

Birth Registration in Jordan in the Context of the Syrian Refugee Crisis

I. Birth 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

Civil Status Law/Code has repeatedly codified birth registration in Jordan since 1966. According to Article 13 of the 2001 Civil Status law which supersedes the codes of 1966 and 1973, parents need to register their newborn children within 30 days of their birth, or 90 days if birth occurs outside the Kingdom. Failure to do so in the time set by the law results in a fine of 10 JD. Where parents are unable or unavailable to complete registration, close relatives of the parents over 18 years old, or even a doctor or a midwife may undertake registration. The Department of Civil Status and Passports is the office responsible for the registration of newborns. It has 74 sub-offices throughout the Kingdom.

According to the Department of Civil Status and Passports, the documentation required to register the children varies according to 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.” Obstacles existed and exist to 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. Children born out of wedlock are considered as “illegitimate” according to the Civil Code. 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). Despite this discrimination, article 20 of the 2001 Civil Status law provides for the registration of children born to unmarried parents. The parents will not have both of their names on the birth certificate unless they make a special written request to that effect and it is supported by a court order.

II. Birth Registration and the Syrian Refugee Crisis: Jordan Case

As noted in the recent UNHCR reports (registration has been very low among Syrian refugees in Jordan. However over 17500 birth certificates were issued by the Jordanian government by the end of May 2014.

Among the barriers (according the refuge themselves not by the GoJ or UNHCR) identified by UNHCR are:

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

In addition to these three barriers, and as experienced in our 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.

In order to mitigate some of these barriers UNHCR and the Jordanian Government have launched national campaign to raise awareness among refugees population about the importance of the issue, and to mobilize families to correct the status of the children. Jordanian authorities-related ministries and official departments have participated in this campaign. UNHCR have build the capacity of the staff of different stakeholders including Personal Status Department. And took the issue further by deploying a personal status office in Za'atary camp and Azraq as well office for the Sharea'a court and ARDD-Legal Aid office to provide full line of services to facilitate the registration of the newborn children and all related requirements relevant to the birth registration issue. As implementing partner to UNHCR, ARDD-Legal Aid have provided Legal awareness sessions in different governorates and remote areas about the importance of registration. Furthermore, UNHCR-UNICEF and SRCD (Syrian Refugees Camps Affairs Departments) have printed accessible materials explaining the process and providing contact information of offices, including ARDD-Legal Aid, where support for registration is provided which was distributed in the sessions.

In addition, along with UNHCR ARDD-Legal Aid different offices, have the legal capacity to provide legal consultation, and required information about the process, through well trained lawyers and staff, and strong referral system exists in the protection sector, as the coordination with different services providers needed.

UNHCR, the national efforts and the collaboration of the Jordanian government, facilitated laying down understanding on how to work within the many challenges exists in the registration process, such as the lack of documents in the hands of the parents, and the advocacy led to the classification of Syrian personal identity documents by UNHCR staff in a new reception center, Rabaa Al-Sarhan, has made it possible to find and copy Syrian identity documents for families that helps seeking to register newborns in Za'atari camp. In addition, the Civil Status Department agreed that Syrian refugees can provide copies of their identification documents if they do not have the originals, and in an exceptional case they accepted to provide 400 birth certificates based on the UNHCR registration card without requesting any further documentation. And as a result of this advocacy camping and one of the joint achievement with SARD and UNHCR is the exemption of the 10 JD fines which was granted to refugee children born in the camps and exceeded one month from registration. The exemption tackled almost 876 cases.

Furthermore, to evaluate the impact of the advocacy campaign UNHCR held many focus groups in different governorates, to measure the awareness rising results, and found only 2 cases that were not registered only due to different barriers!

Currently, there are advocacy efforts to accommodate the difficulties of affixing unregistered marriages in order to reach to affix the kinship of the children resulting of these type marriages in Jordan, these efforts including UNHCR and other UN agencies and related official departments and ministries.

III. Birth Registration: Ways Forward

According to UNICEF, approximately 35 per cent of the global population of children under five years old have not been registered. (UNICEF: Every Child Birth Rights, 2013) This percentage presents significant regional differences as the lowest levels of birth registration are found in Sub-Saharan Africa (44 per cent of children registered) and South Asia (39 per cent registered). According to UNICEF at the time of publication of its report, the MENA region had an 87 per cent of birth registration.

Findings also show that registration rates are lowest among socially disadvantaged children, as in general, unregistered children come from the poorest households. However, the problem is that there are many unregistered children were born outside of Jordan and they don't have any documents to proof their birth in other countries, and now they are in Jordan trying to register, instead they are issued by the government the service card, which does not mean to proof the kinship or nationality. But birth registration establishes the child's official identity and the negative consequences of lack of birth registration are multiple are well known. In the case of Syrian refugee children it means restriction in entering Syria legally 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 shortcoming of funds to provide for the basic necessities facing Syrian refugees in Jordan.

Among the recent successes aiming to address birth registration is the recent two-month 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.

Alternatively, legal solutions for post-conflict situation should start being considered as ways to ease the transition towards registration once in Syria, as well as to facilitate the entrance of refugees "born in exile." This, of course, will depend of the political solution to this conflict, which, at the moment, seems highly unlikely.