



# HUMANS WITHOUT RIGHTS

The Syrian Initiative to **Combat** Statelessness

Research  
By  
**Rasha Altabshi**

# HUMANS WITHOUT RIGHTS

RESEARCH INTO THE ISSUE OF  
DENYING WOMEN THEIR RIGHT  
TO GRANT CITIZENSHIP AND  
THE PROBLEM OF STATELESS-  
NESS IN SYRIA

RESEARCH  
BY  
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THE SYRIAN INITIATIVE TO COMBAT STATELESSNESS

WARSHEH TEAM



# HUMAN RIGHTS WITHOUT BARRIERS

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# THE SYRIAN INITIATIVE TO COMBAT STATELESSNESS

**Humans Without Rights:** a research on the issue of denying Syrian women's children their right to citizenship and lineage, and the problem of statelessness in Syria.

The research is part of "The Syrian initiative to Combat Statelessness."

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## Introduction

The Syrian regime continues to be an essential and powerful factor in the weakening of women's roles and the denial of their rights. Over the past decades, it has contributed to the promotion of gender discrimination and the patriarchal system through its constant practices, its commitment to deny women the right to grant their nationality and lineage to their children, and its policy of depriving Syrian Kurds and Syrian women of their Syrian nationality to become foreigners and strangers in their own land.

The problem of statelessness in Syria is caused by multiple factors: the most important of which is the conflicting national laws and the constitution with international agreements binding on the Syrian regime to abolish discrimination against women, including discrimination against ethnic groups to deprive children of their rights, in a society trying to repair itself. Another reason is the neglect of "opposition institutions" and civil society organizations to find solutions for these children.

The Syrian initiative team to combat statelessness adopted the hypothesis that **"The unjust and discriminatory Syrian laws against Syrian women, and the neglect of civil society, have resulted in the deprivation of Syrian children of nationality and lineage."**, thus the research of "Humans without Rights" is an analytical study through testimonies of affected persons, questionnaires and dialogue sessions. It encompassed many Syrian cities, towns and camps, as well as an analytical study of the Syrian constitution and laws on nationality with specialists in local and international law. This marks the beginning of the search for solutions and the recognition of the right of women to confer their nationality to eventually find a solution to the problem of statelessness in Syria.

**Warsheh Team**





## *Preface*

“**Warsheh**” team for advocacy and documentation has been working on the issue of Syrian statelessness since 2017 by monitoring cases of women married to foreign fighters who entered Syria in order to fight against the Syrian regime. After several questionnaires and meetings of the initiative team inside Syria, it became clear that the problem is not only the statelessness of children as a result of marriage to foreign fighters, but also their loss of lineage. Therefore they are undeclared and do not have the most basic rights, especially because their fathers are unknown in name and lineage in most cases. In addition, the entry of foreign fighters to fight in Syria, did not only take place in areas outside the control of the regime, but also included the entire Syrian territory, as many foreign fighters entered to fight alongside the regime as well.

The initiative also monitored cases of Syrian female survivors who were raped inside detention centers, which resulted in the birth of children to unknown fathers, who will not be recognized by the Syrian regime as it will confirm one of the crimes committed in its detention centers against female detainees. Here, we have to recall that the use of rape as a weapon is not limited to the regime’s detention centers, but it was used in all detention facilities in Syria, according to many testimonies obtained by the team.

Through numerous questionnaires, dialogue sessions, and testimonies, it was discovered that there is a significant gap in the understanding of the Syrian laws among a large segment of the local community on the one hand, and between civil society and political forces and the needs of the local community on the other hand., This is especially true when it comes to finding appropriate solutions for mothers and stateless children.

Therefore, detailed research was necessary to monitor the conditions that helped increase statelessness, especially in areas outside the Syrian regime's control - given the difficulty of working in areas under the regime's control - to form a clearer picture of possible solutions...

## Methodology

The research deals with the problem of statelessness in Syria, and the denial for Syrian women to grant Syrian nationality to their children, by studying the reasons that led to the increase in the number of registered and stateless persons in Syria. The research adopted a mixed method approach that includes collecting both quantitative and qualitative data and then merging the data.

Research took place over eight months and included:

- Face-to-face interviews with victims.
- Questionnaires about society's view of granting women their nationality and lineage.
- Dialogue sessions with women from within Syria.

These procedures have resulted in a better understanding of statelessness, and of the conditions that women have experienced over the past years, which have led to the statelessness of their children.

In order to examine the problem in all its aspects and the roles played by each side of the Syrian context, which have already been determined based on the data set during the dialogues and questionnaires previously distributed, two main parties have been identified: Syrian civil society organizations and Syrian activists.

To study each of the previously identified parties, special questionnaires were designed considering the sensitivity of the topic and targeted areas, and they were distributed electronically to ensure social distancing, as the last research was carried out during the period of the Corona epidemic (Covid-19).

The CSOs questionnaire included 60 Syrian organizations in Syria, Turkey, Lebanon, Germany and France, working in the following areas:

- Feminist organizations (women empowerment projects: economic, social, political, and relief).
- Organizations working on children's rights (child health projects, education etc).
- Organizations implementing projects for women and children.
- Research and studies centers.

As a result, 21 organizations responded.



While 100 questionnaires were distributed to activists of women's and children rights defenders, and those interested in the Syrian affairs in general, only 49 of the targeted group responded.

The team also studied the experiences of several regions in Syria and Turkey to find out how to deal with the problem of statelessness. The targeted areas were chosen for reasons related to the numbers of displaced people and refugees, and areas under the control of ISIS or Jabhat al-Nusra, or out of the control of the Syrian regime, and the lack of civil record centers in it.

The two cities of Al-Bab and Al-Raqqa were found to be among the most affected Syrian cities. The work within these cities was done through:

- Key Informant Interview (KII).
- Focused Groups Discussion (FGDs).
- In Depth Interview (IDI).

Taking into account the anonymity of participants' personal information, and the complete concealment of their identities for their own safety.

## 12

As for the legal research, it was conducted in coordination with the legal advisor for the initiative, Mrs. Zahra Barazi. The Syrian civil and personal laws were analyzed, as well as Legislative Decree No. (276) of 1969 regarding the granting of Syrian nationality. The analysis also highlights the contradictions between the constitution and local laws in addition to Syria's international obligations towards restoring the right to grant Syrian nationality to Syrian women and how to pressure the Syrian regime accordingly.



**Denying Syrian women their right to  
grant citizenship**

The constitutions of most Arab countries state that men and women are equal before the law, in terms of rights and duties, at the top of which is the right to citizenship, meaning acquiring the nationality of the country to which they belong. However, when it comes to the right to confer nationality, the situation is different, as the nationality law in most Arab countries gives the man the right to confer his nationality to his children and his foreign wife, while this law prohibits a woman from the right to confer her nationality to her children. This is the case if she is married to a foreigner or a citizen, with the exception of some Arab countries that gave this right to women, but according to certain conditions that must be met.

The Syrian laws grant Syrian nationality to any child born to a Syrian father through blood ties, but it does not grant the same right to the child born to a Syrian mother. This comes in accordance with Legislative Decree No. 276 of 1969 regarding Syrian nationality, according to which a child born in Syria to a Syrian mother and a foreign father would be treated as a foreigner in terms of ownership, election, residency, education, marriage, health etc., noting that a foreigner is anyone who does not possess Syrian nationality.

To fully comprehend the impact of the problem in Syria, it should be highlighted how it was approached socially and legally. The statelessness issue in Syria may seem to some as not essential before the Syrian revolution in 2011, given that it affects only a certain segment of the Syrian society, especially considering the number of Syrian women married to non-Syrians, whether they are Arabs or foreigners.

However, the deprivation of women married to foreigners - at that time - caused a lot of suffering to a large segment of youngsters, because many of them lived all their lives in Syria, while having to renew their residency papers periodically and did not benefit from health and educational services, and even employment services.

Cases and issues that were dealt with increased between 2004 and 2011, when the Syrian Women's Association launched a campaign to demand the amendment of the Syrian Nationality Law to guarantee the right of women to confer their nationality to their children. It does not only involve legal deprivation, but they are also deprived of enjoying their lives naturally, as it is not possible for any human being to live a normal life without this right.

**Mohsen. I,**<sup>1</sup> an Egyptian young man born to a Syrian mother, was born in Syria and lived there for more than 20 years. He mastered the Syrian dialect, which was his way to overcome the difficulties imposed on him by the Syrian law depriving him of his right to his mother's nationality. Throughout the years he spent in Syria, he was forced to renew his residency every year, as a companion to his mother or as a university student, he will never forget the fine that he paid for unintentionally postponing the renewal of his residency in Syria.

**Mohsen** says: "It happened that I was late twice in renewing the residence permit for some days, which led to my arrest for several hours by the authorities and releasing me after paying a fine. That residence permit which caused Mohsen to be detained, had this provision: **"The holder of this residence permit shall not be allowed to work."** that accompanied him throughout the years of his stay in Syria.

**Mohsen** was forced to work illegally, which prevented him from obtaining the necessary insurance provided by the Syrian state for any employee holding Syrian nationality. And while his Syrian accent helped him in obtaining the appropriate work for his experiences and diploma in Syria, it did not help him in Egypt.

**Mohsen** adds: "In Syria, some people always remind me that I am not Syrian, and in Egypt they do not recognize my Egyptian nationality, because I did not master the Egyptian dialect well, so they treat me as a Syrian. In short, I am lost between the two countries, although I consider myself Syrian, because I lived most of my life there, and I participated in the Syrian revolution, before I was forced to leave in 2012."

**Mohsen**, despite all the circumstances that accompanied his life in Syria, was able to complete his education and study in Syria, as a citizen of another country, but this does not apply to other children of women who were unable to prove the lineage of their children.

This legal discrimination that the Syrian regime has pursued over many decades has left negative psychological and social effects on women and their children alike. It is worth noting that the issue has not been dealt with

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1 During the period of the research, which lasted for two and a half years, the team met with several cases representing all affected and targeted groups of the research.

at the required level by state institutions and ministries to find solutions to the problem, despite the Syrian Women's Association's attempt to convince Syrian public opinion of the need to do so. Although the Syrian government signed the CEDAW agreement (Convention on the Elimination of All Forms of Discrimination Against Women), which constituted a starting point for the women of the Syrian League to demand a change in laws that violate the rights of women, the Syrian regime has sought to dilute and neglect the problem. Even regarding the People's Assembly voting on the reservations contained in Decree 330 to the "CEDAW" agreement, which exempts Syria, despite being a signatory to the convention, from any obligation to change its laws and regulations in force that discriminate against women.<sup>2</sup>

With this downplaying, the **Syrian regime** continued to deal with a very important social problem, and **justified its reservations with several arguments, including the violation of Islamic law**, despite the absence of any contradiction between granting nationality and Islamic law. According to many interviews conducted by the research team with Syrian clerics who confirmed that **the right of women to grant citizenship differs from granting lineage** that some clerics associate with patriarchal blood. This indeed is another aspect of the problem, some believe that it is based on the jurisprudence of clerics, and is not based on explicit and clear religious texts. In addition, there is an assertion that granting a woman her nationality to her children is inconsistent with resettlement, since Syria considers itself committed to the Arab League decisions that stipulate that Palestinians will not be resettled in any Arab country.

With the start of the Syrian revolution in 2011, the phenomenon of statelessness began to increase, especially after 2012, when the country's internal war coincided with the entry of foreign fighters and their establishment of Islamic Emirates, at the top of which was the Islamic State (ISIS), and Jabhat Al-Nusra. It is currently called "Levant Liberation Committee" Hay'at Tahrir al-Sham (HTS), which for a long-time controlled Eastern and Northern Syria.

Cases of marriage of Syrian women to unidentified members affiliated with these radical organizations, resulted in many births without descent, and thus rendered these children stateless. As for the areas under the con-

<sup>2</sup> Tishreen newspaper issued on October 22, 2008 titled "The People's Assembly Discusses the Social Affairs Plan" that the People's Assembly unanimously approved the reservations, without any discussion of the effects of this decision on Syrian women.

trol of the Syrian regime, the situation was not better, as a result of the regime bringing in foreign fighters. Namely, Iraqi, Iranian, Lebanese and Afghan militias to fight alongside it, which also resulted in illegal marriages and births that do not grant Syrian nationality by Syrian law. However, **the most difficult cases remain those of Syrian women who were arrested by the Syrian regime**, raped inside the detention centers and gave birth as a result.

It is worth noting that the Syrian regime did not give importance to the issue after the country had lived through these circumstances. On the contrary, it continued to downplay the problem and circumvent it by studying the law on granting nationality to those of unknown lineage, as approved by the Syrian People's Assembly with a majority on June 12th, 2018, which sparked widespread controversy among the members of the assembly. It is controversial, as this law opens the way to granting Syrian nationality to the children of "terrorists" - as they were described by some members - who took up arms against the "Syrian state", forgetting that they were born to Syrian mothers regardless of the affiliation of their fathers. The term "of unknown parentage" applies to them, which is the term approved by law instead of the term "foundlings", without realizing the negative psychological, social and practical effects that will reverberate on children's lives.

A person is shown from the chest up, holding a large, dark map of the African continent. The image has a prominent glitch or digital distortion effect, with horizontal lines and a color palette of red, cyan, and black. The background is a blurred outdoor setting with buildings. A solid red horizontal bar is positioned at the bottom of the frame, containing the text.

**Statelessness and negative  
impacts**

# Statelessness and lack of lineage in Syria after 2011

## | Marriage to foreign fighters

Foreign fighters began to enter Syria in mid-summer 2012 as the peaceful movement transformed into an armed conflict, and some Syrian cities were out of the regime's control, fighter groups from several Arab and European countries joined the fight alongside Islamic organizations (ISIS - Jabhat Al-Nusra). Other groups also joined the fight alongside the Syrian regime<sup>3</sup>, while some groups fought with Kurdish forces (SDF).

According to many reports and researches, **the number of foreign fighters, who came to fight in Syria alongside the Islamic organizations, were estimated at 11,000 until the end of 2013<sup>5</sup>**. This number has increased during the following years, but there are no clear figures that show the actual number.

The presence of foreign fighters of different nationalities in Syria has left many negative effects on Syrian society, and their marriage to Syrian women and girls is considered the worst. Especially with the repercussions that await children of unknown parentage, the fighters' refraining from telling their true lineage and being satisfied with pseudonyms, this placed Syrian women before long-term societal and legal challenges, particularly after the fighters returned to their countries, were killed in battle, or moved to other cities, leaving behind their wives and children.

According to the Human Rights Council report issued on March 23, 2018 entitled "I lost my dignity", the Islamic State organization forced women and girls to marry foreign fighters as a means of proving its control in areas under its influence: "The organization views unmarried women and girls over the age of puberty as a threat, due to its belief and its forced social system". The report also indicated that many women were forced to marry fighters, but **girls between the ages of 12 and 16 make up the majority of forcibly married** documented cases.

3 ICSR- Foreign fighter total in Syria/Iraq now exceeds 20,000, By Peter R. Neumann  
4 THE WASHINGTON INSTITUTE- How Iran Is Building Its Syrian Hezbollah- Phillip Smyth  
5 The Telegraph- Number of foreign fighters in Syria nearly doubles- Alex Spilliu  
6 37th session of the Human Rights Council- 2018 (I lost my dignity) Report



Thousands of children were the result of the marriage of these fighters to Syrian women, noting that there are no accurate statistics about their total numbers, but through communications with a number of activists and key players in their areas of influence, it was confirmed that the numbers are large. This is catastrophic for the local reality because of its negative repercussions on the future of these children. Particularly in the case of the husband's death, as the wife was then often forced to marry another fighter, according to item 86 of the Human Rights Committee report (I lost my dignity).<sup>7</sup>

**Umm Muhammad**,<sup>8</sup> a 38-year-old woman from the countryside of Idlib, married a foreign fighter without knowing his name or real nationality. Until he was killed four and a half years after their wedding: "When he asked to marry me through my brother who was fighting with him, I knew him as Abu Hajar, but after he was killed in one of the battles, I learned from my brother that his name was Abdul Rahman, and that he was from Iraqi Kurdistan."

**20** Umm Muhammad's marriage to Abd al-Rahman resulted in the birth of two children, the oldest is six years old, and she has no official documents proving her marriage and the lineage of her children because she was married in the presence of a sheikh and witnesses only. She did not succeed to document the marriage or register her children in any official form in her city, since the authorities refused to document the marriage and childbirth because the children's father is of unknown parentage and is unrecognized in the civil records. This has left Umm Muhammad and her children to face many problems such as inability to access appropriate health care, and inability to access education, relief aid, not to mention the negative perception of society.

### | Rape of women in detention centers:

The Syrian regime has used sexual violence against women, girls, men and boys since the beginning of the Syrian revolution and continues to do so until today, as a means to spread terror, humiliation and punishment. This injustice constitutes great suffering for all Syrians, while women and

<sup>7</sup> 37th session of the Human Rights Council- 2018 (I lost my dignity) Report

<sup>8</sup> During the period of the research, which lasted for two and a half years, the team met with several cases representing all affected and targeted groups of the research.

girls are considered the most affected by these acts for many different reasons such as the negative social perception associated with being raped.

Although many practices of sexual violence have been documented by the opposition and other groups (FSA – Jabhat Al-Nusra - ISIS), the regime and its militias are the ones that most perpetuate sexual violence in Syria.

According to the “I lost my dignity” report issued by Human Rights Council in 2018, which was based on 454 interviews with survivors, their relatives and eyewitnesses, sexual violence (rape, genital mutilation ...) was not limited to detention centers only but was also carried out during ground operations. As well as during raids on homes and checkpoints<sup>9</sup>, in addition to the intentional practice of these acts - especially rape - in front of the family of the victim or other detainees.

Given the sensitivity of the issue of rape for women and the unwillingness of many of them to speak about being raped, **there are no real figures on the number of women who became pregnant as a result of being raped by Syrian regime forces and its militias.** Thus, it is not possible to determine the number of children without lineage as a result of rape, especially since most of victims could not determine the identity of the perpetrators or their affiliation. This is due to the sheer number of militias involved and the fact that intelligence officials wear regular civilian clothes instead of the army or police uniform, according to Syrian Center for Justice and Accountability report entitled “Do you know what happened”<sup>10</sup>, which came in line with For the UN Independent International Commission of report (I lost my dignity).

As a signatory to the main Human Rights treaties, the Syrian regime is obliged to respect these rights and also abide by International Human Rights Law that form part of Customary International Law, which guarantees the absolute prohibition of torture (rape being one of its forms). Accordingly, the regime will not recognize any of these practices and will refuse to register any child born as a result of rape in its detention centers, on the grounds that they become evidence of these crimes.

During work on the research, the team met with several eyewitnesses, some of whom witnessed many detainees having abortions, while others

9 37th session of the Human Rights Council- 2018 (I lost my dignity) Report

10 SJAC- (Do You Know What Happens Here?) An Analysis of Survivor Accounts of SGBV in Syria- 2019

witnessed births in the detention centers in Syria.

**Walaa**<sup>11</sup> told the research team her story in the detention center, where she witnessed a nineteen-year-old girl who was raped in the detention center and then gave birth. Her fellow detainees tried to keep the matter secret in order not to expose the child and the mother, until she left to “Adra” Central Prison. Walaa says: “Most of the girls who get raped, become rejected by the surrounding community and relatives in the first place, so most of them resort to fleeing and living far from their families to raise their children away from the accusations that affect them. But without having any proof of the child’s descent to the father’s side, so that the child remains stateless and in lack of lineage.”

### | **Exploitation of Syrian refugee women by marriage:**

As a result of the intensification of the military campaigns on residential areas and the arrest campaigns that affected Syrian activists and civilians in most cities with the beginning of the Syrian revolution, thousands of Syrians fled to safer areas in Syria. Some of them decided to seek refuge in neighboring countries, and as a result underage marriages have multiplied.

Minors were often married to men much older in Lebanon and Jordan, many customary and traditional marriages were held for refugee women without being legally authenticated, which left many women without any legal protection, especially when having children and divorcing the mother. In Turkey, despite the fact that polygamy is not legal, many women and girls were forced to marry already married men without being aware the illegality of this marriage. Despite the dangers of these marriages to women, which lead to the birth of unregistered and stateless children, there are no official figures available on the number of these marriages or children for several reasons; the most important of which is fear of legal penalties that may involve imprisonment and fines.

**Umm Ayman**<sup>12</sup> got married to an elderly Turkish man: “Some people advised me to go to an orphanage to stay in with my three children”. Umm Ayman accepted marriage without knowing that what she had done was illegal and might expose her to a prison sentence, if the authorities knew about this marriage. “The thing that pushed me to accept marriage is my

11 During the period of the research, which lasted for two and a half years, the team met with several cases representing all affected and targeted groups of the research.

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desire not to be separated from my children, especially since the oldest of them has reached the age that allows him to move to an orphanage for boys only.”, Her marriage did not last long after his first wife learned about the marriage and forced her husband to divorce Umm Ayman.

### **Loss of identity papers:**

The problem of identity papers is an obstacle for many Syrian families, as the loss of identity papers during displacement is one of the most common problems that all Syrians face, especially those considered opposition to the Syrian regime. A report conducted by UNHCR Issued in November 2013 entitled “The Future of Syria - Refugee Children in Crisis”<sup>13</sup> stated that a disturbing symptom of the crisis is the vast number of babies born in exile without birth certificates which leads to a large number of stateless children, especially with the vast number of obstacles in the hosting countries.

In Lebanon, for example, the Lebanese authorities refuse to grant children born on their lands official birth certificates, which puts them at risk of losing their nationality, in addition to depriving them of humanitarian, health and educational aid.

The problem of losing identity papers is greater in the Northern regions of Syria out of the Syrian regime’s control. There, parents are forced to make due with a proof of birth issued by the hospital in which the child was born, which has no recognition in neighboring countries, because the names of these hospitals often change or they are destroyed or bombed, therefore children and mothers are in particular at risk.

The urgent need to prove identity has prompted many Syrians to search for solutions that carry risk and financial cost, some resorted to brokers who would secure these papers without personal appearance with payments of more than \$ 2000. Many times, these papers are forged, while others decide to return to the regime-held areas despite the risk of being arrested or assassinated, in order to obtain identification papers for their children.

### **Statelessness cases prior to 2011**

The issue of statelessness before the Syrian revolution did not receive much attention at a social or media level until 2004, when a campaign

<sup>13</sup> A report of (UNHCR) issued in November 2013 entitled “The future of Syria, the crisis of refugee children”.2013

began to demand a change in the Syrian nationality law, in coordination with the Syrian Women's Association. However, this campaign focused on one case of statelessness only, namely the marriage of a Syrian woman to a foreigner.

### **| Marriage to a non-Syrian citizen:**

Like many countries in the world, there are marriages between Syrian citizens and citizens of other nationalities, especially the Lebanese and Egyptian nationalities, in addition to other Arab and foreign nationalities. Marriage to Palestinians is the highest number in Syria due to the presence of a large community residing in the country. As is the case with most problems facing Syrian society, Syrian women married to non-Syrians and their children are the most affected, especially if they are unable to obtain the nationality of their fathers due to different circumstances. Many cases have been recorded of women who applied for an exception from the Presidency Office to obtain citizenship for their children - given that Syrian law prohibits Syrian women from passing on their nationality to their children - without obtaining a satisfactory response that grants children the right to live in Syria as a Syrian citizen, not as a foreigner.

### **| Census of Hasakah in 1962:**

Legislative Decree No. 93 of 1962<sup>14</sup> was issued to conduct a census in Al-Hasakah Governorate - which is the main center for the Kurdish population of Syria - which was called (the exceptional census).

**The most prominent of what the decree stipulated in its first article: "A general census of the population in Al-Hasakah Governorate shall be conducted in one day, the date of which shall be determined by a decision of the Minister of Planning upon the proposal of the Minister of Interior.**

As a result of this census, the Kurds in Syria were divided into:

- Kurds with the Syrian nationality.
- Kurds deprived of nationality and registered officially as foreigners: their numbers reached 346,242, according to a report by the Syrians for Truth and Justice Organization entitled (Syrian Citizenship Disappeared)<sup>15</sup>.
- Kurds deprived of their nationality and not registered in the official

<sup>14</sup> Legislative Decree No:93

<sup>15</sup> STJ- "Syrian Citizenship Disappeared"

How the 1962 Census destroyed stateless Kurds' lives and identities

civil records, called stateless, and their numbers reached 171,300 individuals until 2011, according to the Syrian Citizenship Disappeared report. Despite the issuance of Legislative Decree No. 49 of 2011<sup>16</sup>, which provides for the granting of Syrian nationality to those registered in the al-Hasakah foreigners registry, thousands of Kurds are still deprived of nationality even after submitting their files to the responsible authorities.

## Negative effects of statelessness on children and youth

The negative effects that stem from statelessness, which accompany affected persons from birth to death, also affect the psychological and social status of the mother and the entire family. This impact varies according to the different cases of statelessness and the promptness to find appropriate solutions.

### | Negative effects of statelessness on children:

#### | Education :

Most schools prevent the registration of stateless children due to the lack of official documents proving their lineage and nationality, while others agree to register them on the condition that they do not enter final exams. This means that they are deprived of obtaining official certificates for primary education, which in turn will affect their pursuit of all educational stages, even higher education.

#### | Health :

Many medical centers, especially the official ones located in the countries where Syrians refugees are residing, prevent stateless children from receiving the required treatment or even obtaining official vaccinations, which forces families to pay exorbitant fees in exchange for appropriate health services that are difficult to secure, in the light of deteriorating economic conditions that they live in.

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16 Legislative Decree No:93

## | Child labor :

Many stateless children are forced to work at an early age to support their families considering the difficult economic conditions in which they live, which affects the physical and mental development of children and adolescents, depriving them of a sense of security, joy of play and fun, or simply enjoying their childhood.

## | Extremism :

A large number of stateless children, especially those who were the result of the marriage of Syrian women to foreign fighters affiliated with the Islamic State, grow up in an extremist environment that poses them to the challenge of proving that they are only children and not terrorist ticking bombs as most media reports depict them. Due to the fact that most of them live in camps made especially for them, which are not properly served, and they have limited movement inside and outside, they are even more at risk of joining the Islamic State.

## | Child exploitation :

In a report by the “ECPAT” Organization, according to an investigation by The Independent newspaper<sup>17</sup>, , the negative impact on the economic situation of Syrian refugee families in Turkey has led many families to accept their daughters’ marriage to ease the economic burden on them. “We have heard of cases in which Syrian families sell their daughters in order to marry Turkish men, either formally or informally, and oftentimes they are second wives,” according to Secretary- General Azgy Yaman which will lead to unregistered marriages in the Turkish state and consequently births of stateless children.

## | Negative effects on stateless youth

### | Employment :

Stateless people may not be able to apply to jobs that are compatible with their abilities and skills because they could not have adequate education for these jobs and do not have identification papers, and therefore are forced to work in jobs that allow them to meet their basic daily needs only,

<sup>17</sup> The Independent- Corona pushes Syrian families to marry off minors to Turks for money- Maya Obenhaim

neglecting their aspirations and dreams.

### **| Movement restrictions :**

Stateless youth cannot move freely because they do not have identity papers to help them move between governorates or outside Syria, which may expose them to arrest or deportation.

### **| Marriage and childbearing :**

Stateless persons are unable to register their marriage with the competent government agencies, because they do not have personal files within the civil records, which leads to the statelessness of their children.

In addition to the previously mentioned, there is also the denial for stateless persons to own property, benefit from banking services and all political rights, and the negative effects that the problem of statelessness has on the mental health of young people and children, as a result of their exposure to discrimination and racism throughout their entire life.

## **The effect of COVID-19 on stateless people**

Millions around the world have been affected in one way or another by the spread of the COVID-19 virus, and the problem in particular falls on stateless persons, according to a UNHCR report issued in May 2020 entitled "The impact of the COVID-19 virus on stateless persons"<sup>18</sup>. The report stated that this particular group is vulnerable to the spread of the COVID-19 virus in several ways, including:

- 1- Stateless persons may have underlying health conditions and live-in conditions that put them at risk of infection.
- 2- They may not have equal access to infection screening tests as citizens or foreign nationals legally residing in the country.
- 3- They may fear testing or treatment due to their legal status, which could put them at risk of arrest or deportation.
- 4- Difficulty in accessing personal protection information, as most of the stateless persons live in poor social and economic conditions, which makes prohibits them from accessing the appropriate information to protect them from infection.

<sup>18</sup> Refworld- The I  
mpact of COVID-19 on Stateless Populations: Policy Recommendations and Good Practices



## Women's Testimonials<sup>19</sup>

### Maryam

"I got rid of my marriage certificate when the city was liberated, due to fear of being accused of having dealt with the Islamic State (ISIS), as it was issued by the organization's court. And so I had no evidence of my marriage, but the community still considered me and my child as part of the Islamic State, even after the liberation of our city and the disappearance of my husband. The fact that I was forced by my family to marry him was not enough to spare me from those looks of blame and suspicion."

"I tried to benefit from the establishment of a Civil Registry after the liberation of the city to register my daughter in the records, but they did not agree and required a **"security study of my child and I"**, but their security study concluded that the child is a foreigner's daughter and should also be treated as a foreigner. This has deprived us of the assistance provided by civil society organizations, which require a family statement to provide any assistance to me or my child. It is also the case for human rights organizations that have often tried to help find solutions for me and my child, but to no avail."

"I always think about my daughter's future and I fear that she will spend her days without getting any recognized papers proving her identity, and I always wonder **why I can't give her my surname, lineage and nationality, so that she can live her life like other children. Why?"**

### Fatima

"I have always been accused by those around me, as if I am the only culprit in the birth of two children who do not carry any papers proving their lineage, and as if I am the one who chose the sheikh's contract as a document proving my marriage to a foreign fighter without formally confirming it. While some people treat my children as victims, many others treat them as foundlings. "

«**Even the organizations do not accept our registration** as beneficiaries, because we do not have any official papers, a specific formula must be found to register those children within government departments and not to prosecute them as of unknown parentage. Because I have a Syrian nationality, and in the light of the difficult circumstances in which we live, the best solution for us is that we, mothers, confer our nationality and our lineage to our children.»

<sup>19</sup> During the period of the research, which lasted for two and a half years, the team met with several cases representing all affected and targeted groups of the research.

## | Souad

"All I knew about my husband is that he was a Tunisian by nationality and was killed in one of the battles, and since that time communication with his family has been completely cut off. I have not been able to obtain any information about his identity to help me prove the lineage of my two children who have become victims of **my family's greed, who forced me to marry him**. Especially after I was attached to the terrorist and ISIS stigma by my community, which did not forget my marriage despite my continuous attempts to re-integrate into society again, but to no avail. In particular now society is afraid of the presence of children from an (ISIS) fighter father among them, because they think that they will grow up to be similar to their father. Apart from the inferior position that accompanies us in our daily life, we also face economic problems since we are without a provider and lack a family statement recognized by the humanitarian aid organizations. However, the biggest problem is the future of my child, and I do not think that there is a solution other than conferring them on my descent and my nationality, my Syrian nationality."

## | Hiba

"What happened to me during the past years is the reason for my strength today, especially as my family supports me. This force that protects my daughters from any negative perception that may accompany them exists because I refuse to talk to anyone about the circumstances of my marriage to a Tunisian fighter who disappeared after the liberation of our city from ISIS. My work in an organization and my financial independence helped me register my daughter in a private school, which accepted the lack of identification papers. All my continuous attempts to review the official departments to obtain papers proving their lineage, and to file a lawsuit to obtain a permit allowing me to register them in my father's name, failed, because my husband was a foreign fighter. "

«**The problem today is the painful future of the children... a problem that will continue for generations to come, as these children will grow up, marry and have stateless children as well.**»

## | Siham

"I see my child every day when I sleep. I see him blaming me for not protecting him from an unknown future. **I don't know if he is alive or dead**, all I know is that my father gave him to the midwife to get rid of him after

he continued to abuse me after knowing that I was pregnant with - a child of ISIS!"

"He called him that, although he was fully aware of the circumstances of my forced marriage, but he did not forget that my husband is a fighter of ISIS. Even so I hold him fully responsible for my marriage because he did not flee and take us to another city... I lived with my husband in all the circumstances of war and the bombing, but he decided to send me back to my family who moved to another city. So he smuggled me with one of the families without telling them that I was a fighter's wife for fear of revenge against me. All the torture I suffered with my husband is only a small part of my suffering for losing my child. "

**"I remember one time before my marriage, when I went for a hospital visit, and I saw a midwife pointing to an old blanket with a baby inside it and saying to her friend who asked her if she got rid of it or not, and she answered her: It is in heaven! I always imagine my child inside that cover. And his only fault is that his father is a fighter of ISIS. "**

### **30 | Nihal**

"I wish to give my daughter my name and my nationality and escape with her to a city where my husband's family cannot find us, so that the constant threat of her being kidnapped ends. My husband disappeared in a battle four years ago and we did not hear anything about him since. I tried to live with his family in the countryside of Hama, but they refused to recognize my marriage to him. For fear of the Syrian regime, as he joined the Islamic State (ISIS) knowing he was a religious man with good morals far from extremism, and with the insistence of my family in-law not to confirm the marriage or recognize my daughter, I had to return to my family without their knowledge. I do not deny that I think daily about returning her to them, especially after she grew up with that the increased financial burden and due to my inability to benefit from the relief aid provided to widowed women because I do not have any paperwork proving my marriage. Especially since they intend to register her in the name of her uncle and thus, she will obtain a nationality and she will be able to live a decent life. "

### **| Baraa**

"I always think about the future of my children in case I had to leave the Kurdish "Autonomous-Administration" areas, because the papers I obtained from them are not recognized by anyone. Neither in the regime-held

areas nor in the opposition areas, so my children would become stateless without any rights. Especially since my husband went out in one of the jihad battles and never returned till now, I do not have any proof of marriage other than the family card that I obtained by the "Autonomous-Administration". This card proves my right to custody of my children in the absence of their father, who unfortunately I wish will not return for fear of him because my children and I we lived with him in such difficult days since he joined the organization."

A young boy with dark hair is shown in profile, looking towards the left. He is wearing a light-colored t-shirt. The background is a blurred cityscape under a clear sky. A dark red horizontal band is overlaid on the image, containing white text.

**The experience of Raqqa and Al-Bab cities in  
facing the problem of statelessness  
and lineage**

Many Syrian towns and villages outside the control of the regime have struggled with statelessness. In addition to refugee camps and areas where Syrians are displaced in neighboring countries, in order to go further, the team selected several areas to study their experiences with the problem, how they were dealt with and whether or not temporary solutions were sought to avoid the problem.

The areas inside and outside Syria were chosen for reasons related to the numbers of displaced people and refugees. These areas were under control of the Islamic State (ISIS) or Jabhat Al-Nusra, and also because they are out of the control of the Syrian regime. Last but not least, they were selected because there are no civil registry centers in them.

Considering that the cities of Al-Raqq<sup>20</sup> and Al-Bab<sup>21</sup> suffered from all the conditions mentioned above, their experience was studied extensively.

Work has been carried out in these two cities as follows:

- Studying the situation of Syrian women before the revolution, during the revolution, during the control of the Islamic State (ISIS), and after liberation from the control of ISIS, in all aspects.
- Studying the problem of statelessness in the four aforementioned stages, through In-Depth Interviews "IDI", Focus Group Discussions "FGD", and Key Informant Interviews "KII".

## The situation of Syrian women in Al-Bab and Raqq cities

### | Freedom of movement

Women in the cities of Al-Bab and Raqq did not suffer from any obstacles prior to the Syrian revolution with regeared to their movement, whether inside or outside the cities. The only exception were some hard-line religious families that required women to go out with a companion. The same applies to the post-revolution period, as society did not impose

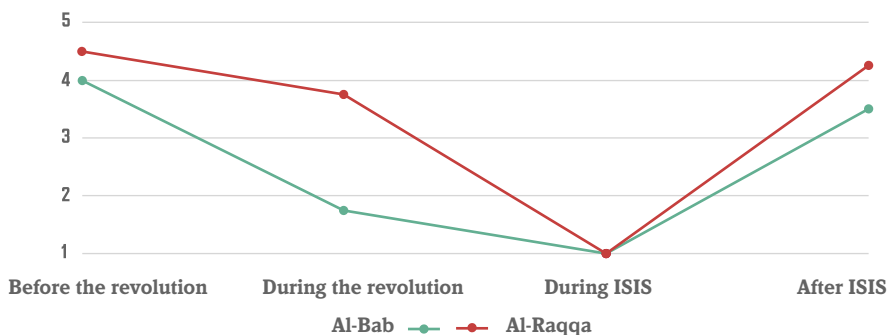
20 Al-Raqq: Located in northeastern Syria on the Euphrates River, it was under the control of the Islamic State (ISIS) at the beginning of 2014 and was considered the capital of Islamic Caliphate, and now under the control of the Syrian Democratic Forces.

21 Al-Bab City: It is located in northern Syria, administratively affiliated to Aleppo. It was under the rule of the Islamic State organization, immediately after the city of Raqq, and it served as the western capital of the state, and a vital center for import from abroad and export to all regions of the country.

any restrictions on women’s movement in the cities of Raqqa and al-Bab. However, fear of the arrest campaigns carried out by the regime in addition to the constant bombing and battles in the aforementioned areas affected their movement somewhat. **The control of ISIS over the cities of Al-Bab and Al-Raqqa is the stage of transformation for the freedom of Syrian women, as the organization imposed many restrictions on women, including not moving in the city without a male companion “Forbidden”<sup>22</sup> or within a group of women, as it was impossible for women to travel alone outside the city. There have been many cases of arrests of girls and their parents in “Al-Hisbah”<sup>23</sup>, and cases of flogging. As for the liberation of the two cities from the control of the organization and the control of the opposition forces over them, matters returned to their state before the occupation of the organization. Also, women’s awareness of their rights and duties was increased which helped them exercise their freedom more than before the revolution. The increase in the number of displaced people within the city of Al-Bab in particular has contributed to increasing integration between families and getting acquainted with the cultures of the other Syrian cities. While in Raqqa there are no longer restrictions on freedom of movement for women, the large number of military checkpoints on the roads is an obstacle for all, not just women.**

### Freedom of movement

1 = Very Bad  
5 = Very Good



### | Freedom to dress

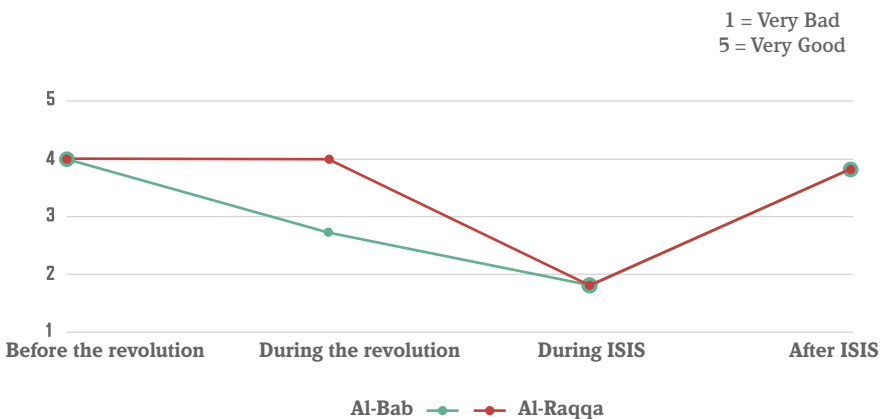
The issue of dressing for women in most Syrian cities is linked to customs and traditions. There was no specific custom for dressing before and

22 Forbidden: the adult male companion, and he must be a first-degree female relative (husband, father, nephew, grandson).

23 Hisbah: Islamic Police.

after the revolution in the cities of al-Bab and Raqqa alike with regard to whether or not the hijab is worn, since there was no noticeable or systematic restriction on girls who did not wear hijab. The same applies to the stage after the Syrian revolution, the situation did not change much except when some radical Islamic factions entered the city of Raqqa in particular, but the matter did not reach the point of forcing women to wear the hijab. In contrast to what happened after “ISIS” took control, when a uniform dress was imposed on all women, which was the full black dress - even the shoes - in addition to wearing the “cap”<sup>24</sup> over it. In case of violation, the girl’s father would be flogged, in many cases, the violation of the dress code resulted in public flogging of the girl herself. This also happened with women regaining some of their rights after ISIS in the cities of Al-Bab and Raqqa. Women regained their freedom to wear clothes according to their beliefs or according to the customs and traditions that were imposed on them by society before the revolution, except for some families who adhered to the ideas of the organization and adopted the way of life that was imposed on them during its existence.

### Freedom to dress



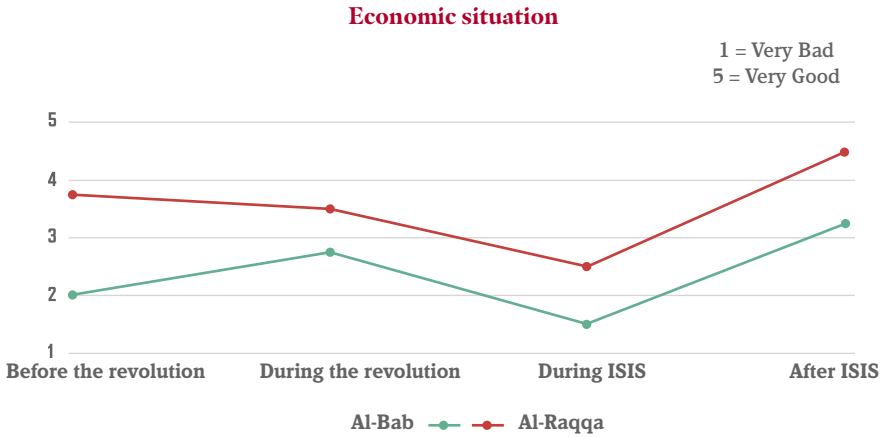
### Economic situation of women:

The economic situation of women or their work was not a problem before the revolution, as it is also considered related to the customs and traditions of the family, the community and their desire for work and financial independence. The same applies to the post-revolution period in Syria, however, the arrest campaigns carried out by the regime also affected working women. Many of them had to be absent from work or leave for fear of

<sup>24</sup> cap: An outer veil that is worn over the regular hijab, is black and covers women from the top of the head to the lower abdomen.



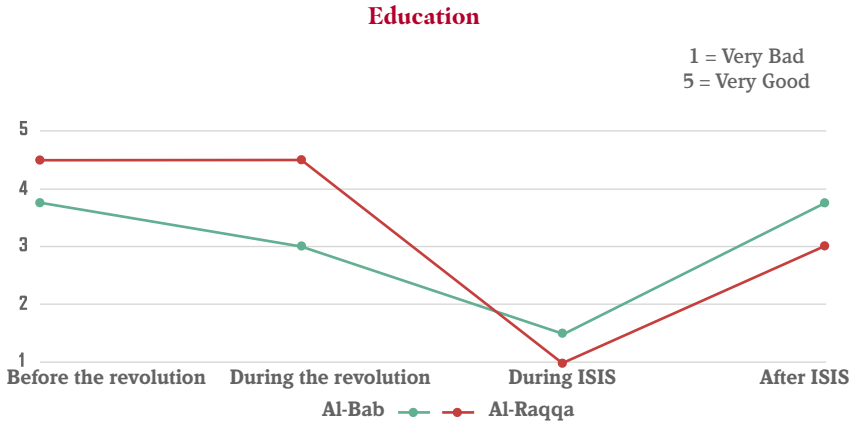
arrest, but what is surprising is the recovery of women's economic role in the period of ISIS control. In the cities of Al-Bab and Raqqa, where job opportunities for women increased significantly, especially in businesses that must be managed by women (Women's Clothing and Accessories Sales) and in which men were banned to work. In addition many women opened their own businesses within their homes to help their families, which led to economic independence for some women. The situation continued after the liberation of the two cities from the control of "ISIS", albeit at a lower rate in relation to the shops, but women returned to work within civil society organizations and local councils.



## Education

The cities of Al-Bab and Raqqa have not faced any problems in accepting the idea of education at all stages, especially for women, due to the presence of universities in the nearby cities. The percentage of girls who attend universities has increased in the last years before the revolution, especially in the city of Al-Bab. However, these numbers have largely decreased among girls and young men alike due to the increase in bombing, arrest campaigns, displacement and other conditions that the city of al-Bab suffered from after the start of the revolution. Meanwhile the entire education of young women and men was not affected after the revolution in the city of Raqqa because the universities maintained their activities after the armed opposition took control of the city. In the period of ISIS control, education has been suspended completely, schools and universities were closed, and education was restricted to Sharia schools affiliated to ISIS only. As is the case of all aspects of life, education was resumed after the end of the organization's control over the two cities, as it was noticed

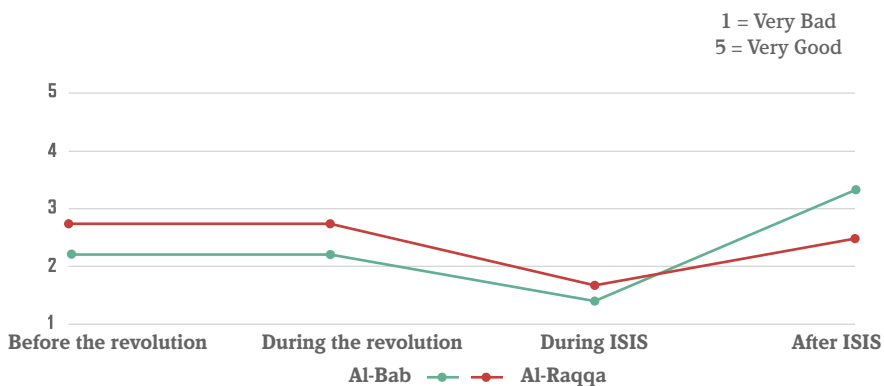
that the number of females in universities increased, especially after some Turkish universities opened several educational branches in the areas controlled by the National Army. But the situation differs in the city of Raqqa, where there are no Universities, so those who wish to complete their university education can enroll in universities located in and affiliated with the regime's regions, given that they are not on the lists of those wanted for arrest by the Syrian regime.



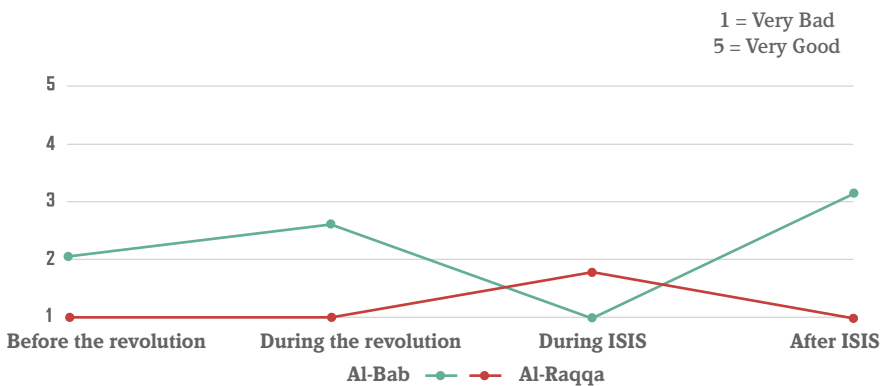
### | Early and forced marriages

The problem of early and forced marriage was not new to the Syrian society as a whole, and this problem is related to the customs and traditions in the society in which the girl lives like other social problems. However, the security tension that dominated the two cities after the start of the revolution and the fear of a regime invasion increased the percentage of early and forced marriage among families. Then, in the period of “ISIS” control, the matter was completely different, as ISIS members used their influence to pressure families to marry their daughters, forcing some of them to force their daughters to marry their relatives without considering the girl’s basic rights, for fear whoever marries her to a foreign or Syrian fighter from the organization. On the other hand, many fathers hurried to marry off their daughters to fighters, convinced of the belief promoted by the organization or to gain protection, power and privileges, which led to a significant increase in the rate of minors marriage during that period. Soon those percentages decreased dramatically in the two cities after the liberation, with the exception of some families that still adhere to the provisions of the organization or the old customs that require marriage for a girl at an early age.

### Early marriage



### Forced marriage



# Statelessness in of Raqqa and Al-Bab cities

## | Causes and prevalence:

Most of the female participants in the two cities indicated that the problem of statelessness is not alien to their societies, as they encountered a number of cases before the Syrian revolution, i.e. stateless Kurds, foundlings and stateless persons, in addition to some clans like “An-Nuar” and “Zit” that live between the Syrian regions, which are not interested in registering children. However, these cases increased after the entry of foreign fighters to Syria alongside both the Syrian regime and the opposition, in addition to the high rate of displacement, and the deteriorating financial situation.

The participants pointed out that **the main reason for this problem from the beginning are discriminatory laws against women, which deny them many rights and place them in a lower position than men**, in addition to the absence of government institutions in areas outside the regime control, and this absence naturally led to the inability to achieve registration of marriages and births, and made obtaining official identification documents extremely difficult.

According to the field research the problem has started to appear strongly in recent years as “children of ISIS,” as they are called, are at an age that allows them to go to school, which is considered impossible, given that they have no proof of identity.

## | How the local communities have dealt with those affected:

The opinions of the participants varied about how the local community accepts stateless children, especially the children of fighters affiliated with the organization, whether they are foreigners or Syrians. In the city of al-Bab, most of the parents did not accept children and their mothers, given that they are “Ticking Bombs” as they call them, since they will carry the thoughts of their fathers. And they put full responsibility on the “ISIS member” mother, as she is ignorant of her rights and her childrens’ rights, while some of the parents dealt with children as orphans and merely deserving pity.

As for the city of Raqqa, the community did not accept these children at

the beginning. One source indicated that some families of girls married to foreign fighters disposed of the children as soon as they were born. He explains: "After the women returned from Al-Baghouz<sup>25</sup>, , a number of parents got rid of the children after their birth, often without the consent of the mother. And not a day went by without hearing about a foundling child thrown in Al-Rashid Park or Al-Bayda garden or Msakin Al-moalmin area." This indeed matches the testimony of one of the victims. In addition to the ostracization of children and their mothers and the constant bullying of them at the security checkpoints, this perception has changed recently, and people began to deal with this group as victims, who are not to be blamed of what happened.

### **| How civil society organizations have dealt with those affected:**

Civil society organizations were not in a better condition than the local community at the beginning, as most organizations adopted the principle of ignoring statelessness, on the grounds that stateless persons do not have identity papers, and some refused to accept the identification papers issued by the Kurdish "Autonomous-Administration" in the areas of SDF control. However, some of these organizations later tried to integrate the affected people into their programs, and consider them as victims, by providing relief aid or psychosocial support to the mothers.

### **| Negative impacts on those affected:**

The participants indicated that they started to touch the negative impact on the affected groups since the beginning of the problem. Since the local community categorized the mother as ignorant and deserving of what she had done, they also see children as an extension of their parents, carrying their "takfiri"<sup>26</sup> ideas. This has led to their complete isolation from society. In addition to their deprivation of health services (such as vaccinations), education, and the mother's inability to travel with her children as she does not possess any proof of their identity, they are deprived of all rights which poses a major problem for the future of this group of children.

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25 Al-Baghouz: A village located in Deir ez-Zor, and it is considered the last stronghold of ISIS in Syria.

26 The term takfiri is used by some extremist groups that regard other Muslims or certain groups of Muslims as apostates. They use the term against those who may disagree with their ideology or abstain from loyalty to them.

## Solutions implemented in Al-Bab and Raqqa cities:

### Al-Bab city:

Special departments have been established within the local council during the last two years to register cases of marriage, childbirth etc. For birth cases in particular, the child is registered in the local council based on the birth certificate issued by the mukhtar (civil person responsible for administrative matters in the neighborhood). Then, the child is given an identification card that is recognized in all the areas under the control of the National Army<sup>27</sup> and in Turkey as well. Therefore, in some way, a preliminary solution has been found for children without nationality and lineage as they have been documented in official records, despite the fact that the Syrian regime or the rest of the world does not recognize these records.

### Raqqa city

The matter differs in Raqqa, where the Syrian regime recently established a center for registering marriages, divorce and births as well as issuing official identity cards in the city of Al-Sabkha<sup>28</sup>. The regime also issued an amnesty for unregistered children, which prompted families in Raqqa to register their children and obtain a family card without paying any fine. However, only people who are not wanted by the regime and who have all their identity papers can benefit from this center. The "Autonomous-Administration" of the SDF also registered the children of women who were able to prove the lineage of their fathers, and they received an identification card to prove their lineage. It is only recognized in the areas controlled by the "Autonomous-Administration". This solution also does not cover the cases discussed in the research, since only children who have a Syrian father can benefit from this card. As for the cases of women married to Syrian fighters affiliated with the organization, information sources indicated that these cases were not recorded explicitly, so the woman often resorted to registering the child and attributed it to one of her relatives, or -according to the testimonies- the children were killed immediately after birth. Regarding the children of foreign fighters, the people we spoke to denied that they have a presence in the city of Raqqa, and that they are still staying

<sup>27</sup> The formation of the SNA was officially announced on 30 December 2017 in Azaz. The official aims of the structure are to assist the Republic of Turkey in creating a "safe zone" in Syria, and to establish a "National Army"

<sup>28</sup> Al-Sabkha City: a Syrian town administratively affiliated of Al-Raqqa, and it is under the control of the Syrian regime.

with their families in the “Al-Hol” camp<sup>29</sup>.

### **| Participants' opinion on the right of women to grant citizenship:**

Opinions were divided between supporters and opponents of the right to grant citizenship. All participants in the city of al-Bab supported this right as it is a basic component of women's rights, stating that they cannot be effective in their community if they do not have it just like men do. Also, it is considered the best solution for children without nationality. Meanwhile the vast majority of participants in Raqqa city are opposed to this right, as, according to their opinion, it is against customs and traditions and may lead to many problems, including loss of lineages and the spread of pregnancy without marriage.

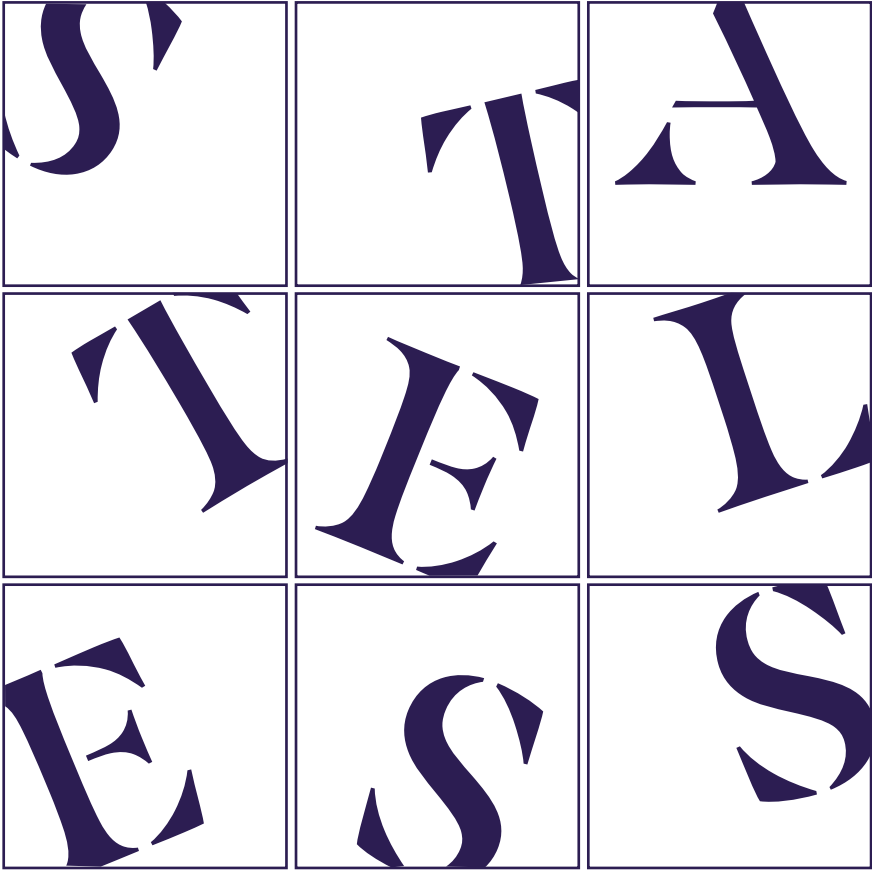
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<sup>29</sup> Al-Hol camp: It is one of the Syrian refugee camps located on the southern outskirts of the city of Al-Hol in Al-Hasakah in northern Syria. It is under the administration of the Syrian Democratic Forces, and includes families of ISIS fighters.



# SFAITHFULNESS





**The role of the local civil society in demanding the right of women to grant citizenship and finding solutions to statelessness**

The concept of civil society was associated in its inception with the people's struggle for freedom and equality and the need for security and stability. Freedom of expression and association and the right to participate in public affairs are basic human rights. The United Nations has defined civil society as the third sector of society, along with Government and Business<sup>30</sup>.

According to the practical guide for civil society issued by the United Nations entitled "The space available for civil society and the human rights system in the United Nations", the actors in society - to name but a few - are:

- Human rights defenders, including online activists.
- Human rights organizations (NGOs, associations and victim support groups).
- Alliances and networks (examples of women's rights, children's rights, environmental issues ...) <sup>31</sup>.

From this standpoint we examine the nature of civil society in the Syrian scene. The Syrian regime began promoting the idea of community organizations to help it invoke a civilized image, since Bashar al-Assad took over power in Syria. But the work and efforts of Syrian civil society at this stage was not independent. It was controlled by the Syrian regime, represented by several forms and groups that were directly affiliated with it, and was restricted by many laws.

After the start of the Syrian revolution, many civil organizations and associations were established, relying in their composition on activists fleeing persecution and repression, the main goal behind the emergence of these groups was to defend human rights, demand freedoms and document violations. Their work evolved with the change of the Syrian context and the intensification of the regime's violence, so they started working on humanitarian aid, education, health and empowerment of women. Also, there were organizations working in the field of studies and research, which help build a future image of the Syrian scene by demanding justice and obtaining rights.

Despite the big endeavors of the civil society, represented by activists and organizations, according to the practical guide for civil society issued by the United Nations, many important rights and issues are still neglected and are not included in the list of important projects that the Syrian civil

30 Civil society- UN  
31 CIVIL SOCIETY SPACE AND THE UNITED NATIONS HUMAN RIGHTS SYSTEM

society is working on. This includes the issue of stateless children and the right of women to confer nationality and lineage to their children.

Through our research that lasted for more than three years, we found that these two issues were not taken seriously by the organizations, which impeded any solutions being worked on despite the crisis of statelessness worsening during the last nine years.

The same also applies to studies and research. Despite the large number of studies that dealt with the importance of involving women in the peace and security process and transitional processes - which is extremely important - women still cannot fully fulfill their role unless they have full access to their rights; the most important of which is their right to grant their lineage and nationality to their children. When considering the research and studies issued during the last nine years, we find that there is a failure to address and discuss this issue, or to offer appropriate solutions to solve the problem of children who are not registered, and women's right to grant nationality and lineage to their children.

## Civil society organizations questionnaire

To understand the nature of civil society organizations' work and their role in achieving the restoration of women's right to confer their nationality and lineage to their children, and the need to register stateless children, we prepared a questionnaire that included 60 Syrian organizations inside Syria, Turkey, Lebanon, Germany and France, working on the following topics:

- Feminist organizations (women empowerment projects - economic, social, political, and relief).
- Organizations working in the field of child rights (child health projects, education etc).
- Organizations implementing projects for women and children.
- Research and studies centers.

The response was not satisfying, as 25 organizations refused to answer the questionnaire. They justified their refusal by stating that they are not specialized in issues related to women, even though these organizations are implementing projects related to women and children.

14 organizations refused to respond completely without explanation.

21 organizations fully responded to the questionnaire.

The questionnaire sought to examine the following:

- The Organizational capacity
- Procedures followed by the organization upon receiving cases of statelessness.
- Number of documented cases of stateless children.
- How they manage cases of survivors who were raped and became pregnant in detention.
- Reference Mechanisms for follow up of the cases.
- The role of the International Organizations.

By analyzing the questionnaire's data, the following was found:

### **| Organizational Capacity:**

- 43% of participating organizations have branches in other countries (excluding Turkey and Syria) and have the ability to communicate with donors and rights stakeholder's community, which can advocate for better conditions for women and children.

-The number of working women and volunteers in Syrian organizations inside Syria is 457, which facilitates communication with affected women.

**47**

### **| Cases of registered stateless children:**

Three out of 21 respondents indicated they documented only 20 cases of stateless children, and the rest of the organizations justified their failure to register cases they received for several reasons, including:

- The lack of laws that allow registering stateless children.
- The community's refusal to register stateless children.
- The stigma that accompanies most cases of stateless children.
- The lack of official birth registration centers.
- Parents' lack of interest to obtain identification papers for the children.

While 9 organizations indicated that they had worked to provide support to affected children through emergency humanitarian intervention (food aid and health assistance), the rest of the organizations did not provide support to the affected families (mother and child) because there is no legal basis to register children.

To avoid the problem of missing children's identification papers, that help them to receive basic assistance, **some organizations have adopted the alternative measures to registering children under the name of a relative.**

Some of the cases mentioned in the responses were:

- Registering the child under the mother's brother name after the disappearance of her fighter husband (name unknown).
- Registering the child under the name of the first wife, because polygamy is illegal in Turkey.
- Registering the child under the name of the grandmother (a refugee in France), after the husband's death and the marriage not legally registered.
- Registration of children under relatives' names from the father's side (Kurds who have nationality).

### **Procedures followed dealing with statelessness:**

**Only 8 organizations reported that they dealt with statelessness**, and the classifications of statelessness that they dealt with are as follows:

- Three cases, the father is a foreign fighter.
- Two cases, the father is a foreigner (not a fighter).
- Two cases result of rape in detention.
- One case result of rape.

In addition to several different cases, that included:

- Loss of identity papers during the displacement, and the inability to obtain new papers from official departments in Syrian regime-controlled areas.
- Absence of civil registry centers at birth.
- Finding newborns without parents or any other identification papers.
- Kurdish children deprived of their nationality.
- Inability to register marriage, therefore the inability to obtain children's identification papers.
- Marriage of minor girls, and the inability to register marriage according to the laws of the countries where they reside.

By asking the participating organizations about the procedures followed in dealing with cases of children who do not have the identification papers that enable them to receive relief aid or to register in educational or health centers, **only 4 out of 21 organizations have adopted simple procedures to address the problem of these children**, as following:

- Provide psychological support and legal counseling.
- Attempt to register the child in coordination with the local council or civil registry center, if available.
- Support the mother register the child under the name of one of her

relatives (grandfather, or maternal uncle ...).

- Refer the case to partner organizations specialized in providing legal or psychological support.

- Contribution to documentation efforts for the stateless and non-registered families (Kurds).

**Regarding the remaining 17 organizations, the reasons for not following up on stateless children cases and the right of women to grant citizenship and lineage were explained due to:**

- Not within the purview of the organization.

- There is no sufficient experience and financial resources within the organization to deal with these cases.

- Not within the current or future plans of the organization.

- There are no competent authorities or clear laws to help the cases, and therefore no assistance can be provided to them.

- Lack of donors' interest in stateless children issues and the right of women to grant citizenship.

**Remarkably, of 17 organizations, only two intend to include stateless children and women's right to grant nationality and lineage within their future programs.**

## **| Survivors**

Considering the importance and sensitivity of female survivors' issue and the harsh conditions they have experienced during detention, a particular section was allocated within the questionnaire to determine how survivors who were raped in detention are supported, and what procedures are followed in a survivor's case, who became a mother of a child as a result of being raped.

**Six organizations indicated that they contacted several cases of female survivors who were raped, which resulted in the birth of a child, and the assistance provided was limited to:**

- Transferring the child to an orphanage and providing medical and psychological assistance to the mother.

- Legal and psychological counseling.

- Providing medical care to the mother until birth.

- Securing shelter for the mother and child.

- Registering the child in the educational centers of the organization.

- Providing an alternative family to take care of the survivor and her child.

Regarding the conditions of female survivors after having children, the organizations indicate:

- The stigma attached to the female survivor and the child.
- Constant insults to the child and the survivor.
- Ostracization and psychological pressure from family and society, which in many cases leads to suicide attempts.
- Death threats by the rapist and forcing her to dispose of the fetus.

**Organizations have also confirmed that many female survivors with their children have fled to other communities due to fear of their environment.**

## **The questionnaire results**

By analyzing the previous questionnaire forms, we can summarize the following:

- Most of the civil society organizations working in the field of women's and children's rights are not aware of the extent of the problem.
- The aid provided to affected cases is limited to relief, psychological and health relief forms.
- None of the organizations initiated practical solutions to help those affected.
- All measures taken are immediate short-term measures that do not help the affected people in the long term.
- Most of the participating organizations are able to communicate with their donors, or those who can influence international public opinion.
- Most organizations have teams of women, which makes it easier for them to communicate with affected women.
- The information or statistics on which organizations work, considered confidential information and not accessible to the public.

According to the results of the previous questionnaire, we can identify the challenges facing organizations interested in working to find a solution to the problem:

- The customs and traditions dominating Syrian society, which do not allow children to be registered under the names of their mothers.
- The absence of Syrian laws that facilitate the registration of children in the names of their mothers.
- The lack of centers belonging to the opposition institutions working to document civil cases.

- The opposition parties' lack of interest in the issue of stateless children.
- Lack of interest of the donors in the issue of stateless children or the right of women to grant citizenship.
- Lack of a unified database for stateless children.
- Organizations unwillingness to share their database with other organizations.
- The lack of appropriate expertise and trained teams in organizations to find solutions for the issue of stateless children or to document the affected cases of women and children.





**The role of activists in demanding the right of women to grant citizenship and finding solutions to statelessness**

**T**he role of the peaceful civil movement began with the beginning of the Syrian revolution, when activists took a serious stand to support the revolution and achieve its goals of freedom and dignity through civil activities and movements. Despite the security control over their areas and the continuous threats by the security forces and the large arrest campaigns, they began to develop their role to finding and implementing solutions to the problems faced by the Syrian revolution. They moved from dealing with the problems they face on a daily basis to being an active player in building the modern state and the main partner on the negotiation table.

Considering that “human rights defenders, including activists on the Internet” are an essential part of civil society, according to the United Nations Global Civil Society Handbook “Civil society space and the united nations human rights system”<sup>32</sup> it was necessary to study the role of Syrians with regard to statelessness of Syrian children, as it is one of the most marginalized problems during the pre- and post-revolution periods.

To understand the nature of their contribution to the case, we prepared a questionnaire that was distributed to more than 100 Syrian women’s and children’s rights activists, with the result that only 49 responded, in Syria, Turkey and some European countries, with 53% female and 47% male respondents.

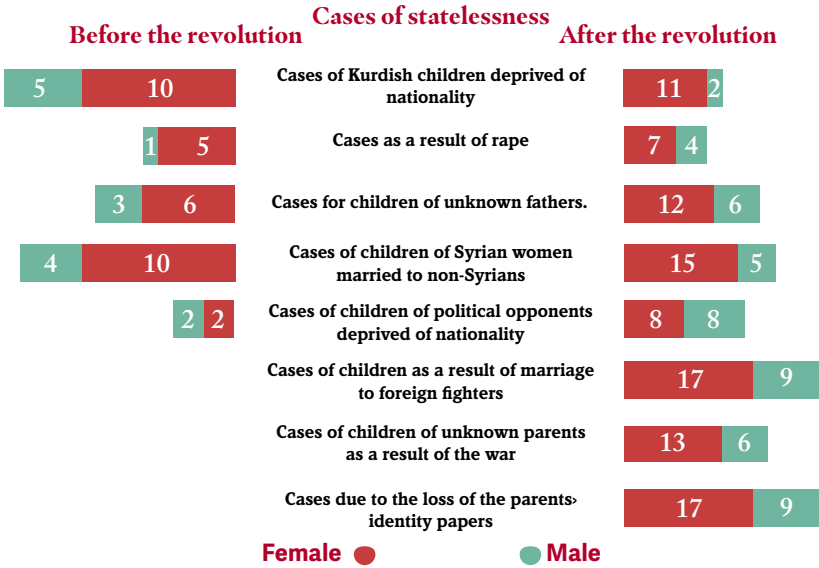
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### **| Statelessness before and after the revolution:**

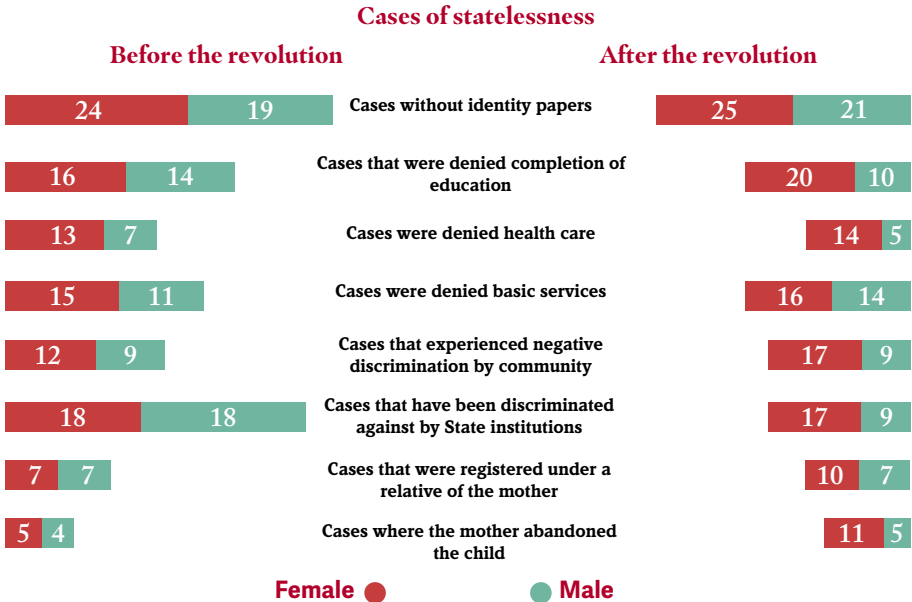
The questionnaire was based on a study of the pre- and post-revolution phases, with the aim of identifying the extent to which Syrian civil society - represented by activists - was aware of the issue of statelessness in Syria. Through the responses we received, it was clear that females are aware of the issue of statelessness in Syria before and after the revolution in all its aspects more than males. As an example, when the target audience was asked whether they were aware of statelessness before the revolution, nearly half of the answers were “yes”, but in terms of gender distribution, more females were aware of the problem by 54% compared to 43 % for males, while the percentage of targeted people familiar with post-revolution statelessness issues increased to 71%.

Female activists’ knowledge of statelessness was not superficial, but they were in direct contact with the affected women and had more direct knowledge on statelessness than male activists, depending on the nature of their

work, activities and interest.



**54** In a comparison of the negative effects on stateless children in the pre- and post-revolution stages, children were exposed to the same negative effects at both stages, with different effects on the fact that many pre-revolution stateless children become youths now:

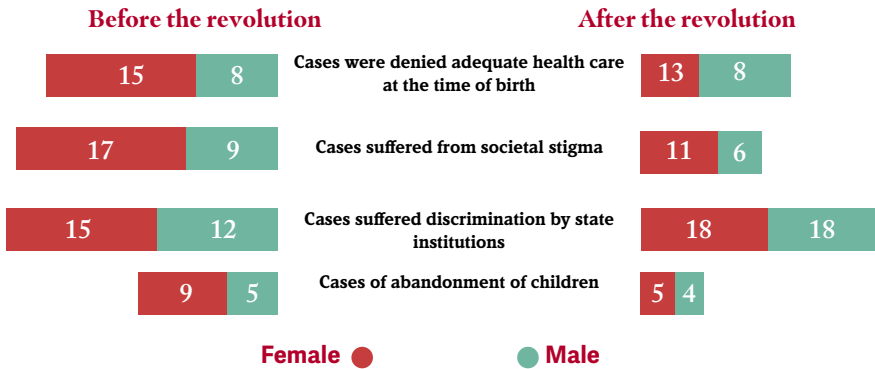


## Negative effects stateless people experienced in their youth:

- Inability to hold ownership.
- Inability to work within official departments.
- Inability to complete university studies.
- Inability to formalize marriage and register children.
- Inability to open bank accounts.
- Inability to travel.

The same applies to mothers, who have suffered negative effects, especially Kurdish women who were deprived of nationality with their children because of Al- Hasakah census of 1962.

### Cases of statelessness



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## Obstacles and solutions:

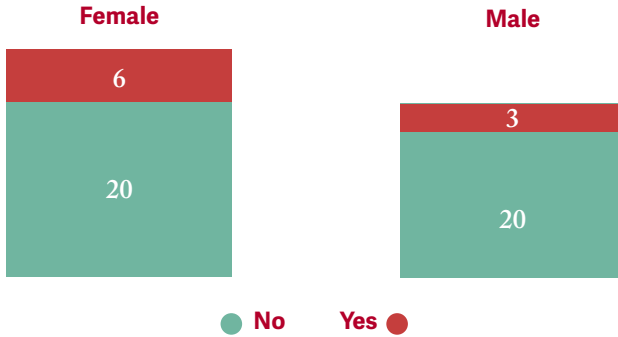
The problem of statelessness according to the opinion of the respondents was and is still related to the law that prevents the mother from conferring citizenship to her children, and the male dominated society by the Syrian regime, the issue being linked to some religious teachings, and the classification of children as “terrorists”. The issue was exacerbated during the years of the Syrian revolution for several reasons:

- Internal displacement.
- Forced migration.
- Entry of foreign fighters to Syria.
- Closure of the civil registry centers of the regime.
- Easy access to counterfeit papers.

It is also worth mentioning that 40 of the respondents were not adequately informed about the solutions that were put forward before the Syrian revo-

lution. Only nine replied that they were aware of a memorandum that has been submitted to the People's Assembly and the Ministry of Social Affairs and Labor to amend the legislative decree on Syrian nationality, in addition to an advocacy campaign to support that amendment.

### Do you know what solutions were put forward previously?



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In order to go deeper and find out why solutions had not been formulated to help solve the problem of statelessness before the Syrian Revolution, the open question was posed, and accordingly, respondents therefore mentioned several reasons:

- The regime's desire to strengthen the male role in the Syrian regime itself.
- The Syrian regime has maintained the political position of preventing Kurds and Palestinians from acquiring Syrian citizenship for their children if they marry a woman of Syrian nationality.
- The increase in the number of violations, and occupation of the authorities in responding to emergency situations only, and not considering the issue of statelessness among their priorities.
- The inability of stateless people to communicate their needs and demands properly, and civil society organizations' lack of interest in the problem of statelessness.
- The problem was not highlighted enough, as it was not a priority.
- The weak role of civil society and human rights institutions, and their inability to pressure State institutions.
- Patriarchal culture is deeply rooted in Syrian society.
- The religious reference that Syrian regime clings to, despite its claim of being secular.
- Syrian regime wants to exclude certain Syrian sects (Kurds).

In the post-Syrian revolution phase, the situation was slightly different, a small number of respondents indicated that there were some civilian actors who have tried to work on statelessness issues, but not adequately. Such examples include civil society activists and feminists who have worked individually, in addition to some Kurdish organizations demanding citizenship for the deprived, and the Syrian Women's Association.

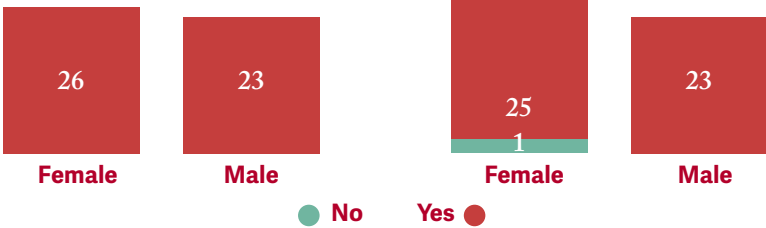
**Are you aware of any previous legal or civil activity to push for change of laws regarding the right of Syrian women to grant citizenship to their children?**



Participants agreed that women should be given the right to grant nationality and lineage as one of their most important rights, and that it was the best solution for stateless children, even if it was a long-term solution.

**Do you consider the women rights to grant their nationality to their children as a legitimate right?**

**Do you consider the right of women to pass their lineage to their children a legitimate right?**



To achieve this change, some steps are needed, according to the participants:

- Raising social awareness about the importance of change.
- Establishing a body specialized in documenting such cases.
- Shed light on the problem of statelessness and the right of women to grant citizenship and lineage.
- Pushing for changing laws in areas out of the regime's control.
- Pushing for changing of the regime's laws.
- Establishing a specialized body under the supervision of Interna-



tional and Human Rights bodies.

Regarding the procedures that could have been followed during the past years, the participants in the questionnaire indicated a set of solutions:

- Conducting a census of Syrians in general and documenting the number of stateless persons within and outside Syria.

- Involving associations and organizations in every geographical region in the process of creating mechanisms to document statelessness and lineage.

- Organizing offices to register newborns in “liberated” areas, and their recognition by civil affairs departments under the regime control areas.

- Electing a legitimate government.

- Raising awareness around the marriage to unknown foreigners, customary marriage, in addition to the need to register children.

- Repeal of discriminatory laws against women.

- Civil records centers in the liberated areas should begin to register children as Syrians, regardless of their circumstances, even if these papers are not recognized internationally, which contributes to breaking the social barrier.

- Obtaining internationally recognized temporary documents for children.

- Establishing reliable bodies to document cases of stateless persons and descent, and to give them official documents.

- Advocacy campaigns that support the idea of a woman’s right to grant citizenship and lineage.

- Work on issuing a paper on the current law and working on its adoption by political stakeholders, especially the Syrian Constitutional Committee.

From the procedures put forward, it is noted that the documentation process is one of the most important steps that must be acted upon as soon as possible, but it is complex and faces many difficulties:

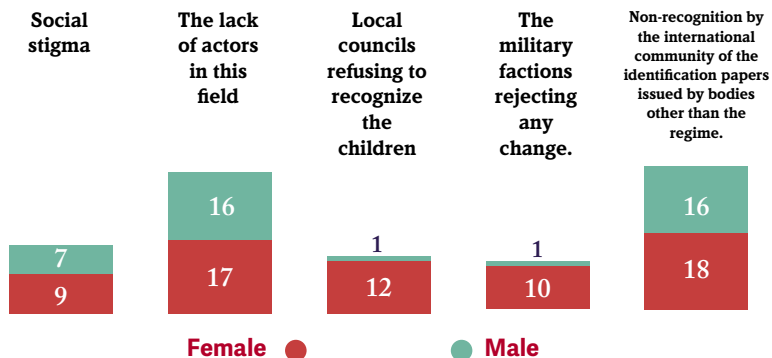
- Social stigma.

- The lack of actors in this field.

- Local councils refusing to recognize the children.

- The military factions rejecting any change.

- Non-recognition by the international community of the identification papers issued by bodies other than the regime.



In order to avoid these difficulties, the respondents proposed a set of solutions, which would facilitate the process of documenting and registering stateless children:

- Assigning relevant committees by the United Nations to form and follow up documentation committees.
- Creating an electronic system for the civil registry in areas outside of the regime's control.
- Pressure local councils and civil registries to activate documentation mechanisms.
- Coordinate cooperation between local authorities and civil society organizations to activate documentation mechanisms.
- Facilitate documentation processes depending on the mother's testimony.
- Forming a specialized team at the national level to work on documenting children inside and outside Syria.
- Recognition of the specialized institutions in areas outside the regime's control.

## The role of influential actors and persons in the Syrian scene:

Asking activists about the role that stakeholders and influential people should play to start implementing the proposed solutions and mitigate the negative consequences facing stateless persons and women, there was consensus on four main bodies capable of implementing the proposed solutions. This carries the prerequisite that coordination takes place to form a recognized body able to register and document children, and to prepare a common database available to all those interested and working in the field of women's and children's rights:



## 1- Activists and influencers

The participating activists held themselves responsible for their delay in proposing solutions to the problem of statelessness, and for not discussing the problem in all its aspects before it exacerbates. They indicated several points that all those concerned about women and children must work on:

- Faith in the rights they demand.
- Adopting the cause and talking about it in various media outlets.
- Contributing to raising awareness through advocacy campaigns in cooperation with the relevant stakeholders.
- Raising community awareness of the dangers of statelessness and the need to grant women their nationality and lineage to their children.
- Facilitating and assisting civil society organizations to reach affected families.

## 2- Politicians and Diplomats

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Activists believe that the role of Syrian politicians and diplomats is no less important than the role of the parties in the Syrian scene. From this standpoint, the participants suggested that the role of politicians and diplomats should focus on raising the issue in political platforms, and in international bodies and forums that are interested in the internal situation of Syria. These bodies are able to influence and pressure the regime to endorse the right of Syrian women to grant their nationality to their children, change the laws related to granting of lineage from the mother, and obtain international recognition for the civil records that will be created that include all stateless children related to their mothers.

## 3- Civil society organizations

In recent years, civil society organizations are considered the primary outlet for many activities essential to the lives of individuals, and accordingly the participants suggested that civil society organizations assume the role of coordination between the local community and the relevant authorities for registration and documentation. They should also define registration mechanisms to facilitate the transfer of cases to the documentation bodies, in addition to preparing society to accept the idea of granting women the nationality and lineage through social, legal and psychological awareness programs according to the specialization of each organization.

## 4- International community organizations

Respondents indicated the futility of dealing with international community organizations and attributed the reason to their inability to bring change in a number of Syrian issues since the beginning of the Syrian revolution. On the other hand, some placed the greatest burden of responsibility on the international community, as they indicated a number of points of duty that they should work on, in coordination with the three aforementioned parties, to establish the right of women to grant citizenship and to guarantee nationality for stateless children:

- Pressuring countries to recognize the papers and documents that will be issued by the civil registries that will be created.

- Pressuring the Syrian regime to recognize the papers and documents that will be issued by the civil records that will be created.

- Empowering Syrian civil society organizations to work on registering and documenting children who are not registered and stateless, in accordance with the rules and official conditions.

- Pressuring the Syrian regime to change discriminatory laws against women and amend them in accordance with Syria's legal obligations.

- Ensure the implementation of United Nations Security Council Resolution 1325<sup>33</sup>, which urges the Security Council, the Secretary-General, Member States and all other parties to take the necessary measures in matters related to women's participation in decision-making processes and the protection of women from physical violence, discrimination and other items.

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## Results of the questionnaire

Through the previous analysis of the questionnaire forms, we can highlight several points that the participants referred to:

- In regard to the gender distribution of respondents, we note the wide difference between female activists' knowledge of statelessness, as well as their direct follow-up to cases, and their knowledge of the solutions and problems faced by children and their mothers.

- Increased numbers of statelessness after the Syrian revolution.

- The negative impacts on women and children are the same during the pre- and post-revolution stages.

- Respondents unanimously agreed on the right for women to grant citizenship and lineage.

- Emphasizing the need to eliminate discriminatory laws against women, the most important of which are laws on the granting of citizen-

ship.

- Emphasizing the need to start the documentation and registration processes for children, regardless of their circumstances.
- Emphasizing the need for cooperation between civil society organizations, activists, and politicians, to set up registration and documentation mechanisms.

The challenges for finding solutions to the problem of statelessness before and after the revolution are similar:

- Male domination in society, law and the Syrian regime.
- The problem of statelessness is not considered a priority.
- The regime's desire to marginalize some sects of Syrian society (Kurds).
- The regime's exploitation of the cause of the Palestinians and its unwillingness to naturalize them.
- There are no serious attempts to find solutions to the problem by the concerned authorities.







The importance of the media in mobilizing public opinion and highlighting thorny issues in society is well known. Since the beginning of the Syrian revolution, it has received widespread media attention that the local, Arab and international media continued to cover the course of events in Syria, each according to its own policies. And after the participation of many external parties and the involvement of foreign militias and foreign fighters in the Syrian conflict, the Syrian issue has turned from a revolution of people demanding their legitimate rights in citizenship and democracy, to a case of war against terrorism represented by Islamic organizations and their fighters.

From this standpoint, Arab, Western and local media outlets gave a great importance to monitoring news of the “Islamic State” (ISIS) and the war against it and the problems caused by the presence of this group within the Arab and Syrian society in particular. Among these problems, we can observe that the families of migrant fighters move to live in Syria with their children, and marriages of foreign fighters affiliated with ISIS to Syrian women took place. The media outlets have differently reported on the consequences of the existence of “ISIS”, in accordance with their various policies and orientations.

### “Children of ISIS” in the Western and Arab media

The attention of the international community, through the media, has turned to the children stranded in Syria, given that these children were brought by their parents to fight in Syria from the point of view of some Western media. The problem was presented from one point of view, which is the return of foreign fighters and their children to their home countries, as it is a thorny issue in all the countries from which they came. Especially, after several countries refused to bring children back from Syria, for fear of the security implications that may occur after they resided in an extremist society. Many of the reports described the children as the “children of ISIS,” or as the face or new generation of terrorism.

Most of the reports focused on the “Al-Hol” camp in Syria, which is under the rule of the Kurdish “Autonomous -Administration” and the conditions of the families of ISIS fighters after the collapse of their last stronghold in Syria in 2017.

According to United Nations data, the “Al-Hol” camp includes about 75,000 people, 15% of whom are foreigners. 19% are women, while children

makeup 66%<sup>34</sup> of the camp's population.

This interest came after the circulation of many stories of children and mothers living in poor humanitarian conditions inside the camp among these reports is a series of documentary investigations by "Euronews" published on March 22, 2020 entitled "Europe's Children of ISIS"<sup>35</sup>, which included interviews with women and children and camp officials, and this series of reports encouraged the return of children to their countries of origin stressing the necessity of this matter.

**Some countries have reportedly brought back only children without their mothers** and handing them over to the respective authorities in their countries. According to reports by "FRANCE 24" children between the ages of two to 17 years old were brought to Australia<sup>36</sup>, as well as in Belgium<sup>37</sup>, where Six orphans were recovered, according to a report by "Euronews".

As noted through previous reports from 2015 to 2020, media outlets shed light disproportionately on the children of foreign fighters, who possess identity papers belonging to the country of their fathers<sup>38,39,40</sup>, **while the issue of children born in Syria to unidentified fathers has not received the needed attention.** United Nations High Commissioner for Human Rights Michelle Bachelet called for the return of the children of fighters at the opening of the fourth session of the Human Rights Council: "Children, in particular, have suffered grievous violations of their rights including those who may have been indoctrinated or recruited by ISIS to perpetrate violent acts<sup>41</sup>. It was also mentioned in Bachelet's speech that there is a necessity for granting children the nationality of their fathers. "States must assume responsibility for their nationals" and should not inflict the "irresponsible cruelty"<sup>42</sup> on fighters' children who have already suffered so much" without reference to the consequences of leaving these children stateless and depriving them of their most basic rights.

On the other hand, some media timidly mentioned the problem of statelessness in Syria in a press report in 2015<sup>43</sup>, "Al-Arab" newspaper published

34 UN News-'Foreign children' in overwhelmed Syrian camp need urgent international help, says top UN official- 2018

35 Euro news Exclusive: Europe's Children of ISIS- Anelise Borges- 2020

36 'france 24- Australian Prime Minister Announces Directed by children from a camp Jihadists in Syria

37 Euro News - Six Belgian orphans of Islamic State fighters taken in by Belgium- Alice Tidey

38 Women and Children First: Repatriating the Westerners Affiliated with ISIS

39 The Washington Post- The world must do something about the children of ISIS fighters- Editorial Board

40 The Newyork Times- Western Countries Leave Children of ISIS in Syrian Camps- Ben Hubbard and Constant Méheut

41 France 24- UN human rights chief calls for IS group families to be repatriated

42 Ibid - France 24- UN human rights chief calls for IS group families to be repatriated

43 Alarab- Children without a nationality: the suffering of the present and the loss of the future

in London referred to the Syrian “Bidun” (without), and mentioned several cases of statelessness. This included the issue of lost identity papers and the Lebanese state refraining from granting official documents proving the birth of children on its territory. The Minister of Foreign Affairs at that time Gebran Bassil called on the United Nations High Commissioner for Refugees to “stop registering Syrian children who were born in Lebanon,” and other problems facing children and their families.

## **| Stateless Children in the local media:**

The local media was not more interested in Syrian stateless children than the international media. However, some reports were written about the problem, without going into detail, for example cases of childbearing as a result of rape in detention centers were absent. In particular there was a lack of concrete statistics, and interaction of documentation centers to provide journalists with the necessary numbers to know the scale of the problem. Some media outlets simply monitored the movements of the Syrian regime to find solutions for unregistered children.

“Enab Baladi” newspaper is one of the few media outlets that attempted to cover the issue of stateless children from Syrian mothers. In an investigation conducted in 2019 titled “Syrians only in name... refugee children without Syrian nationality”<sup>44</sup> the legal cases of Syrian refugee children who were born in countries of asylum were discussed. They were not registered in the Syrian official departments for several reasons mentioned by the investigation, including:

- Families who oppose the Syrian regime and do not recognize its government and its official departments.
- The financial burdens facing refugees in both Turkey and Lebanon.
- The inability to formalize the marriage and difficulty in obtaining official papers from Syria.

In another article entitled “Children Made “Illegitimate” by War<sup>45</sup>, the newspaper dealt with the problem of Syrian children without a mother and father, or of women who were raped, or women who are unable to formalize their marriage or the lineage of their children. These children are thus stigmatized as “foundlings”. The article also examined the measures taken towards these children, so that they do not become stateless.

44 Enab Baladi- Syrians only in name: refugee children without Syrian nationality- Zainab Masri | Taim al-Haj | Murad Abdul Jalil

45 Enab Baladi- Children Made “Illegitimate” by War



Al-Jumhuriya newspaper dealt with the issue in an investigative report entitled “children of the Unknown”<sup>46</sup> published in 2019, and it can be considered the most comprehensive investigation to date. It dealt with the case of Syrian marriage to foreign fighters since its inception, using many documented testimonies, documents and analysis of the cases, in addition to statistical figures of the number of children “without proven lineage” - as the journalist called them - in some Syrian regions in addition to a legal analysis of the laws that are subject to the areas targeted by the investigation, which helped to give an integrated overview of the problem in those areas, its size and the manner of dealing with it.

“ARIJ” investigative journalism network published in 2016 an investigation entitled “Syria’s fatherless children”<sup>47</sup> that dealt with the situation of Syrian women in the regime-controlled areas. With a special focus on women married to people who were kidnapped or forcibly disappeared, and those who were killed due to the bombing of the cities or villages in which they lived and were unable to register their children because of the loss of identity papers or inability to register the marriage, because there are no authorities belonging to the Syrian state in the areas of their displacement.

The investigation relied on the testimonies of women affected and lawyers who had confirmed that children had difficulty obtaining official papers because of the complexities imposed by laws and regulations, the experience of Tunisian and Bosnian women giving their nationality and citizenship to their children is cited as two options that can be followed for Syrian women and their children.

Our team worked on searching for written media material that dealt with the issue, only a few of these materials were available, and the research team followed up with several local media outlets to make sure that they covered the issue of Syrian statelessness, or the right of Syrian women to grant their nationality to their children. Only few Syrian media outlets addressed the issue in a limited and simple way, including:

- “Rozana” Radio, which dealt with the issue through interviews with legal figures, women’s rights activists, and opinion polls of different groups of families.

- “Nasaam Syria” Radio also dealt with the issue in a simple way, by raising some aspects of the issue, such as the legal consequence for a Syrian woman married to a Turkish, or the challenges facing a Syrian woman married to a foreign fighter.

<sup>46</sup> Aljumhuriya- Children of the unknown

<sup>47</sup> Arij- Syria’s Fatherless Children- 2016

While the rest of the media - 9 local media outlets - did not respond to the research team, about how they covered the problem.

### **| The statelessness before the revolution:**

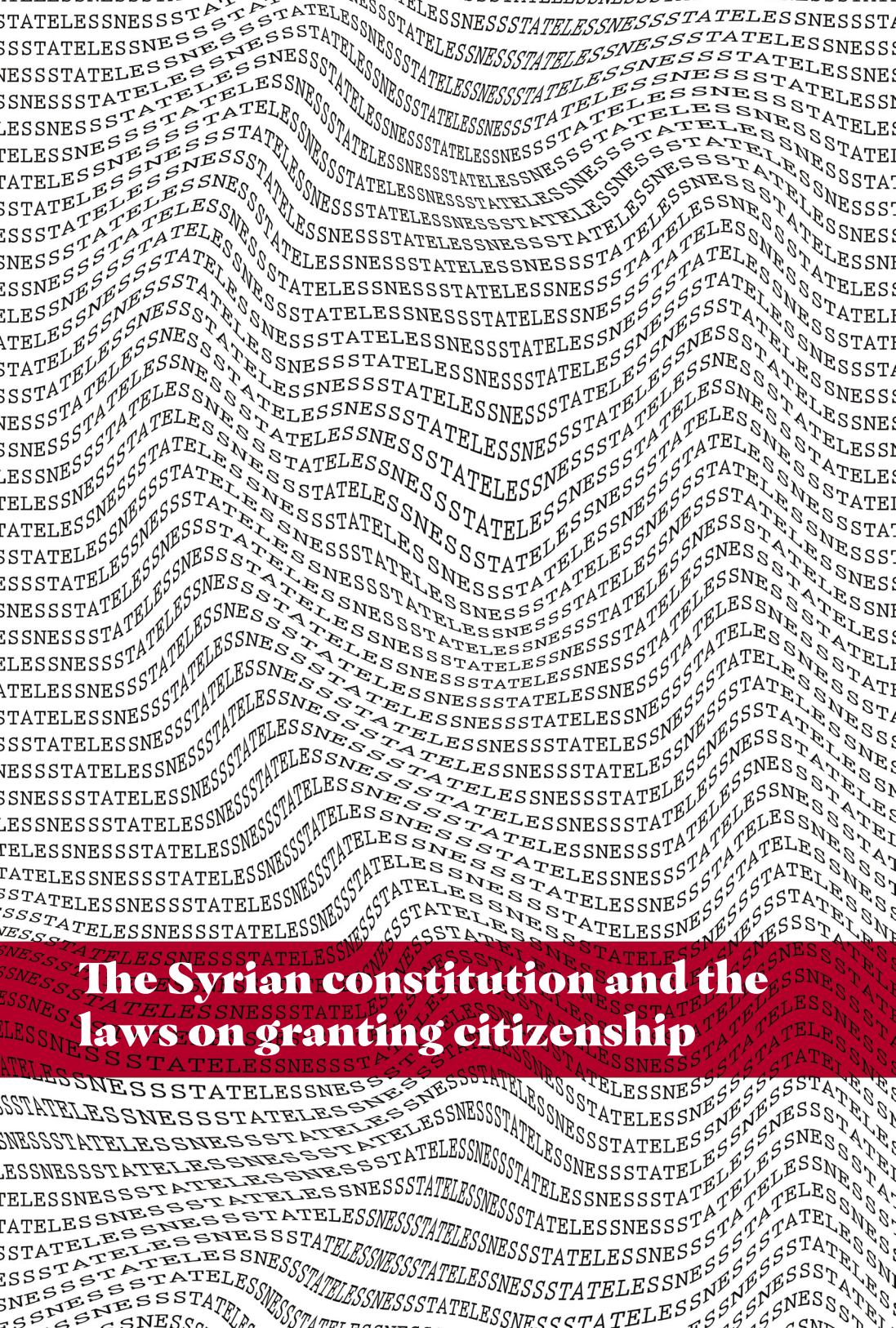
The statelessness issue began to appear on the Syrian media in 2004 when the Syrian Feminist Association launched an advocacy campaign to support the change of the legislative decree on nationality, which denies women the right to grant their nationality to their children, especially women married to foreigners.

Many local newspapers and websites reported on the campaign, relying on testimonies, and the "ARIJ" network also published an investigation that highlighted the problem titled "The Curse of Syria's Sexist Citizenship Law"<sup>48</sup> published in 2008. It dealt with stories of Syrian women married to Arabs, some of whom did not obtain the nationality of their fathers. Therefore, they could not pursue their education or work in the institutions of the Syrian state, or even benefit from social and health services, and others of Syrian women children who lived in Syria their entire lives and died treated as a foreigner. The investigation also dealt with a simple analysis of the Syrian nationality law, in addition to the religious opinion in finding solutions.

However, despite the fact that this issue was covered by the local media before the revolution, the issues of the stateless and the Kurds were deliberately neglected by the successive Syrian governments.

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48 Arij - The Curse of Syria's Sexist Citizenship Law



# The Syrian constitution and the laws on granting citizenship

**S**yrrian women have been deprived of the right to confer nationality to their children since the enactment of the first nationality law in Syria in 1928 despite the amendments made to this law. The clauses related to women's rights have yet to be changed; since Syrian law grants the right to pass nationality and filiation solely to the father. In order to apply this, the Syrian regime has relied on many false arguments to justify this discrimination, including sovereignty of the state and preserving the Palestinians' right to return. The latest of these justifications was that these laws are contradicting the Islamic Shariah law, another pretext to justify denying the obligations of article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

**In 2004, Syrian women movements began calling for a change to the nationality law** to counteract the consequences concerning marriage to foreign nationals and treating children born from these marriages -and residing in Syria - as foreigners. However, the consequences of this discrimination have been exacerbated since the beginning of the Syrian revolution in 2011 and are affecting a larger number of Syrian women. The damage caused by this law has been affecting children, depriving them of their most basic rights enshrined in the Convention on the Rights of a Child (CRC), i.e. nationality and lineage in addition to education, health and social services.

This research analyzes legislative decree No. 276 of 1969 on Syrian nationality and the laws regulating filiation to identify the gaps in the existing laws that discriminate against women. This in turn addresses the necessity of recognizing women's rights to pass their nationality onto their children, and also proves the regime's evasion of ensuring equal nationality rights for men and women by reviewing the international conventions and treaties signed by Syria. In the end of the research and based on our findings, an amendment to the legislative decree is proposed in order to ensure women equal rights to confer nationality to their children, without discrimination or conditions.

## **The history of the Syrian nationality law**

The establishment of modern Turkey and the split of the former Ottoman Empire, under the Treaty of Lausanne and other post-World War I treaties, was the start of the application of nationality laws in the Arab world. As a result, the so-called "Ottoman subjects" started acquiring the nationalities



of the newly formed political entities, and therefore, the Ottoman subjects residing in what was known as the Federation of the Autonomous States of Syria were subjects to the first Syrian nationality law of 30/08/1924. This took place after the French High Commissioner issued resolution 2825, concerning the establishment of nationality and by the force of law for all the residents of the Syrian territory, under the *jus soli* principle (right of soil)<sup>49</sup>.

The declaration of independence, Act No. 98 of 21/05/1951 was, for the first time, developed by Syrian lawyers. They derived most of its provisions from the French law, which relies solely on patrilineal filiation. The same would apply to the nationality law promulgated by Legislative Decree No. 21 of 24/02/1953, amended by Act No. 492 of 16/02/1957.

In 1958, a group of Syrian and Egyptian lawyers prepared Act No. 82 of 22/07/1958, which was adopted under the United Arab Republic and was considered the first interaction between Arab legal experts. Article (2) stipulated:

- The following shall be considered nationals of the United Arab Republic<sup>50</sup>:
- (A) Anyone born to a father holding the nationality of the United Arab Republic.
  - (B) Anyone born in the United Arab Republic to a mother holding the nationality of the republic and a father of unknown nationality or without one.
  - (C) Anyone born in the United Arab Republic to a mother holding the nationality of the republic and his paternal filiation has not been legally established.

The following nationality laws did not differ from the previous ones, since all of these laws gave precedence to paternal filiation without taking women's rights into account. For instance, the nationality law passed by the secessionist government promulgated by the legislative decree No. 67 of 1961, adopted the same principle even after the al-Baath party came to power and passed decree No. 276 of 1969, which remains in force. No substantial amendments were made, and Syrian women are still denied the right to pass their nationality to their children.

It should be highlighted that the Syrian regime had subsequently passed

49 Ministry of Defense - Syria- French mandate over syria

50 Nationality Law No. 82 of 1958 - Ahmed Kenawy Advocates and Legal Consultants Office

a number of presidential and legislative decrees that would grant Syrian nationality to non-citizens residing in Syria. **The latest was decree No. 49 of 2011<sup>51</sup>, on granting Syrian nationality to non-citizens of al-Hasakah**, which was linked to the exceptional census of 1962. This was carried out in al-Hasakah governorate and stripped thousands of Kurds of their Syrian citizenship<sup>52</sup>. Since the law was not executed as intended, the problem persists, and **thousands of stateless individuals who attempted to apply for citizenship since passing the ministerial ordinance annexed to decree No. 49 did not obtain Syrian citizenship**. Additionally, the issue of unregistered persons (stateless) who were not recorded in the census, had not been addressed.

### **Legislative decree No. 276 of 1969<sup>53</sup>**

Article 3 of Syrian Arab nationality law promulgated by legislative decree No. 267 of 24/11/1969 stipulates:

The following shall be considered as Syrian Arabs:

- (A) Anyone born inside or outside the country to a Syrian Arab father.
- (B) Anyone born in the country to a Syrian Arab mother and whose legal family relationship to his father has not been established.
- (C) Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling from the country shall be considered born in it, at the place in which he was found, unless proved otherwise.
- (D) Anyone born in the country and who was not entitled, at birth, to a foreign nationality by the right of affiliation.<sup>54</sup>

We can determine the position taken by the Syrian legislation on women's nationality by outlining the criteria for granting Syrian citizenship as stated in the legislative decree. The law adopts the *jus sanguinis* principle, which is enforced unconditionally when the father is a Syrian nationality holder; whereas the principle is conditional to many factors when it comes to Syrian mothers, such as birth outside of wedlock, *jus soli* and other complexities that do not always apply to Syrian women's contexts.

51 Legislative Decree No.49 of 2011

52 STJ- "Syrian Citizenship Disappeared"

How the 1962 Census destroyed stateless Kurds' lives and identities

53 Legislative decree No. 276 of 1969

54 In Syria, mothers can only confer nationality if the child was born in Syria and the father does not establish filiation in relation to the child. Syria has a safeguard in place to prevent statelessness among children born in the territory but is not clear that this is implemented in practice

## **I- The original criteria for granting nationality in Syrian legislation:**

It is clear that Syrian legislation relied on a set of basic criteria, i.e.:

### **- Paternal filiation (jus sanguinis) as a primary requirement:**

In paragraph (b), the legislature decided that original nationality may be proven based on maternal filiation, however, backed by jus soli and only to children born out of wedlock. Therefore, a child born out of wedlock born to a Syrian mother is not considered Syrian if he/she was born outside Syria. Which means that being born to a Syrian mother does not grant the automatic acquisition of her nationality, except under certain conditions, i.e., the child should be illegitimate and born inside Syria.

### **- Maternal filiation to be backed by jus soli proof and exceptional to the case of unproven paternal filiation:**

In paragraph (b), the legislature decided that original nationality may be proven based on maternal filiation, however, backed by jus soli and only to children born out of wedlock. Therefore, a child born out of wedlock born to a Syrian mother is not considered Syrian if he/she was born outside Syria. Which means that being born to a Syrian mother does not grant the automatic acquisition of her nationality, except under certain conditions, i.e., the child should be illegitimate and born inside Syria.

### **- Jus soli for certain groups specified by law:**

The legislature adopted the jus soli principle as the primary basis to prove the original Syrian nationality of specific groups of children in an attempt to prevent statelessness. The groups are:

- children born inside Syria to unknown parents (foundlings).
- children born inside Syria to known parents of unknown nationality.
- children born inside Syria to known parents, but they do not hold any nationality (stateless) at birth.<sup>55</sup>

<sup>55</sup> Davis, Uri. "CITIZENSHIP LEGISLATION IN THE SYRIAN ARAB REPUBLIC." Arab Studies Quarterly, vol. 18, no. 1, 1996, pp. 29–47. JSTOR,...

## **- II- Maternal filiation of legitimate children born to Syrian women:**

Unlike what was established in article 3(b), regarding the right to nationality based on the maternal filiation of an illegitimate child, the Syrian nationality law No. 267 of 1969 does not include an explicit reference regarding filiation of a legitimate child. Which must be taken into account and properly analyzed based on the provisions of the Syrian nationality law and the international commitments by which the Syrian regime is bound.

### **Domestic laws and filiation**

It is necessary to discuss the governing laws in Syria, in order to explain the nature of the relationship between men and women and highlight discrimination against Syrian women, especially regarding matrilineal filiation. The discrimination occurs despite the Syrian regime's claims of granting women's rights in accordance with article No. 23 of the constitution.<sup>56</sup>

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#### **| Personal Status Law No. 59 of 1953 amended by law No. 34 of 1975:<sup>57</sup>**

This law covers matters of engagement, marriage, divorce and alimony, in addition to others related to guardianship, trusteeship and filiation. Articles 128-131 of the law specify the conditions of establishing filiation from a valid marriage. Article 129 stipulates:

Filiation of a child of every wife in a valid marriage shall be attributed to the husband under the two following conditions:

1- The period of gestation must exceed the duration of the marriage contract (minimum duration of 180 days and a maximum duration of one solar year, as stipulated in article 128 of the personal status law).

2- There is no evidence proving that the spouses did not have physical contact, as though one of them was in prison or in a distant country, for a period exceeding the duration of pregnancy.

Whereas articles 132 and 133 specify the conditions of establishing filiation in invalid marriages and unlawful intercourse. Article 132 of the personal status law stipulates, "a child born at least 180 days after the consummation

<sup>56</sup> Syrian Arab Republic's Constitution of 2012  
<sup>57</sup> The Personal Status Law, No. 59 of 1953



of an invalid marriage shall be attributed to the husband." Mention should also be made of article 51 of the law, which stipulates that the consummation of an invalid marriage results in "filiation as prescribed in article 133." The first paragraph of this article stipulates, "if a woman gave birth from unlawful intercourse within the limits of the specified period of pregnancy, the child shall be attributed to the man."

Articles 134 and 135 specify the provisions regarding filiation. Paragraph 2 of article 134 stipulates, "if the declarant is a married woman or a woman in her waiting period, filiation to the father shall be established only by acknowledgement or providing proof." And according to article 135, "maternal or paternal filiation of a child of unknown parentage shall be established by the acknowledgement of the declarant and a reasonable age difference between them."

As for registering a marriage contract, article 40 of personal status law specifies the prerequisites, which also apply to "recording judgements confirming marriage, divorce, paternity...".

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According to article 45 of the law, the main requirements can be summarized as follows: a notarized marriage certificate for the husband with his entire personal data and national number. The same applies for the wife, her guardian, and two adult male witnesses. Other documents are required to be attached to a marriage certificate, i.e. a marriage license for the man, issued by the directorate of military recruitment; the chosen address, in addition to stating deferred and prompt dowry and the date of the marriage contract, which is crucial to prove marital status (by which pregnancy duration is calculated). **In case any of these prerequisites are missing, the marriage contract is considered invalid**, therefore, it cannot be registered in the Shariah court according to the shariah judiciary.

With taking into consideration the extraordinary living circumstances faced by Syrians under internal and external displacement, establishing paternity becomes almost impossible, especially in cases where the requirements and conditions stipulated by the law cannot be met. For instance, the lack of a "valid marriage contract," for being lost or unrecognized by the countries of asylum, e.g. for being issued by entities outside of the Syrian government control, means failure to register the marriage, therefore, failure to establish paternity. In these cases, children born to Syrian mothers cannot be granted the Syrian nationality.

As mentioned above, failure to meet any of the requirements to confirm a

marriage contract makes registering children born to Syrian mothers almost impossible, due to failure to establish the child's filiation in relation to the Syrian father. For this reason, the Ministry of Justice must instruct Shariah courts in Syria, which are competent to matters of filiation in accordance with the Code of Civil Procedure, to facilitate the procedures of establishing paternity. Under domestic law, the Syrian government has duties to ensure that "everyone [shall] have a name and a surname, and the surname shall be passed on to the person's children," according to article 40 of the Syrian Civil Code.<sup>58</sup>

## Syria's international obligations regarding lineage and nationality

Women's rights started evolving in the 1930s within the framework of the League of Nations. Since the United Nations came into existence, the feminist cause has notably taken on an international dimension, especially after the establishment of the Commission on Status of Women in 1946.

In 1979, the General Assembly of the United Nations adopted the CEDAW<sup>59</sup>, as the international bill of rights for women. The Convention obliges States to guarantee equal political, social and civil rights, without distinguishing between men and women in the constitutions and domestic laws of the signatory States.

Many States had entered reservations on certain provisions of the Convention, which, as claimed, are contrary to the constitution or to Shariah laws.

In turn, Syria had ratified the CEDAW, which stipulates in article 9, "**States Parties shall grant women equal rights with men with respect to the nationality of their children.**" However, Syria expressed a reservation to this article in legislative decree No. 330 of 2002<sup>60</sup>, for being contrary to Sharia law, without demonstrating these contraventions.

The reservation was changed in the States Parties' second report for the Committee on CEDAW, issued on 24/07/2012 in which it confirmed paragraph 224<sup>61</sup>. The report assured that "there is no contradiction between ar-

58 The Syria's Civil Law promulgated by Legislative Decree No. 84 of 1949

59 Convention on the Elimination of All Forms of Discrimination against Women

60 Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women- PAGE28

61 Consideration of reports submitted by States Parties under article 18 of the Convention on

article 9 and Sharia law, for there is a big difference between filiation, which is established according to Sharia and attributed to the father; and nationality, which is the relationship between the individual and the State, and it is a man-made law.” However, Paragraph 226<sup>62</sup> of the report justified Syria’s reservation on article 9 “on the basis of national considerations regarding the return of Palestinian refugees and the need to preserve their identity and right of return.” Whereas paragraph 227<sup>63</sup> of the same report states that the reason for Syria’s reservation on article 9 arises from a sovereign, not discriminatory, standpoint. It says “considering the critical geopolitical and strategic location of Syria. In addition to being a major transit center between continents, it is also an open State that welcomes and hosts newcomers, displaced persons, those fleeing the scourge of wars and asylum seekers; consequently, many marriages occur. Therefore, the impediments of granting nationality to children of Syrian women born to a non-Syrian father arise from a sovereign, not discriminatory, standpoint.”

In addition to ratifying CEDAW, the Syrian regime had also ratified the Convention on the Rights of the Child (CRC) in 1993<sup>64</sup>, which stipulates in article 7(1), **“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”** While paragraph 2 of the same article stresses the obligation of all States to protect children from statelessness.

In 1969, the Syrian regime ratified the International Covenant on Civil and Political Rights (ICCPR) of 1966<sup>65</sup>, which stipulates in article 24(3)<sup>66</sup>, **“Every child has the right to acquire nationality.”**

The Covenant also stressed the obligations of all signatory States to grant the enjoyment of the rights provided in the Covenant without discrimination based on gender. Article 3 ensures, **“the equal right of men and women to exercise all civil and political rights set forth in the present convention.”**

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the Elimination of All Forms of Discrimination against Women  
Second and third periodic reports of States Parties- paragraph 224

62 Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Second and third periodic reports of States Parties- paragraph 226

63 Ibid- paragraph 227

64 Convention on the Rights of the Child

65 International Covenant on Civil and Political Rights

66 Ibid- article 2

It must be emphasized that Syria is obliged to ensure the prohibition of discrimination based on gender, since it is part of customary international law as affirmed by the International Court of Justice. Therefore, all States are obliged to reinforce it, irrespective of their treaty ratifications.

International treaties and conventions do not oblige the Syrian regime to adopt protection measures only, they are also obliged to adopt positive measures in order to achieve effective and equal women's empowerment in all fields. According to article 2 of ICCPR<sup>67</sup>, Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant...".

Whereas article 2 of CEDAW imposes an obligation on all States to undertake measures and actions to eliminate the laws and abolish practices that discriminate, directly or indirectly, against women<sup>68</sup>. The article on which the Syrian regime initially entered reservations for being contrary to Sharia laws, which is the same pretext used against article 9 of the Convention. However, the regime soon issued Decree No. 230<sup>69</sup> to withdraw the reservation as long as the measures are not in conflict with Sharia laws. This conveys that the Syrian regime does not commit to undertaking the measures deemed unfit to serve its visions regarding women's rights.

It must be noted that article 19(c) of the Vienna<sup>70</sup> Convention on the Law of Treaties stipulates that signatory States may not enter a reservation if it is incompatible with the purpose of the treaty. **Which means that Syria's reservation on articles 2 and 9 of the CEDAW is prohibited by international law.** Thus, Syria must undertake all appropriate measures to abolish laws and practices discriminating against women, primarily granting them the right to maternal filiation and to confer nationality to their children.

The right to nationality is a fundamental human right, as article 15 of the Universal Declaration of Human Rights stipulates<sup>71</sup>, **“Everyone has the right to a nationality”**. Moreover, International Human Rights Law stresses that the right of States to determine their nationals is not absolute, and that States must comply with human rights, especially regarding the granting

67 International Covenant on Civil and Political Rights- article 2&3

68 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)- Article 2

69 Legislative Decree No. 230/2017

70 Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969

71 Universal Declaration of Human Rights

and the loss of nationality.

In 1954, a convention relating to the Status of Stateless<sup>72</sup> Persons was adopted in order to regulate the situation of stateless persons around the world. Article 4 of the convention stipulates: **“A Contracting State shall grant its nationality to a person born in its territory”**. The convention also obliges each signatory State to “grant its nationality to a person, not born in the territory of a Contracting State, who would otherwise be stateless, if the nationality of one of his parents at the time of the person’s birth was that of that State.” The Convention defined a stateless person as, “a person who is not considered as a national by any State under the operation of its law.” Although Syria is not a State Party to the Convention, the obligation to avoid statelessness is part of customary international law; therefore, binding upon Syria.

Given that children are the most affected by statelessness, several international instruments have recognized Children’s right to nationality. According to ICCPR and article 7 of CRC, **“Every child shall have the right to acquire nationality”**. Furthermore, article 24(2) of ICCPR and article 7 of CRC define the obligations of each State to register children immediately after birth. Article 7 of the Convention of the Rights of Child in Islam stipulates **“The child shall have the right from birth to a good name, to be registered by the competent authorities to determine his/her nationality...”**

## **The Gaps in Legislative Decree No. 276 and the Constitution**

Despite the Syrian regime’s persistent claims of ensuring full equality for women and the full enjoyment of their rights, the previously mentioned laws and legislative decrees indicate otherwise. In confirmation of this, the research examines articles of the constitution that are completely contrary to what was indicated earlier. According to Article 23<sup>73</sup> of the Syrian Constitution, **“The state shall provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life, and the State shall work on removing the restrictions that prevent their development and participation in building society.”** While article 33<sup>74</sup> stipulates, **“Citizens shall be equal in rights and duties**

72 relating to the status of stateless persons

73 Decree 94 / 2012- Article 23

74 Ibid- article 33

**without discrimination among them on grounds of sex, origin, language, religion or creed.”**

In practice, none of these articles are being followed in domestic law, but rather the contrary; they deepen the gap between men and women, especially regarding the issues of filiation and nationality. However, and according to the provisions of the constitution, the Syrian regime is still bound to amend the previously mentioned laws that constitute discrimination against women. Article 154<sup>75</sup> instructs amending the laws in accordance with the provisions of the constitution within a period of no longer than three years. This means, “any legal regulation contrary to article 33 of the constitution, discriminating against women, to be amended within the aforementioned Period,” as assured in the Syrian government’s report to the Committee on Elimination of all Forms of Discrimination Against Women<sup>76</sup>.

In addition, Syria is also bound by the international obligations which take precedence in application when they conflict with the domestic law in force. According to article 25 of the Syrian Civil Code, in the event of conflict between a domestic law and an international treaty to which Syria is a Party, the international treaty takes precedence<sup>77</sup>.

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75 Decree 94 / 2012- article 154

76 Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women- Second and third periodic reports of States Parties- Article 45

77 The Syria’s Civil Law promulgated by Legislative Decree No. 84 of 1949- article 25

## **Proposal to amend Legislative Decree No. (276) in line with women's rights**

**I**t should be noted that the application of the right to equality in conferring nationality doesn't contravene with the core idea on which the proposal is based, which is, **"nationality shall descend to child, provided the equality in transmission from the mother and the father."**

It is hereby proposed as follows:

**The recognition of maternal jus sanguinis (right of blood) shall be the basis to establish original Syrian nationality and filiation, by the force of law, in regard to children born to Syrian women, regardless of the place of birth or the circumstances of birth of the child.**

Article 3(d) of the legislative decree is clear evidence of the potential effectiveness of the previous proposal, as it includes a provision granting Syrian nationality to children born inside wedlock, born inside Syria and are not entitled to a foreign nationality at birth. In other words, children born to foreign parents are entitled to acquire Syrian nationality, whereas they are denied nationality when the mother is Syrian, which is considered a defect in the law that cannot be overlooked.

As per the above-mentioned, a proposal is made to repeal paragraph (b) of article 3, in order to recognize the right of maternal filiation in relation to the child, without supporting it with jus soli (the right of soil).

The paragraph after the amendment shall be as follows:

**"Anyone born inside or outside the country to a Syrian Mother."**

## The recommendations

Through the presented study, which is specific to the case of Syrian statelessness and women's right to pass hers, we can conclude the following proposals:

| Launching advocacy campaigns to raise local and international attention towards the cases of statelessness in Syria.

| Launching advocacy campaigns to raise public and international attention towards women's right to grant citizenship and lineage to her children.

| Workshops and dialogues to raise awareness in society about women's right to grant citizenship and lineage and negative effects to lack of both.

| Psychological support to those affected.

| Establishment of an entity, body or authority that documents the statelessness and parentage of children.

| Issuance of identification papers granting the lineage of mothers to their children without reference to their circumstances.

| Sharing the database with relevant authorities on the issue of statelessness.

| Settlement of the status of children registered under the name of their relatives.

| Pressure the regime to recognize documents issued by opposition areas.

| Pressure the regime to amend the laws on granting citizenship.

| Pressure the international community to recognize papers issued by opposition areas.

| Coordination among civil society organizations to find immediate solutions to the problem of statelessness.



## Conclusion

At the end of the research, we can confirm that we were able to prove the hypothesis: **“The unjust and discriminatory Syrian laws against Syrian women, and the neglect of civil society, have resulted in the deprivation of Syrian children of nationality and lineage.”** The research allowed us to identify the circumstances that prevented women from using their right to grant citizenship and to identify statelessness cases, and the negative effects on the future of a whole generation of children, namely, the denial of their most basic rights such as health care, education and social services. We were able to show what their future will be in case they did not obtain citizenship, in addition to growing up in unhealthy psychological and social conditions, most of them will not be able to pursue higher education, own property or move freely. Finally yet importantly, they will not have the right to inherit, which will lead to the creation of generations of stateless Syrians.

The research also showed that civil and local society bears part of the responsibility for the prevalence of statelessness, especially after the Syrian Revolution. On the one hand, the local community has remained steadfast in its views towards those who are unregistered and stateless, especially the children of fighters of radical Islamic armed groups and the children of women who have been raped, some communities continue to treat them with contempt and refuse to recognize them. In some areas, it has reached the point of getting rid of newborns against the wishes of mothers.

On the other hand, civil society organizations have not paid full attention to the issue of statelessness, forgetting the effects that this problem may have on children and society. Especially, with the “Future ISIS fighters” charge attached to a large group of children, as we find that very few organizations have worked to collect data on stateless children or have tried to integrate them in its programs, without full consideration to their needs. Also, many other organizations refrained from providing any aid (health, education or relief) on the pretext of lack of official documents, therefore these children cannot be listed among beneficiaries. This was proved during the study of the experiences of Raqqa and al-Bab, and what is remarkable in these two is the clear contradiction between the views of society and authorities of statelessness, while the people of Raqqa city have overcome the problem of the inferiority of this group of children and their mothers. We found that the authorities have made no effort to deal with them or find solutions, while the local council in al-Bab has adopted an administrative system that allows these children to enjoy all their full rights through IDs that they can

use within a specific range, regardless of the view of the local community, which has long called them “ticking bombs”.

The role of Syrian activists has not been more favorable than that of civil society. As we note that only a few people have been interested in the issue on an individual level, with the emphasis that women have been more informed about the issue than men. But their role has been limited to providing moral assistance to those affected or referring them to organizations that can help.

The points mentioned above, in addition to the clear contradiction between the provisions of the Syrian constitution itself and the domestic laws, which rob women of many of their rights, and have kept women from guaranteeing and securing a suitable future for their children. This is evident in the Syrian regime’s adherence to its discriminatory laws against women and its continued disregard for its international obligations, which compel it to achieve equality between women and men in all aspects, most notably the right to grant citizenship.

It should be noted that the sensitivity of the issue, the poor security conditions, the difficulty of working in regime areas, and the spread of the COVID-19 pandemic have prevented the study from reaching many areas affected by the problem of Syrian statelessness and the documentation of many cases. For example, the issue of rape is considered a mark of shame in Syrian society, especially those that occurred in detention centers, which led to the lack of sufficient testimonies in order to document those cases of rape and their resulting births. On top of the unwillingness of documentation involved organizations to share their database and considering it a mere private property not as research data. The same stigma has also been associated with women who had to marry fighters, in addition to their fear and the reservation of their families to talk about any circumstances they suffered during the period of ISIS control, which contributed to hiding many of the horrible circumstances they endured with their children.

It should also be pointed out that the term “giving women the right to grant nationality and lineage is a temporary solution” has been mentioned by a good number of participants in all sections of the research. However, we stress that it is a right that has been taken away from them since the drafting of the first Syrian constitution. No woman can perform her social, political and economic role without having all her rights, thus, granting citizenship to her children cannot be a temporary solution to fill a legal void. It is a right that we must seriously demand, just as her right to work, education, motherhood and so on.

In the end, statelessness as mentioned in the research is not an extraneous problem for the Syrian society after the beginning of the revolution and it did not happen accidentally. Rather, it was a deliberate crime committed by the Syrian regime against the Kurds after Al-Hasakah census in 1962, in addition to ignoring the requests for exemption made by many mothers to grant their children citizenship. Only from the manner in which the Syrian regime deals with these two cases, we can confirm that we are facing a major challenge, and we are fully aware that we are putting forward long-term solutions, which may face rejection from some segments of Syrian society as well, not just from lawmakers and the Syrian regime. The work to grant the right of Syrian women to pass their nationality and descent must start immediately, in order to protect future generations from the risk of statelessness, and to ensure women's access to all their rights and equality with men.

**Rasha Al-Tabshi**

# HUMANS WITHOUT RIGHTS



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