



## Universal Periodic Review of Syria – January 2022

### Gender discrimination in Syria's nationality law and statelessness

#### Stakeholder report from the World Council of Churches

#### Contents

- i) Statelessness
- ii) Gender discrimination in the Syrian Nationality Law
- iii) Syrian refugees' nationality
- iv) Impact of Covid-19 pandemic

#### i) Statelessness

During the last Syria UPR in 2016, no recommendations were made with respect to the right to nationality, access to birth registration, or the issue of statelessness. However, civil society stakeholder reports raised this specific issue.

Gender discrimination in the nationality law in Syria has the effect of only allowing Syrian nationality to pass through a Syrian father. There have been many calls within Syria to allow Syrian mothers the possibility to pass nationality to their children, and this proposal was presented in parliament in 2010. However, following the outbreak of the conflict in Syria, the issue has not been discussed further and no changes in the law have been made.<sup>1</sup>

At the end of 2019, UNHCR reported that Syrians continued to be by far the largest forcibly displaced population worldwide (13.2 million, including 6.6 million refugees and more than six million internally displaced people).<sup>2</sup> A growing number of Syrian children have been born abroad after their parents fled the conflict. UNHCR estimates that 70% of these children are not registered at birth. This significantly increases the risk of statelessness among these children and reduces their future potential to prove their Syrian nationality.<sup>3</sup>

#### ii) Gender discrimination in the Syrian Nationality Law

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<sup>1</sup> <https://deeply.thenewhumanitarian.org/syria/community/2017/10/12/syria-studying-proposal-to-amend-nationality-law>

<sup>2</sup> <https://www.unhcr.org/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html>

<sup>3</sup> <https://blogs.lse.ac.uk/humanrights/2017/05/16/statelessness-and-the-syrian-conflict/>

Syria is not a party to the 1954 or 1961 Statelessness Conventions. Syria is a party to the International Convention on the Elimination of All Forms of Discrimination against Women, but it maintains a reservation to Article 9 (2), which provides equality between men and women concerning the transmission of nationality to children.

Article 33 of the Constitution of Syria guarantees equal rights to citizens without discrimination based on "sex, origin, language, religion or creed". When a woman is prohibited from passing nationality to her child, this discriminates against women in violation of the Constitution.<sup>4</sup>

In the current context of mass forced displacement, the discriminatory nature of Syria's nationality law is of particular concern as it increases the risk that children will be left stateless if they have a Syrian mother and, for example, an unknown, stateless or non-Syrian father, or if their parents do not legalise their marriage.<sup>5</sup>

In addition, other challenges can lead to statelessness. There continue to be social repercussions for the registration of a child born out of wedlock. Article 48 of the Syrian Personal Status Code states that Muslim women are not allowed to marry non-Muslim men. Therefore, if a woman has a child as a result of such a relationship, this discriminatory provision of the Nationality Law would mean that the child would not automatically inherit the nationality of its mother. Furthermore, Article 3(b) of the Nationality Law does not apply to children of refugees from Syria born in host countries, further limiting the ability of such children to acquire a nationality at birth.

### iii) Syrian refugees' nationality

There are approximately 6.3 million Syrian refugees abroad, and those who are affected by statelessness face additional barriers to return.<sup>6</sup> Many internally displaced persons and refugees' families encounter difficulties accessing registration and documentation, resulting in the lack of proof of identity and nationality. Marriage registration is essential because some host countries require a marriage certificate for birth registration and to establish the identity of the child's (legal) father. In addition, it is customary in Syria to get married first in the religious system but the formal marriage in the registry might only take place after a prolonged period. All these factors make the acquisition of nationality difficult.<sup>7</sup>

The country which receives the largest number of Syrian refugees is neighbouring Lebanon. UN Women reported in 2019 that Syrian women are 9% less likely to have legal residency in Lebanon than their male counterparts and Lebanese patronage is rarely granted to refugee women<sup>8</sup>. Living without legal residence has resulted in insecurity on almost every level, including the right to work, access to formal and informal educational opportunities and healthcare. It has additionally resulted in an increased risk of arrest, arbitrary detention or, in severe cases, deportation. Syrian refugee women are additionally confronted with the legal

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<sup>4</sup> <https://deeply.thenewhumanitarian.org/syria/community/2017/10/12/syria-studying-proposal-to-amend-nationality-law>

<sup>5</sup> <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>

<sup>6</sup> <https://www.statelessness.eu/sites/default/files/2020-10/StatelessJourneys-Syria-August-2019-summary.pdf>

<sup>7</sup> <http://www.syrianationality.org/index.php?id=22>

<sup>8</sup> <https://arabstates.unwomen.org/en/news/stories/2019/2/the-impact-of-the-syria-crisis-on-women-and-girls>

restrictions and human rights violations that their country of origin imposes.<sup>9</sup>

#### iv) Impact of Covid-19 pandemic

Stateless people are among the most affected by the Covid-19 global pandemic. They are not recognized as nationals of any country; therefore, they are excluded from the rights and protections afforded by states to their citizens. Syrian refugees in Lebanon face more difficulties to attend hospitals and in moving from one place to another due to the lack of documents now during the pandemic than before. According to a study by the Access Center for Human Rights, the crisis has made it much more challenging to achieve legal status. Most refugees are afraid to present themselves to official institutions, including hospitals, for fear of being detained or deported.<sup>10</sup>

#### Recommendations:

- i) The Government should review and amend its legislation to remove gender discrimination from its nationality law and ensure that Syrian women can pass on their nationality on an equal footing with men.
- ii) The Government should consider ratifying the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness.
- iii) The Government should facilitate registration processes to allow all citizens practical access to their citizenship entitlements.
- iv) The current global pandemic is an important reminder that we are all equally vulnerable in the face of such a crisis: Covid-19 does not discriminate, but our responses to it do. We therefore ask the Government to ensure that Covid-19 vaccinations are accessible to all, including stateless people and other undocumented people living on the margins during these trying times of pandemic.

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<sup>9</sup> <https://blogs.lse.ac.uk/wps/2021/02/23/refugee-women-in-lebanon-hit-the-hardest-by-covid-19/>

<sup>10</sup> <https://www.rosalux.de/en/news/id/42374/stateless-people-and-covid-19>