

UNLIA Webinar Series #13: Birth Registration as the key to legal identity – for forcibly displaced and stateless persons

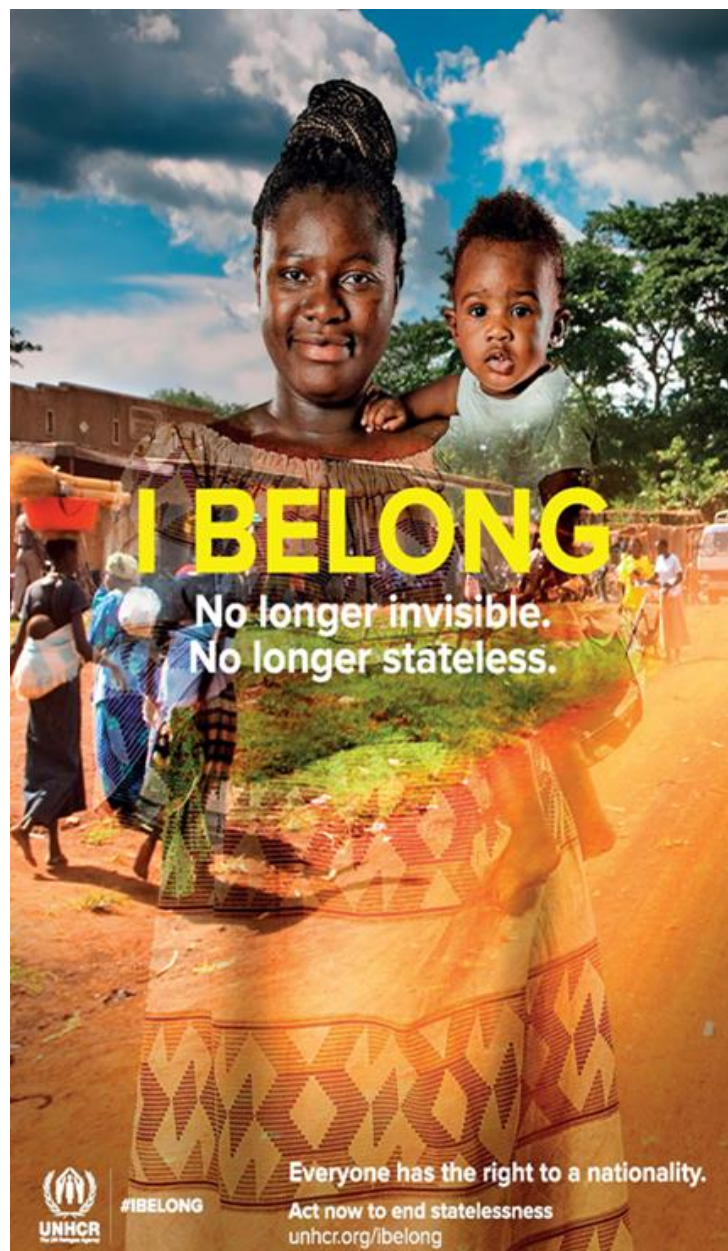
8 July 2024 at 8:00 – 9:30 hours EST



UN Legal Identity Agenda



UNHCR
The UN Refugee Agency



Time	Agenda of the webinar
0:00-0:10	<p>Brief introduction: UNILIA Secretariat <i>Ms. Monika Sandvik, Snr Statelessness Coordinator, Policy and Law Service, Division of International Protection (DIP), HQ, UNHCR Geneva</i></p> <p>Opening remarks: Legal identity for all, Birth registration & Eradication of Statelessness <i>Mr. Patrick Michael Eba, Deputy Director, Policy & Law Service, Division of International Protection, HQ, UNHCR Geneva</i></p>
0:10-0:25	<p>Promoting access to birth registration for refugees and stateless persons through regional mechanisms <i>introduced by Ms. Monika Sandvik, Snr Statelessness Coordinator, Policy and Law Service, Division of International Protection, HQ, UNHCR Geneva,</i></p> <p>Example: Regional engagement in Asia and the Pacific region (UNHCR Regional Bureau) <i>Intervention by Mr. Amit Sen, Snr Statelessness Officer, Regional Bureau for Asia and the Pacific, Bangkok, Thailand</i></p>
0:25-0:45	<p>Birth registration for all refugees & inclusion in national system <i>Introduced by Ms. Yuko Doi, Child Protection Officer, DIP Field protection Services, HQ,</i></p> <p>Country example: Rwanda (UNHCR Rwanda) <i>Intervention by Ms. Johanna Seidl, Associate Protection Officer (Statelessness), UNHCR Rwanda, Kigali</i></p>
0:45-0:65	<p>Protection of the right to legal identity for children of unknown origin in Cote d'Ivoire <i>Introduced by Ms. Benedicte Voos, Snr Legal Officer, DIP, HQ, UNHCR</i></p> <p>Country Example : Cote d Ivoire (UNHCR Cote d'Ivoire) <i>Intervention by Ms. Silvia Loschiavo, Statelessness Officer, UNHCR MCO, Abidjan</i></p>
0:65-0:80	<p>Discussion and Questions and Answers <i>Facilitated by Monika Sandvik, Snr Statelessness Coordinator, Policy and Law Service, DIP, HQ, UNHCR Geneva</i></p>
0:80-0:90	<p>Key takeaways and wrap up <i>by Ms. Monika Sandvik, Snr Statelessness Coordinator, Policy and Law Service, DIP, HQ, UNHCR Geneva</i></p>

Example: Regional engagement in Asia and the Pacific region

UNHCR Regional Bureau for Asia and Pacific

Regional Initiatives in Asia and the Pacific



International Standards

- Convention on the Rights of the Child (Art 7, 8)
- International Covenant on Civil and Political Rights (Art 16, 24)
- CEDAW (Art 16.2)
- Guiding Principles on Internal Displacement (Art 20)

Regional Instruments and Tools

- Regional Ministerial Declarations (2014, 2021)
- Regional Action Framework (2014)
- Bali Process Toolkit on Inclusive CRVS (2023)
- Legal Identity of All Women and Children in ASEAN

Regional Ministerial Declarations on CRVS

2014 Declaration

- Core goals: 1) universal civil registration, 2) all individuals issued civil status documentation, 3) accurate and timely vital statistics

2021 Declaration

- **Assess and resolve inequalities** by removing barriers for vulnerable people, including refugees, IDPs, stateless persons and undocumented people at risk of statelessness
- Adopt **data protection, confidentiality and privacy** laws and safeguards
- Build CRVS systems consistent with **human rights principles**

2014 Regional Action Framework on CRVS in the Asia Pacific

To implement the goals of the 2014 Declaration

- 1. Universal civil registration** of births, deaths and other vital events
- 2. All individuals provided with legal documentation of civil registration** of births, death and other vital events, as necessary, in order to claim identity, civil status and ensuing rights
- 3. Accurate, complete and timely vital statistics**

Principles

- 1. Countries take the lead**
- 2. A stepwise approach**, following incremental, feasible and sustainable improvements that are supported by ongoing monitoring and evaluation
- 3. Flexibility and responsiveness.** Recognizing that there is no single blueprint for improving CRVS systems in every setting
- 4. Building on local expertise.**
- 5. Consistency with international human rights and legal principles, and national law.**
- 6. Coordination and alignment** (local, national, regional, global)

Priorities for Forcibly Displaced and Stateless People

CRVS is available, irrespective of lawful residency status

Dedicated procedures (SOPs) facilitate birth registration without penalty for: 1) children born to undocumented parents, 2) out-of-hospital births, 3) late birth registration

Birth certificates (and other civil status documentation) can be obtained or replaced at any location where civil registration services are provided.

Birth registration is available irrespective of the parents' marital status

Gender equality achieved in CRVS laws and procedures, notably by permitting the mother to obtain the birth certificate, and by issuing civil status documentation to women in their own name

Personal data is processed in line with human rights principles, notably including confidentiality and privacy

Birth Registration for all refugees and inclusion in national systems

Country Example: Rwanda



How does birth registration link to UNHCR's work on protecting children?

- [UNHCR CP Policy](#) Core Action 1 focuses on inclusion in national child protection systems
- Birth registration one of the pillars of our [inclusion work](#)
- [UNHCR-UNICEF Joint Strategic collaboration framework](#) Child Protection priorities include birth registration



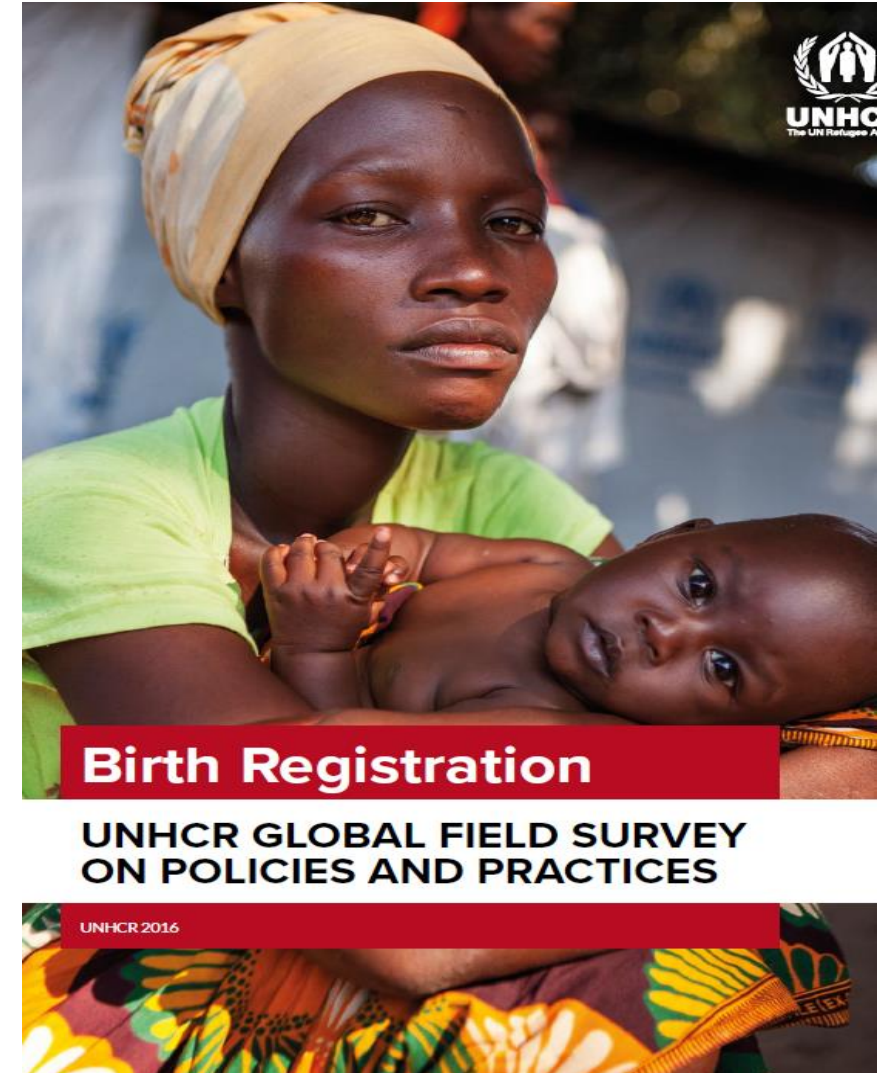
What are some of the key barriers for refugee children's births to be registered?

A) Birth Registration in country of origin:

- Unable to register the birth
- Loss of birth certificates and other prerequisite docs

B) Birth registration in country of asylum:

- Requirements for legal residency status and specific supporting documentation
- Difficulties for refugees to register births on time and complex procedures for late registration.
- Different procedures for refugees compared nationals in some countries
- Physical and financial accessibility
- Risk/fears for immigration penalties and refoulement



What can UNHCR and partners do to support birth registration for refugee children?

Support to Governments and Systems Strengthening

- Together with authorities, analyse barriers facing refugees
- Support revision of laws and regulations e.g. simplification and flexibility
- Strengthen and expand existing civil registration systems
- Support civil registration authorities in improving data collection

Supporting Refugees to Access Birth Registration

- Providing information on birth registration procedures
- Legal aid and advocacy for individual refugees in complex situations

Expanding Partnerships and Integrated Programming

- Mainstreaming within other sectors (e.g. health sector)
- Partnerships on universal birth registration



Key Advocacy: Birth Registration for Refugee Children

Key messages

Birth registration should be **free, accessible to all, and conducted for each newborn** child immediately or as soon as possible after birth. Any late registration fees should be waived.

Governments are encouraged to put in place an effective birth registration system that is **flexible and responsive** to the specific circumstances of families in situations of displacement. This could include providing **mobile birth registration** or registration through agreements with the UNHCR or other partners where appropriate.

Children born to foreign or stateless parents, refugees, immigrants, asylum seekers and internally displaced persons should be issued a birth certificate **irrespective of the nationality, migration and residence status of their parents.**

Children whose births have not been registered and who are without official documentation should be allowed to **access basic services, such as health and education,** while waiting to be properly registered.

Country example: Rwanda

UNHCR Rwanda

Background

- In 2016 the Government of Rwanda started a comprehensive review and assessment of the civil registration environment.
- In 2017 a 5- year CRVS National Strategic Plan (2017-2020) was published encompassing objectives on legal identity for all and enhancing CRVS statistics
- In 2020 the Family Law was amended extending powers of civil registrars to health facilities and cell level.
- On 1 August 2020, the new CRVS system was introduced allowing for birth registration to take place at health facilities and Cell offices
- The CRVS system is linked to the National Population Registry and the Health Management System amongst others





Birth Registration and Certification

- Births are directly registered at health facilities where the child is born or at the Cell for birth that occurred at home
- Through the new CRVS system, each child is assigned a unique identifier directly at birth
- The birth certificate/record issuance takes place through Irembo, the Government's payment gateway and applies to nationals, foreigners and refugees alike, as long as an individual was registered in the National Population Registry
- Two versions are available:
 - the short form for a cost of 500RWF, mainly used for administrative purpose- extrait d'acte de naissance
 - the long-form for 1,500 RWF which constitutes a permanent civil status record- acte de naissance



Official Gazette n° Spécial of 29/07/2020

REPUBLIC OF RWANDA

CIVIL STATUS OFFICE

BIRTH RECORD

Name of the child:

NIN *:

Sex:

Place of birth:

Date of birth:

Nationality :

Name of the father:

Name of the mother:

Date of birth:

Date of birth:

Nationality:

Nationality:

Residence:

Residence:

Name of witness(1):

Name of witness (2):

Signature:

Signature:

Name of declarant:

Signature:

Number of judgement **:

Civil status office:

Location:

Civil registrar:

Signature of the civil registrar:

Date of issuance of this record:



Scan this QR-Code to verify the authenticity of this record

Serial number of the record:

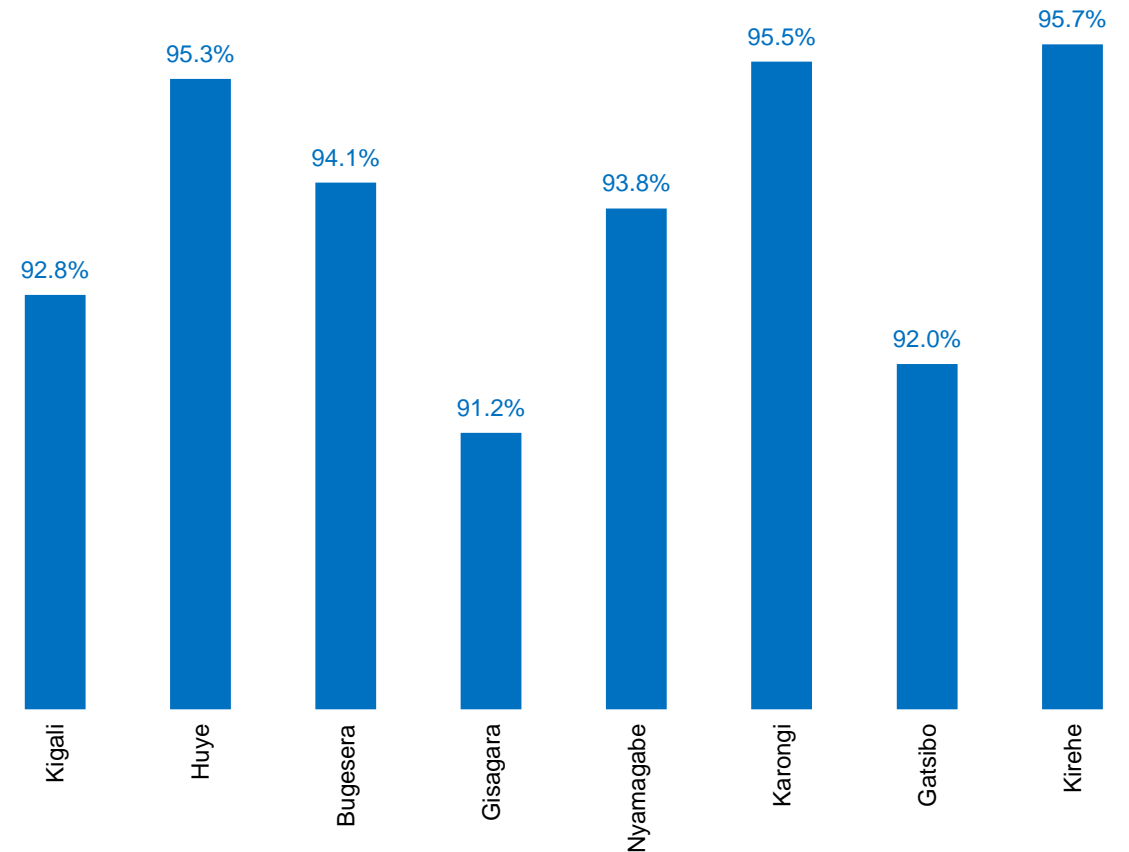
* National Identification Number

The record is issued through NCI-CRVS system

** Applicable only if paternity or maternity was established / denied by the court

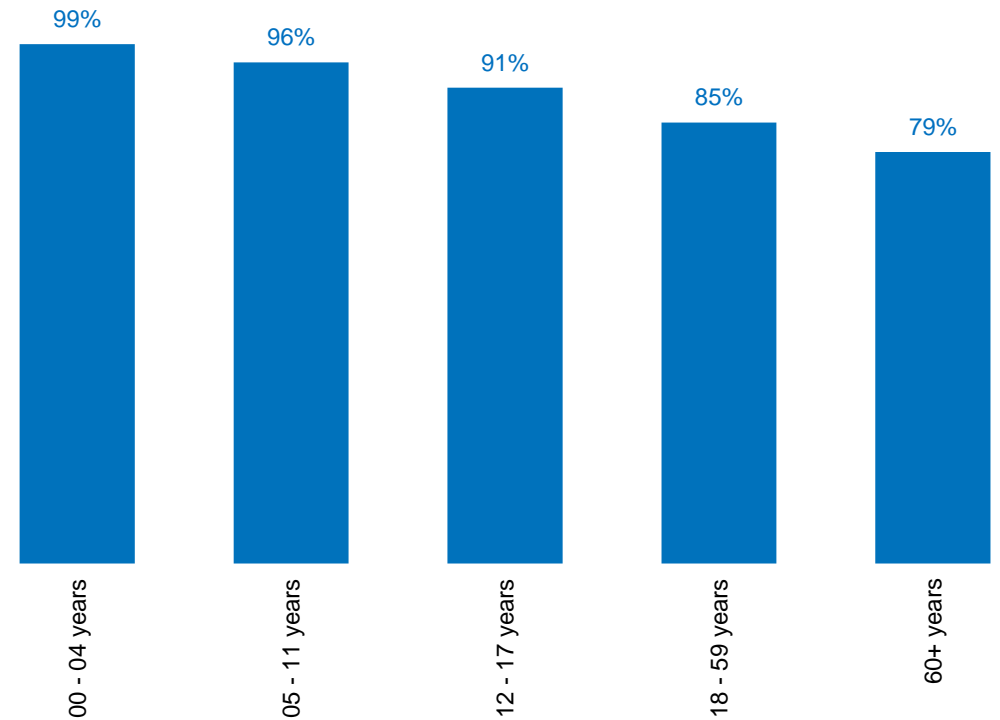
Birth Registration Coverage- Overall

- The Government of Rwanda made two pledges regarding refugee birth/civil registration at the High-Level Segment on Statelessness and the Global Refugee Forum in 2019
- The 2022 National Population and Housing Census, that included refugees, found that 94.3% of children aged 0-17 years had their birth registered/ certified.
- In refugee hosting Districts there was no significant difference to the overall population with an average of 93.8% across the 8 Districts hosting significant refugee populations (5 camp locations, 3 urban)



Birth Registration Coverage- Refugees

- At the beginning of 2023 UNHCR Rwanda, jointly with local government and legal partner Prison Fellowship started working on clearing the backlog of late birth registration ~ 15.000 individuals
- 33% of the 135.000 refugees hosted in Rwanda have been born in the country of asylum, in the most protracted camp 57% have been born in Rwanda.
- For refugees below 5 years of age, 99% had their birth registered and certified, refugees born in Rwanda irrespective of age the coverage stands at 96%





Country example: Côte d'Ivoire

UNHCR Côte d'Ivoire

Addressing childhood statelessness in Côte d'Ivoire

Childhood statelessness

- Birth registration the foundation of the child's legal identity.
- Children can be stateless at birth or later in life including adults. Stateless persons are not recognized as nationals by any country under its operation of law.
- Statelessness among children has a negative impact on the enjoyment of rights and put these at increased risk of violence, abuse, trafficking, and exploitation.
- Specific legal safeguards under international law (Articles 1-4 of the 1961 Convention on the Reduction of Statelessness and other regional instruments) can prevent children from being born or remaining stateless, if properly applied.
- Typically birth registration underpins the implementation of these legal safeguards against childhood statelessness, including for foundling.
- Abandoned children whose parents cannot be identified (foundlings) are one of group at risk of statelessness. Children born to stateless parent(s) or parent(s) unable to transfer their nationality to their children can also be found into that categories.
- Legal solutions to address childhood statelessness exist and require effective implementation and ideally coordination and referrals mechanisms with birth registration system.

Overview on statelessness in Cote d'Ivoire

- **Estimated stateless population & at risk of statelessness** : 930,978 including over 25 % of children
- **Profiles of population**
 - Descendants of historical migrants unable to acquire Ivorian nationality by descent
 - Children found with unknown origin (foundling)
 - Unregistered individuals at birth, with parents lacking proof of nationality
- **Political will and commitments to address statelessness**
 - In 2013, Côte d'Ivoire acceded to both Statelessness Conventions (1954 and 1961)
 - In 2020, a National Action Plan for the Eradication of Statelessness (2020-2024) adopted
 - In 2023 at the Global Refugee Forum, Cote d Ivoire made new pledges to address statelessness
- **Context**
 - Immigration history and civil war as well as previous lack of legal safeguards against childhood statelessness contributed to exacerbate statelessness risk
 - 2019 country mapping: 2,838 foundlings at risk (likely higher)
 - Vulnerable foundlings less likely to be adopted and acquire nationality by adoption



**BOUND BY LOVE
NOT BLOODLINE**

Christelle et Françoise

[Ivorian Orphan Girls Beat Back Statelessness](https://www.youtube.com/watch?v=...) ([youtube.com](https://www.youtube.com/watch?v=...))

- Both of their mothers died at childbirth. Their fathers refused to legally recognize them
- Shunned by family, they had no documents to prove their nationality
- A landmark court decision in 2019 affirmed their right to Ivorian citizenship based on the 1961 Convention
- They were the first foundling to acquire Ivorian nationality. Thanks to their 'nationality certificate' they can now go on with every act of their civil life, continue their education, obtain a formal job, get married, travel, vote
- They finally feel like they 'belong'



A landmark instrument to protect stateless foundlings

- Article 2 of the 1961 Convention: *A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State.*
- No similar provision in the current Ivorian Nationality Law
- A circular issued by the Ministry of Justice in 2019 instructed judges to prioritize the 1961 Convention (to which Cote d'Ivoire acceded in 2013) and grant Ivorian nationality to foundlings, who are presumed to be born in Cote d'Ivoire to Ivorian parents. This has been made possible thanks to the 'monist' system in the Country.
- To date, the circular has allowed more than 300 children to acquire the Ivorian 'nationality certificate' – allowing therefore to establish a National ID and a passport and to enjoy all rights linked to citizenship
- No age limit, general openness of judges
- Connection with other existing initiatives to facilitate late birth registration and restoration of identity

Steps of the process

Identification	Birth certificate	Order of the juvenile judge	Certificate of nationality
<p>Child <3 months: civil status declaration</p> <p>Child >3 months: report on discovery of the child</p>	<p>Or late birth certificate obtained before the court (<i>jugement suppletif</i>) – until 2025, special law for free late birth declaration</p>	<p>Recognizing the status of "foundling" (as distinct from lost child/neglected child/runaway child) and designating the person who is to exercise parental authority</p>	<p>The certificate includes the legal provision for recognition as Ivorian (1961 Convention)</p>

MINISTÈRE DE LA JUSTICE

REPUBLIQUE DE CÔTE D'IVOIRE
UNION - DISCIPLINE - TRAVAIL

TRIBUNAL
DE PREMIÈRE INSTANCE

d

Section d

EXT. N°296 DU 24/09/2020 DE BROFODOUMI
ARTICLE 2 DE LA CONVENTION SUR L'APATRIDIE
N°007/MJDH/CAB

CERTIFICAT DE NATIONALITE IVOIRIENNE

N° A 5321475 du registre d'ordre.

Le Président du tribunal de première instance d

OU

Le Juge de la Section d

Certifie, au vu des pièces produites

que M

demeurant à ABIDJAN

né(e) à

de // //

le

né(e) à

est ivoirien(ne).

le

né(e) à

et de // //

le

Way forward

- Legal reform to include all provisions of 1961 Convention in the Nationality Law (joint advocacy with UNICEF and UNWOMEN)
- Necessity of identifying retroactive measures allowing foundlings (including those who are now adults) born before 2013 to acquire Ivorian nationality



Please complete
the survey

[https://forms.office.com/e/
HAv7pvg2rz](https://forms.office.com/e/HAv7pvg2rz)

Birth Registration and Forcibly Displaced and Stateless Children (Survey)



Thank you!

