

# I AM REGISTERED THEREFORE I EXIST

## Birth Registration System in Lebanon: Review and Recommendations

**Frontiers-Ruwad Association**  
2014

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# INTRODUCTION

# INTRODUCTION

*Systematic registration of births provides individuals with a legal presence and allows them to exercise their rights and fulfill their duties towards the state and society. It also leads to complete and up to date state records and registers, allowing it to take note of all persons born on its territories and subject to its authority. The prompt registration of birth, regardless of nationality, is a fundamental right for children, enshrined in the Convention on the Rights of the Child (CRC) and other international agreements ratified by Lebanon.*

Thousands of stateless persons live in Lebanon without legal recognition. This population is not homogeneous though they share to certain degrees similar socio-economic traits – poor, illiterate, and marginalized. The legal reasons for their statelessness can be grouped into two large categories.

The first category (that we will label as “historical”) is of children and grandchildren of stateless persons from the origin, that is, they lack registration records in Lebanon or in any other country. However, most of them claim Ottoman origins and were living in Lebanon at the inception of the state and the emergence of Lebanese nationality under Decree 2825 of 1924, following the disintegration of the Ottoman Empire early last century and the demise of its nationality. According to this decree, this group should have been automatically considered Lebanese, but their predecessors had chosen – for any given reason at the time – not to go through the procedures of obtaining citizenship and did not participate in the 1932 census. Nonetheless, Lebanese legislation left the field open for them or their descendants to seek the courts through nationality claims at any time to prove the right to acquire the Lebanese nationality. Only a century after the fact, it becomes difficult for many of them to prove they meet the terms and conditions to claim their original nationality.

For the second category (that will be labelled as “administrative”), their statelessness is notably due to lack of registration, as they were either born of a father with a Lebanese nationality – as it is often the case – or from recorded Lebanese origins. However, their situation was caused by failure of their parents or grandparents to go through the procedures of registering them in official registers and later failure to seek the courts to remedy the situation.

There are several reasons that lead to the non-registration of births in a systematic manner of the second “administrative” category. This includes negligence or ignorance of the importance of birth registration, particularly those living

in remote rural areas; or who lack the necessary awareness of the importance of registration; or failure to register marriages; or lack of possession by parents of all the documents required to carry out birth registration, such as failure to obtain a birth attestation. In addition, there are objective factors related to the birth registration procedures that lead to negligence. One factor is the multiple and exhausting steps required to complete the procedures which often lead to high indirect costs that are not obviously always affordable for them.

***The term Maktoum al Qaid (MAQ) is used interchangeably to identify a person whose parents has personal status record and a person whose parents from the origin do not have any personal record in any country***

This report deals with the birth registration system, its procedures and complications, in addition to the recommendations of **Frontiers-Ruwad** gathered through its cumulative work on related issues. The report looks at the registration process and procedures with the aim to highlight the areas and issues that may cause the failure of some parents who already have personal status records to register their children (administrative category). It also explores ways of improving the system within the enforced legal framework, which could address the causes and reduce cases of unregistered births and the prevalence of individuals with MAQ status. However, the report is not exhaustive and does not claim to have looked in in-depth at each and every aspect of the issue, as more studies and research will be required.

The report is mainly based on the information and findings of **Frontiers-Ruwad's** legal and field research and activities carried out by the Association since 2009. They include the legal study of the Lebanese nationality laws and case laws (*Invisible Citizens: Humiliation and Life in the Shadows*, 2012), which aimed to determine the legal grounds leading to statelessness. **Frontiers-Ruwad** also carried out a field study [*unpublished*] on around 1,000 families living in Lebanon with at least one stateless family member, mainly to determine their profile and size. Further to the two studies, the organization has built additional experience through pursuing individual cases of registration and reviewing best practices of birth registration in other countries with a similar context as well as reviewing the accumulated experiences of concerned UN organizations.

All this contributed to identifying gaps in the birth registration system in Lebanon and enabled **Frontiers-Ruwad** to draw some suggestions and preliminary practical and achievable recommendations in the short term to improve the current birth registration procedures in Lebanon. This related in particular to the ability to modify some mechanisms through administrative decisions, without the need for legal amendments, which would address the causes leading to MAQ status caused by the parents' negligence and failure in their responsibilities.

Since 2011, **Frontiers-Ruwad** preliminary findings and suggestions were discussed with the relevant authorities in the framework of an Inter-ministerial Working Group on Statelessness, which met on a regular basis and included, in addition to **Frontiers-Ruwad**, the Ministry of Interior and Municipalities (MoIM) represented by the Directorate General of Personal Status (DGPS) and the General Director-

ate of General Security (GDGS), Ministry of Health (MoH), Ministry of Justice (MoJ), Ministry of Social Affairs (MoSA), the Ministry of Education and Higher Education, and UN agencies concerned – UNHCR, OHCHR, and UNICEF. Most of the conclusions in this report are also based on a series of workshops held in 2014 with the administrative staff of ministries involved in the statelessness Working Group, in collaboration with the UNHCR and the support of the European Commission, and a separate series of meetings with both stateless persons and with *mukhtars* (local mayors) in several Lebanese districts (or *Cazas*) to address the issue of *MAQ* and their situation and constraints faced in their areas.

The report is divided into two chapters. **Chapter One** deals with problems of birth documentation, in relation to both the birth attestation and the birth certificate. **Chapter Two** goes over question of birth declaration and execution. They are followed by a general **Conclusion**.

CHAPTER ONE  
BIRTH  
DOCUMENTATION

# CHAPTER ONE BIRTH DOCUMENTATION

## **Birth Attestation Complications**

Lack of birth registration and thus to statelessness may sometimes start with the birth documentation required to proceed with registration procedures. The birth attestation is one of them.

The birth attestation has become the main document upon which the birth certificate relies to be filled for the declaration of the birth before the competent civil authorities. It is issued by the person assisting in the birth – doctor or legal midwife – confirming the occurrence of the birth in his or her presence and supervision.

## **Non-Issuance of Birth Attestation Automatically and Systematically**

Frontiers' preliminary results of the field study (mentioned above) showed that 50% of the sample did not possess a birth attestation though most of them were born in hospitals or assisted by legal midwives; only some births were at home without the assistance of a doctor or midwife. This leads to the conclusion that the medical corps assisting in births does not seem to systematically and automatically issue the birth attestation. As a matter of fact, there are situations where doctors or the legal midwives who assist the birth of newborns are violating these rules, by refusing to issue the document if the family fails to pay them for their services. It also seems that some hospitals are also refusing to issue documents for births at their premises for the same reason.

While the absence of birth attestation is not a major factor leading to failure to register births, there are situations where newborns unable to obtain a birth attestation would be able to register. This includes foundlings and children born without medical assistance, where the person assisting the mother in the birth was not eligible to issue a birth attestation. However, the birth attestation is an important document that proves, *inter alia*, the child's birth in Lebanon. The value of this document becomes more important for those who have to resort to courts at a later stage to request to be registered and/or to acquire the nationality, in the event they meet all other conditions stated in the nationality law.

As a matter of fact, the Law on Documenting Personal Status does not make it mandatory to have a birth attestation for declaring and registering the birth.<sup>1</sup> Yet, the right to have a birth attestation is stipulated in the Law of Medical Ethics<sup>2</sup> which makes it obligatory as it states that doctors must fill out a birth attestation no later than three days after the birth they assisted.

Despite the fact that the Law of Documenting Personal Status does not require the birth attestation, it is used to fill out the official birth certificate today by the *Mukhtars*. The highest percentage of births happens nowadays in hospitals, where the *mukhtar* cannot be a “witness”, as was the case when births used to occur at home or in small villages. Furthermore, since the parents are not necessarily registered in the location of the birth, the *mukhtar* of the locality where the birth occurred and who should authenticate the birth certificate might not be familiar with the parents and, thus, not necessarily knowledgeable of the circumstances of the pregnancy or childbirth and cannot rely on the statements of the parents. Thus, it became the norm to refer to the birth attestation to validate the details of the birth on the birth certificate.

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1 Article 11 of the Law on Documenting Personal Status of 7 December 1951 (unnumbered), published in the Official Gazette No.1951/12/12 ,50 states: “A birth must be declared at the Personal Status Officer within 30 days of the date of birth. The birth certificate shall be drafted and signed by the father, mother, guardian, doctor or midwife who assisted the birth, and the *mukhtar* shall ratify the signature.”

2 Article 7 of Law No.240 of 2012/10/22 amending some of the stipulations of Law No.288 of 1994/2/22 (Medical Ethics), Official Gazette No.2012/10/25 ,45, states: “The doctor shall draft a birth attestation and sign it within three working days of each birth procedure performed.”

Despite these regulations and requirements, birth attestations are not issued automatically or systematically. The lack of such attestation may become a hindrance to complete the birth certificate and hence puts the newborn baby at risk of statelessness.

In addition to the violation by the medical corps, there is lack of awareness of the right of individuals in obtaining an attestation particularly among vulnerable and marginalized populations. Sometimes, parents ignore obtaining the birth attestation upon the birth of their child and request it much later, which makes the issuance of the birth certificate more difficult and/or the details may not be accurate if the doctor or midwives does not keep records of birth they assist.

Today, there is no rigorous state control system to insure conformity with the rules and protect the right of the child.

***In order to insure that every newborn in Lebanon has a birth attestation, Frontiers believes that there are steps that could be taken immediately by the different body of the administration apparatus without the need for any legal reforms.***

### ***Mandatory Birth Attestation***

The Ministry of Health (MoH), in cooperation with the Lebanese Order of Physicians, should issue a circular reminding doctors, midwives, and hospitals of their obligation un-

der the terms and regulations of the Medical Ethics Law to systematically issue birth attestations and not withholding the delivery of the attestation without a reason or excuse and under penalty of disciplinary action against violators.

Further, the MoH could activate the available monitoring mechanisms to ensure that the rules and regulations are respected.

In addition to these immediate steps, there is a need to establish a more robust and rigorous monitoring and control mechanism to ensure the hospitals' commitment to issuing attestations and force their issuance in the event of violation. One such mechanism is to include births and birth attestations records control during MoH specialized committees' process of monitoring and inspection of the hospitals' guidelines of certification, technical audits, and renewal of the hospitals accreditation and licenses. This would entail informing all the hospitals to keep records of birth attestations, to be compared to records on admitted birthing mothers. This would be in addition to the adoption of regular assessments of hospitals' commitment to the process, related to the records, under penalty of disciplinary action against violators.

### ***Raising Awareness of the Importance of Obtaining Birth Attestation***

The MoH with other partners could play a main role on raising awareness of the importance of obtaining the birth attestation for the new born immediately upon giving birth and without any delays for whatever reason. The methods to reach out could include distribution in hospitals and medical centers as well as the municipalities and *Mukhtars*

**offices** of leaflets that contains information on the right to obtain the birth attestation, how and to complain in the event this right is denied. The MoH could also have radio and TV spots as a mini campaign.

***The MoH has set up a hotline (1214). Any affected person could submit a complaint in the event of birth assistant or hospital's refusal to provide an attestation. The MoH should in principle take the complaint seriously followed by appropriate actions against the violators and to make them issue the birth attestation.***

### ***Reducing Birth without Medical Assistance***

To address the problem of non-issuance of birth attestation for births occurring without the assistance of a doctor or midwife, it is necessary to encourage births in hospitals. This will particularly affect the poor and marginalized parents who cannot afford the cost of doctors, legal midwives, and hospitals. The MoH should consider the possibility of establishing a new inclusive and integrated state medical system, whereby the MoH would be the broker between the hospitals and the beneficiary. In this sense, the costs of all births is done through the MoH automatically and the ministry would – depending on the situation - requests reimbursements from insurance companies, the National Social Security Fund, or the Government Employees Mutual fund; and it would cover for those who fulfill the criteria of needy and poor.

This is a major project and requires further study and planning considering the material and financial resources needed for making it work properly and efficiently.

## **Lack of Standard Birth Attestation Form**

As the birth attestation has become the main document to prepare the birth certificate, another negative aspect associated with it is the lack of its uniformity. Doctors, hospitals, and midwives issue birth attestation in different forms and the information are not standardized. Many of them do not provide the requested information to enable its use to fill the official birth certificate. This defeats the purpose and function of the birth attestation, as the information in the birth certificate, particularly related to the date and place of birth, would be provided by the parents, which may not be accurate in the absence of supporting documents.

***To improve this situation and to avoid mistakes in preparing birth certificates, it is important that the birth attestation is standardized.***

### ***Standardizing the Birth Attestation Form***

In this regard the MoH is considering the adoption of a standardized birth attestation form to be used by all hospitals, certified midwives, and obstetricians. The standard

birth attestation should be in a printed form to avoid errors and should include key information, such as parents' names, the father's civil status register number, the date of the marriage contract, the date and place of the new birth, and whether the baby was born alive or not. To be able to include this key information, hospitals or doctors and midwives should rely on the parents' documents.

### *Unified Birth Documentation Papers*

*In the long term, the possibility of moving away from the multilayer process for completing the process and procedures of birth registration should be seriously considered. One way to improve the system and insure that all birth are somehow recorded, is to eliminate the issuance of birth attestations and rely on one single document, the birth certificates that could be issued directly by the medical corps assisting the birth, which chronicles the birth and the parents' data, to be executed by the authorities. This is the practice in many countries today.*

## Birth Certificate Complications

The birth certificate is the document that is submitted before the competent civil authorities to declare and register the birth of a newborn. Unlike the birth attestation, the birth certificate is mandatory in the birth registration process. It is the sole and main document upon which the birth is executed by the personal status departments. Without a birth certificate, births cannot be declared, which would certainly lead to inability to register the birth of the child, a matter that may make a person becomes MAQ. **Frontiers-Ruwad** aforementioned field study indicated that 47% of stateless sample did not have birth certificates.

Like the birth attestation, preparing the birth certificate has too its own gaps.

## Reliance on Parents to Prepare the Birth Certificate

Here again, the failure to prepare the birth certificate and proceed with registration is related to the fact that the procedures put the full responsibility on the parents themselves. Today, the persons mandated by law to fill out the certificate are the father, mother, or guardian. In the event of the failure of these to proceed with the necessary procedures, births are not declared and registered.

This raises serious concerns about the efficiency of the current system of birth registration. Sole reliance on the par-

ents to prepare the birth certificate and declare the birth of their child does not ensure birth certificates are automatically and systematically prepared and declared.

***There is a need to revisit the rules related to preparing and declaring birth to ensure that all birth are declared.***

Lebanon has an international obligation<sup>3</sup> to ensure the registration of each birth on its soil. This requires a system whereby birth certificates are automatically and systematically prepared for each newborn. To reach that standard, Lebanon must change its policy and procedures of relying solely on the parents to prepare the birth certificate and declare the birth. The State should become the main responsible actor to ensure that all births are registered. This requires amending the existing related laws and procedures. However, certain immediate administrative steps could be undertaken towards reducing the possibility of risk of statelessness.

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<sup>3</sup> Lebanon ratified the Convention on the Rights of the Child by Law No.20 of 30/10/1990, "Authorizing Lebanon's Accession to the Convention on the Rights of the Child" without reservations. Article 7 of the CRC states: "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents."

### ***Making Hospitals Involved in Preparing the Birth Certificates***

Parents continue to hold the sole responsibility for preparing the birth certificate. However, the administration may take measures to ensure that they fulfill that role.

Hospitals could play a protective role by insuring that parents are completing the birth certificate and have declared the birth of their newborn. The hospitals can raise the parents' awareness of the importance of preparing the birth certificate and declaring the birth with the administration. This can be done through dissemination of a leaflet with all the instructions and procedures that need to be followed. The hospital can further request that the declaration of the birth is immediately undertaken no later than two days following the birth. Furthermore, it could also be made mandatory to obtain from the parents before discharging the newborn copy of the declaration that has the "incoming number" given by the administration when the birth certificate is declared.

Further, hospitals or doctors or midwives assisting the birth of a child may integrate the issuance of the birth certificate with issuing birth attestations immediately after childbirth. Hence, parents or guardians could prepare the birth certificate at the hospital or in front of a midwife at home, based on the information provided by the birth supervisor about the baby and the details of the birth, in addition to information obtained from documents provided by parents to the hospital or those assisting in preparing the certificate. This could contribute to alleviating, as much as possible, the likelihood of parental neglect or ignorance of the importance of preparing the certificate.

The mechanism can be further developed to make hospitals more involved in the preparation of birth certificates. The MoH is moving towards that step, as it is in the process of issuing a circular to hospitals requesting from them to prepare the birth certificate along with the issuing of the birth attestation. This step would require further arrangements. One would be training the medical corps on filling birth certificates and on an agreed mechanism of understanding and cooperation between hospitals and *mukhtars* to facilitate the process of authentication of the certificate by the latter as still required today.

The cooperation with the local *Mukhtars* may include a rotation system between them to conduct daily visits to hospitals, during which they would authenticate the new birth certificates. Informal links could also be created between hospitals and *mukhtars*, allowing the hospitals to set up appointments at relevant *mukhtars* so that the parents could prepare and validate the birth certificate with the right *mukhtar* without delay.

Similar to the issuance of the birth attestation, the MoH could play a role in ensuring compliance; MoH staff would be assigned to regularly supervise and review hospital records regarding the issuance of birth attestations and completion of the birth certificate procedures.

As for births occurring outside medical institutions, meaning at home through a doctor or midwife, the birth certificate, signed by the doctor or midwife, could be immediately validated by the locality *mukhtar* who is summoned to the place of birth. If the *mukhtar* temporarily absent, the parents should be requested to send the document to his office within a period of two days for authentication.

## BEST PRACTICES FROM OTHER COUNTRIES

### IRAQ

Under the Registration of Births and Deaths Law No.148 of 1971 and its 1983 amendments, the obstetrician, obstetric nurse, or certified midwife would prepare the birth attestation [similar to birth certificate in Lebanon], sign it, and send it – after authentication by the head of the health institution – to the competent health authorities for registration in the births record and referral to the related civil status department, all within a period of 15 days of birth. A copy of the attestation is given to the concerned parties and the health institution retains a third. The same mechanism is adopted in event of birth assisted by an obstetrician, nurse, or midwife outside health institutions. In this case, the deadline is thirty days from the date of birth in the cities and forty-five days in villages and rural areas and the person assisting with the birth must keep a copy of the attestation (instead of the health institution).

The information recorded on the birth attestation based on the civil status records of the two parents or their civil ID, if available, to record the register's number, the record's number, and the governorate. If either ID were unavailable, the information would be based on alternative official documents provided by the parents.

## BANGLADESH

The birth registration focuses primarily on consolidating and coordinating work at the field level so children are immunized and at the same time registered and issued birth certificates. The approach places responsibility for collecting information on births with the EPI (Expanded Programme on Immunization) workers, who are designated outreach workers under the health system. Birth information is collected by EPI workers with the prescribed format at their respective EPI field sites. They certify the information and transmit it to the local registrar's office. After registration, certificates are issued and carried to the EPI sites by the village police. Certificates are then distributed to the parents/guardians who come to the EPI sites for immunization.

## UAE

The hospital issues a birth statement, which includes information related to the newborn [equivalent to the birth attestation in Lebanon], followed by a birth attestation [equivalent to birth certificate in Lebanon]. The birth statement and the parents' supporting documents are then sent to the Ministry of Health office in the Emirate where the child was born.

In the event of birth in a government hospital, the birth attestation is automatically obtained at the hospital.

## Refusal by *Mukhtars* to Validate the Birth Certificate

An issue that impedes the birth certificate preparation process is the refusal of some *mukhtars* to authenticate them if they are prepared by the mother, in the absence of the father for whatever reason. The arguments given by *mukhtars* is their conviction that the father should be in charge of family matters and that his consent is required prior to recording any newborn under his name in the birth certificate or accepting the name chosen by the mother, fearing that the father might deny paternity. This practice is a blatant violation of the law, which gives the mother the right to prepare the certificate on equal footing with the father.

*Mukhtars* should be reminded to abide by the provisions of the laws and to end gender discrimination in their practice of denying a new born child to be registered if the mother prepares the birth certificate according to the rules and procedures.

It is important for the Ministry of Interior and Municipalities (MoIM) to remind *mukhtars* of their limited role in the process related to preparing birth certificates, who is entitled to do so, and that they should not make prejudgements in cases of denial of fatherhood and evidence of legitimate fatherhood through marriage, for whatever reason, as the matter, if it exists, should be settled by the contestants in respective competent religious courts. The MoIM could also issue public instructions related to this matter, raising the awareness

of the population concerned and empowering them to challenge the *mukhtars'* attitude. This may also require the establishment of a monitoring and complaint mechanism to reduce the occurrence of such incidents

## **Delays in Registration Process due to Inaccuracy of Information in the Filled Birth Certificate Form**

Among the obstacles and causes for delay in the registration process are some recurring errors in filling out the birth certificate (by the parents and the *mukhtar* in most cases), leading it to be sent back by the personal status department to the parents to correct and/or complete the information. These errors sometimes include mistakes in the baby's name, confusion between male and female, or lack of witness signatures, their phone numbers, or birth dates.

There are several reasons for such errors, including the *mukhtars'* reliance at times on information given by the parents without referring to their papers according to procedures, leading to inaccurate information being noted in the certificate. Furthermore, some *mukhtar's* might not be qualified or illiterate and such tasks would be carried out by assistants, making it harder to organize birth certificates and increases the errors, due to their lack of knowledge of the required data.

Additionally, the form itself does not include instructions or explanations for the boxes contained, which may also pose problems for individuals filling out the certificate on their own.

Nevertheless, this complication alone does not lead to MAQ status, since the certificate would obtain an incoming register when it is declared, thus suspending the one-year deadline for administrative registration. However, statelessness could occur indirectly in this situation if the parents neglect to correct the certificate and put it back on the right track, which would mean the failure to complete the registration process.

***There is a Need to Establish a Digital System for Filling and Submitting the Birth Certificate***

It is time that Lebanon modernizes its birth registration system through the establishment of a digital system. This birth certificate should be made available in digital form – especially in hospitals and with *Mukhtars* – to be filled out electronically to avoid clerical errors or any confusion related to handwriting or style. Such forms are already available on the websites of Lebanese missions abroad. The submission ought to become digital as well. However, this is a huge project and would require great human and financial resources.

Another aspect of improvement is the need to update the current birth certificate form to include a definition of each box, filling instructions, and related explanations, in cooperation with specialized organizations. The following infor-

mation should also be included at the end of the certificate:

- Definition and explanation of each box in the certificate.
- Instructions on what to include in the boxes.
- The authorities that should sign and authenticate the certificate.
- The legal articles related to persons entitled to prepare the certificate, its contents, and validation procedures.
- The required documents to be presented to prepare and validate the certificate.
- Boxes for special cases (MAQ father, QAD father, natural baby, foundling, etc.).
- Reasons for Civil Status Officer rejecting to receive the certificate, in such an event.

This is in addition to a suggestion to amend the text of the certificate form, to replace the box on “Original Parents’ Registration Number” with “Father’s Place of Residence”, according to the text of the law, and the “Mother’s Place of Residence”, in the event of birth outside marriage, in addition to new boxes related to the father and mother’s nationality (including stateless persons).

Meanwhile, and in order to address the problem of errors in filling the birth certificate, the administration should issue a detailed circular addressed to the *mukhtars* on how to fill the birth certificate and on the importance on relying on the parents’ official papers when authenticating it. Here too, this could be followed by a series of training for the *mukhtars* on the matter.

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## CHAPTER TWO

# BIRTH DECLARATION AND EXECUTION PROCESS

## CHAPTER TWO BIRTH DECLARATION AND EXECUTION PROCESS

The final stage of the birth registration procedure is the declaration and execution of the child's birth in the father's or mother's personal status record (Qaid), depending on whether there is marriage or not and who recognizes the child in case of the latter situation, or new Qaid if it is a foundling. Yet, it seems that not all births are automatically registered with the relevant civil authorities.

## Birth Declaration Complications

### Heavy Reliance on Parents

Here too, parents are the sole responsible actors in declaring the birth in the birth registration process. In the absence of systematic and automatic ways of birth declaration, reliance on parents may victimize the child, and thus the newborns could become MAQs in the event of parents failing to proceed with the declaration.

The reasons behind this failure could be parents' negligence or ignorance of the need to make the declaration or the intricate procedures required to complete birth registration. Other reasons relate to financial burdens, if they are poor, since the procedures entail several steps. The parents have to fill the birth certificate, take it to the *mukhtar* of the locality of the birth to authenticate it along with two witnesses, then go back to the hospital to be signed by the doctor or midwife. From there, they would have to pay a visit to Civil Status Officer (*Ma'amour al-Noufous*) of the locality of the birth to declare it and obtain an "incoming" registration number. In the case where the father's Qaid is in a different region than the place of the birth, the parents are asked to play the role of the postman, taking the documents by hand to the *Ma'amour Noufous* of the father's Qaid to execute it. All these steps entail time and financial burden, let alone the indirect costs, which the poor and marginalized cannot afford.

***Parents should not be the only responsible actors in the declaration and execution of birth process***

The law<sup>4</sup> does not specify who should make the birth declaration, or the mechanism to be used. Thus, the declaration could be made by anyone authorized to fill-out and sign the birth certificate.

Some steps could be introduced to facilitate and accelerate the declaration of birth procedures, which would ensure that all newborns are registered – whether born inside or outside a hospital – to avoid the results of parents’ neglect or ignorance and to reduce administrative burdens, so as to avoid becoming MAQ as a result. The aim of improvement is not to revoke the parents’ entitlement, but to create a mechanism to safeguard the child from becoming a victim.

***Automatic Declaration by the Medical Authority***

The medical body supervising the birth could be allowed to inform the concerned authorities of the event, provided that these authorities continue the rest of the process until the birth is executed. The medical body could also be given the authority of full declaration of birth through the birth certificate, pending its execution.

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4 Law on Documenting Personal Status, Article 11, op. cit.

### **Reporting Births**

The medical authority (assisting doctor, midwife, or hospital), required by law to sign the birth certificate, could be authorized to inform the personal status authorities of birth events. This could occur by sending a notification of birth to the relevant Civil Status Officer in the birth location, who would refer it to the related personal status department (depending on the nationality of the father), which includes information on the parents, their nationality, and contact details. The parents would also be informed to follow-up on the declaration and execution whenever possible.

The concerned civil authority would periodically prepare a list documenting occurring births and communicate directly or through the *mukhtar* with parents with civil status records (i.e., excluding MAQ) or foreign nationals who fail to register within a certain time limit, summoning them to make the declaration.

This mechanism necessitates the development of clear procedures between all parties and special computer software. However, it would contribute to the reduction of cases of failure to register, in addition to a tally of all births taking place.

### **Birth Declaration**

The doctor – through the hospital where the birth took place – or the midwife could also be authorized to declare the births they assist to the relevant civil authorities di-

rectly, through sending a completed and duly authenticated birth certificate to the Civil Status Officer of the birth vicinity (who would refer it to the related personal status department – depending on the nationality of the father). However, the mechanism should be organized and systematic, keeping copies of all documents issued and a record thereof, in addition to the copy of the declared certificate provided to the parents. This system is being followed in many countries. The mechanism could also be through the **local health authority**. Following the validation of the certificate by the *mukhtar*, in cooperation with the hospital administration or by being present in the homes, the hospital or midwife would inform the District (Caza) Doctors (appointed by MoH) of the birth and send them the birth certificate, providing the parents with the copy of the document to be declared. In turn, the District Doctors would inform the Caza Civil Status Officers of the births occurring in their jurisdiction by sending the documents through administrative mail. This is followed by sending copies to MoH for its records, all the while keeping a record and copies of declared certificates.

Adapting the declaration process into an automatic procedure from the hospital to the Civil Status Department seems to be practical.

It goes without saying that computerization would facilitate and accelerate the process and guarantee its functioning.

### ***Declaration through the Mukhtar***

In meantime and since the establishment of a mechanism for health bodies to declare births directly to the personal status department requires the adoption of new procedures, which may take time, the health authority supervising the birth could inform the *mukhtar* in the birth locality of the birth certificate at the same time as the Civil Status Officer and could direct the parents to the *mukhtar* for validation. Following the validation of parents' documents, the *mukhtar* would then be able to duly declare the births to the relevant Civil Status Officer (who refers them to the concerned department in the event of a child from a foreign father). The *mukhtar* would then inform the parents of the procedure and provide them with a copy of the certificate to be declared and the outgoing document.

This mechanism could ease the burden imposed on parents and save the administration's time, since the *mukhtar* could declare several births at the same time, while declaration by parents means the administration will continue to deal with as many people as documents.

A mechanism should also be in place to monitor *mukhtars* and verify their commitment to the assigned responsibility. It remains the responsibility of the parents to follow-up with the *mukhtar* to make sure the declaration was made within the time limit and obtain proof thereof. The best means to monitor such a system and ensure its effectiveness would be its digitization and computerization.

## Lack of Declaration of Birth by Mail

The current system does not allow registration through guaranteed mail delivery, which could facilitate the procedures illustrated above.

Although the birth could be declared by anyone and the real aim is to have the documents in order, regardless of means, and although the civil status officer will need to go back to the “records’ chronicles” in their possession (meaning the documents related to the family and parents), it seems that obstacles remain to adopting registration through mail.

The administration lacks the capacity to ascertain the identity of the persons, making the declaration and the information therein and is worried about fraud and concerned about the accuracy of the records, due to the importance of the event. This is in addition to having to contact concerned parties to correct any errors that might occur. However, in the event of errors in declaration or registrations procedures, parents would need to be present in person.

***Declaration through LibanPost should be made available to lessen the existing burden on parents***

### *Utilizing Registered Mail to Declare Births*

Since the law provides for the utilization of registered mail in other situations (when the birth place does not have a Civil Status Officer, for example), **Frontiers-Ruwad** believes it is possible to utilize registered mail to facilitate the declaration process in all its stages. This would entail the adoption of a cooperation mechanism between the administration and LibanPost, defining procedures and measures for declaration through mail, based on the father's nationality or legal status (Lebanese, foreigner, QAD); the mother, in the event of "illegitimate" birth recognized by a Lebanese mother; and procedures for declaration by social welfare institutions.

Although adopting the registered mail mechanism would remove the need for presence in person (except in specific situations), it will mean the follow-up process could become more accurate and systematic. On one hand, this mechanism assumes that the sender will have a clear correspondence address to be informed of the mail's delivery or any other matter. Thus, the administration would have acquired an authenticated means of communication, if needed. As for concerns regarding the accuracy of the records due to the post office staff lack of expertise on personal status issues, it should be noted that post office employees are given this task in other contexts and trained to ensure the information provided is based on reliable documents. The concerned party could also be obliged to sign in the presence of post employees, who would also ensure that all documents are in order.

This would facilitate and speed up the process, making it more precise, and ensure the procedures are followed accurately. Furthermore, the mailing date would be considered as the incoming date, since this when the birth was declared. In the situation of errors in the certificate, it could be returned through mail to the concerned party's address to be amended. This would allay concerns about errors or delays, which could lead to missing the administrative registration deadline, in case registration by mail is adopted.

## Birth Execution Complications

### Reliance on Parents to Complete Birth Execution

If the birth takes place outside the locality where the parents are registered, the law stipulates the declaration of birth, meaning the delivery of the documents, to the Civil Status Officer in their actual place of residence, who would send them to the Civil Status Officer in the locality of their original civil status register. This legislation was adopted in principle to make things easier for citizens, without having to travel to their homesteads' civil status officers to declare their civil status events, allowing the delegation of the civil status officer of their place of residence.

However, this procedure remains a burden in practice, since referrals between civil status officers are conducted by the parents in person, and not through internal administrative mail. This procedure is also slow and inefficient, due to the time off work it entails and transportation costs paid by the parents and might need to neglect and its repercussions (as explained above).

***The inter-administrative mail service should be reactivated***

### *Improving Administrative Mail*

Taking into account that the issue of time is not significant, since recording the certificate in the “incoming register” cancels out the legal deadline, completing the procedure within a reasonable period remains necessary to ensure the accuracy of records and conformity to the people’s situation, on one hand, and to ensure that people do not remain MAQ if it is delayed. It would be better, in this situation, to reactive the referral of documents by administrative mail between the authority receiving the declaration and the executing authority.

A REGISTERED  
BEFORE I EXIST

CONCLUSION

# CONCLUSION

The Lebanese birth registration system today is archaic and too cumbersome and complicated. Further, in addition to the existing complications, the present rules and regulations do not address all aspects related to births taking place on in Lebanon. This is the case, for example, of stateless persons who have no records whatsoever and cannot register their births. Their personal statuses are nowhere documented and live from generation to generation as invisible and non-existent human beings. This is a flagrant violation of basic and human rights standard – the right to every individual to have an identity. Another issue is documentation of birth at home without medical assistance is another one though no longer prevalent in Lebanese society but may still occur in remote rural villages lacking medical facilities and among poor communities which cannot afford the cost of doctors or certified midwives, as well as in emergency situations.

The Lebanese birth registration system must be reformed first, to address all aspects and profiles of births, and secondly, the personal status records and procedures should be completely computerized in line with modern technology. This would play a central role in improving the birth registration system.

A comprehensive review of the system requires a long time. The work toward that ultimate goal would continue through the cooperation with the Ministerial Working Group on Statelessness to arrive to have a comprehensive and reliable birth registration system founded on new, modern, and advanced procedures, which should be automatic, computerized, and does not rely on the parents' initiative.

The system ought to lessen the hindrances and facilitate the procedures and ensures that birth declaration and registration would become automatic and immediate for each newborn, regardless of any other consideration to prevent people from falling into MAQ status, taking into consideration the need to maintain the integrity of the records and the proper functioning of the administration on the one hand, and the commitment to human rights standards, on the other. The system should encompass all the births occurring in Lebanon, without exception and cover all the flaws and defects in the current system, with what this entails of legal amendments.

As the goal of this report was limited to a preliminary discussion of the current system to arrive at recommendations for decision-makers to be converted to policies if possible, we hope that the discussion continues through in-depth and focused dialogues on the decision-making level, in the aim of the practical development of the birth registration system in Lebanon.

We also hope to sustain these actions through local meetings with MAQ persons, through the national campaign to raise awareness on the importance to register births,

which will be launched by 2015, through the initiative of **Frontiers-Ruwad** and its partners and the support of the working group's ministries. This would be through diverse methods, such as the media, disseminating knowledge, and meetings with stakeholders.

