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Comparative Analysis on Marriage, Birth & Death Registration for Syrian Refugees in Mount Lebanon, Beirut, North Lebanon and North Bekaa.

Challenges & Recommendation

**Prepared by The Lebanese Center for Human Rights & The Norwegian Refugee Council
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Disclaimer:

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List of Acronyms

FGD	Focus Group Discussion
GoL	Government of Lebanon
GSO	General Security offices
ICCPR	International Covenant on Civil and Political Rights
ITS	Informal Tented Settlements
LBP	Lebanese Pounds
PRL	Palestinian Refugees in Lebanon
PSD	Personal Status Department
UDHR	The Universal declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the near east

Disclaimer:

The information and data mentioned in this paper are subject to change specially anything related to legal fees and process.

Introduction

Recent years have been characterised by significant movements of people fleeing from war, civil conflict, disasters, and emergencies to seek temporary or permanent refuge in neighboring countries. Due to the ongoing political and economic turmoil in its entourage, Lebanon today has the largest population of refugees per capita in the world.

The two largest refugee groups currently residing in Lebanon are Palestinians and Syrians. UNRWA and the Government of Lebanon (GoL) estimate that there are 180,000 Palestinian refugees in Lebanon (PRL) disaggregated in 12 official camps and a number of informal settlements, often referred to as 'adjacent areas' or 'gatherings'.¹

In 2011, the crisis in Syria triggered a large influx of refugees to bordering countries. In Lebanon, the number of registered refugees decreased significantly after the 2015 Government of Lebanon's decision that forced UNHCR to suspend registration. Nevertheless, the number of unregistered refugees continued to increase. Without official registration, we would not know the total number of Syrian refugees currently residing in Lebanon. Based on UNHCR's

North Lebanon (228,788), Beirut (191,499) and South Lebanon (91,166).

Although UNHCR registration does not provide Syrians with any formal refugee status recognised by the Lebanese government, it remains a fundamental component to provide international protection for refugees, since Lebanon did not sign the 1951 Refugee Convention and its 1967 Protocol.

The 2015 GoL decision led many Syrians to seek national sponsors to legally remain in the host country, rendering them unprotected economic migrants prone to exploitation. Faced with the complexities of the sponsorship system, and the absence of the legal protection provided by the 1951 Convention, many refugees faced two options: either undergo exploitation under the regulations of the Kafala System (not inline with the labor law or work permit regulations, imposing risks on both parties) or seek illegal refuge in Lebanon while abstaining from any procedure that might reveal their illegal status, such as civil documentation.

¹-unrwa (2020, september). protection brief palestine refugees living in lebanon.

https://www.unrwa.org/sites/default/files/20-09-28_lfo_context_protection_brief_2020_final83.pdf

² - "Data portal Syria operation – Lebanon - Situation Syria Regional Refugee Response"

<https://data2.unhcr.org/en/situations/syria/location/71>. Accessed 15 March 2022.

Introduction

The fragile legal status of refugees in Lebanon has always hindered them from completing civil documentation. However, since the beginning of the socio-economic crisis in 2019, the processes to obtain civil documentation have become even more complicated. The Vulnerability Assessment of Syrian Refugees (VASyR)³ in Lebanon observed an increase in both birth (36%) and marriage (33%) registration in 2022. However, it also observed the main reasons for not completing birth registration to be the costs and the lack of understanding of the procedures.

Civil documentation is a fundamental human right and a prerequisite for the enjoyment of a variety of civil, political and economic rights. It is protected by regional treaties, international law and conventions, such as the Universal Declaration of Human Rights (UDHR, article 6), the International Covenant on Civil and Political Rights (ICCPR, article 24) and the Convention on the Rights of the Child (CRC, article 7) stipulating the right for birth registration, and is governed by Lebanese Civil and Personal Status Law. Civil documentation registration is required for all life events occurring in Lebanon under the Law of 7 December 1951⁴.

3- "VASyR 2022 Vulnerability Assessment of Syrian Refugees in Lebanon."

<https://ialebanon.unhcr.org/vasyr/#/> Accessed 3 Feb. 2023.

4- Ministry of Justice- Law of December 7, 1951-

<http://ahdath.justice.gov.lb/law-nearby-personal.htm#TOP>

Introduction

This law shapes the process needed to complete civil documentation registration.

Although the Lebanese General Security issued circulars on several occasions in order to facilitate civil documentation for Syrian refugees in 2017⁵, 2018⁶ and 2019⁷ the Parliament did not tackle the main issue of the inconsistency of the documents required for civil documentation registrations, the fees and regulations required at the Personal Status Department (PSD) in each governorate.

FIGURE 1: CUMULATIVE % OF THE HIGHEST LEVEL OF DOCUMENT FOR BIRTH REGISTRATION

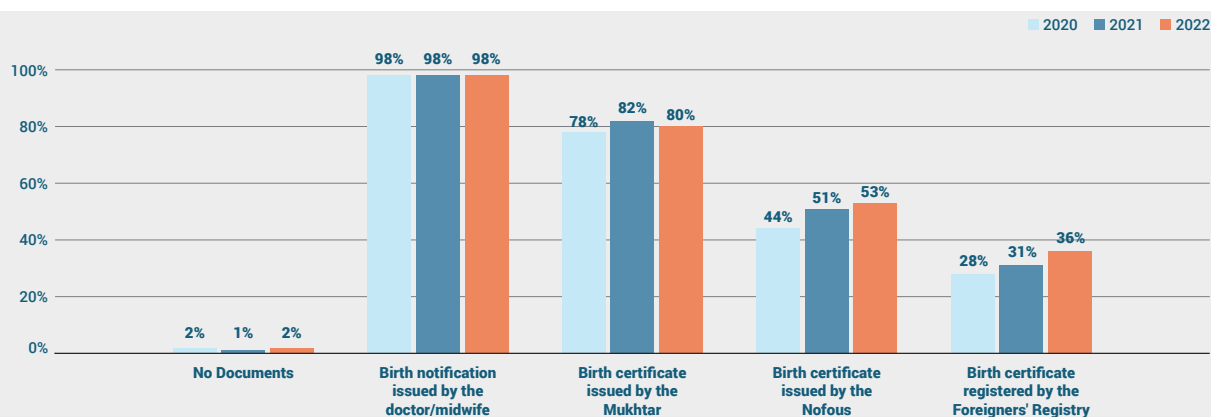
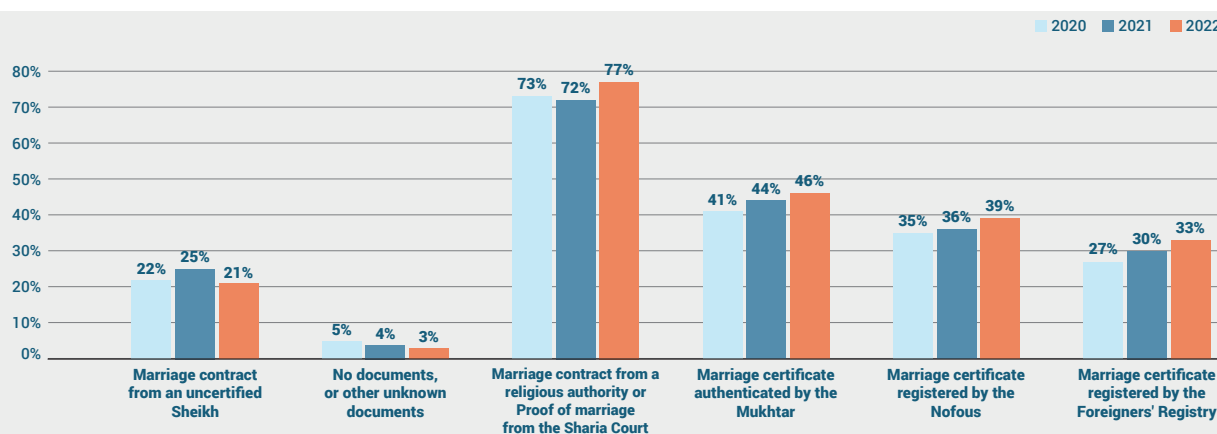


FIGURE 2: MARRIAGE DOCUMENTATION



⁵ Directorate general of Civil Status, 2017, Simplifying procedures for the implementation of marriage and birth documents belonging to Syrian and Palestinian citizens registered in the Syrian records, <https://www.dgcs.gov.lb/arabic/decisions/ajaneb/taamim-6>

Directorate general of Civil Status, 2017, Simplifying procedures in the field of executing marriage and birth documents belonging to Syrian citizens and current on Lebanese territory, <https://www.dgcs.gov.lb/arabic/decisions/ajaneb/taamim-5>

⁶ Directorate general of Civil Status, 2018, Registering the births of Syrians and recording the rest of the incidents in the civil registry offices, <https://www.dgcs.gov.lb/arabic/decisions/ajaneb/taamim-3>

Directorate general of Civil Status, 2018, Registering the births of Syrians and recording the rest of the incidents in the civil registry offices, <https://www.dgcs.gov.lb/arabic/decisions/ajaneb/taamim-4>

⁷ Directorate general of civil status, 2019, extension of birth registration for Syrians, and Palestinians registered in Syria, <https://www.dgcs.gov.lb/arabic/decisions/ajaneb/taamim-1>

Directorate general of Civil Status, 2018, Registering the births of Syrians and recording the rest of the incidents in the civil registry offices, <https://www.dgcs.gov.lb/arabic/decisions/ajaneb/taamim-3>

⁸ VASyR 2022. Op. cit.

⁹ VASyR 2022. Op. cit.

Introduction

As part of a legal aid partnership with the Norwegian Refugee Council (NRC) under the Swiss Development Cooperation (SDC) fund, the Lebanese Center for Human Rights (CLDH) publishes a policy paper highlighting the differences in legal and administrative procedures linked to birth, death and marriage registration between Syrian refugees in Lebanon and Lebanese citizens. Over the past years, NRC and CLDH have observed inconsistencies in these processes across geographical areas, including differences in associated fees, duration of process and required documents. In addition to administrative

obstacles and challenges at the religious and civil courts, the Mukhtar and the PSD. This policy paper highlights and compares specific challenges and differences in civil documentation processes in North Lebanon, North Bekaa, Beirut and Mount Lebanon. The policy paper puts forward specific recommendations to facilitate and unify the legal process from a governance perspective with the aim of decreasing the risks refugees face, which include but are not limited to statelessness, difficulty in accessing legal residency, lack of employment rights, and deportation to Syria. The paper also aims at facilitating the work of lawyers.

FIGURE 3:



Methodology

This research used qualitative methods (Focus group discussions and key informant interviews) to deliver a comparative analysis on processes linked to birth, marriage and death registration across the mentioned geographical areas. This was preceded by a desk review of relevant legal and administrative documents and research conducted on the aforementioned processes.

Data Collection Tools and Workplan

Tool 1: Desk review

The desk review focused on the legal provisions regulating the obtention of birth, marriage and death certificates for Syrian nationals in Lebanon:

A-Decisions and circulars:

1-Circular No. 43/2 2017, issued by the Directorate General of Civil Status: Facilitating the procedures for birth and marriage registration in Lebanon

2-Circular No. 2/4 in 2018: Facilitating birth and marriage registration in Lebanon

3-Circular No. 2/19 in 2018: Concerning birth registrations for Palestinian refugees registered in Syria

4-Circular No. 112/2019 issued by the Directorate General of Civil Status, concerning the period extension of birth registration for Syrian and Palestinian refugees registered in Syria (PRS)

5- Government decisions No. 93/2018 and No.6/2019

6- Laws No. 160/2020 and 185/2020 relating to the suspension of deadlines.

7-Circulars N. 96/ 2020 and N.14/2021 issued by the PSD related to the suspension of deadlines for birth registration in application of the laws 185 and 160

8-Circular N.13/2022 issued by the PSD regarding the extension of the late birth registration waiver

9-Circulars N.15/2021 issued by the PSD related to the suspension of deadlines for death registration in application of the laws 185 and 160

10-Circular N.27/2021 issued by the PSD related to some procedures that should be adopted for the execution of death certificates

11-Circular N.1/2022 issued by the supreme Shari'aa court to facilitate obtaining proof of marriage for Syrians and Palestinians refugees

Methodology

12-The most recently issued Council of Ministers' decision N.28 08/02/2022 to extend the waiver on late birth registration until 8 February 2022

13-Lebanese civil and personal status law of 1951

14-International Covenant on Civil and Political Rights

15-Convention on the Rights of the Child

16-Human rights office resolution 22/7

17-Office of the High commissioner for Human rights reports

B-Reports and Research Papers:

Which encompasses, publications focusing on the challenges faced by Syrian refugees in obtaining civil documentation issued by UNHCR, NRC, and CLDH among others. Some of the directly relevant resources are:

1-2022- VASyR 2021: vulnerability assessment of Syrian refugees in Lebanon

2-2021- UNHCR factsheet

3-2021- Lebanon crisis response plan

4-2022- CLDH's research on the justice barriers Syrian refugees in Bekaa face, a gender and sociolegal analysis to obstacles that prevent Syrian women refugees from seeking legal aid

Tool 2: Focus Group Discussions:

Ten Focus Group Discussions (FGDs) with Syrian refugees took place with an average of ten participants per session with both

females and males. The participants were chosen by the focal point from both NRC and CLDH teams in each area who, based on their knowledge, had tried to proceed with birth, marriage or death registration. The aim of these conversations was to gather information from refugees across geographical areas who went through all or part of the procedures to obtain a birth, marriage or death certificate.

Furthermore, two additional FGDs were conducted with Lawyers and Front liners in several organizations¹¹ working in civil documentation in the areas of the study.

The team conducting the FGD included a moderator and an assistant moderator. The sessions were structured as follows: (i) Introduction, (ii) Overview of the topic, (iii) Ground rules, (iv) Questions.

Tool 3: Key Informant Interviews

The information from the FGDs was further complemented by Key Informant Interviews (KIIs), which allowed CLDH to gather in-depth information from key stakeholders including:

1. Mayors/ Mukhtars
2. General Security Offices (GSO)
3. PSD
4. Foreigners Registry
5. Religious and civil court judges
6. Lawyers
7. Refugee informal tented settlements (ITS) and urban areas

¹¹-CLDH – NRC – Intersos- LAW – Caritas – Kafa – UNHCR

I. Marriage Registration:

A-The Importance of Marriage Registration:

The Lebanese law requires each married couple in Lebanon to register their marriage in the PSD. This registration is extremely important because of its repercussions on the rights and access to services for the couple as well as the children.

Marriage registration allows the couple to:

- 1- Be recognized as a family unit
- 2- Register the birth of the children, protecting them from being stateless and providing them with access to basic healthcare and education
- 3- Acquire the nationality by descent for the children from the parents
- 4- Ensure access to inheritance, pension or social allowances
- 5- Preserve the right to custody of children in case of divorce
- 6- Apply for asylum or resettlement

B-Legal Framework:

1.International Conventions:

The right to marriage registration is not mentioned in the International Covenants on Human Rights. It was, however, implicitly necessary to the attainment of other recognised human rights such as the protection from child marriage and the right of every child to hold a nationality.

The registration of marriage was rendered legally binding for the first time in 1964 in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Prior to the adoption of this Convention, marriage registration had been recommended in four General Assembly resolutions.

The most recent proclamation on registration of marriage occurred in the 1967 Declaration on the Elimination of Discrimination against Women.

I. Marriage Registration:

2. Lebanese Legislations:

2.1. Procedures:

Based on the Law passed on 7 December 1951 regarding the registration of life events¹², each marriage celebrated in Lebanon, whether it is between Lebanese nationals or non-Lebanese, must be registered at the PSD¹³.

This law obliged the couple to register their marriage before the PSD within a month following the date of marriage. If the registration process is initiated after one month, a penalty applies at the PSD, usually through an additional stamp.

The registration process is stated as follows:

- The couple must get a marriage contract / declaration from the religious court that concluded the marriage.
- Then take the marriage contract to the Mukhtar of the neighborhood where the religious court is located and to organize and sign a marriage certificate.
- The spouse should then take the marriage certificate to the court which organized the marriage contract to sign the marriage certificate to confirm the marriage information.
- And then return to the Mukhtar to sign the marriage certificate.
- Then the spouse should take the marriage certificate along with the marriage contract and other required documents to the PSD for registration.

The husband is responsible for the whole registration process. If he refuses to register the marriage certificate, the wife may do it. If she also refuses, the PSD can carry out the registration via a written statement from the spiritual leader with whom the contract was concluded while preserving the couple's right to review the competent tribunals.

¹²-Ministry of Justice. Law of December 7, 1951. <http://ahdath.justice.gov.lb/law-nearby-personal.htm#TOP>

¹³-The PSD includes two departments, the first is the Nofous where registration takes place, located in districts and main towns, and the second is the foreigners' registry located in the center of the governorate.

I. Marriage Registration:

2.2. Required Documents and Fees¹⁴:

•Marriage contract at the religious courts¹⁵:

To obtain a marriage contract from the religious court, the couple needs to present the following documents:

- Their individual civil extracts issued since not more than 3 months for both spouses;
- Medical report proving the couple fit for marriage, issued by a doctor registered at the Lebanese syndicate of doctors¹⁶;
- Proof of belonging to Islam for the husband¹⁷. If the spouse is from another religion, a statement issued from the Mukhtar, mentioning the religion of each spouse and that they are to be married, has to be presented¹⁸.
- In the case where one of the spouses is non-Lebanese and the male spouse is Lebanese, an investigation from the General Security might be required.

The marriage contract is then issued and authenticated by the religious authority. If the marriage was conducted with an unauthorized Sheikh, whether verbally or in writing, the spouses have to undergo a judicial procedure to prove their marriage. The procedure includes filing a case law named "Proof of Marriage" at the Shariaa court with one of the spouses as a plaintiff and the other as a defendant. Documents required for the case law are similar to the marriage contract with the exception of a medical report. The law of civil court procedure applies to such cases.

•Mukhtar¹⁹ of the court's neighborhood where the marriage contract was organized:

At the Mukhtar's bureau, couples will be completing their marriage certificate, before registering their marriage at the PSD. They need the following documents for this step in the procedure:

- Identification papers of the couple; identification card or individual civil extract or passport or any other legal and civil paper that could be accepted by the Mukhtar
- Signature of the certificate by two witnesses

The Mukhtar fills the certificate that the spouses need to sign. Afterwards, the Mukhtar signs and stamps the certificate.

¹⁴-UNHCR. (2022, May). Q&A on marriage registration for Syrian refugees who marry in Lebanon. http://www.refugees-lebanon.org/uploads/poster/poster_165270608514.pdf

¹⁵-As the majority of Syrian refugees are of Muslim Sunnites, this is limited to the Sunnites Shariaa court.

¹⁶-Medical tests are required to show genetic diseases or sexually transmitted diseases. The medical report to indicate the couple fit for marriage in terms of having or not having these diseases.

¹⁷-Shariaa court stopped asking for this document, since the individual extract mentions the religion of the spouses.

¹⁸-This document is required for Muslim Sunnites.

¹⁹-Each village/town/city/neighborhood in Lebanon has one, or several, Mukhtars who are important for genealogical work in Lebanon. These Mukhtars are State employees elected by the people every 6 years. Each Mukhtar keeps life records on the individuals in the village/town/city. These records, that include birth marriage and death registration, are kept with the Mukhtar and copies are also maintained in the Civil Status Directorates and the Ministry of Interior.

I. Marriage Registration:

Official Fees:

The decree number 9771²⁰ issued by the Ministry of Interior and municipalities and published in the official gazette on the 4th of August 2022 amended the fees of the Mukhtars to 25,000LBP for certificates.

•Nofous²¹ Registry:

In order to register at the Nofous of the Shariaa court where the marriage took place, the Syrian couple must provide the following documents:

- The Mukhtar's marriage certificate along with the marriage contract;
- If one of the spouses is Lebanese, the authorization of the General Security is needed.

Nofous will fill category 22-23 of the marriage certificate through giving it a number and date of registration. The marriage certificate is then referred to the foreigners' registry to complete the registration process after adding the required documents.

Official Fees:

The fees required are 4 stamps costing 1,000 LBP each posted at the back of the certificate. One additional stamp is required if the certificate is dated from more than one month after the marriage. These stamps are posted once and are the fees for the entire registration process and hence can be glued in this step or the previous step or the afterwards step.

•Foreigners Registry at the Governorate's Center of the Court where the marriage contract was organized:

The required documents are the following:

- The marriage certificate registered at the Nofous along with the marriage contract;
- Evidence of valid residency in Lebanon or valid entry coupon²² for one of the Syrian spouses if both do not have proof of valid residency. Legal residency is not required if one of the spouses is Lebanese.
- The identity documents of the couple (either the individual civil extract stamped by the Ministry of Foreign Affairs in Lebanon and in Syria and the Syrian embassy and issued within the past three months²³ or valid passports)

²⁰-Issue 34, page 1655- 1656

²¹-The Nofous is an official State institution responsible for documenting the civil registry of Lebanese citizens and foreign residents within Turkish territory.

The Government relies on them to know the statistics of population, newborns and deaths, change data for citizens and foreigners, their residential addresses and other civil information about them.

²²-Internal memo number 43/3 dated 12/09/2017. It is a conditional residency permit granted by the GSO at the border points in Lebanon to a foreigner who is allowed to enter its territory. It usually includes restrictions on the length of stay of the foreigner, the date of entry, the number of visits allowed, and whether the individual has the ability to work in the country.

²³-In practice the duration of the individual extract was extended; it is now accepted if it was issued after more than 3 months.

I. Marriage Registration:

Official Fees:

The cost to register the marriage is 20,000 LBP for stamps, and an additional 1,000 LBP is added 30 days after the marriage date. The stamps are posted only once at either stage. However, in practice, they are posted at the Foreigners' Registry.

C-Differences in Procedures, Required Documents and Actual Fees:

The following data was collected based on the input of the CLDH lawyers and the KIIs as well as two FGDs conducted with lawyers and front liners.

At the Shariaa court:

Many Syrian refugees were already married before coming to Lebanon, without registering their marriages in Syria, or got married in Lebanon through an unauthorized Sheikh as indicated in the FGDs held. Hence, most of the engagement with NGOs/INGOs is related to proof of marriage cases so the couple can register their new born children.

The documents required at the Shariaa court to issue a proof of marriage in North Bekaa, Beirut, Mount Lebanon and North Lebanon are the following:

- Marriage certificate stamped by the Mukhtar;
- A document stating that the couple is married, issued by the Mukhtar (شرح واقع الحال). This document is however not required in **Shtoura** and **Jeb Jenin**;
- Identification cards for both spouses;
- Individual civil extract for both spouses;
- If the couple has children, birth certificates are required.

The differences in the required documents are the following:

1) The Duration of the Individual Extract:

In **North Bekaa**, a copy of the individual extract is accepted, which is not the case in **Beirut**. It is worth noting that in the Bekaa area, the lawyers stated that there is a certain lenience practiced with the documents required. However, this lenience is not equally practiced in all courts.

I. Marriage Registration:

After the Covid-19 pandemic, the courts in **Beirut and Mount Lebanon** started accepting an individual extract dated more than 3 months and in case there is need for a new one, a copy on WhatsApp is accepted.

In **North Lebanon** the individual extract is always accepted as long as it is issued after the marriage.

2) Birth certificate:

In **Beirut and Mount Lebanon**, an official birth certificate is required and not a copy. While in other areas, a copy is acceptable.

In **North Lebanon**, in case of pregnancy, a medical report should be submitted (sometimes the court ignores the non-submission of the medical report and proceeds).

3) Marriage contract:

If there are no children, a copy of the unofficial marriage, if available, is required. In case no written marriage was concluded, the court requests the couple to sign a marriage contract and present it to the court. This practice is only adopted in **Beirut and Mount Lebanon**.

In North Lebanon, in case there is no marriage contract, the couple states in the minutes of the court that they are married and signs their statement (this practice is only adopted in Tripoli court).

4) Marriages of Minors (under 18 years of age):

The Higher Islamic Council amended the Islamic Family Law (46/2011 **نظام أحكام الأسرة**) to include a new chapter (chapter 7) related to the marriage of minors. The amendment was published in the Official Gazette N. 16 dated 22 April 2021.

It is worth noting that the Shariaa court in Tripoli (**North Lebanon**), Beirut and Mount Lebanon are still adamant on applying the circular relating to marriage under 18 which is being ignored at the Bireh's Shariaa court (**North Lebanon**).

In addition to the above-mentioned, some of the lawyers and front liners interviewed observed illegal and informal requests from some clerks and employees when there is a missing document to complete the registration; i.e. in Halba Shariaa court, a certain amount was requested to proceed with the registration even without a written marriage contract.

I. Marriage Registration:

5) Required Fees in Practice for the Marriage Registration Process:

- In Tripoli, the required fees range between 150,000 and 200,000 LBP.
- In Bekaa: Bar Elias and Jeb Jenin, the fees remain 225,000 LBP including stamps and in Aarsal 125,000LBP.
- In Beirut, the fees mount up to 200,000LBP.
- In Mount Lebanon, the fees vary from 100,000LBP to 350,000LBP.
- In the Nofous Registry in Mount Lebanon, a practice of accepting additional monetary fees for the registration of marriages and births without the required documents is allegedly being followed.
- However, for proof of marriage the fees are: 100,000 LBP in Tripoli, 850,000 LBP in Beirut, 300,000 LBP in Mount Lebanon. In North Bekaa, the Baalbek Shariaa court kept increasing its fees, which led NRC and CLDH to stop filing cases and start negotiations with the court to decrease the fees to 350.000LBP. The process was successful.

II. Birth Registration:

A-Importance of Birth Registration:

Birth registration is done to record a child's birth, to provide him/her with legal recognition in their native country.

Birth registration is a fundamental right that concerns the right of children to obtain a legal identity and nationality in order to have access to other basic rights such as health, education and protection.

Whereas, unregistered children might face limitations and/or denied access to health services, education and eventually pursuing a degree and/or a career, or any type of job.

Furthermore, birth registration is required to process basic transactions such as opening a bank account, voting, obtaining a passport and buying/inheriting property.

As a result, birth registration is essential to enjoy a legal identity and avoid statelessness. As it reduces risks such as violence, abuse, exploitation, early marriage and human trafficking.

B-Legal Framework:

1.International Conventions:

Birth registration is a fundamental human right recognised by article 24 paragraph 2 of the International Covenant on Civil and Political Rights²⁴ and article 7 of the Convention on the Rights of the Child²⁵ both signed and ratified by Lebanon, hence applicable within the domestic legal framework.

2.Lebanese Legislations:

2.1. Procedures:

•Organizing the Birth certificate:

The father, mother, guardian, doctor or midwife must approach the Mukhtar of the place of birth to organize and certify the birth certificate. This should be done within 30 days of the birth; otherwise, a fine is later imposed at the PSD.

²⁴-International Covenant on Civil and Political Rights.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

²⁵-Convention on the Rights of the Child, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

II. Birth Registration:

Registering the newborn one year after the date of birth is only possible after the issuance of a court decision.

Since March 2018, Syrian parents with children born in Lebanon between 1st January 2011 and 9 February 2018 who have missed the one-year deadline can register the birth of their children without going to court.

In August 2019, this decision was extended to cover all children born until 8 February 2019.

However, children born after the 8th of February 2019 still need to have their birth registered within one year otherwise parents will only be able to register the birth of their children through court (Directorate General for PSD).

In September 2020, the Laws 160 and 185 suspended the one-year birth registration deadline from 18/10/2019 to 31/12/2020.

The most recently issued Council of Ministers' decision N. 28 08/02/2022 extended the waiver on late birth registration until **8 February 2022**. Therefore, all births of Syrians that took place in Lebanon between 1/1/2011 and 8/2/2022 can be registered administratively without needing to go to court.

In March 2019, the Directorate General for Personal Status (DGPS) issued a memo allowing Syrian parents married in Lebanon to register the birth of their children by presenting a marriage certificate executed in Lebanon and registered at the Syrian embassy instead of the family booklet that was required.

In September 2017, the Directorate General for Personal Status (DGPS) removed the requirement for Syrian and Palestinian refugees from Syria (PRS) parents to have legal stay to register the birth of their children and required that only one spouse (instead of two) needs to have legal stay to register a marriage.

2.2. Required Documents and Fees:

- **Birth notification obtained from the doctor or hospital where the birth took place:** ID or passport of the parents

Official fees: no fees required.

II. Birth Registration:

•**Birth certificate from the Mukhtar of the place of birth:** birth notification and the ID or passport of both parents are required to complete the process.

Official fees: Mukhtar fees amounting to 25,000 LBP based on decree number 9771 issued in 2022 and 1,000 LBP stamp per document.

•**Foreigner's Registry at the center of the governorate of the place of birth:**

Papers Required: birth certificate registered at the Nofous, ID or Passports of the parents, family civil extract or proof of marriage stamped by the MFAs in Syria and Lebanon, or family booklet

Official fees: no fee other than the stamps worth 20,000 LBP. the stamps' fees are usually paid once either at the Nofous or the foreigners' registry.

C.Differences in Procedures, Required documents and Required Fees in Practice:

The following data was collected based on the input of the CLDH lawyers and the KIIs as well as two FGDs conducted with lawyers and front liners.

The only difference highlighted by the front liners and lawyers was the documents requested in each area where birth takes place without a doctor or a certified midwife.

•**In North Bekaa:**

- If the doctor who signs the birth certificate is not a gynecologist, he writes on the back of the paper that he supervised the birth;
- If the doctor left the country, then the hospital or the ministry signs the birth certificate;
- In case of the doctor's death, a copy of the doctor's death certificate is presented to the Nofous .

•**In Tripoli:**

- The Lebanese order of medicine signs and states that the doctor is dead on the back of the birth certificate;
- If the doctor is retired, a copy of a retirement statement is presented to the Nofous and the designated box is left empty or unchecked.

II. Birth Registration:

•In Zahle:

-In case the birth happened without the presence of a doctor or an authorised midwife, most Mukhtars accept to issue a birth certificate stating, where the doctor or midwife should sign, that it is an “at home birth”. However, the PSD does not accept registering such birth certificates.

In practice, a significant number of births takes place in refugees’ houses and camps without the presence of a registered midwife or a doctor which leaves them with the only option of paying a doctor or an authorised midwife to provide them with a birth notification and sign the birth certificate to be able to complete the birth registration process.

Lastly, an important difference related to registration of birth at the Nofous (category 23) is noticed in Tripoli and Zahle where the Nofous and the Foreigners’ Registry are at the same place. Syrian refugees cannot register birth in the Nofous unless they have all the documents needed to register at the Foreigner’s Registry (category 24), contrarily to other areas where they can.

•Fees Required for Birth Certificates & Death Certificates Issued by a Mukhtar:

The fees differ from a Mukhtar to another, even in the same area or region:

-Mount Lebanon & Beirut: from 75,000LBP to 200,000LBP

-In Bekaa, in general the fees are between 50,000LBP and 100,000LBP, some Mukhtars base the prices on the age of the child at the time of the request to organize a birth certificate. It is important to mention that some Mukhtars have increased their fees or requested fresh dollars when the case is being supported or legally represented by an organization.

-In North Lebanon, the fee mounts up to 50,000LBP. Yet, most Mukhtars do not take fees from refugees if they approach them on their own.

II. Birth Registration:

•In Zahle:

-In case the birth happened without the presence of a doctor or an authorised midwife, most Mukhtars accept to issue a birth certificate stating, where the doctor or midwife should sign, that it is an “at home birth”. However, the PSD does not accept registering such birth certificates.

In practice, a significant number of births takes place in refugees’ houses and camps without the presence of a registered midwife or a doctor which leaves them with the only option of paying a doctor or an authorised midwife to provide them with a birth notification and sign the birth certificate to be able to complete the birth registration process.

Lastly, an important difference related to registration of birth at the Nofous (category 23) is noticed in Tripoli and Zahle where the Nofous and the Foreigners’ Registry are at the same place. Syrian refugees cannot register birth in the Nofous unless they have all the documents needed to register at the Foreigner’s Registry (category 24), contrarily to other areas where they can.

•Fees Required for Birth Certificates & Death Certificates Issued by a Mukhtar:

The fees differ from a Mukhtar to another, even in the same area or region:

- Mount Lebanon & Beirut: from 75,000LBP to 200,000LBP
- In Bekaa, in general the fees are between 50,000LBP and 100,000LBP, some Mukhtars base the prices on the age of the child at the time of the request to organize a birth certificate. It is important to mention that some Mukhtars have increased their fees or requested fresh dollars when the case is being supported or legally represented by an organization.
- In North Lebanon, the fee mounts up to 50,000LBP. Yet, most Mukhtars do not take fees from refugees if they approach them on their own.

III. Death Registration:

A-Importance of Birth Registration:

It is internationally agreed that civil documentation is critically important for the creation of a legal identity and the avoidance of statelessness, deportation and exploitation.

Although often neglected, death registration remains one of the essential forms of civil registration because of the legal implications for the family members of the deceased person. The international institution for vital registration and statistics²⁶ detailed in its technical papers in March 1980 the relation between death registration and a number of human rights²⁷.

Death registration provides proof to:

- The children of the deceased to claim parental filiation
- The spouse of the deceased to protect their interests with regards to assets, inheritance and remarriage
- The family of the deceased, or anyone who is eligible, to claim financial support and protection from the State or other authorities
- Anyone who has of interest establishing beneficiary status regarding pensions
- The spouse of the deceased to claim the right to custody of the children

Also, for families who buried their loved ones without first obtaining a death certificate, there may be legal consequences, such as criminal prosecution²⁸.

B-Legal Framework:

1.International Conventions:

Contrary to birth and marriage registration, death registration is not considered a human right in the international law. Thus, it was not mentioned in the Universal Declaration of Human Rights nor the two International Covenants on Human Rights.

However, it was implied in the scope of civil registration of vital life events in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

²⁶-Union of International Associations. International Institute for Vital Registration and Statistics
https://www.cdc.gov/nchs/isp/isp_iivrs.html

²⁷-International Institute for Vital Registration and Statistics. (1980, March). Human Rights and Registration of vital events.
https://www.cdc.gov/nchs/data/isp/007_Human_Rights_and_Registration_of_Vital_Events.pdf

²⁸-AbouZahr, C., Llamas, L. M., Fruchtmann, C. S., & Munoz, D. C. (2021). Where There Is No CRVS: Counting and Registering Deaths in Conflict, Emergencies, and Fragile Settings. Published by the Centre of Excellence for Civil Registration and Vital Statistics Systems. https://crvssystems.ca/sites/default/files/assets/images/04%20EN%20CRVS%20in%20Conflict%20Emergencies%2C%20and%20Fragile%20Settings_registering%20deaths_WEB.pdf

III. Death Registration:

2. National Laws and Regulations:

2.1. Procedures:

The law governing death registration for Syrian refugees in Lebanon is the Lebanese Civil and Personal Status Law²⁹. The law, detailed death registration as follows:

- The Mukhtar must draft death certificates in the presence of two witnesses. He then sends them to the PSD within one month from the date of death.
- If a person dies outside his/her place of residence, the owner of the residence where the death took place must be one of the witnesses, along with a relative of the deceased person or any other person.
- If death occurs outside the original place of residence of the deceased, the Mukhtar of the locality where the death took place drafts and sends the death certificate to the PSD where the deceased is registered. The Register then notifies the Mukhtar of the deceased's locality of origin.
- If the Mukhtar of the village or locality of origin did not draft the death certificate within a month from the date of death, he/she must draft the death certificate within the second month following the date of death or will risk penalty.
- If death occurs in a hospital or in prison, the hospital, prison director or doctor should notify the local Mukhtar within 24 hours after the death and the latter shall verify the death, after visiting the place where it occurred, draft and send the certificate along with the deceased's identity card to the Personal Status Officer in the same locality.
- Register the death in the Nofous (PSD), in the district where the death occurred.
- Register the death in the Foreigner's Registry, in the governorate where the death occurred.

29-Abdallah Al Yafi. (1951). Law on Documenting Personal Status Law – Issued on 7/12/1951.
<https://www.refworld.org/pdfid/5e57c9d84.pdf>

III. Death Registration:

2.2.Required Documents and Fees:

•Mukhtar:

- Identification card of the deceased
- Medical report from the doctor who examined the body

Official Fees: Mukhtar fees amounting to 25,000 LBP based on the decree number 9771 issued in 2022 , and 1,000 LBP stamp per document.

•Nofous Registry:

- A death certificate organized and signed by the Mukhtar of the district where the death took place, signed by two witnesses and by the doctor who examined the body
- A copy of the deceased's passport or identification card
- A family booklet or extract if the deceased is married or an individual extract if single

Official Fees: A financial stamp of 20,000 LBP. A fine of 100,000 LBP if the death registration exceeds 45 days of the date of death. These fees are paid once, usually at the foreigner's registry.

•Foreigner's Registry of the Governorate Where the Death Took Place:

- A death certificate organized and signed by the Mukhtar of the district where the death took place, signed by two witnesses and by the doctor who examined the body
- A copy of the deceased's passport or an identification card
- A family booklet or extract detailing his family status

Official Fees: A financial stamp of 20,000 LBP. A fine of 100,000 LBP if the date of death exceeds 45 days.

III. Death Registration:

C-Differences in Procedures, Required Documents and Fees in Practice:

The following data was collected based on the input of the CLDH lawyers and the KIIs as well as two FGDs conducted with lawyers and front liners.

In **North Lebanon**, the required documents are:

1-Death certificate,

2-The deceased identification card and the identification card of one of his relatives

For the registration, the above-mentioned documents are enough. However, for the registration at the Foreigners' Registry, the family of the deceased needs to provide the individual civil extract of the deceased if single and the family civil extract if married, in addition to the family booklet, and the medical report (original copy).

The registration needs to be done after 45 days of the death or a fine of 100,000LBP is due.

The same documents are required in other areas. However, the only difference is that in **North Bekaa**, the Nofous refuses to register the death if it is done after 45 days from the date of death even if the family pays the fine.

In **Mount Lebanon**, the lawyers stated that there is no fine on the delay of registration.

In **Beirut**, the Nofous accepts to register the death even without a medical report. However, it is required for the execution.

IV. Challenges and Obstacles:

A.Challenges faced by Syrian refugees:

Based on the FGDs conducted with Syrian refugees, front liners and lawyers working on civil documentation in the geographical areas covered in this study, the main challenges to register their marriage, birth and death were:

The continuous increase in the fees and transportation costs

The high fees at the Syrian Embassy which requires payment in US dollars. “A lot of refugees prefer to provide food for their families with this money” a front liner stated

Fear of being arrested at checkpoints due to lack of valid legal stay: lawyers stated in the FGD that, in some areas, the Nofous are located close to security departments which increases the fear for refugees. Such is the case in Jeb Jenin where the Nofous and general security office are in the same building. A significant number of Syrian refugees cited the reason of fear of arrest for not registering their marriage

Lacking the documents needed to complete the registration process which is due to: lack of access to Syrian authorities including the embassy, and/or the loss of the documents during the forced eviction from their countries or natural disasters, and finally, lacking a legal residency or refugees’ status to officially request them from the local authorities

When asked about discrimination from State employees and governmental institutions, refugee participants in the FGDs in North Bekaa, Beirut and Mount Lebanon stated that they have never faced any discrimination unlike their peers in North Lebanon where one of them stated that “we are not like you so they will not treat us the same way”. Several refugee participants in Zgharta and Bedawi stated that the fear of ill-treatment from State institutions is one of the reasons for never trying to register their marriage without the help of organizations providing legal services. While lawyers expressed that, based on their observation, refugees are not treated the same when they are accompanied by lawyers as when they are submitting their requests on their own. They also mentioned that State employees have complained multiple times that Syrian refugees receive donations in fresh dollars, worth more than their salaries

Although several organizations held information sessions for refugees in ITSs on civil documentation, the lack of knowledge on the procedures and required documents remains another important obstacle. One of the refugee participants in North Bekaa stated that they “don’t know where to go” when asked about the reasons why they abstained from obtaining the much-needed civil documents.

IV. Challenges and Obstacles:

It is worth noting that death registration is one of the least pursued procedures by refugees. Less than 1% of the participants of the FGDs proceeded to register the death of their deceased family member. When asked about the reason why the others abstained from death registration, the answer was that they did not know how to. One of the participants in Zgharta (North Lebanon) stated that “my cousin tried to register the death but it was hard for him to do so because of the procedures, so he stopped”. Another one in North Bekaa stated that “we only bury them”.

Lastly, CLDH’s lawyers identified a common obstacle between geographical areas for the completion of the third step for marriage registration (at the level of the Foreigner’s Register) as the majority of Syrian refugees do not have evidence of legal entry into the country and/or valid legal residency.

B.Challenges Faced by the Responsible State Institutions:

Some of the challenges mentioned during the KIIs conducted by CLDH with judges, courts and Nofous staff include:

1.Economic Challenges:

The increase of fuel prices weighting on the public workers and judges which leaves them unable to go to work all days of the week

The insignificant funding provided by the State to public institutions and courts, leading some of the employees to self-fund generators and maintenance

2. Logistical Challenges:

The increase in the number of registration requests exceeding the capabilities of State employees: rotating shifts during the COVID-19 pandemic, strikes and the inability to cover transportation fees since 2019 challenged the functionality of the PSD and GSO offices

Power cuts in most of the public institutions.State employees often had to gather money to purchase the fuel needed for generators

The lack of basic equipment and stationery such as paper and ink. To ensure the continuity of the work, stationery is secured by aid organisations, lawyers or employees

The lack of stamps in most of the areas, especially the one needed to complete basic legal work. These stamps are sold in the black market where prices vary from 10,000 LBP to 20,000 LBP for the 1,000 LBP stamp

Inability to remember marriage date which is crucial for the registration process

IV. Challenges and Obstacles:

C.Challenges Faced by Lawyers & Front Liners Working on Civil Documentation:

In addition to the previously mentioned economic and logistical challenges, which also affect the processing of the cases of refugees whether receiving legal aid or not, the lawyers and front liners highlighted some additional challenges:

Some PSDs and Mukhtars request some documents from Syria that many times are not required by the law, which hinders the work of lawyers.

Legal aid providers are facing limitations of the number of civil documentation cases they can submit to the PSD on a weekly basis, which leads to extending the processing period from 1,5 months to more than 5 months per case. As well as the waiting period for the documents to be submitted to the PSD from one month to more than three months.

V. Areas for Further Research

This study researched the impact of the current crises in Lebanon on Syrian refugees' ability to obtain and register birth, marriage and death certificates throughout different geographical regions following the existing processes. It highlighted the following key findings:

The difference in fees remains the most common difference between areas for birth, marriage and death registration, as well as a common challenge for refugees and organizations.

For birth registration, the main difference is in the process of registration of births.

Death registration is one of the procedures that are the least implemented by refugees and organisations, and the required documents for its registration differ between areas.

For marriage registration, there are significant differences in the required documents between areas.

The same sequence of the procedures is implemented in all areas.

NGOs must seek different approaches to build the capacity of refugees to follow up the procedures themselves without putting them at risk.

VI. Recommendations:

1. For the Government:

Addressing the logistical challenges that institutions are encountering due to a lack of governmental funding.

Standardizing the civil documentation registration procedures at different levels in all locations by monitoring the unified application of the Law.

Unifying the fees and required documents across areas of Lebanon for each step of birth, marriage and death registration

Increasing the funds allocated to the judiciary system, for logistics and procurement to process cases.

Working towards amending the personal status law to decrease the level of complexity and facilitate the civil documentation and unifying the procedure across all sects

2. For the Shariaa court/Ministry of Justice:

The early marriages in refugee communities:

To reinforce the implementation of the decision prohibiting child marriage at Sunnite Shariaa courts, mentioned before, and develop a process that ensures pre-marital courses introducing spouses-to-be to the marriage contract, rights and obligations in addition to religious and protection requirements .

3. For organizations working on civil documentation:

Providing inclusive and up to date awareness sessions for refugees

Lobbying to provide logistical support to the State institutions (courts, Nofous...)

Updating and sharing information related to laws and procedures followed amongst organizations working on civil documentation in Lebanon.

Holding recurrent meetings with lawyers working on civil documentation in each area

Advocating for stakeholders on different levels to unify the procedures, required documents and fees for birth, marriage and death registrations

Organizing workshops for front liners working on civil documentation in different areas to update them on the new laws and regulations relating to civil documentation

Organizing workshops with Mukhtars to inform them about the procedures and required documents for civil documentation, and work on the unification of their fees

Annex:

Interview questions:

Mukhtars, PSD, foreigner's registry, religious court judges, the Syrian Embassy, refugees (ITS focal points):

Q1. Can you tell us about the procedure for birth/marriage/death certificates here at the registry/court/embassy/... for refugees before 2015 and after 2015/2019?

Q2. What are the required documents and fees for birth, marriage and death certificates?

Q3. What is the time to be allocated for the completion of the aforementioned certificates?

Q4. Based on your experience, how did the situation in Lebanon since 2019 affect civil documentation of refugees? And what is the cause of these obstacles (economic, discrimination, State policy...)?

Q5. Based on your experience, what steps can facilitate the obtention of the mentioned documents?

Q6. (For Mukhtars) What criteria do you follow for the determination of the fees?

Lawyers:

Q1. Based on your experience, are there any differences between the procedure for birth, marriage and death registration in legislation and in practice? If yes, what are these differences?

Q2. Based on your experience, did you notice parities in civil documentation between different refugee groups in the same geographical area? If yes, what were they?

Q3. Did you notice any differences between North Lebanon, North Bekaa, Mount Lebanon and Beirut regarding fees, procedures, required documents and time needed for civil documentation?

Q4. What are the challenges that you face while working on civil documentation for refugees and migrants?

Q6. Did you notice new recurring challenges in civil documentation since 2019?

Q5. From a legal perspective, what course of action will help facilitate your work as lawyers in civil documentation?

Q6. What are your suggestions on changes to procedures and practices to facilitate refugees' access to civil documentation?

Q7. Do you have anything to add?



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