Civil Registration in Conflict and Emergency Situations

I. Introduction

1.   Emergencies in Africa have multiple forms. Protracted emergency situations that persist despite peace agreements (Horn of Africa, Central African Republic), conflicts that affect surrounding countries (Lake Chad Basin Crisis), public health emergencies such as the Ebola Virus Disease and natural calamities all affect state capacities to fulfil their responsibilities to assist and protect citizens in such times. While the core of humanitarian response aims at addressing the basic needs of people – safety, health and education – provision of civil registration services continues to be a challenge in countries with emergency settings, leading to both short and long-term consequences. In West Africa only, at least 750,000 people are considered to be stateless, largely due to lack of birth registration[1]. In most of Africa, mortality statistics systems do not exist or are weak and are often characterized by uncoordinated and fragmented collection of data from various sources[2].

2.   Despite the multiple challenges in emergencies and conflicts, maintaining and restoring basic registration services is of utmost importance for the realization of human rights, effective state and peace building and for good governance. Understanding the complexities around civil registration systems in such contexts requires an in-depth look at experiences of countries in conflict or emergency situations, or with special circumstances coupled with research findings and expert opinions globally and from Africa, in particular. Guidelines and recommendations are needed for improved preparedness of countries, including identifying key risk mitigation strategies that would make CRVS systems resilient in emergencies and conflict situations in the future.

3.   The parallel session on Civil Registration in Conflict and Emergency Situations responds to the recommendation of the 3rd Conference of African Ministers Responsible for Civil Registration which resolved to "*support development of guidelines and recommendations for maintaining and managing civil registration in conflict and emergency situations as well as special circumstances by making use of experiences from countries having gone through such situations.*"[3]

II. The main issues

4.   In Africa, multiple emergencies have occurred over the years with dire consequences on the population arising from conflicts and natural calamities. In 2016, at least 12 countries out of 24 in West and Central Africa were affected by emergencies. The region includes not only protracted conflicts such as in Central African Republic and Democratic Republic of Congo but also new humanitarian crises like in the Northern Nigeria and Mali that cut across boundaries and severely affect a number of neighboring countries. The sudden natural disaster in Sierra Leone in 2017 resulted in the deaths of

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[1] http://tracks.unhcr.org/2015/02/stateless-in-west-africa
[2] United Nations Economic Commission for Africa (2015-02). Improving mortality statistics in Africa – technical strategy 2015 – 2020. Addis Ababa. © UN.ECA.
[3] http://www.apai-crvs.org/sites/default/files/public/Yamoussoukro%20Declaration_Eng_0.pdf

over 500 persons and more than 800 persons went missing.[4] Within Eastern and Southern Africa, due to the disruption of state systems in Burundi, Somalia and South Sudan, infrastructures have been affected resulting in mass displacement of people. There is also the Greater Horn of Africa Drought/famine response affecting Somalia, Kenya, South Sudan and Ethiopia, further negatively impacting the affected population, in particular the well-being of children.

5.   These emergency contexts infringe on many rights of women and children, including the inaccessibility to the right to a name and identity, from which other human and civil rights are founded. Evidence shows that during the process of forced migration people lose their legal documentation, if they did in fact have it in the start. Weak or poor archiving of civil registration records by governments and lack of capacity to quickly reconstruct the systems after emergencies is a big challenge.

6.   In almost all emergency situations, such as in armed conflicts, natural disasters, human-made hazards and mass population displacements, vital event registration systems become dysfunctional, poorly operational and – in extreme cases – entirely collapsed. Birth and death certificates tend to get lost by population groups exposed to emergency situations and entire archives may be destroyed during or in the aftermath of the crisis. In a number of crises, the civil registration records have been used as the source to target certain population groups thus violating one of the principles of civil registration – confidentiality of individual records. Such situations could result in individuals' lack of trust in the government as people may be unwilling to register vital events if there are suspicions about how the information will be used.

7.   Loss of identity documents make people increasingly vulnerable at the time of emergency. While children without birth registration are at risk of becoming stateless, women and girls can become at risk of exploitation and abuse. Access to entitlements and services may be hindered in the short and long term. Child marriage might be rampant where the rule of law fails. People without legal identity may become victims of criminal groups and face exploitation. They are also considered vulnerable upon returning home to face limited opportunities for education, work and free movement, especially without legal documents such as birth certificates to prove their identity.

8.   Another challenge created by conflict and emergency situations is the backlog of unregistered children, that is, those that have not been registered within the legal delay and/or through late registration procedures. In such situations, the administrative system does not manage to capture vital events but they remain unrecorded. After emergency, there is high demand on CR services that may not perform well. In such situations, it is the vulnerable population such as the poor, children and women that suffer the most, including population groups living in hard to reach areas.

9.   To date, even in stable countries, many CRVS systems lack state ownership, effective coordination and integration into broader government systems. With emergencies the often under-funded and under-resourced CR services become even more hindered in providing quality services at the desired scale, especially to vulnerable population groups. Not only could state capacities be insufficient, but the trust and collaboration between the state and its population may be lost.

10.   A country in emergency faces multiple challenges. Despite these challenges, civil registration system must be maintained even in situations of crisis and emergencies as people continue to be born and die. Weak civil registration systems impede progress towards achieving national development plans and global Sustainable Development Goals as well as the individual's right to be known and planned for by its own government, access to fundamental opportunities and services, as well as the ability to claim their rights or to participate in governance process. CRVS is increasingly being

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[4] http://reliefweb.int/sites/reliefweb.int/files/resources/Sierra%20Leone%20Sit%20Update%20no%206.pdf

recognized as a tool for effective state building, peace and good governance. Maintaining and / or re-establishing CRVS systems require effective liaison with strong coordination mechanisms of humanitarian assistance, investments in public administration and work with communities and civil society. Emergencies can also provide an opportunity to strengthen state systems, where investments in increased human resources, capacity building and to revision of work protocols are sustained later on by the state bringing in more long-term results[5].

III.   Issues for discussion

A. Prevention and Response to breakdown of CR systems in emergencies

11.   Civil registration systems are eroded and in some cases may collapse in conflict situations or during natural or man-made calamities. In some cases the emergencies are localized in a few districts or lower administrative regions, while in others they might affect the country as a whole. Often times emergencies cross boundaries and affect neighbouring countries. It is critical to strengthen the resilience of civil registration systems such that disruption arising from emergencies would not render them dysfunctional.

   (i)   Who are the most affected? And how can resilient CRVS systems protect these groups?

   (ii)   What key mitigation strategies can be proposed to improve resilience of CR systems in the context of fragile states / countries facing emergencies?

   (iii)   What can countries facing emergencies do to ensure security of the CR systems and confidentiality of information collected during registration of vital events?

   (iv)   What are the collaborative arrangements needed among key stakeholders to improve coordination of actions in support of re-establishing and maintain CR in emergencies?

   (v)   How can innovations and new technology support the resilience of CR systems?

   (vi)   What are the governance functions missing and policies needed to be put in place?

B. Sustainability of actions

12.   Country leadership and ownership, along with clear legal frameworks, are critical for the success of a CR system. To operate a CR system in conflict situations, a country might need technical support and to mobilize development finance to cover budget gaps in the short and medium term.

   (i)   How can the government role and leadership in the realization of human rights, in the efforts to meet Sustainable Development Goals and national development plans, be maintained in the context of emergency, when the existing CR system itself is challenged?

   (ii)   What are the roles of development partners, civil society organizations and others in supporting countries facing emergency situations; and inh reconstruction of their CR system during conflict and/or in post-conflict periods?

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[5] Care and protection of Children in the West African Ebola Virus Disease Epidemic. Lessons Learned for Future Public Emergencies. UNICEF.2016

(iii)   How can finance, capacity, structures, technology and other pillars for a functioning CR system be improved when emergencies exacerbate existing weak systems?

(iv)   What can Africa learn from countries in other regions that have managed to restore CRVS systems and services during and post emergency situation?