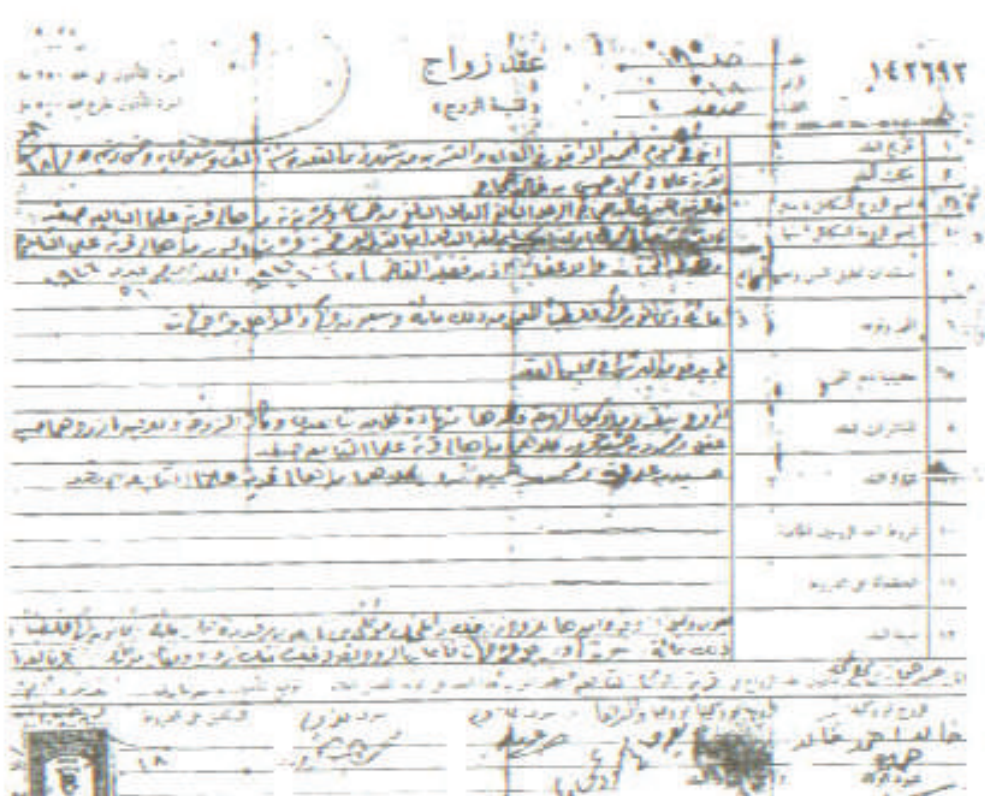




Birth and Marriage Registration in Jordan



ARDD-LEGAL AID
Arab Renaissance for
Democracy & Development



I. Birth and Marriage Registration in Jordan: An Overview

Birth registration is a right of all children under international law. Article 7 of the Convention of the Rights of Child states that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality.” Jordan ratified the Convention on the Rights of Child on 21 May, 1991.

Process of Birth Registration in Jordanian Law

The Department of Civil Status and Passports states that the documentation required to register the birth of children depends on the nationality of parents: Jordanians need to provide their family book and a copy of the identification card of the person registering the newborn; foreigners need to provide a copy of their marriage certificate and a copy of their passports. All nationalities need to provide a stamped and signed copy from the hospital/authority that supervised the birth of the newborn containing all information regarding the newborn.

According to Save the Children, birth registration in Jordan was nearly universal in 2011, with only %1 of births going unregistered. Reasons cited for failure to register included “disagreement within the family, poverty and lack of awareness.” However, challenges existed when registering births of children born out of wedlock, customary marriages or other undocumented marriages because it is necessary to produce a marriage certificate or family book at the time of birth registration.

These challenges have become increasingly relevant with the refugee and migrant populations residing in Jordan where laws in their home country in marriage registration differ from Jordanian Law. Recent advocacy campaigns have targeted Syrians residing in Jordan as the processes for documentation of births and marriages in Syria has created many problems once arriving in Jordan. For example, it is normal in Syria for couples to be married by a sheikh without obtaining the official government marriage registration document. In Syria, the official document did not hold much weight but now that they are in Jordan families do not have documents to prove they are married. Without this document, there is no way to affix kinship to the children as per Jordanian law and thus their children are believed to be conceived out of wedlock. According to the Civil Code, children born out of wedlock are considered as “illegitimate.” Even before the Syrian Refugee Crisis, this de jure discrimination was a source of “deep concern” by the Committee on the Rights of the Child as stated in their Concluding Observations in 2006 (Save the Children, Country Profile of Jordan, 2011).

II. Registration and the Syrian Refugee Crisis: Jordan Case

At the beginning of the Syrian Refugee crisis, marriage and birth registration among Syrian refugees in Jordan was very low. Refugees stated that among the barriers to obtaining this documentation were:

- 1- Lack of understanding of the importance of birth and marriage registration and how to proceed to register;
- 2- Inability to provide the documents required to register marriages and births, such as identity papers and marriage certificate;
- 3- Giving birth at home without an authorized midwife in an emergency situation, or are refused notification from the hospital if they cannot pay the full cost of the delivery;

In addition to these three barriers, and as experienced in ARDD-Legal Aid's work, it should be noted that in many instances individuals do not take the steps to register their children due to the lack of understanding of the importance of registration and prioritizing other life issues, or simply lack of time and economic opportunity to pursue registration processes that may be complicated due to the proper lack of documentation and the required legal processes to overcome this lack of documentation.

To mitigate some of these barriers, ARDD-Legal Aid, UNHCR and the Jordanian Government launched two national campaigns to raise awareness among refugees population about the importance of the issue, and to mobilize families to correct the status of the children. The first campaign to address this took place in late 2014 and after great success a second round was implemented from May-July 2015. In both campaigns registration fines were waived allowing more people to take advantage of these services. In addition to this, a personal status office was opened in Za'atari and Azraq refugee camps as well as Shar- ea'a courts. ARDD-Legal Aid offices in Zaatari worked to provide the services to facilitate the registration of the newborn children and all related requirements relevant to the birth registration issue including marriage documentation. This was done through legal consultations with the organization's lawyers and staff.

To assist in expediting the registration processes, the Rabaa Al Sarhan reception center was opened to make it possible to find and copy Syrian registration documents for those seeking to register their children and marriages. Additionally, the Government of Jordan decided to allow for documents indicating proof of marriage or birth to be copies and not the originals.

III. Birth Registration: Ways Forward

For those without birth registration either due to lack of awareness or lack of marriage documents, there is no way to prove their birth in other countries or their official identity. In the case of Syrian refugee children this will mean restriction in entering Syria legally in the future and once in Syria they will likely face major problems in obtaining Syrian identity documents and accessing their rights as citizens (UNHCR, The Future of Syria).

Although the recent increase in registration documented is a positive note, awareness raising and legal support for registration should remain a priority. This is particularly poignant in light of the current short-coming of funds to provide for the basic necessities facing Syrian refugees in Jordan. Work should continue to be done to address birth registration with amnesty for fees related to affixing unregistered marriages. This validation (affixing) of marriages is key in order to affix the kinship of the children, and thus, to facilitate the registration of children according to Jordanian law.