

Joint Submission to the
Human Rights Council

Universal Periodic Review

40th Session
Third Cycle
January/February 2022

SYRIAN ARAB REPUBLIC

MENA Statelessness Network (Hawiati)
Global Campaign for Equal Nationality Rights
Institute on Statelessness and Inclusion

15 July 2021



Joint Submission
to the Human Rights Council
at the 40th Session
of the Universal Periodic Review.

SYRIAN ARAB REPUBLIC

Introduction

1. The MENA Statelessness Network (**Hawiati**),¹ the Global Campaign for Equal Nationality Rights (**GCENR**)² and the Institute on Statelessness and Inclusion (**ISI**)³ make this joint submission to the Universal Periodic Review (**UPR**), on the right to a nationality and human rights challenges pertaining to statelessness in the Syrian Arab Republic (**Syria**).
2. Syria has a sizeable stateless population, due to several historic root causes: gender discrimination in the nationality law; difficulties registering marriages and births; historic mass denationalisation of the Kurdish community; and intergenerational statelessness of Palestinians in Syria. The vulnerability of people who are stateless (or at risk of statelessness) due to these root causes has been greatly exacerbated following the outbreak of the civil war in 2011. Stateless individuals face many obstacles in the enjoyment of basic rights, such as education, property rights and the right to travel, among others. There are a wide range of protection risks associated with being stateless from Syria both inside and outside the country.⁴
3. The current UNHCR figure for the number of stateless people in Syria is 160,000.⁵ However, this figure is believed to refer only to stateless Kurds and may be unreliable,

¹ The MENA Statelessness Network (Hawiati) is a network bringing together actors working on, and interested in, statelessness in the Middle East and North Africa (MENA). It aims to build solidarity between such actors and individuals affected by statelessness across the region. For more information, see: <https://www.hawiati-mena.org>.

² GCENR mobilizes international action to end gender discrimination in nationality laws, through its coalition of national and international organizations and activists. Steering Committee members include Equality Now, Equal Rights Trust, ISI, Women's Learning Partnership and Women's Refugee Commission. For more information, see: <https://www.equalnationalityrights.org/>.

³ ISI is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realising and protecting everyone's right to a nationality. The Institute has made over 80 country specific UPR submissions on the human rights of stateless persons. ISI has also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 38th UPR Sessions. For more information, see: <https://www.institutesi.org/>.

⁴ European Network on Statelessness and Institute on Statelessness and Inclusion, "Statelessness in Syria," August 2019, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

⁵ UN High Commissioner for Refugees (UNHCR), "In Search of Solutions: Addressing Statelessness in the Middle East and North Africa," September 2016, available at: <https://www.refworld.org/docid/57dbdaba4.html>.

particularly given that UNHCR has reported this figure since 2013.⁶ Moreover, this figure does not include the estimated 438,000 Palestinian refugees from Syria, who are also stateless, with the exception of those who have naturalised outside the region (e.g. in Europe).⁷

4. This submission therefore focuses on:
 - Gender discrimination in Syria's nationality law
 - Conflict related challenges
 - The Kurdish Population
 - Palestinians

Previous UPR of Syria under the First and Second Cycle

5. Syria was previously reviewed during the 12th and 26th sessions of the UPR, in 2011 and 2016 respectively.
6. In the first cycle, during the 12th session, Syria did not receive any recommendations specifically related to nationality law or statelessness. However, there were different recommendations on Syria's international obligations especially under the ICCPR, CRC, and CEDAW, three relevant treaties that contain fundamental principles also related to the right to a nationality. Syria received three recommendations from Indonesia,⁸ the Maldives⁹ and Poland¹⁰ to bring national laws in line with international obligations. Syria also received recommendations on gender equality (for example, Bangladesh recommended that Syria *"strengthen efforts to further promote empowerment of women"*¹¹), and the Republic of Korea recommended that Syria *"promptly undertake measures to address allegations relating to (...), violence against women and girls"*,¹² a phenomenon that is exacerbated by the prevalence of gender discriminatory nationality laws.¹³ Syria accepted all these recommendations.¹⁴
7. In the second cycle, during the 26th session, Syria received two recommendations relevant to nationality: Czechia recommended that Syria *"conduct a review of the personal status law and other relevant laws, which will remove the provisions that are*

⁶ However, assessing the statelessness situation in Syria is incredibly difficult for all actors, due to access limitations to parts of the country, as well as regular population movements.

⁷ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), "Where We Work," available at: <https://www.unrwa.org/where-we-work/syria>.

⁸ Human Rights Council, 'Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,' A/HRC/19/11 (1st cycle, 24 January 2012), Recommendation 100.1.

⁹ Human Rights Council, 'Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,' A/HRC/19/11 (1st cycle, 24 January 2012), Recommendation 100.2.

¹⁰ Human Rights Council, 'Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,' A/HRC/19/11 (1st cycle, 24 January 2012), Recommendation 102.1.

¹¹ Human Rights Council, 'Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,' A/HRC/19/11 (1st cycle, 24 January 2012), Recommendation 100.35.

¹² Human Rights Council, 'Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,' A/HRC/19/11 (1st cycle, 24 January 2012), Recommendation 102.8.

¹³ Global Campaign for Equal Nationality Rights, 'Ending Gender-Based Violence Requires Equal Citizenship', September 2020, Available at: <https://equalnationalityrights.org/images/zdocs/Impact-of-Gender-Discrimination-in-Nationality-Laws-on-Gender-Based-Violence.pdf>

¹⁴ For a full list of recommendations relating to gender equality, see Annex 1.

*discriminatory towards women, such as those not granting them guardianship of their children, disabling them from travelling on their own with their children or not allowing them to transfer their citizenship to their children”.*¹⁵ Namibia recommended that Syria “*amend the citizenship law of 1969, which prevents women from granting citizenship to their children, to ensure women’s right to grant citizenship to their children*”.¹⁶ Syria accepted both of these recommendations.

8. Further, Syria received numerous recommendations on gender equality and addressing gender-based violence, including, *inter alia*, a recommendation from Nicaragua to “*continue and strengthen efforts in the fight for gender equality*”¹⁷ and from Sierra Leone to “*adopt national legislation criminalizing domestic violence*”.¹⁸ Syria accepted these recommendations, but has to-date, failed to implement them.¹⁹
9. In 2019, the Committee on the Rights of the Child expressed concern regarding the right to a nationality for children and women in Syria, recommending that Syria:

(a) Repeal all the legal provisions that discriminate against girls, such as those concerning unequal inheritance rights, as well as provisions not allowing children to receive their mother’s nationality, not allowing children born to unmarried parents to have their father’s name registered in civil records, and establishing a different age of custody for girls and boys;

(...)

(a) Strengthen its efforts to re-establish civil affairs services throughout the territory, take into account the difficulties faced by families currently or previously living in areas controlled by non-State actors in gaining access to official documentation, and consider recognizing documents issued locally by mukhtars or sheikhs to facilitate the issuance of birth certificates;

(b) Consider waving fees for late birth registration, in particular among displaced families and those living in areas newly under State control, and consider adopting temporary measures, such as mobile teams to assist families in hard-to-reach areas, to promote and facilitate birth registration;

(c) Review its legislation to implement gender-equitable measures regarding civil documentation allowing women to be the legal guardians of their children and promptly adopt the draft amendment to article 3 of the law on nationality allowing Syrian women to transmit nationality to their children on an equal basis with Syrian men;

(d) Amend the Personal Status Code to ensure that children of Muslim mothers and non-Muslim fathers, children born to unmarried parents and children born from situations of sexual violence are recognized, registered and have access to birth registration documents;

¹⁵ Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,’ A/HRC/34/5 (2nd cycle, 27 December 2016), Recommendation 109.91.

¹⁶ Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,’ A/HRC/34/5 (2nd cycle, 27 December 2016), Recommendation 109.90.

¹⁷ Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,’ A/HRC/34/5 (2nd cycle, 27 December 2016), Recommendation 109.86.

¹⁸ Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review on the Syrian Arab Republic,’ A/HRC/34/5 (2nd cycle, 27 December 2016), Recommendation 109.15.

¹⁹ For a full list of recommendations relating to gender equality, see Annex 1.

*(e) Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.*²⁰

10. In 2014, the Committee on the Elimination of Discrimination against Women called on Syria to:

*(a) Immediately amend its Nationality Law (Decree No. 276/1969), in particular article 3, in order to ensure that women and men enjoy equal rights to acquire, transfer, retain and change their nationality, in line with article 9 of the Convention; and ensure its implementation.*²¹

The Committee also made a further recommendation in relation to stateless Syrian Kurds. However, this recommendation is viewed as being insufficient, including by the co-submitting organisations, as it called solely for the implementation of Decree 49/2011, which excludes Syria's stateless *maktumeen* Kurds. This shortcoming was duly noted by the CRC and UNHCR in their submissions before Syria's 2nd UPR.²²

Syria's International Obligations

11. Syria has international obligations to protect the right to a nationality and protect the rights of stateless persons on the basis of UN and regional treaties to which it is a party. These include the International Covenant on Civil and Political Rights (**ICCPR**) (see Article 24.3), the International Covenant on Economic, Social and Cultural Rights (**ICESCR**) (see Articles 2.2 and 3), the Convention on the Rights of the Child (**CRC**) (see Articles 2, 3, 7 and 8), the Convention on the Elimination of All Forms of Discrimination (**CEDAW**) (see Article 2, 9 and 16), the International Convention on the Elimination of All Forms of Racial Discrimination (**ICERD**) (see Article 5(d)(iii)), the Convention on the Rights of Persons with Disabilities (**CRPD**) (see Article 18) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (**CMW**) (see Article 29).

12. However, Syria has entered a reservation to Article 9(2) of CEDAW "*concerning the grant of a woman's nationality to her children.*" This reservation is contrary to the object and purpose of the Convention, as per the CEDAW Committee General Recommendation No.21, which, commenting on Article 9, states that "*nationality is critical to full participation in society*".²³ The Committee has further stated:

"Consistent with articles 2, 3 and 24 in particular, the Committee requires that all

²⁰ Committee on the Rights of the Child, 'Concluding Observations on the Fifth Periodic Report of the Syrian Arab Republic,' CRC/C/SYR/CO/5 (6 March 2019), para. 24.

²¹ Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Second Periodic Report of the Syrian Arab Republic,' CEDAW/C/SYR/CO/2 (24 July 2014), para. 38.

²² Human Rights Council, 'Compilation prepared by the Office of the United Nations High Commissioner for Human Rights for the Syrian Arab Republic,' A/HRC/WG.6/26/SYR/2 (29 August 2016), para. 65; UNHCR, 'Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 2nd cycle, 26th session: Syrian Arab Republic,' (March 2016), available at:

<https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=3231&file=EnglishTranslation>.

²³ CEDAW, General Recommendation No. 21: Equality in Marriage and Family Relations, para. 6 (1994), available at: <https://www.refworld.org/docid/48abd52c0.html>.

States parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation, in particular to articles 9, 15 and 16 of the Convention.”²⁴

The inaction by the government to remove gender discriminatory provisions from the nationality laws also violates the state’s general obligation to eliminate all forms of discrimination against women, under Article 2 of CEDAW.

13. Syria was a member of the Organisation of Islamic Cooperation (**OIC**), before its membership was suspended due to crimes committed by the government. The Covenant on the Rights of the Child in Islam is one of the binding documents of the OIC and Articles 2(4) and 7 clearly guarantee every child’s right to a nationality. There is a need for Syria to adhere to these provisions. Moreover, Syria is a party to the Cairo Declaration on Human Rights in Islam (see Articles 5 and 19).
14. Syria has not acceded to either the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, nor has it pledged to do so.

National Law

15. Syria’s current nationality law was promulgated by legislative decree No. 276 on 24 November 1969 (**1969 Nationality Act**).²⁵ The 1969 Nationality Act prescribes the acquisition and withdrawal of citizenship, and contains various gaps and flaws that lead to statelessness, including discrimination against Syrian women in transferring their nationality to their children (see the section on Gender Discrimination below). It remains in force today, despite attempts to amend it.²⁶
16. Syrian law lacks a definition of a stateless person, and accordingly, there are no specific procedures, laws or protection mechanisms tailored to the protection of the rights of stateless individuals, other than for Palestinian refugees in Syria. Palestinian refugees of Syria are considered as a special case of non-Syrians in this respect, as legislation guarantees rights largely on a par with Syrian citizens.²⁷ However, following the outbreak of the war in 2011, and resultant mass displacement, Palestinians have suffered from a wide range of rights violations and protection concerns, falling between the respective mandates of UN organisations (see the section on Palestinians below).
17. Syria’s 1969 Nationality Act contains some safeguards against statelessness at birth in which a child born in Syria to stateless *parents*, or a child born in Syria who does not

²⁴ CEDAW, General Recommendation No. 21: Equality in Marriage and Family Relations, para. 43 (1994), available at: <https://www.refworld.org/docid/48abd52c0.html>.

²⁵ Nationality Law, Legislative Decree 276, 1969, available at: <https://www.refworld.org/pdfid/4d81e7b12.pdf>.

²⁶ European Network on Statelessness and Institute on Statelessness and Inclusion, “Statelessness in Syria,” August 2019, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

²⁷ See Law No. 260 of 1956. However, Palestinian refugees in Syria could not stand in elections or run for an office of state and also faced some restrictions on owning property.

acquire another nationality should be considered Syrian (Articles 3(c) and 3(d)).²⁸ In practice, however, these provisions have not always been applied, especially in the case of stateless Kurds and Palestinians where statelessness is inherited across multiple generations. This increases the risk of statelessness for individuals within Syria, particularly for children born to unknown or stateless *fathers*,²⁹ or those who have been internally displaced by the conflict. UNHCR stated in March 2019, “*Syria has a safeguard in place to prevent statelessness among children born in the territory but it is not clear that this is implemented in practice.*”³⁰ Moreover, the fact that the safeguard against statelessness for children is limited to those born *inside* Syria, this increases the risk of statelessness for Syrian refugees.

18. While a number of positive elements were introduced within the 2012 revision to the country’s 1973 Constitution (**2012 Constitution**), such as a prohibition on sex-based discrimination, there is a need to address the ensuing contradictions between the Constitution and other areas of national legislation (e.g. the Nationality Law and Personal Status Code). That said, there is still room for further improvement in the constitution and the committee(s) currently mandated to work on a new draft should take into account recommendations on strengthening civil law and removing the exclusionary Arabist identity imposed on the country’s citizenry.

Gender Discrimination in Syria’s Nationality Law

19. In contravention of Syria’s international obligations under CEDAW, ICCPR and CRC set out above, Syria’s 1969 Nationality Law denies women the right to confer citizenship on their children and spouse on an equal basis with Syrian men. Article 3(a) states that “*anyone born inside or outside the country to a Syrian Arab father...shall be considered as Syrian Arabs ipso facto*”. In contrast, mothers are only permitted to pass on Syrian citizenship to their children in rare circumstances (and it is unclear whether these provisions are even implemented in practice). Article 3(b) states that where the “*legal family relationship*” to a child’s father has “*not been established*” and the child is born inside Syria to a Syrian mother, that child is considered a Syrian citizen. This means that this only applies to children born inside Syria and to those whose fathers are *unknown*, not those whose fathers are stateless. Moreover, Article 3(d) states that Syrian mothers can confer nationality if the child was born in Syria and “*was not, at the time of birth, entitled to acquire foreign nationality by virtue of his parentage*”, meaning women can confer nationality if the child was not entitled at the time of their birth to acquire the nationality of a foreign father. These provisions are, therefore, clearly gender discriminatory.

²⁸ Article 3(C) and 3(D) state, respectively, that the following people shall be considered Syrian: “*Anyone born in the country to unknown parents or to parents of unknown nationality or without one. A foundling in the country is considered to be born there and in the place where he was found, unless proven otherwise*”; and “*A person who was born in the country and was not entitled, at the time of his birth, to acquire a foreign nationality by filiation*”. Nationality Law, Legislative Decree 276, 1969, available at: <https://www.refworld.org/docid/4d81e7b12.html>. Arabic version available at: <http://www.casi.gov.sy/node15/arabic/eindex.php?node=5518&cat=14816&nid=14816&print=1>.

²⁹ European Network on Statelessness and Institute on Statelessness and Inclusion, “Statelessness in Syria,” August 2019, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

³⁰ UNHCR, “Background Note on Gender Equality, Nationality Laws and Statelessness 2019,” 8 March 2019, at 7, available at: <https://www.refworld.org/docid/5c8120847.html>.

20. Article 8 of the 1969 Nationality Act further discriminates against Syrian women by denying them the right to transfer nationality to their noncitizen spouse on an equal basis with Syrian men. In addition to contravening international human rights law prohibitions on gender-based discrimination, these gender discriminatory provisions in the 1969 Nationality Act stand in violation of the new 2012 Constitution, which stipulates under Article 33(3) that "*Citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed.*"³¹
21. Moreover, there are also important intersections between gender discrimination and religious differences given Syria's adherence to interpretations of Sharia Law, which do not permit a Muslim woman to marry a non-Muslim man, and which affects a women's ability to confer nationality upon her children under Article 3(d) of the 1969 Nationality Act.³² For example, Muslim women in Syria are not permitted to marry non-Muslim men. Therefore, if a woman has a child as a result of such a relationship, the discriminatory provisions of the 1969 Nationality Act would mean that the child would not automatically inherit their mother's nationality. Further, Article 3(b) of the 1969 Nationality Act clearly does not apply to the children of refugees from Syria who are born in host countries, further limiting the ability of children to acquire a nationality at birth.
22. Syria is one of 25 countries globally that discriminate against women in their ability to confer their nationality on their children on an equal basis with men. Gender discrimination in nationality laws has no basis under international human rights law and results in wide-ranging human rights violations. Those without Syrian nationality due to gender discrimination in the law often face obstacles to equally accessing education, healthcare, inheritance and property rights, family unity and freedom of movement. Gender discrimination in the nationality law undermines women's equal citizenship and their equality in the family, while inhibiting women's right to freely choose a spouse and a place of residence. Gender discrimination in nationality laws is a root cause of statelessness and can perpetuate statelessness across generations, as male children who are rendered stateless through this provision will go on to have their own stateless children who cannot access nationality even if their mother is a citizen. The danger of inter-generational statelessness is further exacerbated by the existence of other stateless populations in Syria as well as challenges related to registration, documentation and proof of identity.
23. Gender discrimination in nationality laws is easily remedied through law reform. With three quarters of countries globally upholding gender-equal nationality laws, there has been notable momentum to end gender discrimination in nationality laws in the Middle East and North Africa region, particularly since the turn of the century. Since 2000, four Arab States have enacted reforms to uphold women's right to confer nationality on their children on an equal basis with men,³³ while many other states in the region have

³¹ Constitution of the Syrian Arab Republic, 2012, Art. 33(3), available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf>.

³² Article 48 of the 1953 Syrian Personal Status Code states that Muslim women are not allowed to marry non-Muslim. A 2019 amendment of the 1953 Personal Status Code reworded this to "a marriage is void if any of the conditions of the marriage contract are violated".

³³ These states are Egypt (Law No. 154 of 2004 Amending Some Provisions of Law No. 26 of 1975 Concerning Egyptian Nationality), Morocco (Dahir 1-07-80 enacting Law 62-06 modifying Dahir 1.58.250 Moroccan

enacted reforms to expand women's right to confer nationality on their children. The case of Syria's neighbour, Iraq, amending its citizenship law in 2006 sets an important precedent for how reform to address gender discrimination is possible and beneficial to all citizens, and that the arguments against reform are weak and baseless. It should be noted that Iraq's progress is only partially given that mothers can only pass on Iraqi citizenship to a child born inside the country while this limitation does not apply to fathers.

24. In 2018, the League of Arab States (**LAS**) Secretariat endorsed the Arab Declaration on Belonging and Legal Identity, which calls on all members to enact reforms to uphold comprehensive gender equality in their nationality laws, including women's equal right to confer nationality on their children and spouse, and to remove reservations to CEDAW Article 9.³⁴ In May 2021, the Arab League in partnership with UNHCR convened a follow up meeting to develop an action plan on the implementation of the Arab Declaration on Belonging and Legal Identity.³⁵ Though historically a member of the Arab League, Syria's membership was suspended in 2011 as a sanction for the state's use of violence against its citizens.
25. There have previously been several initiatives to reform Syria's 1969 Nationality Act. Most significantly, a bill was presented to Parliament in 2004 by the Syrian Women's League. In 2008 the Parliament voted against this amendment on the basis that it was incompatible with Sharia law.³⁶ However, in 2011 a new bill was presented to the new Parliament and a committee was formed to discuss it. The bill has not yet been put to a vote in Parliament. This bill has not been made public, and therefore it has not been possible to assess it against Syria's international obligations. The failure to make the bill public also undermines the rights of the general public of Syria to be informed of and participate in political affairs, in violation of ICCPR Articles 19(2) (freedom of expression) and 25 (participation in public affairs).
26. Commenting on this situation, the Committee on the Rights of the Child in its last review of Syria (in February 2012) expressed concern *"that the amendment to article 3 of the Syrian Nationality Act (No. 276 of 1969), which denies children of Syrian women married to non-nationals the right to acquire Syrian nationality, is still pending endorsement by the parliament"*;³⁷ and urged Syria to *"proceed with the amendment of the Nationality Act to allow children of Syrian mothers married to foreign nationals to acquire the nationality of their mothers"*.³⁸ In an attempt to quantify the magnitude of this problem, in 2008 the Syrian Women's League had estimated that there were approximately

Nationality Code), Tunisia (Law no. 2010-55 of 1 December 2010, modifying certain dispositions of the Code of Tunisian nationality), and Djibouti (Law No. 79/AN/04/5th L regarding Djibouti nationality).

³⁴ Arab Declaration on Belonging and Legal Identity, 28 February 2018, available at: <https://www.refworld.org/docid/5a9ffbd04.html>.

³⁵ League of Arab States, "Final Recommendations: Towards an Action Plan on Belonging and Legal Identity," 25 May 2021, available at: <https://www.unhcr.org/eg/wp-content/uploads/sites/36/2021/06/Final-Recommendations-Towards-PoA-on-Belonging-25052021.pdf>.

³⁶ European Network on Statelessness and Institute on Statelessness and Inclusion, "Statelessness in Syria," August 2019, at p. 6, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

³⁷ Committee on the Rights of the Child, 'Concluding Observations: Syrian Arab Republic' CRC/C/SYR/CO/3-4 (58th session, 9 February 2012), para. 41.

³⁸ Committee on the Rights of the Child, 'Concluding Observations: Syrian Arab Republic' CRC/C/SYR/CO/3-4 (58th session, 9 February 2012), para. 42(b).

100,000 Syrian women married to non-nationals, mostly from other Arab states. Most of these foreign husbands are Egyptian, Iraqi and Palestinian.³⁹

Conflict Related Challenges

27. The combination of the gender discriminatory law and the ongoing conflict and resultant large-scale displacement since 2011, has dramatically increased the risk of statelessness amongst children born to Syrian women both inside and outside the country. Due to the conflict, refugee and internally displaced families may be separated, civil documents lost or destroyed, and fathers may be imprisoned, missing or deceased – all increasing the risk of statelessness, which is dramatically exacerbated by gender discrimination in the nationality law.
28. Even before the current conflict, a large number of Syrians lacked registration of vital civil status events, such as marriages and births.⁴⁰ As noted by UNHCR and the Syrian Ministry of Interior, “*Without a completed birth registration, a child may not be able to prove its Syrian Nationality*” or access public services, such as education and health care.⁴¹ Despite attempts to digitalise civil documentation processes prior to the outbreak of the civil war, the civil registration system is still largely paper-based and without back-ups. This has resulted in “*the only record of the existence of Syrian nationals – particularly the registration of vital events such as births, and their link to Syria... [being] lost*” in cases where these hard copy records have been lost or destroyed in the conflict.⁴²
29. As noted above, Article 3(b) of the 1969 Nationality Act does not allow conferral of nationality from Syrian mothers upon children born outside the country. This means that children of refugees from Syria who are born to Syrian mothers in host countries will struggle to acquire Syrian nationality. Children born to refugee parents may face difficulties in accessing civil documentation from consular services abroad, as they cannot prove a legal link to Syria, may fear persecution from the State, or may not be able to physically access consulates or embassies.⁴³ Although various amendments were made to the civil status laws in 2017 to enable increased access to registration abroad,⁴⁴ many of these challenges still remain.

³⁹ Institute for War and Peace Reporting, “Campaign to change unfair citizenship law continues,” 19 December 2008, available at: <https://www.refworld.org/docid/4959de2a1e.html>.

⁴⁰ European Network on Statelessness and Institute on Statelessness and Inclusion, “Statelessness in Syria,” August 2019, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

⁴¹ UNHCR and Syrian Arab Republic Ministry for Interior (Civil Affairs Directorate), “Civil Documentation and Registration in the Syrian Arab Republic,” at 20, available at: <https://www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-DocumentsEn-Jul-2018.pdf>.

⁴² Institute on Statelessness and Inclusion and Norwegian Refugee Council, “Understanding statelessness in the Syria refugee context,” 2016, at 19, available at: <https://www.refworld.org/docid/584021494.html>.

⁴³ European Network on Statelessness and Institute on Statelessness and Inclusion, “Statelessness in Syria,” August 2019, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

⁴⁴ According to Act No. 4 of 2017 (amending Legislative Decree No. 26 of 2007) civil status events are able to be “...registered in the place they occurred, the place of residence, Syrian embassies or consulates, or in the embassy or consulate charged with protecting the interests of Syrians.” If a person is unable to access an embassy or consulate, pursuant to Article 17(a) of the Syrian Civil Affairs Law (No. 4 of 2017), “...the Syrian citizen

30. Moreover, children may face difficulties obtaining nationality if their parents are unmarried or have an unregistered marriage. Under Syrian law, the mother and father must have a registered marriage in order to register the birth of their child, regardless of whether the birth occurs inside or outside Syria.⁴⁵ Many married Syrian refugees face problems proving their marriage – *“either because the marriage was contracted in Syria or in the country of exile but never registered, or the marriage documents were lost during flight.”*⁴⁶ This is compounded by the inability of a Muslim woman to marry a non-Muslim man, meaning a child cannot acquire nationality if born to a Muslim (Syrian) mother and a non-Muslim father. In fact, *“marriages of Syrian citizens (or Syrian Palestinians) to non-Arab foreigners requires prior approval from the Syrian Minister of Interior”* and *“without such approval, a marriage to a foreigner cannot be registered in the civil registry, notwithstanding a court ruling.”*⁴⁷
31. For those residing in areas that are, or were for some time, outside of the control of the Syrian Government, there are heightened challenges to accessing civil registration, as many civil registries have been *“partially or totally destroyed”*⁴⁸ and documents issued by non-state actors may not be recognised, may not be genuine, or may contain different formatting and stamps. According to a 2015-2016 survey of households in Idlib and Aleppo, 34% of families lacked birth certificates for their children, and 27% of households lacked any documentation.⁴⁹
32. Many children born in territories outside the control of the Syrian government have therefore often not acquired birth certificates and other forms of documentation recognized by the Syrian government and are at heightened risk of statelessness.⁵⁰ This is due to a multitude of reasons, including a lack of civil registry offices, logistical difficulties accessing civil registry offices, and security concerns. Mothers also sometimes face difficulties registering their children in Damascus when the parents’ marriage took place in areas outside government control, compounding the risk of statelessness for these children.
33. In 2016, investigative journalists in Syria reported on the situation of children of undetermined paternity living in poverty with their Syrian mothers, and sleeping in

should obtain a certificate of the event or a certified copy from the competent authorities in the place of the event and submit it to the directorate of civil affairs in Syria, responsible for the concerned person’s record.”

⁴⁵ UNHCR and Syrian Arab Republic Ministry for Interior (Civil Affairs Directorate), “Civil Documentation and Registration,” available at: <https://www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-DocumentationEn-Jul-2018.pdf>.

⁴⁶ Norwegian Refugee Council, “Syrian refugees’ right to legal identity: implications for return,” January 2017 <https://www.nrc.no/globalassets/pdf/briefing-notes/icla/final-syrian-refugees-civil-documentation-briefing-note-21-12-2016.pdf>.

⁴⁷ UNHCR and Syrian Arab Republic Ministry for Interior (Civil Affairs Directorate), “Civil Documentation and Registration in the Syrian Arab Republic,” at 18, available at: <https://www.unhcr.org/sy/wp-content/uploads/sites/3/2018/09/Personal-Documentation-En-Jul-2018.pdf>.

⁴⁸ UNHCR, “End of Year Report – 2018,” 17 February 2019, at 6, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Syria%27s%20End%20of%20Year%20report%202018.pdf>.

⁴⁹ International Rescue Committee, “Identify Me: The Documentation Crisis in Northern Syria,” July 2016, at 2 and 8, available at: <https://www.rescue-uk.org/report/identify-me-documentation-crisis-northern-syria>.

⁵⁰ International Rescue Committee, “Identify Me: The Documentation Crisis in Northern Syria,” July 2016, available at: <https://www.rescue-uk.org/report/identify-me-documentation-crisis-northern-syria>.

public parks.⁵¹ These children were reportedly born outside marriage, or born to a father who subsequently went missing due to the conflict situation. The article described challenges faced by mothers lacking proof of the father's identity, whereabouts, or their marriage when trying to register their children. Following this coverage, it was reported by the same source, as well as the official Syrian state news agency in June 2018, that the People's Council had approved the passing of a new law (The Law Regarding the Care of Children of Undermined Paternity) to grant Syrian nationality to children of undetermined paternity.⁵² However, there is a lack of information regarding the implementation of this new law, and it should also be highlighted that such children would automatically be recorded as being Sunni Muslim (the majority religion in Syria) on the basis that the father's religion could not be identified.

34. Furthermore, the conflict has led to widespread sexual violence and marriages to foreign fighters, and children born from such circumstances are especially at risk of statelessness. The UN Secretary General recently reported that women “*who conceived children as a result of rape faced difficulties in obtaining official documentation for their children, placing them at heightened risk of statelessness.*”⁵³ Syrian women who married foreign fighters voluntarily or under duress have also encountered difficulties registering their children. These children are not entitled to their mother's nationality under Syrian law, and in many cases they cannot obtain their father's nationality, either. Even where children should legally receive their father's nationality, many foreign fighters have died or disappeared, sometimes without their wives knowing their legal names, making it difficult for mothers to obtain proper documentation for their children.⁵⁴

Kurdish Population

35. In 1962, the Syrian Government at the time carried out a discriminatory census, which stripped an estimated 120,000 Kurds living in Syria's north-eastern Hassaka governorate of their citizenship, “*on the pretext that many non-Syrian Kurds had crossed illegally from Turkey*”.⁵⁵ Due to the intergenerational nature of statelessness, the number of stateless Kurds has grown since then. Prior to 2011, UNHCR had estimated that there were some 300,000 stateless Kurds. Other sources have placed the figure as high as 517,000.⁵⁶

36. Stateless Kurds in Syria were divided into two groups after the 1962 census, and that

⁵¹ Arab Reporters for Investigative Journalism, “Syria's Fatherless Children,” 9 October 2016, available at: <https://en.arij.net/investigation/syrias-fatherless-children/> .

⁵² Arab Reporters for Investigative Journalism, “The Syrian People's Council approves to grant citizenship to [children] of unknown paternity”, 13 June 2018, available at:

<https://arij.net/news/%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%D9%84%D8%B4%D8%B9%D8%A8-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A-%D9%8A%D9%88%D8%A7%D9%81%D9%82-%D8%B9%D9%84%D9%89-%D9%85%D9%86%D8%AD-%D8%A7%D9%84%D8%AC%D9%86%D8%B3%D9%8A/>.

⁵³ Security Council, ‘Conflict-related sexual violence: Report of the Secretary General,’ S/2021/312 (30 March 2021), para. 57.

⁵⁴ Nisan Ahmado, “Kids of IS Fighters, Syrian Mothers Face Uncertainty,” 26 April 2019, available at: <https://www.voanews.com/extremism-watch/kids-fighters-syrian-mothers-face-uncertainty>.

⁵⁵ Institute on Statelessness and Inclusion and European Network on Statelessness, “From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe,” January 2019, at 9, available at: http://www.institutesi.org/from_Syria_to_Europe.pdf.

⁵⁶ Syrians for Truth and Justice, “Syrian Citizenship Disappeared: How the 1962 Census destroyed stateless Kurds' lives and identities,” 15 September 2018, available at: <https://stj-sy.org/en/745/>.

division has persisted among their descendants to this day. Those who attended the 1962 census but failed to satisfy the authorities that they were resident in Syria prior to 1945 were considered '*ajanib*' (literally meaning 'foreigners').⁵⁷ This population faced restrictions in terms of access to public services and limited rights of ownership, inheritance and education, amongst others. A second group, the '*maktumeen*' (roughly translated as the 'concealed' ones) were those who did not participate in the census. They have even fewer rights than the *ajanib* and are unable to legally travel within Syria without special security permission.⁵⁸

37. Following decades of mobilisation among Kurdish activists and human rights actors calling for these individuals to be able to access Syrian citizenship, Decree No 49 of April 2011 was a welcome move to permit the granting of citizenship to some stateless Kurds. However, the Decree made no acknowledgement of the historical injustices, suffering, and rights deprivations experienced across generations. It was seen as granting citizenship as a concession rather than in recognition of the rights and entitlements of those naturalized. Indeed, official Syrian government discourse has been silent on this issue. Additionally, in terms of inclusion within society, many ethnic Kurds continue to resent the fact that Syrian citizens are officially defined as 'Syrian Arab citizens'. Civil society activists have raised the question of dropping the term 'Arab' from the citizenship and the name of the state in order to more accurately reflect Syria's ethnically diverse demography.⁵⁹
38. Moreover, the naturalization process only applies to *ajanib* in Syria, thereby excluding the *maktumeen*, and also those *ajanib* who have fled Syria.⁶⁰ Further, stringent requirements mean that many *ajanib* even within Syria cannot benefit – such as documentation requirements, obligation to register in a specific district and the need to process the request with all family members present.⁶¹ The Syrian government has not published updated statistics on the number of formerly stateless Kurds who have accessed citizenship after the 2011 Decree was passed. UNHCR reporting from 2016 states that by mid-2013, approximately 104,000 Kurds had benefitted from the naturalization process.⁶²
39. Education remains a pressing concern for many (formerly) stateless Kurds of Syria, both in terms of compensating for missed opportunities, and obtaining accreditation for studies undertaken. Moreover, even stateless Kurds who have been naturalized face

⁵⁷ Thomas McGee, "The Stateless Kurds of Syria: Ethnic Identity and National I.D.", *Tilburg Law Review*, Vol. 19, Issue 1-2, pages 171 – 181.

⁵⁸ Institute on Statelessness and Inclusion and European Network on Statelessness, "From Syria to Europe: Experiences of Stateless Kurds and Palestinian Refugees from Syria Seeking Protection in Europe," January 2019, available at: <http://www.institutesi.org/from-Syria-to-Europe.pdf>.

⁵⁹ Hamed Mohammad Saffour, Dr. Rim Turkmani & Mazen Gharibah, "An Analysis of Commonalities and Divergences of Syrian Constitutional Papers Since 2011," Conflict Research Programme, 26 October 2019, available at: http://eprints.lse.ac.uk/102253/5/Turkmani_an_analysis_of_commonalities_and_divergences_published_English.pdf.

⁶⁰ Thomas McGee, "Statelessness Displaced: Update on Syria's Stateless Kurds," *Statelessness Working Paper Series No. 2016/02*, 2016, available at: https://files.institutesi.org/WP2016_02.pdf.

⁶¹ European Network on Statelessness and Institute on Statelessness and Inclusion, "Statelessness in Syria," August 2019, available at: <https://statelessjourneys.org/wp-content/uploads/StatelessJourneys-Syria-August-2019.pdf>.

⁶² UNHCR, "Global Report 2012 – Syrian Arab Republic," 19 June 2013, available at: <http://www.unhcr.org/51b1d63cb.html>.

difficulties in switching land and property into their names, and acquiring formal paperwork to this effect.

Palestinians

Core international and regional conventions and law

40. Palestinians in Syria face many of the same risks as others as a result of the civil war;⁶³ yet Palestinian refugees are even more vulnerable due to their pre-existing refugee status and statelessness.⁶⁴ Unlike many Palestinians in other countries in the region, such as Jordan, those in Syria have not acquired any other citizenship, and so are stateless under international law.⁶⁵ Lack of local safeguards and protection, combined with the lack of regional and international protection mean that Palestinians are one of the most vulnerable groups.
41. In Syria, Palestinian refugees fall under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (**UNRWA**). Traditionally, UNRWA was not considered an actor with a protection mandate, instead primarily providing social and development services (food, rent assistance, education and employment opportunities, etc.) to refugees.⁶⁶ Moreover, due to the existence of UNRWA, UNHCR is not mandated to provide refugee protection services to Palestinian refugees in Syria.⁶⁷ This results in a 'protection gap', whereby Palestinians are excluded from UNHCR protection but then not afforded the same level of protection by UNRWA.⁶⁸
42. Moreover, the Casablanca Protocol does not provide a right to naturalisation for Palestinian refugees in Syria and other Arab states.⁶⁹ However, neither does it explicitly state that Palestinian refugees residing in Arab states are *not* entitled to naturalisation.

⁶³ As with other people in Syria, Palestinians face risks of “*detention and forced disappearances, torture and executions, displacement and siege*”. Tom Rollins, “Syria’s Palestinians: A new Nakba,” March 2021, p. 10, available at: https://mcusercontent.com/fbd4f0a24885246c0518468cc/files/81c1153a-7b33-4e9a-9f71-79676ff00f19/Syria_s_Palestinians_1.pdf.

⁶⁴ Tom Rollins, “Syria’s Palestinians: A new Nakba,” March 2021, p. 10, available at: https://mcusercontent.com/fbd4f0a24885246c0518468cc/files/81c1153a-7b33-4e9a-9f71-79676ff00f19/Syria_s_Palestinians_1.pdf.

⁶⁵ Francesca Albanese & Lex Takkenberg, *Palestinian Refugees in International Law* (Oxford University Press, 2020).

⁶⁶ However, UNRWA has recently employed protection staff responsible for border monitoring etc; but its protection services still remain very limited, and significantly do not include resettlement.

⁶⁷ According to Article 1(d) of the 1951 Convention Relating to the Status of Refugees and Article 1, 2(i) of the 1954 Convention Relating to The Status of Stateless Persons, these conventions shall not be applied to Palestinian refugees registered and located in the five working areas UNRWA, including Syria. However, when they are, for any reason, unable to get the assistance (as is the case in Syria) these persons shall *ipso facto* be entitled to the benefits of these Conventions. However, this is not the case in practice.

⁶⁸ Tom Rollins, “Syria’s Palestinians: A new Nakba,” March 2021, p. 12, available at: https://mcusercontent.com/fbd4f0a24885246c0518468cc/files/81c1153a-7b33-4e9a-9f71-79676ff00f19/Syria_s_Palestinians_1.pdf.

⁶⁹ League of Arab States, Protocol for the Treatment of Palestinians in Arab States (Casablanca Protocol), 11 September 1965, available at: <https://www.refworld.org/docid/460a2b252.html>.

The Protocol's silence on the matter of naturalisation leaves an opening for Syria to allow Palestinians to naturalise.⁷⁰

43. Resistance to naturalisation has been justified on the basis of protecting the Palestinian 'right to return' to the original homeland in historic Palestine.⁷¹ However, this justification seems hollow in view of increased vulnerabilities due to the conflict, and among the wider diaspora. Further, many Palestinians from Syria who have been displaced outside the region are accessing naturalisation in their countries of current residence, including many European states. There is no indication that accessing European or other citizenship has any detrimental impact on the right to return or other rights of Palestinian refugees of Syria, suggesting that Syria should re-consider its own position in resisting the naturalisation of Palestinians living long-term in the country.

Situation of Palestinian Refugees

44. Prior to 2011, there were some 560,000 Palestinian refugees registered with UNRWA in Syria. There were 12 Palestinian camps in Syria: 9 administered by UNRWA and 3 considered 'unofficial'. Yarmouk camp, the largest Palestinian camp in Syria and 'the capital of the Palestinian diaspora', was home to roughly 160,000 Palestinian refugees before the war.⁷²
45. Since the conflict, most Palestinian refugees remaining in Syria have been internally displaced.⁷³ Moreover, in 2019 UNRWA estimated that 120,000 Palestinian refugees have fled Syria since the outbreak of the war, to Lebanon and Jordan, but also Turkey and beyond to Europe.⁷⁴ Since 2014-15, the Syrian government has also restricted Palestinians' freedom of movement within Syria, meaning that many Palestinians seeking to flee the country have often had to rely on smugglers to even get to a border.⁷⁵
46. Following air strikes on Yarmouk in 2012, around 90% of the Palestinians living there were forced to leave their homes and houses, an event reminiscent of the Nakba in

⁷⁰ Article 1 states that "Whilst retaining their Palestinian nationality, Palestinians currently residing in the land of ... have the right of employment on par with its citizens". Articles 2-5 relate to freedom of movement for Palestinians.

⁷¹ UN Resolution 194(III) states that "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date". UN General Assembly, '194 (III). Palestine - Progress Report of the United Nations Mediator,' A/RES/194 (11 December 1948), available at: <https://www.refworld.org/docid/4fe2e5672.html>.

⁷² Tom Rollins, "Syria's Palestinians: A new Nakba," March 2021, p. 10, available at: https://mcusercontent.com/fbd4f0a24885246c0518468cc/files/81c1153a-7b33-4e9a-9f71-79676ff00f19/Syria_s_Palestinians_1.pdf.

⁷³ Tom Rollins, "Syria's Palestinians: A new Nakba," March 2021, p. 12, available at: https://mcusercontent.com/fbd4f0a24885246c0518468cc/files/81c1153a-7b33-4e9a-9f71-79676ff00f19/Syria_s_Palestinians_1.pdf.

⁷⁴ Pierre Krähenbühl, "Palestine Refugees in Syria: A Tale of Devastation and Courage," 14 March 2019, available at: <https://www.unrwa.org/newsroom/features/palestine-refugees-syria-tale-devastation-and-courage>.

⁷⁵ Heide-Jørgensen and Mette Lundsryd, 'A World of Checkpoints: Border Crossing Experiences of Palestinian Refugees from Syria in Lebanon', Lund University Centre for Middle Eastern Studies, 2014.

1948.⁷⁶ The camp was destroyed and became an uninhabitable area. Once Yarmouk became a non-war zone and controlled by the Syrian government, Palestinian refugees started submitting applications to obtain government permission to return. According to UNRWA, only 604 Palestinian refugee families had been given permission by the Syrian government to return as of January 2021. Half of them have moved back and started to live in the camp under miserable conditions.⁷⁷

47. The Syrian government has been limiting permissions and asked applicants to provide original documents proving ownership that many might have lost in the war, in what seems to be an attempt to systematically change the camp identity, including by expropriating homes, shops, and entire streets in the name of redevelopment. Like Yarmouk camp's inhabitants, Palestinian refugees in other camps, such as Al-Husayniyah and Khan Al-Shih, were also prevented from returning to their homes and informed that all their properties are at the disposal of officials at checkpoints.
48. Based on UNRWA's report, there are neither functioning schools nor hospitals; even basic needs such as water and electricity are inaccessible.⁷⁸ The decision of the Trump administration to withdraw US funding for UNRWA has also put the agency under extreme financial pressure. According to UNRWA's spokeswoman, although UNRWA has been trying to rehabilitate one building to provide services that cover the needs of those who have returned, Western sanctions against rebuilding Syria have meant that donor countries are unwilling to step in, even for humanitarian purposes.⁷⁹ This leaves Palestinian refugees even more vulnerable.

Recommendations

54. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to Syria:
 - I. Amend the Syrian Nationality Law in accordance with Article 33(3) of the 2012 Constitution and Syria's international obligations, to remove all gender-discriminatory provisions and ensure that women and men have equal rights to confer nationality on their children, regardless of place of birth, and their

⁷⁶ Tom Rollins, "Syria's Palestinians: A new Nakba," March 2021, pp. 32-33, available at: https://mcusercontent.com/fbd4f0a24885246c0518468cc/files/81c1153a-7b33-4e9a-9f71-79676ff00f19/Syria_s_Palestinians_1.pdf.

⁷⁷ Anchal Vohra, "'Afraid of return': Palestinians fearful of life in Yarmouk camp," 30 March 2021, available at: <https://www.aljazeera.com/news/2021/3/30/palestinian-syrians-bear-the-brunt-of-syrias-war>.

⁷⁸ Anchal Vohra, "'Afraid of return': Palestinians fearful of life in Yarmouk camp," 30 March 2021, available at: <https://www.aljazeera.com/news/2021/3/30/palestinian-syrians-bear-the-brunt-of-syrias-war>; UNRWA, "Syria: UNRWA - Humanitarian Snapshot, March & April 2021," 15 June 2021, available at: <https://reliefweb.int/report/syrian-arab-republic/syria-unrwa-humanitarian-snapshot-march-april-2021>.

⁷⁹ Anchal Vohra, "'Afraid of return': Palestinians fearful of life in Yarmouk camp," 30 March 2021, available at: <https://www.aljazeera.com/news/2021/3/30/palestinian-syrians-bear-the-brunt-of-syrias-war>; United Nations, "Almost All UNRWA Installations in Yarmouk and Dera'a Camp in Syria Severely Damaged or Destroyed – Press Release," 1 December 2018, available at: <https://www.un.org/unispal/document/almost-all-unrwa-installations-in-yarmouk-and-deraa-camp-in-syria-severely-damaged-or-destroyed-press-release/>.

noncitizen spouse, and to acquire, change, and retain their nationality on an equal basis.

- II. Amend birth registration policies to enable parents the equal and autonomous right to access documentation for their children regardless of gender or marital status.
- III. Implement without discrimination, existing statelessness safeguards, including Articles 3(b), 3(c), and 3(d) of the 1969 Nationality Act, in order to avoid multi-generational statelessness.
- IV. Fully implement, and provide information regarding the implementation of, the Law Regarding the Care of Children of Undermined Paternity, to allow the granting of Syrian nationality to children of undetermined paternity.
- V. Acknowledge the injustice experienced by stateless Kurds and facilitate their naturalisation, including for the *maktumeen* who were excluded from the application of Decree 49. Further, ensure remedies and compensation to address the intergenerational impact of their statelessness, in particular, to address historical exclusion from education.
- VI. Allow stateless Syrians and Palestinian refugees from Syria wishing to return to the country to do so. Additionally, refrain from expropriating houses in Yarmouk camp, and instead facilitate unhindered access to the camp for returnees.
- VII. Allow Palestinian refugees living in Syria to become naturalised Syrian citizens.
- VIII. Consider proposals made by civil society actors to remove the reference to 'Arab' in the name of the Republic and the Syrian Nationality Law to better reflect the ethnically diverse demography of the state.
- IX. Accede to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and lift reservations on Article 9(2) of CEDAW.

Annex: List of recommendations relating to gender equality in previous UPR cycles

UPR 1st cycle

Supported recommendations

100.2. Bring national laws fully into line with its obligations under ICCPR, CEDAW, CAT and CRC (Maldives);

100.3. Maintain the positive momentum in improving legislation and institutions, and ensure the execution of its laws in practice, in particular in the areas of education, women rights, childhood, persons with disabilities and victims of trafficking in persons (Venezuela);

100.35. Strengthen efforts to further promote empowerment of women (Bangladesh);

100.36. Consider strengthening all measures aimed at promoting gender equity and the full and effective participation of women in the political, social, economic and cultural spheres of life, including through legislative and administrative means (South Africa);

100.37. Immediately adopt and implement necessary legislative and administrative measures to promote a greater inclusion of women in the country's public and political life, ensuring that they effectively participate in the decision-making process, and lift the reservations made to the Convention on the Elimination of All Forms of Discrimination Against Women (Mexico);

100.38. Step up efforts to prevent and combat trafficking in persons, in particular women and children (Belarus);

101.7. Take urgent measures to protect the most vulnerable groups, with particular attention to boys and girls (Chile);

102.1. Incorporate into domestic law and enact the provisions of the international instruments, particularly CAT, CEDAW and CRC (Poland);

102.8. Promptly undertake measures to address allegations relating to instances of involuntary disappearances, arbitrary arrests, the routine use of torture, violence against women and girls, lack of judicial independence, impunity granted to the members of intelligence agencies, persecution of human rights defenders, and restriction of freedoms of expression and assembly, and carry out fundamental reforms of its laws, policies and practices with a view to improving the current dire human rights situation and preventing its recurrence (Republic of Korea);

102.14. Revise its Personal Status Act to ensure that women and men have equal rights (Brazil);

Not supported

104.8. Adopt and enforce laws against domestic violence, and remove mitigating factors from the punishment of “honour-crimes” against women (Canada);

UPR 2nd cycle

Supported recommendations

109.3 Ratify the Optional Protocols to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture (Guatemala);

109.4 Become party to the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (El Salvador);

109.7 Ratify and accede to the International Convention for the Protection of All Persons from Enforced Disappearance and withdraw its reservations to articles 2 and 15 (4) of the Convention on the Elimination of All Forms of Discrimination against Women (Sierra Leone);

109.14 Amend the Penal Code and the Criminal Code to eliminate mitigated sentences for rapists who marry their victims for so-called “honour crimes” (Sierra Leone);

109.15 Adopt national legislation criminalizing domestic violence (Sierra Leone);

109.85 Immediately implement Security Council resolution 1325 (2000) and related resolutions on women and peace and security, including by taking special measures to protect women and girls from gender-based violence and to hold perpetrators of such acts accountable (Finland);

109.86 Continue and strengthen efforts in the fight for gender equality (Nicaragua);

109.87 Strengthen and expand the relevant legal provisions for the promotion of the rights of women, in particular by strengthening their autonomy and advancing their participation in political, economic and social life (Nicaragua);

109.88 Take steps to incorporate provisions on gender equality and discrimination against women in the Constitution or national legislation (El Salvador);

109.89 Continue to enhance women’s empowerment and greater representation in all sectors (Lao People’s Democratic Republic);

109.90 Amend the citizenship law of 1969, which prevents women from granting citizenship to their children, to ensure women’s right to grant citizenship to their children (Namibia);

109.91 Conduct a review of the personal status law and other relevant laws, which will remove the provisions that are discriminatory towards women, such as those not granting them guardianship of their children, disabling them from travelling on their own with their children or not allowing them to transfer their citizenship to their children (Czechia);

109.92 Repeal all discriminatory provisions in the personal status code and ensure equality of rights between men and women (Ghana);

109.156 Put an end to the practice of torture, inhumane and degrading treatment in detention facilities and sexual violence, especially against women and children (Spain);

109.176 Draft and adopt legislation to end violence and discrimination against women (Maldives);

109.177 Protect women from sexual violence and abuse (Pakistan);

109.178 Take concrete steps to stop sexual violence against women and girls and ensure that victims are given protection and assistance with their recovery (Singapore);

109.179 Include the women's rights perspective in the peace negotiations and, specifically, ensure that sexual violence concerns are raised consistently in the peace process and reflected in any peace agreement (Slovenia);

109.180 Protect women and girls from child, early and forced marriage (Sierra Leone);

110.19 Stop the widespread practices of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment in its detention centres. This includes granting international monitoring bodies immediate access without undue restriction to all detainees, and publish a list of all detention facilities (Denmark);

Not supported

110.22 Immediately free unconditionally all persons arbitrarily detained by the Syrian authorities, as a priority women, children and older persons (France);

110.23 Release the thousands of Syrians unlawfully detained, especially women and children (United Kingdom of Great Britain and Northern Ireland).