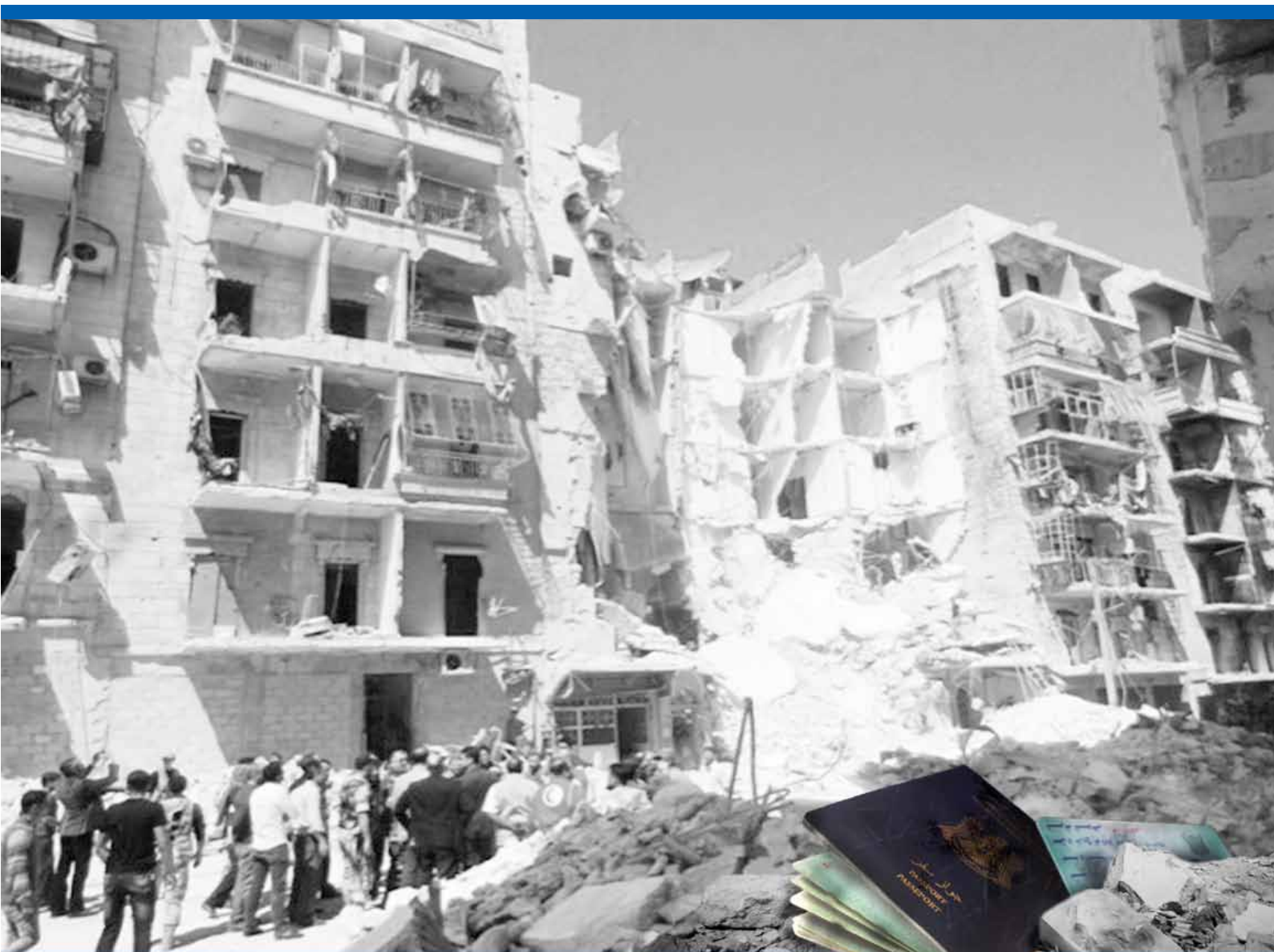




# Echoes From Syria

Issue 1 - June



## **Guiding Principle 20:**

Every human being has the right to recognition everywhere as a person before the law.

## Introduction

The deteriorating security situation in Syria and the ongoing mass displacement have continued to affect the lives of internally displaced persons (IDPs) and host community. Detrimental effects on IDPs have entailed loss of access to their houses, lands, livelihood, social network and personal status documentation which have in turn negatively impacted on their ability to enjoy their fundamental rights.

The involuntary displacement due to the humanitarian crisis in Syria has continued to affect the lives of people in the country. More than 1.2 million houses have been damaged, out of which 400,000 have been totally destroyed. With 6.5 million displaced, people have inevitably lost their personal status documents, amongst other things, which adversely affected the most vulnerable IDPs such as disabled persons, women, and unaccompanied and separated children. Furthermore, after three years of conflict, more and more children were born in areas where they cannot be registered.

## Individuals who lost their documents, including those who failed to register civil events, are among the most vulnerable

Many IDPs are not aware how to issue personal documents or how to replace their lost ones. Replacement of documentation is often difficult for a variety of reasons, one of which is the complex administrative procedures. Furthermore, some documents can only be obtained from the area in which the person is registered in the civil status record which could be sometimes inaccessible due to the current security situation.

Difficulties standing in the way to have access to some areas make the number of individuals affected by this issue hard to identify.

## LIMITED MOVEMENT

Lack of personal documentation also affects the ability of IDPs to move between locations, even to an area of safety, since checkpoints are almost on every corner.

## Civil Registration in Syria

The Directorate of Civil Affairs in the Ministry of Interior in Syria is the authority in charge of the registration of birth, death, marriage, divorce and the correction of records, in addition to issuing ID cards and family booklets for Syrian nationals. As for non-Syrians on the Syrian Arab Republic territories, the Directorate is responsible for registering their civil status incidents and the provision of all related documents required to complete the registration procedures at their respective embassies.

Parents are responsible for applying for civil status IDs for their minor children for the first time once they are fourteen-years old.

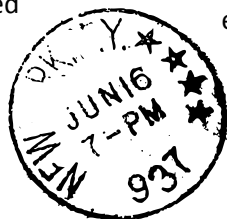
In Syria, before the crisis, the Government registered **705,921** births in one year. As for children who have been registered during the crisis, there are no concrete figures. However, it is expected that a large number of them are not registered.

Many IDPs are facing challenges in the birth registration for reasons related to their unawareness about the importance of registration, negligence, lack of proper official documents needed for registration, or their inability to access areas where their civil records are located.

Birth events should be registered within a month, otherwise, a fine must be paid if the birth is registered within a year. If the birth is registered after that period, the fine becomes more expensive and a police report is required to register the event.

In case the child birth was a result of unregistered marriage illegal relationship, or the father was unidentified, a lawsuit should be filed before Sharia Courts to authenticate the lineage.

Birth registration and loss of documentation, especially civil status ID and family booklet, are the most common cases that IDPs suffer from. This is mainly because people are reluctant to file police reports required to replace the lost documents, the difficulty they face to access civil status records in some governorates or the absence of parents to apply for the civil status ID and the police report required for birth registration.



## Right of movement in the Syrian law

While states have the legitimacy to monitor the movement of people within their territories, such restrictions are justified only when they are in accordance with the law or aiming to apply it, and when they are necessary to protect the national security, public order, public health, public morals or the rights and liberties of others.

The national authorities are primarily responsible for ensuring respect for the rights to freedom of movement and the security of citizens. This means that the State should ensure that the rights are adequately protected in the national legislation and respected by all government authorities at all levels. The Government should also take necessary actions to ensure that freedom of movement is not limited by any third party and remove any obstacles in the way to fully enjoy these rights.

## Personal Documentation in International Law

The IDPs rights to have access to personal status documentation, ensure effective and prompt replacement of lost documents, and seek assistance to address violations are essential and non-derogable rights. These rights relate to the fundamental and non derogable

**right to recognition as a person before the law** enshrined in the Universal Declaration on Human Rights\*, the International Covenant on Civil and Political Rights \*\* and the Guiding Principles on Internal Displacement\*\*\*.

Furthermore, the importance of registering children's birth is also enshrined in the Convention on the Rights of the Child\*\*\*\* which indicates that 'Every child shall be registered immediately after birth and shall have a name'.

\* Article 6  
\*\* Article 16  
\*\*\* Principle 20  
\*\*\*\* Article 7

**The Syrian Constitution issued in 2012 stipulates that the Syrian Government shall be responsible for every Syrian citizen and their families in cases of emergency (Article 22), and that citizens are equal in rights and duties, without any discrimination on the grounds of sex, race, language, religion or faith (Article 33).**



Article 38 of the Constitution states as well that every citizen has the right to move within the state's territory or to depart unless forbidden to do so by a competent Court Order or Public Prosecution or in implementation of public health and safety laws. Article 51 also states that punishment must be personal, and no crime or penalty shall be placed but in accordance with the law. A defendant is presumed innocent until proven guilty by a final sentence issued after a fair trial.

Syria also acceded to the International Covenant on Civil and Political Rights in 1969 and entered it into force in 1976. Moreover, Article 12 of the Covenant stipulates that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his/her residence and shall be free to leave any country, including his/her own. The mentioned rights shall not be subject to any restrictions except those provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. No one shall be arbitrarily deprived of the right to enter his/her own country.

Article 4 of the same Covenant stipulates that in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the State Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

The mentioned Articles entail that the Government should protect people in emergencies when they lose their personal documents, and that no punishment should be applied in these exceptional times during their movement and that they should be treated equally with other people as long as they are not subject to any court sentence. Despite the fact that the Government does not force IDPs with no documentation in Syria to reside in special shelters and that the Syrian law does not deprive them of the freedom of movement, the deterioration of the security situation in the country has inevitably limited their ability to enjoy their fundamental rights. Therefore, the movement of many people is restricted for fear of being arrested since in light of the prolonged crisis, laws are not fully respected and observed as they used to be.

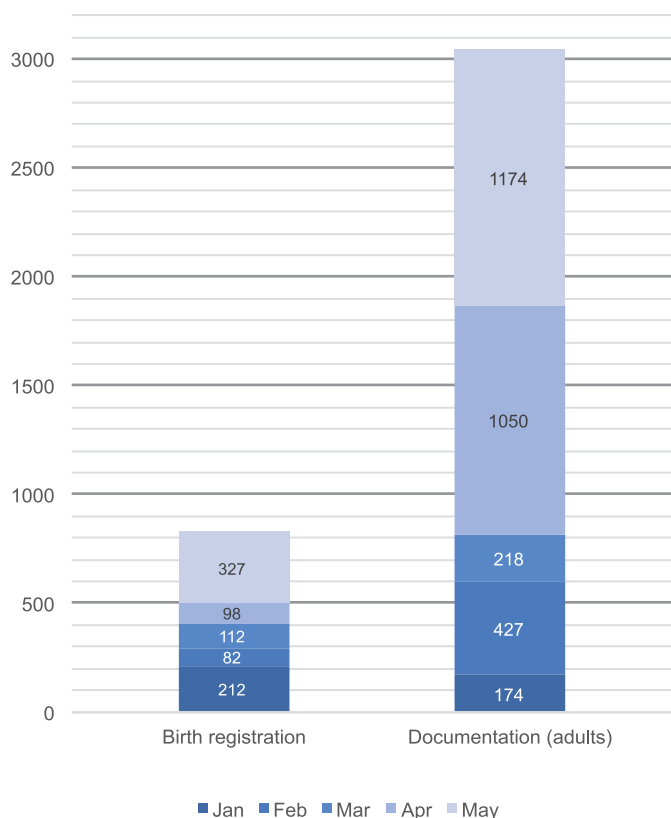
## Protection Sector response to protect IDPs lacking personal documents

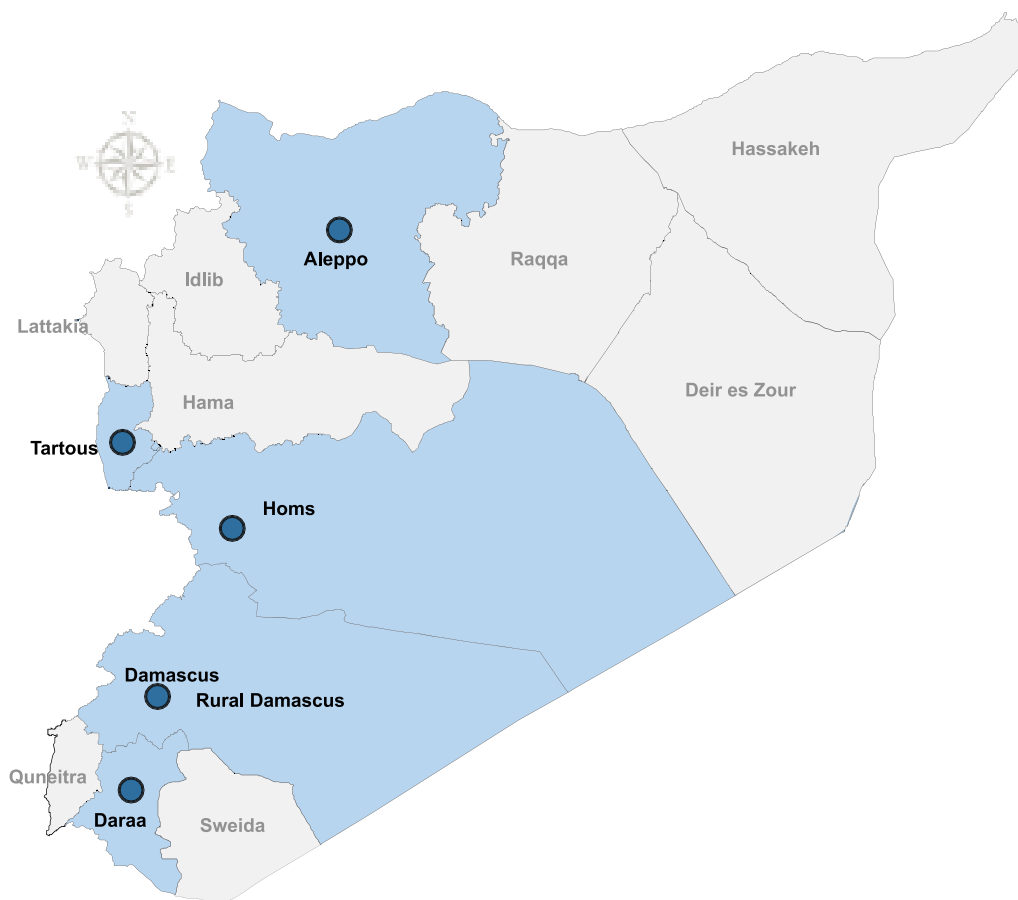
The Protection Sector response in this area has been three-fold: through **legal counseling**, **legal intervention** and **awareness-raising**.

**Legal counseling** focuses mainly on administrative procedures on document's issuance and personal status law through the provision of legal representation.

**Legal intervention** is provided by the Protection Sector before courts, police stations and the civil registry department which provides legal representation to authenticate personal status.

**Legal Awareness Sessions** address IDPs in shelters or community centers on issues ranging from the importance to hold personal status documentation to custody, birth registration or women's rights related issues.





A total of **3,874** IDPs since the beginning of 2014 benefitted from legal assistance on issues related to personal status documentation and birth registration related issues.

The main issues reported were related to the replacement of lost documentation, birth registration, and personal status law matters including divorce. In addition, **20,568** individuals benefitted from awareness- raising sessions conducted in eight shelters in Damascus and Rural Damascus on topics such as awareness on existing procedures, documentation and birth registration.

Moreover, **831** cases of new births were registered with the assistance of the Protection Sector from 1 January 2014 until 31 May 2014 for IDPs.

Furthermore, the Protection Sector through its specialized lawyers continues to build capacities of local NGOs to better assist IDPs and promote respect for human rights, and is providing technical assistance and advice on legislations and implementation of regulations and procedures.

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