

SYRIAN REFUGEE RESPONSE: INTERAGENCY UPDATE ON STATELESSNESS



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LEBANON



#FutureOfSyria

Agencies and the Government of Lebanon had requested US\$1.89 billion in the inter-agency funding appeal. The mid-year review in June resulted in a downward revision of these requirements to US\$ 1.68 billion. US\$659 million - 44 per cent - has been received as of 5 November.

HIGHLIGHTS

- Tens of thousands of people are stateless in Lebanon. They include unregistered stateless persons (*maktoum al kayd*) and those whose nationality is under study (*kayd al dars*);
- A Frontiers Ruwad Association survey shows that failure to register at birth accounts for over 40 percent of the stateless in Lebanon;
- Since the start of the Syria crisis, more than 41,000 Syrian children have been born in Lebanon. They risk statelessness if they do not have documented evidence of their nationality, in particular a birth certificate;
- More than 40,000 Syrians in 2014 have received legal counseling and assistance on birth registration;
- A total of 500 humanitarian workers have been trained in birth registration procedures;
- Awareness materials have been disseminated to over 200,000 individuals;
- Capacity building workshops with participants from five ministries discussed ways of strengthening civil registration. The workshops are also a basis for the launch of a national awareness campaign on birth registration in early 2015 targeting all newborns in Lebanon;
- A legal aid programme continues to provide legal assistance to stateless persons of Lebanese origin. Cases include late registration of births and marriages through the court for confirmation of Lebanese nationality.

STATELESS POPULATIONS

Statelessness is a devastating legal limbo for millions of people worldwide who lack any nationality and the human rights protections that go with it. Although exact numbers are difficult to determine, tens of thousands of people in Lebanon are believed to be among the world's stateless. There are two main reasons for this: There has been no official census in Lebanon since 1932; and many stateless persons do not have any record with the authorities.

In situ populations of stateless

In situ populations of stateless are those who consider themselves to be 'in their own' country.

Firstly, there are unregistered persons, or in Arabic, *maktoum al kayd*, who are not registered with the Lebanese authorities and who have extremely limited access to any form of official identity document. This category includes: (a) individuals born of a Lebanese father or of Lebanese ancestry but who are unregistered, and (b) individuals who were born of parents holding foreign nationalities which they were not able to pass onto their children.

Secondly, there are persons whose status is considered to be under study, or in Arabic, *kayd al dars*. This category includes individuals who are considered to be of foreign origin by the Lebanese authorities but whose actual nationality remains undetermined. Such individuals are registered with the Lebanese authorities and hold a special legal status in terms of residency and rights.

Stateless migrants and refugees

Lebanon also hosts stateless migrants and refugees. Stateless refugees from Syria may be stateless due to a 1962 Syrian decree that denationalized approximately 120,000 Syrian Kurds. There are also non-Kurdish people from Syria who are stateless for different reasons, including gender-discrimination in the Syrian nationality laws or failure to access civil registration procedures.

At risk of statelessness

Members of a number of different groups may find themselves at risk of statelessness in Lebanon. Over time, for example, migrants and refugees may lose links to their country of nationality. In addition, failure to register births can lead to an increased risk of statelessness for children born in Lebanon of foreign parents.

There are currently over 41,000 Syrian children who were born in Lebanon. A UNHCR survey indicates that only 30 percent have an official birth certificate.

I BELONG CAMPAIGN

A push to end statelessness worldwide by 2024

In early November, UNHCR launched a global “*I Belong*” campaign aimed at ending statelessness within a decade. The ambitious goal of eradicating statelessness is looking increasingly possible thanks to dramatic recent progress in the number of States acceding to two key UN human rights treaties.

The campaign is already demonstrating real potential to mobilize governments and civil society to act. At a recent ministerial meeting in Brazil, 28 Latin American and Caribbean States adopted the Brazil Declaration and Plan of Action in which they committed to eradicating statelessness by 2024, becoming the first region to respond to UNHCR’s global call. Field offices have also organized events in a broad range of countries, including Bangladesh, Belarus, Benin, Croatia, Finland, The Gambia, India, Kazakhstan, Kenya, Kyrgyzstan, Mali, Montenegro, Senegal, Slovenia, Tajikistan, the United States, Viet Nam and Zimbabwe.

A number of governments have referred to UNHCR’s campaign when discussing statelessness issues in their own countries, confirming that the message is reaching key decision makers.

LEGAL FRAMEWORK

Lebanon is not a signatory to either the 1954 Convention on the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. The Lebanese nationality law (Decree 15 of 1925) contains gender-discriminatory provisions which only allow a Lebanese woman to confer her nationality on her children in exceptional circumstances. This is despite the fact that the Constitution requires 'equality of rights and duties among all citizens without discrimination.'

In principle, a foreigner can be naturalized following a period of residence; marriage to a Lebanese woman; or by providing services to the country. However, naturalization is at the discretion of the Lebanese State. It is also possible for a foreign woman married to a Lebanese national to acquire Lebanese nationality upon request after one year from the registration of the marriage.

The Lebanese nationality law contains certain safeguards against statelessness at birth. These are found under Article 1(2) and (3) which provide for acquisition of Lebanese nationality by birth on the territory of the country if a child does not acquire a foreign nationality at birth, or if a child's parents are unknown or of unknown nationality. In practice, these provisions are interpreted very narrowly by the judiciary.

ADMINISTRATIVE FRAMEWORK

There is no universal birth registration in Lebanon. This is despite the fact that Lebanon is a signatory to the 1989 Convention on the Rights of the Child and the 1966 International Covenant on Civil and Political Rights which require the registration of the birth of every child. In Lebanon, civil registration is covered by the 1951 Personal Status Law.

Children born to unregistered (*maktoum al kayd*) parents are not entitled to have their births registered with Lebanese authorities and therefore do not acquire an official birth certificate attesting to their legal identity.

Lebanese parents and those whose nationality is under study (*kayd al dars*) are able to register births with the Lebanese civil authorities.

But if registration does not happen within one year, the child will be considered unregistered (*maktoum al kayd*). This can only be remedied by a late registration judicial procedure.

For parents of foreign nationality (including refugees), failure to register the birth of a child can increase the risk of statelessness as the child will not have official evidence of parentage. Many refugees arrive in Lebanon with very few documents, often preventing them from accessing birth registration procedures that require valid stay and civil and individual identity documents. In a positive move, the Government of Lebanon recently announced a regularisation policy for Syrians that may allow over 5,000 Syrian births to be registered.

There are also barriers to accessing marriage registration, which can in turn affect birth registration. Without an official marriage certificate, couples cannot register their child at birth. In particular, Lebanese men married to stateless women must get a court order to register the marriage.

RESPONSE

Tackling statelessness is challenging everywhere. In Lebanon, actions have focused on addressing the administrative causes of statelessness, with a particular focus on birth registration.

Due to the influx of Syrian refugees, activities have sought to identify specific barriers to birth registration, to advocate for improved access and to raise awareness about the importance of birth registration.

A UNHCR survey on birth registration covering more than 7,700 Syrian children born in Lebanon provided data on levels of birth registration and barriers. For example, parents of 40 percent of children do not have the documents required for birth registration, including legal stay documentation. The results of the survey have been an important tool for advocacy, as well as to prioritise activities.

As a result of continued advocacy efforts, a 2013 memorandum of the General Directorate of Personal Status informed civil registries that the family booklet could be accepted as proof of the identity of parents and of marriage for the purpose of birth registration. In addition, the current Government of Lebanon regularisation policy

may enable over 5,000 births to be registered as parents require legal stay to register civil status events.

Awareness-raising activities have included the dissemination of over 200,000 leaflets and posters on statelessness and birth registration, as well as an animated film shown at UNHCR registration and community centres. Awareness has also been raised about birth registration via radio and SMS. Since the start of 2014, over 40,000 individuals have received counseling on the importance of birth registration and UNHCR has provided training to over 500 humanitarian workers, as well as producing a guide to birth and marriage registration for use in counseling.

UNICEF and the Ministry of Social Affairs have agreed, through the signed National Plan to Safeguard Children and Women (October 2014), to strengthen the capacity of Social Development Centers in 57 localities and Primary Health Centers to provide a package of information and mentoring on birth registration.

Activities have also sought to prevent statelessness and protect children born in Lebanon, whether Lebanese nationals, foreign nationals or stateless persons.

UNHCR has been working in partnership with Frontiers Ruwad Association, UNICEF and the Office of the High Commissioner for Human Rights (OHCHR) on a national campaign on birth registration. Capacity building workshops were held in August and September with the Ministries of Interior (the General Directorates of Personal Status and General Security), Public Health, Social Affairs, Justice, and Education and Higher Education. The participants discussed recommendation for the strengthening of civil registration in Lebanon.

The workshops aimed at establishing partnership with the relevant authorities for a national awareness campaign on birth registration that will commence in 2015. This campaign will target all births on Lebanese territory (Lebanese nationals, foreign nationals, and stateless persons).

In terms of assistance for stateless persons, UNHCR and Frontiers Ruwad Association in 2014 provided legal assistance to stateless persons of Lebanese origin for confirmation of nationality. UNHCR is

also raising public awareness about statelessness in Lebanon through TV spots, a photography exhibition and brochures.

DONORS

Australia, Canada, China, Denmark, Ecuador, Estonia, EU, France, Germany, Holy See, Ireland, Italy, Japan, Kuwait, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Poland, Qatar, Republic of Korea, Saudi Arabia, Slovak Republic, Spain, Sweden, Switzerland, UK, USA.

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AGENCIES THAT HAVE CONTRIBUTED TO THIS REPORT

