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# **Documenting Life and Death:** Women's Experiences During Conflict in Syria and Iraq

by Martin Clutterbuck



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# Documenting Life and Death:

## Women's Experiences During Conflict in Syria and Iraq

by Martin Clutterbuck

### INTRODUCTION

Registration of life and death in the midst of war or civil conflict poses a key challenge for civil registration and vital statistics (CRVS) systems.<sup>1</sup> Just as women, together with children, are typically disproportionately impacted by war, vital statistical information affecting them — such as birth, marriage, divorce, and death — is often not captured by those systems in times of war. Discriminatory laws and practices, lack of access to information and civil registries, and patriarchal norms and values conspire to exclude women from systems whose aim should be to protect all members of the population equally.<sup>2</sup>

This paper focuses on the experiences of women in two countries savaged by protracted conflict in recent times: Iraq and Syria. Conflict in Syria starting in 2011 and Iraq as of 2014 has placed enormous pressure on the ability of families to register and have their life events certified. Women are especially impacted because they have often lost spouses during the fighting, resulting in reduced family and income support. These women are required to prove the whereabouts or identity (or both) of missing husbands to obtain nationality and legal identity

for the children from those relationships. The security situation limits the ability of women to travel to government offices to register family events and access services. At a time when they are required to shoulder additional responsibilities, the impact of paternalistic laws and cultural practices has reduced their ability to do so.

### BACKGROUND

Civil registration systems in many countries are well established and rigorous, but bureaucratic and inflexible. They are often insufficiently adaptable to the challenges presented by large-scale civil conflicts. This can include the reduced ability to process cases, such as those occurring in areas outside government control, as well as difficulties in dealing with the unusual and often tragic cases of war. Registry offices are often destroyed in times of war, resulting in the loss of valuable original records, frequently with no archives. This makes it even more difficult to obtain replacement documents, which may be contingent upon prerequisite records of events, such as marriage, held in the archives. For women marrying into their husband's family or with little knowledge of how and when previous documents were obtained, this can present extra hurdles.

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1 CRVS systems are the official registry systems that are responsible for registering all births, marriages, deaths, and other events stipulated by law in a country and for compiling and disseminating vital statistics, including cause-of-death information. They may also register marriage and divorce.

2 UN CEDAW. 2010. [ohchr.org/english/bodies/cedaw/docs/cedaw-c-2010-47-gc2.pdf](https://www.ohchr.org/english/bodies/cedaw/docs/cedaw-c-2010-47-gc2.pdf)

The role that registration systems play in any society is pivotal for both the state and the citizenry. An accurate and functional system allows the state to plan and provide services. It also gives the state the capacity to confirm the identity and personal status of individuals and the overall size and demographic of the population. For individuals, registration systems provide legal recognition, which is the basis for the exercise of civil and political rights. They facilitate access to services and inclusion in the life of the country. Exclusion or non-recognition marginalizes individuals and deprives them of essential services. It sends a signal of not belonging. Conversely, such systems also act as a form of state-sanctioned control of women through familial registration in the name of the husband or by denying the ability to pass on nationality to children.

A combination of factors places extra pressure on women to register vital events during conflict at the same time as the risks are magnified. Possessing personal documentation takes on increased significance when documents are routinely needed to prove identity, cross checkpoints, and access life-saving and humanitarian services such as health care. Women typically assume even greater responsibility for the family during times of conflict, when men are often absent through conscription or active involvement in the conflict, searching for livelihood opportunities, or because of the men's disappearance, detention, or death. Conflicts restrict the social and economic life of the community. They also close schools and childcare centres, forcing families to remain at home. Women lie at the heart of family life and shoulder the bulk of family responsibilities, such as ensuring children are properly documented. Dealing with government authorities, a role

often held by men in patriarchal societies, is delegated to women. At the same time, women may have little experience with or exposure to such bureaucracies and face discrimination, social stigma, pressure, or even exploitation when assuming such roles in conservative cultures. Other factors widening the gender bias include discriminatory and paternalistic laws and practices, lower levels of possession of documents by women, and reduced rates of literacy.<sup>3</sup>

This takes place against a backdrop of violence, with ever-present dangers for conducting the daily business of life. The risks of harassment, violence, and sexual abuse are magnified for women in situations of a breakdown of law and order and in socially and politically polarized communities.<sup>4</sup> To add to the mix, war and conflict present complicated circumstances that challenge existing registration systems. This includes increased numbers of deaths, missing persons, widows, orphaned children, children born out of wedlock, and families separated and displaced across or within borders.

## A FRAMEWORK FOR THE PROTECTION OF WOMEN'S RIGHTS DURING CONFLICT

Special protections exist for women and children for equal access to civil documents, birth registration, and preservation of family links under international human rights and humanitarian law. These include general provisions on the need for women to be treated with due consideration and special respect because of their sex, along with special protections for pregnant women and mothers of young children.<sup>5</sup> Specific requirements exist for the preservation of family links, including registration of deaths and transfer of information

3 NGO Field Report. 2019.

4 Hampton, K. 2019.

[international-review.icrc.org/sites/default/files/pdf/1590391258/irc101\\_2/S1816383120000168a.pdf](https://international-review.icrc.org/sites/default/files/pdf/1590391258/irc101_2/S1816383120000168a.pdf)

5 Geneva Convention (GC) I, Art. 12(4); GC II, Art. 12(4); GC IV, Art. 14, 15; Additional Protocol I, Art. 76.

between families.<sup>6</sup> Parties to the conflict are obliged to facilitate the registration of children, including confirmation of their parentage.

Ensuring access to civil documentation for all persons during times of conflict remains an immediate short-term responsibility for governments. Governments without access to the entire territory must do what they can to facilitate access to civil documentation. Occupying powers and non-state actors have responsibilities under human rights and humanitarian law to facilitate the issuance of basic identification documents in areas under their effective control.<sup>7</sup>

## RESPONSIVENESS OF REGISTRATION SYSTEMS

While governments typically make some accommodation for the impact of conflict on civil registration, such as by amending procedures or making registry processes more accessible to displaced communities, such measures are often not proportionate to the need. Nor are they sufficiently adaptive to the conflict-related cases that arise, such as an increase in orphans, children born of rape, or high numbers of missing persons. Laws and procedures that may have been discriminatory but manageable for many women prior to the conflict, such as laws requiring the presence of a male spouse or relative, become onerous or impossible for many women during conflict. This is because male spouses are missing or deceased, families are separated and displaced, and active conflict continues. The requirement to deal with the civil registration office in the place of registered residence or origin is not realistic for persons who have fled those areas on account of conflict there.<sup>8</sup> Furthermore, governments dealing with conflict are often



Photo: Mohamed Azakir / World Bank

suspicious, obstructionist, and discriminatory toward communities or individuals they perceive to be opposed to them.

## GENDER BIAS AND THE PROTECTION OF WOMEN DURING CONFLICT

Access to responsive, accessible, and non-discriminatory procedures remains the first challenge. The second challenge, of equal or even greater significance, is gender bias and women's protection.

Protection risks for women occur at the generalized, community, familial, or individual levels. Women who lack the protection of family (typically, male relatives) face heightened risk of violations such as assault, rape, and harassment during conflict. This can occur at any time, but also when travelling to government offices, crossing checkpoints, or accessing government or humanitarian services. The lack of protection *en route* is a major deterrent to the women's ability and willingness to access civil documentation.

6 Geneva Convention (GC) IV, Art. 27; GC I, Art. 16; GC IV, Art. 25.

7 Hampton, K. 2019.

[international-review.icrc.org/sites/default/files/pdf/1590391258/irc101\\_2/S1816383120000168a.pdf](https://international-review.icrc.org/sites/default/files/pdf/1590391258/irc101_2/S1816383120000168a.pdf)

8 Norwegian Refugee Council (NRC). 2019b. [nrc.no/resources/reports/paperless-people-of-post-conflict-iraq/#:~:text=During%20the%20conflict%20with%20the,people%20still%20live%20in%20displacement](https://nrc.no/resources/reports/paperless-people-of-post-conflict-iraq/#:~:text=During%20the%20conflict%20with%20the,people%20still%20live%20in%20displacement)

At a cultural level, women in conservative or patriarchal societies may often be harassed, stigmatized, or simply prevented from travelling freely to register life events or access documents, even when such documents are necessary for the wellbeing of the family — a universally accepted cultural norm. Such gender bias can be entrenched in traditional norms that prescribe the role of women within society by religious values or by specific community practices. The bias may operate at a national level or with variations at local levels. Increasingly, areas under the control of religiously conservative groups are imposing strict limits on the role of women in moving freely or in public life.

Family pressures, ever present for women, may be exacerbated by the stress of conflict or by life events occasioned by conflict. Rates of widowhood and divorce typically increase during conflict, necessitating a change in family status. A widowed woman with children and without male or extended family support may face extreme familial pressure when deciding whether to remarry, especially if this would entail losing custody of children from the previous relationship. At an individual level, the pressures on women are enormous. The decision to seek a missing persons declaration for a long-absent husband or to try and register a child born out of wedlock or as a result of rape have enormous personal implications and lifelong consequences.<sup>9</sup> Women with children born outside of marriage, regardless of the circumstances, may face serious repercussions from family or within the community, including honour killing or societal ostracism.

A major barrier for access to civil documents and the associated rights is the lower rates of

possession of those documents by women. Not only are women less likely to obtain documents, they are less likely to have control of the documents. In cases of divorce or separation, husbands may take important documents, leaving women vulnerable without proof of identity or marriage documents. Documents are sometimes used as a weapon of control. Some of the most vulnerable categories of women include women in unregistered second or subsequent marriages, including those with children born of those relationships. Women with intersectional needs, such as women with disabilities, women from minority groups, or those with alleged familial political affiliation, feel the weight of double disadvantage.

The following examples from conflicts in Iraq and Syria illustrate the challenges for women to register vital events when seeking to protect their family life. These examples highlight the interconnected relationship between law, conflict, and culture.

## CHALLENGES FOR WOMEN IN IRAQ

The situation in Iraq is emblematic of challenges women in conflict face in registering vital events. The mass and multiple displacement of six million Iraqi civilians between 2014 and 2017, as well as the deaths of between 29,000 to 67,000 civilians during the conflict with ISIS have had a staggering impact on women.<sup>10,11</sup> The imposition of harsh rules severely limiting the freedoms of women in areas controlled by ISIS when tens of thousands of male family members were lost both emphasized and reduced the role of males, thus placing women in an invidious position. They assumed greater external responsibility for family with reduced external power to care for family,

9 Yakinthou, C. 2015. [ictj.org/sites/default/files/ICTJ-Lebanon-Gender-Disappearance-2015.pdf](https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Gender-Disappearance-2015.pdf)

10 Iraq Body Count. 2020. [iraqbodycount.org/database/](https://iraqbodycount.org/database/)

11 See also NRC 2019a, which uses estimates based on UN Casualty Figures for Iraq for August 2017, and The Statistics Portal: Number of Documented Civilian Deaths in the Iraq war from 2003 to February 2019.

such as through representing the family publicly with government officials and local leaders. Post-ISIS, women have borne the brunt of this legacy.<sup>12</sup>

## LOSS OF DOCUMENTS AND THE IMPACT ON WOMEN

Women are seen within Iraqi society as having primary responsibility for family and home, but with a limited public role.<sup>13</sup> At a time of displacement of families from homes, this places enormous additional stress on women to find alternative accommodation in camps, rental accommodations, with relatives, or as widows returning home. In this highly centralized and regulated state, the possession of documents is vital for women — to prove identity and family linkages, to access services, and to cross checkpoints. For authorities, documentation is a key means of identifying those who may be considered a security risk. The United Nations has identified obtaining new documents or replacing destroyed or lost documents as a key humanitarian need in Iraq.<sup>14</sup> In 2019, it was estimated that up to 80,000 families across Iraq have family members missing at least one form of document.<sup>15</sup> Parents missing documents are more likely to have unregistered children. At least 45,000 children in displacement camps are estimated to be without birth certificates, putting them at risk of becoming stateless.<sup>16</sup> Estimates of civilian deaths during the conflict with ISIS vary. It is unclear how many deaths have been proven and death certificates obtained, particularly

as deaths in Iraq are often registered purely for pragmatic purposes, such as for initiating inheritance proceedings.

Documents are missing for various reasons. ISIS confiscated civil IDs, nationality cards, and other state-issued documents in areas under its control, replacing them with ISIS documents that Iraqi authorities consider invalid. Persons scared of being found with the wrong type of documents (such as ISIS-issued documents) also lost or deliberately destroyed these documents during the conflict. Such situations create impossible dilemmas for civilians who are damned for both possession and non-possession of documents. Displaced men and women had their documents confiscated by Iraqi security actors and intelligence officials after fleeing ISIS-controlled areas and arriving in displacement camps, leaving them with nothing to prove their identity inside the camps.<sup>17,18</sup>

The absence of documents causes problems in almost every aspect of life. Travel becomes nearly impossible. While women without documents can give birth in public hospitals, birth certificates will not be issued without the civil ID of both parents. Some women have consequently chosen to give birth at home, placing them and their child at risk in the event of birth complications. Without a birth certificate, children are unable to obtain vaccinations. Further, if a birth certificate is not issued within 40 days of the birth, parents must go to court to obtain a proof of lineage document.<sup>19</sup> A further significant consequence is exclusion from

<sup>12</sup> San Pedro, P. 2019.

[oxfamlibrary.openrepository.com/bitstream/handle/10546/620690/bp-women-in-conflict-zones-290319-en.pdf](https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620690/bp-women-in-conflict-zones-290319-en.pdf)

<sup>13</sup> Dietrich, C. 2017.

[reliefweb.int/sites/reliefweb.int/files/resources/rr-gender-conflict-isis-affected-iraq-300517-en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/rr-gender-conflict-isis-affected-iraq-300517-en.pdf)

<sup>14</sup> United Nations (UN). 2020. [reliefweb.int/sites/reliefweb.int/files/resources/iraq\\_hno\\_2020.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/iraq_hno_2020.pdf)

<sup>15</sup> NRC. 2019a. [nrc.no/resources/reports/barriers-from-birth/](https://nrc.no/resources/reports/barriers-from-birth/)

<sup>16</sup> Ibid.

<sup>17</sup> San Pedro, P. 2019.

<sup>18</sup> NRC. 2019a.

<sup>19</sup> Ibid.



Photo: Mohamed Azakir / World Bank

the government's Public Distribution Scheme, a type of government social assistance that provides a basic food ration for all citizens below a certain income level. Access to humanitarian assistance requires civil documentation. This pushes those victims of war without documents, or those who are unable to obtain documents because of perceived political affiliation, further into marginalization and poverty.<sup>20</sup>

Since the end of operations against ISIS in Iraq, civil registry offices and courts have resumed full operations and have issued thousands of birth certificates and identity documents. Registry officials, in coordination with camp management and international/non-governmental organizations (I/NGOs), have conducted mobile visits to internally displaced people (IDP) camps in some areas to assist beneficiaries in obtaining documents. In situations in which beneficiaries are fearful of returning to their place of origin to obtain replacement documents, NGO lawyers have helped coordinate with registry offices. While authorities do not accept ISIS-issued documentation as proof of the occurrence of events, they have relied upon witness evidence

from parents and relatives, combined with medical reports with estimates of age, to retrospectively issue birth certificates. Despite these measures, efforts to resolve complex cases have remained limited. Of an estimated 45,000 children without birth certificates throughout Iraq, officials reported on the issuance of 168 identity documents in 2019 to orphans, children of unknown parentage, street children, and children with disabilities).<sup>21</sup>

## THE CASE OF THE MISSING HUSBAND

The Iraqi Constitution makes it clear that all Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.<sup>22</sup> However, this is not reflected in practice. Under Iraqi law, nationality can be derived either paternally or maternally. In practice, Iraqi authorities require confirmation of Iraqi paternal legal identity before processing applications for birth, nationality, or citizenship certificates. In accordance with Iraq's *Personal Status Law*, lineage is passed through marriage, highlighting the significance of marriage certificates.

While Iraqi courts and civil registry offices have been active in the issuance of thousands of new and replacement documents, the patriarchal nature of Iraqi law, practice, and culture punishes women whose husband has gone missing in the conflict. Intense suspicion surrounds women who are unable to prove the whereabouts of their husband. Women are also tagged with the alleged political opinion of their husband. Renewal, reissuance, or updating of a woman's ID card is not possible where a male relative is included on the national security database or any of the "wanted lists" that security actors or government-

20 NRC. 2019b.

21 UN. 2019b. [undocs.org/A/HRC/WG.6/34/IRQ/1](https://undocs.org/A/HRC/WG.6/34/IRQ/1)

22 Iraqi Constitution 2005, Art. 14.

linked militias maintain.<sup>23</sup> Criteria for inclusion on the lists are not available; there are widespread concerns that much of the information is arbitrary, unverified, or inconsistently applied. Nor can decisions to include someone on a list be appealed or challenged.<sup>24</sup> Further, "[t]he risks of community stigmatisation, isolation, and exclusion are amplified for female-headed households, who often lack strong community support networks to navigate potentially hostile environments."<sup>25</sup>

An option that exists, at least in some parts of the country, is the flawed and discriminatory *Tabriya* process. Under this process, women make a statement to the court setting out the alleged criminal acts of their husband during ISIS control to formally absolve themselves of responsibility for their husband's actions and facilitate their own readmission to the community.<sup>26</sup> Rather than being considered independent agents with their own views and beliefs, women are treated as the shadow of their husband or male family member.

Obtaining documents in Iraq typically requires women to possess a chain of prerequisite documents evidencing earlier events. For example, to obtain a birth certificate for a child whose father is missing, women must prove the identity and whereabouts of the father and present a marriage certificate or proof of marriage. Applications will be refused if the father is included on a security clearance list. This turns the typically straightforward process of obtaining a birth certificate into a protracted and costly bureaucratic nightmare.<sup>27,28</sup> Up to one-third of previously unmarried Iraqi women living under ISIS-controlled areas are estimated to have married in ISIS controlled areas, so the problem

is sizeable. Iraqi authorities do not consider ISIS-issued documents, including marriage certificates, valid, so these marriages must be retrospectively validated. This requires both parties to have valid civil IDs and to produce witnesses who can confirm the existence of the marriage before an Iraqi Personal Status Court. Only then can the marital status of the parties be updated on their national IDs and a birth certificate issued for a child of the relationship.<sup>29</sup> Such formalized processes are ill suited to situations where the husband is missing or no witnesses are available who are prepared to testify to the relationship.

The process for obtaining a death certificate or missing person declaration is extremely stressful for women, involving not only a complex process that authorities view with high levels of suspicion, but also difficult decisions at the family or community level as to whether to declare a husband missing. Yet obtaining a death or missing person declaration may be the only way to obtain a birth certificate for the child. It may also be the only way to allow women to obtain finality, claim inheritance, and move on with life, including the option of remarriage. Conversely, the decision to declare a spouse missing is intensely personal and may result in familial and community tensions and recriminations, particularly from the husband's family. There is a lot at stake.

Should the decision be taken to initiate missing person proceedings, an application must be made to the local police station involving two male or four female witnesses who must describe the circumstances under which the person went missing. A file is opened by the Criminal Investigations Court and the family is required

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23 NRC. 2019a.

24 Ibid.

25 Ibid.

26 Wille, B. 2019. [hrw.org/news/2019/06/14/iraq-not-homecoming](https://www.hrw.org/news/2019/06/14/iraq-not-homecoming)

27 Human Rights Watch. 2018. [refworld.org/docid/5b39f196a.html](https://www.refworld.org/docid/5b39f196a.html)

28 NRC. 2019a.

29 Ibid.

to post a public notice of the missing person in local newspapers)<sup>30</sup>. Approaching the police about a missing husband can raise suspicions about a possible ISIS affiliation and attract the adverse attention of authorities. Posting a public notice magnifies such suspicions throughout the community and is a step many fearful women are not prepared to take. Two years after the notification that a person is missing, relatives may request a death certificate from the Personal Status Court, although this can take much longer in practice.<sup>31</sup> A process that would be typically viewed sympathetically by authorities, and perhaps even expedited — such as the issuance of a birth certificate for a child born in times of conflict and a missing person declaration for a husband — becomes a traumatic and politicized process for the widow. In the end, civil registration systems are only as strong as the rule of law systems that guarantee their legality and credibility. The effectiveness of the system is seriously compromised if women or children who are required to possess identity documentation under Iraqi law are unable to obtain those documents from Iraqi authorities.

Women and children who are unable to meet the documentary requirements are shut out of the system. This has real implications both for the affected persons and for society. Lack of civil registration denies basic services such as health care, education, movement, and social support. It also reduces a person to life on the margins. This, in turn, creates a cadre of undocumented persons in a parallel world with resultant risks for individuals and the state.<sup>32</sup> This hidden stratum of society has no stake in complying with laws or social norms, as they are excluded from the benefits. It creates the perfect conditions for exploitation, abuse, crime, and extremism.

Simplifying and delinking civil registration processes from the status of the husband or father of a child would be important steps along the path to greater women's empowerment and agency. In cases where the father is not present, special expedited procedures should be put in place to facilitate the child's birth registration and the updating of the spouse's familial status. Such processes should acknowledge the right of women as independent agents, spouses, and mothers to register life events in their own right, without requiring the approval or endorsement of male relatives. Security clearances from husbands or male relatives should not be required for children's birth registration. Testimony provided by women about the occurrence of certain events, such as birth, paternity, or a husband's disappearance, at such hearings should be relied upon in the absence of countervailing information. Registration processes should be cognizant of the difficulties in proving life events in times of conflict and seek to reduce, not exacerbate, the trauma experienced by women separated from husbands or otherwise impacted by war.

In tandem with law and policy reforms, approaches that would work at a local cultural level are needed to stress the rights of all women and children in Iraq and promote shared values of inclusion, equality, dignity, and national reconciliation. This would be in line with government commitments to national strategies for the advancement of women, the national settlement initiative, and the establishment of a national agency to safeguard peaceful coexistence.<sup>33</sup> Such measures would also accord with the government's obligations under the UN Convention on the Elimination of All Forms of Discrimination Against Women to "modify the social and cultural patterns of conduct of men and

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30 NRC. 2019b.

31 NRC. 2019a.

32 NRC. 2019b.

33 UN. 2019b.

women, with a view to achieving the elimination of prejudices and customary and all other practices" that are based on discrimination or stereotyped roles.<sup>34</sup> Close engagement between officials and tribal, religious, and civil society actors on realistic strategies for change would be an essential precondition. Agreements on reintegration and the need for issuance of basic documentation to undocumented children and vulnerable widows/spouses of missing persons would be a tangible first step.

## CHALLENGES FOR WOMEN IN SYRIA

The ability of women to register critical life events in Syria remains compromised by the ongoing conflict and the different rules applied in the parts of the country outside government control. While Syrian law remains formally applicable throughout the entire country, civil registry offices do not operate in areas under non-government control. De facto authorities issue their own documents, which are not recognized by the government in Damascus. Possession of documents issued by such authorities may be necessary for practical purposes, such as movement within non-government areas or access to certain services, but may pose protection risks for holders as a perceived sign of support for such groups.<sup>35</sup> The entry of a birth by a non-state actor in a Family Book validly issued by the Government of Syria may invalidate the entire Family Book. Consequently, up to 58 percent of children living in non-government areas are estimated not to be registered in their Family Book.<sup>36</sup> As the overwhelming majority of persons living in non-government controlled areas are understood to want formal government-issued documents, this

presents a challenge.<sup>37</sup> Humanitarian assistance provided by local or international aid organizations is often also conditioned upon people having recognized civil documentation.

Death registration presents another challenge. With thousands of persons unaccounted for in Syria, large numbers of unidentified bodies, and a lack of medical evidence, obtaining proof of the death of family members can be difficult. This limits the ability to report and register such deaths. Furthermore, deaths may remain unregistered for other opportunistic reasons, such as using the ID of a deceased person and continuing to receive a pension despite the death of the pensioner.

## CROSSING LINES

While persons in some areas are able to cross from non-government controlled into government-controlled areas to formally register life events such as births and obtain government-issued documents, this is simply not possible in other areas. Research suggests that only 29 percent of persons living in areas outside government control in northwest Syria are able to access government registries.<sup>38</sup> Crossing conflict lines is extremely risky. Up to 84 percent of respondents in field research conducted in non-government controlled areas cited concerns of approaching authorities as the cause of non-applications for documents.<sup>39</sup> Corruption and the demand for bribe payments to cross lines and access documents remain major barriers, while sexual exploitation is a significant risk for women. Other challenges include the arduous journey, the associated costs, and the dangers of being deceived and extorted by smugglers. This perfect

34 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Art. 5(a).

35 NGO Field Report. 2019.

36 Ibid.

37 Ibid.

38 Ibid.

39 UN. 2019c. [hno-syria.org/#resources](https://hno-syria.org/#resources)

storm results not only in the lack of personal documentation for many thousands of civilians, but also in desperate measures to try and obtain vital documents.

In such situations,

"[t]he cumulative effect of the legal and civil documentation crisis has been a growing reliance of Syrians on risky coping mechanisms, including the use of fraudulent documents, adoption of false identities, payment of bribes, hiring of intermediaries and even crossing through lines of conflict themselves. The strong preference for GoS [Government of Syria]-issued documentation and concerns related to documents issued by non-state actors have frequently forced Syrians to weigh and ultimately accept the lesser of two evils—assume considerable expense and physical dangers in seeking GoS-issued documents or simply remain undocumented."<sup>40,41</sup>

Men of the mandatory conscription ages of 18 to 42 in Syria face risks of detention when crossing lines to obtain identity documents.<sup>42</sup> As a result, women are often tasked with this difficult and dangerous role. They are seen as less involved in active conflict and a lower security risk. As a result, the belief is that they are more easily able to cross checkpoints to access government registries.<sup>43</sup> However, this raises new protection risks. Women are reported to have been targeted for abuse by all sides as a form of punishment for wanted male relatives, with reports of arrests, detention, extortion, and kidnapping

at checkpoints, along with reports of rape and sexual violence.<sup>44</sup> To compound the risks, many armed groups are conservative, and freedom of movement is extremely limited. Women are often not able to move freely without a male relative.<sup>45</sup> In the past, children could be registered without being physically present, but new measures require the presence of children at the registry office together with at least one parent. This means parents must cross lines with very young children.

Even after crossing lines, the process of approaching civil registry offices to apply for civil documentation on behalf of family members is a formidable one for many women. Available information indicates that males obtain the Family Book from civil registry offices in the overwhelming number of cases (86 percent), while the percentage of women is much lower (22 percent). The general lack of female staff in civil registry offices and Sharia courts, and overall "lower levels of education, literacy, income and document possession for women further compound their inability to exercise and enjoy their rights to civil documentation".<sup>46</sup> Despite the absence of legal discrimination in relation to the employment of women in government offices or courts, the number of women actually employed in civil registry offices is extremely low. Women are also likely to face difficult questions about the whereabouts of their husband when applying for birth certificates or updating the Family Book; they report feeling intimidated when taking on a role typically conducted by men.<sup>47</sup> With an estimated 4.7 percent of Syrian internally displaced (IDP)

40 NGO Field Report. 2018.

41 UN. 2019c.

42 NGO Field Report. 2018.

43 NGO Field Report. 2019.

44 UN. 2019c.

45 International Legal Assistance Consortium (ILAC). 2017. [ilacnet.org/wp-content/uploads/2017/04/Syria2017.pdf](http://ilacnet.org/wp-content/uploads/2017/04/Syria2017.pdf)

46 NGO Field Report. 2018.

47 Hampton, K. 2019.

households headed by women, these difficulties are likely to increase.<sup>48</sup> A legal literacy campaign for women on the rules, requirements, and processes for obtaining documents for different scenarios, such as birth, marriage, and death, would be a practical and effective contribution.

The challenges involved in crossing lines to register life events results in the underreporting of many events. Births and marriages are the events most likely to be reported, with Family Books being in great demand. Divorce and death are much less likely to be reported. Due to the uncertainty surrounding the whereabouts of long-absent spouses missing during the conflict, women often choose to separate or divorce on the basis of spousal absence "without acceptable justification"<sup>49</sup> rather than remarry on the basis of the death of their spouse. When divorces and subsequent marriages are not formally registered, children born of those relationships cannot obtain birth certificates or proof of identity. This enormously complicates family life and affects the rights of children. In some cases, parents who have not been able to register prerequisite events (marriage, divorce) have taken the drastic step of registering the birth of a child in the name of a family member or close relative to obtain the birth certificate. Such desperate measures have disastrous long-term implications for the child and parent, who face the risk of criminal proceedings for providing false information, loss of custody of a child registered in the name of other parents, or both.

Issuance of basic identification documentation to civilians is a necessary obligation for all actors in times of conflict.<sup>50</sup> This allows them to meet their human rights obligations to the affected population, including the rights to marry and



Photo: Salah Malkawi / UNDP

found a family, the right to birth registration, an identity and a nationality, and the right to preservation of family unity. Consistent with provisions under the Syrian Constitution to "protect and encourage marriage" and to "provide women with all opportunities enabling them to effectively and fully contribute to the political, economic, social and cultural life,"<sup>51</sup> practical barriers to access civil registration procedures for women need to be identified and removed. This would include ensuring, for instance, that women who are able to cross lines are actively assisted in the registration of life events, including complex cases, without onerous and unrealistic evidentiary burdens.

## LEGISLATIVE REFORM AND NORMATIVE CHANGE: A SYRIAN EXAMPLE

Situations of war and conflict can delay, but sometimes advance, legislative and normative changes, which result in improved gender equality and increased women's empowerment.

48 UN. 2019c.

49 *Syrian Personal Status Law*. Art. 108.

50 International Convention on Civil and Political Rights Art. 16, 24; Convention on the Rights of the Child Art. 7; Geneva Convention IV Art. 24, 50; see also Hampton 2019.

51 Syrian Constitution. 2012. Art. 20(1) and 23.



Photo: John Donnelly / World Bank

While conflict has a cataclysmic impact on family life and women's rights in general, it may also propel women into new roles of leadership or within public or economic life.<sup>52</sup> In the absence of spouses, women will assume the role of head of the household with external decision-making responsibilities on issues related to the care, welfare, and upbringing of children as well as public management of family affairs. This newly acquired *de facto* role can advance normative change as it becomes both accepted and valued for women to lead family affairs in public life.

Such changes can occur within daily life through greater acceptance of an increased role for women in social, cultural, and religious practice or through changes to administrative and legislative practice at the government level, or both. It is hard to predict whether such changes are opportunistic and will be rolled back by pre-existing power structures at the first available opportunity or whether they can weather the storm and become the new normal. Such assessments are particularly difficult during times of conflict, which are battlegrounds of competing values and ideologies — political, cultural, religious, and secular.

Syrian law and practice offer an interesting case study through changes to the *Personal Status Law* while maintaining an overall legal framework that preserves male guardianship and lineage as key determinants of civil status and familial registration. In this aspect, Syrian law is common to many other legal frameworks within the region, including those of Jordan, Iraq, and Egypt.<sup>53</sup>

## SYRIA'S PERSONAL STATUS LAW

At the administrative level, a guide to civil registration and documentation jointly issued by the Government of Syria and the UN High Commissioner for Refugees in 2018 provides guidance on certain special cases, many of which have increased during conflict and have a particular impact on women. These include cases of children of unknown parentage, children born to Syrian mothers outside wedlock where the identity of the father is not known or not proven, children separated from family members, and the process for obtaining civil documents when civil registries in certain areas are not accessible.

At the legislative level, recent changes to Syria's *Personal Status Law* indicate an intention to reduce some areas of gender inequality, incrementally at least. Some of those changes are no doubt a response to the practical realities of an increased number of widows and fatherless children resulting from the conflict. However, some of the changes work at a deeper normative level. These place boys and girls on more equal footing and increase formal responsibilities for women and mothers.

The caveat is that some of these changes may not have been necessary if more fundamental reforms had been made earlier, such as the right of children to acquire nationality from either mother or father or the right of birth registration regardless of the parents' marital status. Such

<sup>52</sup> Charles, L. and Denman, K. 2012. [vc.bridgew.edu/jiws/vol13/iss5/17/](http://vc.bridgew.edu/jiws/vol13/iss5/17/)

<sup>53</sup> Moghadam, V. 2004. [jstor.org/stable/41603930?seq=1](http://jstor.org/stable/41603930?seq=1)

changes would deal with many of the conflict-related registration issues arising in practice, most particularly those requiring proof of paternity. Conversely, changes of such significance may require deeper discussion and consultation to find the right balance or level of community acceptance.

In any event, the amendments that have been made to the *Personal Status Law* should not be discounted; they do advance women's rights in certain areas, such as age of marriage, divorce, and paternal consent. At the same time, they highlight problematic practices in need of further reform. While fathers or paternal grandfathers (in the absence of fathers) continue to have exclusive legal guardianship over children,<sup>54</sup> mothers are now permitted to act as "marriage guardians" in the case of underage marriage, an area that was previously an exclusively male domain.<sup>55,56</sup> These changes draw attention to the unacceptably high rate of child marriage in Syria, a practice that has increased during the conflict. While girls could previously be married at age 13, subject to the approval of a Sharia judge, the age has now been raised to 15, in parity with boys. There remains a long way to go. The formal age of marriage for girls has been increased from 17 to 18, as is the case for boys under Syrian law.<sup>57</sup> Arguably, such changes could be dismissed as mere tinkering, while more fundamental male prerogatives remain in place in relation to guardianship, paternal derivation of citizenship, and even the

requirement of consent by an adult male family member to the marriage of an adult female. They may, however, presage subtle but significant changes at a practical level.

No doubt in response to the real dilemma of children born to Syrian mothers with fathers who are now deceased, missing, or otherwise absent, DNA testing has been introduced into Syrian law. While it is not available in cases of disputes over paternity between spouses, DNA testing can be ordered to prove paternity in other cases. In conflict-affected families where husbands are missing, this may provide a registration pathway for women. Not only can this prove paternity and familial lineage, but it may also result in the confirmation of Syrian nationality and inheritance rights for children.<sup>58</sup> Conversely, there are likely to be thousands of cases in which women are unable to prove the paternity of children or make use of DNA testing, leaving children without identity documentation and stateless.

Proof of marriage and formal registration is likely to be another massive challenge for Syrians who have married informally or in areas under the control of non-government actors. Lack of marriage registration makes it impossible to register the birth of children and to confirm their paternal identity, a prerequisite for confirmation of Syrian nationality. Marriage registration provides protection and serves as a legal basis for the rights of the female spouse and her

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54 Guardianship should be distinguished from custody. While custody concerns the accommodation and daily care arrangements for the child, guardianship involves the broader issue of parental responsibility and decision-making. A non-custodial parent still has an important decision-making role in relation to the welfare arrangements for the child, schooling, religious instruction, and other matters related to the child's upbringing. In Syria, this can also extend to marriage arrangements for children under 18.

55 UNHCR and NRC. 2019.

56 In cases of underage marriage, the judge must conduct a judicial assessment to ensure that the girl or boy of 15 has the maturity and capacity to marry.

57 The capacity of children to provide full and informed consent to underage marriages is questionable. Some commentators, however, note the growing body of opinion that stresses the importance of taking into account the views of the child and holds that some children may have the necessary maturity and capacity to consent to a marriage in the same terms as an adult.

58 UNHCR and NRC. 2019.

children, including rights to inheritance.<sup>59</sup> Syria has traditionally permitted the retrospective registration of informal marriages, provided they do not contradict Syrian law. Documentary requirements are waived when children have been born of the relationship. New amendments require the judge to ensure that both parties understand the rules for marriage and divorce. While this is a positive protection, it introduces a new set of practical problems in cases where the husband is now missing.

Custody of children continues to reside with the mother,<sup>60</sup> although under changes to the *Personal Status Law*, the father can now act as custodian if the mother is unable or unwilling. However, problematic provisions remain, namely the rule that a mother loses custody of her children if she remarries. This places enormous pressure on widows. In a significant change, permission of both parents is required to take a child outside of Syria unless a judge declares it to be in the best interests of the child. Previously, only paternal consent was required: fathers could remove their children from Syria without the permission of the child's mother. Whether the capacity exists to consistently enforce such a law is a separate issue.

Despite changes and amendments, the Syrian civil registration and judicial systems are likely to struggle to properly recognize and register many key life events occurring to women during the conflict. Cases in which husbands and wives are both present are likely to be the easiest. Situations of separated or divorced women, widows, those with missing husbands, or those with children born out of wedlock, including as a result of rape, are likely to be the most difficult to resolve.

As is typical in times of conflict, women who are most vulnerable are likely to experience the greatest difficulties in protecting their rights and those of their children. Changes to the *Personal Status Law* may merely be the first of a series of necessary steps.

## CONCLUSION

With record numbers of persons displaced due to emergency situations in 2020,<sup>61</sup> it becomes increasingly important to ensure that women have access to civil registration and documents. Not only does the registration serve immediate needs, such as granting access to certain fundamental rights and ensuring basic levels of protection, but it is critical for holding families together and maximizing life opportunities in the medium and long term. If there is to be any chance of meeting Sustainable Development Goal (SDG) targets, change must be promoted at all levels.

The role of women in Iraq and Syria is inextricably connected with social, cultural, and religious norms; the relative weight of these issues will have a major bearing on the possibilities for change.<sup>62,63</sup> Compelling arguments that can work at both a cultural and political level will need to be constructed to change the status quo. These should draw upon religious, cultural, and social norms, highlighting the critical role of women in family, community, and public life. They should also involve local community, religious, and tribal actors. Governments should be reminded of their normative change obligation under the UN Convention on the Elimination of All Forms of Discrimination Against Women to “take appropriate measures, including legislation, to modify or abolish existing laws, regulations,

59 NGO Report. 2019.

60 UNHCR and NRC. 2019.

61 UNHCR. 2020. [unhcr.org/en-au/figures-at-a-glance.html](https://www.unhcr.org/en-au/figures-at-a-glance.html)

62 Asaf, Y. 2017. [doi.org/10.3390/socsci6030110](https://doi.org/10.3390/socsci6030110)

63 San Pedro, P. 2019.

customs and practices which constitute discrimination against women."<sup>64</sup> A regional example includes the United Nations Relief and Works Agency for Palestine Refugees in the Near East's practice of including all adult members of the household, including female spouses, on residential leases, rather than just the head of the household, who is typically male. This is done in a neutral way, but it empowers women and highlights equality of rights of residence in the family home.<sup>65</sup>

As in many contexts, adversity begets opportunity. The timely and accurate registration of life events remains critical for governments affected by conflict. In such situations, authorities will increasingly need to rely upon alternative forms of evidence to ensure the proper collation of data concerning births, marriages, and deaths. This may include greater use of single-witness testimony and presumptive evidence in the absence of concrete proof of the occurrence of events, as well as simplified and fast-tracked procedures for complex scenarios with a massive impact on family, such as lack of birth registration.

Good practices from other contexts, including those in the region, can also be used. While neither Jordan nor Turkey is dealing with situations of conflict, both countries have had to adapt local systems to facilitate the registration of life events for Syrian refugees who are often without documents or proof of events that occurred in Syria. In the absence of original documents, Jordanian authorities will accept photocopies of relevant documents, which has massively increased the birth registration rate of Syrian refugees in Jordan. Turkey has issued a circular

simplifying the requirements for children born out of wedlock. Jordan has opened civil registries in the two main camps in Jordan to facilitate access to CRVS systems. Extensive networks of legal aid actors in both contexts ensure that refugees receive independent and professional assistance in helping register life events and resolving complex issues.<sup>66</sup>

Meaningful change in Iraq and Syria requires increased recognition of the right and role of women to register vital events. Practical issues facing women must be identified and addressed. These include restrictions on freedom of movement, physical access to civil registries, and security and protection risks. Increased awareness about registration procedures and requirements would help women navigate unfamiliar and intimidating bureaucracies. In turn, procedures should be amended to take into account the difficulties women have in proving key events during conflict, such as birth, marriage, divorce, and death. Proof is difficult to obtain in times of war and the risk of opportunism or false information is high. Flexible and reasonable evidentiary procedures will mitigate many of these risks while maintaining minimum standards of proof. Even parties in active conflict are required to take appropriate measures to facilitate the registration of life events. Finally, legislative reform is a key tool for introducing normative change. While changes to underlying values and beliefs must be approached cautiously, conflict can sometimes act as a powerful catalyzing agent.

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64 CEDAW. Art. 2(f).

65 UN Relief and Works Agency for Palestine Refugees in the Near East. 2017. Gender Champion Award Winners 2017. [unrwa.org/newsroom/features/bold-enough-create-change-co-signing-housing-units-supporting-senior-positions](https://www.unrwa.org/newsroom/features/bold-enough-create-change-co-signing-housing-units-supporting-senior-positions).

66 UNHCR. 2016. [refworld.org/pdfid/5829c32a4.pdf](https://www.refworld.org/pdfid/5829c32a4.pdf)

## RECOMMENDATIONS

- 1. CRVS systems must be responsive to the difficulties faced by women in registering life events during conflict**, such as births, marriages, divorces, or death. This requires support for women in accessing registries, the recruitment of female registry staff, help with overcoming practical or logistical obstacles, and enhanced measures to deal with protection risks faced by women.
- 2. Women must be encouraged and empowered to register life events** in their own right and without the need for support from male relatives.
- 3. Women must be able to obtain civil documentation for themselves and their children** as fully independent and autonomous individuals and without being linked to imputed political or security affiliations of male relatives or requiring security clearances from such relatives.
- 4. Flexible procedures and alternative forms of evidence are necessary to ensure that women are able to register life events**, due to the difficulties in obtaining documentary or other evidence during conflict. Such measures should include simplified and expedited procedures that prioritize the available information and witness testimony.
- 5. Registration systems based on non-discriminatory laws** that allow birth registration regardless of marital status, and confirmation of birth identity and nationality from either parent, provide a stronger basis for the protection of the rights of the children of those relationships. Laws should be amended accordingly.
- 6. All actors should take opportunities to build on the increased leadership roles that women undertake during conflict** to promote normative change and gender equality.
- 7. CRVS systems should receive technical support and assistance** to allow them to better prioritize and register complicated conflict-related cases in the interests of fully accurate and up-to-date data.

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## ANNEX 1: KEY ISSUES ON CIVIL REGISTRATION AND VITAL STATISTICS (CRVS) IN IRAQ AND SYRIA

CRVS Iraq	CRVS Syria
Civil registry offices are now operational again throughout all areas of the country, including in areas formerly occupied by ISIS. Registry offices continue to face a backlog on issuance of new or replacement documents.	Civil registry offices are operational in areas under government control. De facto authorities and/or opposition groups issue birth registration, marriage, and identification documents in areas outside of government control.
Many thousands of documents are estimated to have been destroyed during the conflict. CRVS systems were not fully digitized pre-conflict.	Many civil registry offices were destroyed and records lost during the conflict. CRVS systems were not fully digitized.
Up to 6 million civilians were displaced during the conflict from 2014 to 2017, with an estimated 67,000 civilian deaths. <sup>67</sup>	Up to 6 million civilians are currently displaced, with estimates of between 380,000 and 586,100 civilians killed between 2011 and 2020. <sup>68</sup>
Up to 45,000 Iraqi children in camps are estimated to be without birth registration or identity documentation. There are estimates of more than 80,000 households across Iraq with family members missing at least one form of civil documentation. <sup>69</sup>	21% of respondents in an NGO survey <sup>70</sup> under the age of 5 were not listed in the Family Book and did not have a birth certificate or any proof of identity.
Up to one-third of women of marriageable age are estimated to have married in ISIS-controlled areas during the conflict. <sup>71</sup>	In that same NGO survey, 29% of respondents stated that it was possible to obtain Government of Syria-issued documents in their present location, while 72% reported they could obtain documents issued by non-state entities locally. Meanwhile, 36% of respondents had managed to obtain a death certificate for a deceased household member.
Estimates of missing persons in Iraq over decades of conflict vary from 250,000 to 1 million. <sup>72</sup> Estimates of missing persons between 2014 and 2017 are upwards of 13,000, including more than 4,000 in Ninewa Governorate and more than 2,900 in Anbar Governorate. <sup>73</sup>	There are an estimated 98,000 missing or forcibly disappeared persons in Syria. <sup>74</sup>

67 Iraq Body Count. 2020. [iraqbodycount.org/database/](http://iraqbodycount.org/database/)

68 The Syrian Observatory for Human Rights. 2019. [syriahr.com/en/157193/](http://syriahr.com/en/157193/)

69 NRC. 2019b.

70 NGO Field Report. 2018.

71 Ibid.

72 International Commission on Missing Persons. 2020. [icmp.int/where-we-work/middle-east-and-north-africa/iraq/](http://icmp.int/where-we-work/middle-east-and-north-africa/iraq/)

73 VOA News. 2017. [voanews.com/middle-east/defeated-thousands-still-missing-iraq](http://voanews.com/middle-east/defeated-thousands-still-missing-iraq)

74 Syrian Network for Human Rights. 2020. [sn4hr.org/blog/2019/08/31/54185/](http://sn4hr.org/blog/2019/08/31/54185/)

## ANNEX 2: LEGAL AND SOCIAL OBSTACLES FOR WOMEN IN REGISTERING LIFE EVENTS

Legal	Social
<p>Children cannot be registered without proof of paternal identity.</p>	<p>There is a lack of knowledge of and familiarity with procedures for obtaining documents. This is considered to be a male domain.</p>
<p>Nationality in Iraq and Syria is derived paternally.</p>	<p>Courts and registry offices are predominantly staffed by men.</p>
<p>Women in Iraq are required to prove the identity as well as the whereabouts of husbands who are missing to obtain birth certificates for children. If a husband is missing for more than two years, the wife may apply for a death certificate. However, she is still required to prove the identity of the father and provide proof of marriage and a security clearance for the husband to obtain a birth certificate.</p>	<p>It is easier for women than for males of conscription age to cross lines of fighting in Syria to access government registry offices. However, protection risks for women include security concerns and the risks of assault and sexual violence.</p>
<p>Proving the existence of a marriage that took place in a non-government controlled area of Syria is challenging, particularly if the husband is missing or is unable to attend a court in government-controlled areas.</p>	<p>There may be familial and social pressure not to remarry, including in cases in which the husband is presumed dead.</p>

## ANNEX 3: INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF WOMEN'S RIGHTS

Document	Provision
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)	Article 2 prohibits discrimination between men and women. Article 9 grants equal rights for the acquisition of nationality. Article 15 guarantees equality before the law. Article 16 requires equality in marriage and family relations.
CEDAW Committee General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations	Article 6 addresses the risk of statelessness for women and girls in conflict, such as in cases of a lack of proof of identity, discrimination, or inability to acquire or confer nationality.
UN Guiding Principles on Internal Displacement	Principle 20(3) notes the equal right of men and women to obtain necessary documentation during displacement.
Sustainable Development Goal no. 5.1	By 2030, end all forms of discrimination against women and girls.
Sustainable Development Goal no. 16.9	Provide legal identity for all, including birth registration, by 2030.
UN Security Council Resolution 1325	Protect women's rights during times of conflict and give them a voice during conflicts and peace building.
Geneva Convention IV	Specific requirements exist for the preservation of family links and transfer of information between families (Articles 25–26). Parties to the conflict are obliged to facilitate the registration of children, including confirmation of their parentage (Articles 24, 50).

## ANNEX 4: REQUIREMENTS FOR BIRTH REGISTRATION, MARRIAGE CERTIFICATES, MISSING PERSONS DECLARATIONS, AND DEATH CERTIFICATES IN IRAQ AND SYRIA

Type of document	Iraq	Syria
Birth registration	Requires birth notification from doctor/hospital, civil ID for both parents, and marriage certificate and security clearance for parents. Births must be registered within 30 days or fines are payable.	Requires birth notification from doctor/hospital, mukhtar attestation, Family Book or civil ID for both parents, and marriage certificate and security clearance for parents. Births must be registered within 30 days or fines are payable as well as an administrative investigation (up to 12 months) or police report (over 12 months). Application must be made to the civil registry office where the father's civil records are kept or where the birth took place.
Marriage registration	Parties must appear before a judge in the Social Status Court and will be directed to obtain a medical report for each spouse. They will then return to the court with two witnesses and sign the marriage contract before the judge. Retrospective legalization of marriage is possible at the Personal Status Court with two witnesses and civil IDs of both parties.	<p>The following documents are required:</p> <ul style="list-style-type: none"> <li>• Medical report for each spouse</li> <li>• ID cards and individual civil registry statements for both parties</li> <li>• Forms authenticated by the mukhtar/local municipality</li> <li>• Approval of legal guardians for first marriages of brides</li> <li>• Marriage license from the Military Service Department for men ages 18 to 42</li> </ul> <p>The documents are submitted to the religious court, which will certify the marriage contract subject to the presence of two witnesses, the bride's legal guardian, and agreement on the dowry. The court will send the marriage contract to the civil registry office for issuance of the marriage certificate. Retrospective legalization of marriage is possible in cases involving children.</p>
Divorce declaration	Divorces in Iraq must be validated in the Court of Personal Status. If the husband is absent, the wife is required to submit a guardianship certificate which documents the absence of the husband and the date of absence.	There are different types of divorce under Syrian law. The competent religious court will declare the divorce and send a copy of its decision to the civil registry office, which will issue the certificate.

## ANNEX 4: REQUIREMENTS FOR BIRTH REGISTRATION, MARRIAGE CERTIFICATES, MISSING PERSONS DECLARATIONS, AND DEATH CERTIFICATES IN IRAQ AND SYRIA (CONTINUED)

Type of document	Iraq	Syria
Family Book	All personal data which is entered into the population registry is collected in a large family registry at the local population registration offices near the family's place of residence. Iraqis can obtain a copy of their entry in the family registry.	The applicant's ID card is required. The book is updated to include the female spouse upon marriage and any children of the marriage. The ID card of the spouse and the birth certificates of the children are required for them to be included in the book.
ID card	Issuance of an ID card requires the birth certificate of the child, an extract from the family registry confirming the birth, the ID card of the mother or father, and any other identity documents such as the Iraqi nationality certificate, the application form, and the housing card of the applicant.	Issuance of an ID card requires the Family Book and the ID of the mother or father. Persons over the age of 15 who have not previously obtained an ID card and whose identity is not verified by their legal guardian require an identification certification issued by the local mukhtar with two adult witnesses. Applications must be made by parents or close relatives at the civil registry office at which the family's records are kept or in their place of residence.
Missing person declaration	This requires an application to the local police station with statements from two male or four female witnesses setting out the circumstances of the disappearance. The Criminal Investigations Court will open a file; the family is required to place a public note in local newspapers advising of the person's disappearance. After two years, a relative can request the Personal Status Court to issue a declaration that the person is presumed dead.	This requires a police report and/or a request to the Ministry of Justice for missing civilians. After four years, a family member can apply to the Court of Personal Status for a declaration that the person is presumed dead. This requires <ul style="list-style-type: none"> <li>• a police report</li> <li>• a personal statement from the applicant</li> <li>• entry and departure statements from the Ministry of Immigration confirming that the missing person has not left the country</li> <li>• two witness statements</li> </ul> <p>The court decision can be taken to the civil registry office for the issuance of a death certificate.</p>

## ANNEX 4: REQUIREMENTS FOR BIRTH REGISTRATION, MARRIAGE CERTIFICATES, MISSING PERSONS DECLARATIONS, AND DEATH CERTIFICATES IN IRAQ AND SYRIA (CONTINUED)

Type of document	Iraq	Syria
Death certificate	This requires proof of death, such as a medical certificate certifying the death. Death cannot be certified in the absence of the body.	The following are required: <ul style="list-style-type: none"> <li>• Medical report by the doctor confirming the death</li> <li>• Medical attestation from the hospital or a mukhtar if death did not occur in a hospital, in addition to two witnesses</li> <li>• Family Book of the deceased</li> <li>• ID card of the deceased</li> </ul>
Citizenship/nationality	While nationality can be acquired through either the father or the mother under the Iraqi Constitution, applicants must possess an Iraqi national ID card, which is heavily based on confirmation of paternal identity.	Nationality is derived paternally; applicants must prove their father is a Syrian. While nationality can technically derive from the mother when the identity of the father is unknown and the child is born in Syria, this provision is rarely implemented in practice due to social and legal repercussions.

Sources: Information provided by NRC staff working in Iraq and Syria; Landinfo 2014; NGO Field Report 2019; NRC 2019a; UNHCR 2018; UNHCR and Syrian Arab Republic 2018.





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