Inclusion of Refugees, IDPs and Stateless Persons in National Mainstream Civil Registration System

Visit of Nepal Government Officials on Production of Vital Statistics and Demographic

18 July 2023, UN ESCAP

Lertluk Nira
UNHCR Regional Bureau for Asia and the Pacific
Overview

- UNHCR’s engagement in civil registration
- UNHCR’s activities on inclusion of refugees, IDPs, stateless persons and others of concern to UNHCR in mainstream civil registration system
- UNHCR’s mandate on statelessness
- Civil registration and statelessness
- UNHCR’s civil registration activities in Asia and the Pacific
- Inequality assessment: Bali Process Civil Registration Assessment Toolkit
UNHCR and Civil Registration

UNHCR is mandated to protect refugees, asylum seekers, internally displaced persons (IDPs), returnees, and persons who are stateless or of undetermined nationality. **Civil registration is part of protection.**

Our objectives are to:

- Promote the respect for individual human rights to registration and documentation
- Facilitate fulfillment of further human rights and access to public services
- Make durable solution attainable
- Prevent statelessness
UNHCR’s Prioritized Activities on Inclusion of Refugees, IDPs, Stateless Persons and Others of Concern to UNHCR in Mainstream Civil Registration System

• Awareness raising
• Policy advocacy (legal frameworks, administrative practices)
• Legal advice (international law, best practices)
• Capacity building
• Technical support
• Resource mobilization
• (Registration by UNHCR)
UNHCR’s Mandate on Statelessness

• UNHCR’s formal global legal mandate on statelessness is to support States to
  – Prevent statelessness
  – Reduce statelessness
  – Identify statelessness
  – Protect stateless persons

• Persons falling within UNHCR’s mandate on statelessness:
  – Stateless persons
  – Persons of undetermined nationality
Civil Registration & Root Causes of Statelessness

➢ **Lack of civil registration and legal identity documentation** to support one’s claim to a specific nationality

➢ Discrimination based on sex, ethnicity, and real/perceived descent

➢ Legislative gaps in domestic laws on nationality

➢ History (colonialism, historic population movements, nomadic people, border demarcations, state succession)

➢ Poverty among “hard-to-reach populations and people in vulnerable situations, such as women and children, persons with disabilities, migrants, refugees, asylum seekers, stateless persons, internally displaced persons, domestic workers, foundlings and persons without documentation”

➢ Underfunded public infrastructure in geographically marginalized areas
UNHCR’s Civil Registration Activities in Asia and the Pacific Region: Global and Regional Frameworks

- **UN “Our Common Agenda”**
  - Sustainable Development Goals (SDG 16.9 and others)
  - Leave no one behind
  - UN Legal Identity Agenda Task Forces and Working Groups

- **UNHCR-UNICEF “Coalition on every child’s right to a nationality”**

- **ESCAP CRVS Decade 2015 – 2024** - Ministerial Declarations on “Get everyone in the picture” and “Building a More Resilient Future with Inclusive Civil Registration and Vital Statistics”

- **ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) “Legal Identity of Women and Children in ASEAN”**

- **Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime “Civil Registration Assessment Toolkit”**
UNHCR’s Civil Registration Activities in Asia and the Pacific Region: Country Level

- Nepal
  - Reported caseloads of residents without civil registration, legal identity documentation, or “citizenship certificates”
  - Bhutanese refugees
  - Tibetan refugees
  - Urban / mandate refugees (registered with UNHCR)

  - UNHCR recommends to ensure universal birth registration for people who are excluded in law and in practice

→ Successfully included civil registration, refugees and persons without legal identity in United Nations Sustainable Development Cooperation Framework pursued by UNCT (UNSDCF 2023-2027)
Inequality assessment: Bali Process Civil Registration Assessment Toolkit

• “Bali Process Toolkit” developed by national experts, supported by Regional Support Office of the Bali Process (RSO) and UNHCR.

• **Purpose:** To address inequalities and to support States to make their national civil registration systems more inclusive by increasing registration among refugees, asylum-seekers, stateless persons and persons of undetermined nationality.

• **Pilot countries:**
  – Thailand
  – Pakistan
  – Vietnam
Inequality assessment: Bali Process Civil Registration Assessment Toolkit

- Bali Process Toolkit structure & content
  - Part 1: Introduction to Civil Registration (concepts, legal foundations)
  - Part 2: Methods for assessing civil registration among refugees, asylum seekers, stateless persons and persons of undetermined nationality and other marginalized population groups
  - Part 3: Templates, standards operating procedure, checklists, samples, models, questionnaires, etc.
Inequality assessment: Bali Process Civil Registration Assessment Toolkit – Lessons learned

• Success is based upon State ownership. Political will to remove barriers to civil registration is essential.
• All solutions are local and context-specific. Adaptation of the assessment exercise to the targeted locations and population groups is key.
• In essence, the BP assessment tools can be used to identify gaps in access to civil registration for any particular population group.
Inequality assessment: Bali Process Civil Registration Assessment Toolkit – Lessons learned

- Throughout the process, opportunities to address identified civil registration gaps may arise and should be used.
- Where civil registration gaps result from deficiencies in mainstream civil registration systems, the focus on marginalized groups may not be enough to move the entire system towards universal civil civil registration.
- Where root causes for civil registration gaps have already been identified, further inequality assessments should not be used to delay measures to address these gaps.
Q&A