

Abstract

There is a growing recognition of the value of civil registration and vital statistics systems worldwide. Support for countries to establish, improve the efficiency and completeness of these systems have also surged at international as well as regional levels, including in Africa where establishing or strengthening the civil registration and vital statistics system has become a priority in an increasing number of African countries .

In spite of very dense legal and policy frameworks as well as specific programs at international, regional and national levels on CRVS, birth registration, documentation, the right to a nationality, and clear benefits of civil registration and vital statistics, over 100 developing countries around the globe do not have well-functioning civil registration and vital statistics systems. Around 40 million births are not registered and 40 million deaths globally (one-third and two-thirds of the world's annual totals respectively) are either not registered or incorrectly certified. Among other reasons impeding the establishment and well-functioning of CRVS systems on the continent is the displacement of populations due to conflicts, natural or man-made disasters, and lack of economic opportunities or as part of their lifestyle.

In Africa in the last few decades, large-scale forced displacement of people fleeing persecution, armed conflict or human rights violations have been witnessed. At the end of 2016, African countries were hosting 5.2 million refugees meanwhile during the same period the number of internally displaced persons due to conflict and violence was estimated at 12.4 million persons. In addition to these, the number of migrants living in Africa was also estimated at 21 million at the end of 2015.

Forcibly displaced persons in Africa live in refugee and IDP camps as well as in urban or rural areas, or are trapped in conflict areas, increasingly in protracted situations and very often do not have access to civil registration and are not included in CRVS national systems. They lack Birth Certificates, Marriage and Divorce Certificates, which may render them vulnerable to statelessness and associated protection risks. The lack of Death Certificate is also to be deplored. Some obstacles hindering their access to civil registration services include: physical barriers (lack of services /infrastructure in rural and camp areas); economic barriers (registration fees and cost of travel to towns to register); lack of awareness of the importance of civil registration and procedures for birth registration; legal issues (absence of laws that allow civil registration for non-nationals including refugees and stateless); administrative barriers(presentation of the parent' s ID as a precondition for birth registration); and reluctance to approach civil authorities to register their births, marriages, deaths, etc. due to fear of deportation or detention in case they lack a clear legal status.

Because of their exclusion from national CRVS that makes them "invisible", they are deprived from the protective environment CRVS can help create with subsequent exposure to increased protection risks such as lack of freedom of movement, detention and deportation, denial of access to services such as education, health services and employment. In addition, failure to prove the age of girls may expose them to early marriages and exploitation. The surviving spouse may also face legal difficulties to enjoy their rights both in the country of asylum and that of origin due to failure to issue death certificates. Difficulties to exercise inheritance rights or to acquire nationality through marriage, obstacles in accessing resettlement procedures as a family unit are also some of the consequences of the lack of civil registration and documentation.

In the context of protracted situations, forcibly displaced persons run the risk of losing their connection with their country of origin as well as facing difficulties acquiring documentation, which may result in statelessness, particularly in subsequent generations.

Just like forcibly displaced persons, migrants and their children are most likely of not having their births and other vital events registered and documented. Censuses are known to

undercount the homeless and migrants, especially undocumented migrants and the highly mobile. In Africa, 19 per cent of countries did not have a recent data source on total migrant stock, while 43 per cent and 36 per cent of countries did not have recent data on the age or origin of international migrants. This situation puts the migrants at heightened risk of violation of their human rights guaranteed by international and regional instruments. On this, the United Nations recommends that all people residing in a country be given the right to register vital events, irrespective of whether they are citizens or not. Failing to register all vital events of forcibly displaced and migrants, especially all the births, can put them, under certain circumstances, at risk of statelessness.

Another weakness of CRVS systems in many countries in Africa is the lack of data on statelessness. In fact, the exact number of stateless people globally is unknown. However, UNHCR estimates that there are at least 10 million people globally of which approximately 1/3 are children. In sub-Saharan Africa, UNHCR reported over 715,089 stateless persons in 2016, with 974 in Central Africa and the Great Lakes, 20,000 in East and Horn of Africa and 694,115 people in West Africa with a bulk being in Cote d' Ivoire (694,000).

The reason behind the lack of significant data on statelessness on the continent and the world is that frequently stateless persons are not only undocumented but also ignored by the authorities and uncaptured in national administrative registries and databases. Most often they go uncaptured in population censuses. Only a minority of African countries have procedures in place for their identification, registration, and documentation. A large gap between the number of stateless persons reported by UNHCR and the total estimated number of stateless persons remains a cause for concern. The identification of stateless persons is therefore key to addressing difficulties they face to enabling governments and other relevant stakeholders to prevent and reduce statelessness.

In spite of all the challenges faced by forcibly displaced persons, migrants and other groups of population to have access to CRVS and by CRVS systems to capture all vital events, provide documentation and generate vital statistics for all the above, some best practices have been registered in many countries and Regional Economic Communities. These are relating to ensuring universal birth registration, eradicating statelessness through the improvement of CRVS systems, data collection on IDPs to inform national strategy on durable solutions, inclusion of refugees in poverty surveys to facilitate the planning of appropriate interventions to alleviate poverty, and much more. These best practices have been highlighted to inspire and be replicated by other African countries as they work towards improving their CRVS systems.

Finally, taking into account the linkages between CRVS systems, the mobility of populations and the necessity for reforming and improving of CRVS systems to provide a protective environment for these populations, recommendations have been formulated to help guide member states to abide by their obligations enshrined in international and regional frameworks. They also aimed at providing technical guidance to member states for well-functioning and inclusive CRVS systems that will prevent statelessness and enable economic opportunities and sustainable development outcomes for all.