

DOCUMENTATION, HUMAN RIGHTS AND THE PROMISE OF DEVELOPMENT

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Introduction

- The case for a humanitarian dimension
 - Political arguments
 - Economic arguments
 - Philosophical and rights-based arguments
- Beginnings: Birth registration
- Identity, documentation and development

Documentation and Identity

- International Human Rights Law, the right to identity and practical constraints
- Birth registration and child protection
 - Access to healthcare
 - Access to education
 - Protection against child labour and marriage
 - Right to nationality, documentation, civil and political rights, bank accounts

Birth registration vs other ID

- Few empirical studies on birth registration over the course of people's lives
- The imperative of effective governance
- Recent IDB studies – UBR and human capital
- UBR the start but not the end point...
- Access to documentation a major challenge

Documentation and Refugee Crises

- UNHCR, mass influx situations v Individual determination decisions
- Differentiation in recognition rates
 - Afghans 2007 : 14% (BE) v 98% (IT)
 - Iraqis 2007
 - SE – Refugee status 155/Sub Protection 9565
 - DK – Refugee status 5760/Sub Protection 35
- Total positive decisions in EU in 2007
 - 48.2% SE/11.5% FR/4.5% ES/ EL 0.8%

What difference does ID make?

- Protection-generating function
- Evidenced by two cross-national studies on
 - the benefits of citizenship (Swiss) (2009)
 - the costs of statelessness (USA) (2011)
- Review of qualitative and quantitative data from Kenya, Sri Lanka, Mauritania, Bangladesh
- Note stateless NOT equal undocumented

Kenya - Nubians

- History and basis for exclusion
- Civil action – High Court Decision
- Benefits of citizenship for birth registration
- Evidence of international travel
- Lost opportunities – lost years
- Societal discrimination and poverty

Sri Lanka – Plantation Tamils

- History of exclusion
- Travel and opportunities beyond the plantations

I was really thankful when my national identity card arrived because it allowed me to travel to Colombo and find work here,' said the 23-year-old.' I am earning much more than I would have if I stayed on at the estate.' Her husband is also applying for his national identity card and will then join her in Colombo. He is with my two-year-old son in Hatton. My mother takes care of the child while he goes to work, but very soon all of them can join me here for a much better life.

Bangladesh - Biharis

- History of exclusion
- ID cards – belonging and exoneration
- Access to jobs ...endemic poverty
- Discrimination
- Corruption as survival strategy
- Opportunities for the future

Mauritania – returning refugees

- History of exclusion
- ID and the prospect of travel
- Gender issues re. travel
- Interchangeable ID Senegalese – Mauritanian
- Hierarchies of documentation ...le certificat de nationalité vs. Carte d'identité

What is the cost of statelessness?

- Impact of denial/deprivation of citizenship on livelihoods formerly de jure/de facto stateless
- Survey 970 households; 60 interviews; control: born citizens



Bangladesh



Kenya

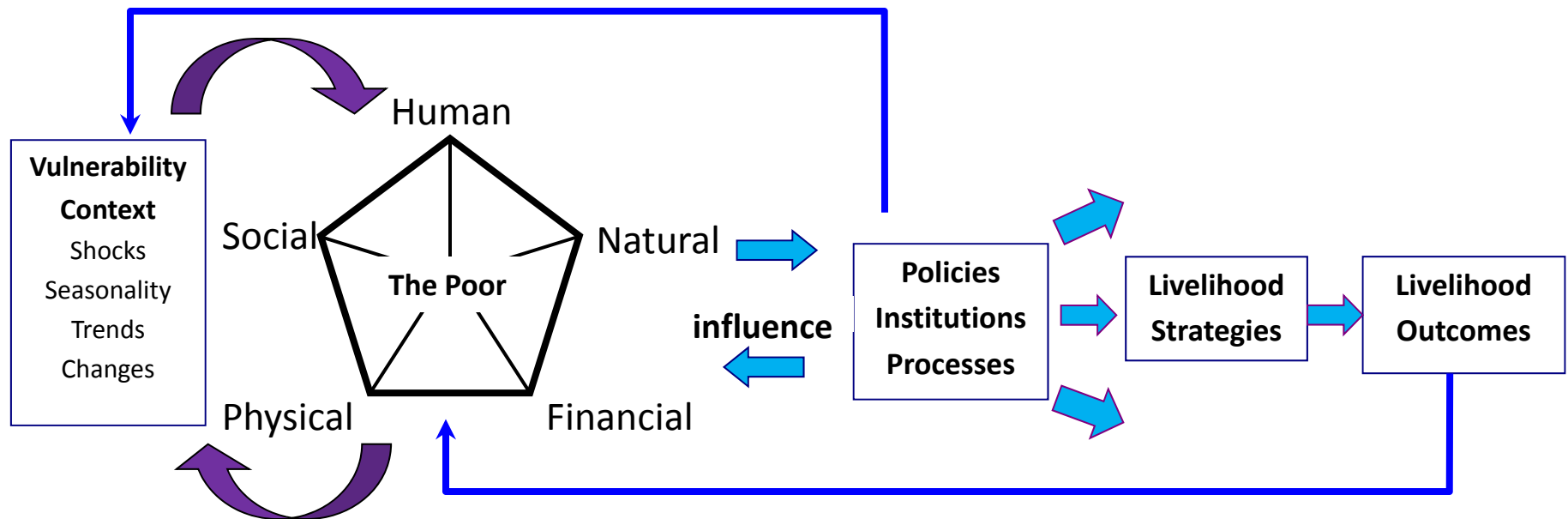


Slovenia



Sri Lanka

Sustainable Livelihoods Framework



Selected Findings

- Kenya
 - Per capital income of undocumented down 24.5%
 - Less access to social safety nets
 - More money spent to compensate at expense of education and human capital investment
- Sri Lanka
 - Per capita income down by 11.5%
 - Lower levels of education

Conclusion

- Different types of document, statuses
- Documentation may improve access to rights when accompanied by effective governance BUT is part of larger puzzle
- Mobility – dependant on respect of rights
- Documentation – transformative effect and potential to improve development outcomes