



The **Bali Process**

on People Smuggling, Trafficking in Persons and Related Transnational Crime

# Bali Process Civil Registration Assessment Toolkit



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# Bali Process Civil Registration Assessment Toolkit

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## EXECUTIVE SUMMARY

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The present “Bali Process Civil Registration Assessment Toolkit” aims at supporting interested States to assess and improve their national civil registration systems. The goal is to create civil registration systems that are comprehensive, transparent and non-discriminatory. In essence, the Toolkit at hand provides a methodology to strengthen the inclusion of births, deaths and marriages among refugees, asylum seekers, stateless persons and persons of undetermined nationality into national civil registration systems. The assessment process is meant to generate frank, yet collaborative discussion among stakeholders about known gaps and barriers as well as common misperceptions or fear these vulnerable populations may have about registering their vital events, and policy changes needed to address these issues.

Part 1 of the Toolkit provides general guidance on civil registration and the inclusion of marginalized, excluded and/or hard-to-reach population groups into national registration systems. This part portrays global and regional policy developments in the area of civil registration (chapter 1). Among these are the international community’s efforts to implement the Sustainable Development Goals (chapter 1 section 2) and the ESCAP’s “Asia and Pacific CRVS Decade 2015-2024” (chapter 1 section 3). International legal standards for civil registration, including the international human rights framework for birth registration, legal identity documentation, and the individual human right to a nationality are recalled (chapter 2). The functioning of various registration systems is explained to emphasize the advantages of the inclusion of refugees, asylum seekers, stateless persons and persons of undetermined nationality into the mainstream national registration systems (chapters 3 and 4). The benefits of registration for internal and human security are depicted, and the necessity of comprehensive and functioning registration systems for safe, orderly and regular migration is emphasized (chapter 5).

Part 2 develops a methodology for assessing the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. This methodology provides support and preparation for examining the legal framework and administrative practice of civil registration, thereby assisting to identify laws, processes or requirements that may prevent marginalized population groups from registering their vital events. Part 2 suggests some key principles for the assessment process, such as the government ownership, comprehensive and cross-sectoral approaches, and the reliance on flexible and adaptable tools (chapter 8 section 2). Risk management with regard to the registration assessment process is discussed. Approaches to manage any risks linked to the assessment process (chapter 8 section 7). The methodology sets out to describe concrete activities, such as desk reviews, the organization of field visits and focus groups, and the drafting of terms of reference, work plans, questionnaires (chapters 9 and 10). A sequencing of activities is also proposed (chapters 9 to 11). Among the main outputs envisaged by the suggested method is the production of an assessment report that documents the gaps and barriers found and recommendations to address them (chapter 11). Further outputs are the design of an action plan to implement the prioritized recommendations resulting from the assessment process, and the definition of concrete registration targets by a certain date (chapter 11).

The annexed Tools (Tools A – M) are a compilation of suggested action plans, standard operating procedures, planning instruments, sequencing proposals, meeting agendas, templates for reports, questionnaires and forms. At the discretion of the governments who decide to use the Toolkit, the tools in the kit can be used in combination or separately. The tools can be applied as specified in the present document, or they can be modified to meet the needs in a particular situation. Moreover, the tools can be adapted to assess inequalities in civil registration that affect marginalized population groups other than refugees, asylum seekers, stateless persons and persons of undetermined nationality.

## FOREWORD

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Over the last decade, civil registration has come to the forefront of the development agenda on the global, regional and national levels. Several large-scale initiatives have called for comprehensive, transparent and non-discriminatory civil registration and vital statistics (CRVS) systems. In the Asia and Pacific region, governments committed themselves to this goal at the First Ministerial Conference on CRVS in 2014. At this occasion, they adopted the Ministerial Declaration to “*Get Every One in the Picture*”, proclaimed the “*Asia and Pacific CRVS Decade 2015-2024*”, and created the vision that “*all people in Asia and the Pacific will benefit from universal and responsive CRVS systems facilitating the realization of their rights and supporting good governance, health and development.*” The Second Ministerial Conference on CRVS, scheduled for November 2021, is expected to continue this course and strengthen State initiatives that address inequalities in civil registration.

Since its inception in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) has addressed root causes of trafficking in persons, including the lack of civil registration and legal identity documentation, which often exposes individuals to a heightened risk of being trafficked. In this spirit, the Sixth Ministerial Meeting of the Bali Process Member States held in Bali in 2016 acknowledged the importance of CRVS, as well as the partnership between UNHCR and the Bali Process Member States.

For UNHCR, civil registration has two important dimensions that fall within the organization’s mandate: Firstly, by facilitating the access to civil registration for refugees, asylum seekers and other persons of concern to UNHCR, their individual human rights to registration and documentation are fulfilled. As a consequence, health services, education and livelihoods become more accessible to them. Secondly, providing civil registration to vulnerable or marginalized population groups reduces the risk for these individuals to end up without a nationality. Therefore, civil registration is a core element in UNHCR’s strategies to reduce and prevent statelessness.

The Bali Process Regional Support Office and the UNHCR Regional Bureau for Asia and the Pacific have thus jointly developed the present “Bali Process Civil Registration Assessment Toolkit”. The Toolkit is designed to assist Bali Process Member States in identifying—and ultimately in redressing—inequalities in the access to national CRVS systems. It is our hope that after undertaking the assessment process, States will be inspired to improve their national CRVS systems where this is necessary. At the time of writing, States are rebuilding and adjusting their national institutions and processes for the time after the current Covid-19 pandemic. In this context, we are confident, that the present Toolkit can play an important role: Firstly, to increase registration levels among refugees, asylum seekers, stateless persons and persons of undetermined nationality. Secondly, to reduce the risk of being trafficked among these persons. And lastly, to assist governments in the region to pursue their goal of civil registration and legal identity for all as a central element of building a better future.



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## ABBREVIATIONS

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<b>ADB</b>	Asian Development Bank
<b>AICHR</b>	The Association of Southeast Asian Nations Intergovernmental Commission on Human Rights
<b>APAI</b>	The Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>Bali Process</b>	Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime
<b>CRVS</b>	Civil registration and vital statistics
<b>DHS</b>	Demographic and Health Survey
<b>ESCAP</b>	United Nations Economic and Social Commission for Asia and the Pacific
<b>HIS</b>	Health Information System
<b>ID</b>	Identification
<b>ID4D</b>	Identification for Development initiative
<b>IDPs</b>	Internally displaced people
<b>IOM</b>	International Organization for Migration
<b>MICS</b>	Multiple Indicator Cluster Survey
<b>NGO</b>	Non-governmental organization
<b>NRD</b>	National Registration Department
<b>NSO</b>	National Statistics Office
<b>RSO</b>	Regional Support Office of the Bali Process
<b>SDG</b>	Sustainable Development Goal
<b>SWOT</b>	Strengths, weaknesses, opportunities, threats
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNISDR</b>	United Nations International Strategy for Disaster Reduction
<b>UNSD</b>	United Nations Statistics Division
<b>WHO</b>	World Health Organization

# INTRODUCTION

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## What is the Bali Process Civil Registration Assessment Toolkit?

This Toolkit aims to help interested States assess and improve their national civil registration system in order to record all of the births, deaths and marriages that occur in their territory among refugees, asylum seekers, stateless persons and persons of undetermined nationality.

The Toolkit has two parts:

*Part One: Understanding and making the case for refugees, asylum seekers, stateless persons and persons of undetermined nationality* provides general guidance on civil registration and the issues around civil registration of these particular populations, including the advantages of doing so, in order to provide context and background for conducting an assessment.

*Part Two: Methodology for assessing the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality* provides suggested activities for States to conduct a self-assessment of the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality on their territory, and to formulate an action plan with target, suitable to the national context, to improve the situation. The tools to conduct the assessment are contained in the annex.

There are three main outputs that could result from the above-mentioned assessment methodology:

- 1. Assessment report:** Comprehensive description of the findings and recommendations of the assessment collectively endorsed by the body leading the assessment. This should also be reviewed and approved by a higher authority that can take relevant decisions for implementation.
- 2. Action plan:** A document that explains how the assessment recommendations will be implemented, including what needs to be done, when, how and by whom, usually within a timeframe of one to ten years.
- 3. Targets:** Targets, milestones or objectives towards which efforts can be directed for measuring progress (or lack thereof), e.g. proportion of births, deaths and marriages that are registered in a given timeframe or other targets of a qualitative nature, such as undertaking a particular action (e.g. produce a manual or deliver a training) by a certain date.

Civil registration is the official recording by the State of the births, deaths, marriages and other vital events that happen among the population in its territory. It results in the creation of a permanent record and the issuance of legal documentation (e.g. birth, death, and marriage certificates), which serve as formal evidence of the occurrence and characteristics of those vital events. For individuals, this basic evidence can be essential for proving their legal identity and family relationships, which has profound implications for exercising and safeguarding their rights, accessing social services and obtaining other identity documentation, such as ID cards and passports. At the same time, the continuous population data collected through civil registration helps States to keep track of the population in their territory and plan for future service provisions, and typically provides the foundation for identity management systems and national population databases.

Civil registration is a fundamental function of public administration and central to inclusive development. It is for these reasons that the SDG agenda has within it target 16.9 to achieve, by 2030, legal identity for all including birth registration. Likewise, in 2014, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) member States declared the Asian and Pacific CRVS Decade with the goal of universal civil registration by 2024. Despite this importance and significant progress realized recently, many Bali Process member States still lack civil registration systems that efficiently and effectively record all of the vital events that occur in their territory.

Because of their circumstances, refugees, asylum seekers, stateless persons and persons of undetermined nationality often face substantial and unique barriers in having their vital events recorded in the ‘mainstream’ civil registration system (i.e. the same system that records the vital events of nationals) of the country where those events have occurred, and States face challenges in reaching these populations.<sup>1</sup> However, the reality is that these populations do not stop giving birth, marrying or dying once they leave their country of origin or because of their lack of nationality, and including them in the mainstream civil registration system carries special importance for both the populations themselves and for the States in which they reside.

Being able to access birth, death and marriage certificates in order to prove legal identity and family relationships is critical for the immediate protection and welfare of refugees, asylum seekers, stateless persons and persons of undetermined nationality. For example, as a result of not being included in the mainstream civil registration system these populations – and especially the children among them – are invisible in the eyes of the law and can be at greater risk of socio-economic exclusion, trafficking, migrating irregularly and being stateless. Similarly, recording the vital events of these populations will strengthen the capacity of States to administer these populations by helping authorities to know who and where they are, while also facilitating durable solutions (e.g. returns and repatriation) and assisting with reducing and preventing statelessness.

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<sup>1</sup> In this toolkit, the term ‘mainstream civil registration system’ is used to refer to the same system that registers the births, deaths and marriages of nationals.

## BACKGROUND

### Who are the populations of interest

The scope of this Toolkit is the recording of births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system. These populations are the focus of this Toolkit since they are of particular concern to the Bali Process and are especially in need of protection<sup>2</sup> and basic forms of identity documentation provided by the mainstream civil registration system.

### Definitions

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**Refugee** A refugee is a person who has been forced to flee his or her home country because of persecution, war, or violence. Meanwhile, a returnee is a refugee who has returned to his or her home country.

**⚠️ A refugee is defined by the 1951 United Nations Convention Relating to the Status of Refugees as a person, "...who is unable or unwilling to return to his or her State of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion."**

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**Asylum seeker** An asylum seeker is a person who has applied for legal and physical protection as a refugee, and is waiting for a decision on their claim for refugee status by a State or by the United Nations High Commissioner for Refugees (UNHCR).

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**Stateless person** A stateless person is a person who does not have any nationality. Some people are born stateless, while others become stateless over the course of their lives.

**⚠️ A stateless person is defined by the 1954 Convention relating to the Status of Stateless Persons as, "a person who is not considered as a national by any State under the operation of its law"<sup>3</sup> which is considered customary international law.**

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**Person of undetermined nationality** A 'person of undetermined nationality' is not a term defined in international law like the other terms. However, UNHCR defines this as a person who is unable to prove their nationality and for whom a preliminary review has shown that it is not yet known whether they possess a nationality or are stateless, and they meet one of the following two criteria:<sup>4</sup>

- Lack proof of possession of any nationality and have links to more than one State; or
- Is perceived and treated by authorities in the State of residence as possessing links which give rise to a claim of nationality of another State.

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**⚠️ The populations defined above are not mutually exclusive:** Someone can be both a refugee and asylum seeker at the same time (i.e. they are a refugee awaiting a decision), and a refugee or asylum seeker can also be stateless or of undetermined nationality.

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<sup>2</sup> Protection refers to legal and practical measures that safeguard and prevent the deprivation of welfare of a person and the rights to which they are entitled.

<sup>3</sup> For more guidance on definitions related to statelessness, consult UNHCR's *Guidelines on Statelessness No. 1: The definition of "Stateless Person" in Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons*, 20 February 2012, HCR/GS/12/01, available at: <http://www.unhcr.org/refworld/docid/4f4371b82.html>

<sup>4</sup> UNHCR Handbook on Protection of Stateless Persons, 2014, <http://www.refworld.org/docid/53b676aa4.html>

It is critical to acknowledge that States may have their own terms for these vulnerable populations; for example, refugees or asylum seekers may be referred to as ‘displaced persons.’ When undertaking this assessment, it may be useful for States to review the definitions above to consider the populations of interest that reside on their territory.

It should also be noted that although there are parallels between these populations in relation to the gaps and barriers for including them in the mainstream civil registration system (e.g. not possessing any other identity documentation), there can also be important differences. For example, *in situ* stateless persons and persons of undetermined nationality who consider themselves to be in ‘their own country’, and have often resided in the territory for generations, can face significantly different barriers to refugees, asylum seekers and stateless persons who have migrated from another country. The context for refugees and stateless persons in protracted situations can also be vastly different to those displaced temporarily, and likewise for populations that reside in urban locations as opposed to rural areas. Those who have restricted freedom of movement (e.g. residing in refugee camps) face additional barriers that may not be shared by those living in the community. It is therefore essential to acknowledge that there may be differences between and within these population groups; this Toolkit aims to highlight as much as possible where those differences exist.

⚠ According to the latest statistics published by UNHCR, there are currently around **13.4 million** refugees, asylum seekers, stateless persons and persons of undetermined nationality in Bali Process member States, including **11.1 million** refugees, asylum seekers and returnees, and **2.3 million** stateless persons of which stateless refugees are the majority.<sup>5</sup>

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<sup>5</sup> UNHCR, 2020. *Global Trends 2019*, available at <https://www.unhcr.org/globaltrends2019/> (The figures were calculated by aggregating for all Bali Process member States where statistics are reported in the listed categories. Notes on these statistics are in the original data source).

## Overview of civil registration

Civil registration is defined by the United Nations as, “...the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation in accordance with the legal requirements in each country.”<sup>6</sup>

Vital events are events concerning the life and death of individuals, as well as their family and civil status. There are at least ten types of vital events, including birth, death, foetal death, marriage, and various forms of adoption and marriage dissolution. However, this Toolkit focuses on births, deaths and marriages, since these are the vital events for which registration (or lack thereof) is of most consequence to refugees, asylum seekers, stateless persons and persons of undetermined nationality.

The primary objective of civil registration is to record and archive official, permanent records of vital events. These records can serve as legal documentation for individuals in the form of certified, and often abridged, records (e.g. birth, death and marriage certificates). These records and legal documentation have several legal, administrative, statistical and other uses:

- The records enable the creation of a civil registry and retrieval of the information in the future by suitable individuals, including for verification, amendment, issuance of replacement legal documentation and compilation in order to produce vital statistics. The records can also be a foundation for a population registry or more sophisticated national population database (e.g. birth registration acting as an enrolment in a population registry or database, and death registration as a removal or deactivation).
- The legal documentation serves as evidence to prove that a vital event has taken place and details of the vital event. A birth certificate, for example, is the first legal documentation issued to an individual, and is therefore often the key breeder document to obtain identity and travel documentation (e.g. ID cards and passports), especially for the first time.
- The disaggregation of records across key demographic variables (age, sex, nationality etc.) can provide valuable information regarding the health and well-being of various populations. Vital statistics such as total fertility rates, adolescent birth rates, infant mortality rates etc. are key development indicators that rely on civil

### [United Nations Principles and Recommendations for a Vital Statistics System](#)

This is an authoritative technical resource on civil registration, although with an emphasis on the statistical uses of civil registration. It includes detailed guidance on the information that should be included on birth, death and marriage registration records. Endorsed by States at the United Nations Statistics Commission, the third revision was published in 2014.

### [UNICEF Passport to Protection: A Guide to Birth Registration Programming](#)

This Handbook aims to guide the efforts of UNICEF offices to support the improvement of birth registration in the countries where they operate.

It provides comprehensive information on technical and policy aspects of birth registration and a number of case studies of good practice, as well as a methodology for conducting a situation analysis of birth registration in a country.

### **Information that should be included on a birth certificate**

Many different data are collected through birth registration, but not all of this data (e.g. birth weight) is necessary for the legal and administrative purposes that a birth certificate serves. In addition, displaying some of the data (e.g. ethnicity of the parents, which, if collected, is done so for statistical purposes) on a birth certificate may even lead to discrimination.

It is therefore recommended that States include on birth certificates only the information required for legal and administrative purposes. This generally includes the child's name, place of birth, date of birth and the parents' name, nationality and date of birth. Some States also issue two types of birth certificates: short-form (with minimal information) and long-form (with most if not all information on the birth registration record).

<sup>6</sup> UNSD, 2014. *United Nations Principles and Recommendations for a Vital Statistics System, revision 3*, pp. 65, available at: <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>

registry data. These statistics are used by policy makers to monitor the health and well-being of the population and when disaggregated, can delineate health inequities among various population groups.

## Characteristics of civil registration

The table below explains the characteristics of civil registration that are used in the United Nations definition above.<sup>7</sup>

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<b>Continuous and permanent</b>	States should register vital events as they occur and on an ongoing basis, and the records should be retained forever, including through safe and secure storage and archiving. In order to fulfil these characteristics, there should be an agency or agencies responsible for carrying out civil registration that are not limited by the factor of time.
<b>Compulsory</b>	The registration of all vital events that occur within a State's territory and jurisdiction should be made mandatory.  <div style="background-color: #e6f2ff; padding: 10px;"><p>⚠ Some caution should be used when applying this characteristic to civil registration. Firstly, if civil registration is compulsory but there are costs, this can be a barrier to vulnerable populations who can be further disadvantaged by the penalties for late registration. Secondly, in some circumstances, the compulsory registration of a vital event might not be in the best interests of the individuals involved. For instance, refugees, asylum seekers, stateless persons and persons of undetermined nationality without legal status in a country could face arrest, detention or deportation if they approach authorities to register a birth, death or marriage. Likewise, if data is not kept securely and confidentially, it can lead to discrimination, marginalization or stigmatization.</p></div>
<b>Universal</b>	States should register all of the vital events that occur within their territory and jurisdiction, irrespective of the characteristics of the individuals involved such as their ethnicity, gender, religion, nationality, legal status or any other feature. In order to realize universal civil registration, States may need to make special efforts to address gaps and barriers experienced by population subgroups that have lower levels of civil registration completeness.  <div style="background-color: #e6f2ff; padding: 10px;"><p>⚠ Throughout this Toolkit, the term 'completeness' is used to describe the proportion of vital events that are registered by the mainstream civil registration system. It is important to note that, for the using civil registration to produce vital statistics, the <i>United Nations Principles and Recommendations for a Vital Statistics System</i> describes over 90% civil registration completeness of a particular vital event as 'complete'. However, the up-to 10% gap in completeness does not completely fulfil the legal and administrative uses of a civil registration system, especially in the context of the populations of interest to this Toolkit, who are at particularly high risk of being part of this gap. The ultimate aim of States should always be to achieve universal (i.e. 100%) civil registration completeness.</p></div>

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<sup>7</sup> Ibid, pp. 68-69.

In addition, the following characteristics are often described:

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**Confidential** Civil registration should respect the privacy of individuals involved in vital events, since it involves the collection of personal and potentially sensitive data. There should be clear, legally defined provisions on how the information is protected and who can access it.

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**Timely** There should be as short time as possible between the occurrence of a vital event and its registration because of the increasing likelihood, as time passes, of inaccurate reporting of the vital event or of failure to report altogether.

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**Accurate** The data collected through an act of civil registration should be correct, since this information has implications for both rights of the individual and the integrity of the records.

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**PART ONE: THE  
IMPORTANCE OF CIVIL  
REGISTRATION OF REFUGEES,  
ASYLUM SEEKERS, STATELESS  
PERSONS AND PERSONS OF  
UNDETERMINED  
NATIONALITY**

# 1 GLOBAL AND REGIONAL CONTEXT OF CIVIL REGISTRATION AND REFUGEES, ASYLUM SEEKERS, STATELESS PERSONS AND PERSONS OF UNDETERMINED NATIONALITY

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## 1.1 GLOBAL AND REGIONAL STATE OF CRVS

The last decade has brought renewed interest in civil registration and vital statistics (CRVS) and the role it plays in achieving the broader development agenda, as well as its importance as a universal human right. Improving CRVS systems has been the focus of several global and regional initiatives, and recent years have seen great momentum in the strengthening of CRVS systems as many States have placed this goal at the

### Global and Regional CRVS Initiatives

- World Bank: [Global CRVS Scaling Up Investment Plan 2015-2024](#)
- Global Affairs Canada and IDRC: [Centre of Excellence for CRVS Systems](#)
- Bloomberg Philanthropies: [Data for Health](#)
- Asia Pacific Ministerial Declaration: [Get Every One in the Picture](#)
- African Ministers: [Africa Programme on Accelerated Improvement of CRVS](#)

forefront of their development agendas. However, while much progress has been made in the realm of CRVS, much work remains to be done. More than 100 developing countries do not have a functioning CRVS system that can adequately support universal registration of births, deaths, and marriages.<sup>8</sup> Moreover, only 62 percent of countries, territories and areas have complete<sup>9</sup> birth registration, and just 57% exhibit complete death registration.<sup>10</sup> Worldwide, it is estimated that 65 percent of births and just 38 percent of deaths are registered in civil registration systems.<sup>11</sup> Marriage registration rates are less easy to calculate and thus are often

not available as they cannot be triangulated from other data sources as can birth and death registration rates.

While estimates of population-wide birth and death registration rates by country are generally available, not much is known about birth and death registration rates for more vulnerable sub-populations such as refugees, asylum seekers, stateless persons and persons of undetermined nationality. What little data is available suggests birth registration rates are much lower for these populations than for citizens of the country where they reside. For example, a United Nations High Commissioner for Refugees (UNHCR) survey found that 70 percent of Syrian children born in Lebanon do not possess a birth certificate.<sup>12</sup> In comparison, UNICEF estimates that 99.5 percent of Lebanese children have their birth registered.<sup>13</sup> Another study by the Norwegian Refugee Council found that 92 percent of Syrian refugees who gave birth in Lebanon were not able to complete the legal and administrative steps needed to register their child's birth.<sup>14</sup> In comparison, UNICEF estimates that 99.5 percent of Lebanese children have their birth registered.<sup>15</sup> Many countries hosting refugees have low rates of birth registration among the national population which makes it even more challenging to register the births of refugees and asylum seekers.

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<sup>8</sup> World Bank Global Civil Registration and Vital Statistics Scaling up Investment Plan 2015–2024.

[http://www.who.int/healthinfo/civil\\_registration/WB-WHO\\_ScalingUp\\_InvestmentPlan\\_2015\\_2024.pdf](http://www.who.int/healthinfo/civil_registration/WB-WHO_ScalingUp_InvestmentPlan_2015_2024.pdf)

<sup>9</sup> Complete registration is considered to be 90% or more

<sup>10</sup> United Nations Statistics Division [https://unstats.un.org/unsd/demographic/crvs/cr\\_coverage.htm](https://unstats.un.org/unsd/demographic/crvs/cr_coverage.htm)

<sup>11</sup> Mikkelsen L, et al. A global assessment of civil registration and vital statistics systems: monitoring data quality and progress. *Lancet*. 2015 ;386:1395–1406.

<sup>12</sup> UNHCR News <http://www.unhcr.org/en-us/news/latest/2014/11/54589fb16/born-exile-syrian-children-face-threat-statelessness.html>

<sup>13</sup> UNICEF data [https://www.unicef.org/infobycountry/lebanon\\_statistics.html](https://www.unicef.org/infobycountry/lebanon_statistics.html)

<sup>14</sup> 'Birth Registration Update: The Challenges of Birth Registration in Lebanon for Refugees from Syria,' Information, Counselling and Legal Assistance Programme, Norwegian Refugee Council, Lebanon, January 2015. <https://www.nrc.no/globalassets/pdf/reports/the-challenges-of-birth-registration-in-lebanon-for-refugees-from-syria.pdf>

<sup>15</sup> UNICEF data [https://www.unicef.org/infobycountry/lebanon\\_statistics.html](https://www.unicef.org/infobycountry/lebanon_statistics.html)

Some of these countries and their respective birth registration rates include: Ethiopia (7%), Chad (12%), the Democratic Republic of the Congo (25%), and Pakistan (34%).<sup>16</sup> In the refugee camps of Dadaab, Kenya, it is estimated that less than 2 percent of the Somali refugee children born outside the camp have a birth certificate.<sup>17</sup>

This Bali Process Civil Registration Assessment Toolkit aims to help States assess and improve their civil registration systems in a way that is inclusive of registering the vital events of all persons including those who are most vulnerable. In order to improve the situation of refugees, asylum seekers, stateless persons and persons of undetermined nationality, it will be critical to capitalize on the momentum of overall CRVS system strengthening and improvement plans, and incorporate improvements that will specifically benefit these vulnerable populations.

## 1.2 CRVS AND THE SUSTAINABLE DEVELOPMENT GOALS (SDGs)

When all United Nations member States adopted the 2030 Agenda for Sustainable Development in September 2015, they committed to 17 SDGs that serve as a blueprint for national and international development efforts. States also pledged to that no one would be ‘left behind’, setting a standard that no SDG or target should be considered met unless it is met for every population subgroup and that those ‘furthest behind’ should be reached first. In order to fulfil this pledge, the SDGs emphasize the need to empower vulnerable people and the importance of disaggregated statistics to understand the inequalities that population subgroups face and measure progress or lack thereof in ways that are not hidden amongst statistics that are more general.



Civil registration has been recognized as an important driver of achieving the SDGs and not just a human rights issue. Improving the coverage and functioning of civil registration systems is central to achieving and monitoring the SDGs, and including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system is fundamental to ensuring that they are not ‘left behind’.

### SDG target 16.9 on legal identity and birth registration

“By 2030, provide legal identity for all, including birth registration,” - SDG target 16.9 under Goal 16 on peaceful and inclusive societies, justice for all and strong institutions.

**⚠️ SDG Indicators measuring civil registration completeness**  
Indicator 16.9.1 for SDG Target 16.9 measures the, “Proportion of children under 5 years of age whose births have been registered with a civil authority, by age.”

Indicator 17.19.2 measures the, “Proportion of countries that...have achieved 100 per cent birth registration and 80 per cent death registration.”

The indicator for this target, 16.9.1, is birth registration completeness of children under age five. To achieve this target, States must reach universal birth registration, including registration of the births of all refugees, asylum seekers, stateless persons and persons of undetermined nationality born on their territory.

<sup>16</sup> UNICEF data <https://data.unicef.org/>

<sup>17</sup> Plan International, 2014. Birth Registration in Emergencies: a review of best practices in humanitarian action. Available at: [https://www.planinternational.be/sites/default/files/2017-09/birth\\_registration\\_in\\_emergencies.pdf](https://www.planinternational.be/sites/default/files/2017-09/birth_registration_in_emergencies.pdf)

## CRVS is needed for monitoring progress on SDG indicators

Civil registration can be used for completely or partially producing statistics on 72 of the 232 SDG indicators, mostly for targets under Goal 3 on health and wellbeing, Goal 4 on education, Goal 16 on peaceful and inclusive societies and Goal 17 on strengthening the global partnership for development. Additionally, through the legal identity that civil registration provides, other SDG targets can be achieved, such as:

- 4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
- 10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies

### 1.3 ASIAN AND PACIFIC CRVS DECADE, 2015-2024

At the end of 2014, ESCAP member States<sup>18</sup> adopted the Ministerial Declaration to ‘Get Every One in the Picture’ in Asia and the Pacific, in which they set three goals:

1. Universal civil registration
2. Legal documentation issued to all and
3. The production of vital statistics based on civil registration by 2024.

In support of these objectives, ESCAP member States declared a decade of action and endorsed a regional action framework that guides the implementation of the Ministerial Declaration, including the monitoring of 15 national targets on which States will review progress on at the regional level in 2021 and 2025.

#### The ‘Get Every One in the Picture’ initiative

More information on the initiative to improve CRVS in the Asia-Pacific region, including copies of the Ministerial Declaration, regional action framework, country reports and assessments, and monitoring guidelines, as well as an extensive library of other resources, is available at the initiative’s website:

<http://www.getinthepicture.org>

## Commitments related to civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality

Significantly, States resolved in the Ministerial Declaration to, “*give particular attention and take measures to reduce all barriers to civil registration and to ensure the registration of vital events among hard-to-reach and marginalized populations,*” explicitly referring to refugees, asylum seekers, stateless persons and persons of undetermined nationality.<sup>19</sup>

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<sup>18</sup> 41 of 45 Bali Process member States are also members of ESCAP. Iraq, Jordan, the Syrian Arab Republic and the United Arab Emirates are the four States who are not members of ESCAP.

<sup>19</sup> The term ‘hard-to-reach and marginalized populations’ was defined in the Ministerial Declaration as: “*People living in rural, remote, isolated or border areas; minorities; indigenous people; migrants; non-citizens; asylum seekers; refugees; stateless people; and people without documentation.*”

As part of implementing the regional action framework, States are required to, among seven other steps:

*Assess inequalities related to CRVS experienced by subgroups of the population, including among hard-to-reach and marginalized populations and particular geographic areas and administrative subdivisions, and, where appropriate, set national targets to address those inequalities;*

As of January 2018, just thirteen of 39 ESCAP reporting States had completed this step on assessing inequalities. Among the States that did complete this assessment, none included analyses specific to refugees, asylum seekers, stateless persons and persons of undetermined nationality. The self-assessment methodology in this Toolkit offers a practical means for States to undertake this implementation step with a focus on these populations.



#### **Box: Civil registration in the context of emergencies, displacement and to prevent statelessness**

A special session of the 2014 Ministerial Conference on CRVS in Asia and the Pacific explored the major challenges that emergencies and displacement create for CRVS systems and how these have been addressed in the Philippines and Thailand.

Following Super-Typhoon Yolanda in the Philippines in 2013, the Philippines Statistics Authority partnered with UNHCR and IDEALS, a non-government organization, to facilitate the issuance of 120,000 replacement birth, marriage and death certificates.

Thailand's representative to the ASEAN Intergovernmental Commission on Human Rights shared the experience of Thailand as it had taken major steps to include asylum seekers, refugees, stateless persons and migrants in its mainstream civil registration system, such as revising its civil registration and nationality laws, streamlining birth registration procedures in hospitals and local government offices, mobile registration units and engagement with the communities themselves.

The session identified the need to establish good practices in the region in registering the vital events of populations vulnerable to human rights violations and identified the importance of regional cooperation in improving civil registration systems through the exchange of good practices and the adoption of common approaches that can facilitate effective civil registration in the context of migration.



## **1.4 THE BALI PROCESS**

In the **Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime** that was adopted at the Sixth Ministerial Conference of the Bali Process in 2016, Bali Process members acknowledged, “...the importance of civil registration in providing identity and basic protection for individuals, as well as helping States track migration flows.”<sup>20</sup> In line with this, including refugees, asylum seekers, stateless persons and persons of undetermined nationality in mainstream civil registration systems in all Bali Process member States can make significant contributions to achieving the protection and prevention objectives of the Bali Process and related initiatives, including the **Jakarta Declaration on Addressing Irregular Movement of Persons**<sup>21</sup>.

<sup>20</sup> Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, Bali, Indonesia, April 2016.

<sup>21</sup> Jakarta Declaration on Addressing Irregular Movement of Persons, Jakarta, August 2013.

## 1.5 OTHER INITIATIVES

### Association of Southeast Asian Nations (ASEAN) human rights institutions

The Association of Southeast Asian Nations Intergovernmental Commission on Human Rights (AICHR) and the Association of Southeast Asian Nations Commission on the Rights of Women and Children have both considered the issue of birth registration. AICHR, for example, co-organized with UNHCR in 2012 a regional workshop on birth registration. Since that workshop, AICHR members have hosted several meetings on birth registration that have explored how to promote cooperation among ASEAN member States to increase their respective levels of birth registration completeness.

#### [Good practices in ASEAN](#)

The report of the 2012 AICHR and UNHCR regional workshop on birth registration provides an overview of good practices in all ten ASEAN member States.

### Global Action Plan to End Statelessness, 2014-2024

UNHCR estimates that at least 10 million people around the world are without a nationality. In response to this, UNHCR launched in 2013 the Global Action Plan to end statelessness within a decade. The Global Action Plan comprises 10

#### [Global Action Plan](#)

The full Global Action Plan to End Statelessness, 2014-2024 is available from the [UNHCR website](#).

Actions that aim to resolve existing situations of statelessness, prevent new cases of statelessness from emerging, and better identify and protect stateless persons. One of these Actions (Action 7) is, “*Ensure birth registration for the prevention of statelessness.*”

### Sendai Framework for Disaster Risk Reduction, 2015-2030

The Sendai Framework for Disaster Risk Reduction, 2015-2030 has several objectives which will require strong CRVS systems, including “*To strengthen the capacity of local authorities to evacuate persons living in disaster-prone areas; To establish a mechanism of case registry and a database of mortality caused by disaster in order to improve the prevention of morbidity and mortality; To promote transboundary cooperation to enable policy and planning for the implementation . . . . to build resilience and reduce disaster risk, including epidemic and displacement risk.*”<sup>22</sup> It is critical that civil registration operations continue during disasters, that they are equipped to accommodate displaced persons, and that they are designed in such a way that records and archives can withstand the effects of disasters and remain accessible. Additionally, civil registration documents can aid those affected by a disaster to move more freely to safer territories, reducing their risk of statelessness.

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<sup>22</sup> UNISDR. 2015. Sendai framework for disaster risk reduction 2015–2030. [http://www.preventionweb.net/files/43291\\_sendaiframeworkfordrren.pdf](http://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf)

## 2 CIVIL REGISTRATION UPHOLDS HUMAN RIGHTS COMMITMENTS

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Including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system is an essential part of States upholding their human rights commitments. As a source of evidence of legal identity and family relationships, civil registration plays a profound role in ensuring that people are able to access a wide range of rights that are established under international law, and that those rights are protected. Many such rights and their relation to civil registration are outlined below.

### 2.1 THE RIGHT TO BE RECOGNIZED EVERYWHERE AS A PERSON BEFORE THE LAW

Enshrined in the **1948 Universal Declaration on Human Rights** (Article 6)<sup>23</sup> and often described, along with the right to nationality, as ‘the right to have other rights’, this right is the capacity of a person to be the holder of rights and obligations under the law, which implies legal status and the ability to enter into contractual obligations.

The records and documents created through birth and marriage registration provide individuals with proof of their legal identity and family relationships, which is fundamental for their ability to exercise this right. Birth registration, in particular, is intended to be the constitution of a person’s legal identity, since a birth certificate is normally the first identity document that a person receives, and is often the breeder document for obtaining any other identity documents for the first time.

 [United Nations report on the right to birth registration and recognition as a person before the law](#)

The United Nations Office of the High Commissioner for Human Rights published a comprehensive report in 2014 on the impacts that the rights to birth registration and recognition as a person before the law have on other rights.

### 2.2 THE RIGHT TO BIRTH REGISTRATION

As enshrined in the **1990 Convention on the Rights of the Child** (Article 7):<sup>24</sup>

*(1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.*

*(2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.*

The **Human Rights Council** has explicitly referred to the obligation of States to register births irrespective of the status of the child’s parents (Resolution 22/7)<sup>25</sup>:

*“The Human Rights Council... Reminds States of their obligation to register births without discrimination of any kind and irrespective of the status of his or her parents.”*

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<sup>23</sup> Also enshrined in the 1966 International Covenant on Civil and Political Rights, Article 16; and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 24.

<sup>24</sup> Also enshrined in the 1966 International Covenant on Civil and Political Rights, Article 24(2); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the 2007 Convention on the Rights of Persons with Disabilities, Article 18(2).

<sup>25</sup> Human Rights Council, Twenty-eighth session [http://ap.ohchr.org/documents/E/HRC/d\\_res\\_dec/A\\_HRC\\_28\\_L23.doc](http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_28_L23.doc)

The **Committee on the Convention on the Rights of the Child** has further recommended standards for effectively upholding the right to birth registration:<sup>26</sup>

*“...the Committee recommends that States parties take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families, for example by providing mobile registration units where appropriate. The Committee notes that children who are sick or disabled are less likely to be registered in some regions and emphasizes that all children should be registered at birth, without discrimination of any kind (art. 2). The Committee also reminds States parties of the importance of facilitating late registration of birth.”*

### **2.3 A CHILD’S RIGHT TO “PRESERVE” HIS OR HER IDENTITY**

As enshrined in the **1990 Convention on the Rights of the Child** (Article 8):<sup>27</sup>

*(1) States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*

*(2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

This right is strongly linked with the right to birth registration. Permanent and secure storage or archiving of birth registration records facilitate the retrieval of those records and issuance of replacement birth certificates to implement this right.

### **2.4 THE RIGHT TO NATIONALITY**

As enshrined in the **1948 Universal Declaration on Human Rights** (Article 15):

*(1) Everyone has the right to a nationality.*

*(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.*

Birth and marriage registration creates records and documents that prove a person’s link with a State, including the State of their parents’ or spouse’s nationality or nationalities, as well as, in the case of birth registration, the State where the person was born. This allows them to acquire a nationality in accordance with relevant nationality laws. Not all persons who have not had their birth registered are stateless. However, for those born in certain situations (e.g. to parents of different nationalities, in a migratory setting, to refugee or asylum seeker parents, or in border areas), a lack of birth registration can cause statelessness.

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<sup>26</sup> Committee on the Rights of the Child, General Comment No. 7 (2005) on Implement child rights in early childhood, paragraph 25, available from: <http://www.refworld.org/docid/460bc5a62.html>

<sup>27</sup> Also enshrined in the 1966 International Covenant on Civil and Political Rights, Article 24(2); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the 2007 Convention on the Rights of Persons with Disabilities, Article 18(2).



## 2.5 THE RIGHT TO MARRIAGE REGISTRATION

As enshrined in the **1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages** (Article 3):<sup>28</sup>

*All marriages shall be registered in an appropriate official register by the competent authority.*

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<sup>28</sup> Only ten Bali Process member States were parties to the Convention on Consent to Marriage, minimum Age for Marriage and Registration of Marriages at the time of writing of this Toolkit.

## 3 REGISTRATION SYSTEMS

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### 3.1 CIVIL REGISTRATION SYSTEMS

The civil registration system comprises all of the institutional, legal, technical components needed to perform birth, death, marriage and other vital event registration. Every State carries out civil registration in some form or another, and therefore every State has a civil registration system, however the structure and responsible actors will be different from State to State.

Civil registration is carried out either by local or provincial governments or by local offices of an agency within the national ministry of interior, home affairs or justice. In the case of the former, there will usually also be a national ministry with responsibility for civil registration, and their role will be to make policy, standardize systems and practices and compile data for a national civil registry. The health sector also plays a key role in a civil registration system in collecting data and issuing notifications about births and deaths, and, in the case to deaths, certifying the medical causes of death.

It is important to note that marriage registration in some States is separated from birth and death registration, either completely or for certain population groups. For example, in some States with Muslim populations, the ministry or agency for Islamic affairs could be responsible for registering marriages that involve Muslims. In other cases, marriage registration might be the responsibility of a different ministry or agency altogether, or fall under the jurisdiction of the courts.

### 3.2 FUNCTIONAL REGISTRATION SYSTEMS

In some States, either the State itself or UNHCR maintain a functional<sup>29</sup> registration system for refugees, asylum seekers, stateless persons or persons of undetermined nationality on their territory (usually for refugees and asylum seekers). These functional registration systems serve the express purpose of maintaining a database for administering and tracking these populations, and can facilitate the provision of assistance and services, processing applications for nationality or protection, and issuance of special identity and travel documents. If it is State-operated, responsibility for such a functional registration system normally lies with the ministry or agency that administers these populations, which can be different to the ministry or agency that is responsible for civil registration. Having a separate registration system and database for these populations is ultimately a practical thing: it permits the collection and storage of the specific data needed to fulfil this purpose (e.g. biometrics such as a photo or fingerprints), and permits appropriate authorities access to that data.

### 3.3 DIFFERENCES BETWEEN CIVIL REGISTRATION, POPULATION, AND FUNCTIONAL REGISTRATION

Civil registration, as the official recording of vital events, should not be confused with other forms of registration, including population and functional registration, which might also be used by States to record information about refugees, asylum seekers, stateless persons and persons of undetermined nationality.

- **Population registration** is distinct from civil registration because it involves recording information and issuing documentation about *people* (on an individual, household and/or family basis) rather than about *vital events*. Population registration is undertaken to create and manage a central population registry or database, which support a wide range of government tasks and thus

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<sup>29</sup> The term ‘functional’ in this instance is not meant to imply the system performs legally recognized civil registration.

collects a larger range of information. In order to collect the large amount of data required, population registries or databases are usually linked with other registries, databases and forms of registration, including civil registration or the civil registry. It is considered good practice for national population registries or databases to have civil registration, and especially birth and death registration, as their foundation. In some States, civil and population registration are undertaken by the same system.

- **Functional registration** refers to registration and issuance of documentation for a specific task and might not necessarily be undertaken by the State. In the context of refugees, asylum seekers, stateless persons and persons of undetermined nationality, functional registration will often be to maintain State- or UNHCR-operated databases that are used to process refugee claims, issue ID cards and special travel documentation, provide protection and other assistance, and, in camp settings, to manage the camps. However, these databases usually only cover refugees and asylum seekers. Other examples of functional registration systems include school enrolment databases or poverty databases. Since functional registration is limited to a specific task, it often does not serve the broad legal and administrative functions of civil registration. For example, the documentation issued might not have any legal standing nor be recognized outside of a particular jurisdiction.

### 3.4 WHY THE ‘MAINSTREAM’ CIVIL REGISTRATION SYSTEM

The objective of this Toolkit is that all vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality are officially recorded by the State in which those events occurred, in line with the rights of refugees, asylum seekers, stateless persons and persons of undetermined nationality, and for the legal, administrative and statistical requirements and benefits of States.

In States where both a civil registration system and a functional registration system exist, there may be misperceptions that there is no need to register the vital events of refugees, asylum seekers, stateless persons or persons of undetermined nationality in the mainstream civil registration because this is the responsibility of the functional registration system. However, functional registration systems often do not uphold the rights of refugees, asylum seekers, stateless persons and persons of undetermined nationality nor do they fulfil the same legal and administrative uses of civil registration. In fact, including recording the vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration in addition to maintaining functional registration systems can even strengthen the integrity and operation of both systems.

#### ⚠ Registration of refugees and asylum seekers by UNHCR

In some situations, UNHCR maintains a functional registration system for refugees and asylum seekers, as well as internally-displaced persons. These functional registration systems are established for UNHCR’s operational purposes, sometimes or especially in the absence of any other registration system to record populations of its concern. As UNHCR’s **Handbook on Registration** emphasizes:<sup>30</sup>

*“Registration of refugees and asylum-seekers remains the responsibility of States. UNHCR assumes an operational role for registration only if needed. In all such cases, this role should be assumed jointly with the authorities of the host country, and/or the capacity of the host country should be developed to enable it to take on this responsibility at a later stage.”*

It is critical to note that **registration of refugees and asylum seekers by UNHCR is not a replacement for States recording their vital events**, since UNHCR’s records and documents are very unlikely to fulfil the legal and administrative uses of civil registration.

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<sup>30</sup> UNHCR Registration Handbook, pg. 5 <http://www.refworld.org/pdfid/3f967dc14.pdf>

As described earlier, functional registration systems are generally designed to enrol **people**, in comparison to a civil registration system, which records **vital events**, and thus **functional registration systems do not possess the same strengths as civil registration systems**.

A functional registration system will register a birth by enrolling the newborn, it will register a death by nullifying the deceased's record or noting the fact of death, and it will register a marriage by linking the records of the spouses. In some cases, a functional registration system also has the capacity to register vital events of the population. However, there is no guarantee that the records and documents produced by a functional registration system fulfil the same legal and administrative needs for refugees, asylum seekers, stateless persons and persons of undetermined nationality as civil registration records and documents for the following reasons:

- **The nuance between enrolling the person and recording the vital event can be significant in terms of the data collected and displayed on the documentation issued.** For instance, the document that proves that a child has been enrolled in a functional registration system is likely to display their name, gender and date of birth, it might not necessarily display their parents' name or where they were born unless there is a capacity to produce a birth certificate or other specific document for children.
- **The documentation issued by a functional registration system may not have the same legal status or be as widely-recognized or accepted as legal documentation issued by the mainstream civil registration system.** The documentation that can be accepted by State authorities, and often non-State authorities such as banks, to prove a person's legal identity and family relationships are prescribed by law or regulations. Identity documents issued by a functional registration system to refugees, asylum seekers, stateless persons and persons of undetermined nationality may not be accepted for legal purposes. Similarly, since the documents issued by a functional registration system will not be as common as birth and marriage certificates issued by the civil registration system, they are less likely to be recognized, especially by other States. For refugees, asylum seekers, stateless persons and persons of undetermined nationality who do not possess identity documents, this can have severe ramifications, such as not being able to access certain health and social services. Additionally, a refugee child with no identity documents may not be able to prove eligibility to acquire the nationality of his or her parents when the family repatriates, or prove their age to enrol in school.
- **Although a functional registration system may be permanent, the database may have been designed so that individual records are temporary (e.g. when a durable solution is found for an individual, their record is removed or made inactive).** This means that the records may not be stored or archived in a way that ensures their permanence, which is a key characteristic of civil registration. As a result, the record might not be able to be accessed in the future, such as for verification or issuance of a replacement documentation. This can have particularly negative consequences for refugees, asylum seekers, stateless persons and persons of undetermined nationality that move to a different State from the one where a vital event occurred, putting them at risk of not being able to prove their legal identity and family relationships. This puts them at risk of losing their nationality and thus being stateless in the future.
- **Using documentation issued by functional registration systems can lead to discrimination or stigmatization of refugees, asylum seekers, stateless persons and persons of undetermined nationality.** The documentation issued by a functional registration system may identify a person as a member of one or more of those groups. This is necessary for refugees, asylum seekers, stateless persons and persons of undetermined nationality to prove their eligibility for services they are entitled to, but when the documentation is being used for other purposes

unrelated to their legal status, such as when a child enrolls in school, disclosure of their status through these documents can lead to discrimination or stigmatization.

## 4 THE RELATIONSHIP BETWEEN CIVIL REGISTRATION AND PROVIDING NATIONALITY OR RESIDENCE

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Birth registration creates a permanent legal record of the child's existence but registering the birth of a child does not automatically confer to the child the nationality of the State in which he or she is born.<sup>31</sup> Rather, nationality is acquired as a result of the operation of each State's nationality law. This can be either on the basis of descent, whereby children acquire the nationality of their parents (*jus sanguinis*), or through a child's birth on a country's territory (*jus soli*) or, more usually, a combination of these approaches set out in the detailed provisions of the national law. Some States in Asia and the Pacific have established laws and procedures by which a child's nationality is identified and recorded when the child's birth is registered.

The registration of a child's birth can constitute a key form of proof of the link between an individual and a State by establishing a permanent record of key elements of a child's identity including date and place of birth and the identity of his or her parents. This information is often vital in establishing a child's nationality under the different nationality laws of the States to which he or she has a link. Consequently, the Executive Committee of the High Commissioner on Refugees has noted that, "*the lack of civil registration and related documentation makes persons vulnerable to statelessness and associated protection risks, and that birth registration is often essential to the reduction and prevention of statelessness*".<sup>32</sup>

The recording of a marriage in the mainstream civil registration system can also be essential for children to acquire nationality by descent from a parent, particularly in States where the parent's name cannot be added to a birth certificate without the parents' marriage being proven through a marriage certificate. In some States, if the marriage is not registered, the child will not be able to acquire the nationality of the father under the law.

Similarly, legal residence on a State's territory is not usually determined by the rules governing civil registration. Nationality or citizenship usually includes the right of entry and residence on a State's territory.<sup>33</sup> In addition, States usually have detailed laws and regulations that set out rules relating to entry to the territory and residence of non-nationals, including stateless persons. Civil registration can help establish family relationships, such as spousal relationships, which, depending on the existing laws and regulations can help establish a right of entry to a State's territory or legal residence on the territory.

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<sup>31</sup> For more information, see Information Note E on Civil Registration, Nationality and Human Rights: [http://www.getinthepicture.org/sites/default/files/resources/Information\\_Note\\_E\\_%20Civil\\_Registration\\_Nationality\\_and\\_Human\\_Rights.pdf](http://www.getinthepicture.org/sites/default/files/resources/Information_Note_E_%20Civil_Registration_Nationality_and_Human_Rights.pdf)

<sup>32</sup> *Conclusion on Civil Registration*, found in the Report of the 64<sup>th</sup> Session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, Geneva, September 2013.

<sup>33</sup> UNHCR, 2014. *UNHCR Handbook on Protecting Stateless Persons*, pp. 22, para 53. Available at: <http://www.refworld.org/docid/53b676aa4.html>

## 5 BENEFITS TO STATES OF UNIVERSAL CIVIL REGISTRATION

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### 5.1 PREVENTION OF IRREGULAR MIGRATION

Through the Bali Declaration, Bali Process members emphasized the need to address the root causes of irregular movement of persons and forced displacement, including promoting measures to address statelessness. Lack of legal identity is an underlying cause of forced migration in Asia and the Pacific. Persons who are unable to prove their legal identity, especially those that have never been officially registered by any civil registration system, are more likely to be socio-economically marginalized, stateless or of undetermined nationality, and face challenges enjoying other rights and accessing essential services, such as healthcare and education.<sup>34</sup> They are – legally-speaking – invisible, and thus at greater risk of being trafficked and exploited.<sup>35</sup> <sup>36</sup> Furthermore, a lack of identity documentation, among other factors, means that refugees, asylum seekers and other migrants cannot cross international borders through legal channels, which makes them more likely to employ people smugglers and other irregular channels.<sup>37</sup> Achieving universal civil registration in all Bali Process member States will therefore go a long way towards addressing both direct and underlying causes of forced and irregular migration.

### 5.2 FACILITATING DURABLE SOLUTIONS AND GOOD MIGRATION MANAGEMENT

Recording and conferring official certificates for all vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality is good migration management and can aid in durable solutions. Official identity documents may be necessary for repatriation when refugees and asylum seekers return to their home countries, and identity documents can facilitate family reunification, especially for children who possess births certificates. Families may choose not to repatriate if some members are prevented from returning home due to their lack of official documentation. Additionally, official identity documents allow for legal border crossing, which contributes to safe migration and mobility.<sup>38</sup>

### 5.3 STRENGTHENING NATIONAL SECURITY

The Asia-Pacific region faces a changing security environment. Among public perceptions and in political discourse, especially around elections campaigning there are often drawn links between migration and security issues. Meanwhile in the twenty-first century migration has become a mega-trend where one out of seven on the planet is an international- or domestic migrant and it is associated with reduction of poverty and inequalities as well as skills transfers and beneficial demographic impact. The discussion has in recent years become acutely polarised. Security experts therefore emphasise the need to promote safe and orderly migration in order achieve human security and national security objectives.

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<sup>34</sup> Gelb, A. & Clark, J. 2013. "Identification for Development: The Biometrics Revolution," Center for Global Development Working Paper 315; World Bank. 2016. Identification for Development Strategic Framework. [https://www.files.ethz.ch/isn/159149/1426862\\_file\\_Biometric\\_ID\\_for\\_Development.pdf](https://www.files.ethz.ch/isn/159149/1426862_file_Biometric_ID_for_Development.pdf)

<sup>35</sup> Manby, B. "Identification in the Context of Forced Displacement." Identification for Development (ID4D), World Bank. Washington, D.C. <http://documents.worldbank.org/curated/en/37581146972770030/pdf/107276-WP-P156810-PUBLIC.pdf>

<sup>36</sup> U.S. Department of State, 2016, Trafficking in Person Report, Washington, D.C. <https://www.state.gov/documents/organization/258876.pdf>

<sup>37</sup> Report of the Special Representative of the Secretary General on Migration, A/71/728, 3 February 2017. [http://www.un.org/en/development/desa/population/migration/events/coordination/15/documents/Report%20of%20SRSG%20on%20Migration%20-%20A.71.728\\_ADVANCE.pdf](http://www.un.org/en/development/desa/population/migration/events/coordination/15/documents/Report%20of%20SRSG%20on%20Migration%20-%20A.71.728_ADVANCE.pdf)

<sup>38</sup> Rabat Process <https://www.rabat-process.org/images/RabatProcess/Documents/infographic-civil-registration-mobility-rabat-process.pdf>

*The population where we should be slightly concerned is irregular migrants – people who either enter countries without authorization or stay on without authorization, such as overstaying a visa. /.../ But there is no evidence that irregular migrants are any more inclined toward criminality or terrorism than nationals. Having said that, we need to understand that irregular migration is a challenge. It's a challenge to sovereignty: A state needs to know who's entering its country and who's doing what inside the country. /.../ Overall the data suggests that criminality, and absolutely extremism and terrorism, are a home grown issue more than an imported issue.<sup>39</sup> Khalid Koser, executive director of the Global Community Engagement and Resilience Fund*

By having an accurate and comprehensive records of who is actually residing on the territory over what period of time, especially in cases of protracted refugee situations, civil registration can improve an understanding of a State's population composition in general, and thus improve national security.

#### **5.4 PRACTICAL AND EFFICIENT**

Including all persons in the national civil registration system is a practical solution for States to improve ease-of-use of their systems. It allows them to easily pull up information on individuals residing on their territory without having to consult other databases or sources of information. Having information dispersed over several separate systems can be cumbersome and time-consuming, and many States find it beneficial to include all persons and their associated information into the national civil registration system.

#### **5.5 STRENGTHENING FUNCTIONAL REGISTRATION SYSTEMS**

Knowing the refugees, asylum seekers, stateless persons and persons of undetermined nationality who reside on the territory is a prerequisite for being able effectively and efficiently administer them, which is one of the main reasons why States maintain functional registration systems. Having an understanding of the size and profile of these populations allows host States to undertake appropriate planning and distribution of resources and services in order to provide assistance.

Civil registration has an important role, in addition to any functional registration systems that might exist, in knowing about the refugees, asylum seekers, stateless persons and persons of undetermined nationality that reside on the territory. Birth registration allows children born among these populations to be known to authorities, and this will facilitate their enrolment into any functional registration systems. In the same way, death registration will ensure that functional registration systems are up to date. Essentially, civil registration can be a crucial source of birth, death and marriage data to populate and support the integrity of functional registration systems.

#### **5.6 COST-SAVINGS**

Legal identity is a development outcome that enables a host of other development outcomes. Having proof of legal identity can demonstrate, for example, eligibility to obtain formal employment, credit and a bank account, which can be profoundly empowering. Empowering refugees, asylum seekers, stateless persons and persons of undetermined nationality and helping them to be self-sustaining, including through providing them with proof of legal identity, can reduce the amount of resources that States need to use to provide protection and assistance, and can permit these populations to make positive economic and social contributions to host States. Additionally, officially registered citizens may contribute in the form of taxes or signing up for other civic duties such as military reserve databases etc.

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<sup>39</sup> <https://www.newsdeeply.com/refugees/community/2017/11/15/why-we-need-to-talk-about-migration-and-human-security>



Civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality is the basis for reliable statistics on migration flows. Civil registration allows States to determine the size and composition of the population residing on their territory, track the number of migrants who have returned home or moved on to other countries, and perhaps assess how many can be absorbed into local communities. Vital statistics generated from civil registration can help States estimate the size of future populations of interest, and plan for their future needs and service provisions. Because data pertaining to refugees, asylum seekers, stateless persons and persons of undetermined nationality are scarce, States may need to administer surveys or censuses that specifically target them, which can be an expensive and costly task. Therefore, including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration can be a much more efficient and cost-effective way to have reliable data on these populations.

## **5.7 HONOURING INTERNATIONAL AND REGIONAL COMMITMENTS**

Various international legal frameworks including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities, the Convention relating to the Status of Refugees, and the Convention relating to the Status of Stateless Persons, require States party to provide protection to refugees, asylum seekers, stateless persons and persons of undetermined nationality on their territory. In carrying out this responsibility, States will be honouring and upholding their international commitments.

Additionally, civil registration and vital statistics for refugees, asylum seekers, stateless persons and persons of undetermined nationality will allow for the production of SDG indicators disaggregated by population of interest, thereby ensuring that no one is 'left behind'.

At the sixth Ministerial Conference of the Bali Process on people smuggling, trafficking in persons and related transnational crime on the 23 March 2016 it was declared:

*We acknowledge the importance of civil registration in providing identity and basic protection for individuals, as well as helping states track migration flows. We recall the 2014 Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific which proclaimed a shared vision that, by 2024, all people in Asia and the Pacific should benefit from universal and responsive civil registration and vital statistics systems. We therefore encourage members to continue working towards this target.*

## 6 CIVIL REGISTRATION BENEFITS FOR REFUGEES, ASYLUM SEEKERS, STATELESS PERSONS AND PERSONS OF UNDETERMINED NATIONALITY

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### Protection

Protection refers to legal and practical measures that safeguard and prevent the deprivation of welfare of a person and the rights to which they are entitled. All persons should be provided with protection without discrimination. States will ordinarily afford protection to their own nationals, including through consular assistance when abroad.

The importance of addressing humanitarian and protection needs when managing irregular migration was acknowledged by Bali Process members at the Fifth Ministerial Conference of the Bali Process in 2013. Including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system, and consequently providing them with evidence to prove their legal identity, family relationships and country of origin, plays a fundamental role in providing them with protection, especially for children. The link between civil registration and nationality is a good example of the importance of civil registration for protection, since possessing a nationality in itself is a form of protection.

Refugees, asylum seekers, stateless persons and persons of undetermined nationality are particularly at risk of having their welfare and rights violated. In many cases, they became one of these categories in the first place because of these violations. Refugees and asylum seekers may not be able to access the protection of their State of nationality, since they could be fleeing persecution from their own State. Stateless persons do not have a State to provide them with protection since they lack an established nationality.

Having evidence of legal identity, family relationships and links with a State is essential for refugees, asylum seekers, stateless persons and persons of undetermined nationality to prove their eligibility for protection and to demonstrate their specific protection needs. For returnees (i.e. refugees or asylum seekers who have returned to their country of origin), birth, death and marriage certificates issued by the State where they previously resided can be critical for establishing or re-establishing their legal identity once repatriated, such as through acquisition of national identity documentation and local marriage certificates, and exercising property rights, such as inheriting property from a deceased family member.

Examples of where civil registration assists with providing protection and assessing protection needs:

- Having a nationality is in itself a form of protection. A birth certificate proves certain facts that support a person's claim to acquire nationality.
- A birth certificate proves a child's age, which facilitates the delivery of appropriate healthcare, education and child protection, including ensuring that the child is not wrongly treated as an adult, or in some cases, married too early.
- Birth certificates may provide access to many social, economic, and civil rights including the right to:
  - An education
  - Open a bank account
  - Apply for a passport
  - Own property
  - Access employment
  - Healthcare
  - Vote.

- Identity documents can help fight human trafficking; women and children who do not possess such documents are at greater risk of being stateless and of human trafficking.
- A birth or marriage certificate can prove country of origin or other biographic facts, which can enhance and streamline screening processes for identifying those with protection needs, including the verification of their claims and verification of their age, and the types of protection they might be entitled to.
- Civil registration systems will often have special procedures in place for changing records, which might be necessary for correcting facts that might have protection implications, such as retrospectively adding the name of the father of a child.

It is therefore critical that all States, including States of origin, transit and host States, include refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system. For children born among these populations in transit and in host States, birth registration may be the only source of identity documentation accepted by other States.

## **Durable solutions**

The ultimate goal for all stakeholders should be that refugees, asylum seekers, stateless persons and persons of undetermined nationality no longer hold that particular status. It is crucial that whatever solution is found to their status is a lasting one. UNHCR describes three durable solutions for the situation that refugees are in: voluntary repatriation to the country of origin; resettlement to another State; or integration within the host community. For stateless persons and persons of undetermined nationality, acquisition or confirmation of a nationality are the only durable solutions to their lack of nationality.

The challenges of finding a durable solution are likely to increase the more protracted the situation becomes. However, some situations are complex regardless of time. Either way, a lack of evidence of legal identity and family relationships, including evidence of the occurrence and characteristics of vital events, can create needless obstacles for finding and implementing durable solutions. Including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system should therefore be seen as a step towards durable solutions.

Examples of where civil registration assists with durable solutions:

- A birth certificate issued to a refugee child by a transit or host State proves where they were born and who their parents are, which can help establish the child's nationality and facilitate the family's voluntary repatriation and reintegration.
- Birth, marriage and death certificates can all help to prove the composition of a family, which ensures that the family is not wrongly broken up, or are reunited.
- In appropriate circumstances, civil registration records in countries of origin, transit or previous residence can be referred to substantiate biographic facts necessary for implementing durable solutions.
- As part of a voluntary repatriation, certified birth and marriage certificates issued by the transit or host State can facilitate the person's enrolment into the State of origin's population register.

## 7 COMMON GAPS AND BARRIERS AND RECOMMENDATIONS

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This chapter provides a summary of gaps and barriers that may exist in relation to including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system, as well as suggestions and case studies for how those gaps and barriers can be addressed by Bali Process member States. The gaps and barriers can be summarized as follows:

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<b>Service provider factors</b>	Factors affecting how civil registration is provided to refugees, asylum seekers, stateless persons and persons of undetermined nationality, including: <ul style="list-style-type: none"><li>• Legal and regulatory framework</li><li>• Procedures and supporting documentation requirements</li><li>• Awareness, implementation and capacity, especially at the local level</li><li>• Issues related to resources and/or interest to find and service refugees, asylum seekers, stateless persons and persons of undetermined nationality</li><li>• Reliance on functional registration systems</li></ul>
<b>Beneficiary factors</b>	Factors affecting the willingness and ability of refugees, asylum seekers, stateless persons and persons of undetermined nationality to have their births, deaths and marriages registered, including: <ul style="list-style-type: none"><li>• Awareness and perceptions among the populations</li><li>• Geographic and practical barriers</li></ul>
<b>Population-specific factors</b>	<ul style="list-style-type: none"><li>• Existing unregistered populations</li><li>• Foundlings</li><li>• Returnees</li></ul>
<b>Completeness data</b>	<ul style="list-style-type: none"><li>• Lack of information on birth, death, and marriage registration rates</li></ul>

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## 7.1 SERVICE PROVIDER FACTORS

### Legal and regulatory framework

#### Barriers:

- Laws and/or regulations may limit who can have their birth, death or marriages registered by restricting registration to nationals or to nationals and non-nationals that hold legal status in the State.
- Roles and responsibilities of which government office is responsible for recording the vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality may be ambiguous or not stated.

#### Recommendations:

- Conduct a comprehensive review of legislation and regulations, and amend laws or regulation which prohibit the registration of vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality.
- Clearly and officially define who is responsible for civil registration of these populations.



#### Case study: Examples of legal provisions defining who is entitled to have their vital events recorded: Sri Lanka and the state of New South Wales in Australia

##### ***Sri Lanka – Births and Deaths Registration Act (1954)***

###### *10. Duty of Registrar to register births, deaths and still-births.*

*(1) It shall be the duty of every Registrar to inform himself carefully of every birth and death occurring in his division, and to register accurately and with all convenient dispatch in the language specified for the purpose by the Registrar-General, in the registers provided by him, the particulars of the matters set out in forms A and B of the Schedule.*

##### ***New South Wales (Australia) – Births, Deaths and Marriages Registration Act (1995)***

###### *13. Cases in which registration of birth is required or authorised:*

*(1) If a child is born in the State, the birth must be registered under this Act.*

*(2) If a court orders the registration of a birth, the birth must be registered under this Act.*

*(3) If a child is born:*

*(a) in an aircraft during a flight to an airport in the State, or*

*(b) on a ship during a voyage to a port in the State, the birth may be registered under this Act.*


*(4) If a child is born outside the Commonwealth, but the child is to become (or in the case of a stillbirth, was to become) a resident of the State, the birth may be registered under this Act.*

*(5) However, the birth of a child born outside the State is not to be registered under this Act if the birth is registered under a corresponding law.*

...

###### *33. Cases in which registration of marriage is required*

*If a marriage is solemnised in the State in accordance with law, the marriage must be registered under this Act.*

 **Case study: In 2008, Thailand reformed its civil registration law to remove barriers that prevented non-nationals from having their births registered in the national civil registration system**

With the aim of achieving universal birth registration, Thailand amended its *Civil Registration Act* in 2008 to permit all children born in the territory to have their birth registered regardless of the parents' legal status or any other characteristics, providing a legal basis for civil registration without discrimination.<sup>40</sup> Before the reform, Thailand's *Civil Registration Act* restricted birth registration only to Thai citizens. Importantly, the amendment also added provisions to enable late birth registration for persons born in Thailand before the change but who were unable to register their births in the national civil registration system.

Thailand hosts significant numbers of refugees, stateless persons and undocumented and documented migrants. As a result of removing this legal barrier, children born in Thailand among these populations, as well as abandoned children, have had their births registered in the mainstream civil registration system and to acquire birth certificates and other documentation. This includes, for example, the children of refugees residing in the camps on the Thai/Myanmar border and the children of undocumented migrant workers, for whom a birth certificate will allow them to prove their legal identity and parental relationships. For children born among stateless communities, usually residing in highland border areas, birth registration has facilitated access to Thai citizenship for those who are eligible under the law, which has contributed to preventing and reducing statelessness in Thailand.

 **Case study: Bangladesh expands registration act to register births of refugees in camps**

Bangladesh's 2004 Birth and Deaths Registration Act states that birth and death registration and issuance of birth and death certificates to all persons is required. The Act defines a person as "any Bangladeshi or any foreigner living in Bangladesh and also any refugee taking shelter in Bangladesh." Notably, this is the only law in Bangladesh which contains the word "refugee."<sup>41</sup> However, there are considerable barriers for children of refugees to have their births officially registered.

Previously, birth records of refugee children born to registered refugees living in the Kutupalong and Nayapara camps were held in a functional registration system operated by the Bangladesh Government's Office of the Refugee Relief and Repatriation Commission and UNHCR. However, in 2016, Bangladesh's Department of Local Government extended the 2004 Birth and Deaths Registration Act to 18,564 children of registered refugees who were born in Bangladesh between 1 January 1992 and 30 June 2016. By April of 2017, over 60 per cent of the backlog of these cases had been registered in Bangladesh's digitized civil registry system. Furthermore, with technical support from UNHCR, local civil registrars are now able to directly register children born to registered refugees after 30 June 2016 into the national civil registry system, as well as the functional refugee registration system.<sup>42</sup>

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<sup>40</sup> In 2010, Thailand officially withdrew its reservation to Article 7 of the Convention on the Rights of the Child (CRC), citing that "...relevant laws and policies have already been put in place to fulfil the country's obligations under Article 7 of the CRC." See press release from the Thailand Ministry of Foreign Affairs: <http://www.mfa.go.th/main/en/media-center/14/7753-Thailand-has-withdrawn-its-reservation-to-Article.html>

<sup>41</sup> Equal Rights Trust, 2016. Confined Spaces, Legal Protections for Rohingya in Bangladesh, Malaysia and Thailand. Available at: [http://www.equalrightstrust.org/ertdocumentbank/Confined%20Spaces\\_0.pdf](http://www.equalrightstrust.org/ertdocumentbank/Confined%20Spaces_0.pdf)

<sup>42</sup> UNHCR, Campaign to End Statelessness, Good Practices Paper Action 7. Available at: <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>

## Procedures and supporting documentation requirements

### Barriers:

- Laws and/or regulations may have requirements for registration that disproportionately affect refugees, asylum seekers, stateless persons and persons of undetermined nationality. For example, both parents may need identity documents or proof of a marriage before registering the birth of a child.
- Proof of marriage may be required in order to record the father's name on the birth registration record and certificate.
- Parents unable to meet documentation requirements may request others to act as the parents for the purpose of registering a birth with the result that the legal parents on the birth certificate are not the actual parents.
- Refugees, asylum seekers, stateless persons and persons of undetermined nationality may not have access to health services, and thus may not be able to access birth or death notifications.
- There is not enough evidence or certainty to indicate the nationality of a child, resulting in a delayed or incomplete registration.

#### **Case study: Malaysia accepts UNHCR refugee cards as a form of ID for birth registration**

Malaysia's Births and Deaths Registration Act of 1957 states in Part II section 7, "the birth of every child born in Malaysia shall be registered by the Registrar for the registration area in which the child was born..."<sup>43</sup> In order to help comply with this mandate to register every birth, regardless of the child's or parents' nationality, Malaysia began to accept UNCHR refugee cards as a form of identification from parents.

### Recommendations:

- Perform a review of civil registration procedures to ensure they are responsive to the circumstances of refugees, asylum seekers, stateless persons and persons of undetermined nationality.
- Adopt flexible or low thresholds of documentation requirements for vulnerable populations.
- If refugees, asylum seekers, stateless persons and persons of undetermined nationality do not possess any documentation, introduce alternative methods of verifying identity and certain facts such as interviews and investigations

#### **Case study: Bosnia and Herzegovina revised its civil registration law to be more inclusive of those not possessing proper identification**

The Bosnia and Herzegovina Ministry for Human Rights and Refugees administered a survey in 2009/2010, which intimated that around 4,500 people of undetermined nationality were living in the country. The majority of these people were ethnic Roma, many of whom were born into a multigenerational family who did not possess identity documents. Lower rates of birth registration among Roma stemmed from several factors including lack of awareness of how to register births and the importance of birth registration, lack of parental identity documents, discrimination by authorities, and the inability to pay registration fees.

Previously, in order to register a birth, both parents needed to produce ID cards, their marriage certificate, and evidence that one parent is a citizen of Bosnia and Herzegovina. These requirements were

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<sup>43</sup> Malaysia Births and Deaths Registration Act of 1957 <http://unstats.un.org/unsd/vitalstatkb/Attachment612.aspx?AttachmentType=1>

often a barrier for Roma families. However, new bylaws to the law ‘on Registry Books of the Federation of Bosnia and Herzegovina’ were introduced in 2012, which waived administrative birth registration fees for national minorities (such as the Roma) and vulnerable individuals, and allowed parents without identity documents to register a birth with the aid of witness statements. Additionally, civil registries now recognize refugee cards as official ID documents that can be used for the registration of births.<sup>44</sup>

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<sup>44</sup> UNHCR, Campaign to End Statelessness, Good Practices Paper Action 7. Available at: <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>



## Awareness, implementation and capacity, especially at the local level

### Barriers:

- Local level civil registration staff may be unaware of their responsibility to register vital events of non-nationals.
- Local civil registration offices may be reluctant to register vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality because of discrimination or misconceptions about conferring nationality through birth registration.
- Subjective interpretations of the law can result in inconsistent registration procedures, even within the same office.
- Local civil registration staff may have not be able to contact regional and central offices when they need guidance on registration procedures.
- Subjective interpretations of the law can result in inconsistent registration procedures, even within the same office.

### Recommendations:

- Draft standard operating procedures outlining the responsibility of all civil registry offices in registering the vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality, as well as address any common misconceptions surrounding the registration of vital events for these populations.
- Make standard operating procedures readily available to all civil registry staff, especially to those in remote locations.
- Provide training to all civil registry staff on procedures, and ensure they have a means to expeditiously contact a central office should they have questions about procedures.
- Introduce Management Information Systems in local civil registration offices to monitor performance of local staff.

#### **Case study: Thailand provides training and manuals on registering births and marriages of refugees and stateless persons**

As part of its commitment to register every birth that occurs in Thailand regardless of parents' legal status, the Thai Ministry of Interior now administers annual trainings to build capacity for civil registration staff on the policies and procedures of birth registration. The trainings are targeted at civil registration officials and officials tasked with issuing national identity cards who have less than five years of experience. Additionally, the Ministry of Interior updated their manual on the administration of civil registration, and made it available to every District Civil Registry Office. The manual covers relevant laws, regulations, and proclamations as well as judicial precedents relating to civil registration, including birth registration and nationality.<sup>45</sup>

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<sup>45</sup> UNHCR, Campaign to End Statelessness, Good Practices Paper Action 7. Available at: <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>

## Lack of resources and/or interest to find and service refugees, asylum seekers, stateless persons and persons of undetermined nationality

### Barrier:

- Lack of political will and scarce resources may prohibit States from seeking out and encouraging refugees, asylum seekers, stateless persons and persons of undetermined nationality to register their vital events.

### Recommendations:

- Educate high-level Government officials on the benefits of registering vital events of these populations, particularly for re-patriation purposes, projecting service provisions, or for national security.
- Gain support of key stakeholders through targeted messaging, and collectively petition for support from higher-level policy makers
- Develop a business case for recording the vital events of these populations and petition both Government officials and donors. Partner with civil society and UNHCR by linking civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality with delivery of other appropriate services.

#### **Case study: Indonesia, the Philippines, and UNHCR collaborate to identify stateless persons and persons of undetermined nationality in Mindanao, Philippines, and provide them with identity documents**

Working together, the governments of Indonesia and the Philippines, with support from UNHCR, performed a mapping exercise in the southern Philippines. The exercise found more than 6,000 people of Indonesian descent who were of undermined nationality; these people were not recognized by Indonesia or the Philippines as citizens. Upon this discovery, the two Governments agreed to work together to establish procedures for determining the citizenship status of these people, and to address any protection issues they may face.<sup>46</sup>

#### **Case study: Malaysia brings civil registration to hard-to-reach communities through outreach and mobile registration programs**

Since 2002, Malaysia's National Registration Department (NRD) has been using mobile teams to routinely visit rural and remote areas of the country in order to register all of the births and deaths that have occurred in those areas and issue other identification documents to eligible members of the population. The aims of these outreach and mobile registration programs are to offer civil registration and identity document services to segments of the population without easy access to NRD offices. This may be due to distance and costs of travel, or lack of awareness within hard-to-reach communities about the importance of civil registration and identification documents and its procedures.

The NRD works with the Department of Education, Department of Orang Asli (officially recognized Indigenous Groups), the Department of Social Welfare and the Special Implementation Taskforce on Indian Community, as well as local NGOs, to identify and plan the segments of population and areas to visit. The mobile teams, often traveling through rough terrains as well as traversing rivers, will establish temporary offices and organize workshops for the selected communities. Very Small Aperture Terminal

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<sup>46</sup> UNCHR News <http://www.unhcr.org/en-us/news/latest/2014/9/5416d3519/stateless-philippines-indonesian-descendants-feel-torn-lands.html>

technology has been used since 2010 to enable secure and real-time connections between the temporary offices and central systems. Also, in order to further reduce delays, accompanying mobile courts provide on-the-spot decisions and documents required to facilitate late registrations.

Malaysia's outreach and mobile registration programs have been successful in proactively reducing the geographic barriers that people face in accessing civil registration and identification documents and in raising awareness amongst hard-to-reach communities. Between 2012 and 2015, the NRD facilitated 126,182 applications in 4,637 separate outreach programs.

### **Case study: Panama and Costa Rica work together to provide birth registration**

Historically, the Ngöbe and Buglé peoples lived in worked in the borderlands between Costa Rica and Panama. Chiriticos, or Ngöbe and Buglé people born in Costa Rica to undocumented Panamanian parents, have faced economic, geographic, and institutional barriers which often prevent them from registering their births. In some cases, several generations of Chiriticos do not possess identity documentation as previous generations lacked the necessary documentation to register the births of subsequent generations. To solve this problem, Panama and Costa Rico established a bi-national programme to register new births and provide late birth registration to Chiritico people. With support from UNHCR, public information campaigns were launched by the Electoral Tribunals of both countries to inform Chiriticos of the importance of birth registration. Additionally, as part of the 'Chiriticos Project', the Costa Rican Civil Registry Office simplified procedures for late birth registration for elderly members of the indigenous. Using mobile brigades, the "Chiriticos" project allowed thousands of Ngöbe and Buglé born in Costa Rica to undocumented Panamanian parents, access to late birth registration and birth certificates which conferred nationality.<sup>47 48</sup>

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<sup>47</sup> UNHCR, Campaign to End Statelessness, Good Practices Paper Action 7. Available at: <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>

<sup>48</sup> UNHCR Costa Rica 2016 Year-End report <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2016-CostaRica-eng.pdf>

## Reliance on functional registration systems

### Barriers:

- Misconception that functional registration systems fulfil the same legal and administrative purposes as civil registration and therefore vital events do not need to be recorded in both systems.
- Registration in a functional registration system may be a requirement for to access the civil registration, however, not all refugees, asylum seekers, stateless persons and persons of undetermined nationality will be included in a functional registration system.

### Recommendations:

- Allow for universal access to the mainstream civil registration system.
- Consider linking functional registration systems with mainstream registration systems to strengthen the integrity and operation of both systems.



### Case study: Linking birth notification to registration in the Dadaab refugee camps in Kenya

The Kenyan Government, in partnership with UNHCR, have developed a method to ensure children born in Dadaab refugee camps have their births registered, and receive a birth certificate. Refugee children born in Dadaab hospitals are either entered into a register or granted a written birth notification forms. There are several numbered copies of the birth notification form; the mother, the hospital, and UNHCR each receive their own copy. For births that occur at home or within the camps, medical staff are required to submit birth notifications to UNHCR within 72 hours of the birth. UNHCR then gives all birth notifications to the district civil registrar, who visits the camp once a month to process birth notifications and issue birth certificates.<sup>49</sup>

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<sup>49</sup> Plan International, 2014. Birth Registration in Emergencies: a review of best practices in humanitarian action. Available at: [https://www.planinternational.be/sites/default/files/2017-09/birth\\_registration\\_in\\_emergencies.pdf](https://www.planinternational.be/sites/default/files/2017-09/birth_registration_in_emergencies.pdf)

## 7.2 BENEFICIARY FACTORS

### Awareness and perceptions among refugees, asylum seekers, stateless persons and persons of undetermined nationality

#### Barriers:

- Refugees, asylum seekers, stateless persons and persons of undetermined nationality may not understand the importance of registering their vital events
- Lack of understanding of how to register vital events
- Confusion about the difference between a birth notification and a birth certificate and misconceptions that the two documents are interchangeable
- Reluctance to notify authorities of vital events out of (a real or perceived) fear of negative consequences (e.g. immigration enforcement).

#### Recommendations:

- Educate the populations of interest about the benefits of registering vital events by collaborating with community leaders, civil society and service providers, non-governmental and civil society organizations, international agencies, hospitals and health workers, schools, and police, as well as religious and community leaders.
- Administer targeted advocacy campaigns (e.g. radio advertisements or informational posters) to educate vulnerable persons about the importance of civil registration in their own language.
- Employ participatory assessments with these populations to identify misconceptions about registering vital events, and the kinds of barriers they face in accessing civil registration services.
- Allow civil registration authorities to be exempt from responsibility for reporting of refugees, asylum seekers, stateless persons and persons of undetermined nationality who do not have a legal immigration or residency status.
  - Inform these populations that civil registration authorities will record their vital events, regardless of their status, and will not report them to immigration authorities or police.

#### Case study: MyDaftar in Malaysia

MyDaftar is a program lead by the Malaysian National Registration Department (NRD) in collaboration with the Special Implementation Taskforce on the Indian Community. MyDaftar was implemented to resolve documentation issues, such as the absence of Birth Certificates and Identification Cards, experienced by Malaysians of Indian descent. Upon this success of this initiative, the NRD has since expanded it to serve all communities, and it is no longer limited to just those of Indian descent. MyDaftar has been successful in assisting qualified individuals to obtain proper civil documentation.

#### Case study: Raising awareness about the importance of birth registration among Syrian refugees in Jordan

In Jordan, UNHCR partnered with Arab Renaissance for Democracy and Development Legal Aid to raise awareness about the importance of birth registration. Awareness-raising sessions are being administered through community-based organizations, and Arab Renaissance for Democracy and Development is providing legal aid to refugee families.



**Case study: Use of community volunteers to raise awareness and promote birth registration among refugees, asylum seekers, stateless persons and persons of undetermined nationality in Thailand**

After the 2008 amendment to the *Civil Registration Act* which removed barriers for non-nationals to register births, the Thai Ministry of the Interior initiated a ‘Community Network of Civil Registration Volunteers.’ Village volunteers were commissioned to help other members of the community understand registration procedures and submit birth registration applications. Over the eight-year period from 2008-2016, community networks were established in 51 provinces, some of which had large populations at risk of statelessness. Community volunteers reaching out to other village members, especially the most vulnerable, increased public trust in civil registration. This outreach also informed local civil registrars of the challenges that communities members faced when trying to register their vital events.<sup>50</sup>



**Case study: Informative video to raise awareness about the importance of birth registration among Syrian refugees in the Kurdish region of Iraq**

UNHCR created an informational video to inform Syrian refugees living in camps in the Kurdish region of Iraq about the importance of registering births both with the local authority, and with the UNCHR functional registration system. The video outlines the steps needed in various scenarios to register a birth, as well as who to contact if additional support is needed for the registration process. You can view this video here: <https://www.youtube.com/watch?v=ZvtSIAMXx9U>

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<sup>50</sup> UNHCR, Campaign to End Statelessness, Good Practices Paper Action 7. Available at: <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>

## Geographic and practical barriers

### Barriers:

- Refugees, asylum seekers, stateless persons and persons of undetermined nationality often reside in remote areas, which are underserved by public administration.
- The cost and logistical planning of traveling to the nearest civil registration point may be too large a barrier to overcome to make registration feasible.
- Fees for the registration may be unaffordable and disincentives for the late registration may pose an even greater financial barrier.
- Language barriers exist when registration forms or procedural documents are not available in applicants' native languages.
- Limited health services in remote areas mean children may be born at home, or in health outposts which do not administer birth notification forms.
- Refugees, asylum seekers, stateless persons and persons of undetermined nationality may be confined to camps, detention centers or certain geographic areas, which prohibits them from traveling to civil registration offices.

#### **Case study: Kosovo: Suspends fines for Roma, Ashkali and Egyptian communities for late birth registration**

In 2015, the Civil Registration Agency of the Ministry of Internal Affairs enacted free birth registration and promoted late registration by removing the birth registration expiry date that would have resulted in fines for Roma, Ashkali and Egyptians living in Kosovo.<sup>51</sup>

### Recommendations:


- Establish mobile registration units that routinely administer to remote communities.
- Establish civil registration offices in refugee and displacement camps.
- Make materials and forms in all local civil registry offices available in the native languages of refugees, asylum seekers, stateless persons and persons of undetermined nationality.
- Collaborate with civil society, NGOs and international organizations such as UNHCR, to provide translators who can guide applicants through the registration process.
- Make birth registration free and available to all.
- Refugees, asylum seekers, stateless persons and persons of undetermined nationality should be exempt from both registration and certificate fees.
- Consider introducing amnesty periods where these persons are not penalized for late registration.

#### **Case study: Jordan establishes Shari'a courts in Syrian refugee camps to legally register new marriages and facilitate late registration of informal "urfi" marriages**

The Jordanian Government introduced official Shari'a courts and mobile judicial services in all Syrian refugee camps, allowing refugees to have their marriages officially recorded and documented. As part of this initiative, Shari'a courts and the proper authorities also legalized informal 'urfi' marriages. To register undocumented marriages, the Shari'a courts implemented a policy whereby individuals who knew the couple were able to attest to their marriage, even if they were not present at the married couples' wedding. By providing official documentation for thousands of marriages, parents were able to officially register their children's births, as a marriage certificate is required by law to register the birth of a child.<sup>52</sup>

<sup>51</sup> U.S. Department of State. Kosovo 2015 Human Rights Report <https://www.state.gov/j/drl/rls/hrrpt/2015/eur/252863.htm>

<sup>52</sup> UNHCR, Campaign to End Statelessness, Good Practices Paper Action 7. Available at: <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/11/Good-Practices-Paper-on-Ensuring-Birth-Registration-for-the-Prevention-of-Statelessness.pdf>

 **Case study: Philippines sets up mobile registration to help those displaced replace their civil documents**

Natural disasters and armed conflict in Mindanao, Philippines, have resulted in tens of thousands of people becoming internally displaced.<sup>53</sup> When they are forced to flee their homes, internally displaced people (IDPs) often lose their civil and identity documents, thus their rights as citizens of the state can become jeopardized.<sup>54</sup> In order to prevent this, the Philippines Government, with technical and material support from UNHCR, set up free mobile registration sites so that IDPs in remote areas were able to receive birth certificates and other civil documents that were lost due to their protracted displacement. These documents provided IDPs access to basic national services including social welfare schemes, education, and employment opportunities.<sup>55</sup>

 **Case study: The Philippines removes civil registration fees for Stateless Persons of Indonesian Descent in Glan, Southern Mindanao**

The small town of Glan, located in Southern Mindanao, has one of the largest populations of persons of Indonesian Descent in the Philippines. The local Government estimates that 3,000 persons of Indonesian descent reside in their town, many of whom do not possess identity documents, putting them at risk of statelessness. During discussion with the Bureau of Immigration and with the Consulate of Indonesia, the local Government of Glan decided to pass an ordinance exempting persons of Indonesian descent from late civil registration fees. Additionally, the ordinance also exempts these persons from paying fees for clerical correction of records where a name or gender needs to be changed. Glan is the first municipality to pass such an ordinance and provide assistance specifically to persons of Indonesian descent.<sup>56</sup>

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<sup>53</sup> UNHCR Global Report 2013. The Philippines. <http://www.unhcr.org/539809fdb.pdf>

<sup>54</sup> UNHCR News. <http://www.unhcr.org/ph/10701-unhcr-launches-free-mobile-civil-registration-haiyan-affected-areas.html>

<sup>55</sup> UNHCR Global Report 2013. The Philippines. <http://www.unhcr.org/539809fdb.pdf>

<sup>56</sup> Reliefweb update. <https://reliefweb.int/report/philippines/philippines-persons-indonesian-descent-families-benefit-late-civil-registration>



### 7.3 EXISTING UNREGISTERED POPULATIONS

#### Barriers:

- Many vital events have gone unregistered and thus there is a need to identify and retrospectively register them.
- It may not be clear where the vital event occurred, and which State is responsible for its registration for nomadic populations or populations that reside in porous border areas.
- Cultural misperceptions about the importance of registering vital events exist, and thus there is a history of not notifying authorities for the purposes of registration.
- Certain populations may not possess the required documents needed to register events, e.g. when births are attended by traditional midwives who are not able to administer birth notifications.

#### Recommendations:

- Implement targeted late registration drives and campaigns:
  - raise awareness among populations with low registration rates,
  - undertake mobile registration,
  - waive fees and penalties
  - establish amnesty periods, and
  - provide appropriate services to facilitate late registration such as access to legal aid and interpretation along with appropriately translated materials.
- Visit delivery points where refugees, asylum seekers, stateless persons and persons of undetermined nationality may go to receive services in order to access and identify unregistered populations and provide them with information on the benefits and procedure of registration.
- Perform mapping exercises to determine the number of persons of undetermined nationality or whom are at risk of statelessness.

## 7.4 FOUNDLINGS

### Barrier:

- Foundlings are vulnerable to statelessness as there is no way to prove their parents, legal identity and thus nationality.

### Recommendations:

- Births of foundlings should be registered in a way that has the same legal and administrative effect as birth registration so that they can have proof of their legal identity and nationality.
- Laws and/or regulations governing a civil registration system should have explicit provisions for the registration of foundlings.
- Allow flexibility in who can register a foundling's birth, and with other procedural matters, such as with naming the child and identifying the parents or guardian on the record.

*“One of the most important safeguards to prevent statelessness is to ensure that nationality laws allow children born in the territory of a State to acquire the nationality of that State if they would otherwise be stateless.”* – UNHCR and UNICEF Convention on the Right of the Child Quick Reference Guide.<sup>57</sup>



### Case study: Example legal and regulatory provisions of registering foundlings: New Zealand and the Philippines

#### New Zealand – Births, Deaths, Marriages, and Relationships Registration Act (1995)

7. Foundlings (1) A person who—

(a) believes that a child in the person's charge is recently born and was found abandoned in New Zealand; and  
(b) is not satisfied that a Registrar has been notified of the child's birth — shall as soon as is practicable tell a Police employee, who shall notify the Registrar-General.

(2) As far as it is practicable to do so, the Registrar-General shall register the birth of all children of whose finding the Registrar-General is notified under subsection (1).

#### Philippines – Procedures for Registration of Foundling (Release date: June 1, 2012)<sup>58</sup>

##### Reglementary Period and Place of Registration

Registration of the foundling in the Office of the Civil Registrar of the city/ municipal where the child was found shall be made by the finder/ charitable institution within thirty (30) days from the date of finding/ commitment of the child. Any report made after the 30-day period shall be considered late, and the concerned party shall be required to state in a sworn statement the circumstances that caused the late reporting to the civil registrar.

##### Persons Responsible to Report the Event

The finder shall report the case to the barangay captain of the place where the foundling was found, or to the police headquarters, whichever is nearer or convenient to the finder. When the report is duly noted, the finder shall commit the child to the care of the Department of Social Welfare and Development or to a duly licensed orphanage or charitable or similar institution.

<sup>57</sup> UNHCR, UNICEF. 2017. Convention on the Rights of the Child Quick Reference Guide. <http://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-CRC-02-UNHCR-UNICEF.pdf>

<sup>58</sup> Philippine Statistics Authority. Civil Registration Procedures. <https://psa.gov.ph/content/registration-foundling>

## 7.5 RETURNEES

### **Barriers:**

- Returnees may not be able to acquire national identity documentation and marriage certificates in their home State, or exercise property rights without identity documents from the State where they previously resided.
- Children born abroad may be prevented from legally returning home with their families without a birth certificate.
- When documentation is needed from a functional registration system (i.e. a birth certificate for a child entering school), that system may have been decommissioned and the records stored within deleted.

### **Recommendation:**

- States of origin, transit, and host States, should register refugees, asylum seekers, stateless persons and persons of undetermined nationality so that they have a permanent and legal source of their identity and vital events when they return to their home countries.

## 7.6 COMPLETENESS DATA

### Barriers:

- There is a lack of data on population sizes of refugees, asylum seekers, stateless persons and persons of undetermined nationality, and the number of vital events they have experienced and registered in a given period of time.
- Lack of data means a baseline to measure progress of improved access to civil registration cannot be established or measured.

### Recommendations:

- Collect registration data for these populations, and disaggregate civil registration data by refugees, asylum seekers, stateless persons and persons of undetermined nationality, and national citizens.
- Partner with non-governmental stakeholders such as UNHCR, UNICEF, NGOs, and research institutions who may already have data on these populations.
- Add additional questions to existing censuses or household surveys to estimate the numbers of these populations that reside on the territory, their vital events, and their registration and documentation completeness rates.
- If needed, administer censuses and surveys to gain this information on these populations.

**PART TWO: METHODOLOGY  
FOR ASSESSING THE CIVIL  
REGISTRATION OF REFUGEES,  
ASYLUM SEEKERS, STATELESS  
PERSONS AND PERSONS OF  
UNDETERMINED  
NATIONALITY**

## 8 GETTING STARTED

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### 8.1 PURPOSE

This part of the Toolkit provides a methodology and accompanying tools for States to self-assess and strengthen how the births, deaths and marriages that occur on their territory among refugees, asylum seekers, stateless persons and persons of undetermined nationality are recorded in the mainstream<sup>59</sup> civil registration system. More specifically, the methodology guides States through a flexible process to:

- Establish a comprehensive baseline of the level of registration and documentation completeness, and determine gaps, barriers, strengths, and opportunities for improving the registration of the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality.
- Develop an action plan and set targets for improvement that are effective in the national context, and measure improvements against baseline levels.

In addition to the above outcomes, going through the process of this methodology will likely lead to an increased understanding by all stakeholders of the importance of including refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system.

The ultimate objective of this toolkit is to help States achieve universal civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality on their territory. Other objectives of the methodology can be summarized as follows:

- Help States gain a better understanding of the populations of interest who reside on the territory and the barriers they experience in accessing civil registration.
- Support States in performing a baseline assessment of the completeness of registration and documentation receipt among populations of interest.
- Collaboratively develop, among stakeholders, recommendations for improving access to civil registration and issuance of documentation for populations of interest.
- Support States to develop a national strategic plan and implementation objectives to improve civil registration and issuance of documentation for populations of interest.
- Guide States in creating aspirational targets to measure and monitor progress of improvement of civil registration and issuance of documentation for populations of interest.

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<sup>59</sup> As described in part one of this Toolkit, it is widely recognized in international human rights law, technical standards and global or regional intergovernmental agreements that a State's civil registration system should be universal. In other words, States have a responsibility to register without discrimination all of the vital events that occur in their territory, and the aim of States should therefore be to cover the whole population on their territory under the same civil registration system. In accordance with this, the term 'mainstream civil registration system' is used to refer to the same system that registers the births, deaths and marriages of nationals.

## 8.2 KEY PRINCIPLES

The methodology and tools have been designed and should be used according to the following key principles:

- A. Government-driven with support and inputs from non-government stakeholders and experts:** The impact of an assessment and action plan are contingent on meaningful ownership by the government, as they are in the position to make meaningful change when it comes to the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. It is therefore essential that the government initiates and drives the process from start to finish. Non-government stakeholders and experts (e.g. international organizations such as UNHCR, civil society and research institutions), however, can and should play an important role by contributing technical expertise, data, perspectives and resources.
- B. Comprehensive and cross-sectoral:** The civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality is an issue that cuts across many different technical and policy domains, beginning with civil registration and the administration of these populations, but also extending to foreign affairs, social development, national security, health policy, human rights, civil society and many more. As many relevant domains as possible should be represented and contribute to an assessment and the development of an action plan.
- C. Flexible and adaptable:** States are encouraged to adjust this methodology and accompanying tools to ensure they are appropriate for their national context. For instance, certain assessment activities or tools may require alteration or may not even be relevant (e.g. there may not be any available data to produce baseline completeness statistics). Likewise, the order of activities might not be the most logical progression.
- D. Complementing broader civil registration improvement efforts:** By helping interested States to examine in detail and address the specific situation regarding the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, this toolkit should complement and supplement, rather than duplicate, other broader civil registration (or CRVS) assessment and improvement efforts. Outcomes from this toolkit can help guide States to ensure CVRS system improvements are inclusive and beneficial for refugees, asylum seekers, stateless persons and persons of undetermined nationality. Section 8.8 describes the relationship between this methodology and other assessment methodologies.

## 8.3 INSTRUCTIONS FOR USING THIS METHODOLOGY

### The assessment phases, activities, and outputs

This methodology follows three phases that include a series of proposed activities:

- **Phase I:** Planning and preparation
- **Phase II:** Collecting, analysing and validating information
- **Phase III:** Producing the main outputs

An overview of the phases and their respective activities is given in section 8.4. The table indicates a number of concrete outputs that could be expected by undertaking the mentioned activities. Some activities have tools, such as a meeting agenda or a guidance note, which provide detailed advice or example documents that States can use and edit as appropriate. The tools can be found in the annex of the Toolkit.

Before commencing the assessment, States should carefully review the entire methodology (i.e. all of the activities and tools) and adapt it to their national context. For example, some activities may not be able to be completed (e.g. the production and analysis of baseline completeness statistics) or a different approach will be required or helpful, depending on the national context. Where relevant, possible alternative approaches are included for certain activities to help States adapt this tool to their needs.

In order to be ‘Comprehensive and cross-sectoral,’ it is strongly recommended that the assessment process is led by a body (e.g. a task force or working group) of key stakeholders, rather than by one stakeholder or an external expert/consultant. The body would be responsible for performing or delegating the work to complete each assessment activity, and negotiating and endorsing the outputs. Considering the scope of work, the body membership should be on an institutional rather than individual basis, with certain representatives assigned to different tasks (e.g. mid to senior level officials doing the assessment work while heads of organizations endorse the main outputs).

If a national civil registration coordination mechanism exists (e.g. a civil registration coordination committee), ideally they, or a subsidiary thereof, would lead the assessment. It is also recommended that the body be co-chaired by the ministries and agencies responsible for civil registration and for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality.<sup>60</sup> However, the most appropriate status and mechanics for the body leading the assessment will depend on the national context. See activities in Phase II for more information about how the body should be identified and formed.

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<sup>60</sup> In most if not all States, there will be several different ministries and agencies involved in civil registration and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. For example, the immigration agency or a dedicated agency will be responsible for refugees and asylum seekers (who might also be stateless) and the ministry of interior or justice will be responsible for administering and policy concerning *in situ* stateless persons (i.e. those who have not migrated to the territory and often resided there for generations) and persons of undetermined nationality. Likewise, separate ministries and agencies might be responsible for registering different vital events or for registering vital events among certain populations (such as the ministry of religious affairs being responsible for registering Muslim marriages). In this case, it might not be practical to have all ministries and agencies as co-chairs of the body, but rather to select the two most prominent as co-chairs representing the two policy and technical domains, namely civil registration and the administration of these populations. Those ministries and agencies that are not co-chairs should nonetheless participate actively in the assessment process.



## 8.4 SUMMARY OF ASSESSMENT ACTIVITIES, TOOLS AND OUTPUTS

Phases	Activities	Tools	Outputs
Phase I: Planning and preparation	Decide to undertake an assessment		- Formal decision
	Conduct initial desk review and compile relevant materials and data	<b>Tool A:</b> Guidance for the initial desk review <b>Tool A2:</b> Resource collection guide	- Report of the initial desk review - Collection of relevant materials and data
	<b>Identify or form the body that will lead the assessment*</b>		- <b>List of stakeholders that will be invited to be members of the body</b>
	Develop and adopt terms of reference and work plan for the assessment	<b>Tool B:</b> Example terms of reference for the assessment <b>Tool C:</b> Example Gantt chart for the assessment <b>Tool D:</b> Example budget for the assessment	- Terms of reference for the assessment - Work plan for the assessment
Phase II: Collecting, analysing and validating information	Organize sensitization meeting	<b>Tool E:</b> Example programme for the sensitization meeting <b>Tool F:</b> Example outline for the sensitization meeting report	- Sensitization meeting report
	Produce and analyse completeness statistics on the populations of interest	<b>Tool G:</b> Guidance for producing completeness statistics on the populations of interest	- Report about completeness statistics on the populations of interest
	<b>Complete questionnaire*</b>	<b>Tool H: Questionnaire</b>	- <b>Response to the questionnaire</b>
	<b>Conduct field visits and focus groups*</b>	<b>Tool I:</b> Guidance for conducting field visits and focus groups	- Report of field visits and focus groups
	<b>Organize results workshop to review and consolidate findings and develop recommendations*</b>	<b>Tool J: Example agenda for the results workshop</b> <b>Tool K: Example outline for the results workshop report</b>	- <b>Results workshop report</b>
Phase III: Producing the main outputs	Develop assessment report with a proposal of targets for progress	<b>Tool L:</b> Example annotated outline of an assessment report <b>Tool M:</b> Guidance for setting targets related to the civil registration of the populations of interest	- <b>Assessment report</b> - <b>Proposal for targets</b>
	Present assessment report for consideration by decision-maker(s)		- Formal or informal decision
	<b>Formulate action plan with targets*</b>	<b>Tool N: Example annotated outline of an action plan</b> <b>Tool M: Guidance for setting targets related to the civil registration of the populations of interest</b>	- <b>Action plan with targets</b>

\*Critical activities

## 8.5 MAIN OUTPUTS

As shown in the summary table in Section 8.4, all assessment activities generate outputs. Most of these outputs have the primary purpose of informing subsequent activities. There are, however, three main outputs intended for an overall assessment:

4. **Assessment report:** A document that comprehensively describes the processes, findings and recommendations of the assessment. Apart from being collectively endorsed by the body leading the assessment, it should also be reviewed and approved by a higher authority that can decide how to implement the recommendations, including the development of an action plan.
5. **Action plan:** A document that explains how the assessment recommendations will be implemented, including what needs to be done, when, how and by whom, usually within a timeframe of one to ten years. Depending on the national context, it may be most appropriate or effective to integrate the action plan as components of a broader national civil registration improvement strategy, rather than as a separate plan.
6. **Targets:** Targets are milestones or objectives towards which efforts can be directed and progress (or lack thereof) measured. For improving civil registration, common targets are related to levels of completeness (i.e. the proportion of births, deaths and marriages that are registered in a given timeframe or the proportion of births, deaths and marriages for which documentation has been issued). Other targets may be of a qualitative nature, such as undertaking a particular action (e.g. produce a manual or deliver a training) by a certain date. Targets serve the useful purpose of focusing and motivating the efforts of stakeholders and ensuring accountability for commitments that are made, as well as measuring the impact of implementing the action plan. It is suggested that targets be proposed in the assessment report and then formally set as part of the action plan.

It will be up to each State to decide whether main outputs will be publicly disseminated or not. It is recommended, however, that States share the main outputs with international organizations (e.g. UNHCR, UNICEF and ESCAP) or academic and research institutions that possess relevant expertise for a technical review. Likewise, it may be useful to report the main outputs to international fora, such as those related to monitoring the SDG agenda or the regional reviews conducted in 2021 and 2025 as part of the ESCAP Ministerial Declaration

## 8.6 TARGET AUDIENCES

### Stakeholders

Stakeholders are a target audience for the assessment as they are the users of this methodology and, along with the populations of interest themselves, stakeholders are the chief beneficiaries of improving the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality.

Stakeholders for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality will be a wide range of government and non-government actors. Their mandates or interest in the improvement of the civil registration of these populations might be direct (e.g. they are responsible for a particular function within the civil registration system) or indirect (e.g. they will benefit from greater civil registration coverage of these populations, such as schools being able to more easily enrol refugee or stateless children holding birth certificates).

### Decision-makers

Decision makers that possess authority to approve an action plan and assign resources to support its implementation are the other target audience for an assessment. Who specifically these decision-makers are will vary considerably from State to State, but it will in most cases be the cabinet, a committee of the cabinet or a particular minister or ministers (e.g. the ministers responsible for civil registration and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality). In some States, depending on the nature and scale of the decisions to be made, it may require approval from the head of government or their office, or the national civil registration coordination mechanism.

Decision-makers are generally interested in the main outputs rather than following the process of the assessment. Therefore, its suggested decision-makers become involved at key activities including when the decision to do an assessment is made, when the assessment report needs to be adopted and consideration given on how to proceed and the development of an action plan.

## 8.7 RISKS AND RISK MANAGEMENT

Risks	Potential risk management strategies
<b>Inadequate interest from stakeholders to participate in an assessment</b>	<p>It is essential to develop interest and support for an assessment from key stakeholders. In order to achieve this, a convincing case needs to be made to each stakeholder, using tailored messages pitched at the right level. The case should explain the purpose of the assessment, the stakeholder’s role, the importance of the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, and the impact on each stakeholder of improving the situation. The stakeholder-mapping component of the initial desk review is an opportunity to develop an understanding of the mandate, interest and role of each stakeholder, which will be instrumental in determining the stakeholders that need to be prioritized and how to get their support and interest.</p> <p>Key stakeholders should be involved as early as possible; ideally when the decision is made to do an assessment. If the decision to undertake an assessment is made by high-level government officials or in an official decree, this may compel stakeholders to participate in the assessment.</p> <p>Ways to gain interest may include:</p> <ul style="list-style-type: none"><li>• Explaining the specific social, economic, security and administrative benefits to the State of including key populations in the mainstream civil registration system.</li><li>• Emphasizing the link with international commitments and obligations that the State has signed up to, such as Convention on the Rights of the Child, the SDGs, or the Ministerial Declaration to ‘Get Every One in the Picture’ in Asia and the Pacific.</li><li>• Targeting stakeholders that are already interested and build support from other stakeholders gradually.</li></ul>
<b>Limited resources to complete an assessment and/or implement action plan</b>	<p>States may find it challenging to acquire the necessary resources to complete an assessment and implement the assessment recommendations. This challenge will be more pronounced when there are significant gaps in the overall civil registration system, as addressing these gaps may be the first priority.</p> <p>This toolkit has been designed to be completed with minimal resources, without the need for external consultants or primary data collection. However, if resources are still an issue, States should consider requesting support from non-government stakeholders (e.g. UNHCR, other international organizations or research institutions) or modifying the methodology further to reduce the resource burden. States should also consider how to leverage momentum from national CRVS improvement plans to implement this assessment, and how to include provisions in existing national plans that benefit refugees, asylum seekers, stateless persons and persons of undetermined nationality. By leveraging existing national improvement strategies, the amount of work to</p>

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implement recommendations focusing on populations of interest will be reduced.

The resources required to implement an action plan will depend on the nature and scale of the assessment recommendations. Aside from government budgets, States may need to access external financing from donors and international organizations. In order to increase the likelihood obtaining external financing, States should consider:

- Involving potential donors in an assessment.
- Developing a comprehensive business case for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality based on specific benefits to the State, including upholding international commitments and obligations.
- Ensuring that the assessment recommendations and action plan are realistic, and that activities are prioritized and phased-in.
- Integrating the action plan into a national strategy for improving civil registration (more broadly) or national strategies for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality, if these exist.

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**Body leading the assessment does not agree on assessment findings or recommendations**

The body leading the assessment should reach consensus on the findings and recommendations. However, because of differing perspectives and priorities, it is possible that consensus is difficult to reach. The solution to these situations will depend on the national context, including the government's overall policy priorities and the influence of respective stakeholders. The body should keep negotiating on the findings and recommendations until an agreement is reached, or focus on findings on recommendations where there is consensus and address unresolved issues later, either when it is more appropriate and/or when more information is available.

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**Recommendations or action plan challenging to implement in national context**

It may be that the assessment recommendations are unrealistic in the national context (e.g. they touch on sensitive issues where changes in policy are required). In these situations, an incremental approach may be the best way forward, where the action plan focuses on recommendations that can be implemented and on setting a foundation for other, more difficult recommendations to be implemented in the longer-term.

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## 8.8 RELATIONSHIP WITH OTHER ASSESSMENT METHODOLOGIES

Other methodologies are available to assist States with assessing their civil registration or identity management systems, including WHO's rapid and comprehensive CRVS assessment tools and the World Bank's Identity Management System Analysis tool. In addition to this, international organizations (e.g. the Asian Development Bank, UNICEF and UNDP) have also supported States with conducting assessments. However, these assessments are designed to examine the civil registration or identity management system in overall terms. As a result, they tend not to go into great depth about the issues specific to refugees, asylum seekers, stateless persons and persons of undetermined nationality, if at all. This toolkit, through its focus on the civil registration of these populations, should draw and build upon broader assessments that States have conducted on their civil registration and identity management systems.

The strengths and weaknesses of the overall civil registration and identity management systems will be relevant for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. In fact, gaps and barriers that affect how States register the births, deaths and marriages of nationals will likely have an even more pronounced impact on refugees, asylum seekers, stateless persons and persons of undetermined nationality. Broader assessments are therefore a critical source of information for States undertaking an assessment of the civil registration of these populations. It is also worth noting that broader civil registration and identity management assessments can generate motivation, momentum and structures (e.g. the establishment of a national civil registration coordination mechanism) to carry out an assessment concentrating on refugees, asylum seekers, stateless persons and persons of undetermined nationality. It is even possible that examining the situation as it pertains to these populations was a recommendation arising from a broader assessment, making it a logical follow up. Considering all of the above, **the most ideal situation is for States to use this methodology after a broader assessment has been completed**, however this is not a necessity.

The impetus for developing an assessment methodology exclusively on the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality comes from the recognition by States that there

### Other assessment methodologies

*Rapid assessment of national CRVS systems (WHO and University of Queensland, 2010)*

A questionnaire with 25 multiple choice questions that allows a State to arrive at a score that will categorize their CRVS system as dysfunctional, weak, functional but inadequate, or satisfactory. The main purpose of this tool, however, is to generate interest in conducting a more comprehensive assessment.

[http://apps.who.int/iris/bitstream/10665/70470/1/WHO\\_IER\\_HSI\\_STM\\_2010.1\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/70470/1/WHO_IER_HSI_STM_2010.1_eng.pdf)

*Improving the quality and use of birth, death and cause-of-death information: Guidance for a standards-based review of country practices (WHO and University of Queensland, 2009)*

This comprehensive assessment tool is the most commonly used methodology for assessing CRVS systems worldwide.

[http://www.who.int/healthinfo/tool\\_cod\\_2010.pdf?ua=1](http://www.who.int/healthinfo/tool_cod_2010.pdf?ua=1)

*Identity Management System Analysis – Guidelines and Questionnaire (World Bank)*

The purpose of this tool is to facilitate collaboration between the World Bank and States towards improving civil registration and identification systems and their interfaces with functional registration systems. States that are interested in using this methodology should engage with the Identity for Development (ID4D) initiative of the World Bank.

<http://www.worldbank.org/en/programs/id4d>

are unique challenges associated with civil registration of these populations and that special efforts are required to overcome those challenges<sup>61</sup>. A separate methodology is also a practical measure, as an assessment of the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality requires the participation of stakeholders with knowledge about specific technical

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<sup>61</sup> ESCAP Ministerial Declaration <http://www.getinthepicture.org>

issues and the circumstances of these populations. Likewise, in some States there may be sensitivities around these populations; undertaking a separate assessment can help ensure sensitivities are managed.

## 9 PHASE I: PLANNING AND PREPARATION

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### DECIDE TO UNDERTAKE THE ASSESSMENT

#### Output(s):

- Depending on the national context, the output could be a formal decision (e.g. an order or decree) to undertake the assessment

States may perform an assessment of the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality for a variety of reasons. Irrespective of the motivation, a clear decision to undertake the assessment from an authoritative body or figure, is an essential first step. Creating a mandate for the assessment can serve as a catalyst for obtaining the participation, resources and access required to complete the assessment successfully.

Normally, the decision will be an order or decree by either a minister, the cabinet, the national civil registration coordination mechanism or a combination of these, based on a proposal by the ministries and agencies responsible for civil registration and for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality. Since planning for the assessment takes place in subsequent activities, it may not be necessary for the contents of the decision to go beyond consent to perform the assessment and assigning responsibility for its administration, ideally to a body of key stakeholders.

It may be the case that a decision to undertake the assessment cannot be taken until preliminary information is obtained and presented to the decision-makers. In this case, States should conduct the initial desk review first, to be presented to decision-makers in order to receive a formal decision.

This activity is also an important opportunity to involve other key stakeholders in the assessment early, which will lay the groundwork for generating their support and cooperation. The involvement can be as simple as consulting with those stakeholders that will be members of the body leading the assessment and obtaining initial feedback on how they see the assessment proceeding and what they feel they can contribute (e.g. in terms of resources and level of participation). Regardless of whether they will be members of the body leading the assessment, it will also be helpful to involve at this stage UNHCR and other key non-government stakeholders that will make important contributions to the assessment.



## CONDUCT INITIAL DESK REVIEW AND COMPILE RELEVANT MATERIALS AND DATA

### Output(s):

- Report of the initial desk review
- Collection of relevant materials and data

### Tool(s):

- Tool A: Guidance for the initial desk review
- Tool A2: Resource collection guide

### Other resource(s):

- UNHCR E-learning course on Statelessness: <https://trainingpost.com/course/statelessness>
- UNHCR E-learning course on Urban Refugees: <https://trainingpost.com/course/urban-refugee>
- Bloomberg Data for Health Initiative Legal review tool forthcoming at: [www.crvslaws.org](http://www.crvslaws.org)

### Initial desk review

An initial desk review serves the vital purpose of collecting preliminary information that will guide the planning of the assessment and highlight the already-known key issues that the assessment needs to examine. This includes:

- Profiling the different subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that reside in the territory
- Mapping stakeholders and their interest in the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
- Identifying known gaps and barriers for registering the vital events of the populations of interest
- Compiling materials and relevant data in preparation for the assessment

For example, listing and describing the subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that reside in the territory is essentially identifying the subjects for the assessment. It will also allow for the findings and recommendations to be disaggregated along the same lines, which is absolutely critical because these populations and their subgroups are likely to have diverse circumstances and to experience very different types and scale of gaps and barriers. Likewise, mapping stakeholders and their interests will help with identifying the key stakeholders that should be members of the body leading the assessment.

The desk review should be conducted by the ministries and agencies responsible for civil registration and for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality. The sources for the information are likely to be the relevant materials and data listed in Tool A2. It is also strongly recommended to involve UNHCR and other non-government stakeholders who work with and have knowledge about refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory, as they may already have this information readily available to share.

Tool A offers guidance for conducting the initial desk review which includes a somewhat-exhaustive list of stakeholders that States can review to consider which ones are applicable in their country. Tool A2 provides a list of suggested relevant materials to acquire, and how to maintain a research log to share those materials with stakeholders.

The two UNHCR e-learning courses listed in the other resources box can help those responsible for doing the initial desk review to understand the issues and context for stateless persons and urban refugees.

## **Compile relevant materials and data**

Creating a central collection of relevant material and data will support later activities in the assessment. The following list provides a suggested overview of what materials and data should be collected, however it is recognized that not all of these will be available in every State. See Tool A2 for a more comprehensive list.

- ✓ Legislation, regulations and case law related to civil registration and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality (for different provinces or states, where applicable)
- ✓ Manuals, standard operating procedures and other administrative guidance on civil registration and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ National and subnational policy documents and improvement strategies on civil registration, identification, and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Other research, analysis and assessments conducted on civil registration, identification and refugees, asylum seekers, stateless persons and persons of undetermined nationality in the State
- ✓ Information on functional registration systems that collect data on refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Participatory assessments on refugees, asylum seekers, stateless persons and persons of undetermined nationality that have covered civil registration
- ✓ Information and awareness materials about civil registration produced for refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Data and statistics on the population size and civil and functional registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, as well as overall civil registration statistics

## IDENTIFY OR FORM THE BODY THAT WILL LEAD THE ASSESSMENT

### Output(s):

- List of stakeholders that will be members of the body leading the assessment and other stakeholders who should be invited to participate as observers

### The Body

It is recommended that the assessment is completed by a body of key stakeholders (e.g. task force, committee or working group), rather than a single ministry or agency or by an external consultant. The body will be responsible for actually doing the assessment activities and collectively endorsing the outputs, including by forming subgroups or assigning responsibility to individual members for specific tasks. This activity determines what body will lead the assessment (i.e. if an existing body will be utilized or a new one formed) and who will be members of the body. The terms of reference for the assessment will also cover the functioning of the body.

If a national civil registration coordination mechanism (e.g. an inter-agency committee) exists, the body would ideally be a subsidiary of this (e.g. a task force of the inter-agency committee). Utilizing and reporting to the existing national civil registration coordination mechanism will strengthen coordination and complement a State's broader civil registration improvement efforts, as well as help with mainstreaming the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. Likewise, it will avoid the establishment of an unnecessary additional bureaucracy. Setting up a subsidiary of this existing mechanism, as opposed to using the mechanism as the body, will enable greater flexibility (e.g. in terms of having members that are not members of the national civil registration coordination mechanism) and will ensure more focus.

If no national civil registration coordination mechanism exists, there may be other similar cross-sectoral mechanisms (e.g. national development or planning committees) from which the body could be a subsidiary of.

### Co-Chairs

The body will ideally be co-chaired by ministries and agencies responsible for civil registration and for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality.<sup>62</sup> These stakeholders have the most relevant mandates, expertise and knowledge, and will likely have the greatest roles to play in improving the civil registration of the populations of interest moving forward. However, in some States, it may be important for other stakeholders to chair or co-chair the body (e.g. the cabinet secretariat). The co-chairs may also need to serve as the secretariat for the body. States should adopt the leadership of the body to their national context.

### Members of the body

The members of the body should be key stakeholders that possess a relevant mandate and capacity to contribute technical or policy knowledge, expertise, perspectives and resources to the assessment or implementation of the action plan. As many of these key stakeholders as practicable should be invited to be members of the body. One way of identifying which are the 'key' stakeholders is to consider all of those

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<sup>62</sup> As described in the footnote in Section 8.3, in the likely situation that there is more than one ministry or agency responsible for civil registration and for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality (especially the latter), it will not be practical for all ministries to be co-chairs of the body leading the assessment. The most prominent should serve as co-chairs while the rest serve as members.

that were described as having a high or medium interest in the initial desk review. At a minimum, this will include the ministries and agencies responsible for civil registration, administering refugees, asylum seekers, stateless persons and persons of undetermined nationality, supporting the cabinet, foreign affairs, planning, health and national security, as well as the national statistics office (NSO), local and provincial governments, and national human rights institutions.

Crucially, the membership of the body should, if possible, not be limited to government stakeholders. Non-government stakeholders (e.g. UNHCR, academic and research institutions, and civil society) that assist refugees, asylum seekers, stateless persons and persons of undetermined nationality and work on civil registration can play an important role in the assessment, including by offering technical expertise, unique perspectives and useful data, especially from the community-level for specific subgroups of the populations of interest. International organizations can also facilitate the sharing of good practices and experiences from other States, and provide specialized technical advice (e.g. on relevant international standards and recommendations).

Key stakeholders that are unable or unwilling to be members of the body, and other non-key stakeholders, can be invited to participate in the assessment as observers in specific activities.

Finally, membership of the body leading the assessment should be on an organizational, rather than individual, basis, which ensures ownership and continuity (e.g. if an individual rotates to a different organization). This also provides flexibility for members to assign individuals at different levels particular activities. For example, the head of an organization may need to endorse the assessment report, while other tasks may only need a mid- or senior-level official with sufficient technical expertise.

## DEVELOP AND ADOPT TERMS OF REFERENCE AND WORK PLAN FOR THE ASSESSMENT

### Output(s):

- Terms of reference for the assessment
- Work plan for the assessment

### Tool(s):

- Tool B: Example terms of reference for the assessment
- Tool C: Example Gantt chart for the assessment
- Tool D: Example budget for the assessment

## Terms of reference

The terms of reference formally establish the scope of the assessment and how the body leading the assessment will function. The process of negotiating the terms of reference therefore plays an important role in helping members of the body reach a shared understanding of what the assessment is about and how it will be completed.

An effective terms of reference for the assessment would typically describe the following:

- **Background:** Relevant context for the assessment (e.g. describing how the assessment fits into broader national policies on development, civil registration and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality).
- **Objective:** The expected goal(s) of the assessment.
- **Scope:** The parameters of the assessment (e.g. identifying the specific subgroups of the populations of interest for which the assessment will examine).
- **Functioning of the assessment:** How the body leading the assessment will operate (e.g. listing the chair(s) and members, what mechanism or who the body will report to, what subgroups will be formed, how often the body will meet, what other stakeholders can be involved as observers and how, who will be the secretariat for the body, and how the body can amend the terms of reference).
- **Activities and main outputs:** The activities to be undertaken and main outputs produced as part of the assessment. The activities need only be described in general terms since they will be explained in more detail in the work plan.

The initial desk review will offer a good starting point for drafting the terms of reference (e.g. for identifying the subgroups of the populations of interest and members of the body). Once the terms of reference have been agreed by the body leading the assessment, it might be necessary to present it for formal adoption by the mechanism or decision-maker that the body will report to. It is important that there is flexibility to amend the terms of reference after they are first adopted, since new issues requiring examination might arise during the process of completing the assessment.

Tool B offers an example terms of reference that States can use and edit as appropriate.

## Work plan

Once the terms of reference are adopted, a tangible and time-bound work plan for doing the subsequent assessment activities should be negotiated and agreed upon by the body. The work plan should, as much as possible, include specific details about what activities will be done, when, where, and by whom. For example, the work plan should describe where and when field visits will take place, and, if subgroups are to be formed (e.g. for looking into completeness statistics), and how those subgroups will operate.

When developing the work plan, it is important to take into account that the time required for each activity will depend on the complexity of the activities involved and the capacity of those who will be performing the activities. States should therefore plan realistically, and allow enough time for each activity to be completed properly.

Although this assessment methodology is designed for States to be able to administer themselves in low-resource settings (rather than depend on consultants), there are likely to be some costs associated with completing the assessment, including workshop venues and domestic travel for activities such as field visits and focus groups. It may therefore be necessary to prepare a budget for the assessment. Since the resources required are relatively minimal, States may be able to cover these costs themselves, including through cost-sharing and in-kind contributions by members of the body and other stakeholders. Alternatively, assistance may be requested from non-government stakeholders that may be interested and able to provide funding to support certain activities.

Tools C and D offer an example Gantt chart (a commonly used format for visualizing a work plan or project timeframe) and an example budget (with only the structure, and no amounts), both of which States can use and edit as appropriate. These tools are intended to provide general guidance; the format of the tools should align with how the government in each State operates, and go into a greater level of detail according to the agreed-upon work plan.

## 10 PHASE II: COLLECTING, ANALYSING, AND VALIDATING DATA

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### ORGANIZE SENSITIZATION MEETING

#### Output(s):

- Sensitization meeting report

#### Tool(s):

- Tool E: Example programme for the sensitization meeting
- Tool F: Example outline for the sensitization meeting report

### Objectives

The sensitization meeting is essentially the commencement of the main substantive work for the assessment. Its objectives should be to:

- Identify and enhance understanding of the key issues related to the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality in the national context to be examined in the assessment.
- Build momentum for subsequent assessment activities.

For the first objective, the sensitization meeting should review the findings of the initial desk review and supplement this as necessary, especially in terms of identifying the different subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that are known to reside in the territory, along with their circumstances, and the gaps and barriers they are known to face. As there will be more stakeholders participating in the sensitization meeting than were involved in the initial desk review, this is a crucial opportunity to gather additional information for review.

During the sensitization meeting, attendees should review in detail the terms of reference and work plan for the assessment to ensure activities are clearly understood, and to revise plans based on any new information. This may include discussing whether it is necessary to re-order or adjust any activities or tools (e.g. the questionnaire). By agreeing upon and laying the ground work for subsequent activities, the members can build momentum and gain support from stakeholders to complete the assessment.

A report of the first meeting should be drafted in order to have a record of what discussions took place and agreements that were made (if any).

Tool E offers an example agenda for the first meeting and tool F an example report outline, both of which States can use and edit as appropriate.

### Attendees

It will be up to each State whether they invite just the members of the body leading the assessment or to also invite other stakeholders as observers. It may be appropriate to have closed sessions for members of the body, and open sessions where other stakeholders and experts can participate. For example, experts from international organizations such as UNHCR and UNICEF may be well placed to lead or present in sessions about civil registration and definitions of refugees, asylum seekers, stateless persons and persons of undetermined nationality (or stakeholders can be invited to complete the UNHCR e-learning courses on

statelessness and urban refugees described in Phase II – conducting a desk review). Likewise, international organizations may be able to present on experiences and good practices from other States related to completing assessments and addressing gaps and barriers for the civil registration of the populations of interest.

### **Informing the audience**

It is possible that some participants will have limited to no knowledge about the importance of and specific issues associated with the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. When planning the sensitization meeting, the level of existing knowledge of participants should be taken into account. For example, it may be necessary to dedicate early sessions to explaining the definitions of refugees, asylum seekers, stateless persons and persons of undetermined nationality and their circumstances in the national context. Likewise, some participants might need to be educated about the basics of civil registration, such as the difference between civil and functional registration, and about the structure and functioning of the State's civil registration system.



## PRODUCE AND ANALYSE STATISTICS ON COMPLETENESS OF REGISTRATION AND DOCUMENTATION

### Output(s):

- Report about completeness statistics on the populations of interest

### Tool(s):

- Tool G: Guidance for producing completeness statistics on the populations of interest

### Other resource(s):

- *United Nations Principles and Recommendations for a Vital Statistics System, revision 3* (UNSD, 2014). Available from: <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>
- *Guidelines for setting and monitoring the goals and targets of the Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific, version 1* (ESCAP, 2015). Available from: [http://www.unescap.org/sites/default/files/CRVS\\_monitoring\\_guidelines\\_Version\\_1.pdf](http://www.unescap.org/sites/default/files/CRVS_monitoring_guidelines_Version_1.pdf)

### Note(s):

- Producing completeness statistics, completing the questionnaire, and conducting field visits and focus groups can be undertaken simultaneously or in any order. The outputs of these activities will be reviewed and consolidated in during the results workshop.
- This activity should be considered ideal, but since most States may not have reliable and complete data available to produce statistics on the completeness of civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, it may be necessary to document data gaps and note completeness statistics are not available.

This activity involves producing and analysing statistics on the level of completeness of civil registration and legal documentation for refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory, and evaluating and making recommendations on the availability of data for this purpose.

It is recommended that States measure registration completeness not just of the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality, but also whether appropriate persons are in possession of birth, death, and marriage certificates. The latter indicator is important as it is widely-recognized that gaps exist between the actual recording of a birth, death or marriage and the issuance of associated legal documentation.

Having civil registration and legal documentation completeness statistics on refugees, asylum seekers, stateless persons and persons of undetermined nationality will provide States with an objective understanding and baseline of the performance of current systems and practices, as well as of the scale of current gaps and barriers. If completeness statistics on the populations of interest can be disaggregated by location (e.g. province, state, urban or rural), gender, subgroup or other characteristics, this will be a critical tool for understanding where those gaps and barriers exist and thus where resources and efforts need to be directed.

In the context of making recommendations for improving data collection on the completeness of civil registration of the populations of interest, it is worth highlighting that the indicator for SDG target 16.9 is the proportion of children under 5 years of age whose births have been registered with a civil authority, by age. As part of monitoring progress in achieving the SDG agenda, States are being encouraged to report statistics that are disaggregated in a variety of ways, including by migration status (e.g. refugees and asylum seekers) and for marginal groups (e.g. stateless persons in some contexts). Therefore, States have an

additional incentive to be able to produce civil registration completeness statistics on refugees, asylum seekers, stateless persons and persons of undetermined nationality.

### **Who should contribute to this exercise**

Since this activity requires a very specific set of technical expertise, States should consider forming a ‘statistics subgroup’ of the body leading the assessment. Such a ‘statistics subgroup’ would likely be comprised of the NSO and statistics divisions of the ministries and agencies responsible for civil registration and for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality.

Non-government stakeholders that possess relevant data and technical expertise (e.g. UNHCR, UNICEF, NGOs, civil society, academic and research institutions) should also be invited to contribute to completing this activity, ideally as members of the ‘statistics subgroup’. UNHCR, for instance, may already possess quantitative data on completeness of civil registration or the population size of refugees, asylum seekers, stateless persons and persons of undetermined nationality on the territory from their own registration system (if they operate one) or from a previous data collection or study (e.g. a survey or mapping exercise). UNICEF, through its Multiple Indicator Cluster Survey (MICS) program or involvement in DHS surveys, may also have data on birth registration of children under age five that can be disaggregated to reveal the situation of children of refugees, asylum seekers, stateless persons and persons of undetermined nationality. Likewise, NGOs, civil society and academic and research institutions may have their own databases or studies that can be drawn upon in completing this assessment.

### **Challenges and outcomes when data are scarce**

Many States will find this exercise challenging due to a lack of reliable data for refugees, asylum seekers, stateless persons or persons of undetermined nationality. What data are available are likely to be dated or to pertain to birth registration completeness, isolated to certain subgroups or parts of the territory. Regardless, States are encouraged to use whatever data are available and of sufficient quality for the purpose of the assessment, while acknowledging the limitations of this data (e.g. the incompleteness or time lag). These statistics can provide a rough indication of completeness levels for the populations of interest, and serve as a baseline towards improving completeness.

If data are unavailable, incomplete or unreliable, this should be noted in the completeness statistics report, and addressing these gaps should be a recommendation from the assessment. For example, data gaps could be filled by including civil registration-related questions in surveys and censuses that target or include refugees, asylum seekers, stateless persons or persons of undetermined nationality, or by collecting relevant data in functional registration systems (e.g. on the occurrence of births, deaths and marriages and whether these have been registered and granted legal documentation). Improving the availability of data to produce and analyse civil registration completeness statistics on refugees, asylum seekers, stateless persons and persons of undetermined nationality will facilitate the production of a baseline to measure the effectiveness of the subsequently developed action plan.

The output of this activity is a report about civil registration and legal documentation completeness statistics on refugees, asylum seekers, stateless persons and persons of undetermined nationality. Since the situation in each State will be vastly different, an example outline is not practical. However, the report should, at a minimum, present:

- available indicators for completeness statistics
- the data sources used to calculate those indicators, and their associated quality and reliability

- how probable those data will be available in the future to repeat the calculations and measure progress against baseline (repeatability)
- which indicators could not be calculated due to a lack of data
- what data would be needed in the future to calculate missing indicators, and
- recommendations on improving the availability of data (i.e. suggested data collection activities) for producing these statistics in the future.

Tool G provides general guidance on potential sources of data and methods for producing statistics on civil registration and legal documentation completeness of refugees, asylum seekers, stateless persons and persons of undetermined nationality

## COMPLETE QUESTIONNAIRE

### Output(s):

- Responses to the questionnaire

### Tool(s):

- Tool H: Questionnaire

### Other resource(s):

- *Guidance on how to effectively model your CRVS business processes* (Civil Registration and Vital Statistics Digitisation Guidebook. Copyright © APAI-CRVS, 2018). Available from: <http://www.crvs-dgb.org/wp-content/uploads/2015/11/Business-Process-Modelling-Guide.pdf> <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>
- Examples of Process maps (See Annex)

### Note(s):

- Producing completeness statistics, completing the questionnaire, and conducting field visits and focus groups can be undertaken simultaneously or in any order. The outputs of these activities will be reviewed and consolidated in during the results workshop.

This activity involves collecting detailed information, in a structured way, on the systems and practices currently in place for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory. The intention is for this information to feed into the results workshop and development of the assessment report, where it should be analysed alongside information obtained from other sources (i.e. the initial desk review, civil registration completeness statistics, field visits and focus groups) to identify gaps, barriers, bottlenecks, strengths and opportunities as the foundation of the assessment's findings and recommendations.

### How the questionnaire should be completed

The recommended approach for completing the questionnaire is to administer it in the context of a workshop or meeting with all stakeholders present. Completing the questionnaire as part of a workshop allows for rich discussion and consensus-building, as well as acknowledgement about areas that may be contentious or yet unknown.

Possible approaches for completing the questionnaire are listed below; ultimately the approach chosen will depend on resources and time available, and the national context of the State administering the assessment.

- **Workshop or meeting:** This is the ideal approach. The body leading the assessment, along with other key stakeholders, could convene in a workshop or meeting (or a series of workshops or meetings) to reach consensus on answers to each question. With a large group of stakeholders, it would be best to discuss questions in small groups and reconvene during a plenary session. Discussion amongst diverse stakeholders can lead to a greater and more comprehensive understanding of the gaps and barriers for the populations of interest. Completing the questionnaire in the context of a workshop also allows for consensus-building of what the current system looks like, and what areas should be targeted for improvements, as well as acknowledgement of the parts of the system that are contentious or unclear
- **Consolidated written responses:** Members of the body leading the assessment, and other invited stakeholders, complete and submit the questionnaire individually in writing. The responses are then consolidated (e.g. by the co-chairs of the body leading the assessment).

- **Subgroup:** A subgroup of the body leading the assessment is established and tasked with completing the questionnaire, such as through a workshop or consolidated written responses. Alternatively, several subgroups are formed to respond to specific sections.
- **Independent expert:** An independent expert (e.g. a consultant or academic) is tasked with completing the questionnaire on behalf of the body leading the assessment, which might involve interviews with stakeholders and desk research.

The value of the questionnaire rests on the quality of the answers. It is therefore critical that the questions are answered carefully, comprehensively and objectively, and that answers are disaggregated as much as possible, including by different vital events and by subgroups of the populations of interest residing on the territory. As much as possible, States are encouraged to also answer the questions hypothetically for refugees, asylum seekers, stateless persons and persons of undetermined nationality of different profiles that may not currently reside in the territory, but conceivably could in the future (e.g. if all refugees in the country reside in camps now, what would happen if they were to be integrated into the community?). In federal government systems where there may be different laws, systems and practices in different provinces and states, it will be necessary to collect and disaggregate answers along those lines. As with other activities, States are encouraged to include in this step as many stakeholders as possible, including non-government stakeholders such as UNHCR, NGOs, civil society and academic and research institutions.

Before commencing this activity, States should review the questionnaire and amend it as necessary, including through adding questions to cover issues that may have been identified in the initial desk review or sensitization meeting but might not be sufficiently covered in the questionnaire.

Tool H, which contains the questionnaire, is structured as follows:

**A. General issues**

- A1. Profile of refugees, asylum seekers, stateless persons and persons of undetermined nationality on the territory
- A2. Stakeholders
- A3. Existing targets and commitments

**B. Service provider issues**

- B1. Legal and regulatory framework
- B2. Procedures and supporting documentation requirements (including process mapping)
- B3. Awareness, implementation and capacity at the local level

**C. Beneficiary issues**

- C1. Awareness and perceptions among the populations of interest
- C2. Geographic and practical barriers

**D. Relationship with functional and population registration**

- D1. Relationship with functional and population registration

**E. Vital statistics and completeness data**

- E1. Completeness data
- E2. Use and availability of vital statistics

## CONDUCT FIELD VISITS AND FOCUS GROUPS

### Output(s):

- Report of field visits and focus groups

### Tool(s):

- Tool I: Guidance for conducting field visits and focus groups

### Other resource(s):

- *The UNHCR Tool for Participatory Assessment in Operations* (UNHCR, 2006). Available from: <http://www.refworld.org/pd/462df4232.pdf>
- *Guidance on how to effectively model your CRVS business processes* (Civil Registration and Vital Statistics Digitisation Guidebook. Copyright © APAI-CRVS, 2018). Available from: <http://www.crvs-dgb.org/wp-content/uploads/2015/11/Business-Process-Modelling-Guide.pdf> <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>
- Examples of Process maps (See Annex)

### Note(s):

- Producing completeness statistics, completing the questionnaire, and conducting field visits and focus groups can be undertaken simultaneously or in any order. The outputs of these activities will be reviewed and consolidated in during the results workshop.

### Purpose of field visits and focus groups

It is possible, and even likely, that there are differences between the realities of administering civil registration at the local level and the perception of central level stakeholders. For example, gaps, barriers and bottlenecks of a more local or practical nature, such as issues with physical access to civil registration or inconsistent implementation of laws and procedures may exist in local civil registry offices. For this reason, it is important to complement information gathered from central sources with field visits to areas where refugees, asylum seekers, stateless persons and persons of undetermined nationality reside to observe the situations ‘on the ground.’ Collecting perspectives through field visit interview and focus groups from other stakeholders that may not be able to participate in other assessment activities can be a valuable exercise. Participants may include local civil registration staff, civil society and aid workers that work with the populations of interest, and the populations of interest themselves.

Field visits and focus groups offer ‘on the ground’ perspectives, and the information collected can validate or supplement questionnaire responses, or identify new issues not previously considered. Outcomes from the field visits and focus groups may contradict information from other sources, which in itself highlights a potential gap (e.g. ignorance, miscommunication, misunderstandings or misinterpretations).

### Planning field visits and focus groups

The field visits and focus groups can be conducted together (i.e. doing focus groups as part of field visits) or separately (i.e. doing the focus groups in the capital). They will likely require considerable logistical planning, which would have ideally started after the formalization of the work plan, as the work plan should have at least preliminarily identified the locations to be visited and the focus groups to be convened.

It is likely that separate field visits and focus groups will need to be conducted for refugees and asylum seekers and for stateless persons and persons of undetermined nationality, as well as for subgroups within these categories, since they may live in different areas and have very divergent circumstances. However, it might not be practicable or necessary to visit every area where these populations reside, but instead to select a representative sample, or visit areas with the largest known populations of each group. It may not be possible to complete field interviews for local civil registry staff, aid workers, members of civil society, and

for refugees, asylum seekers, stateless persons and persons of undetermined nationality. If local civil registry staff are not represented during the completion of the questionnaire, then field interviews with them should be prioritized. Other types of field interviews should be prioritized depending on the national context and what is believed to be of most use. When organizing focus groups, care should be taken to consider the composition of the group (i.e. gender, age, socio-economic status) as members of the group may not feel comfortable to discuss issues freely when they are not among persons with similar demographic characteristics to themselves. Questions provided for focus groups are for guidance purposes only, it is unlikely that all the questions listed can be answered in one session. States should select questions they feel will be of most use given their national context.

The findings of the field visits and focus groups should be consolidated in a report, which will be presented and considered alongside other sources of information in the review workshop. Tool I offers guidance on conducting the field visits and focus groups, along with suggested interview and focus group questions.

## ORGANIZE RESULTS WORKSHOP TO REVIEW AND CONSOLIDATE FINDINGS, AND DEVELOP RECOMMENDATIONS

### Output(s):

- Report of results workshop
- Aspirational process maps - what the system 'should' look like
- Potential prioritized recommendations

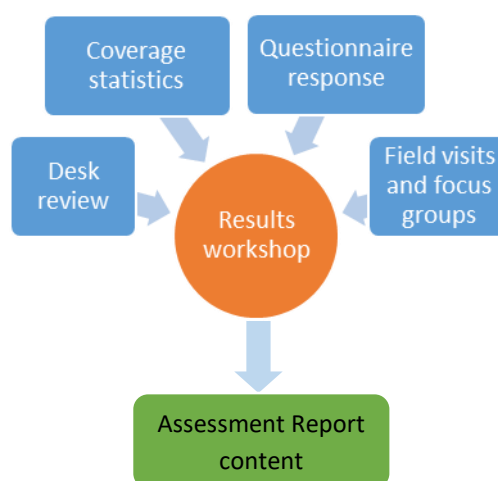
### Other resource(s)

- *Guidance on how to effectively model your CRVS business processes* (Civil Registration and Vital Statistics Digitisation Guidebook. Copyright © APAI-CRVS, 2018). Available from: <http://www.crvs-dgb.org/wp-content/uploads/2015/11/Business-Process-Modelling-Guide.pdf> <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>
- Examples of Process maps (See Annex)
- *Guidelines for setting and monitoring the goals and targets of the Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific, version 1* (ESCAP, 2015). Available from: [http://www.unescap.org/sites/default/files/CRVS\\_monitoring\\_guidelines\\_Version\\_1.pdf](http://www.unescap.org/sites/default/files/CRVS_monitoring_guidelines_Version_1.pdf)
- Identifying issues and priorities  
[http://getinthepicture.org/system/files/event/documents/Session%2017\\_Setting%20national%20targets\\_ESCAP.pdf](http://getinthepicture.org/system/files/event/documents/Session%2017_Setting%20national%20targets_ESCAP.pdf)

### Tool(s):

- Tool J: Example agenda for the results workshop
- Tool K: Example outline for the results workshop report

This activity involves reviewing all the information gathered thus far to reach consensus on the findings (i.e. the gaps, barriers, strengths, opportunities and completeness levels) and develop recommendations that will form the basis for the assessment report. Sources of information to be reviewed include findings of the initial desk review, completeness statistics, responses to the questionnaire, and findings from field visits and focus groups. To help guide the recommendation process, it may be helpful at this step to develop aspirational process maps showing how processes could be improved to make registration more accessible for refugees, asylum seekers, stateless persons and persons of undetermined nationality. These findings and recommendations will then form the basis for the final assessment report.



### How the workshop should be administered

A facilitated workshop is recommended for completing this activity as active, real-time discussion among stakeholders will be beneficial for reconciling discrepancies, agreeing on recommendations, and prioritizing the recommendations. The workshop may need to span several days, or take place in a series of workshops depending on the number of issues that need to be discussed or resolved. The workshop should not necessarily be limited to members of the body; it may be beneficial to invite other stakeholders who will be key in taking the recommendations forward.



There are several alternative approaches to organizing a results workshop if resources and time are limited. In place of the workshop, the co-chairs or other designated person could draft the assessment report and share it with the body and other stakeholders for written consultation and feedback. However, this does not allow for discussion and buy-in from stakeholders as a workshop would.

Another option is to bring the results of the completeness, field visit, and focus group exercises to the questionnaire completion workshop. By adding an additional day or two to the questionnaire workshop, results from the questionnaire could be discussed alongside these other data sources at the end of the workshop, and recommendations could be drafted and prioritized. However, this makes for a long, intensive workshop, and stakeholders may not be able to commit to the full length of time necessary to achieve the intended outcomes.

### **Structure of the workshop**

Preparation will be key to reducing the time required for the workshop(s) and increasing the quality of the outcomes. Reports from each of the information collection exercises should be circulated to participants, along with any draft findings and recommendations (including potential targets). If possible, circulating a draft assessment report helps participants prepare, and can focus the conversation during the workshop, pre-empting contentious issues that may require more time for discussion.

It's suggested the workshop begin with brief presentations of the assessment process and the main conclusions arising from each of information collection exercises. This should then be followed by either plenary or parallel discussions by theme to identify the gaps, barriers, strengths and opportunities and to develop and prioritize recommendations. The example agenda suggests themes, which are based on the sections of the questionnaire and should ideally be linked with how the assessment report will be structured.

This activity can be a good opportunity to initiate a preliminary discussion on whether targets should be set, and what those targets might be. A discussion on targets should take into account the scale and nature of gaps and barriers, as well as the availability of data to measure progress in the future. Targets need not be set at this step; they can be considered in the assessment report and formally set when the action plan is adopted.

The workshop can then finish with a discussion on the action plan, as well as the expected process moving forward.

Tool I provides an example agenda for the results workshop and tool J an example report outline that States can use and edit as appropriate.

## 11 PHASE III: PRODUCING THE MAIN OUTPUTS

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### DEVELOP ASSESSMENT REPORT WITH A PROPOSAL OF TARGETS FOR PROGRESS

#### Output(s):

- Assessment report
- Proposal for targets

#### Tool(s):

- Tool L: Example annotated outline for the assessment report
- Tool M: Guidance for setting targets for improving the civil registration of the populations of interest

#### Other resource(s)

- *Guidelines for setting and monitoring the goals and targets of the Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific, version 1* (ESCAP, 2015). Available from: [http://www.unescap.org/sites/default/files/CRVS\\_monitoring\\_guidelines\\_Version\\_1.pdf](http://www.unescap.org/sites/default/files/CRVS_monitoring_guidelines_Version_1.pdf)
- Identifying issues and priorities [http://getinthepicture.org/system/files/event/documents/Session%2017\\_Setting%20national%20targets\\_ESCAP.pdf](http://getinthepicture.org/system/files/event/documents/Session%2017_Setting%20national%20targets_ESCAP.pdf)

#### Note(s):

- Including proposed targets may not be appropriate or beneficial for some States. This should not be a bottleneck for carrying forward the writing of the assessment report, as a discussion on targets can be revisited at a later date.

The assessment report should describe in detail the findings and recommendations agreed upon in the results workshop. In addition, an effective assessment report will make the case for why an action plan should be developed and why improving the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality on the territory should be a priority. The target audiences for the assessment report are the stakeholders and decision-makers who are in a position to make decisions concerning the implementation of the recommendations.

The assessment report should be drafted by the co-chairs or a sub-group of the body leading the assessment, based on the outcomes of the results workshop. Time should be provided for the authors to draft the report and collect additional information as needed, to ensure the report is of the highest quality. Once drafted, it should be reviewed and endorsed by the whole body, either in writing or at a meeting. As a result, the assessment report may go through several revisions before being finalized.

Writing the assessment report is also an important opportunity to propose specific targets for progress, such as revising the civil registration laws within a year or achieving 100% birth registration completeness of refugees and stateless persons within five years. Discussion from the results workshop should have revealed the feasibility of setting targets, and the types of targets endorsed by stakeholders. Targets proposed in the assessment report can be refined in subsequent activities, as they would normally be formalized when incorporated into the action plan.

Tool N provides an example annotated outline of an assessment report for States to adapt and use as appropriate, and tool M offers guidance on setting different types of targets.

## **PRESENT ASSESSMENT REPORT FOR CONSIDERATION BY DECISION-MAKER(S)**

### **Output(s):**

- Depending on the national context, the output could be a formal or informal decision on how to proceed with developing an action plan and setting targets

After an assessment report has been written and endorsed by the body leading the assessment, States can proceed with developing an action plan and setting targets. In order to proceed on this basis, it may be necessary to get approval from decision-makers. Alternatively, developing an action plan and setting targets may already be mandated as part of the original decision to undertake the assessment. Regardless, the finalization of the assessment report is a good opportunity to have the support of decision-makers reaffirmed, and to receive additional guidance on whether the action plan should be standalone or integrated into another national strategy.

It is important to explain and clarify to decision-makers the contents of the assessment report. On certain or all recommendations, it may be necessary to gain individual approval for each recommendation, especially if they involve sensitive issues.

The decision-makers being targeted in this activity may include the national civil registration coordination mechanism, the ministers that oversee civil registration and the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, the cabinet or a committee of the cabinet, or even the head of government.

## FORMULATE ACTION PLAN WITH TARGETS

### Output(s):

- Draft action plan with targets

### Tool(s):

- Tool M: Guidance for setting targets for improving the civil registration of the populations of interest
- Tool N: Example annotated outline of an action plan

### Other resource(s):

- *Strategic planning to strengthen civil registration and vital statistics systems: Guidance for using findings from a comprehensive assessment* (University of Queensland Health Information Systems Knowledge Hub, 2012). Available from:  
<http://www.getinthepicture.org/sites/default/files/resources/Strategic%20planning%20to%20strengthen%20civil%20registration%20and%20vital%20statistics%20systems%20Guidance%20for%20using%20findings%20from%20a%20comprehensive%20assessment.pdf>
- *Strategic Planning Guide for CRVS* (Statistics South Africa, 2013). Available from:  
[http://www.uneca.org/sites/default/files/uploaded-documents/Statistics/CRVS/strategic\\_planning\\_guide\\_en.pdf](http://www.uneca.org/sites/default/files/uploaded-documents/Statistics/CRVS/strategic_planning_guide_en.pdf)
- *A Guide for Developing a Logical Framework* (University of Wolverhampton Centre for International Development and Training, date unknown)  
[http://www.managingforimpact.org/sites/default/files/resource/developing\\_a\\_logical\\_framework\\_guide\\_cidt.pdf](http://www.managingforimpact.org/sites/default/files/resource/developing_a_logical_framework_guide_cidt.pdf)
- *Ministerial Declaration to 'Get Every One in the Picture' in Asia and the Pacific and the Regional Action Framework for Civil Registration and Vital Statistics in Asia and the Pacific* (ESCAP, 2015). Available from:  
[http://www.unescap.org/sites/default/files/Asian\\_and\\_Pacific\\_Civil\\_Registration\\_and\\_Vital\\_Statistics\\_Decade2015-2024\\_Booklet.pdf](http://www.unescap.org/sites/default/files/Asian_and_Pacific_Civil_Registration_and_Vital_Statistics_Decade2015-2024_Booklet.pdf)
- Identifying issues and priorities  
[http://getinthepicture.org/system/files/event/documents/Session%202017\\_Setting%20national%20targets\\_ESCAP.pdf](http://getinthepicture.org/system/files/event/documents/Session%202017_Setting%20national%20targets_ESCAP.pdf)

Based on recommendations from the assessment report, and with support of decision-makers, the body leading the assessment should develop an action plan to improve the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality.

The action plan will explain in detail what activities need to be done, when, how and by whom, and will ideally contain formally-set targets. The horizon for the action plan will be up to each State, but would generally cover a one- to ten-year period, depending on the scale of what the action plan aims to achieve, as well as the will and capacity of stakeholders. The most common timeframe for an action plan is five years.

The other resources listed above provide specific guidance on how to develop a plan or strategy to improve civil registration. It is suggested that States begin by developing a logical framework, which will help organize the body's thinking, clarify objectives, and ensure that the activities are results-oriented and accompanied with performance indicators and targets. A key aspect of an action plan is prioritization, whereby activities are measured in terms of their importance, urgency, cost and feasibility, which will assist with allocating resources and directing efforts towards activities that are most pressing and most likely to be completed.

It will be advantageous to involve the cabinet office, the national development planning agency and the ministry of finance in the formulation of an action plan since these actors are responsible for ensuring alignment with the State's broader development objectives and for allocating government funds. In this context, it will also be beneficial to estimate the costs of implementing the action plan to assist with obtaining funds from within the government and from external donors. Likewise, States are encouraged to involve non-government stakeholders in the development of the action plan, as they will most likely have an important role to play in its implementation.

Based on the instructions received from decision-makers, as well as the national context and the nature of the recommendations, States will need to decide if developing a standalone action plan is appropriate, or if integrating recommendations into a broader strategy is the most logical approach. Appropriate broader strategies may include those related to improving the overall civil registration system, or those related to administering, resolving the situation or achieving the SDGs for refugees, asylum seekers, stateless persons or persons of undetermined nationality.

Once the action plan has been developed and endorsed by the body, it will be essential to have it approved by decision-makers, most likely the same decision-makers involved in the previous activities. If targets have been set, States should consider reporting these to relevant international fora, such as those that will be monitoring progress against the SDGs or general civil registration improvement goals.

Tool N provides an example annotated outline for States to adapt and use as appropriate, and the other resources listed above provide additional guidance.

# **ANNEX: TOOLS**

## TOOL A: GUIDANCE FOR THE INITIAL DESK REVIEW

This guidance is presented as a table for States to population, with some examples.

### **A. Profile of refugees, asylum seekers, stateless persons and persons of undetermined nationality that reside in the territory**

This exercise involves going into more detail about the subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that reside in the territory, and circumstances that may affect how and if they have their births, deaths and marriages registered in the mainstream civil registration system. This exercise is meant to raise awareness among stakeholders that do not normally work with these populations, especially the ministries and agencies responsible for civil registration as well as local government and civil registration staff.

There will be commonalities, but also differences, among refugees, asylum seekers, stateless persons and persons of undetermined nationality, in the gaps and barriers experienced in accessing the mainstream civil registration system. Thus, there is a need to examine each situation individually and to disaggregate the findings and recommendations along those lines. For example, *in situ* stateless persons who have resided in the territory, often for generations, will face very different gaps and barriers to stateless asylum seekers and refugees who have migrated to the territory. There will also be very dissimilar circumstances for registering the birth of foundlings, who can be at risk of statelessness, compared with registering the birth of stateless children for whom the parents are known. Similarly, there will be important differences between refugees and asylum seekers who are confined to camps compared to those who live in the community.

States should be as comprehensive and honest as possible in doing this exercise. It is likely that the ministries and agencies responsible for administering the populations of interest, as well as national security agencies and human rights institutions, UNHCR and other non-government stakeholders that work with the populations will have the necessary information. Where information is unknown, this should be documented so that it can be addressed in later steps of the assessment.

For each subgroup, the following should be described, as well as any other characteristics that are determined to be relevant for the assessment:

- Population size (estimated if the actual figure is unknown)
- Civil registration completeness (estimated if the actual figure is unknown)
- Location(s) where they reside
- Factors that will influence the type and scale of gaps and barriers they will experience, such as:
  - likelihood of possessing identity documentation and what types of documents they typically hold
  - whether they are in a protracted situation;
  - nationality and country of origin;
  - ethnic or cultural background;
  - living conditions;
  - whether they have freedom of movement;
  - legal and migration status; and
  - political and social context (i.e. how integrated and accepted they are in the State)
- Known gaps and barriers in accessing the mainstream civil registration system and functional registration systems
- Whether they are likely to be registered in a functional registration system or not

<ul style="list-style-type: none"> <li>• Known government policies regarding the population group</li> </ul>	
Population subgroup	Characteristics or circumstances that may affect how they have their births, deaths and marriages registered in the mainstream civil registration system
A. [EXAMPLE 1] Foundlings	<ul style="list-style-type: none"> <li>• <i>Foundlings are defined under the Child Protection Act and the Civil Registration Act as, "...a deserted or abandoned infant or child— with parents, guardian, or relatives being unknown—found by another person (finder); or a child committed to an orphanage, or charitable or similar institution with unknown facts of birth and parentage."</i></li> <li>• <i>In most cases, foundlings are found without any evidence of who their biological parents are, where they were born (e.g. a birth notification) or any other biographical characteristics. The Civil Registration Act, considering this, has separate provisions for registering the birth of a foundling, in order to facilitate the creation of a legal identity for the child. These provisions require a local civil registrar to register the birth of a foundling with a different type of record (Birth registration of foundling) that has minimal requirements.</i></li> <li>• <i>Approximately 200 foundlings are found every year, in all parts of the country but with the highest incidence is in major cities.</i></li> <li>• <i>Known gaps and barriers:</i> <ul style="list-style-type: none"> <li>○ <i>Police and social workers unaware of their central role in immediately notifying local civil registrars to register the birth of foundlings, leading to delays of weeks or months for the registration to take place.</i></li> <li>○ <i>Local civil registrars generally unaware of the special procedures for registering the birth of a foundling, such as determining the name and parents on the record. Some local civil registrars register the foundling as a regular live birth, making it more difficult for the child to prove that they were abandoned as a newborn later in life.</i></li> </ul> </li> <li>• <i>Foundlings are generally granted nationality based on their inability to obtain another nationality, which is one reason that it is so important for them to be able to prove they were a foundling.</i></li> </ul>
B. [EXAMPLE 2] Refugees registered with UNHCR and residing in UNHCR-operated camps	<ul style="list-style-type: none"> <li>• <i>These refugees arrived last year following civil conflict in the neighbouring State and live in three camps near the western border. All have been registered and found to be refugees by UNHCR.</i></li> <li>• <i>According to UNHCR, there are 16,550 refugees in this group: 4,550 refugees in Camp A; 2,000 in Camp B; and 10,000 in Camp C.</i></li> <li>• <i>All 16,550 have been found to be nationals of the neighbouring State.</i></li> <li>• <i>Many of these refugees possess their passport or national ID card, since it serves as evidence they belong to their ethnic minority. All of these refugees over 16 years old have been issued with a UNHCR registration card, which has their photo on it. Children (under 16) have their name included on their parents' or guardian's UNHCR registration card, however there is no photo.</i></li> <li>• <i>UNHCR maintains a database of the registered refugees on a household basis, including linking parent-child data to create family trees, and with photos of the entire population.</i></li> </ul>



	<ul style="list-style-type: none"> <li>• <i>These refugees are unable to leave their respective camps, so they have restricted freedom of movement.</i></li> <li>• <i>Among the 16,550 refugees living in the camps, about 500 of them were born in the camp. None have had their birth registered by the State, since the parents and child cannot leave the camp to visit a local civil registration office. UNHCR does record information on these births in the camp as part of its refugee database and camp health information system. Two documents are issued for births: a birth notification with medical facts of the birth (issued by the camp doctor) and a new card is issued to the mother and father specifying the newborn baby's name. The UNHCR birth notification has the prerequisite facts required under the Civil Registration Act to complete a birth registration.</i></li> <li>• <i>Marriages have been reported to occur in the camps however the number is unknown. Generally, the marriage follows traditional customs, but no informal or formal registration or certification is done. UNHCR does not record the marriage but if they live in the same building, UNHCR will record that the two individuals live in the same household.</i></li> <li>• <i>UNHCR records the deaths of registered refugees in its refugee database (for making that record inactive) and health information system but does not issue any certificates. Causes of death are determined roughly by the camp doctor and inputted into the health information system without any coding or compliance with the International Classification of Diseases. The handful of suspicious deaths that have occurred were referred by UNHCR to police for investigation. In order for police to officially conclude an investigation, one of the requirements is that the death is that a death certificate is issued, so the police facilitate the death to be registered in the local civil registration office. This means that the only deaths in the camp that are registered by the mainstream civil registration system are those that are referred to police for investigation (5 of the 60 deaths in the three camps).</i></li> <li>• <i>Most of these refugees entered the State on a humanitarian visa exemption for 90 days when the border was opened to accept them. Since the visa exemption period has well expired, the State has amended its Immigration Act to provide a legal status for refugees registered with UNHCR, for as long as they hold a valid UNHCR registration card.</i></li> </ul>
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## **B. Stakeholder-mapping**

Both government and non-government stakeholders should be involved in the assessment and in implementing the resulting recommendations. This includes stakeholders that have a direct responsibility for civil registration and for the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, stakeholders that have relevant knowledge, expertise, experience and resources to contribute, and stakeholders with a policy interest in this issue.

Identifying who the stakeholders are and their interests will be important for generating support for the assessment, and for having a holistic and comprehensive discussion about the gaps, barriers, and opportunities for improvement. One of the first steps is to determine who the key stakeholders are that should be members of the body that leads the assessment.

Below is a long list of possible stakeholders States can review to determine which ones may be relevant in their national context. Note that there may be others that should be included not listed here.

Potential Government stakeholders:

- Ministries and agencies responsible for carrying out civil registration (potentially separate ministries and agencies for birth and death and for marriage registration, especially for particular population groups)
- Ministries and agencies responsible for administering and policies on refugees, asylum seekers, stateless persons and persons of undetermined nationality (likely to be separated between these categories, for example a ministry of interior or justice might be responsible for policy concerning stateless persons, while the ministry of immigration will be responsible for administering asylum seekers and refugees).
- Provincial and local governments from areas that host populations of interest
- Ministry of Foreign Affairs
- Ministry of Interior
- Ministry of Justice
- Cabinet Secretariat or Office
- Ministries and agencies responsible for child protection and protection of minorities
- Ministries and agencies of Women's Affairs
- National human rights institutions
- Ministry or agency responsible for national identification systems and policies
- Ministry or agency responsible for immigration
- Ministry of Planning
- Ministry or agency responsible for disaster and humanitarian responses
- Ministry or agency responsible for national security
- Ministry of Health
- Ministry of Education
- National Statistical Office
- Ministry or Department overseeing functional registration
- Ministry or Department overseeing population register
- Local Civil Registry offices
- County commissioners and/or planners
- Police
- Local hospital staff, midwives, nurses etc.
- Department overseeing the Health Information System (HIS)
- Ministry of Information and Communication Technology (Ministry(s) or agency(s) overseeing e-Government or data-sharing and privacy)
- Ministry of Social Development or Social Services
- Ministry or department of Children
- Electoral commission

Potential Non-government stakeholders:

- Refugees, asylum seekers, stateless persons and persons of undetermined nationality
- Local and international non-governmental organizations (NGOs) and civil society groups working on civil registration or assisting and/or representing the populations of interest
- Churches or religious institutions
- Journalists and media persons
- Plan International, World Vision etc.
- For profit development agencies
- Funeral parlours
- International organizations with relevant mandates e.g. RSO, IOM, UNHCR, UNICEF, UNDP, UNFPA, WHO, ADB, World Bank etc.
- Research and academic institutions that have an interest or completed research on the populations of interest
- Donors who may provide financing for improving the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality

Stakeholder	Category	Interest and mandate	Interest level
A. [EXAMPLE 1] Department of Civil Registration, Ministry of Interior	Government	<ul style="list-style-type: none"> <li>• National responsibility for birth, death and marriage registration and maintaining a national civil registration database.</li> <li>• Provides resources and technical expertise to local civil registrars, in local government offices, so they can carry out civil registration.</li> </ul>	High
B. [EXAMPLE 2] Local civil registrars in district offices	Government	<ul style="list-style-type: none"> <li>• Responsible for actually carrying out civil registration, according to guidelines made by the Department of Civil Registration.</li> <li>• Each district has an official designated as local civil registrar by the district head. This local civil registrar is responsible for registering all births, deaths and marriages that occur in their district.</li> <li>• District heads report to the Ministry of Interior.</li> </ul>	High (in districts where refugees, asylum seekers, stateless persons and persons of undetermined nationality reside)
B. [EXAMPLE 3] Department of Refugee Affairs, Ministry of Interior	Government	<ul style="list-style-type: none"> <li>• National responsibility for administering refugees and asylum seekers on the territory, including processing claims, managing camps and maintaining a database of refugees and asylum seekers in the territory.</li> </ul>	High
B. [EXAMPLE 4] Ministry of Interior	Government	<ul style="list-style-type: none"> <li>• Oversees the Department of Civil Registration, the Department of Refugee Affairs and district offices</li> </ul>	High

		<ul style="list-style-type: none"> <li>• <i>Responsible for State policies on refugees, asylum seekers and stateless persons.</i></li> </ul>	
B. [EXAMPLE 5] UNHCR	Non-government	<ul style="list-style-type: none"> <li>• <i>Has international mandate for the protection of refugees and stateless persons.</i></li> <li>• <i>Provides technical assistance to the government and civil society regarding refugees and stateless persons.</i></li> <li>• <i>Has conducted several relevant studies and data collection on refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory, including on the possession of identity documentation.</i></li> </ul>	High

### C. Known gaps and barriers

Many of the general gaps and barriers (i.e. those not specific to any subgroup) experienced by refugees, asylum seekers, stateless persons and persons of undetermined nationality in relation to civil registration may already be known. Sources of information to complete this task can include previous civil registration assessments and research (even if more general) and preliminary discussions with stakeholders.

It is important to note this table will not be exhaustive, and isn't meant to be disaggregated according to subgroups. The purpose of this list is to provide an indication of the nature and scope of the gaps and barriers, which will assist with planning the assessment and identifying the stakeholders that should be members of the body leading the assessment.

Gap or barrier	Impact	Potential solutions / Recent efforts to address this
A. [EXAMPLE] <i>Civil Registration Act only allows the registration of births and marriages of non-nationals who possess a passport and valid visa</i>	<i>This prevents the registration of births and marriages of most refugees, asylum seekers, stateless persons and many refugees and asylum seekers. If stateless persons possess some kind of travel document, they will not be in possession of a valid visa. Likewise, the visa of almost all refugees and asylum seekers on the territory has expired, so they are unlikely to meet this requirement.</i>	<i>It will require an amendment to the Civil Registration Act, which was only amended three years ago. As far as we know, no discussions were held within the government or parliament about removing the requirement of a passport and valid visa</i>

## Tool A2: Resource collection guide

Creating a central collection of relevant material and data will support later steps of the assessment. The following list provides a suggestion of what materials and data should be collected, however it is recognized that not all of these will be available in every State:

- ✓ Legislation, regulations and case law related to civil registration (for different provinces or states, where applicable)
- ✓ Legislation, regulations and case law related to the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Manuals, standard operating procedures and other administrative guidance on civil registration
- ✓ Manuals, standard operating procedures and other administrative guidance on the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Results from previous CRVS comprehensive assessments
- ✓ Results from previous CRVS rapid assessments
- ✓ CRVS system process maps for births, deaths, and marriages
- ✓ Other CRVS system assessment results
- ✓ National and subnational CRVS improvement plans or strategies
- ✓ Targets and related documentation for the ESCAP Regional Action Framework
- ✓ National and subnational policy documents and improvement strategies on:
  - identification, and
  - the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Other research, analysis and assessments conducted on:
  - civil registration,
  - identification and
  - refugees, asylum seekers, stateless persons and persons of undetermined nationality in the State
- ✓ Information on functional registration systems that collect data on refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Participatory assessments on refugees, asylum seekers, stateless persons and persons of undetermined nationality that have covered civil registration
- ✓ Information and awareness materials about civil registration produced for refugees, asylum seekers, stateless persons and persons of undetermined nationality
- ✓ Data and statistics on the population size and civil and functional registration completeness of refugees, asylum seekers, stateless persons and persons of undetermined nationality, as well as overall civil registration statistics. Possible sources include:
  - Census data by nationality
  - Functional registration systems
  - MICs or DHS survey data (disaggregated where possible)
  - Censuses or surveys that targeted refugees, asylum seekers, stateless persons and persons of undetermined nationality
  - Mapping exercises for refugees, asylum seekers, stateless persons and persons of undetermined nationality
  - National population database (if refugees, asylum seekers, stateless persons and persons of undetermined nationality are included)
  - Health information systems (refugees, asylum seekers, stateless persons and persons of undetermined nationality)

The following is an excerpt from the Bloomberg Philanthropies Data for Health Initiative’s CRVS Legal and Regulatory Review tool, outlining potential legislative materials that are useful when performing reviews of CRVS systems. States should adapt this checklist as necessary and attempt to acquire the materials relevant to their situation as part of the desk review.

Chapter II: Legal and Constitutional Foundation

**Guidance:** While most rules regarding civil registration systems are often contained in a small handful of laws and regulations (often a Birth and Death Registration Act, Statistics Act, and their respective regulations), there are likely to be dozens of other laws that will affect the functioning of civil registration. It is critical to collect and analyze every law before analyzing the system.

Note on the use of the term “law”: Throughout this toolkit, the term “law” includes any legally-binding measure, including constitutional provisions, legislation, regulations, decree, ministerial orders, official instructions to government agencies, employee manuals, official policies, and standard operating procedures for government officials, judicial orders, international treaties, and any other document with the force of law. When referring to only those acts approved by the legislature, the term “legislation” or “act” is used.

The checklist below serves as a guide to help ensure all relevant laws have been included in the review. Countries are likely to have different versions of each law. Use the suggested daily research log (Chapter I, Section 4, Step 3) to assist in tracking and organizing the following types of laws:

<p><b>GOVERNMENT ADMINISTRATION</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constitutional Provisions</li> <li><input type="checkbox"/> Government Organization</li> <li><input type="checkbox"/> Civil Procedure and Civil Code</li> <li><input type="checkbox"/> Local Government/Autonomy</li> <li><input type="checkbox"/> Administrative Procedures</li> <li><input type="checkbox"/> Criminal Procedure and Penal Code</li> <li><input type="checkbox"/> Code of Conduct of Government Officials</li> <li><input type="checkbox"/> Judicial Enforcement</li> <li><input type="checkbox"/> Budget</li> </ul> <p><b>INITIAL INFORMATION COLLECTION</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Family, Family Registration, and Paternity</li> <li><input type="checkbox"/> Identity Management</li> <li><input type="checkbox"/> Nationality, Residence and Immigration</li> <li><input type="checkbox"/> Burial, Cremation, and Funeral</li> <li><input type="checkbox"/> Education or Student Registration</li> <li><input type="checkbox"/> Police Rules for Unnatural/Accidental Deaths</li> <li><input type="checkbox"/> Emergency/Disaster Procedures</li> </ul> <p><b>INFORMATION MANAGEMENT AND PROCESSING</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Personal Information Protection</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Electronic Government Rules</li> <li><input type="checkbox"/> Telecommunications Act</li> <li><input type="checkbox"/> Digital Signature</li> <li><input type="checkbox"/> Notary Offices</li> <li><input type="checkbox"/> Certificate of Seal Imprint</li> <li><input type="checkbox"/> Civil Information Management</li> <li><input type="checkbox"/> Public Security</li> </ul> <p><b>MEDICAL PROCEDURES AND RULES</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Government/Private Hospital Manuals</li> <li><input type="checkbox"/> Medical Board Training Requirements and Procedures Medical School Curriculum</li> <li><input type="checkbox"/> Coroner, Autopsy, or Inquest Procedures</li> <li><input type="checkbox"/> Hygiene and Disease Prevention</li> <li><input type="checkbox"/> Laws on Specific Diseases, such as HIV/AIDS</li> <li><input type="checkbox"/> National Health Care/Insurance</li> </ul> <p><b>USES FOR CRVS INFORMATION</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Statistics or Censuses</li> <li><input type="checkbox"/> Inheritance and Property Rights</li> <li><input type="checkbox"/> Access to Education</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> National and Local Tax Collection</li> <li><input type="checkbox"/> Military Service</li> <li><input type="checkbox"/> Social Security and Pensions</li> <li><input type="checkbox"/> Emigration and Immigration</li> <li><input type="checkbox"/> Voting and Elections</li> <li><input type="checkbox"/> Registration of Real Estate</li> <li><input type="checkbox"/> Labor/Employment</li> <li><input type="checkbox"/> Access to Banks/Telecom</li> </ul> <p><b>OTHER CONSIDERATIONS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> International Treaties</li> <li><input type="checkbox"/> National/Regional Human Rights</li> <li><input type="checkbox"/> Religious Freedom</li> <li><input type="checkbox"/> Protection of Rights of Children</li> <li><input type="checkbox"/> Protection of Rights of Women</li> </ul>
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## Maintaining shared resources

Maintaining a research log and storing found materials in a central place where other stakeholders can access them is a useful preparatory step before completing the questionnaire. Having these materials available during the assessment can save time and guide discussion during the assessment.

The excerpts below from the Bloomberg Philanthropies Data for Health Initiative CRVS Legal and Regulatory Review tool provide some useful tips for maintaining a research log and file saving conventions for storing resources on a shared folder.

### The following is recommended information to include in the daily research log:

- ▶ **Resource searched:** Write the name of the resource searched, including official websites, academic libraries, government offices, secondary sources, etc. It is important to be specific and provide hyperlinks to websites.
- ▶ **Day researched:** Enter the date the reviewer checked the source to allow the team of reviewers to know the last day the source was reviewed.
- ▶ **Search terms used:** If specific search terms to look for a law are used, these should be documented, even if the search terms were unsuccessful. This will help determine which search terms are the most effective. If no search terms were used, write "N/A."
- ▶ **Law(s) found:** Write the short title of each law found through the search and include the effective date of the law, if known. This will be important for laws that have undergone multiple amendments.
- ▶ **Relevant provisions of law:** Briefly describe which section(s) of the law are relevant to this work and why. For example, "Law 123 is the primary law on birth and death records." Or "Chapter 22 references use of birth certificates for school registration." These descriptions do not need to be especially detailed, but will serve as a reference to know which laws are relevant to which sections of the review. If the laws need to be translated, this will also help determine which provisions to translate.
- ▶ **Related best practice:** Each of the best practices in this toolkit is numbered. When a legal provision is related to a best practice, record the number of the corresponding best practice. This will help quickly identify the relevant provisions later in the review process.

#### STEP 4: Upload all relevant laws to a central folder (Approx. 1 day)

It is recommended that the reviewers, especially those working in a team, save all the laws and other material in a central electronic folder to permit ease of access. Online tools like DropBox and Google Drive offer inexpensive file sharing for multiple users. A standardized labeling format for saving the laws is recommended, as this will allow easier sorting and organization of the many of laws and amendments that are typically involved in a CRVS system. See Appendix A for a recommended labeling format.

#### STEP 5: Confirm laws are complete and up-to-date (Approx. 1-10 days)

Once the laws have been collected and uploaded to the shared folder, review the collections for completeness. At this point, the legal experts should choose a closing date for the review. This closing date will serve as the latest date for confirmation that the laws are in force and up-to-date. Reviewers will need to confirm that there have been no subsequent amendments to any of the cited laws as of the closing date.

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### Appendix A – Recommend Standard for Labeling Laws Saved on Shared Folder

#### Laws should be saved in the following format:

Country\_YYYYMMDD\_Short Title of Law\_DRAFT\_Language\_Translation filetype

#### Below is a key that explains each component of this format:

1. **Country**
  - a. Use the short title of the country name. Generally, this should be the same title as the parent country.
    - i. Ex: China (not The People's Republic of China) or S. Africa (not The Republic of South Africa)
  - b. Sub-national laws should be saved in a separate folder under each country. For sub-national laws, add the region following the country name.
    - i. Ex: Russia\_Chuvasia
2. **Date**
  - a. Use the "YYYYMMDD" format
  - b. For laws, use the enactment date. Usually, this will be the day the law was officially published. It is not necessary to determine the effective date. For some laws, researchers may only know the year or month — as much information as available should be included. If no enacted or published date can be easily determined, leave this section blank.
  - c. For litigation, use the date when the decision was published.
3. **Short Title of Law (or Litigation)**
  - a. Use a short, yet understandable, title of the bill or litigation. In general, more information rather than less is better. Researchers should include the type of law (e.g. law, constitution, regulation, gazette, etc.). If the legislation is numbered, include the number as well.
    - i. Ex: "Law 4256 on Public Health" or "MoHealth Decree 1234 on Hospital Admission" or "John Doe v. Jane Doe"
4. **Draft or Final**
  - a. Only finalized laws should be captured. If there are relevant laws that are not final, label them: DRAFT. Otherwise, leave this section blank.
5. **Language and Translation**
  - a. Designate the language using an ISO 639-1 two-letter language code. A list of codes is available at: [http://www.loc.gov/standards/iso639-2/php/code\\_list.php](http://www.loc.gov/standards/iso639-2/php/code_list.php)
    - i. Ex: EN (English); ZH (Chinese); ES (Spanish)
  - b. If the file has been translated from the original language into English, researchers should write whether it is an official or unofficial translation.
    - i. Ex: EN (English\_unofficial)
6. **File type**
  - a. Designate the file suffix.
    - i. Ex: Microsoft Word file (.doc or .docx) or Adobe Acrobat (.pdf)

#### Other examples:

- ▶ Canada\_Alberta\_20000719\_Birth and Death Registration\_EN.pdf
- ▶ Turkey\_20080516\_Circular 2008/6\_EN\_unofficial.doc
- ▶ Russia\_200106\_CRVS Act\_RU.pdf
- ▶ Bangladesh\_2010\_Instructions to Hospital Staff\_DRAFT\_BN.doc

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## **TOOL B: EXAMPLE TERMS OF REFERENCE FOR THE ASSESSMENT**

### **A. Background**

1. *[General information about recent efforts to improve the mainstream civil registration system, including descriptions of any relevant commitments (e.g. related to the SDGs or ESCAP ministerial declaration), broader civil registration or CRVS assessments that have been conducted already or improvement strategies that already exist, and the relationship of these to this assessment].*
2. *[General information refugees, asylum seekers, stateless persons and persons of undetermined nationality on the territory, such as describing relevant policies or strategies concerning their administration].*

### **B. Objective**

3. The objectives of the assessment are to:
  - a. Identify the gaps, barriers, strengths, opportunities and completeness levels that exist regarding how the births, deaths and marriages that occur in the territory of *[State name]* among refugees, asylum seekers, stateless persons and persons of undetermined nationality (“the populations of interest”) are registered in the mainstream civil registration system.
  - b. Make recommendations for how the gaps and barriers can be addressed and the strengths and opportunities leveraged, including through the development of an action plan and setting of relevant targets.

### **C. Scope**

4. The assessment will specifically examine how the births, deaths and marriages of all populations of interest in the territory of *[State name]* are registered in the mainstream civil registration system. The assessment will provide recommendations on how to improve access for populations of interest. This includes the following identified population subgroups:
  - a. *[List or include in the annex the different subgroups that are known to reside on the territory, most likely based on the list developed in the initial desk review].*

### **D. Activities and main outputs**

5. The assessment will utilize the methodology contained in the Bali Process Civil Registration Assessment Toolkit, adjusted as necessary for the national context by *[Name of the body leading the assessment]*.
6. The specific activities that will be undertaken as part of the assessment will be described in detail in the work plan developed by *[Name of the body leading the assessment]*.
7. The main outputs of the assessment are as follows:
  - a. An assessment report describing in detail the findings and recommendations.
  - b. A draft action plan with proposed targets, based on the assessment report.

### **E. Functioning of the assessment**

8. The assessment will be led and conducted by *[Name of the body leading the assessment]*, of which the members are:
  - a. *[Ministry or agency responsible for civil registration]* (Co-Chair).



- b. *[A ministry or agency responsible for administering refugees, asylum seekers, stateless persons and persons of undetermined nationality]* (Co-Chair).
  - c. *[List other members]*
9. In order to carry out its work, *[Name of the body leading the assessment]* may:
- a. Develop a work plan, including assigning responsibility for specific activities to individual or subgroups of members.
  - b. Hold meetings or workshops and conduct field visits and focus groups.
  - c. Request data and other inputs from any source.
  - d. Invite observers to participate in specific activities of the assessment.
  - e. Amend this terms of reference.
10. *[Name of the body leading the assessment]* will collectively review and endorse the main outputs of the assessment.
11. *[Name of the body leading the assessment]* will report to *[Name of the mechanism or decision-maker that the body will report to and possibly how often they will be reporting or after which activities]*.
12. *[Name of the body leading the assessment]* will continue to exist until the main outputs have been produced and endorsed.

## TOOL C: EXAMPLE GANTT CHART FOR THE ASSESSMENT

	Led by	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9
Organize sensitization meeting	Co-chairs									
Produce and analyse civil registration completeness statistics on the populations of interest	Statistics subgroup									
Complete questionnaire (workshop)	Co-chairs									
Conduct field visits and focus groups	Co-chairs									
Organize results workshop to review and consolidate findings and develop recommendations	Co-chairs									
Develop assessment report with a proposal of targets for progress	Drafting subgroup									
Present assessment report for consideration by decision-maker(s)	Co-chairs									
Develop action plan with targets	Drafting subgroup									

**Note:** This Gantt chart does not represent a full work plan for the assessment. A work plan will have far more details under each activity, including what specific activities will be done and by whom (e.g. where will field visits be conducted, when, who will join, and who will be responsible for expenses). A Gantt chart will ordinarily be in the annex of a work or project plan. This Gantt chart has been included to provide a rough indication of the time required for each activity, assuming that co-chairs are not dedicating full-time staff to the assessment. The actual time can be less or more than what is specified above.

## TOOL D: EXAMPLE BUDGET FOR THE ASSESSMENT

Activity	Amount	Funding source(s)
A. Secretariat functions for the body leading the assessment <ul style="list-style-type: none"> <li>- <i>Salary of dedicated staff from co-chairs</i></li> <li>- <i>Printing</i></li> <li>- <i>Communication costs (e.g. telephones)</i></li> </ul>		
B. Sensitization meeting <ul style="list-style-type: none"> <li>- <i>Venue</i></li> <li>- <i>Travel, accommodation and per diem of participants from local or provincial governments outside of the capital</i></li> <li>- <i>Hospitality</i></li> </ul>		
C. Workshop to complete the Questionnaire <ul style="list-style-type: none"> <li>- <i>Venue</i></li> <li>- <i>Travel, accommodation and per diem of participants from local or provincial governments outside of the capital</i></li> <li>- <i>Hospitality</i></li> </ul>		
D. Field visits and focus groups <ul style="list-style-type: none"> <li>- <i>Travel, accommodation and per diem of officials for field visits and on-site focus groups</i></li> </ul>		
E. Results workshop <ul style="list-style-type: none"> <li>- <i>Venue</i></li> <li>- <i>Travel, accommodation and per diem of participants from local or provincial governments outside of the capital</i></li> <li>- <i>Hospitality</i></li> </ul>		
<b>Total:</b>		

**Note:** This budget illustrates a situation in which minimal resources are required (e.g. focus groups conducted during the field visits, meaning no travel is required for focus group participants). If, for example, a State decides to hire expert consultants or to hold meetings to complete other assessment activities, additional resources will be required.

## TOOL E: EXAMPLE PROGRAMME FOR THE SENSITIZATION MEETING

0900-0915	1. Opening ceremony
0915-0930	2. Introductions and meeting expectations (facilitated)
0930-1000	<i>Coffee break</i>
1000-1130	<p>3. Understanding the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality (presentations and discussion)</p> <p>a. Overview of the national mainstream civil registration system (including the findings of any other civil registration or CRVS assessments that have been conducted)</p> <p>b. Overview of refugees, asylum seekers, stateless persons and persons of undetermined nationality and the importance of including them in the mainstream civil registration system</p> <p>c. Experiences from other States (if available)</p>
1130-1230	<i>Lunch</i>
1230-1500	4. Results of the initial desk review (presentation and discussion on the profile of refugees, asylum seekers, stateless persons and persons of undetermined nationality on the territory, stakeholder mapping, and known gaps and barriers)
1500-1530	<i>Coffee break</i>
1530-1630	5. Review and adoption of the terms of reference and work plan (taking into account the discussions of the previous session)
1630-1645	6. Any other business
1700	7. Closing ceremony

## **TOOL F: EXAMPLE OUTLINE FOR THE SENSITIZATION MEETING REPORT**

1. Objectives and organization of the meeting
2. Decisions
  - a. Terms of reference
  - b. Work plan
  - c. Any other business
3. Proceedings [*A detailed account of the discussion in the following agenda items*]
  - a. Understanding the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality
  - b. Results of the initial desk review

## **TOOL G: GUIDANCE FOR PRODUCING STATISTICS ON THE COMPLETENESS OF REGISTRATION AND DOCUMENTATION**

### **Defining and producing indicators**

States will need to decide what completeness indicators are appropriate for their national context given the populations of interest that reside on their territory, and available data for those populations. Ideally, both civil registration completeness and legal documentation completeness should be measured for births, deaths, and marriages of each population sub-group. However, data may not be available for all populations, or it may be of poor quality or considered too outdated.

Indicators should be disaggregated as much as possible to gain a better understanding of the current completeness status between and within sub-groups. For instance, certain subgroups or parts of the country might have disproportionately low levels of completeness and thus may need to be a priority for improvement efforts. The indicators suggested below include, at a minimum, disaggregation of between refugees, asylum seekers, stateless persons and persons of undetermined nationality. In addition to these, it will be beneficial to disaggregate the indicators by location (e.g. by province, administrative subdivision, or by urban/rural), by age, by gender and other appropriate subgroups within these categories (i.e. the subgroups identified in the initial desk review) wherever possible.

If States have already produced statistics on the completeness of civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, these can be used for the purpose of completing this assessment activity (i.e. for reporting progress on SDG target 16.9 or in implementing the ESCAP Ministerial Declaration.) Likewise, international organizations, such as UNHCR and UNICEF, may already possess relevant data or have useful estimates that States can use for this exercise.

Indicators derived from civil registration data are typically calculated by using data from a designated time period (i.e. all births in the last calendar year); similarly, completeness rates of birth registration are generally calculated by considering all children under age five. Ideally, completeness rates for refugees, asylum seekers, stateless persons and persons of undetermined nationality would be calculate using this same methodology, however, due to their small population sizes (and thus smaller numbers of vital events) and lack of available data, this may not be possible. What's important is that States use data they have available to make the best estimates they can, and that the calculations for the selected indicators can be replicated in a few years' time to measure progress against the baseline.

An overview of each of the suggested indicators along with their associated calculations is provided below, followed by potential data sources and limitations. The aim of indicators A, B and C is to demonstrate the proportion of births, deaths and marriages occurring among refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory who are registered in the mainstream civil registration system. Meanwhile, indicators D, E and F demonstrate the proportion of births, deaths and marriages of the populations of interest that have been registered in the mainstream civil registration system and for which appropriate persons are in possession of the legal documentation.

## Suggested indicators

A. Birth registration completeness	
$\frac{x}{y}$	<p>Where <math>x</math> = The number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who were born in the territory (live birth) and whose birth has been registered in the mainstream civil registration system</p> <p>And <math>y</math> = The total number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who were born in the territory (live birth)</p> <p>Minimum disaggregation by:</p> <ul style="list-style-type: none"> <li>• refugees</li> <li>• asylum seekers</li> <li>• stateless persons and</li> <li>• persons of undetermined nationality</li> </ul> <p>If data are available, it would be useful to calculate this statistic for children under age 5 and for children under age 1.</p>
B. Death registration completeness	
$\frac{x}{y}$	<p>Where <math>x</math> = The number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who have died in the territory and whose death has been registered in the mainstream civil registration system</p> <p>And <math>y</math> = The total number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who have died in the territory</p> <p>Minimum disaggregation by:</p> <ul style="list-style-type: none"> <li>• refugees</li> <li>• asylum seekers</li> <li>• stateless persons and</li> <li>• persons of undetermined nationality</li> </ul>
C. Marriage registration completeness	
$\frac{x}{y}$	<p>Where <math>x</math> = The number of marriages that have occurred in the territory involving at least one person classified as a refugee, asylum seeker, stateless person or person of undetermined nationality and this marriage has been registered in the mainstream civil registration system</p> <p>And <math>y</math> = The total number of marriages that have occurred in the territory involving at least one person classified as a refugee, asylum seeker, stateless person or person of undetermined nationality</p> <p>Minimum disaggregation by:</p> <ul style="list-style-type: none"> <li>• refugees</li> <li>• asylum seekers</li> <li>• stateless persons and</li> <li>• persons of undetermined nationality</li> </ul>

#### D. Birth certificate completeness

**$x$**   
—  
 **$y$**

Where  $x$  = The number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who were born in the territory (live birth) and who possess a birth certificate

And  $y$  = The total number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who were born in the territory (live birth)

Minimum disaggregation by:

- refugees
- asylum seekers
- stateless persons and
- persons of undetermined nationality

If data are available, it would be useful to calculate this statistic for children under age 5 and for children under age 1.

#### E. Death certificate completeness

**$x$**   
—  
 **$y$**

Where  $x$  = The number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who have died in the territory and whose family or next of kin possess a death certificate

And  $y$  = The total number of persons classified as a refugee, asylum seeker, stateless person or person of undetermined nationality who have died in the territory

Minimum disaggregation by:

- refugees
- asylum seekers
- stateless persons and
- persons of undetermined nationality

#### F. Marriage certificate completeness

**$x$**   
—  
 **$y$**

Where  $x$  = The number of marriages that have occurred in the territory involving at least one person classified as a refugee, asylum seeker, stateless person or person of undetermined nationality and the couple is in possession of a marriage certificate

And  $y$  = The number of marriages that have occurred in the territory involving at least one person classified as a refugee, asylum seeker, stateless person or person of undetermined nationality

Minimum disaggregation by:

- refugees
- asylum seekers
- stateless persons and
- persons of undetermined nationality



## Potential sources of data

The suggested indicators will require two sets of data to demonstrate the level of completeness:

- The **numerator** or x in the suggested indicators (e.g. the number of births, deaths or marriages recorded in the mainstream civil registration system for civil registration completeness; or the number of births, deaths and marriages that have been registered and appropriate persons are in possession of a birth, death or marriage certificate for legal documentation completeness).
- The **denominator** or y in the suggested indicators (e.g. the number of births, deaths or marriages that have occurred for indicators A, B and C; or the number of births, deaths or marriages recorded in the mainstream civil registration system for indicators D, E and F).

The following table describes potential sources of data:

<p><b>The civil registration system</b></p>	<p>This source will be useful for producing the numerator for registration and documentation completeness for all indicators.</p> <p>If refugees, asylum seekers, stateless persons and persons of undetermined nationality can be identified in civil registration data then it is likely the best source of data since it represents the actual number of births, deaths and marriages that have been registered. Likewise, this data source will likely enable disaggregation by characteristics collected by the civil registration system (e.g. location, nationality, sex and age).</p> <p>It is more likely that stateless persons and persons of undetermined nationality will be able to be identified in civil registration data than asylum seekers and refugees. This is because, in most States, nationality (or lack thereof) of the persons involved in a birth, death and marriage are collected as a regular piece of data for a registration (in the case of birth registration, the parents' nationality or nationalities will typically be recorded). On the other hand, a person's status as a refugee or asylum seeker is typically not recorded as part of civil registration unless there is a particular reason to do so (e.g. when the civil registration system is linked with the national population database or the place of registration is specific to populations of interest such as a registration office in a refugee camp).</p> <p>A key strength of the civil registration system as a source of data is that the statistics should be produced continuously, unlike surveys and censuses, which provide a snapshot at a single point in time. However, there is a dependence on being able to produce the denominator (i.e. the number of births, deaths and marriages that have occurred in the territory) from other sources (see below).</p>
<p><b>Surveys</b></p>	<p>Representative sample surveys that target or include refugees, asylum seekers, stateless persons and persons of undetermined nationality are a useful data source because they can produce both the numerator and denominator for civil registration and legal documentation completeness.</p> <p>UNHCR, NGOs, or academic and research institutions may have conducted a survey of the populations of interest in the territory that could provide relevant data. States are therefore encouraged to work with these data producers to determine if relevant data are available and if future surveys can be adapted to include questions related to the completeness of civil registration and legal documentation.</p>

	<p>There are at least two relevant internationally-supported surveys that include questions on whether children under the age of five in a household have had their birth registered: UNICEF's Multiple Indicator Cluster Survey (MICS) and the Demographic and Health Survey (DHS). These surveys are the basis for most publicly available statistics on completeness of birth registration and receipt of birth certificates. At this stage, however, neither of these survey programmes specifically target refugees, asylum seekers, stateless persons and persons of undetermined nationality. If populations of interest are included in the sample, without asking about legal status or other characteristics, the populations may not be identifiable. Additionally, without taking them into consideration when drawing the sample, the numbers of these populations included in the sample will not be large enough to accurately represent the rest of the populations of interest as a whole. For example, five refugees included in a sample is not enough to represent a national refugee population of 10,000.</p> <p>As part of administering refugees, asylum seekers, stateless persons and persons of undetermined nationality, States or non-government stakeholders, such as UNHCR, may conduct demographic, health and other surveys of these populations. However, these surveys are unlikely to include questions about completeness of civil registration and legal documentation. If States want to use a survey to produce civil registration and legal documentation completeness statistics on the populations of interest, they should consider incorporating questions into existing surveys, which will likely be cheaper and require less effort than planning a dedicated survey on this particular issue.<sup>63</sup></p> <p>The disadvantage of surveys is that they are costly to conduct, require careful planning, and use statistical models to represent the whole target population, so their accuracy depends on having sufficient data available (e.g. on the population size and demographics) to develop those models. Likewise, surveys rely on respondents answering honestly or having enough knowledge to answer questions correctly. For example, some parents may believe that a birth notification is a birth certificate and mistakenly report that a child's birth has been registered and that they are in possession of a birth certificate.</p>
<b>Censuses</b>	<p>Like surveys, censuses that target or include refugees, asylum seekers, stateless persons and persons of undetermined nationality are a useful source because they can produce both the numerator and denominator for completeness of civil registration and legal documentation. However, while surveys collect data from a representative sample of a target population, censuses aim to collect data from the whole target population, so they will be more accurate. Censuses are therefore more expensive to conduct and require more effort.</p>

<sup>63</sup> Suggested survey questions ask respondents (e.g. a family or household) about whether a birth, death or marriage occurred within the territory, whether the birth, death or marriage were recorded in the mainstream civil registration system, and whether the respondent is in possession of the birth, death or marriage certificate. Depending on what other questions are included in the same survey about the respondent's profile, this data can then be disaggregated in a variety of ways. For example, a survey may collect data on the age of the person at the time of the vital event, what day and year it occurred, and country of origin of refugees and asylum seekers and their possession of other documentation.

	<p>Census data to produce civil registration and legal documentation completeness statistics will come from either a national population and housing census, or a census specifically on targeting the populations of interest. In national censuses, as with surveys, a question allowing for the identification of refugees, asylum seekers, stateless persons and persons of undetermined nationality would be needed, along with questions inquiring about birth, death, and marriage registration completeness, and related documentation completeness.</p> <p>As part of administering refugees, asylum seekers, stateless persons and persons of undetermined nationality, States or non-government stakeholders, such as UNHCR, may undertake a census or listing of these populations that are known to reside in the territory. These are excellent opportunities to collect data to produce civil registration and legal documentation completeness statistics.</p>
<p><b>Mapping exercises</b></p>	<p>Similar to a census, a mapping exercise may elucidate the number of stateless persons or persons of undetermined nationality residing in a certain area. In these areas, enumerators visit all the households in certain communities or areas and ascertain how many people are refugees, asylum seekers, stateless persons and persons of undetermined nationality. Including questions about registration of vital events and possession of associated legal documents during the exercise could help elucidate registration and documentation completeness rates for these populations.</p>
<p><b>Small area estimates</b></p>	<p>NGOs or other actors working at the community level in the realm of civil registration may be able to provide data to estimate completeness for certain populations. For example, an NGO working in a small community to register births may be able to provide the number of births to refugees, asylum seekers, stateless persons and persons of undetermined nationality. They then would be able to tell you how many of these births were registered, and how many received a birth certificate. From this information, completeness indicators can be calculated. If other communities with populations of interest are similar to the community in which the NGO works, the indicator calculated may be used as an estimate for completeness of the population of interest as a whole.</p>
<p><b>Other administrative data sources</b></p>	<p>Other administrative sources can include <b>functional registration systems</b> that record refugees, asylum seekers, stateless persons and persons of undetermined nationality, the <b>national population registry or database</b>, and <b>health information systems</b>. If refugees, asylum seekers, stateless persons and persons of undetermined nationality are included in these sources, they can potentially be a useful source of data for counting the number of births, deaths and marriages that have occurred within the populations of interest. Likewise, they could also be a source of data for completeness of civil registration and legal documentation if they collect such data.</p> <p>States that recognize refugees and asylum seekers are likely to operate a functional registration system to keep track of them and their claims, and to issue appropriate ID documentation. Otherwise, UNHCR may maintain a similar system if the host State permits. It is also likely that administrators of camps hosting refugees and asylum seekers will maintain a functional registration system that may be linked with a central database or Health Information System.</p> <p>It is less likely that there will be a functional registration system for stateless persons and persons of undetermined nationality. However, if these populations are included</p>

	<p>in the national population database, it may be possible to identify them based on their nationality status.</p> <p>In terms of marriage registration, communities themselves or religious institutions may keep an informal register of marriages. These can be a useful source of data to calculate the denominator for marriage registration completeness (i.e. the number of marriages that have occurred in the territory to populations of interest).</p>
<b>Linking two databases</b>	<p>If most births take place in a hospital, it may be possible to link the health information system with the civil registration system to determine registration and documentation completeness. However, at least one of the databases would need the ability to identify refugees, asylum seekers, stateless persons and persons of undetermined nationality. Additionally, there would need to be a way to link records such as by unique ID or probabilistic linkage (which requires technical expertise). An example of linking two databases to calculate registration completeness can be read <a href="#">here</a>.</p>
<b>Capture-recapture and other demographic techniques</b>	<p>It's possible to estimate completeness using several complex statistical and demographic techniques. The methodology of these techniques is beyond the scope of this toolkit and will require high level technical expertise, but resources to read about the different methods are listed below. ESCAP States interested in performing these techniques are encouraged to contact ESCAP for potential technical assistance.</p> <p>United Nations Expert Group Meeting on the <a href="#">Methodology and lessons learned to evaluate the completeness and quality of vital statistics data from civil registration</a></p> <p><a href="#">Contemporary methods for assessing coverage and completeness of CRVS systems with national examples</a> from Chalapati Rao at Australian National University.</p>

In terms of producing the denominator for the indicators (i.e. the number of births, deaths and marriages that have occurred among refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory), it will most likely be easier for births and deaths than for marriages.

In deciding which sources of data should be used to produce completeness statistics, it is crucial that the data quality is evaluated. The *United Nations Principals and Recommendations for a Vital Statistics System* describe the quality of vital statistics as completeness, correctness or accuracy, availability and timeliness.<sup>64</sup> As mentioned previously, imperfect data may still be useful if no other data is available.

## Challenges

States will likely encounter significant challenges in obtaining data to produce civil registration and legal documentation completeness statistics specifically on refugees, asylum seekers, stateless persons and persons of undetermined nationality. There are many reasons for this, including both methodological and practical, and these reflect the overall challenges of producing any kinds of statistics on refugees, asylum seekers, stateless persons and persons of undetermined nationality.

In terms of methodological challenges, data may not be collected in such a way to identify refugees, asylum seekers, stateless persons and persons of undetermined nationality. Data sources (e.g. the national

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<sup>64</sup> United Nations. 2014. Principles and Recommendations for a Vital Statistics System, Revision 3 Paragraph 54 <http://unstats.un.org/unsd/demographic/standmeth/principles/M19Rev3en.pdf>

population database) may be exclusively for nationals and non-nationals with a residence permit, or, in the case of surveys, the size of the populations residing in the territory may not be large enough to justify their inclusion in the sample for extrapolation (i.e. they may not be targeted to be a larger proportion of the sample in order to produce estimates specifically for them).

The practical challenges include a desire of some refugees, asylum seekers, stateless persons and persons of undetermined nationality to remain 'hidden' from the government and data collection exercises (especially if there is uncertainty over what that data will be used for). Other challenges include the significant resources and effort required to identify and enumerate refugees, asylum seekers, stateless persons and persons of undetermined nationality (especially if they are integrated in the community).

Despite these challenges, it's important States make the best use of the data they do have, and try to develop indicators that can be replicated in the future to measure progress against baseline indicators. It's also important States document any areas where no data exist, be it for a particular population or indicator. Additionally, States should include suggested sources that could be strengthened to include the missing data, or other measures or data collection exercises that could be enacted to produce the missing data.

## TOOL H: QUESTIONNAIRE

Ideally, the questionnaire should be completed in the context of a workshop or meeting with all stakeholders present. Having many diverse stakeholders present can generate rich discussion about the gaps in the civil registration system and barriers for refugees, asylum seekers, stateless persons and persons of undetermined nationality to access it. Completing the questionnaire in the context of a workshop also allows for consensus-building of what the current system looks like, and what areas should be targeted for improvements, as well as acknowledgement of the parts of the system that are contentious or unclear.

The aim of this exercise is to identify specific gaps, barriers, strengths and opportunities for each population of interest. Thus, when completing the questionnaire, responses to each question should be disaggregated as much as possible, including by population subgroup and by province or state if this is relevant in the national context (e.g. in decentralized systems). For example, States may answer each question for:

1. National
  - a. Refugees
  - b. Asylum seekers
  - c. Stateless persons
  - d. Persons of undetermined nationality
2. Province A
  - a. Refugees
  - b. Asylum seekers
  - c. Stateless persons
  - d. Persons of undetermined nationality
3. Province B
  - a. Refugees
  - b. Asylum seekers
  - c. Stateless persons
  - d. Persons of undetermined nationality

Etc.

### **A. General issues**

#### **A1. Profile of refugees, asylum seekers, stateless persons and persons of undetermined nationality on the territory**

1. List the subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that are known to reside in the territory.

*Use a reference for each subgroup in order to facilitate disaggregating the answers of the remaining questions. If none of a certain category are known to reside in the territory (e.g. there are no refugees), include them in the table anyway as a general group so that answers to the remaining questions can at least answer hypothetical situations (e.g. if refugees were to reside in the territory in the future). An example is provided below*

Reference	Subgroup and geographic area
<i>EXAMPLE: Registered refugees</i>	<i>Registered refugees holding a UNHCR card</i>
<i>EXAMPLE: Unregistered refugees</i>	<i>Refugees living in the community that are not in a functional registration system or registered with UNHCR or government entity.</i>
<i>EXAMPLE: Foundlings</i>	<i>Abandoned children found and reported to authorities with unknown parents or guardians</i>
<i>EXAMPLE: In situ stateless persons</i>	<i>Persons who are stateless and were born in the territory and come from families that have resided there for generations</i>

Note: This table is for example purposes only and is by no means exhaustive.

## A2. Stakeholders

2. List the government and non-government stakeholders that have an interest and/or mandate in the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, and describe what their interests and/or mandate is. See *Tool A: Guidance for the initial desk review, Section B Stakeholder-mapping* for a list of suggested stakeholders to review.
3. Are there any stakeholders from those identified above who can play a greater role than they currently do regarding the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality? If so, please elaborate.

## A3. Existing targets and commitments

4. Are there any relevant existing targets or commitments that the State has set or made regarding the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality?
  - a. If so, what are they?
  - b. How has the State performed in realizing these?
  - c. In the case of completeness targets, is there a baseline and how is progress measured?

## **B. Service provider issues**

### **B1. Legal and regulatory framework**

**Note: In this section please cite the relevant law/article where possible.**

5. Do the civil registration laws state that registration is compulsory for **all** births and deaths that occur on the territory?
6. Do the laws and regulations on birth, death and marriage registration (e.g. the civil registration law) permit the recording of births, deaths and marriages that occur in the territory among refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system?
  - a. If not, please list the articles that prohibit them from doing so.
  - b. If they are permitted to register, are there any restrictions or conditions (e.g. requirement of legal residency or immigration status)?
7. Do laws and regulations provide clear and unambiguous definitions of:
  - a. Vital events: births, deaths, and marriages?
  - b. Who is considered a refugee, asylum seeker, stateless person and person of undetermined nationality?
8. Do laws and regulations clearly and unambiguously assign responsibility for the registration and administration of legal documents such as birth, death, and marriage certificates to a specified Government agency?
  - a. Is it clear what agency is responsible for registering each vital event (i.e. birth, death, marriage)? Are there any areas where responsibilities overlap?
  - b. Do the agencies list above also cover the registration of vital events and provision of legal certificates for refugees, asylum seekers, stateless persons and persons of undetermined nationality?
    - i. If not, do the laws and regulations clearly and unambiguously state which government agencies are responsible for registering the births, deaths, and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality? If so, please specify who is responsible for each population group of interest for each type of vital event.
9. Are there any aspects of the laws and regulations on birth, death and marriage registration (e.g. the civil registration law) that might foreseeably prevent or create barriers for refugees, asylum seekers, stateless persons and persons of undetermined nationality to have their birth, death or marriage recorded in the mainstream civil registration system and have legal documentation issued?
10. Are there any other laws or regulations (e.g. on immigration or the status of refugees and asylum seekers) that might foreseeably prevent or create barriers for refugees, asylum seekers, stateless persons and persons of undetermined nationality to have their birth, death or marriage recorded in the mainstream civil registration system and have legal documentation issued?



11. Are there laws, regulations and/or procedures in place to register the births of foundlings?
  - a. If so, how sufficient are these?
  - b. If the nationality of a foundling cannot be determined and they would otherwise be stateless, are there provisions in the law to grant them nationality?
12. Are there any laws or regulations that require hospitals or clinics to report births and deaths that occurred on their premises to the civil registry office?
  - a. If so, which hospitals and clinics are required to do so?
  - b. Are they also required to issue parents a birth notification or relatives a death notification?
  - c. Are hospitals required to report all births? If not, which births are included in the mandated reporting process? i.e. national citizens, legal residents, etc.
  - d. Are parents required to have any identity documentation in order to receive a birth notification?
13. When were the laws and regulations on birth, death and marriage registration last reviewed or revised?
  - a. Has there ever been discussions on addressing the gaps and barriers in the laws and regulations that affect refugees, asylum seekers, stateless persons and persons of undetermined nationality? If so, please elaborate on the outcomes of the discussions.
14. Is your State a party to the any of the following?
  - a. Universal Declaration of Human Rights, 1948 (Art 6 - the right to have other rights, i.e. legal status; Art 15 – the right to a nationality)
  - b. Convention on the Rights of the Child, 1990 (Art 7 – right to birth registration, a name, and nationality)
  - c. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Art 29 – migrant child right to a name, birth registration, and nationality)
  - d. Convention to Reduce Statelessness (Art 1 - states must grant nationality to person born in territory if otherwise stateless)
  - e. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962 (Art 2 – minimum age; Art 3 – marriages must be registered)
  - f. Convention on the Elimination of All Forms of Discrimination against Women, 1979 (Art 16.2 – marriages must be registered and no child marriage)

## B2. Procedures and supporting documentation requirements

15. If not already available from a previous CRVS comprehensive assessment, create a process map for how births, deaths, and marriages would be registered, and legal certificates would be issued to the family taking into account the different scenarios below. (See Annex for Process Map Examples and the questionnaire activity guidelines for resources on completing process maps). Depending on how different the processes are between citizens and the population groups of interest, you may need to create a process map for each population group of interest to determine where the differences lie, and where potential barriers and bottlenecks can be identified. In decentralized government systems, a process map will be needed by Province as procedures may vary. Additionally, consider how processes would differ between:

- On-time registration
- Delayed registration, and
- Late registration

'a' below gives an example of the number of different processes to consider for each scenario. Scenarios 'b-l' are condensed for space, but should still be discussed for each population group and each time at registration.

Describe in as much detail as possible the step-by-step processes for each of the following events:

- a. A birth occurs in a local hospital or clinic (does it differ by clinic?)
  - i. On time registration for:
    1. National citizens and legal residents
    2. Refugees
    3. Asylum seekers
    4. Stateless person
    5. Persons of undetermined nationality
  - ii. Delayed registration for:
    1. National citizens and legal residents
    2. Refugees
    3. Asylum seekers
    4. Stateless person
    5. Persons of undetermined nationality
  - iii. Late registration for:
    1. National citizens and legal residents
    2. Refugees
    3. Asylum seekers
    4. Stateless person
    5. Persons of undetermined nationality
- b. A birth occurs at home.
- c. A birth occurs in the community.
- d. A foundling is discovered
- e. A death occurs in a local hospital or clinic. Does the death registration and cause of death certification differ by clinic?
- f. A death occurs at home.
- g. A death occurs in the community.

- h. A death occurs at home or in the community with suspicious causes (i.e. violence, poisoning, suicide etc.).
  - i. A marriage occurs at home.
  - j. A marriage occurs in the community.
  - k. A marriage occurs in a religious institution.
  - l. A marriage occurs in a Government Ministry (i.e. eloped in the courts or in civil registry office)
16. Are there any foreseeable gaps or barriers in the processes that might prevent refugees, asylum seekers, stateless persons or persons of undetermined nationality from completing the registration of a birth, death or marriage and receiving legal documentation, or create unnecessary delays?
- a. If the processes are different to processes for nationals and legal residents, highlight how.
17. How consistently are the laws, regulations and processes described implemented across the territory?
- a. If there are inconsistencies, what are those differences and why do they exist?
18. What supporting documentation is required or accepted for verifying the identity and/or residence of refugees, asylum seekers, stateless persons and persons of undetermined nationality for on-time, late or delayed registration of a birth, death or marriage?
- a. Do the supporting documentation requirements match the documentation that the subgroups identified in question 1 ordinarily possess?
  - b. In situations when refugees, asylum seekers, stateless persons or persons of undetermined nationality do not have the accepted (or any) documentation, what alternatives are in place for verifying the relevant facts of a birth, death or marriage?
19. Are there ways to revise the processes and requirements to make them more accessible for refugees, asylum seekers, stateless persons and persons of undetermined nationality (e.g. through the development of 'special procedures')?
20. Are there any mechanisms in place to identify births, deaths and marriages that have occurred among refugees, asylum seekers, stateless persons or persons of undetermined nationality that may not yet have been registered (e.g. mobile registration clinics or checking birth certificates at schools)?
- c. If so, how sufficient are these?
  - d. If unregistered births, deaths and marriages have been identified, are measures in place to facilitate late registration? If so, please explain what they are. You may be able to refer to process maps to elaborate.
21. What data are collected when recording the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality? What data are displayed on the legal documentation issued for these populations?
- a. Are these data any different to data collected and displayed for nationals and legal residents? If so, please explain what the differences are and why they exist.
22. If the nationality of a child is collected at the time of birth registration and displayed on a birth certificate, how is the nationality determined?

- a. Is there a process for amending the nationality of a child on their birth registration record and birth certificate? If so, please elaborate.
  - b. What happens on the birth registration record and birth certificate if the child is found to be stateless or of undetermined nationality? Can the process be completed?
23. If certain data are unverified during the process of registration, can a record be created and document issued (e.g. with a note on the preliminary nature of the record and document)? If not, what happens if a registration is left incomplete?
24. Are there any potential situations where births, deaths and marriages occur in porous border areas or among nomadic populations that may travel across borders on a regular basis?
- a. If so, if it was not clear where a birth, death or marriage occurred, how would it be registered?
25. Are there mechanisms in place to provide legal documentation for refugees and asylum seekers that wish to return to their country of origin in order to help them reconstruct their legal identity, have their marriages recognized and claim inheritance or property of deceased persons in their home country? If so, please elaborate on the procedures.
- a. If so, how sufficient are these?

### **B3. Awareness, implementation and capacity at the local level**

26. Is there a manual, handbook or similar resource that describes the processes and requirements for registering births, deaths and marriages?
- a. If so, does it cover processes and requirements for registering refugees, asylum seekers, stateless persons and persons of undetermined nationality (e.g. as a special procedure)?
    - i. If so, how effective is the manual, handbook or similar resource in general and for covering the registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality?
    - ii. Is it available in every local office?
    - iii. How is it disseminated (e.g. via e-mail, available online, through training, hard copy by post)?
    - iv. How often is the manual, handbook or similar resource reviewed and updated?
    - v. Is there manual, handbook or similar resource specific to registering the vital events of refugees, asylum seekers, stateless persons and persons of undetermined nationality? If so please comment on questions i-iv above for this resource.
27. Is any training provided to government officials involved in civil registration or administering refugees, asylum seekers, stateless persons and persons of undetermined nationality regarding registering their births, deaths and marriages?
- a. If so, how often does the training occur? Where does the training occur (in each local office, in the central office etc.)? Who is selected for training (all employees regardless of tenure or past training, new employees, junior employees, etc.)?
  - b. Is this training adequate (both in terms of quality and frequency and accessibility for local staff)?

28. In complicated or unusual situations involving registering the birth, death or marriage of refugees, asylum seekers, stateless persons and persons of undetermined nationality, is there a source of official information and advice that civil registration staff can access?
  - a. Is there good communication between the local, regional, and central offices? If a person in a local office needed guidance on an unusual situation, would they be able to reach a regional or central office in a timely manner (also consider do they have a reliable power source, internet, cellular reception)?
29. Of the local civil registration offices that deal with refugees, asylum seekers, stateless persons and persons of undetermined nationality on a relatively regular basis, do they have sufficient capacity (e.g. number of adequately trained staff, equipment, interpreters etc.)?
  - a. Is there information on how many local civil registration offices deal with refugees, asylum seekers, stateless persons and persons of undetermined nationality on a monthly basis?
30. Are there any gaps in terms of the awareness or knowledge of local civil registration or government officials about how and why to register the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality? For example, are local civil registration offices reluctant to register the births and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality out of fear of issuing legal documentation to non-nationals? Is there any concern amongst local staff about conferring citizenship by issuing legal documents?
31. Is there sufficient government budget set aside specifically for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality (e.g. for awareness raising, mobile registration, interpretation, waiving fees etc.)? If so, please list how much and what it's dedicated to.
32. Are there any other gaps or weaknesses in current capacity of the State that prevent universal civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality?

## **C. Beneficiary issues**

### **C1. Awareness and perceptions among the populations of interest**

33. Are the subgroups identified in question 1 sufficiently aware about the need to have their births, deaths and marriages registered in the mainstream civil registration system, and how to go about registering their vital events?
  - a. If not, what are the gaps in awareness or knowledge? Are there any misconceptions?
34. Are any information materials produced or other initiatives undertaken specifically to make refugees, asylum seekers, stateless persons and persons of undetermined nationality aware of the need to have births, deaths and marriages registered in the mainstream civil registration system, and how to do so? If so, please elaborate.
  - a. If so, how effective are these?

- b. Are these information materials or initiatives translated into languages spoken by the subgroups identified in question 1?
- 35. Is there any collaboration or partnerships with international, non-governmental or civil society organizations to raise awareness about or facilitate the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality?
- 36. Are there any incentives for refugees, asylum seekers, stateless persons and persons of undetermined nationality to have their births, deaths and marriages (e.g. birth certificates are necessary to enrol a child in school, new mothers receive a welcome baby box with diapers etc.)?
- 37. Are there any mechanisms for refugees, asylum seekers, stateless persons and persons of undetermined nationality to access legal or administrative advice and recourse regarding civil registration (e.g. legal clinics, administrative reviews, through the court system)?
- 38. Are there any perceptions (e.g. fear of deportation, arrest or detention) that might prevent refugees, asylum seekers, stateless persons and persons of undetermined nationality from notifying relevant authorities that a birth, death or marriage has occurred?
  - a. If these perceptions are unfounded, is anything being done to address them?

## **C2. Geographic and practical barriers**

- 39. In areas where the subgroups identified in question 1 reside, how accessible are local civil registration offices? Are services available within 1.5km of communities? Is local transport to civil registry offices accessible, safe and reliable, and inexpensive for populations of interest?
  - a. Are any measures undertaken to make civil registration more physically accessible to refugees, asylum seekers, stateless persons and persons of undetermined nationality (e.g. bringing civil registration services to the community through mobile registration)?
  - b. For refugees, asylum seekers, stateless persons and persons of undetermined nationality that have no or restricted freedom of movement (e.g. in refugee camps or detention), are there mechanisms in place to register their births, deaths and marriages (e.g. routine mobile registration or sharing of data between camp administrators and civil registration offices)?
- 40. What fees are applicable for refugees, asylum seekers, stateless persons and persons of undetermined nationality to record their births, deaths and marriages in the civil registration system? What are the fees for receipt of documentation such as a birth, death, or marriage certificate?
  - a. Are there penalties for late or delayed registration?
  - b. Are these fees or penalties affordable?
  - c. Are there any mechanisms to have these fees or penalties waived?
- 41. How long does it take for refugees, asylum seekers, stateless persons and persons of undetermined nationality to receive birth, death, and marriage certificates? Can documents be issued the same day while applicants wait? If not, do they need to return to the office at a later date to pick them up? Will they be notified when documents are ready? If so, how?

42. Are civil registration forms and other important documents translated into languages spoken by the subgroups identified in question 1 or is interpretation available?
43. Are there any other geographic or practical barriers that might prevent refugees, asylum seekers, stateless persons and persons of undetermined nationality from registering their births, deaths and marriages in the mainstream civil registration system?

## **D. Relationship with functional and population registration**

### **D1. Relationship with functional and population registration**

44. What government and non-government registration systems or databases other than the mainstream civil registration system (e.g. functional registration system or national population database) currently register refugees, asylum seekers, stateless persons and persons of undetermined nationality and/or their births, deaths or marriages?

<b>Registration system or database</b>	<b>Populations covered</b>	<b>Purpose of the registration system or database</b>	<b>Document-ation issued (if any)</b>	<b>Who is responsible for the registration system or database</b>	<b>Estimated completeness level</b>

45. Describe the links, if any, between the systems and databases mentioned above (e.g. automatic transfer of data or crosschecking for quality assurance and integrity checks etc.) and with the mainstream civil registration? How are the systems linked? Does a vital event in one effect the status of a record in the other system? (e.g. death record in civil registration system nullifies person-record in functional registration system).
46. Are there any opportunities to increase the level of coverage and data quality of the mainstream civil registration system (in terms of refugees, asylum seekers, stateless persons and persons of undetermined nationality) through links with other registration systems and databases?

## **E. Vital Statistics and Completeness Data**

### **E1. Completeness data**

*Respondents may wish to refer to the assessment activity and tool related to producing completeness statistics.*

47. Is the level of civil registration completeness of refugees, asylum seekers, stateless persons and persons of undetermined nationality known (i.e. the proportion of their births, deaths and marriages that have occurred in the territory that have been, respectively, registered in the civil registration system)?
  - a. If completeness levels for any group or type of vital event are missing, please acknowledge which ones are missing or unknown. Please comment on potential sources of data to bridge these gaps. What would need to be done to collect such data?
48. Is the level of completeness known for receipt of legal documentation for refugees, asylum seekers, stateless persons and persons of undetermined nationality (i.e. the proportion of their births, deaths and marriages that have occurred in the territory that have been administered an official birth, death, or marriage certificate respectively)?
  - a. If completeness levels for any group or receipt of certain legal documentation are missing, please acknowledge which ones are missing or unknown. Please comment on potential sources of data to bridge these gaps. What would need to be done to collect such data?
49. Among the data that are collected about refugees, asylum seekers, stateless persons or persons of undetermined nationality (e.g. through functional registration, surveys, mapping, listing or censuses), do any of these sources inquire about whether births, deaths or marriages have been registered in the civil registration system, or whether respondents possess the relevant legal documentation (i.e. birth, death, or marriage certificates)?
  - a. If not, are there any opportunities to include such questions in data collection for existing sources?
  - b. Are there opportunities to administer new data collection mechanisms?

### **E2. Use and availability of vital statistics**

50. Can civil registry records be disaggregated for refugees, asylum seekers, stateless persons and persons of undetermined nationality (i.e. is there a variable or field that identifies them as belonging to one of these population groups for analysis purposes)?
51. Are vital statistics calculated for refugees, asylum seekers, stateless persons and persons of undetermined nationality? Are indicators such as fertility, mortality, and leading causes of death calculated for refugees, asylum seekers, stateless persons and persons of undetermined nationality?
  - a. If so, are these data available to be shared either publicly or confidentially? Who uses this data? Are data shared with other ministries or international agencies (i.e. UNHCR) that administer refugees, asylum seekers, stateless persons and persons of undetermined nationality?



52. Does the State use vital statistical data to investigate health disparities among these populations of interest? For example, to investigate adolescent birth rates, infant and child mortality rates, leading causes of death etc. that may differ from the national population?
- i. If not, what would be needed in order to do so? Is this feasible?

## **TOOL I: GUIDANCE FOR CONDUCTING FIELD VISITS AND FOCUS GROUPS**

### **Field visits**

Field visits involve an official or small team of officials going to local administrative offices where refugees, asylum seekers, stateless persons and persons of undetermined nationality should have their births, deaths and marriages registered. The locations could be, for example, refugee camps, civil registration offices in cities or rural areas, and remote or border areas.

The aim of the field visits is to observe local-level or location-specific practices and conditions in order to identify:

- Practical issues and barriers at the local level, especially regarding access to civil registration
- Implementation of civil registration, including understanding and adherence to procedures and any misconceptions about who is covered by the registration process and how it works
- Capacity of local civil registration offices that are likely to be visited by refugees, asylum seekers, stateless persons and persons of undetermined nationality
- Good practices that can be scaled up or emulated elsewhere
- Lessons from the implementation of functional registration, if it exists
- Opportunities for addressing the gaps and barriers

In addition to witnessing the situation, officials on the field visits should conduct interviews with populations of interest in the area and local-level stakeholders, including civil registration staff, civil society and aid workers. Interview should focus on perceptions and experiences of accessing the mainstream civil registration system. Adequate notice should be provided to local-level stakeholders so they can prepare for the field visit and arrange interviews and any focus groups that will be conducted.

If refugees, asylum seekers, stateless persons and persons of undetermined nationality are dispersed across the territory, it may not be feasible to go to all locations where they reside, nor might it be necessary. It may also be challenging or impossible to go to particular locations (e.g. due to high costs, limited physical access or security risks). If it's not possible to fund the travel of participants from across the country to meet in the capital, field visits can be a good opportunity to do focus group discussions. In these cases, field visits should go to as many locations as practicable that would be representative of the overall situation, taking into account that the conditions, gaps and barriers will be different among refugees, asylum seekers, stateless persons and persons of undetermined nationality, and among subgroups of those populations. For example, the situation of stateless persons and refugees living in urban environments will be vastly different to stateless persons in remote areas and refugees in camps.

## Interview questions for local civil registry staff

Below is a suggested list of questions for local civil registry staff. States should tailor the questions accordingly to their local context and needs. When conducting interviews, it's important to select staff that interface with the public during the registration process.

1. Process mapping exercise – This is a critical first step in understanding processes and perceptions at the local level. It's also a very important piece of information to determine if local processes and procedures differ from those described by the central office in Tool H. Process mapping is essentially a detailed flow chart that outlines all the steps and actors necessary from the time the vital event occurs until it's registration and the deliverance of an official certificate. It's important that as the interviewer is drawing the map, he or she shows it to the interviewee regularly so he or she can agree that all the steps are correct. For unknown or unclear steps, it's OK to list these with a question mark, or a note saying "unknown." See Annex for examples of process maps.
  - a. Ask the civil registry staff: Please describe step-by-step what happens when:
    - i. A birth occurs in a local hospital or clinic, does it differ by clinic?
    - ii. A birth occurs at home.
    - iii. A birth occurs in the community.
    - iv. A death occurs in a local hospital or clinic. Does the death registration and cause of death certification differ by clinic?
    - v. A death occurs at home.
    - vi. A death occurs in the community.
    - vii. A death occurs at home or in the community with suspicious causes (i.e. violence, poisoning, suicide etc.).
    - viii. A marriage occurs at home.
    - ix. A marriage occurs in the community.
    - x. A marriage occurs in a religious institution.
    - xi. A marriage occurs in a Government Ministry.
  - b. What documentation is needed to register each of these events. What happens after they apply for registration? Who approves the process?
  - c. How do applicants receive their official certificates? Do they need to come back? How long does it take? How are they notified when the certificate is ready?
2. How do these processes differ between citizens and non-nationals? How would these processes differ if a refugee, asylum seeker, stateless person or person of undetermined nationality was trying to register their vital events?
3. Who is legally allowed to register their vital events? All nationals? Legal residents? What about illegal residents or persons of unknown nationality?
4. What data is collected when recording the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality and displayed on the legal documentation issued?
  - a. Are these data any different to data collected and displayed for nationals and legal residents? If so, why?
5. If the nationality of a child is collected at the time of birth registration and displayed on a birth certificate, how is the nationality determined?

- a. Is there a process for amending the nationality of a child on their birth registration record and birth certificate?
  - b. What happens on the birth registration record and birth certificate if the child is found to be stateless or of undetermined nationality?
6. If certain data are unverified during the process of registration, can a record be created and document issued (e.g. with a note on the preliminary nature of the record and document)? If not, what happens if a registration is left incomplete?
7. Are there any potential situations where births, deaths and marriages occur in porous border areas or among nomadic populations that may travel across borders on a regular basis?
  - a. If so, how would the births, deaths or marriages be registered if the location of where it occurred were not clear?
8. Are registration forms available in other languages? Are other forms of assistance available for non-native speakers of the national language (i.e. translators etc.).
9. What fees are applicable for refugees, asylum seekers, stateless persons and persons of undetermined nationality to record their births, deaths and marriages in the civil registration system?
  - a. Are there penalties for late or delayed registration?
  - b. Are these fees or penalties affordable?
  - c. Are there any mechanisms to have these fees or penalties waived?
10. If you had a question about a registration procedure, such as what kind of documentation is acceptable, do you have a manual you can consult for this information? If so, may I see the manual? Is the manual helpful/adequate for your needs?
11. If the manual was not able to answer your question, what would you do?
12. What kind of contact do you have with the regional/central civil registry office? If you had a question about registration procedures or who was allowed to have their vital events registered, would you be able to contact them? If so, how would you do so (i.e. e-mail, phone, hand written letter etc.)? How long does it take to receive a response from the regional/central office?
13. Have you ever received any sort of formal training or attended a formal workshop that outlines who is allowed to have their vital events covered, what kind of documentation is needed to register, and what procedures you need to perform to register vital events? If so, when and where? How often are trainings offered?
14. What do you perceive to be the biggest barriers for refugees, asylum seekers, stateless persons or persons of undetermined nationality for registering their vital events? How do you think these barriers could be overcome?
15. Is there any discrimination in the local community towards refugees, asylum seekers, stateless persons or persons of undetermined nationality? If so, what affect would this have on them registering their vital events?

16. Do you know of any outreach campaigns aimed at refugees, asylum seekers, stateless persons or persons of undetermined nationality? If so, do you know if any of these campaigns inform these populations about the importance of and procedures for registering their vital events?
17. Does your office publish data on vital events (i.e. number of birth by age of mother, number of deaths by sex and age etc.)? If so, is this information broken down by nationals and non-nationals?
  - a. Is there any data dissemination either publicly or confidentially on vital statistics for refugees, asylum seekers, stateless persons or persons of undetermined nationality? If so, who receives the data?
  - b. Does the regional/central office request to receive information separated by nationals/non-nationals? If so, how do they ask for data to be disaggregated?

## Interview questions for local aid workers or members of civil society

Interview questions for local level aid workers and civil society would be quite similar to those asked of the local civil registry staff, however, their responses would come from an anecdotal/practical perspective as opposed to an “official” perspective.

1. Process mapping exercise (please see notes from question 1 above for civil registry staff): As best as you can based on your local knowledge, please describe step-by-step what happens when:
    - i. A birth occurs in a local hospital or clinic, does it differ by clinic?
    - ii. A birth occurs at home.
    - iii. A birth occurs in the community.
    - iv. A death occurs in a local hospital or clinic. Does the death registration and cause of death certification differ by clinic?
    - v. A death occurs at home.
    - vi. A death occurs in the community.
    - vii. A death occurs at home or in the community with suspicious causes (i.e. violence, poisoning, suicide etc.).
    - viii. A marriage occurs at home.
    - ix. A marriage occurs in the community.
    - x. A marriage occurs in a religious institution.
    - xi. A marriage occurs in a Government Ministry.
  - b. What documentation is needed to register each of these events. What happens after the application is submitted? Who approves the process?
  - c. How do applicants receive their official certificates? Do they need to come back? How long does it take? How are they notified when the certificate is ready?
2. How do these processes differ between citizens and non-nationals? How would these processes differ if a refugee, asylum seeker, stateless person or person of undetermined nationality was trying to register their vital events?
  3. Who is legally allowed to register their vital events? All nationals? Legal residents? What about illegal residents or persons of unknown nationality?
  4. What data is collected when recording the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality and displayed on the legal documentation issued?
    - a. Are these data any different to data collected and displayed for nationals and legal residents? If so, why?
  5. If the nationality of a child is collected at the time of birth registration and displayed on a birth certificate, how is the nationality determined?
    - a. Is there a process for amending the nationality of a child on their birth registration record and birth certificate?
    - b. What happens on the birth registration record and birth certificate if the child is found to be stateless or of undetermined nationality?

6. Are there any potential situations where births, deaths and marriages occur in porous border areas or among nomadic populations that may travel across borders on a regular basis?
  - a. If so, how would the births, deaths or marriages be registered if the location of where it occurred were not clear?
7. Are registration forms available in other languages? Are other forms of assistance available for non-native speakers of the national language (i.e. translators etc.).
8. What fees are applicable for refugees, asylum seekers, stateless persons and persons of undetermined nationality to record their births, deaths and marriages in the civil registration system?
  - a. Are there penalties for late or delayed registration?
  - b. Are these fees or penalties affordable?
  - c. Are there any mechanisms to have these fees or penalties waived?
9. What do you perceive to be the biggest barriers for refugees, asylum seekers, stateless persons or persons of undetermined nationality for registering their vital events? How do you think these barriers could be overcome?
10. Is there any discrimination in the local community towards refugees, asylum seekers, stateless persons or persons of undetermined nationality? If so, what affect would this have on them registering their vital events?
11. Do you know of any outreach campaigns aimed at refugees, asylum seekers, stateless persons or persons of undetermined nationality? If so, do you know if any of these campaigns inform these populations about the importance of and procedures for registering their vital events?
12. What would be the best way to reach refugees, asylum seekers, stateless persons or persons of undetermined nationality in the community? What kinds of information campaigns have proved effective?
13. Could civil registration be tied to any other kinds of service provisions for incentive? If so, please explain.
14. Have you ever received statistics (either confidentially or publicly available) to inform your work which provided vital statistics generated from civil registration specifically for refugees, asylum seekers, stateless persons or persons of undetermined nationality? For example, total fertility rates, infant mortality or child mortality rates etc. for these populations?
  - a. If not, who would you solicit for this data?
  - b. What kinds of civil registry data would be most useful for you to better perform your duties? How would you use such data?

## Interview questions for refugees, asylum seekers, stateless persons or persons of undetermined nationality in the field

Interview questions for refugees, asylum seekers, stateless persons or persons of undetermined nationality would be quite similar to those asked of the local civil registry staff, however, their responses would come from an anecdotal/practical perspective as opposed to an “official” perspective. Questions are asked primarily to obtain their understanding of the importance of civil registration and barriers they may face in accessing it.

1. Do you think it’s important to register births? Why or why not?
  - a. What benefits does a birth certificate provide? When might you need a birth certificate?
2. Do you think it’s important to register deaths? Why or why not?
  - a. What benefits does a death certificate provide? When might you need a death certificate?
3. Do you think it’s important to register marriages? Why or why not?
  - a. What benefits does a marriage certificate provide? When might you need a marriage certificate?
4. Process mapping exercise (please see notes from question 1 above for civil registry staff). Please note that many steps will likely be marked as unknown as internal civil registry processes are not likely to be known to those outside the civil registry office, and interviewees may only be familiar with the scenarios they have experienced.
  - a. As best as you can, please describe step-by-step what you would need to do to register each of the following events if they were to occur within your family:
    - i. A birth occurs in a local hospital or clinic, does it differ by clinic?
    - ii. A birth occurs at home.
    - iii. A birth occurs in the community.
    - iv. A death occurs in a local hospital or clinic. Does the death registration and cause of death certification differ by clinic?
    - v. A death occurs at home.
    - vi. A death occurs in the community.
    - vii. A death occurs at home or in the community with suspicious causes (i.e. violence, poisoning, suicide etc.).
    - viii. A marriage occurs at home.
    - ix. A marriage occurs in the community.
    - x. A marriage occurs in a religious institution.
    - xi. A marriage occurs in a Government Ministry.
  - b. What documentation is needed to register each of these events. What happens after you submit your application for registration? Who approves the process?
  - c. How do you receive official certificates for each of these events? Do you have to come back to collect them? How long does it take to receive the certificate from the time of application? How are you notified when the certificate is ready?
5. Who is legally allowed to register their vital events? All nationals? Legal residents? What about illegal residents or persons of unknown nationality?
6. Do the birth, death, or marriage certificates you or your relatives receive look any different than the certificates non-nationals receive? If so how?



- a. If they are different, do you feel this can cause discrimination when you need to provide such certificates in the community? Please explain.
7. Are registration forms available in your native language? Are other forms of assistance available to guide you through registration procedures (i.e. translators etc.)?
8. How much does it cost to record births, deaths and marriages in the civil registration system?
  - a. Are there penalties for late or delayed registration?
  - b. Are these fees or penalties affordable?
  - c. Are there any mechanisms to have these fees or penalties waived?
9. If there was an error on your certificate, what would you do? Do you know how to go about correcting any errors on birth, death, or marriage certificates?
10. What are the biggest reasons you may not register your family's vital events? How do you think these barriers could be overcome?
11. Is there any discrimination in the local community towards you or your community? If so, what affect does this have on registering your vital events?
12. Do you know of any outreach campaigns aimed at informing your community about the importance of and procedures for registering their vital events?
13. What would be the best way to reach your community? What kinds of information campaigns or radio programs have you found informative and helpful?
14. Would you be more likely to register vital events if civil registration was tied to other kinds of service provisions? For example, mothers applying for birth certificates may receive a new baby which includes diapers and clothing. If so, please explain.

## Focus groups

Focus groups consist of assembling people and facilitating an active discussion on their perceptions, opinions, beliefs and attitudes towards a particular subject. Like field visits, focus groups in the context of this assessment serve the important purpose of collecting information from a different standpoint.

The groups of people that States may wish to convene may include the following (either separately or combined):

- Refugees, asylum seekers, stateless persons or persons of undetermined nationality (especially those that are parents of recent newborns and those that are expecting children, and ideally of diverse backgrounds)
- Local civil registration staff
- Local government staff, teachers and health workers that interface with the populations of interest
- Aid, NGO and civil society workers that interface with the populations of interest

The topics of the focus groups will be similar to the issues that the field visits aim to identify. The focus groups, however, will also be a chance to hear ideas from practitioners and the communities themselves about innovative ways to address the gaps and barriers.

The focus groups can either be conducted during the field visits or can be organized in the capital. The latter option will obviously enable a broader participation from different parts of the country, but will also be much more expensive.

## Conducting interviews and focus groups with the populations of interest

Conducting interviews and focus groups with refugees, asylum seekers, stateless persons and persons of undetermined nationality are strongly recommended in the right conditions. These kinds of participatory assessment, where the views of the populations themselves are heard directly, can provide a deep insight into the considerations and process they go through when deciding whether to register a birth, death or marriage, and to understand how much knowledge these populations have about the importance of civil registration and how to go about it. Equally, as mentioned above, the populations themselves may also have good ideas for how the gaps and barriers they experience can be addressed.

It is for the above-mentioned reasons that UNHCR has long-advocated placing its populations of concern at the centre of decision-making through participatory assessments. UNHCR has developed a tool to support its offices in conducting participatory assessments with refugees, internally displaced persons and returnees, which takes into account the special circumstances of these populations.<sup>65</sup> Although it does explicitly refer to stateless populations, the principles of the tool will be relevant for them too. States that will conduct interviews and focus groups with refugees, asylum seekers, stateless persons and persons of undetermined nationality are encouraged to refer to the tool and use its methodology when designing the questions and selecting the participants.

Care should be taken to consider the composition of the group (i.e. gender, age, socio-economic status) as members of the group may not feel comfortable to discuss issues freely when they are not among persons with similar demographic characteristics to themselves. Questions provided for focus groups are for guidance purposes only, it is unlikely that all the questions listed can be answered in one session. States should select questions they feel will be of most use given their national context.

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<sup>65</sup> *The UNHCR Tool for Participatory Assessment in Operations* (UNHCR, 2006). Available from: <http://www.refworld.org/pdfid/462df4232.pdf>

## **Suggested Focus group questions for refugees, asylum seekers, stateless persons or persons of undetermined nationality**

1. Do you think it's important to register births? Why or why not?
  - a. What benefits does a birth certificate provide? When might you need a birth certificate?
  - b. Is there a difference between birth notification and birth registration?
  - c. Does the birth notification form provide the same rights as a birth certificate?
2. Do you think it's important to register deaths? Why or why not?
  - a. What benefits does a death certificate provide? When might you need a death certificate?
3. Do you think it's important to register marriages? Why or why not?
  - a. What benefits does a marriage certificate provide? When might you need a marriage certificate?
4. Who is legally allowed to register their vital events? Only national citizens? Legal residents? What about illegal residents or persons of unknown nationality?
5. What are the largest barriers for you and people in your community to register their births?
6. Are these barriers the same for registering their deaths or marriages? If not, please explain.
7. How do you think some of these barriers could be overcome?
8. Does the cost of birth, death, or marriage registration influence your decision to register these vital events? This may include both the administrative fee for registration and the cost of preparation to reach the civil registry office (i.e. transport, child care, opportunity cost of missed work etc.)
  - a. Are these fees or penalties affordable?
  - b. If not, what would help make them more affordable?
9. Is there any discrimination in the local community towards you or your community? If so, what affect does this have on registering your vital events?
10. Do you know of any outreach campaigns aimed at informing your community about the importance of and procedures for registering their vital events?
11. What would be the best way to reach your community? What kinds of information campaigns or radio programs have you found informative and helpful?
12. Would you be more likely to register vital events if civil registration was tied to other kinds of service provisions? For example, mothers applying for birth certificates may receive a new baby which includes diapers and clothing. If so, please explain.

## **TOOL J: EXAMPLE AGENDA FOR THE RESULTS WORKSHOP**

Note: The following agenda does not specify times of the sessions since the duration of the results workshop will depend on the amount and nature of information being presented and requiring discussion. For example, it is possible that the workshop could take place over two or three days, or might be a series of workshops over an extended timeframe.

1. Opening ceremony
2. Overview of the assessment process and the work of the body leading the assessment so far
3. Summary of findings from information collection activities:
  - a. Initial desk review
  - b. Questionnaire
  - c. Field visits and focus groups
  - d. Completeness statistics
4. Consolidating findings and developing recommendations (either in plenary or parallel sessions)
  - a. Service provider issues
    - i. Legal and regulatory framework
    - ii. Procedures and supporting documentation requirements
    - iii. Awareness, implementation and capacity at the local level
  - b. Beneficiary issues
    - i. Awareness and perceptions among the populations of interest
    - ii. Geographic and practical barriers
  - c. Relationship with functional and population registration
  - d. Specific populations
    - i. Existing unregistered persons
    - ii. Foundlings
    - iii. Returnees
    - iv. *[Other subgroups for which specific recommendations should be made]*
    - v. specific gaps and barriers for each group of interest
  - e. Vital statistics and Completeness data
    - i. Completeness data
    - ii. Use and availability of vital statistics

5. Moving forward
  - a. Potential aspirational process map (how the system should look)
  - b. Recommendations and possible prioritization of recommended actions
  - c. Potential targets and the process for setting them
  - d. Process for development of an action plan
6. Any other business
7. Closing ceremony

## **TOOL K: EXAMPLE OUTLINE FOR THE RESULTS WORKSHOP REPORT**

1. Objectives and organization of the workshop
2. Findings and recommendations to be included in the assessment report
  - a. Service provider issues
    - i. Legal and regulatory framework
    - ii. Procedures and supporting documentation requirements
    - iii. Awareness, implementation and capacity at the local level
  - b. Beneficiary issues
    - i. Awareness and perceptions among the populations of interest
    - ii. Geographic and practical barriers
  - c. Other issues
    - i. Protection factors
    - ii. Completeness data
    - iii. Relationship with functional and population registration
  - d. Specific populations
    - i. Existing unregistered persons
    - ii. Foundlings
    - iii. Returnees
    - iv. *[Other subgroups for which specific recommendations should be made]*
    - v. specific gaps and barriers for each group of interest
  - e. Vital statistics and Completeness data
    - i. Completeness data
    - ii. Use and availability of vital statistics
3. Decisions
  - a. Process for developing the assessment report
  - b. Process for developing an action plan
  - c. Process for setting targets
  - d. Potential aspirational process map (how the system should look)

## **TOOL L: EXAMPLE OUTLINE FOR AN ASSESSMENT REPORT**

### **1. Executive Summary**

A summary of the main elements of the assessment report, focusing on the most significant findings and recommendations. The executive summary should especially target decision-makers and others who have limited time and thus cannot read the entire document.

### **2. Foreword by Co-Chairs of the body leading the assessment**

Acknowledging those that have participated in or contributed to the assessment and other reflections about the assessment and its importance from the Co-Chairs.

### **3. Introduction**

Describing the purpose, context and motivation for the assessment.

### **4. The assessment process**

Describing the process of the assessment so the readers can understand clearly how the findings and recommendations came about. Any limitations in the process should be noted here (e.g. if it was not possible to produce any completeness statistics due to data not being available or being unable to do field visits or focus groups due to resource constraints).

### **5. Populations of interest**

Listing and describing the profile of the subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that the assessment considered, focusing on details that pertain to civil registration. The findings of the initial desk review and subsequently collected information will form the basis for this section.

### **6. Stakeholders**

Listing and describing the role and interest of government and non-government stakeholders in the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality. The findings of the initial desk review and subsequent information will form the basis for this section.

### **7. Current systems and practices**

#### **a. Current systems and processes for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality**

Process maps and writing - Presenting the current end-to-end process for registering the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality in the mainstream civil registration system, with flowcharts as necessary. Any differences between this process and the 'regular' process for registering births, deaths and marriage (e.g. of nationals) should be highlighted.

#### **b. Functional registration**

Describing any functional registration systems that record information about refugees, asylum seekers, stateless persons or persons of undetermined nationality residing in the

territory, their processes, and their existing and potential relationship with the mainstream civil registration system.

## **8. Findings**

Describing in detail the gaps, barriers, strengths and opportunities that were identified.

States may wish to use a structure similar to that of the questionnaire, as follows:

- a. Service provider issues**
  - i. Legal and regulatory framework**
  - ii. Procedures and supporting documentation requirements**
  - iii. Awareness, implementation and capacity at the local level**
- b. Beneficiary issues**
  - i. Awareness and perceptions among the populations of interest**
  - ii. Geographic and practical barriers**
- c. Other issues**
  - i. Protection factors**
  - ii. Completeness data**
  - iii. Relationship with functional and population registration**
- d. Specific populations**
  - i. Existing unregistered persons**
  - ii. Foundlings**
  - iii. Returnees**
  - iv. *[Other subgroups for which specific recommendations should be made]***
  - v. specific gaps and barriers for each group of interest**
- e. Vital statistics and Completeness data**
  - i. Completeness data**
  - ii. Use and availability of vital statistics**

## **9. Recommendations**

Recommendations for how the gaps and barriers can be addressed and the strengths and opportunities leveraged. Ideally, they should be structured in a similar way to how the findings are presented, in order for readers to easily understand the relationship.

Aspirational process map if one was developed.



If prioritization was discussed at this point, listing recommendations by priority would be helpful.

## **10. Way forward**

### **a. Implementing the recommendations**

Describing how the action plan will be developed, including who will draft it and whether it will be a standalone plan or integrated into a broader strategy. This section can also make additional suggestions for the action plan that are not included in the recommendations section (e.g. the action plan should be developed with inputs from the ministry of planning and donors).

### **b. Setting and monitoring targets**

Describing potential targets or even proposing targets that should be set in the action plan, including suggestions for how progress in achieving the targets can be monitored.

## **TOOL M: GUIDANCE FOR SETTING TARGETS FOR IMPROVING THE CIVIL REGISTRATION OF THE POPULATIONS OF INTEREST**

Setting aspirational and time-bound targets on the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality is an expression of commitment that provides motivation for making progress and offers a basis for accountability that the gaps and barriers identified in the assessment will be addressed. Targets also offer a way to tangibly measure and demonstrate improvement and implementation of the action plan.

What targets to set, however, can be complicated and contentious, especially when there is an unreliable or no baseline, and data are unavailable to measure performance against those targets. Stakeholders may have different expectations for what should or can be achieved and may have varying degrees of will. Negotiation between the various stakeholders responsible for achieving the targets, and thus bound by them, is therefore essential. Consequently, it's suggested that discussions on targets be progressively introduced, starting with the exercise to produce and analyse completeness statistics and proceeding through the final phase of the assessment.

In the context of the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality, there will be both process and impact targets. Process targets are essentially a checklist of activities while impact targets measure the effect of the activity.

### **Process targets**

Process targets are commitments to undertake a particular activity that will contribute to the improvement of the civil registration of the populations of interest, usually within a certain timeframe. Since an effective action plan will have a timeframe or due date for the activities within it, these can effectively serve as process targets. However, if there are many actions to be done, States may wish to highlight the most important and designate them as process targets in order to give them more visibility (and perhaps a greater likelihood of being accomplished).

Some examples of process targets include:

- Revise the civil registration law within two years to remove barriers experienced by refugees, asylum seekers, stateless persons and persons of undetermined nationality
- Develop and publish a manual on civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality within six months
- Mobile registration units make at least 100 trips a year to remote areas where refugees, asylum seekers, stateless persons and persons of undetermined nationality reside
- Set up a registration point in every refugee and asylum seeker camp
- Issue administrative instructions to all civil registration offices in the country clarifying the difference between registering a birth and providing nationality to the child

When setting the process targets and their timeframe, States should take into account feasibility of achieving the targets (i.e. the targets should be realistically achievable).

### **Impact (completeness) targets**

Impact targets will commonly be to achieve a certain level of civil registration and legal documentation completeness. These are the most important targets since they measure the actual performance of the mainstream civil registration system when it comes to recording the births, deaths and marriages of refugees, asylum seekers, stateless persons and persons of undetermined nationality. For example, if all

process targets are met while implementing an action plan but there has not been an increase in civil registration and legal documentation completeness, then the action plan has been ineffective.

Examples of impact targets include:

- By 2018, achieve 100% birth registration and birth certificate receipt for refugees and asylum seekers born in camps
- By 2019, achieve 90% birth registration and birth certificate receipt for stateless persons residing in the territory
- By 2021, achieve 90% birth registration and birth certificate receipt for all births occurring among refugees, asylum seekers, stateless persons and persons of undetermined nationality in the territory

It is important to take into account the following issues in order to set feasible impact targets:

- **Baseline:** Having a reliable baseline will allow States to determine, along with other factors, what is a realistic target. For example, if the current level of birth registration completeness is 30%, it will be difficult to achieve 100% completeness within a year unless there are exceptional circumstances (e.g. a small population size confined to a small area). On the other hand, if current completeness is 90%, it might be realistic to achieve 100% or close to 100% in a short time frame. The baseline for overall civil registration completeness may also be a useful input into deciding what targets should be set (e.g. if overall completeness is low, then it may not be possible to expect high completeness of refugees, asylum seekers, stateless persons and persons of undetermined nationality).
- **Ambition and capacity:** The target should match a State's ambition and capacity. Factors that will affect ambition and capacity include political will to dedicate resources, the quality of the existing civil registration system and practices, the availability of resources, the skill of staff involved, and the scale of the challenges. For example, if birth registration completeness is high except for a particular population that is easy to access, the target may be achievable within a short timeframe.
- **Timeframe:** The targets should be able to be achieved within the overall timeframe, which in this case is likely to be the timeframe of the action plan.
- **Incremental targets:** It may be advantageous to set several progressively higher targets over the timeframe, especially if the targets for the overall timeframe are very ambitious.
- **Existing targets:** Targets set through this process should ideally match existing commitments made by States. For instance, as part of the SDGs, States have committed to 100% legal identity completeness by 2030, which is measured by birth registration completeness. Likewise, States may have set relevant national targets (either for the whole population or specifically for the populations of interest) as part of the Asian and Pacific CRVS Decade under the Regional Action Framework, which ends in 2024.

## TOOL N: EXAMPLE ANNOTATED OUTLINE OF AN ACTION PLAN

### 1. Executive Summary

Summarizes the main elements of the action plan. The executive summary should especially target decision-makers and others who have limited time and thus cannot read the entire document.

### 2. Foreword by Co-Chairs of the body leading the assessment (or the formulation of the action plan)

Acknowledges those that have participated in or contributed to formulating the action plan and other reflections, including on the assessment process.

### 3. Introduction

Briefly describes the purpose, context and motivation for the action plan, as well as the relationship with other national initiatives, especially broader civil registration improvement initiatives and policies concerning the administration of refugees, asylum seekers, stateless persons and persons of undetermined nationality.

### 4. Situation analysis

#### a. Assessment findings and recommendations

Summarizes the assessment findings and recommendations.

#### b. Populations of interest

Provides an overview of the target populations (i.e. the subgroups of refugees, asylum seekers, stateless persons and persons of undetermined nationality that are known to reside on the territory). It may be useful to also briefly describe the characteristics of each subgroup that are relevant to civil registration, such as the gaps and barriers they experience and locations where they reside.

#### c. Current completeness levels

Describes any statistics that are available regarding levels of completeness, as well as the challenges for producing completeness statistics and recommendations to bridge the gaps.

#### d. SWOT analysis

Presents a table on the Strengths, Weaknesses, Opportunities and Threats for the civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality.

<b><i>Internal environment</i></b> <i>These are factors that can be directly influences.</i>	<b>Strengths</b> • ... • ...	<b>Weaknesses</b> • ... • ...
<b><i>External environment</i></b> <i>These are factors for which there is no control, but should be taken advantage of or mitigated.</i>	<b>Opportunities</b> • ... • ...	<b>Threats</b> • ... • ...

### 5. Strategic objectives

Clearly explains the objectives and sub objectives of the action plan. The activities within the action plan should fall under sub objectives and an entity or entities should be assigned responsibility for each sub objective.

If a logical framework has been developed as part of the process of formulating the action plan, this will provide a basis for writing this section.

A suggested structure for how this information can be presented is as follows:

Strategic objective	Sub objective	Responsible entity/entities	Priority level
1.	1.1.		
	1.2.		
	1.3.		

## 6. Activities and implementation

This section will be the majority of the document, presenting the activities that will be implemented, who will be responsible and when. It should be designed in accordance with the sub objectives stated in the previous section.

The activities should be described in as much detail as possible, and, where relevant, should be disaggregated by the subgroups.

A suggested structure for how this information can be presented is as follows:

Sub objective	Activity	Responsible entity/entities	Priority level	Timeframe / Due date	Resource requirements
1.1.	1.1.a.				
	1.1.b.				

## 7. Resource considerations

Provides an estimated budget or cost analysis, as well as describing the funding environment (e.g. whether government funds are available and adequate or if there are funding gaps that need to be filled with external sources and donors) and the financial and human resources required to implement the action plan.

## 8. Risks and risk management

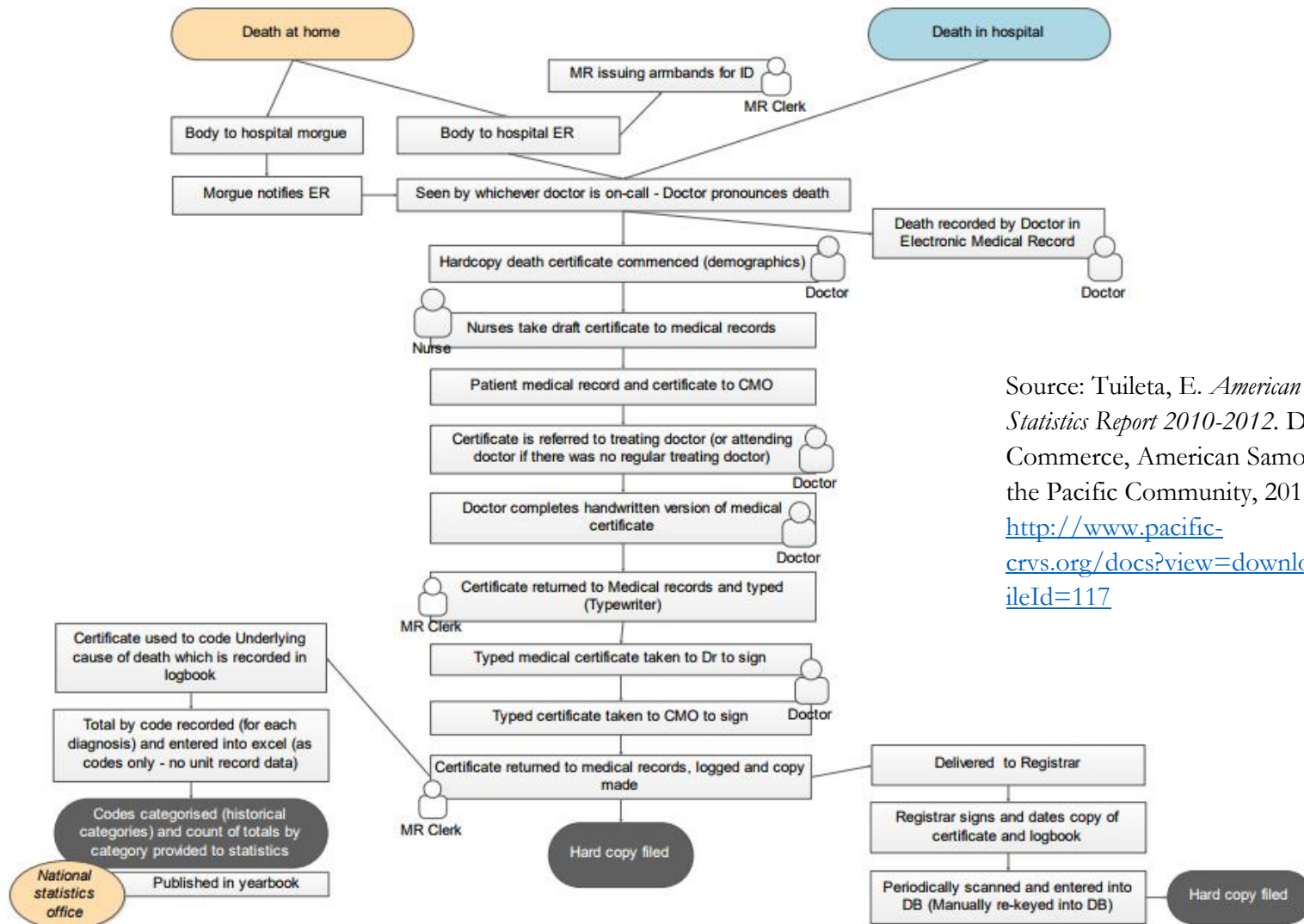
Describes the potential risks of implementing the action plan and possible strategies for mitigating those risks.

## 9. Targets, monitoring and evaluation

Lists targets for measuring the performance and success of the action plan (refer to guidance note on setting targets related to civil registration of refugees, asylum seekers, stateless persons and persons of undetermined nationality). Along with setting the targets, this section should also describe how and when those targets will be monitored and how the effectiveness of the action plan will be evaluated at its end.

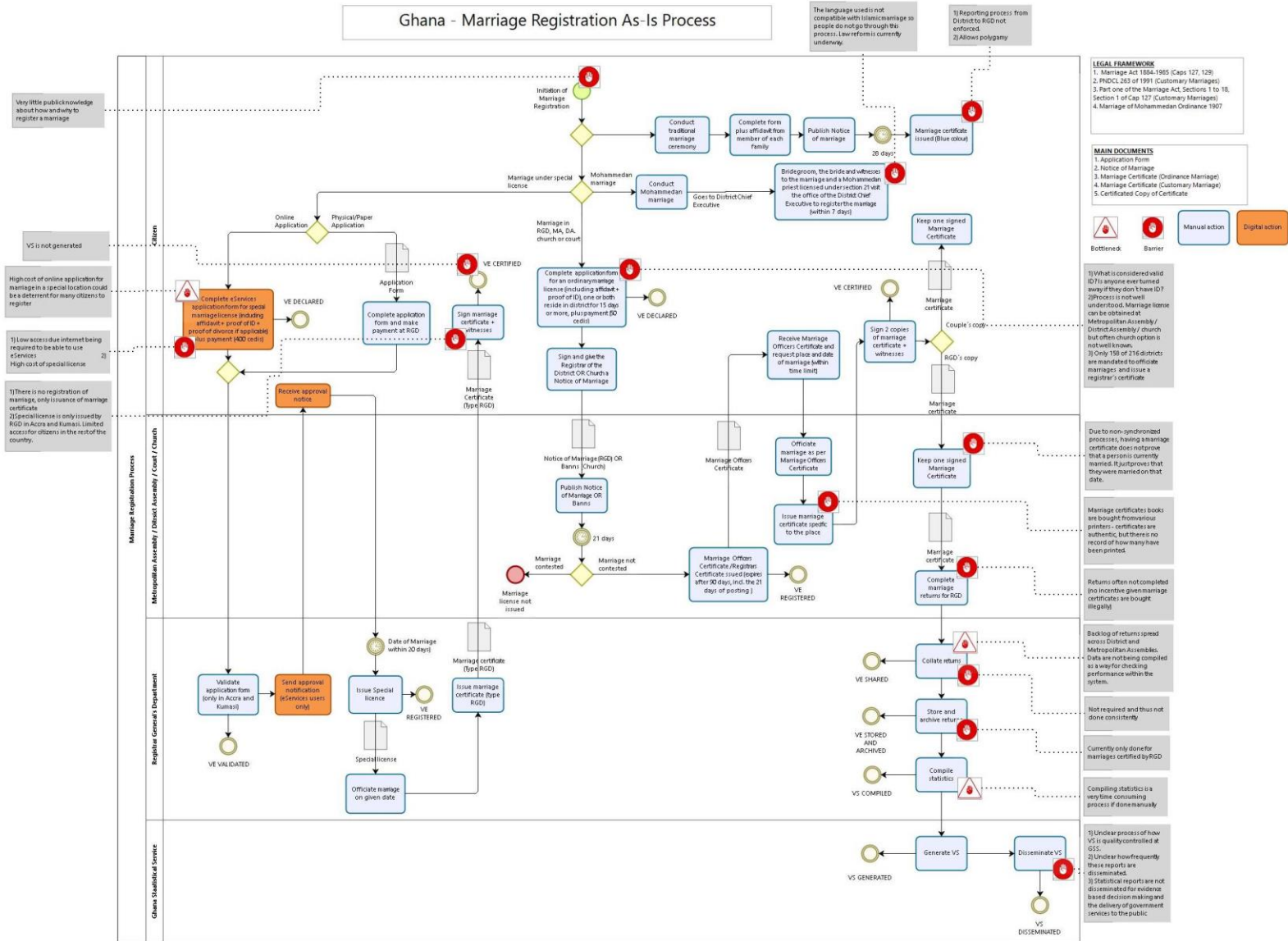
## PROCESS MAP EXAMPLES

Figure 2A: Diagram of the notification and reporting of deaths.



Source: Tuileta, E. *American Samoa Vital Statistics Report 2010-2012*. Department of Commerce, American Samoa Government and the Pacific Community, 2015. Available at: <http://www.pacific-crvs.org/docs?view=download&format=raw&fileId=117>

# Ghana - Marriage Registration As-Is Process



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 Available at: <http://www.crvs-dgb.org/wp-content/uploads/2017/08/Ghana-Marriage-Registration-As-Is-Process-FINAL.jpg>

