

Legal Identity and Education in Central African Republic

Promoting access to birth registration and education.

Violent crises in Central African Republic have effected access to birth registration and education. Birth registration needs to be facilitated and barriers removed to enrolling in school and sitting public exams.

Introduction

The Central African Republic (CAR) has experienced a succession of violent crises, the most serious taking place between 2013 and 2015. Further outbreaks of violence in May and June 2017 have pushed the number of internally displaced people (IDPs) to 600,000 and CAR refugees in neighbouring countries to 481,000. CAR remains extremely fragile with an estimated 2.4 million people in need of assistance.

Insecurity, violence and forced displacement have severely weakened civil registration and education systems in CAR. In 2010, before the crisis, only 61 percent of children under the age of five were registered at birth. Similarly, challenges in access to education are demonstrated by the 2015 primary net enrolment rate of 72 percent and achievement rate of only 48 percent.

NRC has carried out an assessment on access to birth registration for displacement-affected communities in CAR and its link to enrolling in school and sitting public exams. The results of this research indicate numerous challenges in registering births and that lack of a birth certificate limits access to education, in particular to secondary school and higher education, as well as access to diplomas and certificates.

Access to Birth Registration

Conflict has exacerbated already low levels of birth registration in CAR. Civil registration centres have been destroyed along with archives and people have lost their documentation as a result of displacement. In addition, conflict-affected populations face additional challenges in accessing birth registration due to their increased vulnerability and a civil registration system that is not designed to cater for a situation in which over a quarter of the population are displaced.

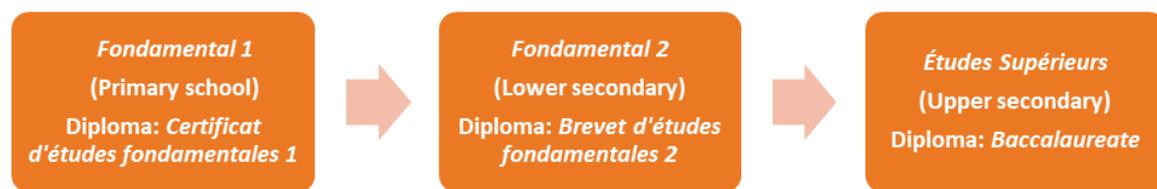
The assessment identified the following challenges faced by displaced persons in accessing birth registration and the birth certificate:

- **Time limit for administrative birth registration.** According to the CAR Family Code, registration must take place within one month of the birth. This time limit is not feasible for many parents in both rural and urban areas. After this time, a late registration procedure is required that involves obtaining a judicial ruling or *jugement supplétif*. This procedure is costly, complex and prohibitive for many.
- **Cost of birth registration and the birth certificate.** In rural areas where populations survive on subsistence agriculture, respondents cited cost as a reason for not registering the birth of a child. The CAR Family Code is silent on the fee but, in practice, it costs

between 1,000-1,500 XAF (1-2 USD). This does not include associated costs such as the discharge certificate from the hospital, medical expenses or transport to and from the civil registration centre.

- **Lack of information on the importance of the birth certificate and the birth registration procedure.** The importance of the birth certificate is often only recognised when it is needed to benefit from rights and services, such as education. At this late stage obtaining a birth certificate is more complex. In addition, information about the procedure is lacking, for example some parents mistakenly believe that the discharge document from the hospital is proof of birth registration and therefore fail to complete the full procedure.
- **Ineffective community birth registration mechanisms.** Local community leaders (*chefs de village, de quartier and de groupe*) are required by law to declare births taking place in their locality. In practice, local leaders do not systematically declare births to the civil registry and many births go unregistered.
- **The legal requirement to register births or obtain a judgement supplétif in the locality of the birth** prevents displaced persons from being able to access these services as they have been forced to flee from their place of origin and may be at risk if they seek to return.
- **Many courts are no longer operational** and the majority of judges are located in the capital, Bangui. As a result, the population does not have easy access to the courts for late registration judicial procedures. Although civil courts are expected to visit sub-prefectural capitals every two months, in practice such visits are irregular or non-existent.
- **Discrimination in access to birth registration.** The study observed certain discriminatory practices in civil registration centres, such as refusing to issue birth certificates to children of foreign parents or populations perceived to be foreign. Similarly, the judicial system was perceived as biased towards certain parts of the population and the fear of detention was raised as a reason not to approach the courts.

Diagram of the Central African Education System



Access to Education

Birth certificates play a role in access to and progression in education in CAR. NRC's findings confirm that children can access primary education without a birth certificate as the Government has removed the requirement for this document in response to low birth registration rates. However, students face challenges enrolling in secondary school and sitting public exams without a birth certificate. They may not be able to obtain the *brevet* or *baccalaureate* - important diplomas that enable access to higher education, training and employment opportunities.

Primary schools have received instructions from the Ministry of Education, Higher Education and Research to allow students to enrol regardless of whether they can provide a birth certificate. Directors and principals of primary schools at the national, prefectural and sub-prefectural levels interviewed for the report emphasized that they allowed children to attend but ask that parents return with a birth certificate. However, without a birth certificate students will not be able to sit the primary school exam for the *certificat d'études fondamentales 1*.

Students may be able to enrol for **secondary education** (lower secondary or upper secondary) without a birth certificate or obtaining the primary school diploma if their grades are high enough. This is because primary and secondary schools are often in the same building or district and school records are easily transferred. However, students without birth certificates cannot sit public exams and will not be able to obtain their diploma (*brevet d'études fondamentales 2*).

In order to sit the **baccalaureate exam** a student must provide a file comprising report cards, fees and a birth certificate as proof of identity. The Ministry of Education (*Direction des examens et concours*) verifies students' files during the exam period and produces a list of candidates eligible for the exams. Academic identity cards are also issued to present at the exams.

Recommendations

To the Government of the Central African Republic

1. Domesticate the Kampala Convention and eliminate the legal obligation to register births or access a judicial procedure for the *jugement supplétif* in the locality of the birth.
2. Revise Presidential Decree 14.228 to increase the number of children who can benefit from free administrative birth registration.
3. Review and reform the civil registration law, for example, simplifying the judicial procedure for the *jugement supplétif* that is inaccessible to many people or extend the period for administrative registration of births.
4. Remove the requirement for a birth certificate to sit public exams and to enrol in secondary school and disseminate this information to all primary and secondary school directors.
5. Create and implement a robust system for the conservation of archives.

To humanitarian and development actors

1. Contribute to the organisation and implementation of mobile judicial hearings in rural areas to facilitate access to late birth registration and the *jugement supplétif*.
2. Raise awareness and build capacity of civil registration officers, statisticians in the government, school principals and administrators, midwives, and *chefs de village* and *chefs de quartier*.
3. Assist in building technical capacities and support material needs of civil registration centres in coordination with the Central African Government.
4. Coordinate with other NGOs and the Central African Government to seek out synergies in the areas of health and education to facilitate birth registration.
5. Collect data and information on birth registration levels and the destruction of civil registration centres.
6. Respond to the urgent need for legal aid in the domain of birth registration for displacement-affected communities.

Sources

The findings in the note are from a study conducted by NRC in the prefectures of Kémo, primarily in and around Sibut and Dékoa, and in Ombella-M'Poko in the municipality of Bangui and the sub-prefectures of Bimbo and Bégoua. Researchers conducted interviews and focus group discussions with over 180 people including young women, out-of-school youths, high school students, school principals and community leaders. Various ministries and experts at international and local NGOs, as well as local associations and UNICEF provided informant interviews. The full report in French can be found at: www.nrc.no/globalassets/pdf/reports/car/180126_car_civdoc_final.pdf.

About NRC

The Norwegian Refugee Council (NRC) is an independent humanitarian organisation working in crises across 31 countries helping to save lives and rebuild futures. NRC has worked for over ten years with conflict-affected communities to improve their access to legal identity (civil and identity documentation). In the Central African Republic, NRC is implementing programmes in the areas of water, sanitation and hygiene; food security and livelihoods; education; shelter; and information, counselling and legal assistance (ICLA) in five prefectures: Kémo, Mambéré-Kadeï, Nana-Gribizi, Bamingui-Bangoran, and Ombella-M'poko.

Links to other relevant information:

www.nrc.no/globalassets/pdf/reports/car/180126_car_civdoc_final.pdf

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