

Stories from Northwest Syria: Mothers and Their Undocumented Children Face a Cascade of Rights Deprivations



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Introduction

After twelve years of war and displacement, a devastating earthquake last February, and an escalation of hostilities in October, children and their families living in opposition-held Northwest Syria (NWS) are facing a crisis within a crisis.ⁱ NWS is considered the last opposition stronghold and over half of the population are internally displaced. Compounding their vulnerability, hundreds of thousands of children in NWS are deprived access to their rights to nationality and legal identity—guaranteed under international and regional law—and experience a slew of violations of their basic rights as a result. The below five case studies of mothers and their undocumented children in NWS—drawn from the 65-page FILP, NRC partnered report, [“Children on the Margins”](#)—demonstrate the many formidable obstacles parents in NWS face in documenting their children’s births and basic existence, resulting in most children in NWS born after 2017 not being registered with the Government of Syria (GoS).ⁱⁱ Barriers to obtaining GoS civil documentation include: closure of cross-line access and security risks associated with crossing from Hay’at Tahrir al-Sham (HTS)-controlled areas and traveling into GoS-controlled areas; the associated financial costs and onerous administrative requirements for registering a child’s birth, including the underlying documentation, such as marriage registration; and Syria’s gender discriminatory Nationality Law and practices, which prevent Syrian women from passing their nationality to their children. For children in NWS, the only possible identity documentation is often from the local *de facto* authorities in NWS, in particular, the HTS-associated Syrian Salvation Government (SSG). While such documentation can provide children with access to basic services within the HTS-controlled area, SSG documentation is not recognized by the GoS nor internationally—and also brings with it security risks, since it is largely perceived by GoS as evidence that the individuals are traitors and/or affiliated with the opposition. Consequently, many parents and their children in NWS are faced with no good options.

As reflected in the below case studies, lacking civil documentation and access to nationality causes a cascade of immediate problems and deprivations for individual parents and their children, including: not being able to access health, humanitarian aid, and education, nor travel outside the area; along with negative coping mechanisms as means of overcoming the impacts of being undocumented.ⁱⁱⁱ In the context of war and displacement, lack of documentation of one’s identity and nationality can also result in a child moving in the longer term from being at risk of statelessness to legally stateless. Without concerted action to address the major barriers to children’s rights to nationality and legal identity—by facilitating access to *recognized* birth documentation and eliminating Syria’s gender discriminatory nationality laws—these children and the adults they become will remain vulnerable to the harms associated with exclusion and statelessness.

Salma* and Her Children

Salma^{iv} 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, considered a key civil document in Syria.

Salma got married at the age of 13 because her parents feared that she could be kidnapped and raped as a result of the war, and believed that marriage would protect her. Salma noted the difficulties she faced during her pregnancies, including enduring C-section surgeries at a young age. Salma also mentioned the challenges she faced with her husband, who works as a daily worker—she said that they were not in what could be described as “a good relationship.”

After following up many times on her case, Salma explained that her family's dire economic situation is a major obstacle to the initiation of a civil documentation process for her marriage and for her children. She also said that she cannot go herself to the civil registries and court to start the civil documentation process. The community is another challenge because her husband is her cousin and, based on tradition, there is no need to officially register the marriage, since they are coming from one extended family. They believe the 'sheikh' (or *urfi*) religious marriage is sufficient and that there is no need for pursuing an official civil registration of the marriage.

Having an unregistered marriage, however, leads to many difficulties, especially for her children. Without her marriage being registered, the children cannot be officially registered to their parents, and have their births registered, and will consequently lack access to basic rights. For example, birth certificates are essential for school registration and for accessing urgent healthcare when needing referral outside NWS to Turkey's hospitals. A family booklet issuance is also important for accessing basic humanitarian assistance provided by different humanitarian parties or by the local *de facto* authorities, which require such documentation. In the longer term, being undocumented can become even more severe, impacting employment opportunities and their rights to housing, land, and property, and potentially moving from at risk of statelessness to becoming legally stateless.



Government of Syria family booklet, photo by NRC

Warda* and Her Children

Warda^v is a displaced woman in her twenties from Aleppo. She is a widow and the sole breadwinner for her 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 merely compounds the harsh living conditions and is exacerbated by the absence of any type of medical care. In addition, Warda's family has disowned her.

Warda is now living in a camp for Internally Displaced Persons (IDPs) in NWS. She lives within a small residential block and does not feel safe in this shelter. Warda dreams of a shelter within one of the widow's camps, where there are more targeted services for widows and she would feel safer, but this is almost impossible since she does not have any legal proof of her status as a widow, a requirement for granting women shelter in these camps.

Warda expressed her suffering and the psychological pressures she endured due to her family's rejection and disapproval of her marrying a Tunisian man and having children with him (especially by her young brothers). As a result of this, her family cut off their ties with her permanently.

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, the 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 because of the inheritance. "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 due to several painful experiences she had where suitors said that they would only marry her on condition that she place her sick daughter in an orphanage. She expresses this by saying: “Those who know that I have a daughter with cerebral atrophy ask me to abandon her and place her in an 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 with sadness of her feelings of loneliness and the deprivation of her most basic rights, such as legal recognition of her marriage, recognition of the parentage of her children, and obtaining their nationality. This is in addition to the difficulties in obtaining all the documents she lacked, including the children's birth attestations, marriage certificate, family booklet, and her husband's death certificate.

Warda also needs financial support as her economic situation is dire and she cannot pay the transportation costs to go to Idlib or cover the expenses for a lawyer to work on obtaining all her necessary documents. She also mentioned that she needs monthly medication for her child with cerebral atrophy. Warda hopes there is a center for people with special needs that will accept her child so that the daughter will receive education and integrate with society one day.

Warda was able to get some legal support from an NGO to help get started on registering with the local *de facto* authorities her husband’s death, her marriage, and the birth of her children, as well as accessing economic and social support. Yet, her case demonstrates how many hurdles there are for her children to access a birth certificate—lack of registration of her marriage and death documentation prevents her from being able to register her children, and from accessing more targeted humanitarian services.



Nawal* and Her Nieces

Nawal^{vi} is originally from the southern countryside of Idlib but was forced to move due to the conflict. She is married and lives with her husband, who suffers from a war injury in his right leg that led to a disability, and her three children (ages 4, 6, and 9). In addition to having to take 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 they 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 challenge to register his death with the civil registries. Because they do not have a family booklet or birth registration for the two girls, Nawal has had difficulties enrolling them in school. Nawal went to multiple schools and the girls were refused admission due to their lack of documents proving their birth and parentage.

The main problems:

Nawal is the main supporter of her family and her nieces due to her husband's disability and asthma, as well as her poor living conditions. 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. Her son was injured working in garbage collection. He remained home until his condition improved, which increased the mother's burden. Now, she shoulders all these troubles on her own. This also led and contributed to Nawal's poor mental health.



Nawal sought help from an NGO to register her nieces and obtain economic and livelihood aid. To do so, 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 by "all means of proof." In the event that the court does not issue a ruling on his death, a lawsuit is 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. After that, Nawal can obtain a civil status statement for the two children to prove their identity and to officially register them in the school.

Although Nawal went to the court and the concerned authorities to follow up on her case, she faced significant difficulties completing the process because of her work, the transportation, 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, and her parents and siblings residing outside Syria. This places a great burden on her to bear all the family responsibilities.



Raghda* and Her Children

Raghda^{vii} 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 girls from her first marriage, who is a minor. Raghda's children are also dropping out of school and working despite their young age.

The main problems:

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 five children, the eldest is 14 years old. Her five children from her second marriage remained unregistered (*maktumeen*) and without education, as Raghda did not document the marriage nor the birth events. 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. She was even forced to marry her eldest daughter when she was only 15 years old and made the other daughter drop out of school because of their poor living conditions. She was also forced to push her 14-year-old child to work to help the family alongside his father as a daily worker.

Raghda's family lives in poor conditions and her husband is frequently unemployed. He works as a daily worker doing whatever job he finds. They have been evicted more than once. Due to the number of family members and their destitution, it was impossible for the family to document their marriage and birth events and obtain a family booklet. Consequently, this led to the family's inability to enroll the children in school, and the need for their children to work and marry young.



Legal Issue(s):

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 necessary for urgent health cases that require a referral to hospitals in Turkey, since specialized healthcare in NWS is limited. A family booklet is often essential to be able to receive basic assistance from various humanitarian agencies or aid distributed by local authorities.

Additionally, the legal age for marriage in Syrian law is 18 years for both males and females, but Raghda married her eldest daughter when she was 15 years old believing that she was an adult, and she does not see any harm in marrying off her 16-year-old daughter as she considers her, also, responsible enough to be married. Furthermore, it is not permissible to employ a child who has not reached the age of fifteen or has not completed their elementary education, whether male or female, but Raghda's 14 year old is currently working under exploitative conditions and for a low wage.

Raghad sought support from NGOs and registered her marriage, obtained a new family booklet for her second marriage, registered her five children, and enrolled two children of school age in school. As for her 14-year-old child, he is still working to support the family alongside the father, but with fewer hours. Registering these life events has had a significant positive impact that helped her preserve her and her children's legal status. It also helped her avoid eviction raised her awareness of child labor and child marriage.

Maryam* and Her Children

Maryam^{viii} is a refugee and widow from Iraq who married a Syrian man at the age of 12. They had six children together, but her husband was killed due to the conflict in 2020. He had been the primary breadwinner. Subsequently, two of her children passed away due to poor living and health conditions. She and her remaining four children live in a tent outside any formal camp or established informal site.

Without documentation of her marriage, Maryam had been unable to access humanitarian assistance, healthcare, nor live in a widow's camp, and she also cannot enroll her children in school. As a result of further poverty after her husband's death, Maryam had not been able to pay the cost of transportation to reach the *de facto* authorities documentation centers in Idlib to register her and her children.

However, through NGO legal counseling assistance, Maryam was able to prove her marriage and parentage of her children with the court in Idlib. This subsequently allowed her to register her marriage and subsequently her children, and finally acquire a family booklet. Maryam was then able to receive a food basket from an INGO and was provided psychosocial support by a center in her village. She had previously contemplated suicide but through such support, her mental health improved. Another NGO is now helping her daughter access schooling. While gaining access to such documentation have concrete positive impacts on Maryam and her children's life, as with others in Northwest Syria, the concern about having only *de facto* authorities documentation persists, since it is not recognized outside the area and raises potential security concerns as well.

Ways Forward

The case studies highlight the many formidable barriers mothers face to accessing birth registration, legal identity and nationality for their children in NWS, and the slew of rights violations which result. Addressing the scale of deprivations of children in NW Syria's rights to legal identity and nationality requires a systematic, concerted approach by the Syrian Government, UN and other stakeholders. While the [FILP report](#) outlines in more detail the recommendations for the respective stakeholders, among the central ways forward are: first, facilitating children's access to recognized civil registration documents; and second, reforming Syria's gender discriminatory nationality law and practices.^{ix}

Simplifying the birth registration process by 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 is key. This includes waiving associated fees and any late fines for civil registration, and removing the marriage registration requirement to register births, which currently acts as a major barrier for parents. Although the latter is disputed and there are social taboos at the idea of removing marriage registration requirement, given the exceptional circumstances of war and displacement, its removal might help address an administrative barrier. Potentially even more significant, ensuring that people who do possess identity documents issued by the local de facto authorities in NW Syria do not have that understood by governments as affiliation or endorsement of a non-state armed group would overcome a major challenge—instead we should encourage allowing such documentation to be used as prima facie evidence of the occurrence of vital events (birth, marriage, death, etc.). This would not only allow children in NW Syria to access basic benefits, like schooling, in the short-term, but also facilitate their access to recognized documentation of these vital events in the future.

Reforming Syria's gender discriminatory nationality law and practices would have a profound impact on addressing children of NW Syria's lack of access to their nationality rights, whether they be children with foreign or stateless fathers, or children with Syrian fathers. Syrian groups have long called for the Syrian Government to join other [MENA countries](#), e.g., [Algeria](#), [Egypt](#), [Morocco](#), to allow for mothers to confer their nationality to their children. Both on the basis of children's rights and gender equality, such a reform is long overdue—and after twelve years of war, it is a practical necessity.

Children in NW Syria are experiencing profound violations of their most basic rights due to lacking access to their nationality and legal identity rights. Without addressing the core barriers to realizing their rights, these children and the adults they become will remain living on the margins.

Endnotes

- i) The case studies found herein are derived from the report: Children on the Margins: The Impacts of Depriving Children of Their Rights to National and Legal Identity in Northwest Syria, Fletcher School of Global Affairs International Law Practicum (FILP) Report in partnership with Norwegian Refugee Council (NRC) (July 2023), https://sites.tufts.edu/filp/files/2023/07/Children-on-the-Margins_Nationality-and-Legal-Identity-in-Northwest-Syria_Report.pdf. A humanitarian organization collected from the field the case studies included herein 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. For the full report, see Children on the Margins, supra note 1.
- ii) 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 [Children on the Margins](#), supra notes 1&2.
- iii) 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. For the full report, see [Children on the Margins](#), supra note 1.
- iv) All names in the case studies have been changed. Salma case study, NGO, Internal Document (May 2022) (on file with the author). See [Children on the Margins](#), supra note 1.
- v) Warda case study, NGO, Internal Document (Jan. 2023) (on file with the author).
- vi) Nawal case study, NGO, Internal Document (Jan. 2023) (on file with the author).
- vii) Raghda case study, NGO Internal Document (Jan. 2023) (on file with the author).
- viii) Maryam Case Study, NGO Internal Document (2022) (on file with the author).
- ix) For complete list of Report's recommendations to relevant stakeholders, see [Children on the Margins](#), supra note 1, at 8-11.