

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>1341</b>
Land:	Syrien
Kilde:	The New Humanitarian
Titel:	Who pays the price for Syria's broken documentation system?
Udgivet:	3. august 2020
Optaget på baggrundsmaterialet:	25. august 2020

# Who pays the price for Syria's broken documentation system?

Aron Lund - Freelance journalist and analyst specialising in Syria

- **Conflict**
- **Analysis**
- 3 August 2020



Rebel fighters inspect the identification papers of men who fled parts of the country controlled by so-called Islamic State, upon their arrival at a checkpoint in northern Syria, September 2016. (Khalil Ashawi/REUTERS)

## STOCKHOLM

The breakdown of Syria's civil documentation system has had a severe impact on people all over the country, but it doesn't affect all Syrians equally.

After years of war, millions inside the country and abroad find themselves without the [paperwork](#) needed to secure their rights: ID cards, passports, marriage and birth certificates, school degrees, conscription papers, and so-called family booklets.

"Faulty or missing documents affect every aspect of a Syrian's life – from university degrees to property deeds," Sara Kayyali, a Syria researcher with Human Rights Watch, told The New Humanitarian. "The issue is incredibly salient."

The problem exists across the whole spectrum of Syrian society, but it is particularly pronounced among refugees, people forced to flee their homes but who remain within the country, and Syrians who have lived under the control of non-state actors for prolonged periods of time – be it rebels fighting President Bashar al-Assad's government, the so-called Islamic State, or Kurdish factions.

"Faulty or missing documents affect every aspect of a Syrian's life – from university degrees to property deeds. The issue is incredibly salient."

Making matters worse, it is the groups who are already vulnerable who suffer more frequently from gaps in documentation, with women and children at particular risk.

## Gender disparity

Research shows that far more Syrian women than men lack documentation, the result of both laws and strong societal pressure that favours conservative gender norms.

Households and property are usually registered in men's names, and women are often represented by their husbands or fathers in legal, economic, and bureaucratic matters.

A [2017 study](#) conducted by the UN's refugee agency, UNHCR, and the Norwegian Refugee Council (NRC) found that "only nine percent of female respondents reported that their name alone appeared on the documentation of their residence prior to displacement (compared with 68 percent of male respondents)".

The study also found that only one in 50 Syrian women reported having a passport, compared to one in five men.

As families are torn apart by war – and with tens of thousands of men caught up in the war, killed, or missing in detention – many women have been left to fend for themselves and their families, even though the system is stacked against them.

For example, if a widow does not have an ID card, a marriage certificate, and a death certificate for her husband, she may be unable to secure her inheritance or hold on to the family home.

Even beyond the bureaucratic complications, petty corruption, and political vulnerabilities created by gaps in documentation, widowed or unmarried women are also subjected to a social environment where the cultural mores tend to be heavily stacked against them.

"This society is very conservative," Mazin al-Balkhi, who used to work with the [International Legal Assistance Consortium](#) (ILAC), told TNH in a 2018 interview. "Fathers won't let their daughters get married without having some proof of the marriage, to preserve their rights and the dowry".

"They need these certificates so that if her husband is killed or disappears for some reason, she will not be described as being inappropriate because she has a baby but no husband."

To be accused of extramarital relations – as could happen to, for example, a widowed mother unable to give evidence of her marriage – is no small matter in Syria.

In many Syrian communities, allegations of "improper" actions by a woman have the potential to damage the social standing of her entire family, and men are, in turn, under social pressure to police the behaviour of their wives, sisters, or daughters. So-called "honour killings" were in practice [exempt from punishment under Syrian law until 2009](#), and continued to be treated with special leniency until [March 2020](#), when new legislation was issued by al-Assad; the real-world impact of this law is yet to be seen.

In rebel-held regions such as Idlib, the situation is even worse: Islamists enforce conservative norms and insurgent groups are known to have engaged in [gruesome executions of women](#) accused of adultery. In northeastern Syria, by contrast, power is held by hardline-feminist Kurdish factions that have [sought to break traditional gender roles, albeit with mixed success](#).

## Loss of citizenship

A September 2019 [report](#) by a UN panel noted that the combination of a broken documentation system and conservative gender roles also impact children, who, at worst, may be left [stateless](#).

"Syrian women encountered obstacles when proceeding administratively with civil registration in the absence of the father," the report stated.

"Despite legal provisions enabling women to confer Syrian nationality without proving a legal link to the father, including children born out of wedlock, such as in cases of rape, this appeared rarely to be the case, likely owing to social norms and the stigma attached."

In Idlib, which is largely controlled by Islamist rebel groups, [60 percent](#) of respondents in a 2016 survey said they feared their children would become stateless.

The situation is even more dire for refugees who have fled the country. By mid-2019, about [one million](#) Syrian children had already been born in exile, including an estimated 415,000 in [Turkey](#), 188,000 in [Lebanon](#), and 125,000 in [Jordan](#).

[Syrian law](#) confers citizenship on any child who is documented as having a Syrian father, wherever the child was born, but mothers can only automatically transfer citizenship to children born inside the country. This puts undocumented children born to refugees abroad at particular risk of [statelessness](#).

## Obstacles to return

For people who wish to return to government-controlled Syria – or those who are [pushed to do so](#) against their will – the lack of documentation creates a special set of obstacles. This group includes displaced Syrians who move to government-held areas, or who live in parts of the country recaptured by the government, but also refugees coming back from abroad. The [UN has recorded more than 242,000 “self-organised” returns](#) to Syria since 2016, but, although the real number is likely larger, returns from abroad are now hampered by COVID-19-related border closures.

A [2016 NRC survey](#) indicated that less than a third of all Syrian refugees in neighbouring countries still carried valid ID cards. Nearly a quarter had not been entered into family booklets, including three out of five children. That figure rose to four out of five among refugees in Lebanon.

Without proper papers, returning refugees or displaced people cannot be legally employed, pass through the checkpoints that dot Syrian roads, or enrol children in school. They also may not be able to reclaim their old homes or rent new ones.

Suspicious-looking or opposition-stamped papers are likely to draw the attention of Syria’s security agencies.

[Research](#) shows that few refugees and internally displaced people now have valid property deeds, which means they may be unable to legally retake their homes from squatters. They would also be unable to secure compensation if authorities decide to redevelop their home area. During the war, the Syrian government has adopted laws like [Decree 66 of 2013](#) and [Law 10 of 2018](#), which, even after [amendments](#) in response to criticism, offer the authorities sweeping powers to expropriate and demolish undocumented and illegal housing to resell the land.

Even pro-government Syrians often find the bureaucracy daunting, and for people from areas seen as “pro-rebel” – like Idlib, Deraa, or parts of Homs, Deir al-Zor, and the eastern Ghouta region – flawed paperwork can be a major security risk.

Suspicious-looking or opposition-stamped papers are likely to draw the attention of Syria’s security agencies, which have a [grim track record](#) of arbitrary arrests and the [killing of detainees](#).

Being pulled out for questioning at a checkpoint can be particularly dangerous for economically deprived Syrians, a group that includes most refugees and internally displaced people. Without money or well-placed contacts, they are less able to appease al-Assad’s secret police in the customary way, namely by paying bribes and calling in favours.

Since the documentation issue touches on every aspect of refugee return, including safety, economic prospects, and home ownership, it is becoming ever more central to debates over refugee return.

Rights groups such as Amnesty International have stressed that refugees must be provided with sufficient time and assistance to investigate and [address](#) their documentation status to ensure their returns to Syria are safe, informed, and voluntary. But so far, the issue has received little attention, even as Syria’s paperwork problem continues to grow.

al/as/ag

- Read more about:
- [Syria](#)

<https://www.thenewhumanitarian.org/analysis/2020/08/03/syria-broken-documentation-system>