

Identify Me

The Documentation Crisis in Northern Syria

International Rescue Committee | JULY 2016





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The Problem

The Syrian conflict is one of the most complex humanitarian crises the international community has faced, with tremendous consequences for current and future generations. One of the largest underreported issues is the loss or lack of identity documents, namely birth and marriage certificates.

Inside Syria, an estimated 13.5 million people, including six million children, are in need of humanitarian assistance and protection from threats to their safety. There are 6.5 million Syrian internally displaced persons (IDPs). IDPs are at significant risk of lost identity documents due to the conflict. These documents allow for legal identity, freedom of movement, access to services, and the full realization of basic human rights. The scale of lost documentation and the impact to those who lack legal identity are profound.

Syrians in 91% of sub-districts inside Syria report that loss or lack of identity documents is one of their top three protection needs.¹

That scale of documentation loss is also supported by International Rescue Committee (IRC) protection monitoring² data: **of 2,917 households interviewed between November 2015 and April 2016 in Idlib and Aleppo governorates, 34% are missing birth certificates for their children.**³

In Syria, citizenship is passed to children through the father. It is becoming increasingly common that fathers die before registering the births of their children due to armed conflict. As a result, it is much more difficult for mothers to prove the nationality of their child.

This is further complicated by the presence of non-Syrian nationals, some of whom may have come to Syria to fight. These non-Syrian nationals may have had children with Syrian women, or may do so in the future. Since nationality is passed through the father, these children are considered non-Syrian by law and there is a risk they will be stateless.

If unable to prove their link to their Syrian identity in a manner recognized by Syrian law, tens of thousands of children born in Syria may be rendered stateless, denied a nationality and, subsequently, the protection of any state.

This situation is described by the UN High Commission for Refugees (UNHCR) as a “ticking time-bomb.”⁴

Statelessness and lack of documentation not only result in the denial of basic services and legal protection, but also have a devastating psychological impact affecting self-esteem, increasing the prevalence of risk-taking behavior,⁵ and ultimately contributing to what may become a “lost generation” of Syrians.⁶

In addition to children, women face unique consequences associated with lack of identity documents.

Marriage documentation is essential for women to claim rights and financial benefits in the event that their husbands die, desert them or separate from them. A woman requires a marriage certificate to access property, financial inheritance, widow's benefits, and child custody under Syrian law. Even when they become the heads of household, as is increasingly common in the Syrian conflict, women cannot access these legal rights without documentation.

Global experience further corroborates the protection risks and consequences when individuals do not have access to legal documentation, such as family separation, trafficking, exploitation, discrimination, arbitrary arrest and detention, and limitations on freedom of movement.⁷

Assessment of Processes and Barriers with Accessing Identity Documents in Northern Syria

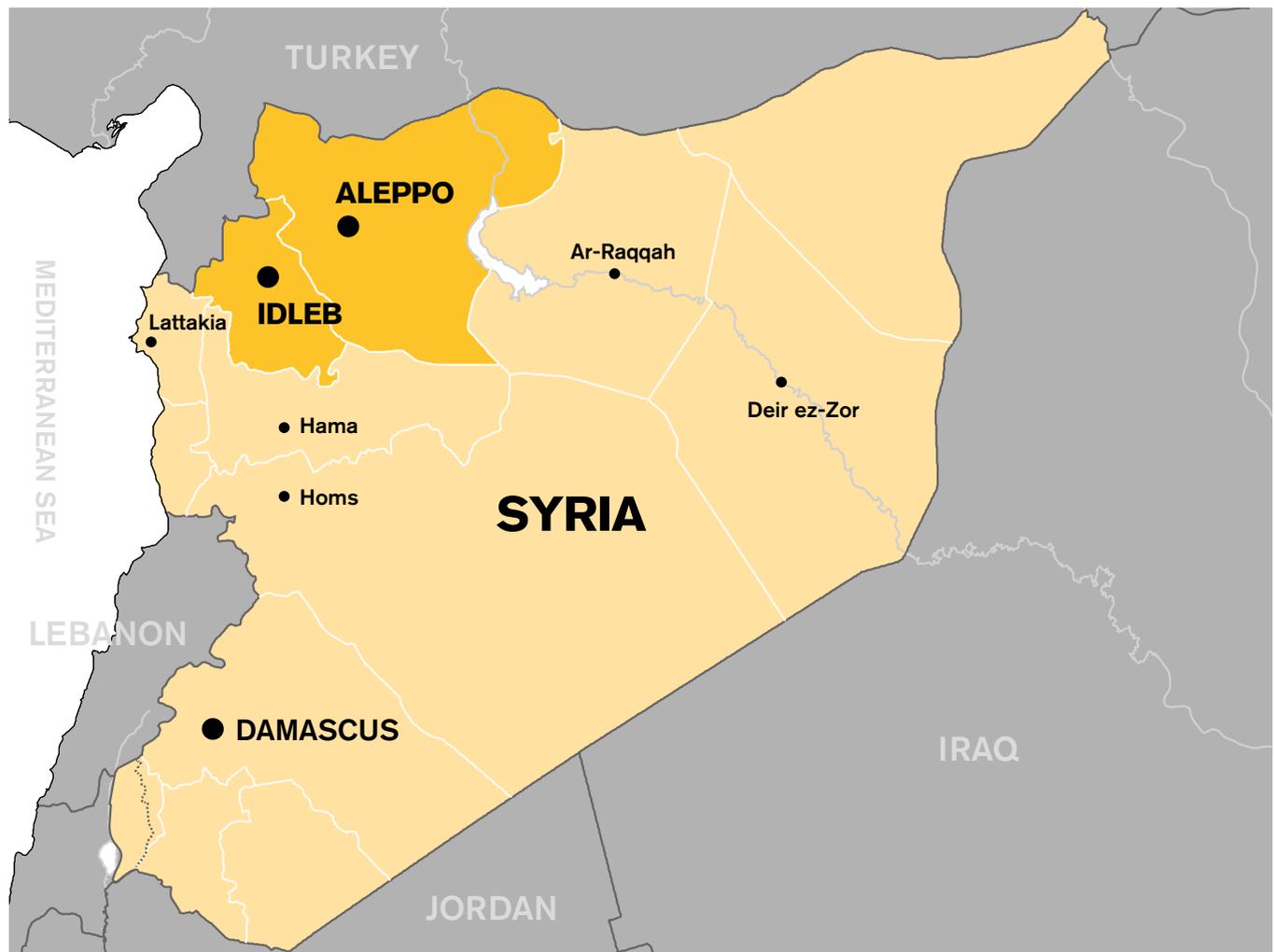
Recognizing the urgent need to better understand and respond to identity documentation issues in northern Syria, the IRC, in partnership with the Syrian Legal Development Program (SLDP) undertook an identity document assessment with funding from UNHCR.

The objectives of the assessment were to understand:

- 1 the processes in place for accessing identity documents in non-Government of Syria (GoS) controlled areas of Aleppo and Idleb;⁸
- 2 the barriers to accessing birth and marriage registration; and
- 3 the risks to personal safety and well-being that are created or exacerbated by being undocumented.

The IRC interviewed 100 stakeholders including community members who had recently given birth or were recently married, service providers such as medical staff, civil registration personnel, and humanitarian workers. Intensified airstrikes in Aleppo significantly reduced the sample size and was a limitation of the study, highlighting the need for more in-depth research on this problem.

BELOW: Syria, with Aleppo and Idleb governorates highlighted, are where, in non-GoS held areas, the assessment was conducted.



Key Findings

Analysis of the assessment data highlighted the following thematic issues:

Non-State Civil Registration Actors

Various non-state civil registration actors are issuing identity documents in northern Syria. The Free Independent Judicial Council under the Interim Government (IG) is the main actor in non-GoS controlled areas of Idleb and Aleppo. IG registration practices largely mirror those of the GoS. The same procedures and forms are used, with some exceptions,⁹ and to a large extent registration centers are staffed by personnel formerly employed by the GoS. A number of local councils (created since the conflict began to manage aspects of civil life in non-GoS areas) and Sharia courts¹⁰ are also involved in registering births and marriages. Local councils did not play a role in registration pre-conflict and are often under the authority of armed groups in control of the area. Similarly, Sharia courts operating outside of GoS areas follow guidance from the non-state actor in control. Non-state actors are often irregularly constituted and do not adhere to Syrian national law or international humanitarian law. Their control over the legal institutions operating outside of GoS areas creates a risk of human rights abuses.

Barriers to Registration

Security

Individuals living in non-GoS controlled areas are unable to register births and marriages with the formal GoS system due to the risks to their personal security and the associated cost.

The majority of respondents said they were wanted by the GoS and would not want to register births or marriages with the government under any circumstances. These respondents preferred to keep their whereabouts unknown even if they could safely access registration sites or staff and had the financial resources to get there.

“ My three children and my marriage are not registered. I can't register in a regime civil documentation center because I am a widow of the Free Syrian Army. I hope someone will help me. ”

FEMALE BIRTH REGISTRATION RESPONDENT FROM IDLEB

Others respondents said it is unsafe to travel to registration sites in GoS-controlled areas as this involves crossing frontlines or otherwise insecure areas. Registering with the GoS can be facilitated through a middleman, but this process was prohibitively expensive for most of those surveyed.

“ The documents issued by the government are difficult to obtain in two ways. The first is the fear of getting arrested when going there, and the second is that the fees are high if they resort to middlemen. On the other hand, the documents issued in the liberated areas are easy to access and the fees are small, but their recognition is local and not international. ”

LOCAL COUNCIL REPRESENTATIVE, ALEPPO

Access to Birth Notifications

IRC assessment data highlights that women who are not accessing health facilities and give birth at home or elsewhere, are much less likely to register the birth of their child.

Internal Displacement

Many IDP respondents said that they lost their documents while fleeing their homes. It is particularly challenging for IDPs to replace lost documents and to register births and marriages in the location of displacement. They are often removed from former social networks, and thus unable to produce witnesses to verify their identity. Several reports indicate that without documents, IDPs face difficulties accessing services and humanitarian assistance. In practice, registration at the two GoS registration centers in Idleb are only available to people previously registered at the center, rendering them largely inaccessible for IDPs.

Recognition of Non-GoS Documents

Community member respondents largely identified the GoS as the actor responsible for registration. Many were unaware of non-state civil registration procedures, while others who were aware of them claimed documents issued by non-state actors were not widely recognized. Individuals working in non-state registration centers did, however, report that the number of registration applications is increasing each year, demonstrating greater proclivity of the affected population to seek non-GoS documents. Further research is needed to determine at what rate people are accessing or would access non-GoS documents if services were more widely available.

Respondents across all stakeholder groups believed there are limitations to the recognition of documents issued in non-GoS areas.

They indicated that documents issued under the IG are generally recognized by service providers and humanitarian actors within IG-controlled areas and improve an individual's ability to move freely within these areas. However, they are not recognized in all parts of the country or internationally. The extent to which other non-state actors accept documents issued in areas under the control of different non-state actors is less clear. Anecdotally, people reported that ISIS and Jabhat Al Nusra consider some documents to be secular, and therefore blasphemous. These groups do not recognize registration by non-religious entities that do not adhere to ISIS's or Jabhat Al Nusra's mandate. Simply possessing secular documents in areas controlled by these groups creates a risk to civilians' personal safety.

Impact of Lack of Documentation

Physical Insecurity

The lack of documentation significantly impacts peoples' safety by restricting their ability to travel and move freely inside Syria and internationally. IRC protection monitoring findings in January 2016¹¹ found that difficulty passing through checkpoints and the inability to relocate to another country are major impacts of the lack of documentation. Restricted freedom of movement prevents people from seeking safety from physical harm and generalized violence. Individuals are also restricted from accessing services and assistance in other locations within Syria. In cases where Syrians have sought onward movement to other countries, the lack of documentation exposes them to arrest, detention, harassment, family separation, and deportation. While not directly assessed, it is noted that the lack of marriage documents also places many women at risk of exploitation and violence, including sexual violence, honor killings, or self-harm due to fear of shame or stigma.

Denial of Services

Almost all of the humanitarian worker and service providers surveyed said they would not deny their services to undocumented individuals. Many respondents highlighted that they did, however, know of individuals who were struggling to access services (including education and healthcare) and aid because they had no documents. 55% of respondents in Idlib reported that the lack of documentation created a barrier to accessing services and nearly half reported the same in Aleppo. In lieu of documents, some service providers indicated that they may require forms of alternative verification, such as producing a witness to verify one's identity.

“...the head of the household is a widow displaced from Manbej. ISIS burnt her house and she lost all her documents as well as those of her children... she cannot access civil registration and this problem leads to the denial of relief and medical services, and the inability to move freely in the liberated areas.”

NGO WORKER IN AZAZ

Future Consequences

97% of respondents perceived registration to be important. Despite this, only 26% had actually registered the birth of their child or their marriage that had occurred since the beginning of the conflict in 2012. In Idlib, 60% cited concerns of statelessness for their children. Nearly all respondents raised concerns about the future, and how documents would be replaced or recognized depending on the outcome of the war.

Recommendations

The GoS civil registration system remains inaccessible to most civilians residing in non-GoS controlled areas due to safety and cost. However, non-state documentation is limited in utility by its lack of legitimacy outside of the areas where the issuing authority is active.

Individuals require increased access to registration and information on both GoS and non-state procedures to make informed decisions on how and where to register. Documentation can improve access to services, personal safety, and reduces risks associated with statelessness.

To Humanitarian Actors:

National and international actors with expertise in legal protection should commit to increased and well-coordinated programming in Syria to support access to identity documents, as well as concerted information gathering efforts for a more comprehensive picture of identity documentation in non-GoS areas of Syria.

- **Continue gathering information on the civil registration processes, the challenges accessing these, and the protection risks associated with not having documentation.**
Key areas of focus should include the legitimacy of documents in Syria and abroad, specific protection risks vis-à-vis documentation faced by women and girls and their children, the extent to which the provision of birth notifications outside of clinics is occurring or feasible, and procedures for IDPs.
- **Facilitate access to documentation services through increased awareness-raising initiatives on the procedures and the importance of civil registration.**
All actors in civil status documentation should emphasize legal empowerment models that strengthen individuals' capacity to know and exercise their rights and make informed choices. Humanitarian actors should advise individuals on procedures, risks, and benefits of obtaining documents and provide accurate, timely, and location-specific information.

- **Provide services and assistance to individuals on the basis of need alone, in line 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 IDPs and female headed households.
- **The health cluster and health care providers should designate workers to issue birth notifications to children born inside and outside of health facilities.**
Although a birth notification does not constitute registration in and of itself, it is a vital document that can be used to obtain a birth certificate at a later date once there is access to civil registration facilities.

To the Protection Cluster and Whole of Syria (WoS) Protection Sector:

The Protection Cluster and WoS protection sector should facilitate coordinated programming to support Syrians in non-GoS controlled areas to access the identity documents they need.

- **The Protection Cluster should promote and support a dedicated space within coordination bodies to address the issue of civil status documentation in Syria.**
- **The Protection Cluster should raise awareness of documentation issues across other sectors and specifically prioritize engagement with the health cluster to promote consistent birth notifications, and with the child protection and gender-based violence sub-clusters to address protection risks related to documentation.**
- **The WoS Protection Sector should continue to promote exchange of information amongst relevant colleagues in all hubs, and promote civil registration as a priority issue within Humanitarian Response Plan.**
- **The WoS Protection Sector and relevant hubs should coordinate with actors working on documentation for Syrian refugees in Jordan, Lebanon, Iraq and Turkey, to ensure that assessments, as well as programmatic and advocacy efforts are aligned and information is shared appropriately.**

The degree to which Syrians experience negative consequences as a result of possessing non-GoS issued documents should be further researched.

To the Donor Community:

Obtaining identity documents is vital for individuals to protect themselves before, during, and after emergencies and armed conflict, and enables access to essential services. Investment in supporting identity documentation is a commitment to preventing and mitigating protection risks immediately, and helps to greatly reduce the risk of future statelessness.

- **Donors must allocate increased funding for programming that addresses gaps in identity documentation as part of the humanitarian response inside Syria and surrounding countries.**
- **Support programming by qualified humanitarian legal documentation experts.**
- **Understand and support linkages with other sectors to better facilitate access to civil status documentation, such as increasing birth notification in health programming and awareness raising and training of other sector staff on procedures and where to get information.**
- **Invest in ongoing research, evaluation, and learning around civil documentation inside Syria.**

References

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Access at:
https://www.humanitarianresponse.info/en/system/files/documents/files/wos_protection_needs_overview_2015.pdf
The UN-OCHA led "Whole of Syria Assessment" was conducted throughout Syria to determine the needs for protection and humanitarian assistance. Its findings informed the 2016 Humanitarian Needs Overview and the 2016 Humanitarian Response Plan.
Access at:
<http://hno-syria.org/>
- 2** Protection monitoring is an activity that gathers vital information on protection problems, such as mass displacement, forced eviction, freedom of movement, exploitation and abuse, for advocacy and to improve humanitarian response.
- 3** In the same areas of operation, during the same time period, 21.6% of households reported having no identity documents at all.
- 4** Fleming, F. (2015, 16 February). The Situation in Syria is only going to get worse...and here's why. The Guardian.
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- 6** UNICEF (2016) No Lost Generation.
Access at:
<http://nolostgeneration.org>
- 7** UNHCR (2015) I am here, I belong.
Access at:
<http://www.unhcr.org/ibelong/i-belong-i-am-here/>
- 8** Hazzano, Sarmada, Atmeh (Idleb); Azaz (Aleppo)
- 9** For example, in lieu of the normally required supporting documents, an applicant may be allowed to produce witnesses who can verify their identity.
- 10** In Armed Opposition Group (AOG) held areas of Syria, Sharia courts function differently than Sharia courts in GoS-held areas. In the latter, these courts function primarily to serve the Muslim population regarding marriages and divorces. In AOG held areas, they are the primary court for the civilian population, and their mandate and composition are heavily influenced by the controlling party.
- 11** Based on 359 interviews with IDP households

Contributors: Courtney Phelps,
David Glendinning,
Julia St. Thomas,
Kathryn Striffolino

Country Director – IRC Turkey:

Frank McManus

Photos: Kathleen Prior/IRC (front cover)
Tyler Jump/IRC (inside front cover)

Design: Ros Mac Thóim

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New York

International Rescue Committee
122 East 42nd Street
New York, NY 10168-1289
USA

Washington, DC

International Rescue Committee
1730 M Street, NW
Suite 505
Washington, DC 20036
USA

London

International Rescue Committee–UK
3 Bloomsbury Place
London WC1A 2QL
United Kingdom

Brussels

International Rescue Committee–Belgium
Place de la Vieille
Halle aux Blés 16
Oud Korenhuis 16
1000 Brussels
Belgium

Geneva

International Rescue Committee
7, rue J.-A. Gautier
CH-1201
Geneva
Switzerland

Bangkok

International Rescue Committee
888/210–212 Mahatun
Plaza Bldg., 2nd Floor
Ploenchit Road
Lumpini, Pathumwan
Bangkok 10330
Thailand

Nairobi

International Rescue Committee
IKM Place
5th Ngong Avenue
Upper Hill
Nairobi
Kenya

Kinshasa

International Rescue Committee
63 Avenue Colonel Mondjiba
Concession Cotex
Commune De Ngalie
Kinshasa
Democratic Republic of Congo

Amman

International Rescue Committee
Al-Shmeisani Wadi Saqra Street
Building No. 11
PO Box 850689
Amman
Jordan

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