

Day IV of the COM6: 27 October 2022, Towards Universal Legal Identity (9.30-10.30 am)

UNHCR INTERVENTION by RAUECA REPRESENTATIVE MR. BUTI KALE

Ladies and Gentlemen,

I am pleased to speak on behalf of UNHCR at the 6th Conference for Ministers responsible for Civil Registration in Africa.

During these days we have heard of the significant progress that has been made in Africa on civil registration over the last years.

In countries where CRVS services have been decentralized, people in remote areas have easier access to civil registration services. Simplification of procedures, such as one-stop procedures and digitization have been other important accelerators to increase birth registration rates in Africa.

The UN Legal identity agenda (UN LIA) has proven to be a useful common framework for the UN, development partners and governments to work together on strengthening civil registration systems, through a holistic approach to legal identity from birth to death. UN LIA also highlights the primary responsibility of Member States for issuing proof of legal identity to refugees residing in their country.

Ladies and Gentlemen,

UNHCR has a dual mandate. Our mandate to protect and find durable solutions for refugees is well known. But UNHCR is also mandated to eradicate statelessness – a mandate which entails: prevention and reduction of statelessness and identifying and protecting stateless persons.

SDG Target 16.9 to ensure legal identity for all is crucial for the protection of refugees and stateless populations.

Many of the good practices to accelerate birth registration have also benefited refugees and stateless persons and persons at risk of statelessness.

Yet, across the continent we see that refugees, other forcibly displaced, stateless populations, and people belonging to minority and cross-border communities continue to face barriers in accessing birth registration, particularly late birth registration procedures.

Thus – in order to achieve the ambitious SDG target of 'legal identity for all,' civil registration and legal identity strategies and programmes need to consider the specific needs of these populations.

I would like to highlight four key points: (1) the importance of birth registration to prevent statelessness, (2) the need to assume a proactive role to ensure marginalized populations can access civil registration services, (3) ensure Civil Registration laws and policies are inclusive and non-discriminatory and 4) how birth registration can also advance solutions for refugees and stateless people.

1) The importance of birth registration to prevent statelessness

- Individuals can be at risk of statelessness if they have difficulties proving that they have links to a State. On its own, lack of birth registration does not usually mean that a person is stateless

or even at risk of statelessness. However, possession of a birth certificate helps establish an entitlement to a nationality, because it documents where a person was born and who their parents are – and is often a prerequisite for obtaining documentation that proves nationality.

- Some population groups are at particular risk of statelessness because their situation makes it difficult for them to register births and/or because the facts regarding their parentage and/or country of birth may be disputed. These groups include nomadic and border populations, ethnic minorities, refugees, IDPs, and migrants. Also, abandoned, orphaned, unaccompanied or separated children often go unregistered, and as a result, lack any documents establishing their identity.
- In **Côte d’Ivoire**, UNHCR, in cooperation with the Government, supported abandoned children to have their birth registered as a foundling, which helps establish their entitlement to Ivoirian nationality, in line with the foundling provision.

2) States need to assume a proactive role to ensure marginalized populations can access civil registration services

- CRVS assessments need to consider the specific situation of marginalized populations, including refugees, stateless persons, persons in remote areas, unaccompanied children and others.
- Barriers to birth registration, including complex procedures, fees, long distances, documentary requirements etc., disproportionately affect persons who are already disenfranchised and can hamper timely registration of vital events.
- Therefore, States need to have procedures for late and delayed birth registration for such groups.
- Even when procedures for late registration exists, unfortunately, undocumented, stateless persons and marginalized populations often cannot access such procedures due to specific requirements for additional documentation, such as ID cards of the parents. In the spirit of universal birth registration, it is important that authorities put in place flexible alternative mechanisms to prove place of birth and parentage. An example of such an alternative mechanism is allowing witnesses to confirm these facts.
- In **Kenya**, UNHCR and paralegal partners support civil registry authorities to facilitate late birth registration for offspring of stateless populations and members of communities at risk of statelessness in order to facilitate their confirmation of a nationality.

3) Ensure Civil Registration laws and policies are inclusive and non-discriminatory

- Many countries in Africa are currently involved in the process of reviewing their civil registration legislation to align laws and policies with international standards and good practice.
- In a recent study undertaken by UNHCR in the SADC region, UNHCR has found that CRVS laws in general need to have stronger safeguards against statelessness. This would include recognition of the right of all children born in a country to be registered regardless of their parents’ citizenship, status or background.
- Laws and policies need to be free from all discrimination with particular attention to gender aspects and the needs of marginalized populations, including refugees and those

at risk of statelessness. Explicit provisions are needed regarding late registration, including the documentary evidence needed and alternatives, when such documentation is not available.

4) Birth registration can advance solutions for refugees and stateless people

- Birth registration also plays a critical role in advancing solutions for refugees, particularly for their offspring born in the country of asylum, and stateless people. For refugees returning to their home country, proof of legal identity is essential.
- Stateless people can usually only be granted a nationality, or have it confirmed when they have a legal identity, usually in the form of a birth certificate.
- In **Rwanda**, UNHCR, in collaboration with the civil registration authorities, supports all refugees born in Rwanda, irrespective of their age, to access late birth registration in order to advance their inclusion in national systems and foster solutions. This represents a good practice that we would like to see replicated elsewhere.
- In the **East Africa and the Great Lakes region**, UNHCR and partners are assisting Burundian refugees opting to return to Burundi – with necessary civil registration documentation. It is key that vital events of refugees that occurred in exile are duly documented in the country of asylum so that, once repatriated to Burundi, returning refugees and their offspring can access national ID cards, and children can be enrolled in school.

Finally, as we are approaching 2030, and are racing to meet the SDGs, including Target 16.9 on legal identity for all – we need to pay special attention to legal identity needs of refugees, other forcibly displaced, stateless persons and other marginalized populations so that no one is left behind.

UNHCR stands ready to work with Governments and civil registration authorities in Africa to ensure that we can walk the last mile to ensure ‘legal identity for all.’

THANK YOU.

IF GIVEN AN OPPORTUNITY TO SUMMARIZE MAIN POINTS/RECOMMENDATIONS:

Allow me to make the following recommendations:

In order to meet the SDG target of ‘legal identity for all’

- The principles of equality and non-discrimination are central to the implementation of universal birth registration because children who are vulnerable and marginalized are more likely to be unregistered.
- Ensure Civil Registration laws and policies are inclusive and non-discriminatory
- To achieve universal birth registration, ensure that all refugees and stateless persons, irrespective of their age, have access to birth registration and certification.
- Assume a proactive role to ensure marginalized populations can be registered – identify bottlenecks and seek concrete measures to remove barriers

- CRVS assessments and strategic plans need to consider the specific situation of marginalized populations, including refugees, stateless persons, persons in remote areas, unaccompanied children and others, and outline concrete steps such as decentralization and simplified procedures in order to ensure they can be registered

We believe these are key 'ingredients' in ensuring legal identity for all.