19, at 1, NORTHWEST SYRIA FACTSHEET AS OF 21 SEPTEMBER 2022, *supra* note 17.

⁵³ See, e.g., NORTHWEST SYRIA FACTSHEET AS OF 21 SEPTEMBER 2022, *supra* note 17. See generally Remote Interview with McGee, *supra* note 17.

⁵⁴ *Country of Origin – Syria: Security Situation*, *supra* note 16, at 30.

⁵⁵ It should be also noted that because the conflict is ongoing the territorial borders remain fluid. See *id.* at 48-51.

⁵⁶ UNHCR’s *Grandi urges increase in the scope of humanitarian assistance in Syria, including to people returning from displacement*, UNHCR SYRIA (2021), <https://www.unhcr.org/sy/19081-unhcrs-grandi-urges-increase-in-the-scope-of-humanitarian-assistance-in-syria-including-to-people-returning-from-displacement.html>.

⁵⁷ *Syria: Parties to Conflict Aggravate Cholera Epidemic*, HUMAN RTS. WATCH (Nov. 7, 2022), https://www.hrw.org/news/2022/11/07/syria-parties-conflict-aggravate-cholera-epidemic?gclid=Cj0KCCQIA4aacBhCUARIsAI55maHoBrmOKSmwDE1kfQR9BG94-uKN-Rr8jBWXn6R_cP6iW1-dJHMRmNMaAnMaEALw_wcB (highlighting water crisis, shortage of medical supplies to NWS, and lack of consolidated information from all regions of Syria as major obstacles to an effective and timely response).

⁵⁸ See, e.g., *Earthquakes: North-west Syria: Flash Update No. 13 (as of 23 February 2023)*, OCHA (Feb. 23, 2023), <https://reliefweb.int/report/syrian-arab-republic/earthquakes-north-west-syria-flash-update-no-13-23-february-2023-enar>.

⁵⁹ ‘Unbearable Living Conditions’ *supra* note 8, at 9-10. See also *Northwest Syria: Aid Delays Deadly for Quake Survivors*, HUMAN RIGHTS WATCH (Feb. 15, 2023), <https://www.hrw.org/news/2023/02/15/northwest-syria-aid-delays-deadly-quake-survivors>; ‘It Was Really Hard to Protect Myself,’ *supra* note 19; Belal Alkharpotly, *Northern Syria: Activists and civilians between reality and need*, HEINRICH BOLL STIFTUNG 4 (2019).

Belal Alkharpotly https://lb.boell.org/sites/default/files/2019-12/Idlib%20Research_English.pdf.

⁶⁰ ‘Unbearable Living Conditions,’ *supra* note 8, at 4.

⁶¹ 2022 Humanitarian Needs Overview Syrian Arab Republic, UN OCHA 21 (Feb. 2022), https://www.unicef.org/mena/media/15726/file/hno_2022_final_version_210222.pdf. See THE EUROPEAN COMM’N, *European Civil Protection and Humanitarian Aid Operations: Syria Country Page for 2022*, https://civil-protection-humanitarian-aid.ec.europa.eu/where/middle-east/syria_en. See *Reaching the Final Straw*, *supra* note 4, at 5. See generally *The World Bank in Syrian Arab Republic*, WORLD BANK, IBRD, & IDA, (2022), <https://www.worldbank.org/en/country/syria/overview> (last visited May 1, 2023).

⁶² UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1, at 83, 84; UN OCHA, *North-West Syria: Situation Update* (Apr. 28, 2023), <https://reports.unocha.org/en/country/syria/>. Compare 2022 Humanitarian Needs Overview: Syrian Arab Republic, *supra* note 61, at 21.

⁶³ *Syria/UN: UN Security Council must extent cross-border aid mechanism to avert a humanitarian disaster*, AMNESTY INT’L (Jan. 9, 2023), <https://www.amnesty.org/en/latest/news/2023/01/syria-un-un-security-council-must-extend-cross-border-aid-mechanism-to-avert-a-humanitarian-catastrophe/>.

⁶⁴ See *Earthquakes: North-west Syria: Flash Update No. 13*, *supra* note 58. Compare *North-West Syria: Situation Report*, UN OCHA (Dec. 2, 2022), [https://reliefweb.int/report/syrian-arab-republic/north-west-syria-situation-report-2-december-2022-enar?_gl=1*1m4nl0j*_ga*MTOxODc5ODOQ0MC4xNjcwMjQzMTg5*_ga_E60ZNX2F68*MTY3MDI0MzE4OC4xLjEuMTY3MDI0MzIzOC4xMC4wLjA](https://reliefweb.int/report/syrian-arab-republic/north-west-syria-situation-report-2-december-2022-enar?_gl=1*1m4nl0j*_ga*MTOxODc5ODOQ0MC4xNjcwMjQzMTg5*_ga_E60ZNX2F68*MTY3MDI0MzE4OC4xLjEuMTY3MDI0MzIzOC4xMC4wLjA;); *Syria: Parties to Conflict Aggravate Cholera Epidemic*, HUMAN RTS. WATCH, *supra* note 57.

⁶⁵ See *Earthquakes: North-west Syria: Flash Update No. 11*, *supra* note 26.

⁶⁶ See UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1, at 5-10; *Reaching the Final Straw*, *supra* note 4, at 5. For further discussion on the health crisis in NWS, see Part IV.A.3.

⁶⁷ UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1, at 9, 41.

⁶⁸ The UN Security Council first gave authorization in 2014 for cross-border aid delivery to opposition-controlled areas of Syria without the GoS’s authorization. Initially, this mandate covered four crossing points, giving UN agencies ability to access to NWS as well as southern and north-eastern Syria. See *A Vital Humanitarian Mandate for Syria’s NorthWest*, *supra* note 50. Since 2012 humanitarian relief organizations have been working in areas beyond GoS control. See *Conflict in Syria Takes Brutal Turn, Engulfing Region, Secretary-General Tells General Assembly, Urging Solid, Unifying Support for New Envoy’s Mission*, UN (Sept. 4, 2012), <https://press.un.org/en/2012/sghsm14488.doc.htm>. Following the February 2023 earthquakes, the GoS “issued a three-month authorization for UN aid deliveries to pass through two more border crossings to the besieged northwest from Turkey.” *Northwest Syria: Aid Delays Deadly for Quake Survivors*, HUMAN RTS. WATCH, *supra* note 59; cf. Marc Pierini, *Post-Earthquake Politics in Syria and Türkiye*, CARNEGIE EUROPE (Feb. 23, 2023), <https://carnegieeurope.eu/strategieurope/89101>. *Earthquakes: North-west Syria: Flash Update No. 13*, *supra* note 58. ; ‘It Was Really Hard to Protect Myself’, *supra* note 19, at 52-57.

⁶⁹ *Syria: Security Council Extends Cross-Border Aid Delivery for Six Months*, UN NEWS (July 12, 2022), <https://news.un.org/en/story/2022/07/1122332>.

⁷⁰ *See id.*; *Security Council unanimously agrees to extend Syria cross-border aid lifeline*, UN NEWS (Jan. 10, 2023), <https://news.un.org/en/story/2023/01/1132282>.

⁷¹ *2023 Earthquake: Situation Overview in North-west Syria*, OCHA (Feb. 23, 2012), <https://reports.unocha.org/en/country/syria/>; *Northwest Syria: Aid Delays Deadly for Quake Survivors*, HUMAN RTS. WATCH *supra* note 59; *Syria extends permission on post-quake aid border crossings for 3 months*, REUTERS (May 13, 2023), <https://www.reuters.com/world/middle-east/syria-extends-permission-post-quake-aid-border-crossings-3-months-2023-05-13/>.

⁷² *See, e.g.*, *Syria/UN: UN General Assembly must take responsibility for ensuring aid continues to reach civilians in need*, AMNESTY INT'L, (July 20, 2022), <https://www.amnesty.org/en/latest/news/2022/07/syria-un-un-general-assembly-must-take-responsibility-for-ensuring-aid-continues-to-reach-civilians-in-need/>; “There is Still No Legal Barrier to UN Cross-Border Operations in Syria Without a UN Security Council Mandate,” Professor Judge Bruno Simma et al., Open Letter signed by 16 international jurists (Jan. 2023), available at https://www.crossborderislegal.org/files/ugd/166212_e8342039d1794a54812386ec69b6906f.pdf; *Northwest Syria: Aid Delays Deadly for Quake Survivors*, HUMAN RTS. WATCH, *supra* note 59.

⁷³ *See In Search of Solutions: Addressing Statelessness in the Middle East and North Africa*, UNHCR 11 (2016), <https://www.refworld.org/docid/57dbdaba4.html> Compare *See Alternative Care in North West Syria*, UNICEF, WORLD VISION 10 (June 2021), <https://reliefweb.int/report/syrian-arab-republic/alternative-care-northwest-syria> [hereinafter *Alternative Care in North West Syria*] (noting lack of documentation as key barrier to family reunification).

⁷⁴ *See* Marika Sosnowski & Noor Hamadeh, “*The Right to Have Rights*”: *Legal Identity Documentation in the Syrian Civil War*, SSOAR 5 (2021), https://www.ssoar.info/ssoar/bitstream/handle/document/75531/ssoar-2021-sosnowski_et_al-The_Right_to_Have_Rights.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2021-sosnowski_et_al-The_Right_to_Have_Rights.pdf. *See also* Aron Lund, *Stop-gap solutions for Syrians without papers*, THE NEW HUMANITARIAN (2021), <https://www.thenewhumanitarian.org/analysis/2020/08/04/syria-documentation-solutions>.

⁷⁵ *Lost Identity*, *supra* note 2, at 8, 9. However, according to one key informant, people in NWS also conceal their old documents so that they are not stamped by de facto authorities (thus rendering the documents invalid), so they say they do not have them. Consequently, the informant suggested that any research carried out on how many people have documentation is inaccurate because many will conceal the fact that they have it. In previous research, the informant found that more than 10-15 percent of respondents concealed the fact that they had documentation. *See* Remote Interview with Abdullah Al-Carrah, Legal Specialist, Shafak (Mar. 30, 2022).

⁷⁶ UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1, at 74.

⁷⁷ Lund, *Stop-gap solutions for Syrians without papers*, *supra* note 74.

⁷⁸ *Lost Identity*, *supra* note 2, at 32.

⁷⁹ Correspondence from Confidential Informant No. 12 to Christine Bustany Senior Lecturer, Fletcher School of Global Affairs (July 4, 2023) (on file with the author). Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁸⁰ Correspondence from Confidential Informant No. 11 to Christine Bustany Senior Lecturer, Fletcher School of Global Affairs (May 8, 2023) (on file with the author).

⁸¹ *Id.*

⁸² *Id.*

⁸³ The power of the president to ratify and revoke international treaties and agreements is provided by Article 107 of the 2012 Syrian Constitution while some powers of the People’s Assembly is included in Article 75(6). CONSTITUTION OF THE SYRIAN ARAB REPUBLIC, PRESIDENTIAL DECREE NO. 94, arts. 75(6), 107 (Feb. 26, 2012) [hereinafter SYRIAN CONSTITUTION] (Art. 107 states: “The President of the Republic concludes international treaties and agreements and revokes them in accordance with provisions of the Constitution and rules of international law.”) (Art. 75(6) states: “The People’s Assembly undertakes the following functions:”[]“Approval of international treaties and conventions related to the safety of the state...””). *Compare* Samia Bourouba, *Jurisprudence in the Application of Human Rights Standards in Arab Courts*, RAOUL WALLENBERG INST. 44 (2012), <https://rwi.lu.se/wp-content/uploads/2015/01/Jurisprudence-in-the-Application-of-Human-Rights-Standards-in-Arab-Courts.pdf> (discussing previous Syrian Constitutions).

⁸⁴ According to several sources, the de facto authorities in NWS have largely used the laws and procedures set out by these legal provisions. See Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022) (noting Syrian law regarding civil registration is applied in NWS in similar manner to that of GoS-controlled areas, but with absence of GoS). See also Remote Interview with Al-Carrah, *supra* note 75.

⁸⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR] (ratified by Syria in 1976).

⁸⁶ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR] (ratified by Syria in 1976).

⁸⁷ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter CRC] (ratified by Syria in 1993).

⁸⁸ Syria is a party to the four Geneva Conventions. See Treaties, States Parties, and Commentaries: Syrian Arab Republic, INT'L COMM. RED CROSS, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=SY&nv=4.

⁸⁹ Tilman Rodenhauer, *The legal protection of persons living under the control of non-State armed groups*, INT'L REV. RED CROSS 1011-1012 (2020). In contrast to the debate on NSAG's international human rights law obligations, it is well settled that NSAGs have legal obligations under international humanitarian law. *Id.* at 995.

⁹⁰ *Id.*

⁹¹ See, e.g., United Nations Security Council Resolution 1894 (2009), S/RES/1894 (Nov. 11, 2009), <https://digitallibrary.un.org/record/671118?ln=en>; United Nations Security Council Resolution 1574, pmb., at ¶11 (Nov. 19, 2004); United Nations Security Council Resolution 1376, at ¶5 (Nov. 9, 2001); United Nations Security Council Resolution 1417, at ¶¶4-5 (June 14, 2002). See also *Armed non-State Actors and International Human Rights Law: An Analysis of the Practice of the U.N. Security Council and U.N. General Assembly*, HARVARD LAW SCHOOL PROGRAM ON INT'L LAW AND ARMED CONFLICT 27 (June 2017), <http://blogs.harvard.edu/pilac/files/2017/06/HLS-PILAC%E2%80%94ANSAs-and-IHRL%E2%80%94June-2017.pdf> (noting UNSC appears to assume that certain NSAGs must respect or comply with certain provisions of human rights law); Walter Kälin (Representative of the Secretary-General), *Report on the Human Rights of Internally Displaced Persons: Addendum: Mission to Georgia*, at ¶5, UN Doc. E/CN.4/2006/71/Add.7 (Mar. 24, 2006).

⁹² OHCHR, *Duty Bearers in International Human Rights Law and International Humanitarian Law*, in INTERNATIONAL LEGAL PROTECTION OF HUMAN RIGHTS IN ARMED CONFLICT 24 (2011), https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf.

⁹³ Antal Berkes, *The Human Rights Obligations of Non-state Actors*, in INTERNATIONAL HUMAN RIGHTS LAW BEYOND STATE TERRITORIAL CONTROL 149 (2021).

⁹⁴ *Joint Statement on human rights responsibilities of armed non-State actors*, UN OFFICE OF THE HIGH COMM'R FOR HUMAN RTS. (Feb. 25, 2021), <https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights>.

⁹⁵ *Supra* note 91 and accompanying text. *Joint Statement on human rights responsibilities of armed non-State actors*, *supra* note 94.

⁹⁶ See Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on armed non-State actors: the protection of the right to life A/HRC/38/44 (Dec. 7, 2020), <https://digitallibrary.un.org/record/3906067?ln=ru>.

⁹⁷ See Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022) (noting Syrian law is applied in NWS in similar manner to that of GoS-controlled areas, but with absence of GoS). See also Remote Interview with Al-Carrah, *supra* note 75. Saeed, *Analysis: Who is Behind the 'Salvation Government' running Northern Syria?*, *supra* note 30; al-Zaraee & Karam Shaar, *The Economics of Hayat Tahrir al-Sham*, *supra* note 49.

⁹⁸ *Supra* note 91 and accompanying text. *Joint Statement on human rights responsibilities of armed non-State actors*, *supra* note 94. Rodenhauer, *The legal protection of persons living under the control of non-State armed groups*, *supra* note 89, at 1012-14. While there are serious concerns associated with ascribing human rights obligations on NSAGs—including the capacity of NSAGs to fulfill these obligations to the space it creates for governments to deflect criticisms to the legitimization of the NSAGs—it has been argued that failing to impose these human rights obligations on NSAGs would leave significant protection gaps and “generate a dangerous sense of impunity” for NSAGs, thereby undermining human rights. See Andrew Clapham, *Old Objections and New Approaches*, In HUMAN RIGHTS OBLIGATIONS OF NON-STATE ACTORS 25, 47 (2006); cf. *Human Rights Obligations of Armed non-State Actors: An Exploration of the Practice of the UN Human Rights Council*, GENEVA ACAD. 25, 31-32 (Dec. 2016), https://www.geneva-academy.ch/joomlatools-files/docman-files/InBrief7_web.pdf. While arguably many of these critiques are particularly relevant to HTS—an entity listed as a foreign terrorist organization by multiple countries, which is seeking broader, global legitimacy—failing to impose these human rights obligations would leave serious protection gaps and “generate a dangerous sense of impunity.” For U.S. Government’s designation of HTS, see “Foreign Terrorist Organizations,” U.S. State Dep’t, Bureau of Counterterrorism, <https://www.state.gov/foreign-terrorist-organizations/> (last accessed May 14, 2023) (indicating U.S. Government considers HTS to be a part of “al-Nusra Front,” a designated foreign terrorist organization); Boghani, *Syrian Militant and Former Al Qaeda Leader Seeks Wider Acceptance in First Interview With U.S. Journalist*, *supra* note 49.

⁹⁹ Kathryn Hampton, *Born in the twilight zone: Birth registration in insurgent areas*, INT’L REV. RED CROSS 507, 511, 523 (2019).

¹⁰⁰ See *infra* Part II.B.1-3. The Constitution of Syria does not explicitly provide the status of international law with the Syrian legal system. However, the Constitution’s Article 75(6) states that the People’s Assembly has the authority to legislate with regards to international treaties and agreements that are contrary to the provisions of the laws in force and requires new legislation to come into force. Additionally, the President of the Republic has the authority to conclude international treaties and agreements as per Article 107 of the Constitution and revoke them “in accordance with provisions of the Constitution and rules of international law.” SYRIAN CONSTITUTION, *supra* note 83, at , arts. 75(6), 107.

¹⁰¹ 1954 Statelessness Convention, *supra* note 3. Convention on the Reduction of Statelessness, Aug. 30, 1961, 989 U.N.T.S. 175 [hereinafter 1961 Statelessness Convention]. The two UN conventions concerning statelessness provide for the rights of stateless persons and outline rules to decrease statelessness. Syria has also not ratified the 1951 Convention Relating to the Status of Refugees (1951 Convention), nor the 1967 Optional Protocol Relating to the Status of Refugees, both of which guarantee rights to refugees who may also be stateless. See Mike Sanderson, *The Syrian Crisis and the Principle of Non-Refoulement*, INT’L LAW STUDIES, U.S. NAVAL WAR COLLEGE, 89 INT’L L. STUD. 776 (2013), <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1020&context=ils>. See Convention relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137. Protocol Relating to the Status of Refugees, 31 Jan. 1967, 606 U.N.T.S. 267.

¹⁰² Concluding observations on the fifth periodic report of the Syrian Arab Republic, Comm. on the Rights of the Child, CRC/C/SYR/CO/5, ¶¶ 23-24 (Mar. 6, 2019).

¹⁰³ ICCPR, *supra* note 85, at art. 16. See also Guiding Principles on Internal Displacement, Principle 20(1) (2003).

¹⁰⁴ ICCPR, *supra* note 85, at art. 16 (“Everyone shall have the right to recognition everywhere as a person before the law.”); cf. G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 6 (Dec. 10, 1948) [hereinafter UDHR], (“Everyone has the right to recognition everywhere as a person before the law.”); The Arab Charter on Human Rights, ratified by Syria in 2007, art. art. 22 (“Everyone shall have the right to recognition as a person before the law.”).

¹⁰⁵ Paul M. Taylor, *Article 16: Recognition as a Person Before the Law*, in A COMMENTARY ON THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: THE UN HUMAN RIGHTS COMMITTEE’S MONITORING OF ICCPR RIGHTS 445–457 (2020).

¹⁰⁶ General Comment on the right to recognition as a person before the law in the context of enforced disappearances, Report of the Working Group on Enforced or Involuntary Disappearances, HRC/19/58/Rev.1 , 9 (Mar. 2, 2012).

¹⁰⁷ ICCPR, *supra* note 85, at art. 4(2).

¹⁰⁸ *Infra* note 104. See Consideration of reports submitted by states parties under Article 40 of the Covenant, ICCPR Third Periodic Report of Syria, ¶ 23 (July 5, 2004), <https://www.un.org/unispal/document/auto-insert-176338/>.

¹⁰⁹ Convention on the Elimination of All Forms of Discrimination Against Women arts. 15(2), 16 (2), Dec. 18, 1979, 1249 U.N.T.S. 13; 19 I.L.M. 33 (1980) [hereinafter CEDAW] (ratified by Syria in 2003).

¹¹⁰ *Id.* at arts. 15(2), 16(2).

¹¹¹ The Covenant on the Rights of the Child in Islam art. 7 (June 2005), Organisation of the Islamic Conference, OIC/9-IGGE/HRI/2004/Rep.Final [hereinafter CRCI], available at <https://www.refworld.org/docid/44eaf0e4a.html>. Syria has been a party to the Organization of Islamic Cooperation since 1972. The treaty is still awaiting ratification by the required twenty OIC member states. See Mahmood Monshipouri & Turan Kayaoglu, *The OIC and Children's Rights*, in THE ORGANIZATION OF ISLAMIC COOPERATION AND HUMAN RIGHTS 198 (Turan Kayaoglu & Marie Juul Petersen eds., 2019), <http://www.jstor.org/stable/j.ctv16t6hcd.11> (last visited May 1, 2022); *The Arab Human Rights System, Annex to the ABC of Human Rights for Development Cooperation*, DEUTSCHE GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT (GIZ) GMBH 8 (2017), https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/E-Info-Tool/e-info-tool-abc-of-hr-for-dev-coop-the-arab-hr-system.pdf.

¹¹² CRCI, *supra* note 111, at art. 7. CRCI's Article 7 states:

1. A child shall, from birth have the right to a good name, to be registered with the authorities concerned, to have his nationality determined and to know his/her parents, all his/her relatives and foster mother.
2. States Parties to the Covenant shall safeguard the elements of the child's identity, including his/her name, nationality, and family relations in accordance with their domestic laws and shall 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.
3. The child of unknown descent or who is legally assimilated to this status shall have the right to guardianship and care but without adoption. He shall have a right to a name, title and nationality.

¹¹³ While the UDHR is non-binding, it provided inspiration for the subsequent international human rights treaties, which do contain binding obligations concerning the right to a nationality. See MICHELLE FOSTER & HÉLÈNE LAMBERT, INTERNATIONAL REFUGEE LAW AND THE PROTECTION OF STATELESS PERSONS 57-58 (2019). Compare Mirna Adjami and Julia Harrington, *The Scope and Content of Article 15 of the Universal Declaration of Human Rights*, 27 REFUGEE SURVEY QUARTERLY 93, 93-109 (2008).

¹¹⁴ UDHR, *supra* note 104, at art. 15.

¹¹⁵ FOSTER & LAMBERT, *supra* note 113, at 58.

¹¹⁶ ICCPR, *supra* note 85, art. 24 (3).

¹¹⁷ CRC, *supra* note 87, at art. 7(1).

¹¹⁸ *Id.* at art. 7(2).

¹¹⁹ International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(d)(iii), Dec. 21, 1965, 660 U.N.T.S. 195 [hereinafter ICERD].

¹²⁰ Arab Charter, *supra* note 104, art. 26(1). Syria was a founding member of the League of Arab States. Syrian Arab Republic, Human Rights Commission. League of Arab States. Syria is a party to the Arab Charter on Human Rights (the Arab Charter) in 2007 and remains bound by its principles. "League of Arab States, Human Rights Commission" (Oct. 7, 2022), <http://www.lasportal.org/ar/humanrights/Committee/Pages/MemberCountriesDetails.aspx?RID=2..> It is important to note that although Syria was suspended from the League of Arab States (LAS) between 2011 – 2023 due to conflict with other LAS member states, the GoS remained bound by its requisite obligations. See *Middle East and North Africa* [Website Page], INT'L JUSTICE RES. CTR., <https://ijrcenter.org/regional/middle-east-and-north-africa>. (last accessed May 15, 2023). See also Mervat Rishmawi, *The League of Arab States Human Rights Standards and Mechanisms*, OPEN SOCIETY FOUNDATIONS AND CAIRO INST. FOR HUMAN RTS. STUDIES 14 (2015); Jean-Pierre Filiu, *Bashar al-Assad still banished from the Arab League*, LE MONDE (Oct. 23, 2022), https://www.lemonde.fr/en/international/article/2022/10/24/bashar-al-assad-still-banished-from-the-arab-league-6001500_4.html. *Syria on way back to Arab fold as isolation crumbles*, BBC (May 3, 2023), <https://www.bbc.com/news/world-middle-east-65457183>; Aidan Lewis & Sarah El Safty, *Arab League readmits Syria as relations with Assad normalize*, REUTERS (May 8, 2023), <https://www.reuters.com/world/middle-east/arab-league-set-readmit-syria-relations-with-assad-normalise-2023-05-07/>. As of May 2023, however, GoS has been re-admitted to the Arab League. Areem Chehayeb & Abbey Sewell, *What's behind Syria's return to the Arab League?*, ASSOCIATED PRESS (May 8, 2023).

¹²¹ The Arab Charter, *supra* note 104, at art. 29.2. Compare CRCI, *supra* note 111, at art. 7(2) (obligating states to take all possible measures for its citizens and other children in its territory to prevent statelessness). Article 3 of the Arab Charter also provides for equality between men and women in the enjoyment of all rights and freedoms enshrined in the Charter. The Arab Charter, *supra* note 104, at art. 3.

¹²² The Arab Charter, *supra* note 104, at art. 4.2.

¹²³ CRC, *supra* note 87, at art. 7.

¹²⁴ ICCPR, *supra* note 85, at art. 24. In 2012, the UN Human Rights Council adopted a specific resolution, recognizing the importance of birth registration for the development of vital statistics. In this resolution, states were urged to identify and remove physical, administrative, and any other barriers impeding access to birth registration. *Birth registration and the right of everyone to recognition everywhere as a person before the law*, UN HUMAN RTS. COUNCIL, A/HRC/19/L.24 (Mar. 19, 2012), <https://digitallibrary.un.org/record/729491?ln=en>.

¹²⁵ CRCI, *supra* note 111, art. 7.

¹²⁶ Jonathan Todres, *Birth Registration: An Essential First Step toward Ensuring the Rights of All Children*, HUMAN RTS. BRIEF 10, no. 3 at 32-35 (2003), <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1422&context=hrbrief>.

¹²⁷ See *Birth registration and the right of everyone to recognition everywhere as a person before the law*, *supra* note 124; UN General Assembly, Resolution adopted by the General Assembly (Dec. 19, 2011), 66/141. Rights of the Child, A/RES/66/141 ¶43(f) (Apr. 4, 2012). See also *Lost Identity*, *supra* note 2, at 69.

¹²⁸ CEDAW, *supra* note 109, at art. 16; General recommendations made by the Committee on the Elimination of Discrimination against Women, General Recommendation No. 21 (13th session, 1994), Equality in marriage and family relations, Art. 16(2), available at <https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>. Note that Syria is not a party to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVI-3&chapter=16&clang=en. See generally *Lost Identity*, *supra* note 2, at 23.

¹²⁹ See General recommendations made by the Committee on the Elimination of Discrimination against Women, *supra* note 128 (The Committee on the Elimination of Discrimination against Women has stated: “States parties should also require the registration of all marriages whether contracted civilly or according to custom or religious law. The State can thereby ensure compliance with the Convention and establish equality between partners, a minimum age for marriage, prohibition of bigamy and polygamy and the protection of the rights of children.”).

¹³⁰ According to several sources, the *de facto* authorities in NWS have largely used the laws and procedures set out by these legal provisions. See Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022) (noting Syrian law is applied in NWS in similar manner to that of GoS-controlled areas, but with the absence of GoS). See also Remote Interview with Al-Carrah, *supra* note 75. However, it appears that the *de facto* authorities are not applying the recent amendments made to the Syria's Civil Status Law and Personal Status Law, nor the new Children's Protection Law of 2021. Correspondence from Confidential Informant No. 10, to Christine Bustany, Senior Lecturer, Fletcher School of Global Affairs (Mar. 29, 2023) (on file with the author) (noting that “to our knowledge, [the *de facto* authorities] do not follow the amendments passed by the GoS.”). Beyond GoS frameworks, it should be noted that the SSG does implement its own laws and publishes laws and circulars on its website and social media, and is reported to be working on amending and developing new laws. But in the meantime, SSG still continues to apply pre-2011 GoS civil laws and procedures, including the Civil Status Law and Personal Status Law. Correspondence from Confidential Informant No. 11, to Christine Bustany, Senior Lecturer, Fletcher School of Global Affairs (June 14, 2023) (on file with the author).

¹³¹ See SYRIAN CONSTITUTION, *supra* note 83; LEGISLATIVE DECREE 276, NATIONALITY LAW (SYRIAN ARAB REPUBLIC), Issue 55, at 901 (Nov. 24, 1969) [hereinafter “SYRIAN NATIONALITY LAW”], unofficial English translation available at <https://www.refworld.org/pdfid/4d81e7b12.pdf>; CHILD PROTECTION LAW (SYRIAN ARAB REPUBLIC), NO. 21 (2021). LAW OF PERSONAL STATUS (SYRIAN ARAB REPUBLIC), LAW NO. 59 (Sept. 17, 1953), as amended by Law 34/1975, Law 18/2003, Decree 76/2010, and Law 4 and 20 of 2019 [hereinafter SYRIAN PERSONAL STATUS LAW]; CIVIL STATUS LAW (SYRIAN ARAB REPUBLIC), NO. 13/2021 (Mar. 25, 2021) [hereinafter CIVIL STATUS LAW 2021].

¹³² See SYRIAN CONSTITUTION, *supra* note 83.

¹³³ *Id.* at arts. 33, 48.

¹³⁴ *Id.* at arts. 20(2), 23.

¹³⁵ SYRIAN NATIONALITY LAW, *supra* note 131.

¹³⁶ *Id.* at art. 3(A).

¹³⁷ Exceptional cases by which the law provides that nationality may be conferred to a child based on the mother's Syrian nationality include:

(i) Article 3(C) allows women to pass on their nationality to their child in case the child was born in the country and the father of the child is *stateless*; and

(ii) Article 3(B) provides that nationality can be transferred if the child is born in Syria to a Syrian Arab mother and the link to paternity is not established.

In addition, Article 3(C) grants nationality to children who have been born in the country and abandoned by unknown parents. *Id.* at art. 3(C). Those children with unknown parents (i.e., 'foundlings') are supposed to be taken care of by a state social institution that is to work to allow them to acquire Syrian nationality. The process is similar to the regular process of registration (approaching a *mukhtar*, presenting witnesses, obtaining a police report, etc.). After obtaining these documents, the children are registered, and the official custodian is the social institution. The civil registration office gives them a first and family name, and by default they are considered as Syrian Arab Muslims, unless proven otherwise. See *Civil Documentation and Registration in the Syrian Arab Republic*, SYRIAN ARAB REPUBLIC MINISTRY OF INTERIOR CIVIL AFFAIRS DIRECTORATE & UNITED NATIONS HIGH COMM'R FOR REFUGEES 22 (April 2019), <https://data.unhcr.org/en/documents/details/69169>.

¹³⁸ See Remote Interview with Al-Barazi, *supra* note 4.

¹³⁹ SYRIAN NATIONALITY LAW, *supra* note 131, at arts. 4-8.

¹⁴⁰ *Id.* at art. 4.

¹⁴¹ *Id.* at arts. 6, 16. Akram, *The Search for Protection for Stateless Refugees in the Middle East*, *supra* note 12, at 424.

¹⁴² *Id.* at arts. 4, 6.

¹⁴³ *Id.* at art. 7.

¹⁴⁴ *Id.* at art. 8.

¹⁴⁵ Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: Syria, UNHCR 3 (May 2011), <https://www.refworld.org/pdfid/4dcb716f2.pdf>; Zahra Al-Barazi, *The Stateless Syrians*, TILBURG UNIV. STATELESSNESS PROGRAMME 18 (May 2013).

¹⁴⁶ The Syrian Nationality Law's Article 21 provides that citizenship can be stripped by a proposal by the Minister, based on multiple circumstances, including: entering into military service with a foreign state without prior authorization from the Minister of Defense; entering employment of any kind with a foreign state inside the country or outside it; engaging in any activity or work for a country which is in a state of war with the country; leaving the country clandestinely for a country that is in a state of war with the country; and leaving the country indefinitely for the purpose of settling in a non-Arab country and if he has been away for more than three years and has been notified to return but has failed to respond or has given unconvincing reasons within three months of receiving the notification. SYRIAN NATIONALITY LAW, *supra* note 131, at art. 21 (quotations omitted); see generally *Statelessness in Syria*, *supra* note 12, at 2.

¹⁴⁷ Remote Interview with McGee, *supra* note 17.

¹⁴⁸ UN HUMAN RIGHTS COMMITTEE, SECOND PERIODIC REPORT, SYRIAN ARAB REPUBLIC, CCPR/C/SYR/2000/2, ¶ 331 (Aug. 25, 2000).

¹⁴⁹ CHILD PROTECTION LAW, *supra* note 131.

¹⁵⁰ *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, NORWEGIAN REFUGEE COUNCIL 14 (Dec. 2022), <https://www.nrc.no/globalassets/pdf/reports/csl-syrians-living-abroad/nrc-csl-for-syrians-regional-report-en.pdf>. The Child Protection Law is reportedly not being implemented by *de facto* authorities in NWS. Correspondence from Confidential Informant No. 11, to Christine Bustany, Senior Lecturer, Fletcher School of Global Affairs (June 14, 2023) (on file with the author).

¹⁵¹ SYRIAN PERSONAL STATUS LAW, *supra* note 131. *A Comprehensive Insight into Syrian Family Law*, SYRIAN L. J. (Oct. 3, 2019), <https://www.syria.law/index.php/comprehensive-insight-syrian-family-law/>. The Syrian Personal Status Law governs matters such as marriage, divorce, child custody, and inheritance. *Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law*, U.S. LIBRARY OF CONG., (2019), <https://www.loc.gov/item/global-legal-monitor/2019-04-08/syria-womens-rights-in-light-of-new-amendments-to-syrian-personal-status-law/>.

¹⁵² It should be noted that there is no one set code of *Shari'a*, but rather varying and often contested interpretations. Each country's personal status law may rely on varying interpretations of *Shari'a*, incorporating reforms and revisions from within and outside the respective jurisdictions. See Kristen Stilt et al., *The Ambitions of Muslim Family Law Reform*, 41 HARV. J. L. & GENDER 302, 303-09 (2016); Jean Michiel Otto, *Introduction: Investigating the Role of Sharia in National Law*, in SHARIA INCORPORATED: A COMPARATIVE OVERVIEW OF THE LEGAL SYSTEMS OF TWELVE MUSLIM COUNTRIES IN PAST AND PRESENT, 17-50 (J. M. Otto ed., 2010). *Compare A Comprehensive Insight into Syrian Family Law*, *supra* note 151.

¹⁵³ Esther van Eijk, *Pluralistic Family Law in Syria: Bane or Blessing?*, 2 ELECTRONIC J. ISLAMIC & MIDDLE EASTERN L. 73 (2014).

¹⁵⁴ *A Comprehensive Insight into Syrian Family Law*, *supra* note 151.

¹⁵⁵ *Analysis of Revisions to the Syrian Personal Status Law through Law 4 and Law 20 of 2019*, NORWEGIAN REFUGEE COUNCIL & UNHCR (2019). Osama Mahmoud Aghi, *New Amendments to Personal Status Law Offer Small Gains for Women's Rights, Syria From Within*, CHATHAM HOUSE (June 5, 2019), <https://syria.chathamhouse.org/research/new-amendments-to-personal-status-law-offer-small-gains-for-womens-rights>.

¹⁵⁶ Correspondence from Confidential Informant No. 10, *supra* note 130.

¹⁵⁷ *Shari'a* Courts have “exclusive jurisdiction over matters relating to: legal guardianship, trusteeship, and legal representation; registration of deaths; legal capacity and mental maturity; missing persons; determination of paternity; and the maintenance of relatives.” *ILAC Rule of Law Assessment Report: Syria 2017*, INT'L LEGAL ASSISTANCE CONSORTIUM (ILAC) 35 (2017). The Civil Procedure Code mandates the jurisdiction of the *Shari'a* courts over the personal status matters of followers of the Muslim faith. However, the Druze in addition to the Christians and the Jews have their own court structures. The courts that have jurisdiction over the range of Christian denominations are called the Spiritual Courts. In 2006, the Catholic community in Syria, including their denominations, were provided with its own consolidated Personal Status Code, following the enactment of Law 31/2006, which was fully independent from the 1953 Personal Status Code. *A Comprehensive Insight into Syrian Family Law*, *supra* note 151.

¹⁵⁸ See *ILAC Rule of Law Assessment Report: Syria 2017*, *supra* note 157, at 35. The Personal Status Law is to apply to all Syrians, with certain exceptions. As provided in Article 307, there are some special provisions concerning marriage, polygamy, dowry, divorce, wills and inheritance for those in the Druze community. Similarly, Article 308 applies solely to the Christian and Jewish communities with regard to such issues as marriage, alimony, marriage annulment, and custody of children. See *Syria: Women's Rights in Light of New Amendments to Syrian Personal Status Law*, *supra* note 151.

¹⁵⁹ van Eijk, *Pluralistic Family Law in Syria: Bane or Blessing?*, *supra* note 153, at 77-78 (noting that Syrian family law is “not just characterised by the plurality of existing personal status laws and courts,” but the plurality or versatility is also manifested in the fact that the Syrian Personal Status Law allows for the recognition of customary legal practices”).

¹⁶⁰ *Lost Identity*, *supra* note 2, at 10.

¹⁶¹ The Civil Status Law of 2021 replaced the Civil Status Law of 2007, promulgated on 12 April 2007 as Law No. 26. *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at n.2. See also *Syrian Law - Recent Legislation*, SYRIAN L. J., <https://www.syria.law/index.php/recent-legislation/>.

¹⁶² *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150.

¹⁶³ *Lost Identity*, *supra* note 2, at 30. *Syria Child's Rights Legal Guide (Internal Working Paper)*, NORWEGIAN REFUGEE COUNCIL n.58 (Apr. 25, 2022) (on file with the author).

¹⁶⁴ *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at 6.

¹⁶⁵ See Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022). See also Remote Interview with Al-Carrah, *supra* note 75. *Lost Identity*, *supra* note 2, at 33.

¹⁶⁶ Correspondence from Confidential Informant No. 10, *supra* note 130.

-
- ¹⁶⁷ *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, 6-7.
- ¹⁶⁸ *Id.* at 11.
- ¹⁶⁹ *Id.* at 6-10.
- ¹⁷⁰ *Id.* at 6, 12.
- ¹⁷¹ *President al-Assad issues a decree amending Article 28 of the Civil Status Law*, SANA (Sept. 15, 2022), <https://sana.sy/?p=1740824>. Compare *President al-Assad issues new civil status law*, SANA (March 25, 2021), <https://www.sana.sy/?p=1344988>.
- ¹⁷² *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at 31.
- ¹⁷³ *Id.* at 10. Compare Law 4/2017 also added “significantly increased fees for the issuance and replacement of mandatory essential civil documents ... as well as vastly increased fines for delayed registration of vital events.” *Lost Identity*, *supra* note 2, at 27. While a subsequent legislative decree was issued to provide a period of exemption lasting six months (as of mid-April 2021) for delays in registering vital events or for obtaining ID cards beyond the legal time limits, this exemption is no longer applicable. *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at 10 (citing ‘Legislative Decree No. 7 – Exemption of Fines under CSL’).
- ¹⁷⁴ The family booklet is a critical civil status document and is issued at the household level rather than individual level. It includes official confirmation of marital status and are updated to include children born of the marriage. Family booklets are needed for accessing basic rights and services in Syria. See CIVIL STATUS LAW 2021, *supra* note 131, art. 61; *Lost Identity*, *supra* note 2, at 54. Although the law provides men and women “equal rights in terms of acquiring and possessing the family booklet, in practice male heads of household exercised primary responsibility for obtaining family booklets.” *Lost Identity*, *supra* note 2, at 54.
- ¹⁷⁵ See *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 20.
- ¹⁷⁶ *Challenges of Civil Status Documentation in Aleppo and Idlib Governorates*, *supra* note 1, at 11.
- ¹⁷⁷ CIVIL STATUS LAW 2021, *supra* note 131, at art. 23. *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at 9, n.20.
- ¹⁷⁸ *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 21. Compare *Lost Identity*, *supra* note 2, at 43-44.
- ¹⁷⁹ CIVIL STATUS LAW 2021, *supra* note 131, at 28(a). *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at n.118.
- ¹⁸⁰ *Id.* at art. 28(b).
- ¹⁸¹ LEGISLATIVE DECREE NO. 17 OF 2022 AMENDING ARTICLE 28 OF THE CIVIL STATUS LAW.
- ¹⁸² CIVIL STATUS LAW 2021, *supra* note 131, at 28(c). See *President al-Assad issues a decree amending Article 28 of the Civil Status Law*, *supra* note 171.
- ¹⁸³ *Syria Child’s Rights Legal Guide (Internal Working Paper)*, *supra* note 163.
- ¹⁸⁴ CIVIL STATUS LAW 2021, *supra* note 131, at art. 29(a).
- ¹⁸⁵ *Id.* at art. 29(b).
- ¹⁸⁶ *Id.* at art. 29(c).
- ¹⁸⁷ See *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 16-17. *Lost Identity*, *supra* note 2, at 38-40.
- ¹⁸⁸ CIVIL STATUS LAW 2021, *supra* note 131, at art. 20(c).
- ¹⁸⁹ Article 14(a) is common for all life events – birth, marriage, divorce, family book, death – and requires individual reporting the occurrence of an event within three months, if it occurred inside Syria, or nine months if occurred abroad. CIVIL STATUS LAW 2021, *supra* note 131, at art. 14(a). *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at 6.
- ¹⁹⁰ CIVIL STATUS LAW 2021, *supra* note 131, at art. 20(a).
- ¹⁹¹ *Justice for Life Comment on New Civil Status Law 2021*, JUSTICE FOR LIFE 2 (May 2021), <https://jfl.ngo/wp-content/uploads/2021/05/Justice-for-Life-comment-on-the-new-Civil-Status-Act-2021.pdf>.

¹⁹² CIVIL STATUS LAW 2021, *supra* note 131, at art. 61. Article 61 operates for all the civil status incidents uniformly, and a civil status incident has been described in the new law as, “every incident of civil status, such as birth, death, marriage, divorce, and its ramifications.” *Id.* at art. 1.

¹⁹² *Id.* at art. 61.

¹⁹³ *Id.* at art. 30.

¹⁹⁴ *Id.* at art. 28(a). See *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at n.118 (“As explicitly outlined in Regulation 28(1): ‘If the marriage of the parents is not registered and a child is born, the Head of Centre shall not register the birth event until the marriage of the parents is duly registered.’”).

¹⁹⁵ See *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 16-17. *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at 29-30.

¹⁹⁶ SYRIAN PERSONAL STATUS LAW, *supra* note 131, at art. 40(2).

¹⁹⁷ CIVIL STATUS LAW 2021, *supra* note 131, at art. 32(A).

¹⁹⁸ SYRIAN PERSONAL STATUS LAW, *supra* note 131, at art. 40(2); see ESTHER VAN EIJK, *FAMILY LAW IN SYRIA*, 171-72 (2016).

¹⁹⁹ *A Comprehensive Insight into Syrian Family Law*, *supra* note 151. . *Lost Identity*, *supra* note 2, at 27, 39 (citing Law No. 24 of 2018).

²⁰⁰ *Syria Child’s Rights Legal Guide (Internal Working Paper)*, *supra* note 163.

²⁰¹ *Id.*

²⁰² SYRIAN PERSONAL STATUS LAW, *supra* note 131, at art. 15, 16. *Syria Child’s Rights Legal Guide (Internal Working Paper)*, *supra* note 163. Previously, the law allowed girls to marry at the age of 17. *Id.*

²⁰³ The judge granting permission has discretion to see if the required conditions are met, in particular, that the parties: (i) are sincere; (ii) are physically able to have sexual relations; (iii) have the consent of their legal guardian; and (iv) the bride gives her consent. SYRIAN PERSONAL STATUS LAW, *supra* note 131, at art. 18. *Syria Child’s Rights Legal Guide (Internal Working Paper)*, *supra* note 163. A judge may also require couples to attend sessions on marital life. A judge may withhold permission if there is a disparity in age or if the judge can see no benefit of the marriage. SYRIAN PERSONAL STATUS LAW, *supra* note 131, at art. 19. *Syria Child’s Rights Legal Guide (Internal Working Paper)*, *supra* note 163. Children under 18 and unmarried women over 18 require a marriage guardian to consent to the marriage on their behalf. SYRIAN PERSONAL STATUS LAW, *supra* note 131, at art. 21. *Syria Child’s Rights Legal Guide (Internal Working Paper)*, *supra* note 163.

²⁰⁴ See *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 23.

²⁰⁵ There are fundamental rights such as those provided by international human rights law, such as ICCPR’s Article 24 and CRC’s Article 7, that enshrine the right to have a nationality and legal identity. These rights are further exemplified in both the CRCI’s Article 7, as well as the Arab Charter’s Article 24. See ICCPR, *supra* note 85, at art. 24; CRC, *supra* note 87, at art. 7; CRCI, *supra* note 111, at art. 7; Arab Charter, *supra* note 104, art. 24.

²⁰⁶ See SYRIAN NATIONALITY LAW, *supra* note 131, at arts. 3(A), 8.

²⁰⁷ Report of the Committee on the Elimination of Discrimination against Women (Eighteenth and nineteenth sessions), A/53/38/Rev.1, at 47 (May 14, 1998), <http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>. See also Parts II.C.1; Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); see also McGee, *supra* note 17.

²⁰⁸ CEDAW, *supra* note 109, at art. 9.

²⁰⁹ SYRIAN NATIONALITY LAW, *supra* note 131, at art. 8

²¹⁰ The CEDAW Committee has called on the GoS to withdraw its reservation to Article 9, finding the reservation to be “incompatible with the object and purpose of the Convention.” *Concluding observations of the Committee on the Elimination of Discrimination against Women - Syria*, UN Comm. on the Elimination of Discrimination Against Women (CEDAW), CEDAW/C/ARE/CO/1, ¶16 (June 11, 2007), <https://www.refworld.org/docid/468b5bf02.html>.

²¹¹ See Lisa Davis, *ISIL, The Syrian Conflict, Sexual Violence, and the Way Forward: Syrian Women’s Inclusion in the Peace Processes*, 48 NYU J. INT’L L. & POLITICS 1157, 1181 (2016). See also *Statelessness in Syria*, *supra* note 12, at 6-7.

²¹² See Davis, *supra* note 211, at 1182.

²¹³ See *Gender discrimination in Syria’s nationality law and statelessness, Stakeholder report from the World Council of Churches, Universal Periodic Review of Syria*, WORLD COUNCIL OF CHURCHES (Jan. 2022), <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=9165&file=EnglishTranslation>.

²¹⁴ Prior to the conflict, the Syrian Women’s League “estimate[d] that there [were] 100,000 Syrian women with foreign husbands, mostly from Arab states such as Lebanon, Egypt and Iraq.” *Campaign to Change Unfair Citizenship Law Continues*, INST. FOR WAR AND PEACE REPORTING (Dec. 19, 2008), <https://www.refworld.org/publisher,IWPR,,,4959de2a1e.0.html>.

²¹⁵ See Remote Interview with Al-Barazi, *supra* note 4; *Concluding observations on the fifth periodic report of the Syrian Arab Republic*, *supra* note 102, at ¶ 23.

²¹⁶ See Remote Interview with Al-Barazi, *supra* note 4.

²¹⁷ See *id.*; Remote Interview with Al-Carrah, *supra* note 75; Remote Interview with McGee, *supra* note 17; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

²¹⁸ Remote Interview with McGee, *supra* note 17 (discussing status of Kurds); compare Al-Barazi, *Report on Citizenship Law: Syria*, GLOB. CITIZENSHIP OBSERVATORY 1 (2021) (discussing status of Palestinians and Kurds in Syria). Palestinian refugees are unable to become Syrian citizens, though Decree No. 28 in 1960 granted Palestinians habitually residency in Syria with travel documents instead of a national passport. *Lost Identity*, *supra* note 2, at 26. See generally Akram, *The Search for Protection for Stateless Refugees in the Middle East*, *supra* note 12, at 406. Palestinians from Syria have varied identity documents, depending on their particular status. Al-Barazi, *Report on Citizenship Law: Syria*, GLOBAL CITIZENSHIP OBSERVATORY, *supra* note 218, at 5.

²¹⁹ Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 9 (quotations and citations omitted).

²²⁰ *Lost Identity*, *supra* note 2, at 25, 63.

²²¹ See Remote Interview with McGee, *supra* note 17; Remote Interview with Al-Carrah, *supra* note 75. Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022). *Syria: COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria*, UNHCR (Sept. 30, 2019), <https://www.refworld.org/docid/5db174a44.html>.

²²² Remote Interview with McGee, *supra* note 17; Remote Interview with Al-Barazi, *supra* note 4.

²²³ Remote Interview with Al-Carrah, *supra* note 75.

²²⁴ *Human rights violations due to Syria’s nationality law: Universal Periodic Review submission to the Human Rights Council*, INST. ON STATELESSNESS & INCLUSION AND THE GLOBAL CAMPAIGN FOR EQUAL NATIONALITY RIGHTS ¶ 17 (Mar. 24, 2016), <https://equalnationalityrights.org/news/60-joint-submission-to-inform-syria-s-universal-periodic-review-at-the-26th-session-of-the-human-rights-council> (last visited Oct. 10, 2022).

²²⁵ Remote Interview with McGee, *supra* note 17. Remote Interview with Al-Barazi, *supra* note 4.

²²⁶ Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 9.

²²⁷ See Parts III.C.4 & III.C.6.

²²⁸ See SYRIAN NATIONALITY LAW, *supra* note 131, at art. 8. See generally Akram, *The Search for Protection for Stateless Refugees in the Middle East*, *supra* note 12, at 406, 423. The Syrian Nationality Law’s Article 4 provides that to be naturalized the individual must be a resident in Syria for over five years, and meet other requirements, including the ability to speak and read Arabic fluently, not have a criminal record, and be free of infectious diseases, infirmities, ailments that may prevent the person from work. The latter condition can be interpreted as inconsistent with Syria’s obligations under Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD), which provides that persons with disabilities are to have on an equal basis with others the right to acquire and change a nationality. Convention on the Rights of Persons with Disabilities, art. 18, May 3, 2008, 2515 U.N.T.S. 3 (ratified by Syria in 2009). In addition, the ICERD has stressed that states should ensure that “particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization,” including with respect to barriers “to naturalization that may exist for long-term or permanent residents.” CERD General Recommendation XXX on Discrimination Against Non-Citizens, Comm. on the Elimination of Racial Discrimination, ¶¶ 13, 14, 16 (Oct. 1, 2002), <https://citizenshiprightsafrika.org/cerd-general-recommendation-xxx-on-discrimination-against-non-citizens/>.

²²⁹ See SYRIAN NATIONALITY LAW, *supra* note 131, at art. 4; Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 10.

²³⁰ See, e.g., Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 9-10.

²³¹ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).

²³² *Id.*

²³³ *Lost Identity*, *supra* note 2, at 25. For discussion on denationalization of Kurds in Syria, *see generally* Akram, *The Search for Protection for Stateless Refugees in the Middle East*, *supra* note 12, at 406, 423.

²³⁴ *See, e.g.*, *Understanding Statelessness Among Syrian Refugees in The Kurdistan Region of Iraq*, NORWEGIAN REFUGEE COUNCIL 5 (Aug. 2022) [hereinafter *Understanding Statelessness Among Syrian Refugees in KRI*]; *In Search of Solutions*, UNHCR, *supra* note 73.

²³⁵ *Syria: Kurds*, MINORITY RTS. GRP. (Mar. 2018), <https://minorityrights.org/minorities/kurds-5/>.

²³⁶ *See, e.g.*, Al-Barazi, *The Stateless Syrians*, *supra* note 145, at 24.

²³⁷ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). *See also* *Protection Monitoring for Northwest Syria*, INT'L RESCUE COMM. (Feb. 2021). In 154 surveys reaching 698 individuals to understand the impact of missing civil status documents, the top reported reason for not obtaining civil status documentation was 1) 60 percent (417) of households reported safety concerns when traveling to registration centers. *Id.* Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022) (noting risk of detention as the most significant barrier to accessing GoS documentation, second being the cost of access). *See also* *Challenges of Civil Status Documentation*, *supra* note 1, at 8.

²³⁸ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

²³⁹ *Lost Identity*, *supra* note 2, at 57.

²⁴⁰ *Id.*

²⁴¹ *Id.* at 7.

²⁴² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).

²⁴³ *Lost Identity*, *supra* note 2, at 58.

²⁴⁴ Correspondence from Confidential Informant No. 10, *supra* note 130. *Syrian Arab Republic: COVID-19 Update No. 05*, UN OCHA (Apr. 10, 2020), <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-covid-19-update-no-05-10-april-2020>.

²⁴⁵ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).

²⁴⁶ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

²⁴⁷ *Understanding statelessness in the Syria refugee context*, *supra* note 12, at 37. Nisreen Aladdin & Mukhtar al-Ibrahim, *Syria's Fatherless Children*, SIRAJ (Nov. 30, 2016), <https://sirajsy.net/syrias-fatherless-children/>.

²⁴⁸ *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 16.

²⁴⁹ SYRIAN NATIONALITY LAW, *supra* note 131, at art. 3(a)

(defining a Syrian national as “[a]nyone born inside or outside the country to a Syrian Arab father”).

²⁵⁰ *Lost Identity*, *supra* note 2, at 50. Remote Interview with Al-Barazi, *supra* note 4. *Challenges of Civil Status Documentation*, *supra* note 1, at 11, 15. *Justice for Life Comment on New Civil Status Law 2021*, *supra* note 191, at 4 (“The law required the registration of events based on duly certified documents, one of the most prominent difficulties facing displaced persons in areas outside the control of the government and persons who lost their documents because of shelling, displacement or asylum and were unable to obtain alternative documents.”).

²⁵¹ Correspondence from Confidential Informant No. 10, *supra* note 130 (noting February 2023 earthquake led to significant loss, damage and destruction of people’s civil registration document and inability to have them replaced).

²⁵² *Lost Identity*, *supra* note 2, at 38-39. Note that *urfi* marriages must be distinguished from illegal or invalid marriages. For example, a marriage to blood relatives of the first degree or to a woman who is already married is considered invalid and cannot be legalized. *See* SYRIAN PERSONAL STATUS LAW, *supra* note 131, at arts. 33-34, 38. By contrast, a valid *urfi* marriage which was conducted outside the *Shari’a* courts may be validated if certain conditions are met, though might additionally be subject to certain fines. *See* SYRIAN PERSONAL STATUS LAW, *supra* note 189, at art. 40.

²⁵³ *Lost Identity*, *supra* note 2, at 10. *Social Crisis Looms as Cases of Conventional Marriage Increase*, SYRIAN OBSERVER VIA SADA AL-SHAM (July 19, 2017), https://syrianobserver.com/features/22768/social_crisis_looms_cases_conventional_marriage_increase.html. *See generally* *The Campaign to End Statelessness in Egypt*, BOSTON UNIV. SCH. OF LAW INT'L HUMAN RTS. CLINIC 65 (Feb. 2022), https://www.bu.edu/law/files/2022/07/Egypt-Report_Eng_final.pdf.

²⁵⁴ Even traditional religious marriages must be formally registered. Remote Interview with Al-Carrah, *supra* note 75. Religious solemnization alone is not sufficient to formalize a marriage until the registration process is done.

²⁵⁵ *Lost Identity*, *supra* note 2, at 39.

²⁵⁶ See *Syria: Overview Of Muslim Family Laws & Practices*, MUSAWAH 10 (2020), <https://www.musawah.org/wp-content/uploads/2019/03/Syria-Overview-Table-English.pdf>.

²⁵⁷ van Eijk, *Pluralistic Family Law in Syria: Blane or Blessing?*, *supra* note 153, at 78.

²⁵⁸ See *Syria: Overview Of Muslim Family Laws & Practices*, *supra* note 256, at 10.

²⁵⁹ van Eijk, *Pluralistic Family Law in Syria: Blane or Blessing?*, *supra* note 153, at 78.

²⁶⁰ Although *urfi* marriages are not legally formalized until registration, if a couple with an *urfi* marriage approaches the GoS for civil registration and the wife is visibly pregnant or has had the baby, the process requires a medical report confirming that the wife is at least four months pregnant, or a birth notification. *Lost Identity*, *supra* note 2, at 41.

²⁶¹ *Syria Child's Rights Legal Guide (Internal Working Paper)*, *supra* note 163.

²⁶² CIVIL STATUS LAW 2021, *supra* note 131, at art. 31 (noting that this requirement that both spouses be present in Syria is not specified in the code).

²⁶³ van Eijk, *Pluralistic Family Law in Syria: Blane or Blessing?*

supra note 153, at 78. Compare Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 11-12. (“[F]ailure to meet any of the requirements to confirm a marriage contract makes registering children born to Syrian mothers almost impossible, due to failure to establish the child’s filiation in relation to the Syrian father.”).

²⁶⁴ See van Eijk, *Pluralistic Family Law in Syria: Blane or Blessing?*, *supra* note 153, at 78.

See also Concluding observations on the fifth periodic report of the Syrian Arab Republic, *supra* note 102, at ¶17(a).

²⁶⁵ E-mail from Confidential Informant to Christine Bustany, Senior Lecturer in International Law, The Fletcher School of Global Affairs, Tufts University (Nov. 19, 2022) (on file with the author). But, as previously noted, the amendments to the PSL are not applied by the de facto authorities in NWS. Correspondence from Confidential Informant No. 10, *supra* note 130.

²⁶⁶ Correspondence from Confidential Informant No. 10, *supra* note 130.

²⁶⁷ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).

²⁶⁸ *Id.*

²⁶⁹ See Correspondence from Confidential Informant No. 10, *supra* note 130.

²⁷⁰ An NGO in NWS collected a number of cases involving mothers and their children’s civil documentation issues to gain a better understanding of barriers to accessing nationality and civil documentation and their impacts on women and children in NWS. All names in the case studies have been changed to protect the individuals’ privacy. *Salma case study*, NGO, Internal Document (May 2022) (on file with the author). See *supra* ‘Methodology’ section, at pg. 12.

²⁷¹ *Lost Identity*, *supra* note 2, at 40.

²⁷² See *id.* at 41.

²⁷³ Remote Interview with Al-Carrah, *supra* note 75.

²⁷⁴ *Lost Identity*, *supra* note 2, at 56.

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.* at 54.

²⁷⁸ *Challenges of Civil Status Documentation*, *supra* note 1, at 8.

²⁷⁹ *Lost Identity*, *supra* note 2, at 54.

²⁸⁰ *Id.* at 49.

²⁸¹ *Syrian Revolution 11 Years On*, SYRIAN OBSERVATORY FOR HUMAN RTS. (Mar. 15, 2022), <https://www.syriahr.com/en/243125/>.

²⁸² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).

²⁸³ Remote Interview with Al-Barazi, *supra* note 4; *Challenges of Civil Status Documentation*, *supra* note 1, at 11, 15; *Lost Identity*, *supra* note 2, at 50. See also Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 12.

²⁸⁴ Such loss of documentation due to the earthquake has also led to many people being turned away from camps and reception areas. Correspondence from Confidential Informant No. 10, *supra* note 130.

²⁸⁵ *Lost Identity*, *supra* note 2, at 11, 50.

²⁸⁶ *Id.* at 50.

-
- ²⁸⁷ Remote Interview with Al-Barazi, *supra* note 4. Compare UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, *supra* note 1, at 49 (noting frequent flooding of camp sites).
- ²⁸⁸ See *Earthquakes: North-west Syria: Flash Update No. 13*, *supra* note 58. Cf. *Earthquakes: North-west Syria: Flash Update No. 11*, *supra* note 26.
- ²⁸⁹ *Lost Identity*, *supra* note 2, at 27.
- ²⁹⁰ *Id.* at 45. Compare Remote Interview with Confidential Informant No. 7 (Apr. 18, 2022). See SYRIA: LAW NO. 18 (2017) (Mar. 29, 2017), <https://www.refworld.org/docid/5eac0ced4.html>.
- ²⁹¹ *Syria Monthly Earnings, 1993 – 2022*, CEIC DATA (Accessed June 30, 2022), <https://www.ceicdata.com/en/indicator/syria/monthly-earnings>.
- ²⁹² *Whole of Syria – Social Protection Response*, UNICEF 1 (June 2022), https://www.unicef.org/syria/media/10521/file/07_WOS%20Social%20Policy%20May%202022.pdf.
- ²⁹³ Remote Interview with Muhannad Dadaa, Syria Country Director, Amal Organization for Relief and Development (Apr. 7, 2022). See also *Protection Monitoring Northwest Syria*, INT’L RESCUE COMM. (2021) (noting that according to those surveyed in NWS, the “main reasons of the inability to obtain civil documents were due to the high cost of travel to issue or renew these documents as reported by 57% of KIS.”). Compare *Challenges of Civil Status Documentation*, *supra* note 1, at 27.
- ²⁹⁴ Sosnowski & Hamadeh, “*The Right to Have Rights*,” *supra* note 74, at 5. The “GoS passed an amnesty decree in December 2022 (Decree No. 24 of 2022), which includes a waiver of late fees on the delayed registration of civil events and gives a three-month grace period to register events that took place within Syria and a nine-month grace period for events that took place outside Syria.” Correspondence from Confidential Informant No. 10, *supra* note 130.
- ²⁹⁵ *Hadeel Case Study*, NGO, Internal Document (Jan. 2023) (on file with the author).
- ²⁹⁶ *Challenges of Civil Status Documentation*, *supra* note 1, at 27-28.
- ²⁹⁷ *Id.* at 13, 20-21.
- ²⁹⁸ *Id.* at 13.
- ²⁹⁹ See, e.g., Remote Interview with Al-Barazi, *supra* note 4.
- ³⁰⁰ *The Documentation Crisis in Northern Syria*, *supra* note 2, at 4. The more immediate incentive for those living in NWS to seek registration with de facto authorities is to access humanitarian aid; and since people lack access to GoS areas,]they are left with no other option but to register with de facto authorities. *Id.* at 5.
- ³⁰¹ Remote Interview with Confidential Informant No. 7 (Apr. 18, 2022).
- ³⁰² Remote Interview with Al-Carrah, *supra* note 75.
- ³⁰³ Remote Interview with Confidential Informant No. 7 (Apr. 18, 2022).
- ³⁰⁴ Ammar Hamou, Basheer al-Barry, & Madeline Edwards, ‘*It’s like You Have Red Flags All over You’: In Rebel-Held North, Syrians Displaced by the Islamic State Face Discrimination, Social Stigma*, SYRIA DIRECT (Aug. 19, 2018), <https://syriadirect.org/its-like-you-have-red-flags-all-over-you-in-rebel-held-north-syrians-displaced-by-the-islamic-state-face-discrimination-social-stigma/>.
- ³⁰⁵ *Id.*
- ³⁰⁶ Remote Interview with Al-Carrah, *supra* note 75.
- ³⁰⁷ Remote Interview with Informant No. 7 (Apr. 18, 2022).
- ³⁰⁸ *Challenges of Civil Status Documentation*, *supra* note 1, at 26.
- ³⁰⁹ Remote Interview with Al-Carrah, *supra* note 75; Remote Interview with Al-Barazi, *supra* note 4.
- ³¹⁰ *Lost Identity*, *supra* note 2, at 35.
- ³¹¹ Remote Interview with Radwan Mouket, CEO of Urban Research Center (Apr. 22, 2022).
- ³¹² Remote Interview with Informant No. 7 (Apr. 18, 2022).
- ³¹³ Remote Interview with Al-Barazi, *supra* note 4. Compare *Challenges of Civil Status Documentation*, *supra* note 1, at 8-9 (noting the “constant modification of legal-related procedures [in NWS] ... which requires more effort, time, and resources to keep up with the rapid changes in the legal procedures imposed by the de facto authorities in the opposition-controlled areas”).
- ³¹⁴ Remote Interview with Al-Barazi, *supra* note 4.
- ³¹⁵ Remote Interview with Informant No. 1 (Mar. 8, 2022).
- ³¹⁶ Internal Document, Norwegian Refugee Council (on file with the author).
- ³¹⁷ *Understanding statelessness in the Syria refugee context*, *supra* note 12, at 42.

-
- ³¹⁸ *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at n.121.
- ³¹⁹ *2022 Humanitarian Needs Overview: Syrian Arab Republic*, *supra* note 61, at 26.
- ³²⁰ *Protecting and Supporting the Displaced in Syria: UNHCR Syria End of Year*, UNHCR 18 (2015), <https://www.unhcr.org/56cad5a99.pdf>.
- ³²¹ *2022 Humanitarian Needs Overview: Syrian Arab Republic*, *supra* note 61, at 37.
- ³²² See Part III.A. Zahra Al-Barazi, *Syria's displacement crisis, statelessness and children*, INST. ON STATELESSNESS & INCLUSION (2017), <http://children.worldstateless.org/3/migration-displacement-and-childhood-statelessness/syrias-displacement-crisis-statelessness-and-children.html>.
- ³²³ See SYRIAN NATIONALITY LAW, *supra* note 131, at art. 3.
- ³²⁴ Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 4-6. In addition to stateless Kurds and Palestinians, there are also some living in Syria among whom have not had access to Syrian nationality; but no official statistics exist, and more research is needed on the subject. See *id.* at 6, n.24.
- ³²⁵ Remote interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ³²⁶ Al-Jazirah is a region that extend through from the extreme Northeast of Syria and parts of the Northern Iraq and extending into eastern Turkey. *Al-Jazirah*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/place/Al-Jazirah-region-Middle-East>.
- ³²⁷ See Akram, *The Search for Protection for Stateless Refugees in the Middle East*, *supra* note 12, at 406, 423. *The Silenced Kurds*, HUMAN RTS. WATCH 1 (1996), <https://www.hrw.org/legacy/summaries/s.syria9610.html>.
- ³²⁸ Akram, *The Search for Protection for Stateless Refugees in the Middle East*, *supra* note 12, at 406, 423.
- ³²⁹ *Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234. *Compare Syrian Citizenship Disappeared- How the 1962 Census destroyed stateless Kurds' lives and identities*, SYRIANS FOR TRUTH & JUSTICE (Sept. 15, 2018), <https://stj-sy.org/ar/746/> (last visited May 02, 2023). For decades, not having access to nationality and legal documentation deprived stateless Kurdish children in Syria of their right to education; one informant highlighted that among the devastating consequences of this were high illiteracy rates among the stateless Kurds of Syria. Remote Interview with Al-Barazi, *supra* note 4. See generally *Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234, at 5.
- ³³⁰ Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 4. "Syria nationality: Stateless Populations in Syria," NORWEGIAN REFUGEE COUNCIL (Dec. 18, 2022), <https://www.syrianationality.org/index.php?id=19>; UNHCR, *Global Trends 2011* available at: <http://www.unhcr.org/statistics/country/4fd6f87f9/unhcr-global-trends-2011.html>. Although there are no verifiable statistics, some estimates suggest there to be about 2.5 million Kurds in Syria. *Syria, Kurds*, MINORITY RTS. GRP. (2018), <https://minorityrights.org/minorities/curds-5/>. *Compare Country Guidance: Syria*, EUROPEAN UNION AGENCY FOR ASYLUM (Sept. 2020), <https://euaa.europa.eu/country-guidance-syria/2112-kurds> (noting 15 percent of Syria's population is Kurdish).
- ³³¹ See Remote Interview with McGee, *supra* note 17.
- ³³² Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).
- ³³³ Remote Interview with Al-Barazi, *supra* note 4.
- ³³⁴ Remote Interview with Al-Carrah, *supra* note 75.
- ³³⁵ Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: SYRIA 11 (2011), <https://www.refworld.org/pdfid/4dcb716f2.pdf>.
- ³³⁶ See *Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234; "Syria nationality: Stateless Populations in Syria," *supra* note 330.
- ³³⁷ See *Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234. Cf. *Syria nationality: Stateless populations in Syria*, *supra* note 330.
- ³³⁸ *Compare Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234, at 4.
- ³³⁹ Remote Interview with Al-Barazi, *supra* note 4.
- ³⁴⁰ SYRIAN NATIONALITY LAW, *supra* note 131, at art. 3(a).
- ³⁴¹ Correspondence from Confidential Informant No. 10, *supra* note 130. See *Concluding observations on the fifth periodic report of the Syrian Arab Republic*, *supra* note 102, at ¶23.

-
- ³⁴² Remote Interview with Al-Barazi, *supra* note 4. Compare Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 6. Prior to the Syrian conflict, there were an estimated one million Iraqis living in Syria. Because “Iraq’s nationality law is also discriminatory where children born outside the country can only obtain citizenship from the father, [] Iraqi mothers who have had children in Syria without a legal link to a father may have stateless children. There are no figures as to whether any Iraqi in Syria have been able to access nationality, although most indications show this was not a practice even when an individual fulfilled the naturalisation requirements.” Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 6.
- ³⁴³ See Statement by UNICEF Executive Director Henrietta Fore, *Protect the rights of children of foreign fighters stranded in Syria and Iraq*, UNICEF, (May 21, 2019), <https://www.unicef.org/press-releases/protect-rights-children-foreign-fighters-stranded-syria-and-iraq> (“In Syria alone, UNICEF estimates that there are close to 29,000 foreign children, most of them under the age of 12. Some 20,000 children are from Iraq while more than 9,000 are from around 60 other countries.”).
- ³⁴⁴ Remote interview with Confidential Informant No. 9 (Apr. 27, 2022).
- ³⁴⁵ *Id.*
- ³⁴⁶ See *Greater Cooperation Needed to Tackle Danger Posed by Returning Foreign Fighters*, Head of Counter-Terrorism Office Tells Security Council, UN MEETINGS & PRESS COVERAGE (Nov. 28, 2017), <https://press.un.org/en/2017/sc13097.doc.htm>.
- ³⁴⁷ See Remote Interview with Mouket, *supra* note 311.
- ³⁴⁸ See *The women and children of Syria’s widow camps*, *supra* note 7, at 6. Most reports of children of foreign fighters concern camps in northeast Syria. See, e.g., “My Son is Just Another Kid”: Experiences of Children Repatriated from Camps for ISIS Suspects and Their Families in Northeast Syria, HUMAN RTS. WATCH (Nov. 2022), <https://www.hrw.org/report/2022/11/21/my-son-just-another-kid/experiences-children-repatriated-camps-isis-suspects-and-revictimized-the-victims-children-unlawfully-detained-in-northeast-syria>; *Revictimizing the Victims: Children Unlawfully Detained in Northeast Syria*, HUMAN RTS. WATCH (Jan. 27, 2023), <https://www.hrw.org/news/2023/01/27/revictimizing-victims-children-unlawfully-detained-northeast-syria>.
- ³⁴⁹ Remote Interview with Mouket, *supra* note 311.
- ³⁵⁰ *Id.*
- ³⁵¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ³⁵² *Id.*
- ³⁵³ *Warda case study*, NGO, Internal Document (Jan. 2023) (on file with the author).
- ³⁵⁴ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Al-Barazi, *supra* note 4.
- ³⁵⁵ *Lost Identity*, *supra* note 2, at 10.
- ³⁵⁶ These complications include being unable to legally prove a parental link for a child born in a non-legally registered *urfi* marriage. Remote Interview with Al-Barazi, *supra* note 4.
- ³⁵⁷ See *Stolen Future: War and Child Marriage in NWS*, WORLD VISION 4 (2020), <https://www.wvi.org/sites/default/files/2020-07/Stolen%20Future-War%20and%20Child%20Marriage%20in%20Northwest%20Syria-Online.pdf>.
- ³⁵⁸ See *id.*
- ³⁵⁹ *Lost Identity*, *supra* note 2, at 10.
- ³⁶⁰ See Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).
- ³⁶¹ See *Lost Identity*, *supra* note 2, at 41-42. Not having death documentation prevents widows from remarrying as their spouses are still legally considered alive. The widows’ only option may be “to either obtain a divorce by claiming abandonment or filing for legal recognition of death after four years.” *Id.*
- ³⁶² Remote Interview with Al-Barazi, *supra* note 4.
- ³⁶³ Remote Interview with Dadaa, *supra* note 293; Remote interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022); Remote Interview with Al-Barazi, *supra* note 7.
- ³⁶⁴ See Remote Interview with Al-Barazi, *supra* note 4. Al-Barazi, *Report on Citizenship Law: Syria*, *supra* note 218, at 8-9.
- ³⁶⁵ van Eijk, *Pluralistic Family Law in Syria: Bane or Blessing?*, *supra* note 153, at 78.
- ³⁶⁶ See Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ³⁶⁷ *Syrian Observatory for Human Rights 2021 Developments*, SYRIAN OBSERVATORY FOR HUMAN RTS. (Jan. 2, 2022), <https://www.syriaahr.com/en/233685/>.
- ³⁶⁸ *Alternative Care in North West Syria*, *supra* note 73, at 18.
- ³⁶⁹ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).
- ³⁷⁰ *The women and children of Syria’s widow camps*, *supra* note 7, at 6.
- ³⁷¹ *Id.* at 6, 8, 9.

-
- ³⁷² Brief on the so-called “widows camps” in Northwest Syria, Protection Cluster, GBV Sub-Cluster, Child Protection 6 (2021). Compare “Widows’ Camps” in North-West Syria, OCHA (Dec. 2022) (noting 19,000 women and children living in widows camps), https://www.globalprotectioncluster.org/sites/default/files/2022-12/advocacy_one-pager_nws_widows_camps.pdf. See also ‘Unbearable Living Conditions,’ *supra* note 8, at 12.
- ³⁷³ Brief on the so-called “widows camps” in Northwest Syria, *supra* note 372.
- ³⁷⁴ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022). *Women and Children of Syria’s Widow Camps*, *supra* note 7, at 9.
- ³⁷⁵ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022). *Compare Women and Children of Syria’s Widow Camps*, *supra* note 7, at 6.
- ³⁷⁶ Mujahid AbuEljood, *Wives of ‘muhajirin’: who’s your husband?* OPEN DEMOCRACY (2018) <https://www.opendemocracy.net/en/north-africa-west-asia/wives-muhajirin-foriegn-fighters-husband-women/>.
- ³⁷⁷ Brief on the so-called “widows camps” in Northwest Syria, *supra* note 372.
- ³⁷⁸ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).
- ³⁷⁹ *Alternative Care in NorthWest Syria*, *supra* note 73, at 6.
- ³⁸⁰ *Id.*
- ³⁸¹ Internal Document, Norwegian Refugee Council, *supra* note 316; *Alternative Care in NorthWest Syria*, *supra* note 73, at 6.
- ³⁸² *World Vision deeply concerned about the fate of unaccompanied children in Syria*, World Vision (Feb. 15, 2023), <https://reliefweb.int/report/syrian-arab-republic/world-vision-deeply-concerned-about-fate-unaccompanied-children-syria>.
- ³⁸³ Remote Interview with Ibrahim Javash, Shafak (Mar. 30, 2022).
- ³⁸⁴ This separation can cause a breakdown in family structure and impact children and families in economic ways, as well as emotionally. See *Displacement and Family Separation for Syrian Refugee Children*, FAITH TO ACTION INITIATIVE (2022), <https://www.faithtoaction.org/displacement-and-family-separation-for-syrian-refugee-children/>. Many children have endured injuries and physical trauma, illness due to interrupted preventative healthcare, psychological trauma, and impediments to their spiritual development. Syria’s social fabric has been torn by both the outward migration of refugees and internal displacement, which is aggravated by the hardening of internal borders between GoS territory, and the regions controlled by non-state actors., *Left Behind Family Separation and its Impacts in Three Damascus Neighborhoods*, CTR. FOR OPERATIONAL ANALYSIS AND RSCH 3 (Jan. 2022), <https://coar-global.org/2022/01/26/left-behind-family-separation-and-its-impacts-in-three-damascus-neighbourhoods/>.
- ³⁸⁵ *Alternative Care in NorthWest Syria*, *supra* note 73, at 9.
- ³⁸⁶ *Id.* at 8; *The National Child Protection System and Alternative Child Care in Syria*, SOS CHILDREN’S VILLAGES 17 (Jan. 2021), <https://www.sos-childrensvillages.org/getmedia/4b0656b8-5acf-4749-ba25-39adbb3c9a40/Syria-Final-Report-Child-Protection-System.pdf>.
- ³⁸⁷ “It was really hard to protect myself,” *supra* note 19, at 12.
- ³⁸⁸ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
- ³⁸⁹ *Id.*
- ³⁹⁰ *Displacement and Family Separation for Syrian Refugee Children*, *supra* note 384.
- ³⁹¹ *Id.*
- ³⁹² *Alternative Care in NorthWest Syria*, *supra* note 73, at 10.
- ³⁹³ *Id.* at 13, 39.
- ³⁹⁴ *Id.* at 45.
- ³⁹⁵ *Id.*
- ³⁹⁶ *Northern Syria Child Protection Situation Monitoring Dashboard*, UN OCHA (accessed Jan. 29, 2023), <https://www.humanitarianresponse.info/en/operations/whole-of-syria/child-protection-situation-monitoring-dashboard>.
- ³⁹⁷ *Alternative Care in NorthWest Syria*, *supra* note 73, at 21, 40.
- ³⁹⁸ *Northern Syria Child Protection Situation Monitoring Dashboard*, *supra* note 396.
- ³⁹⁹ *Alternative Care in NorthWest Syria*, *supra* note 73, at 13.

⁴⁰⁰ Reports indicate that children with unknown parents are often subject to negative social stigma due to people's belief that the children are the product of nonmarital relationships. But organizations note that while some may be born out of wedlock, often the children are abandoned due to the extreme poverty, sometimes due to an absent father, or the child was born in an early marriage. Mahmoud Bakoor, *In Idlib, children are cast into the unknown*, SYRIA DIRECT (Feb. 20, 2020), <https://syriadirect.org/in-Idlib-children-are-cast-into-the-unknown/>.

⁴⁰¹ *Alternative Care in North West Syria*, *supra* note 73, at 39-40.

⁴⁰² *Id.* at 40.

⁴⁰³ Bakoor, *In Idlib, children are cast into the unknown*, *supra* note 400.

⁴⁰⁴ Remote Interview with Al-Carrah, *supra* note 75.

⁴⁰⁵ SYRIAN NATIONALITY LAW, *supra* note 131, at art. 3(c).

⁴⁰⁶ Remote Interview with Al-Carrah, *supra* note 75.

⁴⁰⁷ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).

⁴⁰⁸ See Part II.A.

⁴⁰⁹ Undocumented nationals are persons who are effectively denied the ability to fully document and prove their legal claim to nationality, as a result of discriminatory laws or administrative gaps and practices. See HUNTER, UNDOCUMENTED NATIONALS, *supra* note 13, at 5, 8, 14 (defining 'undocumented nationality' and 'evidentiary statelessness'). See also Noora Lori, *Statelessness, 'In-Between' Statuses, and Precarious Citizenship*, in THE OXFORD HANDBOOK OF CITIZENSHIP 745, 746 (Ayelet Shachar et al., eds., 2017) (defining 'precarious citizenship').

⁴¹⁰ Remote Interview with Al-Barazi, *supra* note 4; *Lost Identity*, *supra* note 2, at 63.

⁴¹¹ See Part II.B.2. See also ICERD, *supra* note 119, at art. 5.

⁴¹² Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴¹³ Remote Interview with Al-Carrah, *supra* note 75; Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).

⁴¹⁴ Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Mouket, *supra* note 311.

⁴¹⁵ *European Civil Protection and Humanitarian Aid Operations: Syria Country Page for 2022*, THE EUROPEAN COMM'N, https://ec.europa.eu/echo/where/middle-east/syria_en.

⁴¹⁶ *Challenges of Civil Status Documentation*, *supra* note 1, at 40.

⁴¹⁷ The GoS, as well as those who retain effective control in NW Syria, have the responsibility to respect and protect the rights of those living in the territory, including by providing and facilitating humanitarian assistance. See *Practice relating to Rule 55. Access for Humanitarian Relief to Civilians in Need*, INT'L COMM' OF THE RED CROSS, <https://ihl-databases.icrc.org/es/customary-ihl/v2/rule55> (last accessed May 18, 2023); see generally Part II.A. Syria is a party to the four Geneva Conventions and is bound by common article 3 of the Geneva Conventions, which governs the protection of civilians in international armed conflict and non-international armed conflict, respectively. See *Treaties, States Parties, and Commentaries: Syrian Arab Republic*, INT'L COMM. RED CROSS, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=SY&nv=4 See also Roger Lu Phillips & Layla Abi-Falah, *Criminal Responsibility for the COVID-19 Pandemic in Syria*, 52 COLUM. HUMAN RIGHTS L. REV. 523, 561-67 (2021). Syria is also bound by those provisions of Protocol II of the Geneva Conventions, governing conduct in internal armed conflicts, which have become a part of international customary law. See *id.* at 561-67. Additionally, as a state party to the ICCPR and ICESCR, Syria is obligated to uphold and guarantee the right of its people to survival and development, which includes the rights to food, shelter, and medical treatment. *Id.*; ICCPR, *supra* note 85, at art. 6. ICESCR, *supra* note 86, at art. 12.

⁴¹⁸ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

⁴¹⁹ Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).

⁴²⁰ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

⁴²¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴²² Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴²³ *Id.*

-
- ⁴²⁴ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁴²⁵ *Challenges of Civil Status Documentation*, *supra* note 1, at 24, 40.
- ⁴²⁶ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022). Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Al-Carrah, *supra* note 75; Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022); Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).
- ⁴²⁷ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Al-Carrah, *supra* note 75.
- ⁴²⁸ Remote Interview with Al-Carrah, *supra* note 75; Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
- ⁴²⁹ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022); *see Lost Identity*, *supra* note 2, at 61.
- ⁴³⁰ *See Global Program Framework on Children on the Move*, UNICEF 20 (Nov. 2017), <https://www.unicef.org/media/62986/file>.
- ⁴³¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); *see Destruction, Obstruction, and Inaction: The Makings of a Health Crisis in Northern Syria*, PHYSICIANS FOR HUMAN RTS. & INSTITUT FÜR AUSLANDSBEZIEHUNGEN 1-2 (Dec. 2021), <https://phr.org/wp-content/uploads/2021/12/PHR-Syrian-Health-Disparities-Report-Dec-2021-English.pdf> [hereinafter *The Makings of a Health Crisis in Northern Syria*].
- ⁴³² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022), Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022), Remote Interview with Mouket, *supra* note 311.
- ⁴³³ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*, Aug. 11, 2000, E/C.12/2000/4, available at: <https://www.refworld.org/docid/4538838d0.html>. *See also* ICERD, *supra* note 119, at art. 5 (e) (iv); CEDAW, *supra* note 109, at arts. 11.1 (f); 12; CRC, *supra* note 87, at art. 24; Arab Charter, *supra* note 104, at arts. 39, 40; ICCPR, *supra* note 85, at art. 6 (right to life).
- ⁴³⁴ *The Makings of a Health Crisis in Northern Syria*, *supra* note 431, at 19. Matthias Vanhullebusch, *Do Non-State Armed Groups Have a Legal Right to Consent to Offers of International Humanitarian Relief?* 25 J. CONFLICT & SECURITY L., 317–341, (JULY 2020). *See* Part II.A.
- ⁴³⁵ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 9 (Apr. 27, 2022).
- ⁴³⁶ *The Makings of a Health Crisis in Northern Syria*, *supra* note 431, at 6, 11.
- ⁴³⁷ Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
- ⁴³⁸ Remote Interview with Al-Carrah, *supra* note 75.
- ⁴³⁹ Remote Interview with Confidential Informant No. 9 (Apr. 27, 2022).
- ⁴⁴⁰ *Geneva Palais Briefing Note on the Situation of Children in Syria After Ten Years of Conflict*, UNICEF Press Statement (Mar. 12, 2021), <https://www.unicef.org/press-releases/geneva-palais-briefing-note-situation-children-syria-after-ten-years-conflict>.
- ⁴⁴¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁴⁴² *Id.*
- ⁴⁴³ *Id.*; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
- ⁴⁴⁴ *Id.*; Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).
- ⁴⁴⁵ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
- ⁴⁴⁶ *Id.*
- ⁴⁴⁷ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁴⁴⁸ Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
- ⁴⁴⁹ Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).
- ⁴⁵⁰ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁴⁵¹ *Id.*
- ⁴⁵² Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

⁴⁵³ *North West Syria: High Number Of Suicide Attempts And Deaths, With Children Accounting For One In Five Cases*, SAVE THE CHILDREN (Apr. 29, 2021), <https://www.savethechildren.net/news/north-west-syria-number-suicide-attempts-and-deaths-rise-sharply>.

⁴⁵⁴ ICESCR, *supra* note 86, arts. 13, 14; CRC, *supra* note 87, at arts. 28, 29; CEDAW, *supra* note 109, at art. 10; Arab Charter, *supra* note 104, at art. 41.

⁴⁵⁵ *Lost Identity*, *supra* note 2, at 61.

⁴⁵⁶ Remote Interview with Al-Carrah, *supra* note 75.

⁴⁵⁷ *Humanitarian Action for Children appeal, Syrian Arab Republic*, UNICEF (2022), <https://www.unicef.org/media/112346/file/2022-HAC-Syrian-Arab-Republic.pdf>.

⁴⁵⁸ *Geneva Palais Briefing Note on the Situation of Children in Syria After Ten Years of Conflict*, *supra* note 440.

⁴⁵⁹ See Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). *Compare Protection Monitoring for Northwest Syria: May - June 2021*, INT'L RESCUE COMM. (July 2021).

⁴⁶⁰ *Protection Monitoring for Northwest Syria: May - June 2021*, *supra* note 459.

⁴⁶¹ *Protection Monitoring for Northwest Syria: January - February 2021*, INT'L RESCUE COMM. (Mar. 2021) (noting “[the] legal team conducted 154 surveys reaching 698 individuals to understand the impact of missing civil status documents.”). The two other key impacts of not having civil documentation reported by households in the 2021 survey were: (42 %) challenges in accessing alimony and custody; and (40%) challenges with regard to accessing humanitarian service. *Id.*

⁴⁶² UN OCHA SYRIA'S HUMANITARIAN NEEDS 2023, *supra* note 1, at 48.

⁴⁶³ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Carrah, *supra* note 75. *Lost Identity*, *supra* note 2, at 61.

⁴⁶⁴ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with McGee, *supra* note 17.

⁴⁶⁵ Remote Interview with McGee, *supra* note 17.

⁴⁶⁶ Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.*

⁴⁶⁹ See Remote Interview with McGee, *supra* note 17; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

⁴⁷⁰ Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴⁷¹ *Id.*

⁴⁷² Remote Interview with McGee, *supra* note 17; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

⁴⁷³ *Compare Undocumented Children: Barriers to Accessing Social Rights in Europe*, PLATFORM FOR INT'L COOPERATION ON UNDOCUMENTED MIGRANTS (PICUM) 3 (Sept. 2012), <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/Discussions/2012/Submissions/PICUM.pdf>.

⁴⁷⁴ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

⁴⁷⁵ Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴⁷⁶ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Mouket, *supra* note 311.

⁴⁷⁷ *Id.*; *Lost Identity*, *supra* note 2, at 12, 61.

⁴⁷⁸ See Remote Interview with Al-Barazi, *supra* note 4.

⁴⁷⁹ ICESCR, *supra* note 86, at art. 6. See also ICCPR, *supra* note 85, at art. 8 ¶3(a); ICERD, *supra* note 119, at art. 5(e)(i); CEDAW, *supra* note 109, at art. 11; CRC, *supra* note 87, at art. 32; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 11, 25, 26, 40, 52 and 54 (Dec. 18, 1990), A/RES/45/158 [hereinafter ICRMW]; Arab Charter, *supra* note 104, art. 34.

⁴⁸⁰ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 18: The Right to Work* (Art. 6 of the Covenant), (Feb 6, 2006), E/C.12/GC/18, available at: <https://www.refworld.org/docid/4415453b4.htm>; Arab Charter, *supra* note 104, art. 34.

⁴⁸¹ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Mouket, *supra* note 311. *Compare Lost Identity*, *supra* note 2, at 61.

⁴⁸² See Jennifer Guay, *How Being Stateless Makes You Poor*, FOREIGN POLICY (June 30, 2016), <https://foreignpolicy.com/2016/06/30/how-being-stateless-makes-you-poor/>; Melanie Khanna, Betsy Lippman & Florence Nimoh, *New Evidence About the Socioeconomic Impacts of Statelessness Emerges from a Study of the Shona Community in Kenya*, UNHCR BLOGS (Jan. 8, 2021), <https://www.unhcr.org/blogs/socioeconomic-impacts-of-statelessness-shona-community-in-kenya/>.

⁴⁸³ By way of child labor protections, Syrian domestic law prohibits the employment of juveniles below the age of 15 or those who have not completed elementary schooling and specifies the employment conditions under which children are allowed to work. LABOUR LAW OF THE SYRIAN ARAB REPUBLIC, LAW NO. 17, arts. 113, 114, 115, 116, 117, 118 (2010). The unofficial English translation is available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_145645.pdf.

⁴⁸⁴ See Katalin Berényi, *Work to Belong: A New Approach Is Needed to Resolve the Employment Challenges Faced By Stateless Persons in the EU*, EUROPEAN NETWORK ON STATELESSNESS BLOGS (Oct. 18, 2018), <https://www.statelessness.eu/updates/blog/work-belong-new-approach-needed-resolve-employment-challenges-faced-stateless-persons>.

⁴⁸⁵ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Confidential Informant No. 8; Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Mouket, *supra* note 311. In addition, children's lack of documentation also puts future generations at risk of being excluded from the formal labor market, especially since future generations in NWS will not have been exposed to any prior formal work experience. Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴⁸⁶ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Mouket, *supra* note 311; Remote Interview with Al-Barazi, *supra* note 4. *See Lost Identity*, *supra* note 2, at 62.

⁴⁸⁷ Remote Interview with Al-Carrah, *supra* note 75.

⁴⁸⁸ ICESCR, *supra* note 86, at art. 11; CRC, *supra* note 87, at art. 27; CEDAW, *supra* note 109, at art. 14. *See also* ICERD, *supra* note 119, at art. 5(d)(v)(vi); ICRMW, *supra* note 479, at art. 43.1.

⁴⁸⁹ SYRIAN CONSTITUTION, *supra* note 83, at arts. 15, 17.

⁴⁹⁰ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); *Lost Identity*, *supra* note 2, at 62.

⁴⁹¹ *Lost Identity*, *supra* note 2, at 62.

⁴⁹² *Id.*; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

⁴⁹³ Remote Interview with Mouket, *supra* note 311.

⁴⁹⁴ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4; *Lost Identity*, *supra* note 2, at 62.

⁴⁹⁵ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); *Lost Identity*, *supra* note 2, at 62. *Cf. Legal identity and housing, land and property rights of Syrian refugees from a durable solutions perspective*, NORWEGIAN REFUGEE COUNCIL 11, 14 (Dec. 2021), <https://www.nrc.no/resources/reports/legal-identity-hlp-rights-syrian-refugees-from-durable-solutions-perspective/>. [hereinafter *Legal identity and HLP rights of Syrian refugees*].

⁴⁹⁶ Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁴⁹⁷ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).

⁴⁹⁸ *Challenges of Civil Status Documentation*, *supra* note 1, at 40.

⁴⁹⁹ SYRIAN CONSTITUTION, *supra* note 83, at art. 38; Arab Charter, *supra* note 104, at arts. 39, 40; ICCPR, *supra* note 85, at art. 12.

⁵⁰⁰ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Al-Carrah, *supra* note 75; Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022). The COVID-19 pandemic in 2020 exacerbated the deprivation of the right to freedom of movement and travel, further cutting off access to GoS areas. Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). Children in NWS who lack documentation are also restricted from traveling to Turkey for medical care and are restricted from traveling to other parts of Syria for necessary health services. Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).

⁵⁰¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with McGee, *supra* note 17; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

⁵⁰² *Id.*; Remote Interview with Al-Barazi, *supra* note 4. See *Lost Identity*, *supra* note 2, at 58.

⁵⁰³ See Part III.B.2.c.

⁵⁰⁴ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Carrah, *supra* note 75. Even at area crossings, if people have any other type of ID regardless of whether they have GoS ID, it can be highly dangerous for them to travel. Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).

⁵⁰⁵ See UN OCHA SYRIA'S HUMANITARIAN NEEDS 2023, *supra* note 1, at 75.

⁵⁰⁶ See *Alternative Care in NorthWest Syria*, *supra* note 73, at 10. See also Remote Interview with McGee, *supra* note 17.

⁵⁰⁷ *Alternative Care in NorthWest Syria*, *supra* note 73, at 10.

⁵⁰⁸ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).

⁵⁰⁹ See *Rule 105: Respect for Family Life*, Int'l Comm. of the Red Cross: International Humanitarian Law Databases, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule105>; *The Practical Guide to Humanitarian Law: Family Reunification*, DOCTORS WITHOUT BORDERS, <https://guide-humanitarian-law.org/content/article/3/family-reunification/>; see also CRC, *supra* note 87, at arts. 9, 10, and 22; ICCPR, *supra* note 85, at art. 23.1; ICESCR, *supra* note 86, at art. 10.1; Arab Charter, *supra* note 104, at art. 33. Compare SYRIAN CONSTITUTION, *supra* note 83, art. 20.

⁵¹⁰ See Frances Nicholson, *The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied*, UNHCR 1, 3-5 (2018), <https://www.unhcr.org/5a8c40ba1.pdf>. See also CRC, *supra* note 87, at arts. 9, 10, and 22; ICCPR, *supra* note 85, at art. 23.1; ICESCR, *supra* note 86, at art. 10.1.

⁵¹¹ ICESCR, *supra* note 86, at art. 10.1.

⁵¹² Report of the United Nations High Commissioner for Human Rights, *Protection of the Family: Contribution of the Family to the Realization of the Right to an Adequate Standard of Living for Its Members, Particularly Through Its Role in Poverty Eradication and Achieving Sustainable Development* (Jan 29, 2016) (document E, ¶49), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/014/95/PDF/G1601495.pdf?OpenElement>.

⁵¹³ See *Lost Identity*, *supra* note 2, at 62.

⁵¹⁴ See Remote Interview with Al-Carrah, *supra* note 75; *Women and Children of Syria's Widow Camps*, *supra* note 7, at 6. Compare Internal Document, Norwegian Refugee Council, *supra* note 316.

⁵¹⁵ Remote Interview with Al-Carrah, *supra* note 75.

⁵¹⁶ *Lost Identity*, *supra* note 2, at 62.

⁵¹⁷ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with McGee, *supra* note 17; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

⁵¹⁸ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

⁵¹⁹ Remote Interview with Al-Carrah, *supra* note 75.

⁵²⁰ *Lost Identity*, *supra* note 2, at 62.

⁵²¹ Remote Interview with Al-Barazi, *supra* note 4. See UN OCHA SYRIA'S HUMANITARIAN NEEDS 2023, *supra* note 1, at 75.

⁵²² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4.

⁵²³ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

⁵²⁴ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4.

⁵²⁵ See Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

-
- ⁵²⁶ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). *Syria: Detention, Harassment in Retaken Areas*, HUMAN RTS. WATCH (May 21, 2019), <https://www.hrw.org/news/2019/05/21/syria-detention-harassment-retaken-areas>.
- ⁵²⁷ *Id.* Compare President al-Assad to BBC news: “We are defending civilians, and making dialogue,” Transcript of BBC interview, SANA (Feb. 10, 2015), <http://sana.sy/en/?p=28047> (GoS President Bashar al-Assad noting that those living in rebel-held areas are against the GoS).
- ⁵²⁸ See Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
- ⁵²⁹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁵³⁰ *Id.* See also *Lost Identity*, *supra* note 2, at 64-65.
- ⁵³¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). Remote Interview with Al-Barazi, *supra* note 4; see also *Lost Identity*, *supra* note 2, at 65, 67.
- ⁵³² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); *Lost Identity*, *supra* note 2, at 65-66. Compare *Birth Registration Update: The Challenges of Birth Registration in Lebanon for Refugees from Syria*, NORWEGIAN REFUGEE COUNCIL 26 (Jan. 2015), <https://www.nrc.no/globalassets/pdf/reports/the-challenges-of-birth-registration-in-lebanon-for-refugees-from-syria.pdf> (“The real parents of a baby whose birth is recorded with false documents cannot register their child without taking risks and the fraudulent use of identity documents could lead to criminal sanctions if discovered.”).
- ⁵³³ Mothers living in widows camps have also been reported to resorting to forging documents for their male children to prevent them from being kicked out once they reach a certain age. Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Al-Carah, *supra* note 75.
- ⁵³⁴ *Id.*
- ⁵³⁵ *Legal identity and HLP rights of Syrian refugees*, *supra* note 596, at 17, n.117; *Lost Identity*, *supra* note 2, at 65-66.
- ⁵³⁶ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022). Compare *Lost Identity*, *supra* note 2, at 65-66.
- ⁵³⁷ *Raghda case study*, NGO Internal Document (Jan. 2023) (on file with the author).
- ⁵³⁸ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). See also Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
- ⁵³⁹ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022), Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022). Compare *Lost Identity*, *supra* note 2, at 65-66.
- ⁵⁴⁰ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁵⁴¹ *Id.*; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
- ⁵⁴² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁵⁴³ See, *Turkish Jandarma kill Syrian civilians again and raise to 422, the number of civilian victims killed during their escape towards the Turkish territory*, THE SYRIAN OBSERVATORY FOR HUMAN RTS. (Apr. 6, 2019), <https://www.syriahr.com/en/123486/>; Tesbih Habbal, *Syrians at the Turkish border: humiliation, torture, and death*, ATLANTIC COUNCIL (Aug. 1, 2019), <https://www.atlanticcouncil.org/blogs/syriasource/syrians-at-the-turkish-border-humiliation-torture-and-death/>
- ⁵⁴⁴ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 7; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022). Remote Interview with Mouket, *supra* note 311. See *Alternative Care in NorthWest Syria*, *supra* note 73, at 19.
- ⁵⁴⁵ *Alternative Care in NorthWest Syria*, *supra* note 73, at 19 (internal citations omitted). See Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).
- ⁵⁴⁶ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).
- ⁵⁴⁷ Remote Interview with Mouket, *supra* note 311.
- ⁵⁴⁸ Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Dadaa, *supra* note 293.
- ⁵⁴⁹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Mouket, *supra* note 311.
- ⁵⁵⁰ *The Women and Children of Syria’s Widow Camps*, *supra* note 7, at 4, 8, 9.

-
- ⁵⁵¹ Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022). *Geneva Palais Briefing Note on the Situation of Children in Syria After Ten Years of Conflict*, *supra* note 440. *Compare Syria: new allegations of child recruitment in Afrin*, GENEVA CALL (Mar. 19, 2018), <https://www.genevacall.org/syria-new-allegations-child-recruitment-afrin/>; *compare also The Women and Children of Syria's Widow Camps: supra* note 7, at 4, 9, 12.
- ⁵⁵² *Geneva Palais Briefing Note on the Situation of Children in Syria After Ten Years of Conflict*, *supra* note 440.
- ⁵⁵³ Report of the Secretary General, Promotion and protection of the rights of children: Children and armed conflict, A/75/873-S/2021/437, ¶179 (May 2021), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/113/09/PDF/N2111309.pdf?OpenElement>.
- ⁵⁵⁴ *See Women and Children of Syria's Widow Camps*, *supra* note 7, at 16.
- ⁵⁵⁵ *See id.* at 4, 16. *Compare* Internal Document, Norwegian Refugee Council, *supra* note 316.
- ⁵⁵⁶ *Children Associated With Armed Forces or Armed Groups*, Int'l Committee of the Red Cross 6-7 (Sept. 2013), <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0824.pdf>.
- ⁵⁵⁷ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Al-Barazi, *supra* note 4; Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).
- ⁵⁵⁸ Bronwen Manby, *Identification in the Context of Forced Displacement: Identification for Development (ID4D)*, WORLD BANK GRP. 1 (Jun. 2016), <http://hdl.handle.net/10986/24941>.
- ⁵⁵⁹ Remote Interview with Confidential Informant No. 8 (Apr. 27, 2022).
- ⁵⁶⁰ *See In Harm's Way: Adolescent Girls in Northwest Syria* 7 (2022), https://www.plan-international.fr/app/uploads/2022/06/rapport_in_harms_way.pdf. KIIs conducted for this Report were not able to confirm whether 'forced puberty' was an issue in NWS.
- ⁵⁶¹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); *Stolen Future: War and Child Marriage in NWS*, *supra* note 357, at 9, 25.
- ⁵⁶² Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁵⁶³ Remote Interview with Al-Barazi, *supra* note 4. *See Birth Registration Update*, NORWEGIAN REFUGEE COUNCIL, *supra* note 533, at 10.
- ⁵⁶⁴ Remote Interview with Al-Barazi, *supra* note 4.
- ⁵⁶⁵ Remote Interview with Al-Carrah, *supra* note 75. In cases of divorce or migration of the husband, there is also often no registration available either. *See Understanding statelessness in the Syria refugee context*, *supra* note 12 at 7. *Compare* Remote Interview with Al-Barazi, *supra* note 4 (noting that unlike in Jordan and Turkey, child marriages in Syria are not severely penalized).
- ⁵⁶⁶ In cases of divorce or migration of the husband, there is also often no registration available either. *See Understanding statelessness in the Syria refugee context*, *supra* note 12, at 7. *But see* Remote Interview with Al-Barazi, *supra* note 4 (noting that unlike in Jordan and Turkey, child marriages in Syria are not severely penalized).
- ⁵⁶⁷ *Id.* at 4.
- ⁵⁶⁸ *Id.*
- ⁵⁶⁹ Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
- ⁵⁷⁰ *Maryam Case Study*, NGO Internal Document (2022) (on file with the author).
- ⁵⁷¹ *Compare The Child's Right To A Nationality And Childhood Statelessness: Texts and Materials*, UNICEF AND INST. ON STATELESSNESS AND INCLUSION 13, 19 (2019), https://files.institutesi.org/crn_texts_materials.pdf.
- ⁵⁷² For Report's Recommendations, see pg. 8-11.
- ⁵⁷³ *Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234, at 5.
- ⁵⁷⁴ Molina Benitez, Juan Carlos 7 Mia Elisabeth Harbitz, *Civil Registration and Identification Glossary*, INTER-AMERICAN DEV. BANK (IDB) 10 (2010), <https://publications.iadb.org/en/civil-registration-and-identification-glossary>.
- ⁵⁷⁵ UN Human Rights Council (HRC), Birth registration and the right of everyone to recognition everywhere as a person before the law: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/27/22 4 (June 17, 2014).

-
- ⁵⁷⁶ *A Community-based Practitioner's Guide: Documenting Citizenship and Other Forms of Legal Identity*, OPEN SOCIETY JUSTICE INITIATIVE AND NAMATI 5 (2018), <https://www.justiceinitiative.org/publications/community-based-practitioner-s-guide-documenting-citizenship-and-other-forms-legal>
- ⁵⁷⁷ *Principles and Recommendations for a Vital Statistics System: Revision 3*, UNITED NATIONS, DEPT. OF ECON. AND SOC. AFFAIRS 202 (2014).
- ⁵⁷⁸ *Id.*
- ⁵⁷⁹ Luke T. Lee, *Strengthening Legal Protection in Internal Conflicts: Protection of Internally Displaced Persons in Internal Conflicts*, 3 J INT'L & COMP. L. 529, 530 (1997) (internal quotations omitted).
- ⁵⁸⁰ See *Civil Documentation and Registration in the Syrian Arab Republic*, *supra* note 137, at 8; Civil Affairs Directorate of the Syrian Ministry of the Interior, Issuing Family Booklets (Sept. 28, 2017).
- ⁵⁸¹ Glossary, UNHCR (defining "internally displaced person"), <https://www.unhcr.org/glossary/#i>.
- ⁵⁸² *Alternative Care in North West Syria*, *supra* note 73, at 14.
- ⁵⁸³ United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), *Asia-Pacific Population Journal*, Vol. 29, No. 1 76-77 (Nov. 2014).
- ⁵⁸⁴ *A Community-based Practitioner's Guide*, *supra* note 577, at 6.
- ⁵⁸⁵ *Understanding Statelessness Among Syrian Refugees in KRI*, *supra* note 234, at 5.
- ⁵⁸⁶ *Id.*
- ⁵⁸⁷ *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at n.121.
- ⁵⁸⁸ *Lost Identity*, *supra* note 2, at 31.
- ⁵⁸⁹ Glossary, UNHCR (defining "Nationality"), <https://www.unhcr.org/glossary/#n>.
- ⁵⁹⁰ *Lost Identity*, *supra* note 2, at 29. *The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad*, *supra* note 150, at n.7.
- ⁵⁹¹ Convention Relating to the Status of Refugees, *supra* note 101, at art. 1A(2).
- ⁵⁹² See Kristen Stilt et al., *The Ambitions of Muslim Family Law Reform*, 41 HARV. J. L. & GENDER 302, 303-09 (2016); Jean Michiel Otto, *Introduction: Investigating the Role of Sharia in National Law*, in SHARIA INCORPORATED: A COMPARATIVE OVERVIEW OF THE LEGAL SYSTEMS OF TWELVE MUSLIM COUNTRIES IN PAST AND PRESENT, 17-50 (J. M. Otto ed., 2010). *Compare A Comprehensive Insight into Syrian Family Law*, *supra* note 151.
- ⁵⁹³ 1954 Statelessness Convention, *supra* note 3.
- ⁵⁹⁴ See Glossary, UNHCR (defining "unaccompanied child"), <https://www.unhcr.org/glossary/#u>.
- ⁵⁹⁵ HUNTER, UNDOCUMENTED NATIONALS, *supra* note 13, at 5.
- ⁵⁹⁶ *Lost Identity*, *supra* note 2, at 39.

