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I AM HERE

Belonging and
Legal Identity in
the Arab Region:
Ensuring that
every child,
woman and man
belongs and has
a **legal identity**







I AM

HERE



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A historic moment was marked on 28 February 2018, when the League of Arab States (LAS) convened a Ministerial meeting in Tunis on “Belonging and Legal Identity” under the patronage of the President of Tunisia. The meeting resulted in the adoption of the Declaration on Belonging and Legal Identity. The Declaration calls for equal nationality rights for women and for all children to be able to enjoy their right to a legal identity.

In the past few years, I have witnessed an incredible amount of resilience of men, women and children in the Arab region, despite the many hardships, wars, conflict and displacement, reaffirming our traditions of protection and inclusion. It is with pride that I have seen countries generously hosting Syrian refugees and taking innovative actions to respond to the specific needs of this refugee population, while others have considered legal reforms in recent decades. Importantly, I have seen that women in the Arab region are leading the way in securing the future for children and families affected by conflict and displacement, while the League of Arab States works to ensure all women are protected and that their voices are always heard.

FOREWORD

The League of Arab States, in partnership with UNHCR, is proud to issue the first publication of the “I am here” Campaign to tell the stories of men, women and children in the Arab region who make a difference, or governments that undertake new journeys to improve lives and ensure everyone belongs, is made visible, and can reach his/her true potential and in turn can make a valuable contribution to society. This publication intends to show a different side of our region and provide a picture that reflects our strengths and achievements, a picture of which we are proud.

*Ambassador Haifa AbuGhazaleh
Undersecretary General,
Head of Social Affairs Sector
General Secretariat of the League
of Arab States*

Longstanding traditions in the Arab region recognize the right of all children to belong, to enjoy their rights to family life and unity, and to have a name, a legal identity and a nationality. The Arab League, together with UNHCR and other partners, are bringing together all relevant stakeholders, including governmental bodies, the judiciary, civil registries, the health sector, as well as affected communities themselves, to uphold these principles and build a comprehensive response that safeguards the future of children and their families.

The MENA region has been a flagship model for responding to crises and extending unprecedented hospitality to refugees, inspiring innovative protection responses and solutions, including through the establishment of strategic linkages to the Sustainable Development Goals. These responses have predated the New York Declaration and the Global Compact on Refugees (GCR) by foreseeing some of their key elements, such as easing pressure on host countries through a “whole of society” approach, fostering self-reliance and livelihoods, and encouraging and widening third party solutions.

*Ayman Gharaibeh
Director
UNHCR Bureau for the Middle East
and North Africa*



Introduction

Belonging is a foundation for people to thrive, reach their potential and be secure in their families, communities and countries. Increasing the full inclusion, participation and belonging of all persons can strengthen local and national economies, lead to higher educational attainment and improve social cohesion and stability. Global and regional crises are threatening to leave millions of people, including children, in the margins. Conflict, and the resulting large-scale displacement, exposes children to risks due to increased family separation, the non-functioning of civil registration systems in conflict affected areas, and difficulties in registering new births and marriages. The relatively recent phenomenon of globalization has also led to increased mobility, migration and mixed movements. As a result, large numbers of people live outside of their country of nationality or possess multiple citizenships and live in more than one country. As a result, children with complex histories, whose parents hold different nationalities, and/or who are born outside the country of their parents' nationality are increasingly common. In these situations, children may be at risk of not acquiring a nationality at birth due to a conflict in the nationality laws of different countries.

The Declaration builds on longstanding traditions in the MENA region which recognize the right of all children to belong, to enjoy rights to family life and unity, and to have a name and legal identity.

In February 2018, the Ministerial Conference of the League of Arab States adopted the Arab Declaration on Belonging and Legal Identity.¹ The Declaration builds on good practices in the MENA region, recognizing the right of all children to belong and to a legal identity. The Declaration also reaffirms the shared commitment of LAS member States to strengthen women's nationality rights and gender equality in nationality, and to lead the way in ensuring that everyone belongs. A range of regional instruments, including the Covenant on the Rights of the Child in Islam, and the Arab Charter on Human Rights, which stipulate that all persons shall have the right to a legal identity and a life of dignity, demonstrate the commitment of the MENA region to the

protection of children and families. Additionally, the Sharjah Principles on the Protection of Refugee Children specify that all refugee children should be registered and documented at birth. Capitalizing on these regional developments in MENA, many countries in the region have enacted domestic measures to better protect women, children and families, including in relation to their rights to nationality, documentation and family unity. Notably, significant nationality law reforms have been enacted since the early 2000's across the region to grant women the right to confer nationality on their children on an equal basis as men, while innovative measures have been taken across the region to facilitate birth registration (described in detail below, in the section on Civil Registration & Birth Registration).

This publication is part of the Arab Leagues' "I am here" Campaign, which was launched in February 2018 to document and give recognition to the ongoing efforts of all countries in the MENA region undertaking the implementation of the recommendations contained in the Arab Declaration on Belonging and Legal Identity. This publication highlights positive measures that have been undertaken across MENA to ensure that all people are able to enjoy their right to belong and to enjoy a legal identity, highlighting positive developments with regard to historic nationality law reforms, civil documentation, including birth registration, as well as the acquisition of nationality.

¹ League of Arab States, Arab Declaration on Belonging and Legal Identity, 28 February 2018, available at: <https://www.refworld.org/docid/5a9ffbd04.html>

Chapter One:

Historic Nationality Law Reforms

HISTORIC NATIONALITY LAW REFORMS

The MENA region has made great strides in advancing gender-equal nationality rights in recent years, with Algeria, Egypt, Morocco, Tunisia and Yemen enacting reforms enshrining the equal ability of men and women to confer nationality on their children. In 2006, Iraq enacted legislation upholding citizens' equal ability to confer nationality on their children born inside the State territory, but the legislation does not automatically extend this right to Iraqi women whose children are born abroad. Other countries in the MENA region have enacted partial reforms to expand women's nationality rights, and many governments have expressed their commitment to addressing gender inequality in their nationality laws. More recently, Saudi Arabia and the United Arab Emirates introduced positive new provisions, specifically to allow children to apply for nationality on the basis of maternal descent, on a discretionary basis, which is a positive first step.

Enacting gender equal legislation has an enormous positive impact on children and families and is critical to ensuring full participation in a society.

Enacting gender equal legislation has an enormous positive impact on children and families and is critical to ensuring full participation in a society. Without nationality, individuals often face an existence characterized by insecurity and marginalization.

As more children enjoy their right to a nationality, they can better access health and education and are more secure from exploitation and violence. The positive impacts carry over to their communities, as these children grown into young people with valuable skills and educational qualifications who can fully contribute to economies. Allowing women to pass on nationality to their children on an equal basis as men ensures that family unity is preserved and deters people from taking desperate measures to secure proof of identity or nationality. Overall, gender-equal nationality laws promote social and economic inclusion, national stability, prosperity and security—providing the foundation for more sustainable development.

LEBANON

In recognition of the importance for every child, including refugee children, to enjoy a legal identity, Lebanon introduced important initiatives to respond to the specific needs of Syrian refugees arriving in Lebanon since the start of the Syria crisis.

Birth registration in Lebanon is a complex process for everyone, with multiple steps, and it can be even more difficult for refugees. As a result, the Government of Lebanon has established exceptional measures to promote birth registration of Syrian children. An important step was that the government waived the need for parents to have legal residency to complete the birth registration process, while also making the registration of marriages easier. Understanding that many refugees have few or no documents, the government also simplified procedures for children whose birth was not registered within the one-year deadline required by law. The recent facilitation of late birth registration may enable more than 50,000 unregistered Syrian children to acquire the necessary paperwork.

In close coordination with the health sector, 97 per cent of Syrian babies born in Lebanon in 2018 were delivered with the assistance of a skilled birth attendant, and also received a birth notification document. This ensures that children hold the minimum level of documentation needed to initiate the birth registration process at a later date.

Syrian refugee Firaz and his wife seek help to register their children, including newborn Mohammad, in Lebanon

FOR MORE INFORMATION & FURTHER READING

Global Campaign for Equal Nationality Rights and UN High Commissioner for Refugees (UNHCR), *Equal Citizens, Thriving Families, Stronger Societies: Realizing Gender-Equal Nationality Rights in the Middle East-North Africa Region*, 5 April 2018, available at: <https://www.refworld.org/docid/5ac335644.html>

UN High Commissioner for Refugees (UNHCR), *In Search of Solutions: Addressing Statelessness in the Middle East and North Africa*, September 2016, available at: <https://www.refworld.org/docid/57dbdaba4.html>

UN High Commissioner for Refugees (UNHCR), *Good Practices Paper - Action 3: Removing Gender Discrimination from Nationality Laws*, 6 March 2015, available at: <https://www.refworld.org/docid/54f8377d4.html>

UN High Commissioner for Refugees (UNHCR), *Good Practices Paper - Action 7: Ensuring birth registration for the prevention of statelessness*, November 2017, available at: <https://www.refworld.org/docid/5a0ac8f94.html>

UN High Commissioner for Refugees (UNHCR), *Background Note on Gender Equality, Nationality Laws and Statelessness 2021*, 5 March 2021, available at: <https://www.refworld.org/docid/604257d34.html>



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