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
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In partnership with: The Norwegian Refugee Council (NRC)

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

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EXECUTIVE SUMMARY

Hundreds of thousands of children living in opposition-held areas in Northwest Syria (NWS) are denied access to their right to a nationality and legal identity. 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.

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.’ Yet to date, there has been only limited focus on their plight, especially as it pertains to their nationality rights. 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. 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. Of the more than 1.7 million children in NWS, approximately one million are internally displaced. 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. 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.
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.\textsuperscript{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 \textit{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. 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’?
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 (KIIIs), 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. 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 2023

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. 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). For example, the UN Office for the Coordination of Humanitarian Affairs
Children on the Margins (OCHA) generally refers to these two sub-territories together as NWS, such that statistics on NWS often includes both, without disaggregation. 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 KII, 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.
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,\(^{21}\) —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. 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. 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.

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.” 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.

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

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. 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. 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. By early 2020, nearly one million Syrians in Idlib had been displaced, and opposition armed groups lost control of roughly half of the Idlib governorate, 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. Turkey subsequently engaged in a major counterattack, which led to a Turkish-Russian summit and the March 2020 ‘Idlib ceasefire.’ 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. While hostilities persist, in particular on the frontline areas, the overall level of violence in the region has significantly abated. Despite this, the economic situation has continued to plummet, and the region is highly dependent on humanitarian aid.
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. 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.

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. 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. 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.

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). 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. 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.

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. The conflict has decimated Syria’s civilian infrastructure and services, including healthcare facilities, water and sanitation systems, and electricity grids—and the earthquakes have only worsened the conditions. 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. Armed opposition groups controlling the area maintained limited civil and public functions, but largely have relied on humanitarian organizations to provide services.

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. 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. Even prior to the earthquakes, over half of IDPs lived in small one-person tents without insulation during the winter months.

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. The devastating earthquakes caused at least 55 health facilities to be partially or fully damaged. 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. 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.

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, despite the fact that 2.4 million people in NWS are entirely dependent on the cross-border mechanism. 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. 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. 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.

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. 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 Each Syria (AANES), as well as Turkey in the northern Operation Euphrates Shield zone. 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. 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.

Different leadership authorities in power in NWS over the years have issued different types of identification documentation. 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. 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).
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, 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.

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), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Geneva Conventions. 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 Rapporteurs\(^92\) 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. 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.

1. Right to Recognition as a Person Before the Law

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. This right is one of the most basic rights and is a prerequisite for the enjoyment of other rights. The right to recognition as a person before the law, also known as the “right to have rights,” is non-derogable and is provided in several human rights instruments, including the ICCPR, UDHR, and the Arab Charter of Human Rights (Arab Charter). 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, 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. 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, 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.

2. Right to Nationality

The Universal Declaration on Human Rights (UDHR), parts of which are considered to be international customary law, recognizes an individual’s right to nationality and denounces arbitrary or unlawful deprivation of nationality by a state (Art. 15). Inspired by the UDHR, numerous international human rights instruments, ratified by GoS, thereafter made the right to a nationality a binding obligation. For example, the right to nationality is protected under Article 24 of the ICCPR. 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. Moreover, the CRC explicitly emphasizes that state parties are required to implement this right “in particular where the child would otherwise be stateless.” 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.” Regional instruments also protect the right to a nationality, particularly, the Arab Charter on Human Rights (the Arab Charter), 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. 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.

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. 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.” 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.” 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. 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. 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. 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.

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. 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. Naturalization for a person who originally belongs to an ‘Arab’ country involves a more simplified procedure. A foreigner may be conferred naturalized nationality by the recommendation of a minister by virtue of a decree. Nationality may also be granted to the adult children of a naturalized father upon their request following the same procedures. 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.\footnote{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” (aja\(n\)ib) in the Governorate of Hasakah, whom had been denationalized decades earlier, to acquire Syrian nationality.\footnote{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.\footnote{146} However, one source indicated that this provision had not been known to be used by the GoS since 2011.\footnote{147}

\section{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.”\footnote{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.”\footnote{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.\footnote{150}

\section{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.\footnote{151} The PSL is derived from Islamic legal sources,\footnote{152} specifically, Hanafi fiqh (Islamic jurisprudence),\footnote{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,\footnote{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 (\(ur\)fi).\footnote{155} However, it should be noted that these amendments do not appear to be applied by the de facto authorities in NWS.\footnote{156}

While all Syrians, regardless of religion, are subject to the exclusive jurisdiction of the Shari’a courts on most family law matters,\footnote{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.\textsuperscript{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 \textit{urfi} (informal) marriages.\textsuperscript{159} This is important, given that \textit{urfi} marriages have increased significantly among the displaced populations over the course of the conflict.\textsuperscript{160}

\section*{5. Civil Status Law}

The Civil Status Law (CSL), Legislative Decree No.13/2021,\textsuperscript{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.\textsuperscript{162} In GoS-controlled areas, the civil registry system, commonly referred to as the \textit{Nafous}, operates under the authority of the General Directorate for Civil Affairs, which is a subdivision of the Ministry of Interior.\textsuperscript{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.\textsuperscript{164} Although the \textit{de facto} authorities civil registries in NWS also use largely the same legal procedures set out by the CSL to register vital events,\textsuperscript{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 \textit{de facto} authorities in NWS.\textsuperscript{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:\textsuperscript{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;\textsuperscript{168}
- transitions from the paper-based records kept in a person’s place of origin (\textit{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;\textsuperscript{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;\textsuperscript{170}
- facilitates the birth registration for children born out of wedlock, lessening the need for a lawsuit if lineage is established by “official documents;”\textsuperscript{171}
- removes the requirement for widowed parents to obtain the approval of the Minister prior to registering a marriage or divorce.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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. The 2022 amendment (via Legislative Decree No. 17) 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. 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.”

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. 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, and a family name; the phrase ‘unknown parentage’ has been prescribed not to be mentioned in the documents granted to such child. The child will be considered a Muslim Syrian Arab born in Syria at the location where found, unless proven otherwise.

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.

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. (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. 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.”

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.

(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. Under Syrian law, a marriage is not considered to meet the legal requirements unless it is registered in the civil registry. 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.

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; and/or whether one of the spouses is foreign. 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. Registering urfi marriages also incurs a fine, which increased significantly several years ago.

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.” Absent proof of the urfi marriage, children of the marriage are considered to “born out of wedlock and thus illegitimate.”

The PSL provides that the age of capacity for marriage is 18 years old for both men and women. However, children ages 15 years or older may be married only if they obtain a court decision finding that they meet certain conditions. 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.
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. 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. 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.” 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 \textit{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.”\textsuperscript{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.\textsuperscript{209} Reserving Article 9(2) is contrary to its obligations to follow the object and purpose of CEDAW.\textsuperscript{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.\textsuperscript{211} However, in 2006, Parliament voted against the amendment arguing that it was contrary to \textit{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.\textsuperscript{212} To date, the status of this law remains the same.\textsuperscript{213}

Even prior to the conflict, this provision meant that an estimated 100,000 Syrian women could not provide their children with Syrian nationality,\textsuperscript{214} and today the problem has become exponentially more severe, especially for children in NWS.\textsuperscript{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.\textsuperscript{216}

\section*{2. Lack of Implementation of Statutory Safeguards Protecting Child’s Right to a Nationality}

\subsection*{(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 \textit{and} if the father’s status is \textit{stateless}, or \textit{unknown}. Multiple sources report, however, that these provisions are not followed in practice.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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. One informant went as far as to note that in certain cases such women could face harmful social practices, even honor crimes, if pursued. 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. 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.

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. 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. Meanwhile, although the Syrian Nationality Law’s provision (Art. 3(C)) for granting Syrian nationality to “foundlings” has been recognized as being implemented well, 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. 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). While as an initial matter, the law’s requirement of five years of residence disqualifies those who do have not access to formal legal status in the country, 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. One informant noted that they were not aware of any cases of naturalization in NWS. 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.

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. Some sources note the figure to be about 105,000 as of 2015. 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. 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.” (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. Many noted that the most significant barrier to accessing GoS documentation was the concern that children or their caregivers would be at risk. Those living in NWS fear crossing military checkpoints due to concerns of arrest and detainment. 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. 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. There have also been reports of sexual assault against women at roadblocks. 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.’ 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.” 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. Before that, some access to the GoS-controlled areas was still possible, even if dangerous. The process of accessing civil registration with GoS authorities has been markedly difficult since.

(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. Religious officiation of a marriage alone is not sufficient to formalize a marriage until the civil registration process is done. This requirement dramatically restricts access to citizenship to even those who qualify under the Syrian Nationality Law. 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. The earthquakes have only compounded this problem.
**Informal (urfi) marriages:** Whereas previously customary or informal (urfi) marriages were often found primarily in rural areas, they are reported to have increased during the conflict. These marriages are not registered with the state and are commonly contracted without formal government involvement. Urfi marriages are usually performed by a religious leader (a sheikh), and do not require witnesses. 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.**

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. 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.” Once an urfi marriage is registered, it will be considered a valid marriage and children born during the marriage are attributed to the husband. 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.” 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).” 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.” 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.”

**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.” 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. 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, as it is considered socially prohibited, unacceptable, and unsafe for the woman to do so. 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.  

Salma and Her Children

Salma\textsuperscript{270} 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 \textit{urf}) 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.

\textbf{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 \textit{Sheikhs} in NWS.\textsuperscript{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. 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.” As of late 2020, the average monthly wage in Syria stood at USD 81, and, notably, since that time the economy has further plummeted.

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. 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. Given the numerous obstacles to accessing the GoS registries, a timely registration is often impossible to realize.

Hadeel and Her Children

Hadeel 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.”

Lack of awareness of procedures was also significant with regard to marriage registration. Those surveyed also noted the complicated and lengthy process as an inhibiting factor in preventing them from registering. Informants stressed, however, that people generally understood the importance of civil registration.

(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. Internationally, de facto documentation is also not recognized.

(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. 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.

There are also some living in NWS who were displaced from areas formerly under ISIS control, 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.

(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. Such issues challenge not only the reliability of the system, but people’s confidence in it.

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. 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.

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. 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.

Hereditary statelessness pre-existed the Syrian conflict as the country had for generations a significant stateless population, namely, the Stateless Kurds and Palestinians. But since 2011 the problem has only been exacerbated and been made more complex. Given the Kurdish presence—atbeit 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.

By way of historic background, Syria’s Kurdish-majority province of Hasakah in the al-Jazira region underwent a special census in 1962 that resulted in approximately 120,000 Syrians losing their citizenship overnight. 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. 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. 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.

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. Kurdish population lives in the now Turkey-controlled Afrin city within NWS region, and hold (Ajanib) identity documents or full citizenship documents. Apart from Afrin, sources note that there are also Kurds living in Idlib whom have been displaced from other parts of Syria.
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.  

As noted previously, the GoS granted citizenship in 2011 to stateless, registered *Ajanib* Kurds by decree No. 49. 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. 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. 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. 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.

### 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. 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.
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, others to fight in Syria under the territory held by ISIS and/or to NWS to support opposition groups. In addition, there have also been reports of foreigners increasingly being forcibly displaced to Idlib area from Turkish-controlled areas, including Afghans and Pakistanis.

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. 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, with some of these children living in IDP camps across Syria; though most appear to be located in Northeast Syria, some are in NWS. 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. 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.

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. 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.

### Warda and Her Children

Warda 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 subsequent 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, 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.”

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. In NWS, this issue has materialized most dramatically with regards to those children living in so-called ‘widow camps’ – exclusive sites hosting thousands of widowed, divorced and other single women and their children. 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. 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. 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.
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.\textsuperscript{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,\textsuperscript{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.\textsuperscript{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.\textsuperscript{378}

\section*{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.\textsuperscript{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,\textsuperscript{380} especially of unaccompanied boys.\textsuperscript{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.”\textsuperscript{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 KII respondents 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. If a kafil family is not subsequently found by the police or child protection actor, the child will be placed in an orphanage. 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.”

‘Foundlings’ born in NWS may face challenges in obtaining proof of their birthplace since GoS does not recognize documents from non-GoS areas. Yet, according to the Syrian Nationality Law, any child found in Syria with unknown parents has the right to automatic Syrian citizenship. 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.
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.”\textsuperscript{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 \textit{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{410} Despite the right to nationality being established among numerous international and regional instruments,\textsuperscript{411} accessing their right to nationality continues to go unrealized for thousands of children in NWS.\textsuperscript{412} Children’s risk of statelessness also raises the longer-term issue of intergenerational statelessness.\textsuperscript{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.\textsuperscript{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.\textsuperscript{415} For many, however, lacking access to identity documentation deprives them of humanitarian assistance.\textsuperscript{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.\textsuperscript{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.\textsuperscript{418} Due to the ongoing conflict, access to humanitarian assistance has been challenging enough without the added obstacle of lack of civil documentation.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{422} This was especially with respect to providing shelter, such that families had to show where they were initially displaced from.\textsuperscript{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.\textsuperscript{424} One 2021 survey among those without IDs found that 20 percent were not able to access humanitarian aid as a result.\textsuperscript{425}

The family booklet is the most frequently requested document, as aid is usually distributed on a per family basis.\textsuperscript{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.\textsuperscript{427} For access to shelter, a family booklet is needed to demonstrate that there is in fact a family that needs shelter.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{431} Compounding the limited health care within the region, children in NWS are denied their right to health because they lack the requisite documentation.\textsuperscript{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.\textsuperscript{433} Non-state actors, exercising territorial and administrative control, “must prevent violations of the right to health.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{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,\textsuperscript{437} in stricter institutions, women might be able to deliver their babies but may not be able to get a birth notification.\textsuperscript{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.\textsuperscript{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.\textsuperscript{440} Children also need documentation to access the (albeit limited) mental health care services available in NWS.\textsuperscript{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. 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.

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. 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. If the accompanying individual does not have documentation, they are not permitted to accompany the children across the border. 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.

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. 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.

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. The medical institution will be concerned about not having proper permission and will therefore not move forward with the evacuation.

Given the situation, it is not surprising there exists a profound crisis of unaddressed mental/psychosocial issues among children in NWS. 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.

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. Failure to register a child’s birth leads to lack of documentation, which can prevent children from accessing both primary- and secondary-level education. 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.

In NWS, there are an estimated one million out of 1.7 million school-age children not enrolled in school, whereas prior to the conflict Syria had school enrollment rates of over 97 percent. 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. 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. 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. 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.

Children may also be rejected from schools in subsequent years and forced out of formal education due to lack of official documentation. 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. This can impact a child’s prospects of enrolling in university, limiting their entrance into accredited programs. Even if undocumented children are enrolled, schools in NWS are not accredited or recognized by the GoS or internationally. In NWS, even school curriculums vary, with Idlib schools following its own curriculum and others following that of Turkey or Libya even. 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.

Higher academic institutions are also not recognized in NWS, leaving education in NWS a “dead-end.” 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. 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.

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. 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.…” 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.”

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. 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 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. 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— is fundamental to allowing people to live in dignity.

A parent’s lack of documentation also can compel their children to join the informal labor market to support their family. Without civil documentation, children in NWS are exposed to exploitation under informal employment, including those below the age of 15 and who have not completed primary-level education as required per Syrian Labor Law. 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. 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.

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. 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. 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) – and the Syrian Constitution’s Article 15 and Article 17 guarantees the right to own property and the right to inheritance, respectively. As a result of the ongoing conflict, with deaths having gone undocumented and unregistered, the resolution of inheritance disputes has become even more contentious. 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.\textsuperscript{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).\textsuperscript{509} Under international human rights law, the right to family reunification comes as a consequence to the principle of family unity.\textsuperscript{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, \textsuperscript{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.\textsuperscript{512}

Lack of documentation may be both a cause and consequence of family separation.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{517} Being unable to show documentation at checkpoints puts the child at risk of separation from their family if any of them become detained.\textsuperscript{518} Similarly, forged documents can also put a mother’s custody of her child at risk.\textsuperscript{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.\textsuperscript{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 resett le together back in the country and community of origin.\textsuperscript{521}

\textbf{B. \quad 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.\textsuperscript{522} As one informant noted, in order to overcome being undocumented, children and their families “are putting their lives at risk.”\textsuperscript{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. Other children may try to escape to Europe through the sea “for papers and a life.” 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. 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. Families can also be subject to separation if they cannot prove their connection to their children. Given the extremely high level of risk posed to individuals who leave NWS, sources note that crossing such lines is not commonly pursued.

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. 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. 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.

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. 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. 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.

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. 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

Raghda 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. 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. Smuggling children to GoS areas or across the border to Turkey risks arrest or death. 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. 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. 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.

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.

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.” 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. Without documentation, many children forego education all together in search of such economic opportunities for themselves and their families. 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. 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.

(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. Children being recruited into military and armed operations is reportedly becoming increasingly common in NWS. According to UNICEF, “seven out of ten children recruited and used in the conflict” were recorded in NWS, with the UN having verified the recruitment and use of hundreds of boys by armed opposition groups in NWS. In particular, boys are more vulnerable and at risk of being recruited into armed groups, 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.\textsuperscript{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.\textsuperscript{556}

\textit{(c) Child Marriage}

Child marriage is also increasingly common, especially among girls but also boys in NWS.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{562}

Early marriage is particularly problematic for children lacking documentation\textsuperscript{563} because the children born of these marriages will not be registered, thus potentially perpetuating an intergenerational issue of family statelessness.\textsuperscript{564} Given that the conflict is now in its twelfth year, it is likely the girls marrying early are not themselves registered.\textsuperscript{565} Even if the girl is documented, it is highly likely that her \textit{urfı} 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{569}
Maryam and Her Children

Maryam 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

*Ajani* ['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 *Ajani*. Consequently, the 1962 Syrian census stripped such Kurds of their Syrian citizenship. *Ajani* 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.”

**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.”

**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).”

**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.” 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. The term can also be used to refer to those in Syria who are unregistered persons older than 18 years.

**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.”

**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.”

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

**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.”

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.

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

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.”

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

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


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.

Note that these population statistics include both the Idlib area and the 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).


10 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.


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

14 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.


18 NORTHWEST SYRIA FACTSHEET AS OF 21 SEPTEMBER 2022, supra note 17.
UN Human Rights Office estimates more than 306,000 civilians were killed over 10 years in Syria conflict, UN OFFICE OF THE HIGH COM`MR 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”).

“IT WAS REALLY HARD TO PROTECT MYSELF,” supra note 19.


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


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


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


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

34Idib, EUROPEAN UNION ASYLUM AGENCY, supra note 28. See Hubbard, In a Syrian Rebel Bastion, supra note 9.

35Idib, EUROPEAN UNION ASYLUM AGENCY, supra note 28.


38See ‘Unbearable Living Conditions,’ supra note 8, 8-9.

39See Idib, EUROPEAN UNION ASYLUM AGENCY, supra note 28.

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

41Silencing the Guns in Syria’s Idlib, INT’L CRISIS GRP., supra note 38.


43See 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”).

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


46See Tokmajyan and Khaddour, Border Nation: The Reshaping of the Syrian-Turkish Borderlands, supra note 19, at vii.


50The 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.


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


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


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? gi=1*1m4n1i0* ga*MTQxODc5ODQ0MCMxNjcwMjOzMTg5* ga E60ZNXF2F68*MTE3MDI0MzE40C4xLMjEuMTY3MDI0MzE4xOC4xMC4wLiA; 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.

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.
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.


Tilman Rodenhauser, 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.


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


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. Rodenhauser, 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.


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.


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. 22 (“Everyone shall have the right to recognition as a person before the law.”).


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


110 Id. at arts. 15(2), 16(2).
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.

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 & Helene Lambert, International Refugee Law and the Protection of Stateless Persons 57-58 (2019). Compare Mirna Adami 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).

UDHR, supra note 104, at art. 15.

Foster & Lambert, supra note 113, at 58.

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

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

Id. at art. 7(2).


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.

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

ICCPR, supra note 87, at art. 7. 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.

CRCI, supra note 111, at art. 7.

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.


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 customary 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.”).

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-Carra, 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).

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.


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.

Remote Interview with McGee, supra note 17.


CHILD PROTECTION LAW, supra note 131.


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.

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. 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”).

Lost Identity, supra note 2, at 10.


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

Correspondence from Confidential Informant No. 10, supra note 130.
The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad, supra note 150, 6-7.

Id. at 11.

Id. at 6-10.

Id. at 6, 12.


The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad, supra note 150, at 31.

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’).

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.

See Civil Documentation and Registration in the Syrian Arab Republic, supra note 137, at 20.

Challenges of Civil Status Documentation in Aleppo and Idlib Governorates, supra note 1, at 11.


Civil Documentation and Registration in the Syrian Arab Republic, supra note 137, at 21. Compare Lost Identity, supra note 2, at 43-44.

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.

Id. at art. 28(b).

Legislative Decree No. 17 of 2022 Amending Article 28 of the Civil Status Law.

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.


Civil Status Law 2021, supra note 131, at art. 29(a).

Id. at art. 29(b).

Id. at art. 29(c).


Civil Status Law 2021, supra note 131, at art. 20(c).

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.

Civil Status Law 2021, supra note 131, at art. 20(a).

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.

Id. at art. 61.

Id. at art. 30.

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.’”).


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

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

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

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


Id.

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.

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.

See Civil Documentation and Registration in the Syrian Arab Republic, supra note137, at 23.

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 CRC’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.

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

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.

CEDAW, supra note 109, at art. 9.

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

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/SYR/CO/1, ¶16 (June 11, 2007), https://www.refworld.org/docid/468b5bf02.html.


See Davis, supra note 211, at 1182.

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/iwpri_4959de2a1e0.html.

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.

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

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).


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

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.

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

Remote Interview with Al-Carrah, supra note 75.


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


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://citizenshiprightsafrica.org/cerd-general-recommendation-xxx-on-discrimination-against-non-citizens/.

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


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

Id.
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.

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.


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 documentation, 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.

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

Lost Identity, supra note 2, at 57.

Id. at 7.

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

Lost Identity, supra note 2, at 58.


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

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


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

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”).

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.”).

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).

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.


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.

Lost Identity, supra note 2, at 39.
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.

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).

Remote Interview with Confidential Informant No. 10, supra note 130.

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

Id.

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

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.

Lost Identity, supra note 2, at 40.

See id. at 41.

Remote Interview with Al-Carrah, supra note 75.

Lost Identity, supra note 2, at 56.

Id.

Id.

Id. at 54.

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

Lost Identity, supra note 2, at 54.

Id. at 49.


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

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.

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.

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

Id. at 50.
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).


289 Lost Identity, supra note 2, at 27.


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.


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).


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.
The 2021 Syrian Civil Status Law: Implications For Syrians Living Abroad, supra note 150, at n.121.


See Syrian Nationality Law, supra note 131, at art. 3.

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.

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

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.


Akram, The Search for Protection for Stateless Refugees in the Middle East, supra note 12, at 406, 423.

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.


See Remote Interview with McGee, supra note 17.

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

Remote Interview with Al-Barazi, supra note 4.

Remote Interview with Al-Carrah, supra note 75.


Compare Understanding Statelessness Among Syrian Refugees in KRI, supra note 234, at 4.

Remote Interview with Al-Barazi, supra note 4.

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

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.
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.

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.”).

Remote interview with Confidential Informant No. 9 (Apr. 27, 2022).

Id.


See Remote Interview with Mouket, supra note 311.


Remote Interview with Mouket, supra note 311.

Id.

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

Id.


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

Lost Identity, supra note 2, at 10.

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.


See id.

Lost Identity, supra note 2, at 10.

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

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.

Remote Interview with Al-Barazi, supra note 4.

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.


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

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


Alternative Care in NorthWest Syria, supra note 73, at 18.

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

The women and children of Syria’s widow camps, supra note 7, at 6.

Id. at 6, 8, 9.

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.


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.


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.


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.


391 Id.

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

393 Id. at 13, 39.

394 Id. at 45.

395 Id.


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.
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/.

Alternative Care in NorthWest Syria, supra note 73, at 39-40.

Id. at 40.

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

Remote Interview with Al-Carrah, supra note 75.

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

Remote Interview with Al-Carrah, supra note 75.

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

See Part II.A.

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’).

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

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

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

Remote Interview with Al-Carrah, supra note 75; 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); Remote Interview with Mouket, supra note 311.


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

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/v2rule55 (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/aviourTreatiesByCountrySelected.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.

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

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

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

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

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

Id.
Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
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).
Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022): Remote Interview with Al-Carrah, supra note 75.
Remote Interview with Al-Carrah, supra note 75; Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
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.
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.
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).
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).
The Makings of a Health Crisis in Northern Syria, supra note 431, at 6, 11.
Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
Remote Interview with Al-Carrah, supra note 75.
Remote Interview with Confidential Informant No. 9 (Apr. 27, 2022).
Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
Id.
Id.; Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
Id.; Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).
Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).
Id.
Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
Remote Interview with Confidential Informant No. 7 (Apr. 26, 2022).
Remote Interview with Confidential Informant No. 5 (Apr. 6, 2022).
Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022).
Id.
Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022); Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).

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.

Lost Identity, supra note 2, at 61.

Remote Interview with Al-Carrah, supra note 75.


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


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.

UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, supra note 1, at 48.

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.

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.

Remote Interview with McGee, supra note 17.

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

Id.

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

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

Id.

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).


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

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

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.

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

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

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.

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.
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.


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).

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.

Remote Interview with Al-Carra, supra note 75.

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)(i); ICRMW, supra note 479, at art. 43.1.

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

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.

Lost Identity, supra note 2, at 62.

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

Remote Interview with Mouket, supra note 311.

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.


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

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

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

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

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).

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

See Part III.B.2.c.

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).

See UN OCHA SYRIA’S HUMANITARIAN NEEDS 2023, supra note 1, at 75.

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

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

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


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.

ICESCR, supra note 86, at art. 10.1.


See Lost Identity, supra note 2, at 62.

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.

Remote Interview with Al-Carrah, supra note 75.

Lost Identity, supra note 2, at 62.

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).

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

Remote Interview with Al-Carrah, supra note 75.

Lost Identity, supra note 2, at 62.

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

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 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.

See Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022).
See Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Remote Interview with Confidential Informant No. 2 (Mar. 16, 2022).

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.

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.”).

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-Carrah, supra note 75.


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.

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).

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

Remote Interview with Mouket, supra note 311.

Remote Interview with Confidential Informant No. 4 (Apr. 6, 2022); Remote Interview with Dadaa, supra note 293.

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.

The Women and Children of Syria’s Widow Camps, supra note 7, at 4, 8, 9.

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


See Women and Children of Syria’s Widow Camps, supra note 7, at 16.

See id. at 4, 16. Compare Internal Document, Norwegian Refugee Council, supra note 316.


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 Confidential Informant No. 8 (Apr. 27, 2022).

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.

Remote Interview with Confidential Informant No. 1 (Mar. 8, 2022); Stolen Future: War and Child Marriage in NWS, supra note 357, at 9, 25.

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

Remote Interview with Al-Barazi, supra note 4. See Birth Registration Update, NORWEGIAN REFUGEE COUNCIL, supra note 533, at 10.

Remote Interview with Al-Barazi, supra note 4.

Remote Interview with Al-Barazi, 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).

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).

Id. at 4.

Id.

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


For Report’s Recommendations, see pg. 8-11.

Understanding Statelessness Among Syrian Refugees in KRI, supra note 234, at 5.


578 Id.
582 Alternative Care in NorthWest Syria, supra note 73, at 14.
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.
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).
593 1954 Statelessness Convention, supra note 3.
595 HUNTER, UNDOCUMENTED NATIONALS, supra note 13, at 5.
596 Lost Identity, supra note 2, at 39.