



Ending Statelessness Within 10 Years

Good
Practices
Paper

Action 7

Ensuring birth registration for the prevention of statelessness

UNHCR is publishing a series of Good Practices Papers to help States, with the support of other stakeholders, achieve the goals of its #IBelong Campaign to End Statelessness by 2024. These goals are to:

Resolve the major
situations of statelessness
that exist today

Prevent the emergence
of new cases
of statelessness

Improve the identification
and protection of
stateless populations

Each Good Practices Paper corresponds to one of the 10 Actions proposed in UNHCR's *Global Action Plan to End Statelessness 2014 – 2024* (Global Action Plan) and highlights examples of how States, UNHCR and other stakeholders have addressed statelessness in a number of countries. Solutions to the problem of statelessness have to be tailored to suit the particular circumstances prevalent in a country. As such, these examples are not intended to serve as a blueprint for strategies to counter statelessness everywhere. (Indeed, some of the examples are of countries where gaps in law and practice remain.) However, governments, NGOs, international organizations and UNHCR staff seeking to implement the Global Action Plan should be able to adapt the ideas they find in these pages to their own needs.

1. Background

Action 7 of the Global Action Plan calls on States to 'ensure birth registration for the prevention of statelessness', as birth certificates provide key information that assists children to confirm or acquire nationality. The links between birth registration and the acquisition of nationality are explained in more detail in Section 1.3. The objective of Action 7 is that by 2024 no cases of statelessness occur due to lack of birth registration. Achieving this depends heavily on the functioning of national civil registration systems, which in principle are to provide universal access consistent with the duty of every State to register all births that occur in its territory.¹

¹ See, e.g., Convention on the Rights of the Child, Article 7(1).

Regional initiatives to address statelessness and regional Civil Registration and Vital Statistics (CRVS) initiatives have both helped to promote good practices with respect to birth registration at the national level that are discussed in this paper. Progress has also occurred where national development plans have prioritized the improvement of birth registration systems. The 2030 Sustainable Development Agenda (2030 Agenda), most notably Target 16.9, which aims to achieve ‘legal identity for all, including birth registration’, has helpfully positioned the prevention and reduction of statelessness as a development issue. The 2030 Agenda’s aspiration ‘to leave no one behind’ is key in this respect. The opportunities generated by CRVS initiatives and the 2030 Agenda are discussed in detail in Section 3.

1.1 How Action 7 relates to other Actions in the Global Action Plan

The goal of ensuring that all births are registered is closely connected to other Actions set out in the Global Action Plan, in particular **Action 2: Ensure that no child is born stateless**, **Action 3: Remove gender discrimination from nationality laws**, and **Action 8: Issue nationality documentation to those with entitlement to it**.² Registration of births both *prevents* statelessness (in combination with Actions 2 and 3) and, by confirming nationality, *reduces* it (in combination with Action 8).

Action 2 calls on States to put in place national legislative and administrative frameworks that will grant a nationality to children who would otherwise be stateless.³ It is directly linked to Action 7, since birth registration legally establishes a child’s parentage and the place and time of his or her birth, thereby providing the documentary proof required to establish a claim to nationality.

Action 3, which aims to end gender discrimination in nationality laws, is closely linked to both Actions 2 and 7.⁴ It calls on States to prevent statelessness by treating men and women equally with respect to the passing of nationality to their children.⁵ Countries that discriminate against women with regard to transmission of nationality often only allow males to register births. Where fathers are absent, unknown, stateless, or unwilling to complete the administrative procedures required to confer nationality, children are less likely to be registered.

Action 8 affirms that those who are entitled to a nationality should be able to acquire documentary proof of their nationality. While a birth certificate does not generally constitute proof of nationality, it is evidence in support of an entitlement to nationality. Birth registration is particularly important for children whose nationality is undetermined or not yet established.

1.2 Birth registration defined

Birth registration is defined as ‘**the continuous, permanent and universal recording, within the civil registry, of the occurrence and characteristics of birth in accordance with the national legal requirements of a country**’.⁶ While procedures vary from country to country, birth registration generally involves making an official entry in the State’s registry and issuing a birth certificate.⁷ **Birth certificates are a key form of proof to confirm or acquire citizenship** under a State’s domestic legislation because they contain **key information to assert the child’s right to a nationality**.⁸ They record at a minimum the child’s name, date and place of birth, and the parents’ names.⁹ Where national law allows nationality to be acquired on grounds of descent

² UNHCR, *Global Action Plan to End Statelessness* (4 November 2014), at: <http://www.refworld.org/docid/545b47d64.html>.

³ See UNHCR, *Good Practices Paper – Action 2: Ensuring that no child is born stateless* (20 March 2017), at: <http://www.refworld.org/docid/58cfab014.html>.

⁴ See UNHCR, *Good Practices Paper – Action 3: Removing Gender Discrimination from Nationality Laws* (6 March 2015), at: <http://www.refworld.org/docid/54f8377d4.html>.

⁵ Convention on the Elimination of All Forms of Discrimination Against Women, Article 9(2).

⁶ United Nations, Department of Economic and Social Affairs, *Principles and Recommendations for a Vital Statistics System* (Revision 2, Series M/19, 2001), at: <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>.

⁷ UNICEF, *A Passport to Protection: A Guide to Birth Registration Programming* (December 2013), at: <http://www.refworld.org/docid/52b2e2bd4.html>.

⁸ UNHCR, *UNHCR Action to Address Statelessness: A Strategy Note* (March 2010), p. 11f, at: <http://www.refworld.org/docid/4b9e0c3d2.html>.

⁹ UNHCR, *Child protection Issue Brief: Birth Registration* (August 2013), at: <http://www.refworld.org/docid/523fe9214.html>

(*jus sanguinis*), birth certificates provide evidence of who the child's parents are. Where citizenship is acquired on grounds of birth in the territory (*jus soli*), birth certificates prove the birthplace.

1.3 Links between lack of birth registration and risk of statelessness

Individuals may be at **risk of statelessness if they cannot prove that they have links to a State. The lack of birth registration and documents certifying birth can create such a risk.** 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 to establish entitlement to nationality and is often a prerequisite for obtaining documentation that proves nationality. In some countries a birth certificate alone is regarded as proof of nationality, particularly where nationality is acquired automatically based on birth in the territory. At the same time, many countries only issue national ID cards at the age of majority. Where this is the case, birth certificates often serve as a temporary proof of nationality when children need to take final exams, graduate, or access healthcare.

Some population groups are at particular risk of statelessness because their situation makes it difficult for them to register births or obtain related documents. They include **nomadic and border populations, minorities, refugees, IDPs, and migrants. Abandoned, orphaned, unaccompanied or separated children** are especially vulnerable and often lack any documents establishing their identity. In the absence of birth registration documents, persons living in border areas and nomadic populations who cross international borders may find it difficult to establish their entitlements as nationals in either of the States in which they live. Migrants in an irregular situation may be unwilling to approach the authorities to register their children for fear of being identified or deported. Minorities are often denied equal access to rights and services, including access to documentation. Refugees and IDPs can be at risk of statelessness when their documents have been lost, left behind or destroyed during flight. The destruction of State archives and civil registries can also make it difficult to confirm their identity, and they may find it difficult to access civil registration in the countries in which they have found safety. Section 4 of this paper discusses in more detail how lack of birth documentation puts different population groups at risk of statelessness and how that risk can be mitigated.

MISCONCEPTION ABOUT THE LINK BETWEEN REGISTERING BIRTH AND ACQUIRING NATIONALITY

The misconception that registering a child's birth confirms nationality can put vulnerable children at additional risk. **Birth registration is the permanent recording of a child's existence and does not confer nationality.** Nationality is acquired through the operation of a State's nationality law. The two processes are distinct. Nonetheless, birth registration helps to prevent statelessness because it establishes a legal record as to where a child was born and who his/her parents are, elements of information key to proving entitlement to nationality. Children whose births are not registered and who lack proof of their age are more vulnerable to marginalization, discrimination, abuse, and associated protection risks such as child marriage, child labour, forced recruitment, and trafficking. Birth registration also helps to prove a child's entitlement to access the juvenile justice and immigration systems.

1.4 International legal framework

Every child has the right under international law to be registered at birth, as States have a duty to register all births that occur in their territory. This obligation on States is established by widely ratified international human rights treaties, including the **International Covenant on Civil and Political Rights** and the **Convention on the Rights of the Child**.¹⁰ Both require States to proceed with registration immediately after birth and without discrimination of any kind, irrespective of the child's legal status or that of the parents.¹¹ The right to be registered at birth is also affirmed in the **Migrant Workers Convention, the Convention on the Rights of Persons with Disabilities,**¹² and in regional human rights instruments.¹³ The **Universal Declaration of Human Rights** affirms the right of every individual to recognition as a person before the law, which is linked to legal identity and established, *inter alia*, through registration of birth.¹⁴ Birth registration is also essential to the implementation of safeguards for children who would otherwise be stateless, including the safeguards contained in the **1961 Convention on the Reduction of Statelessness**.¹⁵

The principles of equality and non-discrimination are central to the implementation of universal birth registration because children who are vulnerable and marginalized are also more likely to be unregistered.¹⁶ The **UN Committee on the Rights of the Child** has formulated simple birth registration standards for securing the registration of all children: a *universal*, well-managed registration system that is *accessible* to all and *free* of charge.¹⁷ These standards have been confirmed by regional treaty bodies, such as the **African Committee of Experts on the Rights and Welfare of the Child**.¹⁸ The UN Committee on the Rights of the Child has also emphasized the 'importance of facilitating late registration of birth and ensuring that children who have not been registered have equal access to health care, protection, education and other social services'.¹⁹ In its **Conclusion on civil registration, UNHCR's Executive Committee** has also called on States 'to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind'.²⁰

Numerous resolutions and reports of the **UN Human Rights Council** stress the importance of universal and accessible birth registration and its critical role in preventing statelessness.²¹ The most recent resolution on

¹⁰ International Covenant on Civil and Political Rights, Article 24(2); Convention on the Rights of the Child, Article 7(1). See also, UN Human Rights Committee, *CCPR General Comment No. 17: Article 24 (Rights of the Child)*, 7 April 1989, para. 7, at: <http://www.refworld.org/docid/45139b464.html>; and UNHCR, *Conclusion on civil registration No. 111 (LXIV)-2013* (17 October 2013), at: <http://www.refworld.org/docid/525f8ba64.html>.

¹¹ UN Human Rights Committee, *General Comment 17 on Article 24 (Rights of the Child)*, 7 April 1989, paras. 7-8, at: <http://www.refworld.org/docid/45139b464.html>.

¹² International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Article 29; Convention on the Rights of Persons with Disabilities, Article 18(2).

¹³ African Charter on the Rights and Welfare of the Child, Article 6(2); Covenant on the Right of the Child in Islam, Article 7(1).

¹⁴ Universal Declaration of Human Rights, Article 6.

¹⁵ 1961 Convention on the Reduction of Statelessness, Articles 1-4. Article 7(2) of the Convention on the Rights of the Child also requires State parties to ensure the implementation of a child's right to birth registration and to a nationality, in particular where the child would otherwise be stateless. See also UNHCR, *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness* (21 December 2012), HCR/GS/12/04, at: <http://www.refworld.org/docid/50d460c72.html>.

¹⁶ Office of the UN High Commissioner for Human Rights (OHCHR), *Strengthening policies and programmes for universal birth registration and vital statistics development*, A/HRC/33/22, 2016, para. 12f, at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/22.

¹⁷ UN Committee on the Rights of the Child (CRC), *General Comment No. 7 (2005): Implementing Child Rights in Early Childhood*, 20 September 2006, CRC/C/GC/7/Rev.1, para. 25, at: <http://www.refworld.org/docid/460bc5a62.html>.

¹⁸ African Committee of Experts on the Rights and Welfare of the Child, *General Comment No. 2 on Article 6 of the African Charter on the Rights and Welfare of the Child*, 16 April 2014, ACERWC/GC/02 (2014), at: <http://www.refworld.org/docid/54db21734.html>.

¹⁹ CRC, *General Comment No. 7 (2005): Implementing Child Rights in Early Childhood*, 20 September 2006, CRC/C/GC/7/Rev.1, para. 25, at: <http://www.refworld.org/docid/460bc5a62.html>.

²⁰ UNHCR, *Conclusion on civil registration No. 111 (LXIV)-2013*, 17 October 2013, No. 111 (LXIV)-2013, at: <http://www.refworld.org/docid/525f8ba64.html>.

²¹ UN Human Rights Council (HRC), *Birth registration and the right of everyone to recognition everywhere as a person before the law: resolution adopted by the Human Rights Council*, 24 March 2017, A/HRC/RES/34/15, at: <http://goo.gl/NeAgN3>; HRC, *Birth registration and the right of everyone to recognition everywhere as a person before the law: Report of the Office of the United Nations High Commissioner for Human Rights*, 17 June 2014, A/HRC/27/22, at: <http://www.refworld.org/docid/53ff324e4.html>; HRC, *The right to a nationality: women's equal nationality rights in law and in practice: resolution adopted by the Human Rights Council*, 18 July 2016, A/HRC/RES/32/7, para. 8, at: <http://www.refworld.org/docid/57e910044.html>; HRC, *Strengthening policies and programmes for universal birth registration and vital statistics development*, 1 July 2016, A/HRC/33/22, at: <http://www.refworld.org/docid/57e13b2a4.html>.

birth registration, adopted by consensus in March 2017, welcomed UNHCR's #IBelong Campaign, stressed States' obligation to register all births in their jurisdiction without discrimination of any kind, including children born to migrants; non-nationals; asylum seekers; refugees and stateless persons, and explicitly linked the prevention of statelessness to the achievement of the 2030 Agenda's goal to provide legal identity for all, including birth registration.²² The **New York Declaration for Refugees and Migrants** (adopted in September 2016) also references important State commitments to reduce statelessness and register the births of all refugee children in their territory.²³

2. Birth registration to prevent statelessness

2.1 Obstacles to birth registration

Birth registration procedures can be **complex and lengthy**. They usually involve several steps, including a birth notification issued by hospitals (in most countries), the recording of the birth in the State's civil registry, and the issuance of an official birth certificate. Completing these steps usually involves paying **fees**, which can be an obstacle for many, especially when higher fees or 'fines' are charged for late birth registration. Parents may also fail to register births simply because they **lack awareness** of its significance or do not understand the procedures. Many only realize the importance of registration when they enroll their children in school or try to access other State services.

In order to register a child, some States require parents to provide their marriage certificate, their own birth certificates, and valid residence permits for both parents. The **documentary requirements** imposed by some countries can create insurmountable obstacles to birth registration. Parents with limited access to documentation may find it impossible to register a birth, further entrenching their documentation problems. In some countries, the lack of supporting documents results in incomplete information recorded on the birth certificate, which can make it difficult to establish nationality. UNHCR has partnered with a number of Governments to reduce barriers to registration for refugees. In Lebanon, the Government now accepts the Syrian Family Booklet as proof of parental identity and marital status to register births. In Bosnia and Herzegovina, civil registries now recognize refugee cards as official ID documents for the purpose of birth registration. (For more information, see Section 4.)

Physical access to civil registration services can be problematic in remote areas where distance and transportation costs are prohibitive, or where freedom of movement is limited, for example in refugee and IDP camps. Jordan provides an example of how this can be overcome (see Section 4). In other cases, **language barriers** and illiteracy may hinder people from approaching civil registration authorities or understanding how to complete the necessary procedures.

Discriminatory laws and practices also affect birth registration. People may be prevented from registering births on grounds of gender, ethnicity, race, religion, or for other reasons. In some countries, law or practice requires both the father and mother to be present to register a birth; in others only the most senior male in a household may do so. This increases the risk that children will not be registered if they are born out of wedlock, or born to fathers who are absent, unknown, deceased, stateless themselves, or unwilling to complete the relevant administrative process.²⁴ Where this is the case, mothers may be reluctant to approach the authorities because births out of wedlock are stigmatized. Regulations and practices that discriminate on grounds of gender can prevent registration and may lead to statelessness.

²² HRC, *Birth registration and the right of everyone to recognition everywhere as a person before the law: resolution adopted by the Human Rights Council*, 24 March 2017, A/HRC/RES/34/L14, at: <http://goo.gl/2b6TYA>.

²³ UN General Assembly, *New York Declaration for Refugees and Migrants*, October 2016, A/RES/71/1, Articles 32, 71 and 72, and Annex 1, Article 5(f), at: <http://goo.gl/BjoSZ9>.

²⁴ OHCHR, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, A/HRC/27/22, June 2014, para. 69f, at <http://goo.gl/P3dWpy>.



Roma child holding information leaflet on birth and citizenship registration”, Mostar, Bosnia and Herzegovina, 11 Nov 2015.
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2.2 UNHCR’s engagement on birth registration

UNHCR’s engagement in birth registration is in relation to the prevention and reduction of statelessness and the protection of persons of concern.²⁵ As part of its **statelessness mandate**, UNHCR works with stateless populations and populations at risk of statelessness who, in the absence of birth registration, may be prevented from establishing a legal identity and proving their claim to a nationality.²⁶ Birth registration is also part of UNHCR’s protection mandate because it provides children of concern, including stateless children, access to rights and services and age-appropriate legal protection, protects them against violence and abuse, and prevents family separation in emergencies.²⁷

The achievement of universal and accessible birth registration depends on the civil registration laws and regulations in place and the quality of civil registration systems. The latter may not function well where countries lack sufficient resources to prioritize their improvement or where civil registries have been destroyed or compromised during conflicts. In such circumstances, UNHCR and its partners assist Governments to develop systems that meet international standards in law and in practice. UNHCR’s efforts to secure birth registration in order to prevent and reduce statelessness focus mainly on interventions that: (1) reform civil registration laws and practices; (2) improve civil registration systems; (3) raise awareness; and (4) work through partnerships to achieve registration of vulnerable individuals and groups.

²⁵ Work on universal birth registration at a general level is beyond UNHCR’s mandate.

²⁶ UNHCR, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons No. 106 (LVII)* (6 October 2006), at: <http://www.refworld.org/docid/453497302.html>.

²⁷ UNHCR, *A Framework for the Protection of Children* (26 June 2012), at: <http://www.refworld.org/docid/4fe875682.html>; UNHCR, *Child protection Issue Brief: Birth Registration* (August 2013), at: <http://www.refworld.org/docid/523fe9214.html>; OHCHR, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, A/HRC/27/22, 2014, at: <http://goo.gl/eFJBjc>; OHCHR, *Strengthening policies and programmes for universal birth registration and vital statistics development*, A/HRC/33/22, 2016, at: <http://goo.gl/K8DXUx>; Human Rights Committee, *CCPR General Comment No. 17: Article 24 (Rights of the Child)*, 7 April 1989, at: <http://www.refworld.org/docid/45139b464.html>.

→ Reforming civil registration laws and practices and improving civil registration systems

Aligning civil registration laws and regulations with international standards is a first step towards making birth registration universally accessible. **Thailand's** reform of the Civil Registration Act in 2008 made clear that birth registration should not be limited to children of Thai nationals. Since 2008, all children born in the territory can be registered regardless of their parents' nationality and legal status, allowing members of stateless communities to register their children's births and thereby reduce the risk of statelessness. (For more information, see Section 4.)

In 2016, **Bangladesh's** Department of Local Government extended the 2004 Birth and Deaths Registration Act to 18,564 children of registered refugees living in the Kutupalong and Nayapara camps who were born in Bangladesh between 1 January 1992 and 30 June 2016. The data on these children were held in a functional registration system for refugees operated by the Bangladesh Government's Office of the Refugee Relief and Repatriation Commission and UNHCR. By April 2017, over 60 per cent of the backlog of these cases had been registered in Bangladesh's digitized civil registry, the Birth and Death Registration System (BRIS). With technical support by UNHCR, children born to registered refugees after 30 June 2016 are now directly registered by local civil registrars into BRIS, as well as in the functional refugee registration system.

Strengthening existing civil registration systems is often necessary to make birth registration universally accessible. Countries are doing so through **integration of civil registration services into other public sectors**, improving access by bringing services closer to the people, and through digitalization.

It has been shown that birth registration rates have risen where synergies have been developed with other sectors such as health, education and social security. In the health sector, and particularly in maternal health services, midwives, doctors and birth attendants play a key role in informing parents about the importance of birth registration and associated procedures. Health professionals are also a vital entry point to the registration process since in most countries they are responsible for issuing birth notifications, the first step in the process.²⁸

INTEGRATION IN MATERNAL HEALTH SERVICES – JORDAN

As a result of UNHCR and partners' advocacy efforts, Jordan has effectively **integrated birth registration** for refugee children into the country's health sector.²⁹ Recognizing the links between the maternal health sector and birth registration, UNHCR and its partners have ensured that refugee women receive counselling and information when they access services such as pre-natal and post-partum care. This has successfully reduced the obstacles that refugee women faced in Jordan when they required maternal health care. 100 per cent of camp residents and 96 per cent of refugees living in urban areas now give birth in hospital. Refugee women are able to deliver their children safely, receive the medical care they need, and obtain a birth notification, which is only issued by hospitals or certified midwives.

Where civil registration services are unavailable or out of reach due to high transportation costs, poor road infrastructure, poverty or low levels of literacy, it is important to bring services to the concerned population. In Kenya, UNHCR supports partners to conduct **mobile birth registration** exercises in areas where stateless communities live, notably Kwale and Kilifi counties. These exercises are planned and conducted in collaboration with the Civil Registration Services department. (For more information, see Section 4.) In Jordan, the Government established dedicated civil registration offices and mobile services in the country's refugee camps, thereby making services directly available to the population at risk. (For more information, see Section 4.)

²⁸ Depending on the country context, birth notifications are issued by health facilities, birth attendants or midwives. Notifications provide essential information on the age, identity and parentage of newborns, thereby enabling parents to initiate and complete birth registration at a later date.

²⁹ UNHCR, *In Search of Solutions: Addressing Statelessness in the Middle East and North Africa* (September 2016), at: <http://www.refworld.org/docid/57dbdaba4.html>.

Many countries have not yet transitioned from paper-based to digital civil registration systems. **Digitization** offers opportunities to overcome geographic and administrative obstacles to registration through the adoption of new technologies. While privacy risks need to be addressed carefully, digitized birth registration has the potential to strengthen civil registration and statistical systems.

TRANSCRIPTION OF BIRTH CERTIFICATES INTO COUNTRY OF ORIGIN REGISTRIES – GHANA AND CÔTE D’IVOIRE

In 2016, UNHCR entered into an agreement with the Ghanaian and Ivorian authorities to ensure that all Ivorian refugee children born in Ghana whose families decide to repatriate voluntarily to Côte d’Ivoire will have their births registered with the Ivorian authorities. The aim is to prevent cases of statelessness upon return. The **transcription of Ghanaian birth certificates into Côte d’Ivoire’s civil registry** takes place before return at the Embassy or Consulate of Côte d’Ivoire in Ghana. The birth is officially recorded in the consular registry, facilitating the child’s swift enrolment in Côte d’Ivoire’s national civil registry after return. The child’s parents are subsequently issued with an official transcription of the birth certificate issued in Ghana. As part of the legal support provided by UNHCR in the context of voluntary repatriation, UNHCR Ghana facilitates this procedure with the Embassy of Côte d’Ivoire before departure. The procedure is mandatory for all returning refugees with children born in Ghana in order to prevent statelessness.

DIGITAL BIRTH REGISTRATION INITIATIVE ICIVIL – BURKINA FASO

In Burkina Faso, births must be registered within two months.³⁰ The introduction of a mobile system that allows children to be **registered remotely** is making birth registration much more accessible, especially to rural people who live far from a civil registry office.³¹ The recently launched mobile system *iCivil* creates a digital birth certificate using *iCivil*’s Android mobile application and a bracelet with a unique and unforgeable code (authenticator). A midwife attaches the bracelet to a baby’s wrist, scans the code using the app, and enters the newborn’s details on the mobile interface. An encoded text message is sent via *iCivil*’s platform to the civil registration authorities where the combination of SMS and the authenticator automatically generates a record of birth. The baby is thereby registered and a birth certificate with his or her ID code can be printed and collected from any civil registration centre in the country on presentation of the bracelet. When the system was trialled, 1,500 newborns were registered at 10 different health centres in the capital city of Ouagadougou between August 2015 and July 2016.³²

→ Raising awareness

Low levels of awareness in certain communities are an obstacle to birth registration in many countries. Through **information campaigns and community-based outreach programmes**, UNHCR and its partners are helping governments to raise public awareness of the importance of birth registration and associated procedures. Community and religious leaders play an important role in transmitting information to parents and families and explaining the different steps required. UNHCR’s partners also assist individuals to access and complete birth registration procedures. Mass awareness campaigns are often conducted in collaboration with relevant line Ministries. They include broadcasts on national television and radio, distribution of leaflets in local languages, use of visual images to improve take-up, and direct engagement with communities.

In **Lebanon**, UNHCR and its partners use various approaches to make Syrian refugees more aware of birth registration. UNHCR has developed a joint procedure with the Ministry of Social Affairs (MOSA) to ensure that the composition of refugee families registered with UNHCR is updated as new births occur in Lebanon. To increase outreach and assist families, MOSA, UNHCR and partners offer individual counselling to parents

³⁰ Burkina Faso, *Code des personnes et de la famille*, 1989, Art. 106, at: <http://www.refworld.org/docid/3ae6b4da27.html>.

³¹ At: http://www.icivil.bf/presentation_en.php.

³² At: <http://goo.gl/3wQ7cL>; and <https://goo.gl/yc2ouS>.

who ask UNHCR about birth registration. Vulnerable families in need of assistance are immediately referred to UNHCR's legal partners who advise and assist them to complete the various steps of registration at hospitals, municipal offices or civil registry offices. In addition, UNHCR coordinates and works with a variety of national and international partners and community-based actors to ensure that all communities receive support for birth registration. Humanitarian partners, outreach volunteers,³³ health personnel and Syrian community groups are all involved in raising awareness and identifying cases that need assistance.

→ Working through partnerships to achieve registration of vulnerable individuals and groups

Legal and paralegal assistance by UNHCR's NGO partners is making an important difference in the lives of those seeking to obtain birth documentation and establish their nationality. In addition, **UNHCR partners with the private sector, development actors, think tanks, faith-based institutions** and others. Examples of such collaboration are discussed below.

Collaboration at the national level

In April 2012, UNHCR, the Serbian Ministry of Public Administration and Local Self-Government, and Serbia's Ombudsman Office signed a Memorandum of Understanding (MoU) to prevent statelessness by strengthening engagement and cooperation. Under the MoU a Technical Group was created, consisting of representatives of the signatories, relevant line ministries (Ministry of Interior, Ministry of Labour and Social Policy, Ministry of Health) and civil society organizations. The initiative generated numerous activities on the ground and many regulatory amendments. In particular, an amendment to residency regulations and a new judicial procedure to facilitate late registration made it possible for stateless persons and persons at risk of statelessness to obtain birth documentation. Supported by capacity building initiatives in the Roma community, these changes permitted the Roma minority in **Serbia** and displaced Roma communities from Kosovo, who have been living in Serbia for generations, to obtain documentation. In parallel, targeted trainings of judges, registrars, the police, and employees of social welfare centres harmonized procedures relating to the registration of births and residency, and the determination and acquisition of nationality. This combined effort by UNHCR, the Government and civil society reduced the number of Roma at risk of statelessness from an estimated 30,000 in 2005 to approximately 2,400 in 2017. UNHCR continues to provide funding to help the Roma minority to register births and obtain birth documents.

The ancestral territories of the Ngöbe and Buglé peoples lie across the border between **Costa Rica** and **Panama**; their traditional lifestyle was characterized by seasonal farm work. A mix of economic, geographic and institutional barriers made it difficult to register the birth of some Chiriticos (Ngöbe and Buglé children born in Costa Rica to undocumented Panamanian parents), creating a risk of statelessness. In both countries, birth registration provides evidence of birthplace, information that is critical to establishing a person's entitlement to nationality based on birth in the territory. The lack of birth registration among this indigenous community has in some cases continued for generations because parents lack documentation and are not aware of the issue.

In 2011, the Committee on the Rights of the Child drew attention to the birth registration of indigenous children in its concluding observations on Costa Rica.³⁴ To implement the Committee's recommendations, UNHCR and the Costa Rican Supreme Electoral Tribunal signed a Memorandum of Understanding to assist the Ngöbe and Buglé people with birth registration and confirmation of nationality procedures.³⁵ A series of meetings between the Costa Rican Supreme Electoral Tribunal and Panamanian Electoral Tribunal followed, which led to the creation of a bi-national programme to facilitate and ensure birth and late birth registration of children born in Costa Rica to Panamanian parents. Mobile teams of civil registry officials, indigenous leaders and UNHCR staff travelled to remote coffee farms to identify and register cases. The Electoral Tribunals of both countries

³³ Outreach Volunteers are individuals who visit their communities to inform them about assistance, government policies, and access to services, including birth registration.

³⁴ CRC, Concluding observations: Costa Rica, CRC/C/CRI/CO/4, 2011, para. 36, at: <http://goo.gl/WQSLej>.

³⁵ Memorandum of Understanding between the Costa Rican Supreme Electoral Tribunal and UNHCR (in Spanish, 2013), at: <http://www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9977.pdf>.

launched public information campaigns with UNHCR, and UNHCR trained civil registry officials. As part of the ‘Chiriticos Project’, the Costa Rican Civil Registry Office implemented an innovative programme that enabled elderly members of the indigenous community to access simplified late birth registration procedures. The binational initiative assisted thousands of members of the Ngöbe and Buglé community, whose births had never been registered in Panama or Costa Rica, to access late birth registration procedures and obtain birth certificates. This ultimately facilitated confirmation of their nationality.

Collaboration at the regional level

Regional collaboration has been a powerful engine of national action to address statelessness, including through improved birth registration practices. In Africa, the **Economic Community of West African States (ECOWAS)** has been at the forefront of efforts to end statelessness. After the adoption of the Abidjan Declaration of ECOWAS Member States on the Eradication of Statelessness in February 2015, ECOWAS Member States adopted the ‘Banjul Plan of Action of the Economic Community of West African States on the Eradication of Statelessness 2017-2024’, which features birth registration to prevent statelessness as one of its main objectives.³⁶ The **International Conference on the Great Lakes Region (ICGLR)** equally adopted at Ministerial level a Declaration of ICGLR Member States on the Eradication of Statelessness in October 2017 that promotes universal birth registration.

In South-Eastern Europe, UNHCR joined the OSCE High Commissioner on National Minorities and the European Commission to bring governments together to tackle long-standing causes of statelessness in the region. In 2011, this resulted in the adoption of the **Zagreb Declaration** signed by **Bosnia and Herzegovina, Croatia, Kosovo** (UN Security Council Resolution 1244/1999), **Montenegro, Serbia, and The former Yugoslav Republic of Macedonia**.³⁷ The Zagreb Declaration recommends that participating States adopt legislation that facilitates birth and late birth registration, waives fees for issuing documentation, establishes national co-ordination mechanisms, and actively involves Roma and other minority groups. Serbia, for example, made legal amendments in 2012 that introduced simplified late birth registration procedures; Montenegro followed suit in 2015.

In the Middle East and North Africa, the **League of Arab States (LAS)** and UNHCR jointly convened a regional meeting on ‘Belonging and Legal Identity’ in October 2016, at which experts from LAS Member States, UN Agencies, civil society, and academia developed recommendations to enhance protection of children in the region, inter alia by providing them with documentation and a legal identity, strengthening birth registration, and aligning nationality laws with international standards.³⁸

Chapter 6 of the **Brazil Plan of Action** established a programme to end statelessness in the Americas by 2024. Under this programme, States have agreed to work towards confirming nationality by facilitating access to late birth registration and strengthening bilateral and multilateral cooperation between civil registration authorities in different countries to address the needs of populations living in border areas.

Numerous initiatives have been undertaken in the **Asia-Pacific region**, where a consensus now exists on the goal of universal birth registration and on the role birth registration plays in preventing statelessness. UNHCR co-hosted several high-level meetings on this topic, including two regional workshops on Good Practices in Birth Registration, respectively co-convened with the ASEAN Intergovernmental Commission on Human Rights in 2012 and with the Regional Conference of Civil Registrars in the Asia-Pacific as well as UNICEF, ESCAP, WHO and Plan International in July 2014. As an organizing partner of the Civil Registration and Vital Statistics initiative in Asia and the Pacific, UNHCR co-hosted a Ministerial Conference in November 2014 which adopted the Ministerial Declaration ‘Get Everyone in the Picture’ and the accompanying Regional Action Framework that endorsed the goal of achieving universal and responsive CRVS systems by 2024.³⁹ (For more information, see Section 3.)

³⁶ See Objective 5.1 of the Banjul Plan of Action of the Economic Community of West African States (ECOWAS) on the Eradication of Statelessness, 2017 – 2024, at: <http://www.unhcr.org/591c38347>.

³⁷ Zagreb Declaration on the Provision of Civil Documentation and Registration in South Eastern Europe, Zagreb, 26-27 October 2011, at: <http://goo.gl/R6yhsG>.

³⁸ Regional Expert Meeting on Belonging and Legal Identity in the Arab Region, Cairo, 17-18 October 2016, at: <http://goo.gl/rjsLwG>.

³⁹ UNESCAP, *Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific* (10 December 2014), UN Doc. E/ESCAP/MCCRV5/4, at: <http://goo.gl/DGqUma>.



Many children are at risk of statelessness in the area of Kourou-Koualou. Juliette, 10, just obtained a birth certificate.” Natitingou, Benin, 11 December 2015. © UNHCR/Simplice Kpandji

Collaboration at the global level

At the High Commissioner’s 2016 Dialogue on Children on the Move, UNHCR and UNICEF launched a new **Coalition to Ensure Every Child’s Right to a Nationality**.⁴⁰ Co-led by both agencies, the Coalition is a diverse group of civil society organizations and other UN agencies. Its objective is to ensure that no child is born stateless by improving birth registration and eliminating laws and practices that deny children nationality. UNHCR and UNICEF have developed joint strategies for achieving these objectives in thirteen countries.⁴¹ These strategies focus particularly on preventing statelessness by improving access to and rates of birth registration.

The World Bank estimates that 1.1 billion people in developing countries lack proof of identity and therefore find it difficult to participate fully in economic, social and political life.⁴² With this in mind, more than 15 global organizations, including the World Bank, UNICEF and UNHCR, jointly developed, in the context of the World Bank’s Identification for Development (ID4D) initiative, a new set of **Principles on Identification for Sustainable Development**.⁴³ The Principles will assist those working to implement SDG 16.9 to promote the inclusion of persons of concern to UNHCR and take steps to prevent statelessness. The first Principle, Inclusion, affirms that all persons should have access to a legal identity, including birth registration, in support of the global aspiration to leave no one behind. The ID4D initiative also calls for CRVS programmes to be prioritized in national development plans.

⁴⁰ At: <http://www.unhcr.org/ibelong/unicef-unhcr-coalition-child-right-nationality/>.

⁴¹ Addendum to the Memorandum of Understanding between The Office of the United Nations High Commissioner for Refugees and The United Nations Children’s Fund for Collaboration in relation to the Coalition on Every Child’s Right to a Nationality [during the period 1 January 2017 - 31 December 2024].

⁴² Estimates by the World Bank ID4D Dataset.

⁴³ Identification Principles for Sustainable Development: Toward the Digital Age, at: <http://www.worldbank.org/en/programs/id4d>.

3. Windows of opportunity

3.1 Addressing statelessness through the Sustainable Development Goals

The **2030 Sustainable Development Agenda** offers UNHCR, civil society and the private sector an opportunity to partner with governments to include commitments on universal birth registration in national development plans. In 2017 UNHCR produced a new guidance note on the relevance of the SDGs to its statelessness mandate and the Campaign to End Statelessness by 2024.⁴⁴

SDG 16 focuses on justice, good governance, and the promotion of peaceful and inclusive societies, and draws attention to the situation of marginalized populations. It recognizes that sustainable development can only be achieved if all persons, including those who are stateless, have access to justice and a legal identity, including birth registration. In addition to SDG 16, the achievement of several other goals and targets will also improve birth registration rates, including among persons who are stateless or at risk of statelessness.⁴⁵ Target 17.18, which seeks to improve and disaggregate data, provides an opportunity to advocate for the inclusion of stateless persons and those of undetermined nationality in States' CRVS systems. Statistical data that report nationality status will help States to achieve other SDGs and related targets and measure the extent to which stateless persons benefit from public services and investment.⁴⁶

Full implementation of the SDGs and inclusive development that 'leaves no one behind' require States to remove obstacles that stateless persons and those at risk face because they lack legal identity documents (such as birth certificates). Ultimately, they require States to grant stateless persons a nationality and equal rights and development opportunities. A recently adopted HRC resolution emphasizes that stateless children should be included in implementation of the 2030 Agenda for Sustainable Development and must enjoy unhindered access to birth registration.⁴⁷

3.2 Civil Registration and Vital Statistics initiatives in Africa and Asia

“ At a practical level, the greatest obstacle to the effective realization of the right to a nationality in Africa is the lack of functional and universal civil registration systems.”

African Committee of Experts on the Rights and Welfare of the Child⁴⁸

Regional initiatives specifically dedicated to strengthening CRVS systems include the **Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics (APAI-CRVS)**⁴⁹ and implementation of the **Regional Strategic Plan for the Improvement of Civil Registration and Vital Statistics in Asia and the Pacific**.⁵⁰ In the context of their overall objective to achieve universal and responsive CRVS systems, UNHCR is advising governments to include children born to refugee and stateless parents, and undocumented and at-risk populations, in baseline assessments and national strategic improvement plans.

⁴⁴ UNHCR, *The Sustainable Development Goals and Addressing Statelessness* (March 2017), at: <http://www.refworld.org/docid/58b6e3364.html>.

⁴⁵ Targets 5.1, 10.3 and 4.1, for example. See footnote 43 for more details.

⁴⁶ HRC, *Strengthening policies and programmes for universal birth registration and vital statistics development* (1 July 2016), A/HRC/33/22, at: <http://www.refworld.org/docid/57e13b2a4.html>.

⁴⁷ HRC, *Rights of the child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development*, 21 March 2017, A/HRC/RES/34/L.25, paras. 5 and 13, at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/L.25.

⁴⁸ African Committee of Experts on the Rights and Welfare of the Child, *General Comment No. 2 on Article 6 of the African Charter on the Rights and Welfare of the Child*, 16 April 2014, ACERWC/GC/02 (2014), para. 7, at: <http://www.refworld.org/docid/54db21734.html>.

⁴⁹ See <http://www.apai-crvs.org>; and <https://www.uneca.org/crvs>.

⁵⁰ 'Get everyone in the picture', at: <http://www.getinthepicture.org/asia-pacific-crvs-decade-2015-2024>.

Plan International, a key partner of UNHCR on birth registration, is a core group member of APAI-CRVS in Africa and, with UNHCR, also a member of the Regional CRVS Steering Group for Asia and the Pacific. Plan International's Birth Registration Innovation Team initiated the development of a standards-based open-source CRVS software platform. The prototype version will be presented to States at the upcoming regional meetings in late 2017. Once finalized, **OpenCRVS** will offer developing countries that are digitalizing their CRVS systems free access to a software package that can be adapted to the country context, is compatible with other government systems (health information systems, population registers, etc.), will facilitate access to registration services for the hardest to reach and marginalised populations and is in line with international standards on data security and confidentiality.⁵¹

INITIATIVE: 'GET EVERYONE IN THE PICTURE'

In 2012, UNHCR joined a partnership of UN agencies and other development organizations that work with governments to improve CRVS systems in Asia and the Pacific. Following a high-level meeting on Improvement of CRVS in Asia and the Pacific in 2012, UNHCR and its partners co-organized a Ministerial Conference on CRVS in Asia and the Pacific in 2014, at which participating States adopted the Ministerial Declaration '**Get Everyone in the Picture**' and an accompanying Regional Action Framework that declared 2015-2024 to be the Asian-Pacific CRVS Decade.⁵² The Ministerial Declaration endorsed the goal of achieving universal and responsive CRVS systems by 2024 and recognized the role that responsive CRVS systems have in '[p]reventing and reducing the risk of statelessness'.⁵³ It also recognized the need to address disparities in civil registration coverage among 'hard-to-reach and marginalized populations', including stateless persons, refugees and undocumented people.⁵⁴ UNHCR is a member of the Regional Steering Group for CRVS in Asia and the Pacific that was established to assist States to implement the Declaration and Regional Action Framework. 37 States in the region have since submitted baseline reports to the Regional Steering Group, of which 17 aim to register more than 98 per cent of births by 2024.⁵⁵ For example, Viet Nam's report considered inequalities in access to birth and marriage registration of minorities in border areas. After official estimates in 2012 indicated that 10,000 persons of undetermined nationality were living in border areas, the Government adopted measures to resolve their nationality status and issue them with civil documentation. Its National Action Programme aims to increase registration to 98 per cent of rural births and 99 per cent of urban births by 2024.

⁵¹ For more information please contact: Edward Duffus, Head of Innovation at Plan International (edward.duffus@plan-international.org).

⁵² UNESCAP, *Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific*, 10 December 2014, E/ESCAP/MCCRV5/4, at: <http://getinthepicture.org/sites/default/files/resources/Report%20of%20the%20conference.pdf>.

⁵³ *Ibid*, Ministerial Declaration, 'Get Every One in the Picture', para. 11(f).

⁵⁴ *Ibid*, Ministerial Declaration, 'Get Every One in the Picture', para. 14.

⁵⁵ <http://goo.gl/uwM5QE>.

4. Selected country examples

Bosnia and Herzegovina

Joint efforts by UNHCR, the Government of Bosnia and Herzegovina, the Roma community, civil society, and OSCE and EU institutions have made it possible to provide members of the Roma minority with documentation. The active engagement of Roma helped to build trust in their communities and identify individuals who needed help to obtain birth documentation and confirm their citizenship.

The population group at risk of statelessness

A survey by the Ministry for Human Rights and Refugees in 2009/2010 suggested that some 4,500 people of undetermined nationality lived in Bosnia and Herzegovina (BiH); their citizenship had not been recognized formally through the issuance of documents proving nationality.⁵⁶ The majority were ethnic Roma. Most lived in informal settlements in the Federation of BiH; smaller numbers lived in the Republika Srpska and Brcko District. Many communities had been without birth and nationality documents for generations.

The lack of documentation meant that many Roma were unable to establish their nationality, which prevented them from accessing basic social services, such as health care. The problem can be attributed to a range of factors, including the community's lack of awareness of the procedures and relevance of birth registration and documentation, previous generations' lack of documentation, the absence of birth records from abroad, discrimination by the authorities, and the inability (especially of large families) to cover administrative fees. Without papers, Roma with ties to other former republics of the Socialist Federal Republic of Yugoslavia (SFRY) were also unable to travel and obtain civil registration documents from successor States.

The group's specific risk of statelessness

Without birth registration, the Roma are unable to prove their entitlement to nationality, leaving them at risk of statelessness. While all children born in Bosnia and Herzegovina are entitled to birth registration, parents need to produce several documents in order to register a birth: copies of both parents' ID cards; their marriage certificate; evidence that one parent is a citizen of the Federation of BiH/Republika Srpska; and evidence that both parents are permanent residents. For many Roma parents, these are unrealistic requirements. Some Roma originating from other parts of the former SFRY who have lived in Bosnia and Herzegovina since before the war in the 1990s were able to benefit from facilitated naturalization procedures that were introduced following the dissolution of the former SFRY.⁵⁷ However, many were unable to confirm or acquire nationality under these procedures because they had not formalized their residence in the country because of lack of documentation.⁵⁸

Measures taken

Since late 2008, UNHCR has worked with the Government of Bosnia and Herzegovina and legal aid partners to close gaps in the legal and administrative framework, build the capacity of relevant stakeholders, and provide free legal aid to individuals who lack documents or need help to confirm their nationality.

⁵⁶ UNHCR, *Access to Civil Documentation and Registration in South Eastern Europe: Progress and Remaining Challenges since the 2011 Zagreb Declaration* (11 November 2013), at: <http://www.refworld.org/docid/5280c5ab4.html>.

⁵⁷ Articles 37 and 38 of the Law of 1997 on Citizenship (consolidated version), Bosnia and Herzegovina, 1 January 1998, at: <http://www.refworld.org/docid/53171f604.html>.

⁵⁸ The law on citizenship of Bosnia and Herzegovina (and its entity-level citizenship laws) contains safeguards against statelessness following dissolution of the former SFRY.

In 2013, UNHCR visited 256 Roma communities throughout the country to identify those at risk of statelessness. It was accompanied by a team of 7 lawyers from its legal aid partner Vaša Prava BiH as well as 11 Roma mediators and other representatives of Roma NGOs and Roma communities. The team conducted regular annual field visits to Roma communities to raise awareness of the importance of birth registration and associated procedures and identify individuals requiring legal assistance to manage the process. Approximately 40 focus group discussions were held annually. Representatives of the municipal registry offices and municipal social welfare centres were present to provide information and advice on civil registration procedures.

A key obstacle was to identify individuals who needed assistance to confirm their citizenship, because many Roma live in informal settlements and are not recorded by the State. The engagement of Roma mediators, Roma NGOs and members of Roma communities proved to be crucial to building trust and identifying Roma who lacked documentation.



Roma man who was never registered at birth is showing his only proof of existence, a military record book as a member of the Army of Bosnia and Herzegovina in the 1992-95 war, Sarajevo, Bosnia and Herzegovina, March 23, 2016. © UNHCR/Vanja Cerimagic

Advocacy and technical support to improve the administrative and legal framework and the capacity of the authorities involved in birth registration at every level secured positive changes in both law and practice. Changes to the law 'on Registry Books of the Federation of Bosnia and Herzegovina' were introduced in 2012; new bylaws, for example, waived administrative fees in connection with birth registration for national minorities (such as the Roma) and vulnerable individuals, and allowed parents without documents to register a birth on the evidence of witness statements. UNHCR provided technical advice during drafting of the new legislation and supported the training of officials, Roma mediators and Roma NGOs in the new legislation.

Jointly with the OSCE, UNHCR successfully advocated for the inclusion of a section on civil registration in both the Revised Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care 2013-2016⁵⁹ and the new 2017-2020 Action Plan.⁶⁰ UNHCR has continued to advocate for civil registration and build civil registration capacity in the country.⁶¹ These achievements were made possible through collaboration with a wide range of actors, including State- and entity-level ministries, UNHCR partners, and the Roma community.

Impact

From June 2009 until June 2017, UNHCR's legal aid partner helped 1,611 individuals to confirm their citizenship. As of 30 June 2017, only 53 Roma in Bosnia and Herzegovina were known to have undetermined nationality.

⁵⁹ *Revised Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care 2013-2016*, at: <http://www.mhrr.gov.ba/PDF/LjudskaPrava/bos-rom-eng.pdf>.

⁶⁰ *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care 2017-2020*, adopted on 19 July 2017 by the Council of Ministers at its 108th session.

⁶¹ Examples include joint capacity building support to civil registration authorities in the Federation of Bosnia and Herzegovina, and formulation of the *Operational Conclusions of the Roma Inclusion Seminar* organized by the Ministry for Human Rights and Refugees and the EU Delegation in June 2015. At: <http://goo.gl/p38GLk>.

Jordan

A flexible approach by the Government of Jordan and creative solutions for registering Syrian refugee children have helped to prevent statelessness. The establishment of mobile civil registration offices and Shari'a courts in refugee camps, and readiness to adapt evidentiary requirements to the specific circumstances of refugee families, have made it possible for Syrian refugees to access birth registration services that had previously been out of their reach. Working with the Government of Jordan and its partners, UNHCR has made the refugee population more aware of the vital role of birth registration and associated procedures in preventing statelessness.

The population group at risk of statelessness

Syrian refugee children born in Jordan, and Syrian refugee children born in Syria who could not register or obtain civil status documentation before fleeing to Jordan, benefit particularly from Jordan's flexible new approach to birth registration. Many Syrian refugees did not register their marriages either in Syria or Jordan with the result that the children of those marriages could not easily be registered. Most of those affected live in camps and urban, peri-urban and rural communities across the country.

The group's specific risk of statelessness

Many civil registries have been destroyed during the ongoing conflict in Syria, while restrictions on movement prevent people from accessing the few civil registration offices that remain operational, making it difficult to register births in Syria. In addition, the identity documents of many Syrians have been lost, destroyed or confiscated in the course of the conflict or flight. For these reasons, many Syrian refugees are unable to register births outside Syria and confirm Syrian nationality, since they cannot fulfil the documentary requirements in countries of asylum.

These effects of large-scale displacement are further complicated by widespread family separation. The conflict has left one-fourth of Syrian refugee households without fathers. Syrian children born abroad can only acquire nationality through the father. For children born in Syria, there is theoretically an exception to the paternal *jus sanguinis* rule: they can acquire nationality from their Syrian mother if the child's father is unknown (i.e., if paternity is not legally established).⁶² However, women are reported to be reluctant to do this because they fear they will be stigmatized if they declare that paternity is unknown. Taken together, these obstacles often seem insurmountable to refugees who want to register births in countries of asylum or confirm their Syrian nationality.

Several additional factors have contributed to the risk of statelessness among Syrian refugee children. At the onset of the Syria crisis, refugees were unfamiliar with the procedures for registering births and marriages in their countries of asylum. Refugees living in camps were physically distant from civil registration services. Many refugees too were unaware of the importance of documentation and unaccustomed in their country of origin to registering their children immediately after birth. During the early days of the crisis, many refugees also believed their displacement would be short-lived and that they would soon be able to return to Syria. For all these reasons, families did not prioritize birth registration, putting thousands of Syrian refugee children at risk of statelessness.

⁶² Article 3, *Legislative Decree 276 – Nationality Law* [Syrian Arab Republic], 24 November 1969, at: <http://www.refworld.org/docid/4d81e7b12.html>.

Measures taken

In cooperation with UNHCR, civil society and other partners, the Government of Jordan adopted a range of measures and new approaches to improve the registration of Syrian refugee births. It (1) made birth and marriage registration procedures more accessible; (2) strengthened legal aid and counselling services; (3) engaged communities as agents of change; and (4) ensured access to good quality maternal health services. These measures addressed the obstacles to birth registration of refugee children born in Jordan, but also the obstacles faced by refugee children born in Syria whose parents had been unable to register their births before they fled.

To respond to the most pressing legal and administrative hurdles that were preventing refugees from obtaining civil status documentation, the Syrian Refugee Affairs Division of the Jordanian Government convened an inter-agency roundtable discussion in cooperation with UNHCR that brought together UN agencies, UNICEF, UN Women, and different civil society actors, including those providing pro bono legal services. Held in June 2014, the event identified various solutions, including the creation of mobile courts and judicial and civil registration services in refugee camps.

REGISTRATION OF SYRIAN REFUGEE CHILDREN BORN IN JORDAN

Drawing on the roundtable's findings, the Syrian Refugee Affairs Division and UNHCR established civil registration offices in Jordan's two largest refugee camps, Zaatari and Azraq, and mobile registration services in the Emirati Jordanian Camp. These steps brought registration services much closer to camp-based refugees, facilitating the issuance of birth certificates to all children born in them. The Civil Status Department instructed Jordanian civil registry officers to facilitate the issuance of birth certificates to all Syrian refugee children born in the country.

Recognizing the economic difficulties faced by refugee families across the country, it was further decided to waive fees and simplify the procedures for late birth registration.⁶³ In 2017, the Government of Jordan introduced expedited court procedures for children who had not been registered in the first year of life. An important element of this new procedure was that the courts agreed to accept as evidence the service cards issued by the Ministry of Interior to all Syrians in Jordan, or alternatively the certificates that UNHCR issues to persons of concern which also contain basic bio-data. UNHCR supported the introduction of these procedures by supporting the work of its legal aid partners and running mass information campaigns to make refugees aware of them.

To register the birth of a child, Jordanian law requires parents to provide an official marriage certificate. Recognizing that many refugee families could not do this, the Government introduced new provisions that made it easier for refugees to obtain official marriage registration documents. Official Shari'a courts and mobile judicial services were established in all camps as a result of UNHCR advocacy and consultation with the Supreme Judge Department; in parallel, Shari'a courts and the authorities also legalized informal ('urfi') marriages. The Government further instituted two waiver periods (in 2014 and 2015), during which Syrian refugees could regularize their marriages free of charge and without paying the penalty fees stipulated by law, which can exceed USD 1,500 per family. This measure had a significant impact. Around 3,000 refugee families benefited and were able not only to register their marriages, but also new births. Recognizing the prevalence of 'urfi' marriages among Syrian refugees in Jordan, UNHCR and the Government worked together to raise awareness of the importance of official marriage registration.

Through the courts and mobile judicial services, Jordan's judiciary acquired a better understanding of the factors that lead to statelessness among Syrian refugees and identified novel legal ways to resolve obstacles to birth registration. For instance, Shari'a courts instituted flexible evidentiary rules to facilitate the registration of undocumented marriages. These allowed an individual who knows a married couple to give evidence on their behalf, even if the individual was not an official witness to their wedding. The documentary requirements for registering new births have also been made more accessible to refugees. Photocopies of documents may

⁶³ Applicants qualified for the waiver if they started to register later than 30 days but within one year of a birth.



In Za'atari refugee camp, Syrian mothers wait to register their newborns with UNHCR. Za'atari Refugee Camp, Jordan, 31 August 2015. © UNHCR/Christopher Herwig

be tendered, for instance, if parents no longer possess the originals. This is a significant change because under Jordan's Personal Status Law only original identity documents or notarized copies were recognized when registering a birth.

Vigorous community engagement has been another important feature of the response. Up to 200,000 brochures explaining the procedures for birth and marriage registration were distributed to Syrians residing in camps and urban, peri-urban and rural communities across the country. The community continues to play a key role in sharing information and providing guidance to refugees. A dedicated UNHCR information hotline and help desks have been established in numerous governorates; through them and other means, UNHCR field offices and legal partners maintain two-way communication with communities. As a result of these combined efforts, approximately 39,607 families received legal counselling and help to obtain civil status documents in 2016. The fact that more than twice as many cases have been assisted compared to the previous year reflects the community's growing confidence in the services and advice that are offered.

REGISTRATION OF UNDOCUMENTED REFUGEE CHILDREN WHO WERE BORN IN SYRIA

Refugee children born in Syria who were not registered at birth or issued any form of identity documentation before they fled represent a particular challenge. Under international law, only the State in which a child is born (in this case Syria) has an obligation to register birth; no obligation falls on States to which people are displaced. In 2015, approximately 44,000 completely undocumented Syrian refugee children were identified in Jordan; the majority were born in Syria before they fled. By 2016, the application of complementary and flexible new approaches had reduced the number to approximately 8,800. Some cases are resolved by a Special Protection Committee on Complex Cases, which has power to issue to undocumented Syrian refugee children an official identity document that includes the data traditionally found on a birth certificate. In the majority of cases, however, since 2017 the Jordanian authorities have issued Ministry of Interior service cards to undocumented Syrian refugee children, based on the information contained in UNHCR certificates that provide basic bio-data such as the child's name, date of birth, and nationality. The service card does not replace a birth certificate but affords refugee children vital protection because it is official proof of the child's legal identity, accepted by Jordanian courts and the Civil Status Department. The card therefore facilitates the child's access to services, including healthcare and education, and ultimately helps to prevent statelessness.

Lack of basic identity documentation has caused some Syrian refugees to adopt dangerous coping mechanisms. Some undocumented refugee parents, for example, falsely registered their newborn children under the names of friends or relatives in an attempt to provide the child with a legal identity. Such acts incur the possible loss of child custody, and can jeopardize the child's claim to nationality because citizenship that has been acquired fraudulently is generally revocable under Syrian law. Recognizing the immense difficulties and pressures on refugee families in this regard, the Government has agreed to refer such cases to the Special Protection Committee on Complex Cases. After careful investigation and verification of the actual parent-child relationship, the Committee issues official documentation to the concerned families that accurately reflects the child's identity, age, biodata and parentage; the standard penalties are waived.

Impact

The measures outlined above combined to produce a 12-fold increase in the certification of refugee births in Jordanian camps in 2016 (3,642) and 2015 (3,645) compared to 2013 (295). Between 1 January and 31 July 2017, 3,050 Syrian refugee children living in camps and 2,810 Syrian children living in urban areas received birth certificates, confirming the trend. Government records indicate that, overall, 14,737 Syrian births were registered between January and July of 2017. This figure includes both Syrian children in camps and urban areas registered with UNHCR, and Syrian children not registered with UNHCR. The risk of statelessness among Syrian refugee children has been substantially reduced in Jordan, while refugee children also enjoy more protection against risks such as family separation, trafficking, illegal adoption and the possible denial of their rights to health and education.

Kenya

Aiming to increase birth registration among historical migrants and their descendants who remain stateless in Kenya, the Department of Civil Registration Services decentralized its services to make them more accessible even in remote parts of the country. It also collaborates with UNHCR and its partners to conduct mobile birth registration in areas where the majority of stateless persons live.

Stateless groups in Kenya

During the colonial period (1888-1963), Kenya was a destination country in the region for people in search of employment. From the 1930s, people from Rwanda and Burundi migrated to Kenya to work in the colonial tea estates, mainly in the highlands of Kericho, west of Kenya's Rift Valley region. Around 1935-1940, the Pemba, inhabitants of an island off Tanzania that forms part of the Zanzibar archipelago, came to Kenya looking for employment; a second wave of Pemba followed them between 1963-1970, fleeing violence related to the Zanzibar revolt in 1964; and a new generation sought refuge again after election violence in 2000. The Shona first arrived in Kenya from Zimbabwe in 1967 as missionaries. These groups of historical migrants and their descendants are now among Kenya's stateless minorities because they are not citizens of Kenya and are no longer recognized as citizens by their countries of origin. As a result, a large number are excluded from the formal labour market and cannot pursue gainful employment, pay for the education of their children, or borrow from financial institutions to start or expand their businesses. Many are not aware that, under the current legislation, they can apply for citizenship through registration if they have lived in Kenya since its independence in 1963; most are also unfamiliar with the processes for registering for citizenship. Further, because they experienced discrimination in the past when trying to obtain documents such as birth certificates, many are also reluctant to approach the authorities. Due to their ethnic background, the majority of these groups find it difficult to obtain identification papers and some have resorted to negative coping mechanisms in order to obtain birth certificates and other documents.

The reasons for their statelessness

The Pemba who arrived before 1963 took advantage of the free movement agreement that existed at the time between the Kenyan coastline and Zanzibar, the so-called '10 Mile Strip'. They were able to come to Kenya without any form of travel or identification documentation. However, the majority of the Pemba, Shona, people of Rwandan and Burundi descent, and others who arrived in Kenya during the colonial period carried travel permits from their country of origin and were subsequently issued with identity cards in Kenya, called 'DC cards' at the time because they were issued by the District Commissioner. DC cards were issued until 1978 when amendments were made to the Registration of Persons Act under the regime of President Moi. Between 1915 and 1947, all males living in Kenya were in principle issued with identity cards. From 1947, DC cards were restricted to African males. From 1978, identity cards were reserved for Kenyan citizens, including women, and alien cards were introduced for foreigners.

The change in legislation in 1978 denied Kenyan identity cards to certain groups of historical migrants and obliged them to obtain alien cards that had to be renewed every year and did not permit them to seek employment. Even the early arrivals, many of whom have lived in Kenya for decades, had their identity cards withdrawn and were faced with deportation orders in the 1980s and 1990s. Many of these people became and remain stateless. In general, they lack birth registration as well, because they have no documentary evidence to prove they were born and reside in Kenya. Without birth certificates they cannot establish an entitlement to Kenyan nationality based on birth and residence in the country.

In Kenya, nationality is acquired by descent or by naturalization through registration.⁶⁴ Provided certain conditions are met, individuals can apply for naturalization if they have been married to a Kenyan for at least seven years or have been legally resident in Kenya for seven consecutive years. Naturalization through registration is also available to children adopted by Kenyan citizens. Stateless persons, persons who migrated to Kenya before independence and descendants of such persons can acquire nationality under the Kenya Citizenship and Immigration Act of 2011 through naturalization by registration if they have been continuously resident in the country since independence in 1963.⁶⁵ Birth certificates are the key supporting document for applications to be registered as a citizen of Kenya.

Birth registration is in principle available to all children born in Kenya. It is a two-step process. First, parents need to obtain a birth notification from the hospital in which their child was born or, in case of home births, from the local administrative authority. Second, parents need to register the birth at the civil registrar's office to obtain a birth certificate. Children born in hospitals are automatically issued with birth notifications. To certify home births, a letter signed by the local administrator, chief or assistant chief is required. Stateless persons must apply for birth certificates within 6 months of the birth, during which period no additional documentation is required apart from the birth notification. Applications for late birth registration (after six months) are at the discretion of the Principal Registrar and require the submission of additional supporting documents, such as passports, which are unavailable to stateless persons.⁶⁶ Most stateless persons in Kenya live in poverty and are unable to afford transport to registration offices in a timely manner. Many are also unaware of the importance of timely birth registration. The costs of late birth registration are an additional barrier and many have been turned away by local registration and health authorities because their ethnicities are not listed among Kenya's 44 officially recognized tribes.

Measures taken

The Government of Kenya, in collaboration with UNHCR and its partners, recently introduced several measures that make birth registration more accessible to historic migrants and their descendants.

MOBILE REGISTRATION AND DECENTRALIZATION OF BIRTH REGISTRATION SERVICES

Recognizing specific gaps in the civil registration system, the Department of Civil Registration Services (CRS) has decentralized its services and, in association with UNCHR and other partners, sends mobile registration teams to the remote areas in which many stateless communities live.

In close collaboration with the Ministry of Health, CRS decentralized the process of acquiring birth notifications at county, sub-county and ward level. (Wards are the lowest administrative unit in Kenya.) As a result, all children born in Kenya, whether at home or in a health facility, should be issued with a birth notification. Birth certificates, however, are only issued at sub-county level. To assist stateless communities to overcome the obstacles of distance and cost that prevent them from accessing civil registration services, CRS collaborates with UNHCR and its partner, the Haki Centre, to deploy mobile registration stations to the areas (such as Kwale and Kilifi counties) in which most stateless minorities live, including the majority of Pemba and persons of Rwandan and Burundian descent. Between mid-2015 and mid-2017, mobile birth registration teams issued more than 11,000 birth certificates to stateless and formerly stateless persons, the majority of which were late birth registrations. Through its partners, UNHCR provides assistance to those who are unable to cover the costs of late birth registration. It also trains civil registration officers on why birth registration helps prevent statelessness.

In addition to reaching out to communities in remote areas, UNHCR and its partners have continued to promote birth registration during community forums and clinic visits and encourage stateless communities to attend mobile birth registration exercises. Hurdles that need to be overcome include the low literacy levels

⁶⁴ *The Constitution of Kenya*, 27 August 2010, Chapter 3, Article 15, at: <http://www.refworld.org/docid/4c8508822.html>.

⁶⁵ *The Kenya Citizenship and Immigration Act*, Act No. 11 of 2011, 30 August 2011, Articles 15-17, at: <http://www.refworld.org/docid/4fd9a3082.html>.

⁶⁶ Kenya Birth and Death Registration Act, Births and Deaths (Late Registration) Rules, 1971, at: <http://bit.ly/2eAgtJ0>.

of the populations concerned and the fact that some local officials are not aware that birth registration must be provided to all children born in Kenya, regardless of their racial or ethnic background. UNHCR encourages timely birth registration to avoid the cost and documentary requirements associated with late registration.

REGISTRATION OF SCHOOL CHILDREN WITHOUT BIRTH DOCUMENTATION

In June 2017, the Ministry of the Interior and Coordination of National Government issued a notice specifically addressed to school children who do not yet have birth certificates.⁶⁷ The notice encouraged school head teachers to make applications between 6 June and 6 October 2017 on behalf of students without birth certificates who were sitting for primary school exams or enrolling in school, and waived late birth registration fees for such applications.

THE MAKONDE EXAMPLE

The Makonde, an ethnic minority with origins in northern Mozambique, arrived in Kenya before independence. After many years of advocacy and a protest march in October 2016 in which they requested the President to grant them citizenship, the Makonde have finally been recognized as Kenyan nationals and are now officially Kenya's 43rd tribe. In parallel, the Government waived the application fee of 2000 Kenyan Shillings (20 USD) and lifted other onerous requirements such as the obligation to show documentary evidence of having lived continuously in Kenya since 1963. A special local vetting committee verified all Makonde born in Kenya and their births were registered, which later allowed them to obtain nationality documents. CRS issued birth certificates immediately on application, making the process much shorter than usual. UNHCR provided technical support to local government officers and the Haki Centre throughout this exercise. The Makonde example could be replicated for other groups of historical migrants and their descendants who live in Kenya.

Impact

At least 11,000 birth certificates have been issued in Kwale, Kilifi and Taita Taveta counties, the main areas in which stateless communities and formerly stateless communities reside. The decentralization of birth registration services and deployment of mobile registration teams to remote areas, supported by the awareness-raising efforts of UNHCR and its partners, has facilitated birth registration of historic migrants and their descendants. Though it is too soon to quantify their number, many schoolchildren will also have been registered under the legal notice of June 2017 that encouraged teachers to apply for a birth certificate without charge on behalf of any pupil who lacked one.

⁶⁷ Birth and Death Registration Act, Legislative Supplement No. 45, Legal Notice No. 99, 6 June 2017, at: <http://goo.gl/2spzSD>.

Thailand

Changes to Thailand's Civil Registration Law in 2008 entitled all children born in Thailand to have their births registered in the civil registry, regardless of their own or their parents' nationality, legal status or documentation. Combined with other measures, this reform made it possible to register the births of children at risk of statelessness, including the children of remote 'hill tribe' communities where parents are often stateless. Increased birth registration coverage has been a first step for stateless children and those at risk of statelessness to acquire a nationality under Thai nationality law by providing evidence of their links to Thailand. The Royal Thai Government is implementing these provisions in the context of its efforts to end statelessness by 2024, a pledge made in 2016.

Stateless persons in Thailand

Thailand hosts the third largest reported population of stateless people in the world.⁶⁸ Registered stateless persons are included in Thailand's population database and have been issued unique identification numbers. Predominantly they are: members of various ethnic minorities living in highland areas,⁶⁹ some of whom are commonly referred to as 'hill tribes'; descendants of former Thai nationals who lost Thai nationality as a result of border demarcation; and people whose ancestors left neighbouring countries generations ago as a result of conflict and persecution. Most of the 'hill tribes' live in mountainous and border areas and in the past followed nomadic or semi-nomadic ways of life. They are linguistically and culturally diverse. In addition to the children born to registered stateless parents, other children in Thailand may be at risk of statelessness, including abandoned children and foundlings, because their parents are unable to register their birth. Stateless persons in Thailand have historically faced restrictions on freedom of movement and found it difficult to access basic services, limiting their employment opportunities. Over a number of years, measures have been taken to address many of these issues. The measures taken have permitted stateless children to obtain an education and lifted some restrictions on freedom of movement.⁷⁰

The reasons for their statelessness

Decree No. 337, issued by the Revolutionary Government in 1972, was a principal cause of statelessness in Thailand. The Decree had retroactive effect and superseded provisions of the Nationality Act of 1965 that had automatically granted Thai nationality to every child born in the territory. The Decree cancelled the nationality of people who had acquired it purely as a consequence of being born in Thailand before 1972.⁷¹ It also created a risk of statelessness among children who were born in Thailand to parents who were stateless and did not have permanent residence status when the children were born.⁷² 'Hill tribe' communities were particularly affected because they frequently had no documentation that proved their entitlement to nationality.

Significant gaps in the civil registration system and inconsistent practices aggravated the risk of statelessness. Before Thailand amended its Civil Registration Act in 2008, the law was interpreted by district and local registrars in a manner that only facilitated registration of the births of Thai nationals and non-nationals who

⁶⁸ UNHCR, *Global Trends, Forced Displacement in 2016*, at: <http://goo.gl/4Fydg9>.

⁶⁹ The Regulation of the Central Registration Bureau on the Registration of Highlanders' Legal Status (2000) identifies 9 ethnic minority groups (Karen, Hmong, Yao, Akha, Lahu, Lisu, Lua, Khamu and Mlabri) and defines them as 'indigenous groups who have been living in the highlands and have their own cultural identity, belief, language and way of living'. It recognizes that 'other ethnic minorities or others are living in the same areas'.

⁷⁰ See UNHCR, *I Am Here, I Belong: The Urgent Need to End Childhood Statelessness* (3 November 2015), at: <http://www.refworld.org/docid/563368b34.html>; and UNHCR, *#IBelong Campaign Update* (October 2016), at: <http://www.refworld.org/docid/5804cbb44.html>.

⁷¹ Decree No. 337 of 1972 superseded the Thai Nationality Act B.E.2508 of 1965, in particular Section 7.

⁷² See P. Saisoonthorn, 'Development of the Concept of Nationality and Efforts to Reduce Statelessness in Thailand', *Refugee Survey Quarterly*, 2006, Vol. 25(3), pp. 40-53.

had legal residence status in Thailand. Many members of ‘hill tribes’ were unable to meet the documentary conditions for registration of a birth. These included possession by at least one parent of an ID card, and possession of a household registration document and an official birth notification. If parents did not manage to register the birth within 15 days, additional requirements for late birth registration included the production of a witness to the birth. ‘Hill tribes’ therefore faced many obstacles to civil registration because they did not speak Thai, were unfamiliar with Thai law and procedures, had limited literacy, and did not give birth in medical facilities and therefore were not issued with birth notifications. Because they lived in geographically remote locations, furthermore, available government services were sparse and it was both difficult and expensive for members of ‘hill tribes’ to reach civil registration offices. Finally, there was little awareness in most communities of the importance of civil registration and some reluctance about approaching the authorities.

The Government has addressed several of the causes of statelessness by reforming the legislative framework and introducing legal provisions that help reduce statelessness. In 2005, responding to concerns expressed by the late King Bhumibol that certain groups in Thailand experienced unequal treatment and lacked legal status, the Cabinet adopted a National Strategy on Administration of Legal Status and Rights of Persons. Following changes in the National Legislative Assembly in 2006 and concerted advocacy by civil society, Thailand’s civil registration and nationality laws were reformed in 2008. The Civil Registration Act was amended with retroactive effect to allow all children born in Thailand to have their birth registered, regardless of the nationality or legal status of their parents.

The 2008 amendments to the Nationality Act provided a route to restore the nationality of those who had been deprived of their nationality or had been unable to acquire a nationality as a result of the 1972 Decree. The reform allowed those born in Thailand before 1992 who were not Thai citizens to acquire Thai nationality by application if they could produce evidence that they were born and subsequently domiciled in Thailand.⁷³ Thailand’s current nationality law on the acquisition of nationality at birth combines *jus sanguinis* and *jus soli* principles. Children born to one or more Thai parents in Thailand or abroad, and children born in Thailand to non-Thai parents with permanent residence, automatically acquire nationality at birth. Children born to non-Thai parents, including stateless parents, who do not have permanent residency status, must apply for Thai nationality and meet certain eligibility criteria. These are set out in amendments to the nationality law in 2008 and a Cabinet Resolution issued by the Royal Thai Government in December 2016. The 2016 Cabinet Resolution states that children are eligible to apply for Thai nationality if: (1) they were born in Thailand to parents from ethnic minority groups, were registered by the Ministry of Interior, and have lived in Thailand for not less than 15 years; or (2) they were born in Thailand to other groups of aliens and have graduated from a university or its equivalent. Where applicants have not yet graduated, the Ministry of the Interior examines their cases individually. Abandoned children whose parents are unknown can also apply if they are certified to be abandoned by the relevant agency under the Ministry of Social Development and Human Security and have lived in Thailand for not less than 10 years.⁷⁴ Birth registration and birth certificates are therefore important proofs of entitlement to nationality under the current law.

Measures taken

Several measures have been implemented by the Royal Thai Government to improve birth registration coverage in communities affected by statelessness and in other groups that are marginalized and hard to reach. These measures include: (1) law reform and related technical instructions; (2) development of an online birth registration programme that links hospitals and district registration offices; (3) action to build the capacity of local civil registration officials; (4) raising awareness, including by establishing community networks and a dedicated Government website on nationality matters.⁷⁵

⁷³ L. van Waas et al., *Researching the nexus between statelessness and human trafficking: The example of Thailand*, (Wolf Legal Publishers, 2015), pp. 88-91.

⁷⁴ UNHCR, *#IBelong Campaign Update*, April 2017, at: <http://www.refworld.org/docid/58eb44564.html>.

⁷⁵ See Ministry of Foreign Affairs: ‘Thailand has withdrawn its reservation to Article 7 of the Convention on the Rights of the Child (CRC), which guarantees the right of the child to be registered immediately after birth, the right from birth to a name, the right to acquire a nationality’. At: <http://goo.gl/P34Wiy>.

LAW REFORM

Reform in 2008 of the Civil Registration Act provided the legal foundation for non-discriminatory access to birth registration of all children born in Thailand, regardless of their parents' nationality, legal or other status. The reform also permitted late birth registration of individuals who had been born in the country but were not able to register their birth before 2008. Further, the amendments created a more flexible birth registration procedure under which births can be registered in any District Office, regardless of where in Thailand the birth occurred. As a result of these changes, many stateless children have been able to obtain birth certificates, a first step towards acquisition of Thai Nationality. It also enabled Thailand in 2010 to withdraw its reservation to Article 7 of the Convention on the Rights of the Child.⁷⁶

ONLINE BIRTH REGISTRATION PROGRAMME

Supported by UNICEF, Thailand's Ministry of Interior has developed and launched an online birth registration programme that sends a digital birth notification to civil registries. When a newborn's information is registered in the hospital database, registrar officials immediately receive the same data and are prompted to issue a birth certificate. This encourages civil registrars in District Offices to contact parents who have not yet registered their child's birth after leaving hospital. According to UNICEF Thailand, between 2010 (when it was launched) and 2015, adoption of the online birth registration programme expanded from 44 to 681 hospitals.

CAPACITY-BUILDING FOR LOCAL CIVIL REGISTRATION OFFICIALS

To improve implementation of Thailand's civil registration law, the Ministry of Interior organizes annual training sessions for officials employed in civil registration or the issuance of national identity cards who have less than 5 years' experience. An updated manual on nationality and civil registration is distributed annually to every District Office. It covers key laws, regulations, and proclamations as well as judicial precedents relating to civil registration, including birth registration and nationality.

RAISING AWARENESS

Since 2008, the Ministry of the Interior has implemented a 'Community Network of Civil Registration Volunteers'. This project aims to improve villagers' ability to advise other members of their community about civil registration procedures, assist them to make applications, and monitor local implementation. Between 2008 and 2016, community networks were established in 51 provinces, including in areas with a high prevalence of populations at risk of statelessness. Learning about civil and birth registration procedures through members of their community increases public trust. At the same time, the project helps local civil registrars to understand and manage the challenges that local communities experience when they try to access registration procedures. The Bureau of Registration Administration, part of the Ministry of Interior, has launched a 'Nationality Clinic' website, which provides updates, information and counselling on legislation and procedures related to nationality and legal status. The service includes a helpline that provides advice on civil registration and nationality documentation.

Impact

According to the Royal Thai Government, the measures described above have significantly improved birth registration among groups at risk of statelessness. Per Bureau of Registration Administration figures, by 18 April 2017 159,831 children of stateless parents and 454 foundlings had benefited from reforms made to the civil registration law in 2008. Birth registration has helped many people to acquire Thai nationality and has reduced the incidence of statelessness. For persons who are not eligible for Thai nationality, a birth certificate helps them to establish their legal identity and is a key measure in child protection. The civil registration reforms and their implementation have also helped the Royal Thai Government to obtain up-to-date statistics on birth rates and population trends, enabling it to manage capacity and resources more efficiently and improve development planning.

⁷⁶ Bureau of Registration Administration, Nationality Clinic website, at: <http://www.bora.dopa.go.th/nationclinic/>.