

Concept Note

Bali Process Civil Registration Assessment Toolkit

PROJECT SUMMARY

Civil registration is a fundamental function of all States. It creates permanent official records of births, deaths, marriages and other vital events, and provides individuals with legal documentation – such as birth certificates – that are critical for proving legal identity, biographic information and family relationships. As a continuous source of population data, civil registration also helps authorities to keep track of the population, and typically provides the foundation for identity management systems.

Civil registration plays a crucial role in administering and providing protection to key populations¹ – especially children – and reducing barriers to voluntary returns and other durable solutions. For example, a birth certificate is evidence of where a refugee child was born and who the child's parents are, which can help establish the child's nationality and facilitate the family's voluntary repatriation and reintegration. Likewise, civil registration is a source of information that can be used as part of verifying an individual's life story.

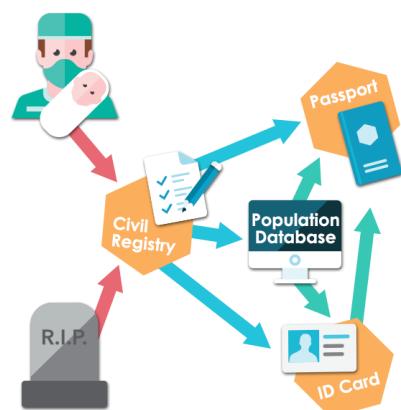
To help States overcome the challenges they face in registering the vital events of key populations that occur on their territory as part of the mainstream civil registration system, the Regional Support Office (RSO), in consultation with Bali Process members, will develop a toolkit for States to evaluate and improve current practices and coverage. The toolkit will contain an assessment methodology and relevant technical and policy guidance, which will be based on international standards and will include examples of good practice.

This project responds to acknowledgement by Bali Process member States at the Fifth Ministerial Conference of the Bali Process (2013) of the importance of addressing humanitarian and protection needs and enhancing the integrity of identity and travel documents for managing irregular movement, as well as encouragement to address underlying factors that made people vulnerable to irregular movement.² These statements were reinforced through the Prevention and Protection pillars of the *Jakarta Declaration on Addressing Irregular Movement of Persons* (2013).³

BACKGROUND AND RATIONALE

Civil registration is the official recording by the State of the occurrence and characteristics of vital events in people's lives – primarily births, deaths and marriages – and the issuance of associated legal documentation. Civil registration – especially when it covers all vital events that occur on the territory – provides comprehensive, real-time population data that helps States to understand the size and characteristics of the population through population databases and vital statistics. The data and legal documentation produced through civil registration also underpin and strengthen the integrity of identity management systems.

Birth registration is the first legal recognition of an individual's existence. Recognizing the consequences this has on the rights and protection of



¹ For the purpose of this project, the term 'key populations' refers to asylum seekers, refugees, persons of undetermined nationality and stateless persons.

² Co-Chairs' Statement of the Fifth Ministerial Conference on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, April 2013, paras. 13 and 14 (pg. 3), available at: <http://goo.gl/1Wehro>

³ Jakarta Declaration on Addressing Irregular Movement of Persons, August 2013, available at: <http://goo.gl/yz3MQV>

individuals, international human rights law establishes the right of everyone to have their birth registered without discrimination. Apart from specifying a person's name and date of birth, a birth certificate indicates where they were born and who their parents are, which can be essential in determining nationality. A birth certificate is also typically the breeder document that individuals must supply in order to obtain other identity and travel documentation. In the same vein, death registration ensures that population databases and statistics are accurate, and can prevent a deceased individual's identity being fraudulently assumed. Marriage registration is necessary to demonstrate formal spousal relationships.

Individuals and families that have not had their vital events registered are more likely to be unknown to authorities, undocumented and uncounted. As a result, they can be at greater risk of exclusion, being trafficked, having an undetermined nationality or being stateless. This perpetuates or contributes to conditions that cause irregular migration and participation in unlawful activities, and can trigger displacement.

States face a range of challenges in registering the vital events of key populations that occur on their territory as part of the mainstream civil registration system. These challenges include, but are not limited to, complicated or inconsistently implemented procedures; inadequate legal frameworks; uncertain mandates of respective authorities; onerous costs to individuals and families; lack of community awareness about the importance of registering their vital events; and complications that can arise from conflating civil registration with the acquisition of nationality of or legal residence in the registering State. By better understanding the strengths and weaknesses of current practices and having access to relevant technical and policy guidance, States will be able to effectively overcome challenges and close coverage gaps.

TOOLKIT OBJECTIVES

The goal of the toolkit is to enable better protection and contribute to the realization of durable solutions for key populations. It will achieve this by helping States to strengthen their mainstream civil registration system so that it can effectively and efficiently record and document the vital events of key populations that occur on their territory now and in the future. In addition, increasing the reliability and levels of civil registration among key populations will enhance the capacity of authorities to administer those populations and support the integrity of identity management systems.

The toolkit will help States achieve and monitor progress towards target 16.9 of the 2030 Agenda for Sustainable Development ("By 2030, provide legal identity for all, including birth registration"). It will also help States to accomplish the goals of the United Nations Economic and Social Commission for Asia and the Pacific *Ministerial Declaration to 'Get Every One in the Picture' in Asia and the Pacific*,⁴ which was adopted by 44 States⁵ in 2014, and to implement its accompanying regional action framework.⁶

TOOLKIT CONTENT

The assessment methodology will provide instructions for States to conduct a systematic analysis of current practices and institutional components, as well as the specific procedures and barriers experienced by key populations. The assessment methodology will also assist with evaluating existing registration levels and the setting and monitoring of targets for closing coverage gaps.

The technical and policy guidance will highlight relevant international standards, recommendations and case studies of good practice. In doing so, it will also examine key issues, such as the benefit to States of

⁴ Report of the Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific, December 2014, Ministerial Declaration to 'Get Every One in the Picture' in Asia and the Pacific, paras. 30 and 35 (pg. 6), available at: <http://goo.gl/nPgX9A>

⁵ Including 33 of 45 Bali Process member States.

⁶ Report of the Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific, op cit., Regional Action Framework for Civil Registration and Vital Statistics in Asia and the Pacific, para. 62(e) (pg. 18).

registering the vital events of key populations as part of their mainstream civil registration system and clarifying the distinction between civil registration and the acquisition of nationality or legal residence.

The toolkit will cover, among other topics:

- Civil registration procedures, including issuance of documentation;
- Legal and regulatory frameworks, and their implementation;
- Coordination, roles and responsibilities among respective authorities;
- Producing vital statistics;
- Establishing baselines, producing indicators of coverage and setting improvement targets;
- Community awareness among key populations;
- Storage and security of data;
- Relationships with other registration and identity management systems; and
- Risk analysis and mitigation.

The assessment methodology will draw upon and complement more general civil registration and vital statistics (CRVS) assessments that have been conducted by States, such as those conducted with the World Health Organization's rapid and comprehensive CRVS assessment tools.

PROJECT ACTIVITIES

The toolkit will be developed by the RSO in consultation with Bali Process members. In order to provide ongoing guidance throughout the project, a technical advisory group of Bali Process members will be formed, comprising government officials with backgrounds in civil registration, immigration and citizenship, justice and statistics, along with experts from relevant international agencies.

As part of the development of the toolkit, the assessment methodology will also be piloted in at least one State. In recognition of the multifaceted nature of this topic, as well as the need of coordination across different ministries, the pilot assessment(s) will trial the formation of a cross-sectoral working group, which may draw upon existing national coordination mechanisms for civil registration, to complete the assessment.

The toolkit is expected to be published in the second half of 2016.

FOR MORE INFORMATION

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ABOUT THE BALI PROCESS AND THE REGIONAL SUPPORT OFFICE

Since its inception in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime has effectively raised regional awareness of the consequences of people smuggling, trafficking in persons and related transnational crime, and developed and implemented strategies and facilitated practical cooperation in response. More than 45 members, including UNHCR, IOM and UNODC, as well as a number of observer countries and international agencies participate in this voluntary forum.

The Regional Support Office was established by the Bali Process in 2012 to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, border management, and other components of migration management in the Asia and the Pacific.

To find out more, please visit the website: <http://www.baliprocess.net/>