



# Legal Identity of All Women and Children in ASEAN

## *A Regional Synthesis*

**Under the ACWC-UNHCR Cooperative Project**

*Promoting Inclusion and Sustainable Development in Building the ASEAN Community through Ensuring the Recognition of the Legal Identity of All Women and Children in ASEAN*



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## ***A Regional Synthesis***

Synthesized by Dr. Sriprapha Petcharamesree & Bongkot Napaumporn



# Table of Contents

<b><i>Project Overview</i></b> .....	<b>5</b>
1.1 Promoting inclusion and sustainable development through ensuring the recognition of the legal identity of all women and children in ASEAN.....	6
1.2 ASEAN commitment to international human rights treaties .....	12
<b><i>Civil Registration and Vital Statistics (CRVS) in ASEAN</i></b> .....	<b>17</b>
2.1 Introduction .....	18
2.2 Laws and policies pertaining to civil registration, birth registration and civil documentation in ASEAN .....	25
2.3 Implementation of laws and policies on birth registration and registration of hard-to-reach groups.....	28
2.4 Challenges and good practices .....	36
<b><i>Nationality and Citizenship in ASEAN</i></b> .....	<b>50</b>
3.1 Introduction .....	51
3.2 Law and policies pertaining to nationality and citizenship in ASEAN .....	54
3.3 Implementation of nationality and citizenship in ASEAN Member States .....	57
3.4 Challenges and good practices .....	70
<b><i>Good Practices and Lessons Learnt from Other Regions</i></b> .....	<b>80</b>
4.1 Europe.....	81
4.2 Africa.....	83
4.3 The Americas.....	84
4.4 Middle East and North Africa .....	86
<b><i>Conclusions and Recommendations</i></b> .....	<b>87</b>
5.1 Birth registration and nationality as ways to define demographic limit of state .....	88

<b>5.2 Recommendations .....</b>	<b>91</b>
<b><i>Annex .....</i></b>	<b><i>94</i></b>
<b>Annex 1: Relevant Legal Frameworks in ASEAN Member States.....</b>	<b>94</b>
Table 1: ASEAN Member States and their Ratification of Human Rights Treaties (including Refugee and Statelessness Conventions) .....	94
Table 2: CRVS Legal Frameworks in ASEAN Member States.....	97
Table 3: Nationality and Citizenship Legal Frameworks in ASEAN Member States.....	105
Table 4: Legal Frameworks in ASEAN Members States Pertaining to Acquisition of Nationality by Children Born to Nationals .....	109
Table 5: Legal Frameworks in ASEAN Member States Pertaining to Acquisition of Nationality by Foundlings and Adopted Children .....	130
Table 6: Legal Frameworks in ASEAN Members States Pertaining to Acquisition of Nationality by Non-Nationals (potentially including stateless children/persons).....	133
Table 7: Legal Frameworks in ASEAN Member States Pertaining to Acquisition of Nationality through Naturalization and Marriage.....	143
<b>Annex 2: Extract of recommendations on birth registration and nationality from Concluding Observations made by Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women to ASEAN Member States.....</b>	<b>156</b>



# Project Overview



## 1.1 Promoting inclusion and sustainable development through ensuring the recognition of the legal identity of all women and children in ASEAN

Undocumented women and children are often vulnerable to being left behind. ASEAN Member States (AMS) are making significant progress in promoting the inclusion of vulnerable groups for the attainment and maintenance of sustainable development. This is being applied by, among other actions, increasing the recognition of the legal identity of women and children, primarily through extending civil registration coverage and access to identity documentation as well as preventing statelessness and realising the right to a nationality through the implementation of



national laws. These developments contribute to the implementation of the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and

the Convention on the Rights of Persons with Disabilities (CRPD), which all AMS have ratified. Still, further progress in these areas is needed if the AMS are to fully contribute to the ASEAN Community Vision 2025 and the ASEAN Socio-Cultural Community (ASCC) Blueprint<sup>1</sup> as well as to facilitate the realisation of the Sustainable Development Goals (SDGs).

***The 13<sup>th</sup> Meeting of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children's (ACWC) in Singapore in 2016*** agreed in principle to include the project on Promoting Inclusion and Sustainable Development in Building the ASEAN Community through Ensuring the Recognition of the Legal Identity of all Women and Children in ASEAN in the ACWC Work Plan 2016 – 2020. The project aims to enhance the capacity of the ACWC to promote the realisation of the right of ASEAN's women and children to birth registration, documentation, inclusion, legal identity and nationality. The project also aims to build AMS's capacity for further realisation of these rights which are contained in the CEDAW, the CRC and the CRPD. In so doing it will seek to implement the prioritised recommendations made at the three Regional Workshops held on these issues, co-hosted by Viet Nam's Representatives to the ACWC and UNHCR, and build on the positive developments identified by AMS during those Workshops.<sup>2</sup> The ACWC has

<sup>1</sup> ASEAN Secretariat, ASEAN 2025: Forging Ahead Together, Jakarta, available at:

<https://www.asean.org/storage/2015/12/ASEAN-2025-Forging-Ahead-Together-final.pdf>

<sup>2</sup> "Regional Workshop on Promoting the Right to a Nationality for Women and Children in the

implementation of CEDAW and CRC in ASEAN" 19 August 2013, the "Regional Workshop and Consultation on promoting the right to a nationality for women and children in ASEAN Member States and for the further development of the ASEAN Community", 14-15 January 2016, and the "Regional Workshop to evaluate activities



identified these activities as being examples of good practices as part of a programmatic approach to its work. This project will also take forward relevant elements of the ACWC's 12

thematic projects in its 2012-2016 Work Plan, particularly the implementation of common issues in the Concluding Observations of the CRC, CEDAW and CRPD Committees in this area.

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led by ACWC (Viet Nam) relating to the right to a nationality for women and children in the ASEAN Community and to develop further proposals for

collaboration for the 2016-2020 Work Plan of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children", 21-22 September 2016.

It is widely recognised that legal identity, including through birth registration, issuing documentation and establishing nationality, is important in facilitating the inclusion and well-being of all women and children within AMS and can contribute to sustainable development, particularly for vulnerable groups. It is also noted that the CRC<sup>3</sup>, the CEDAW<sup>4</sup> and the CRPD<sup>5</sup> contain important complementary provisions in this area. Eligibility for nationality is essentially governed by national legislation; however, the competence of States in this field should be exercised within the limits set out by their international legal obligations. Treaty obligations in this area are to be understood with reference to any reservations entered by States to the relevant provisions and respecting the sovereignty of each AMS.

The project will also build capacity to facilitate the implementation of the Regional Plan of Action to End Violence against Children (EVAC) and the Regional Plan of Action to End Violence against Women (EVAW). EVAC makes clear that both children whose births have not been registered and stateless children are particularly vulnerable to violence.



It emphasizes birth registration and documentation at a national level to help prevent violence against children, and the review and strengthening of protective policies for stateless children at a regional level, as key measures to be taken.<sup>6</sup> EVAW indicates that documented and undocumented migrant women and stateless women suffer from multiple and intersecting forms of discrimination and inequality, making them especially vulnerable to violence. The importance of removing barriers to women's access to justice, and alleviating the factors that make persons, especially women and children, vulnerable to trafficking are also emphasized.<sup>7</sup>

The project will also support the implementation of a number of ASEAN's measures related to trafficking. The link between the prevention of trafficking and the issuance of secured identity papers which help to prove an individual's legal identity is recognized in the ASEAN Convention Against Trafficking in Persons, Especially Women and Children<sup>8</sup> and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children.<sup>9</sup>

<sup>3</sup> CRC, Articles 2, 3, 7 and 8.

<sup>4</sup> CEDAW Article 9.

<sup>5</sup> CRPD Article 18.

<sup>6</sup> EVAC, Section II, Paragraphs d (ii) and (ix) and Action 1 (7) and (8).

<sup>7</sup> EVAW, Section II (b) and Action 3, paragraph 30.

<sup>8</sup> ASEAN Convention on Trafficking in Persons, Especially Women and Children, Articles 11 and 13.

<sup>9</sup> ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, Section A, paragraph g.



Likewise, the project relevant to the ASEAN Work Plan 2020 which includes a Sub-Goal access to education for all advantageous and other may also consider matters coverage and migrant health, of the ASEAN Post-2015 Health



may consider matters Plan on Education 2016- to “enhance the quality of including the disabled, less marginalized groups”.<sup>10</sup> It relating to universal health relevant to the realisation Development Agenda.<sup>11</sup>

**The project will also realisation of ASEAN Vision Blueprints** contained in ASEAN together, represent the high-ASEAN’s political leaders to Community. They chart the ASEAN Community in the next through: placing a greater of ASEAN and their well-being;



**contribute to the 2025.** The Declaration and 2025: Forging ahead level commitment of building the ASEAN path for building the ten years, including emphasis on the peoples seeking to engage all

nationals of AMS through effective and innovative platforms to promote commitment and identification with ASEAN policies and regional interests, and; ensuring fundamental freedoms, human rights and better lives for all of ASEAN’s peoples.<sup>12</sup> **The ASCC Blueprint 2025 specifically aims for the ASCC to be inclusive, sustainable, resilient, dynamic, and to engage with and benefit the people.**<sup>13</sup> A number of the ASCC’s goals are particularly relevant to this project, including promoting equal access and opportunity for all, the promotion and protection of human rights, and strengthening ASEAN’s ability to innovate and be an active member of the global community. Several key aims of the ASCC, such as the effective implementation of relevant ASEAN declarations and instruments related to human rights, will also be furthered by this project. The ASEAN Human Rights Declaration (AHRD) also recognises the rights of all persons to the enjoyment of human rights, including the right to a nationality in accordance with national law and to be protected against the arbitrary deprivation of nationality.<sup>14</sup>

At the global level, the ACWC project feeds into the 2030 Agenda for Sustainable Development that was adopted by the United Nations General Assembly on 25 September 2015. It pledges to prioritise those furthest behind and most vulnerable and includes key targets relevant to this project such as “legal identity for all by 2030, including birth registration”,<sup>15</sup> “to end all forms of discrimination against women and girls everywhere”<sup>16</sup> and “to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies

<sup>10</sup> The ASEAN Work Plan on Education 2016-2020, sub-goal 2.

<sup>11</sup> ASEAN Post-2015 Development Health Agenda, Cluster 3.

<sup>12</sup> ASEAN Vision 2025: Forging Ahead Together, p.108.

<sup>13</sup> *Ibid.*

<sup>14</sup> ASEAN Human Rights Declaration, Article 18.

<sup>15</sup> SDG target 16.9.

<sup>16</sup> SDG target 5.1.

and action in this regard".<sup>17</sup> Realising these goals will not only support the missions of ACWC but also contribute to realising UNHCR's Campaign to End Statelessness by 2024.<sup>18</sup>

As mentioned above, the overall objectives of the project are to enhance ACWC's capacity to promote the implementation of the relevant provisions in the international human rights treaties, particularly the CEDAW and CRC, and to build AMS's capacity in this area in line with ACWC's mandates.<sup>19</sup> The project aims to realize these objectives through conducting several activities, including

**“ undertaking a study on inclusion and sustainable development and the building of the ASEAN Community through increasing civil registration coverage and access to identity documentation, preventing statelessness and realising the right to a nationality for women and children in ASEAN through the implementation of national laws. ”**<sup>20</sup>

**The aforementioned study aimed to:**



Identify the content of the relevant national legal frameworks and jurisprudence and potential actions that can be taken in order to bring them in line with the relevant provisions of CRC and CEDAW, taking into account any relevant reservations of AMS.



Identify and share good practices and lessons learnt, including bilateral cooperation between AMS, the development of relevant policies and national strategies, and measures to further realise these objectives for women and children, or address the situation of vulnerable women and children who are undocumented or who do not yet enjoy legal identity.



Identify good practices and lessons learnt in these areas from other regions for further consideration.



Identify areas for further capacity building at regional and national levels.

<sup>17</sup> SDG target 10.3.

<sup>18</sup> UN High Commissioner for Refugees (UNHCR), Global Action Plan to End Statelessness, 4 November 2014, available at: <https://www.refworld.org/docid/545b47d64.html>

<sup>19</sup> ACWC Terms of Reference, paragraphs 5.1, 5.5 and 5.9.

<sup>20</sup> The ACWC-UNHCR Co-operation Project on “Promoting Inclusion and Sustainable Development in Building the ASEAN Community through Ensuring the Recognition of the Legal Identity of all Women and Children in ASEAN”, objective 6.1.

Taking into consideration the specific context and background of each AMS, the study focuses on examining issues related to legal identity, especially civil registration and civil documentation, nationality and citizenship (including protection against Participation of AMS and ownership of the ACWC at regional and national levels were prioritised during the preparation and implementation of the project. Through a questionnaire, the AMS were invited to respond to questions pertaining to:



- i. Treaties that the country has acceded to (including any declarations and or reservations);
- ii. Relevant national legislation and procedures;
- iii. Availability of statistics and the current situation; and
- iv. Good practices, lessons learnt and plans to improve identified gaps.

As a result, each AMS nominated a Focal Point who coordinated consultations at the national level and provided feedback on the research questionnaire. As part of the implementation, each AMS conducted a desk review of national laws and policies including relevant procedures and identified some good practices, challenges and plans (if any) to improve their CRVS systems. Some AMS organized a national consultation in which different government agencies participated and shared their experiences in carrying out civil registration and nationality determination. One AMS, the Philippines, went as far as carrying out a full-fledged country research, using advanced research methods such as in-depth interviews with key stakeholders, conducting several case studies, and focus group discussions. Ten country reports were submitted to UNHCR for synthesis by a regional team.





## 1.2 ASEAN commitment to international human rights treaties

An important part of the project was to identify the contents of the relevant national legal frameworks and jurisprudence and potential actions that can be taken in order to further implement the relevant provisions of human rights treaties. The national and regional researchers examined the ratifications/accessions of human rights treaties by AMS, taking into account any relevant reservations. The reservations are subject to interpretation with regard to the rights under the study. **Table 1** in the Annex (see page 94) shows the status of ratification of international human rights treaties by AMS.

The country reports (submitted by all AMS) and additional research indicated that out

of the 9 major international human rights treaties, all AMS have ratified the CRC, CEDAW and CRPD. **Cambodia, Lao PDR, and the Philippines**, have not made any reservations or interpretative declarations to any international human rights treaties that they are party to. **Myanmar** has not made any declarations or reservations to the provisions of the CRC, CEDAW and CRPD pertaining to birth registration and nationality. Likewise, **Viet Nam** has not made any declarations or reservations regarding civil registration or nationality, however it has made a declaration to CEDAW that *“In implementing this Convention, the Socialist Republic of Viet Nam will not be bound by the provisions of paragraph 1 article 29”*.<sup>21</sup>

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<sup>21</sup> Relates to settlement of inter-state disputes arising from interpretation of the Treaty.

**Brunei Darussalam** has made reservations to the CRC, CEDAW and CRPD. Brunei acceded to the CRC on 27 December 1995 with reservations on Article 14, Article 20, and Article 21 subparagraph b, c, d and e. It has also made reservations to Article 9 paragraph 2 and Article 29 (1) of CEDAW.<sup>22</sup> The country further made a ‘blanket reservation’ to the three conventions regarding *“those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam”*.

**Indonesia**, by Presidential Decree, declared that the provisions of Articles 1, 14, 16, 17, 21, 22 and 29 of



the CRC will be applied in conformity with its Constitution.<sup>23</sup> Indonesia has also made reservations to Article 29 (1) of CEDAW and Articles 1, 6 (1 and 2), 7, 9, 10, 24 and 25 of CRPD.<sup>24</sup>

**Malaysia** maintains reservations to Articles 2, 7<sup>25</sup>, 14, 28(1)(a) and 37 of CRC on the grounds that such provisions are incompatible with the provisions of the Federal Constitution as well as various laws and national policies. With respect to CEDAW, Malaysia also maintains reservations to Articles 9<sup>26</sup> and 16(1)(a), 16(1)(c), 16(1)(f)<sup>27</sup> and 16(1)(g) on the grounds that such provisions are incompatible with the Federal Constitution and Islamic Shari’a law as codified in all States of Malaysia. Furthermore, Malaysia made reservations to Articles 15 and 18<sup>28</sup> of CRPD.<sup>29</sup>

<sup>22</sup> Brunei Darussalam Country Report.

<sup>23</sup> Indonesia Country Report.

<sup>24</sup> *Ibid.*

<sup>25</sup> Pertaining the right to birth registration, the right to have a name, the right to a nationality and

the right to know and be cared for by their parents.

<sup>26</sup> Paragraph 2 - equal rights to transmit their nationality to their children.

<sup>27</sup> Equal rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children.

<sup>28</sup> Regarding the right to liberty of movement and nationality.

<sup>29</sup> Proposed revision made by Malaysia. Footnotes were added by the author of the Regional Synthesis.



**Singapore** has made reservations or declarations to 14 articles of CRC. Declarations were made to Articles 12 to 17, 19 and 37 and reservations to Articles 7, 9, 10, 22, 28 and 32. The country has made a statement (in reference to the CRC) that *“the Constitution and the laws of the Republic of Singapore provide adequate protection and fundamental rights and liberties in the best interests of the child. The accession to the Convention by the Republic of Singapore does not imply the acceptance of obligations going beyond the limits prescribed by the Constitution of the Republic of Singapore nor the acceptance of*

“

*These declarations/reservations may impact the rights to legal documentation and nationality of non-national children in Singapore.*

*any obligation to introduce any right beyond those prescribed under the Constitution”.*<sup>30</sup> *“Singapore reserves the right to apply such legislation and conditions concerning the entry into, stay in and the acquisition and possession of citizenship of those who do not or who no longer have the right under the laws of the Republic of*

*Singapore...”.*<sup>31</sup> As for CEDAW, Singapore retains reservations to some paragraphs of Article 2 (on policy measures) and Article 16 (on marriage and family life), Article 11 (on employment), and Article 29 (on administration of the Convention). Singapore placed reservations on Articles 12(4), 25(e), and 29(a)(iii) of CRPD.

<sup>30</sup> ICRC, Treaties, State Parties and Commentaries, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/No>

[tification.xsp?action=openDocument&documentId=528733252989BC3DC1256402003FD77F](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/No?documentId=528733252989BC3DC1256402003FD77F)

<sup>31</sup> *Ibid.*





**Thailand** initially made a reservation to Article 7 of the CRC but withdrew it in 2010. However, the country still maintains a reservation to Article 22 of the CRC regarding the protection for asylum-seekers and refugee children, especially those who are unaccompanied.

**Table 1** (see page 94) shows that **Cambodia and the Philippines** have ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The Philippines is, since 2011, party to the 1954 Convention

Relating to the Status of Stateless Persons, but has not yet ratified the 1961 Convention on the Reduction of Statelessness. However, the Philippines report confirms that “*While the Philippines is not a party to the 1961 Convention on the Reduction on Statelessness, the Supreme Court ruled in Poe-Llamanzares vs. COMELEC, G.R. Nos. 221697, 22698-700 (08 March 2016), that Article 2 of the 1961 Convention merely ‘gives effect’ to Article 15(1) of the Universal Declaration of Human Rights to which the Philippines is a signatory*”.<sup>32</sup>

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<sup>32</sup> Additional input provided by the Philippines focal point.



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**At the regional level, all AMS have adopted the ASEAN Human Rights Declaration (AHRD), which is not a legally binding document.**

Article 18 recognizes that *“Every person has the right to a nationality as prescribed by law. No person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality”*.<sup>33</sup>

The right is subject to existing domestic laws. The AHRD, nevertheless, states in its Article 40 that *“nothing in this Declaration may be interpreted as implying for any State, group or person any right to perform any act aimed at undermining the purposes and principles of ASEAN, or at the destruction of any of the rights and fundamental freedoms set forth in this Declaration and international human rights instruments to which ASEAN Member States are parties”*. This provision gives ‘room’ for States to give effect to the rights of people enshrined in national law and international human rights

instruments that they are party to. The successive Chapters of this report are based mainly on the country reports submitted.

Chapter 2 deals with civil registration and vital statistics in ASEAN whilst Chapter 3 addresses issues pertaining to citizenship and nationality. Chapter 4 provides samples of good practices and lessons learnt in these areas from other regions. Chapter 5 attempts, based on the country reports and additional desk research, to come up with conclusions and recommendations. The last section includes Annexes which provide tables regarding laws and policies as well as relevant provisions on civil registration, citizenship and nationality.

<sup>33</sup> ASEAN Human Rights Declaration, available at: [https://www.asean.org/storage/images/ASEAN\\_RTK\\_2014/6\\_AHRD\\_Booklet.pdf](https://www.asean.org/storage/images/ASEAN_RTK_2014/6_AHRD_Booklet.pdf)





Get every one in the picture

# Birth Certificate

1 Name: ASIAN AND PACIFIC CRVS DECADE, 2015-2024

2 Birth Date: Month Day Year      3 Sex:  
November 28 2014      Every one

3 Place of Birth: UN Conference Centre, Bangkok, Thailand

4 Full Name of Parent(s): Ministerial Conference on CRVS in Asia and the Pacific  
5 Nationality of Parent(s): Asian and Pacific

6 Signatures of Parents/Notifiers/Attendants/Registrars:  
*[The area is filled with numerous handwritten signatures in various colors (blue, red, green, black) and styles, representing participants from various countries and organizations. Some legible names include EDITA KORCIA, CHARITY TAN, and others. A large green circular stamp with the text 'CRVS' is visible in the bottom right corner of this section.]*

## Civil Registration and Vital Statistics (CRVS) in ASEAN

## 2.1 Introduction<sup>34</sup>

**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>35</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. The ten country reports focus on births, deaths and marriages, as well as access to nationality, since these are the vital events for which registration (or lack thereof) is of most consequence to all people including refugees, asylum-seekers, stateless persons, foundlings 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 such as the creation of a civil registry, serving as evidence to prove that a vital event has taken place and details of such vital events, and the disaggregation of records across key demographic variables (e.g. age, sex, nationality, etc.). This 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 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 and can inform resource allocation.

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<sup>34</sup> Some paragraphs of this section were taken from the Bali Process Civil Registration Assessment Toolkit prepared by the Regional Support Office of the Bali Process (RSO) with modifications and additions.

<sup>35</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>



For States, 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. 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. 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 proof of nationality, ID cards and passports.

Civil registration is a fundamental function of public administration and central to inclusive development. It is for these, among other reasons, that the SDG agenda includes target 16.9<sup>36</sup> to achieve, by 2030, legal identity for all, including birth registration. Indeed, States pledged 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/sub-group; and that those 'furthest behind' should be reached first. Likewise, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) Member States adopted, at the end of 2014, the Ministerial Declaration to 'Get Everyone in the Picture' in Asia and the Pacific<sup>37</sup>, in which they set three goals:

- ❖ **Goal 1:** Universal civil registration of births, deaths and other vital events;
- ❖ **Goal 2:** All individuals are provided with legal documentation of civil registration of births, death and other vital events, as necessary, in order to claim identity, civil status and ensuing rights;
- ❖ **Goal 3:** Accurate, complete and timely vital statistics (including on causes of death), based on registration records, are produced and disseminated

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<sup>36</sup> SDG target 16.9 under Goal 16 on peaceful and inclusive societies, justice for all and strong institutions. SDG target 16.9 on legal identity and birth registration indicates that "By 2030, provide legal identity for all, including birth registration," Indicators measuring civil registration coverage:

- 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."

<sup>37</sup> UNESCAP, Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific (10 December 2014), UN Doc. E/ESCAP/MCCRVS/4, available at: <http://undocs.org/en/E/ESCAP/MCCRVS/4>

In support of these objectives, ESCAP Member States declared a decade of action and endorsed a Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific<sup>38</sup> which guides the implementation of the Ministerial Declaration, including the monitoring of 15 national targets on which States will review progress at the regional level in 2021 and 2025. All AMS also adopted the Seoul Statement at the International Identity Management Conference in Seoul 2014.<sup>39</sup> Also, all AMS are part of ESCAP and have committed to achieving universal and responsive CRVS systems by 2024, despite ASEAN itself not yet having a regional strategy or work plan on CRVS.

The ASEAN Vision 2025 under the Socio-Cultural Community emphasizes inclusiveness and includes ‘equitable access for all’ as a key area with a number of strategic measures to **“support ASEAN Member States’ initiatives in strengthening national gender and age-disaggregated databases and analyses, including on poverty and equity, and establish a reliable regional database for key sectors to support ASEAN policies and programmes”**.<sup>40</sup>

In addition to the work of the ACWC, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has also considered the issue of birth registration. In 2012, the AICHR and UNHCR co-organised a Regional Workshop on Good Practices on Birth Registration. Since that workshop the AICHR Representatives have hosted several meetings on birth registration which explored how to promote cooperation among AMS to increase their respective levels of birth registration coverage. The Philippines country report emphasizes such commitments that

**“ASEAN Member States (AMS) are making significant progress in promoting inclusion of vulnerable groups and increasing sustainable development by increasing the recognition of the legal identity of women and children, primarily through increasing civil registration coverage and access to identity documentation as well as preventing statelessness and realizing the right to a nationality through the implementation of national laws”**.<sup>41</sup>



*ASEAN Member States (AMS) are making significant progress in promoting inclusion of vulnerable groups and increasing sustainable development*

<sup>38</sup> *Ibid.*

<sup>39</sup> First International Identity Management Conference, Seoul Statement, available at: [https://unstats.un.org/unsd/demographic/crvs/Global\\_CRVS\\_Docs/news/Seoul\\_Statement\\_ENG.pdf](https://unstats.un.org/unsd/demographic/crvs/Global_CRVS_Docs/news/Seoul_Statement_ENG.pdf)

<sup>40</sup> *Ibid.*, ASEAN 2025: Forging Ahead Together.

<sup>41</sup> *Ibid.*

Despite the commitments made and, in general, significant progress realized recently among AMS, some countries, to varying degrees, still lack well-functioning civil registration systems that record all vital events occurring in their territory, particularly those of hard-to-reach or marginalized populations. The definition of civil registration by the United Nations includes a number of characteristics, namely that civil registration is to be permanent<sup>42</sup>, compulsory<sup>43</sup>, universal<sup>44</sup>, confidential<sup>45</sup>, timely<sup>46</sup> and accurate<sup>47</sup>. 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 people including refugees, asylum-seekers, stateless persons and persons of undetermined nationality. In many cases, as a result of being left out of the mainstream civil registration system, these populations, children in particular, are invisible in the eyes of the law and can be at greater risk of socio-economic exclusion, trafficking, irregular migration and statelessness. Recording the vital events of these populations will strengthen the capacity of States in administering these populations. It helps States to understand the populations in their territory (e.g. who they are and where they reside), facilitate durable solutions (e.g. integration, returns and repatriation), and reduce and prevent statelessness. Due to 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 often face challenges in reaching these populations. As a matter of fact, these populations still give birth, marry, or die regardless of the country they reside in and their legal status. Including them in the mainstream civil registration system benefits both the populations themselves and the States in which they reside.



Due to its critical importance, civil registration was not only recognized as a human right but also facilitates the upholding of human

<sup>42</sup> Registration of vital events should be done as they occur and on an on-going basis, and the records should be retained forever.

<sup>43</sup> Registration of all vital events that occur within a State's territory and jurisdiction is usually mandatory.

<sup>44</sup> Registration of all vital events that occur within their territory and jurisdiction should be conducted irrespective of the characteristics of the individuals involved such as their ethnicity, gender, religion, nationality, legal status or any other features.

<sup>45</sup> Civil registration should respect the privacy of individuals involved in vital events, since it involves the collection of personal and potentially sensitive data.

<sup>46</sup> There should be as short a 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.

<sup>47</sup> 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.



rights commitments made by States. The 1948 Universal Declaration of Human Rights (UDHR) states in Article 6 that “everyone has the right to recognition everywhere as a person before the law”. The UDHR further specifies in Article 15 that “1) everyone has the right to nationality, and 2) no one shall be arbitrarily deprived of his nationality

nor denied the right to change his nationality”. Likewise, the 1966 International Covenant on Civil and Political Rights (ICCPR) recognizes under Article 24 the right of every child to be registered immediately after birth and to have a name as well as to acquire a nationality.<sup>48</sup> Unfortunately, not all AMS are party to the ICCPR.

It is important to note, though, that all AMS are party to the 1990 Convention on the Rights of the Child (CRC). The Convention enshrines, under Article 7, the right of the child to birth registration.<sup>49</sup> Article 8 further specifies the right of the child to preserve his or her identity.<sup>50</sup> In addition, the Human Rights Council adopted on 21 March 2013, Resolution 22/7 on birth registration and the right of everyone to recognition everywhere as a person before the law.<sup>51</sup> The Resolution has explicitly reminded States of their obligation to register births without discrimination of any kind and irrespective of the status of the parents.<sup>52</sup> The Committee on the Convention on the Rights of the Child has further recommended standards for effectively upholding the right to birth registration: “...the Committee recommends that States parties

<sup>48</sup> ICCPR, Article 24:

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.  
<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

<sup>49</sup> CRC, Article 7:

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.

<sup>50</sup> CRC, Article 8:

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.

<sup>51</sup> UN General Assembly, A/HRC/22/L.14/Rev.1,

Reaffirming the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human

Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Recalling the obligation of States to register all children immediately after birth, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

Recognizing the importance of birth registration, including late birth registration and provision of documents of proof of birth, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law; expressing concern that unregistered individuals have limited or no access to services and enjoyment of all the rights to which they are entitled; also taking into consideration that persons without birth registration are vulnerable to lack of protection; and aware that registering a person’s birth is a vital step towards the promotion and protection of all his or her human rights, and protection from violence, exploitation and abuse,

Recognizing also the importance of birth registration, including late birth registration, for the development of vital statistics and the effective implementation of programmes and policies intended to achieve internationally agreed development goals, including the Millennium Development Goals,

<https://documents-ddsny.un.org/doc/RESOLUTION/LTD/G13/123/89/PDF/G1312389.pdf?OpenElement>

<sup>52</sup> *Ibid.*



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”.<sup>53</sup>

Moreover, Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which all AMS are party, prescribes the duty of States to “1) grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband; and 2) grant women equal rights with men with respect to the nationality of their children”.<sup>54</sup> Likewise, the **Convention on the Rights of Persons with Disabilities (CRPD)**, in Article 18 (1), emphasizes the obligations of States to

“recognize the rights of persons with disabilities... to a nationality, on an equal basis with others, including by ensuring that persons with disabilities: a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability; b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification,.. and (2) Children with disabilities 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 their parents”.<sup>55</sup>



The right to birth registration is not restricted to human rights law; indeed, it is intrinsically connected to issues arising in both international refugee law and international humanitarian law.<sup>56</sup> In this regard, the Executive Committee of the Office of the **United Nations High Commissioner for Refugees (UNHCR)** has consistently raised the issue of birth registration of refugees, asylum-seekers and stateless persons in its Conclusions on International Protection, nine of which include specific recommendations on birth registration and the right to identity. In October 2013, the Executive

<sup>53</sup> Committee on the Rights of the Child, General Comment No. 7 (2005) on Implementing child rights in early childhood, paragraph 25, available from: <http://www.refworld.org/docid/460bc5a62.html>

<sup>54</sup> Convention on the Elimination of All Forms of Discrimination against Women, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#part2>

<sup>55</sup> Convention on the Rights of Persons with Disabilities (CRPD), <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-18-liberty-of-movement-and-nationality.html>

<sup>56</sup> Convention on the Reduction of Statelessness, Articles 1-6, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, Article 50.





Committee adopted a Conclusion on International Protection that specifically focused on civil registration. The Conclusion, in which the Executive Committee encouraged States to ensure that every child is registered immediately after birth without discrimination of any kind, is a milestone document that sets up a framework of action for the protection of the rights of refugees, asylum-seekers and stateless persons. UNHCR has furthermore made birth registration a global strategic priority. The Framework for the Protection of Children, issued by UNHCR in 2012<sup>57</sup>, also includes a specific objective to ensure girls and boys obtain legal documentation, including birth certificates, in a non-discriminatory manner (Goal 4).<sup>58</sup> Ensuring birth registration for the prevention of statelessness is furthermore one of the ten

actions of UNHCR's Global Action Plan to End Statelessness 2014-2024.<sup>59</sup>

These rights provide for 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. International human rights law also prescribes the obligation of States to not only recognize but to also guarantee that all people in their territory will be able to access those rights which are fundamental to enjoy other rights. 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 access and enjoy other rights. 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 foundational document for obtaining any other identity document for the first time.<sup>60</sup> Because of its importance, the ACWC, in cooperation with UNHCR, agreed to conduct this study in all 10 ASEAN Member States to promote inclusion and sustainable development in building the ASEAN Community through ensuring the recognition of the legal identity of all women and children in ASEAN.

<sup>57</sup> [www.refworld.org/docid/4fe875682.html](http://www.refworld.org/docid/4fe875682.html). Cited by the Human Rights Council Twenty-seventh session Agenda items 2 and 3, Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/27/22, 17 June 2014.

<sup>58</sup> *Ibid.*

<sup>59</sup> UNHCR, Global Action Plan to End Statelessness 2014-2024, <https://www.unhcr.org/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html>

<sup>60</sup> RSO, Bali Process Civil Registration Assessment Toolkit, <https://www.baliprocess.net/UserFiles/baliprocess/File/Bali%20Process%20Civil%20Registration%20Assessment%20Toolkit%20FINAL.pdf>

## 2.2 Laws and policies pertaining to civil registration, birth registration and civil documentation in ASEAN



**Birth registration** is understood as a child's foundational right, wrote UNICEF in 2015.<sup>61</sup> Birth registration provides, as mentioned in the introduction,

“ **a legal identity linked to country of origin and rights to state services including education, protection, health care and special programmes for vulnerable populations aiming to leave no one behind**”.<sup>62</sup>

The Human Rights Council, in its report issued on 17 June 2014, stated that

“ the fulfilment of the right to be registered at birth is closely linked to the **realization of many other rights**; socioeconomic rights, such as the right to health and the right to education, are at particular risk where birth registration is not systematically carried out, and the protection of children is jeopardized”.<sup>63</sup>



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<sup>61</sup> Cited by Leslie Butt and Jesica Ball, Birth registration in Southeast Asia: a child's foundation right?, Journal Asian Population Studies, Volume 13, 2017 - Issue 3, RSO, Bali Process Civil Registration Assessment Toolkit, *Ibid*.

<sup>62</sup> *Ibid*.

<sup>63</sup> Human Rights Council, *Ibid*.



Registration should include the individual's name, date and place of birth, as well as, where possible, the name, age or date of birth, place of usual residence and nationality of both parents. Third, the State issues a birth certificate, a personal document to attest birth registration and



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*It further emphasized that “birth registration involves three interrelated processes. First, there must be the declaration of the occurrence of the birth to civil registrars. Second, once notified, civil registrars officially record the birth [...]*

*the most visible evidence of the State's legal recognition of the child. Whether this procedure is followed automatically after registration or requires another application depends on the country”.<sup>64</sup>*

covering birth and death registration (Births and Deaths Registration Act 1923 amended by S17/2012 and revised in 2013), identity card registration (National Registration Act 1984), adoption registration (Registration of Adoptions Act 1984), and marriages (Registration of Marriages Act 1984). The latter applies differently for non-Muslims (Chapter 124) and for Muslims (Chapter 217).<sup>65</sup> In **Cambodia**, birth registration is prescribed by the Sub-Decree No.103 S-D/BK which was adopted on 29 December 2000, and is now under review. Other laws of Cambodia such as the

<sup>64</sup> *Ibid.*

<sup>65</sup> See Brunei Darussalam Country Report.



Law on Marriage and Family of 1989 and the Immigration Law of 1994 cover other acts of civil registration.<sup>66</sup> In **Indonesia**, Law No. 23/2006 as amended by Law No. 24/2013 on Population Administration obliges the Indonesian population to report and register births and other civil events (Article 27). Article 1 Paragraph 2 defines the Indonesian population as consisting of Indonesian citizens and foreigners (who live in Indonesia) and states that they are eligible to report and register a birth where the person was born.<sup>67</sup> In **Lao PDR**, civil registration, including registration of births, marriages and deaths, change of nationality, etc., will appear in the family book, as is provided for under the Law on Family Registration.<sup>68</sup> In **Malaysia**, laws relating to marriage are different for Muslims and Non-Muslims. The Islamic Family Law Act/Enactment of each State in Malaysia applies to Muslims whilst the Law Reform (Marriage and Divorce Act 1976 [Act 164]) is applicable to all Non-Muslims. The registration of births in Malaysia is governed by the Births and Deaths Registration Act 1957 [Act 299], Registration of Births and Deaths Ordinance 1948 (Sabah Cap.123) and Registration of Births and Deaths Ordinance 1951 (Sarawak Cap.10) respectively.<sup>69</sup>



In **Myanmar**, Notification No.1/2014 requires the Ministry of Immigration and Population to perform civil registration pursuant to powers conferred under Section 16 of the 1947 Myanmar Immigration (Emergency Provisions).<sup>70</sup> In **the Philippines**, there is a long list of laws pertaining to birth registration and civil registration. The Presidential Decree No.651 requires the registration of births and deaths in the Philippines which occurred from January 1974 onwards. Other relevant acts include Act No.3753 (Law on Registry of Civil Status), Republic Act No.8371 (the Indigenous Peoples Rights Act), and the Act. No.3613 (The Marriage Law).<sup>71</sup> It is important to note that in the Philippines, Act No.3753, also known as the Civil Registry Act of 1930, mandates that all vital events that mark the entry and departure of a person in his/her lifetime and the changes in their civil status are to be registered.<sup>72</sup> In **Singapore**, birth registration and national registration are prescribed by the Registration of Births and Deaths Act and the National Registration Act.<sup>73</sup> In **Thailand**, the Civil Registration Act 1991 (B.E. 2534)<sup>74</sup> requires that “when a person is born, the birth shall be notified. When the notification of birth has been made for a child, a Registrar shall register such birth and issue a birth certificate containing facts as detailed as possible as an evidence to the person who notifies the birth”.<sup>75</sup> In **Viet Nam**, the Law on Civil Status 2014 (Law No. 60/2014/QH13) provides that registration of birth should be completed within 60 days after the birth of the child by parents or any relatives or individual or organization that is nurturing the child.

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<sup>66</sup> Cambodia Country Report.

<sup>67</sup> Indonesian inputs made on 29 March 2019.

<sup>68</sup> Lao PDR Country Report.

<sup>69</sup> Proposed revision by the Malaysian focal point, Malaysian Country Report.

<sup>70</sup> Myanmar Country Report.

<sup>71</sup> Philippines Country Report.

<sup>72</sup> *Ibid.*

<sup>73</sup> Singapore Country Report.

<sup>74</sup> Amended in 2008 ( Civil Registration Act (No.2), B.E.2551 (2008), see

[file:///C:/Users/Admin/AppData/Local/Temp/Civil%20Registration%20Act%202008\\_Thailand%20\(En\).pdf](file:///C:/Users/Admin/AppData/Local/Temp/Civil%20Registration%20Act%202008_Thailand%20(En).pdf) (Unofficially translated by Ms. Bongkot Napaumporn (20 March 2008))

<sup>75</sup> Thailand Country Report.

Moreover, the Law on Children 2016 recognizes the rights of a child to have his or her birth registered and acquire citizenship.<sup>76</sup>

## 2.3 Implementation of laws and policies on birth registration and registration of hard-to-reach groups

### a) Birth registration legislation and procedure

**Birth registration is provided for by national laws in all AMS.** In **Brunei Darussalam**, the Births and Deaths Registration Act emphasizes the need for all births occurring in the country to be registered.<sup>77</sup> In **Cambodia**, Sub-Decree No.103 states that when a baby is born, his/her parents are obliged to report and register the birth in the birth registration book in the presence of a registrar at the Commune/Sangkat Office of Parents.<sup>78</sup> However, it is worth noting that civil registration in Cambodia does not have a long history. In the 1970s, when the country was engaged in a civil war, the birth registration system existed only in urban areas, and during the Khmer Rouge regime between 1975 and 1979, birth registers were destroyed. Birth registration was resumed in the 1980s, however, it was not conducted in a systematic manner and its coverage was limited. Since the early 2000s, civil and birth registration is conducted nationwide, but some challenges remain.<sup>79</sup> As for **Indonesia**, Law on Amendment to Law No. 23 of 2006 on Population Administration states in Article 1 (15) that “Civil

Registration shall be the recording of Vital Events experienced by a person in the registry of Civil Registration with the Implementing Agency”.<sup>80</sup> In addition, the Law of the Republic of Indonesia No. 24 of 2013 on Amendment to Law of the Republic of Indonesia



No. 23 of 2006 on Population Administration provides that the “*Indonesian Population (citizens or foreigners who live in Indonesia and hold permanent or limited visa) should report and register birth at their domicile. Indonesian citizens who do not live in Indonesia and foreigners who hold temporary visa should report and register birth at the place of the birth*”.<sup>81</sup>

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<sup>76</sup> Viet Nam Country Report.

<sup>77</sup> Brunei Darussalam Country Report.

<sup>78</sup> Cambodia Country Report.

<sup>79</sup> Further inputs from Cambodia.

<sup>80</sup> Indonesia: Law No. 23 of 2006 on Population Administration [Indonesia], 29 December 2006, amended by Law of the Republic of Indonesia Number 24 of 2013 on Amendment to Law of the Republic of Indonesia Number 23 of 2006 on Population Administration, <https://www.refworld.org/docid/54eeefce4.html>.

<sup>81</sup> Further inputs from Indonesia.

In **Lao PDR**, as indicated earlier, the Law on Family Registration covers civil events including birth and the issuance of an ID card, as well as the change of nationality of Lao citizens, aliens and stateless persons. The



registration of births is performed by the Ministry of Home Affairs through the chiefs of villages and district family registration offices or municipalities within 30 days of birth.<sup>82</sup> In

**Malaysia**, registration of births is governed by the Births and Deaths Registration Act 1957, the Registration of Births and Deaths Ordinance 1948 (Sabah Cap.123), and the Registration of Births and Deaths Ordinance 1951 (Sarawak Cap.10). The birth of every child in Malaysia should be registered by the Registrar.<sup>83</sup>

**Myanmar** is currently implementing ‘universal birth registration’. Birth registration is to be conducted for “all children aged between 0 to 10 years old born within Myanmar, regardless of the place where they reside. For children born outside Myanmar to parents who are Myanmar citizens, their births will be registered in the place where their parents are listed as residing. Birth registration will be done within one year”.<sup>84</sup> In

**the Philippines**, Rule 19 of Implementing Rules and Regulations of Act No.3753 contained in the Administrative Order No.1 Series of 1993 states that “the birth of a child shall be registered within 30 days from the time of birth at the Office of the Registrar of the city or municipality where the birth occurred”.<sup>85</sup>

Under the law, all births, deaths and still births occurring within **Singapore** and its territorial waters are required to be registered within 14 days after the event has occurred. “Births can be registered at birth registration

centres located at maternity hospitals or at the Registry of Births & Deaths at the Immigration & Checkpoints Authority. A certificate could be issued to those who were registered”.<sup>86</sup> In

**Thailand**, as already mentioned, by law all births are to be registered.<sup>87</sup> In **Viet Nam**, the Law on Children (Law No. 102/2016/QH13) recognizes that children have a right to birth registration and death registration, to a family name and a given name, to acquire citizenship, and to have his/her parents, nationality and gender identified in accordance with law.<sup>88</sup> The Law on Citizen Identification (Law no. 59/2014/QH13) provides (Viet Nam) citizens with birth certificates and other legal documentation including ID cards, for which a set fee of VND 8,000 will be charged. However, the fee could be exempted for those who were registered prior to the deadline, for persons with disabilities, and for those belonging to national devotion families or poor households. The exemption of the fee for in-time birth registration will be decided on a case-by-case basis by a Resolution of the Provincial People’s Committee.<sup>89</sup>

In general, birth registration is mandatory in all AMS and, excluding the

<sup>82</sup> Lao PDR Country Report.

<sup>83</sup> Information provided by Malaysia focal point.

<sup>84</sup> Information provided by Myanmar focal point.

<sup>85</sup> Philippines Country Report.

<sup>86</sup> Singapore Country Report. Adjustment was made by Singapore focal point.

<sup>87</sup> Thailand Country Report.

<sup>88</sup> Article 13, Law on Children 2016. Right to have birth registered and have citizenship, Viet Nam Country Report.

<sup>89</sup> Viet Nam Country Report.



Philippines and Viet Nam, it is provided free-of-charge. However, *efforts have been made to facilitate and encourage birth registration through fee exemption, especially for*

## **b) Foundlings**

Many of the AMS require different/special procedures to register the births of abandoned children or foundlings. A letter or certificate from the local police station and/or the Social Affairs Department/Ministry of the country in question, or relevant agencies responsible for the welfare of the child, is usually required. In **Brunei Darussalam**, it is necessary to have a formal letter from the Department of Community Development to enable the child to be registered by the Department of Immigration and National Registration.<sup>90</sup> In **Cambodia**, if a child is found abandoned, she/he should be sent to the Commune/Sangkat Civil Registrar Office, which will register the birth based on the information received.<sup>91</sup> In **Indonesia**, the President Regulation No.96/2018 states that birth registration for foundlings requires a letter from a police officer or the applicant which states the facts of the birth of the foundling (place and date) with two witnesses (and their names and identities).<sup>92</sup> In **Lao PDR**, any person who finds an abandoned new-born must provide

*registration prior to the deadline.* A fee for late birth registration is applied in a number of countries.

assistance and notify the chief of the village or a police officer where the child was found. The chief of the village will have to issue a birth certificate to the child within 5 working days after notification.<sup>93</sup> In **Malaysia**, if a living child is found and no information as to the place of birth is available, the proviso to subsection 7(1) of the Births and Registrations Act 1957 requires the birth to be registered by the Registrar for the registration area in which the child is found. Where any living new-born child is found, Section 9 of the same Act imposes the duty on the person finding the child and any person in whose charge the child may be placed, to provide the information concerning the finding of the child to the Registrar within 14 days from the date on which the child is found.<sup>94</sup> In **Myanmar**, any person who finds an abandoned child (or foundling) will report to a village/ward authority who will send the child to the nearest child care centre or home for orphans, which will then apply to the relevant authority for birth registration.<sup>95</sup>

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<sup>90</sup> Brunei Darussalam Country Report, Appendix 2.

<sup>91</sup> Cambodia Country Report.

<sup>92</sup> Indonesia Country Report with proposed revision made on 29 March 2019.

<sup>93</sup> Lao PDR Country Report.

<sup>94</sup> Revision to Malaysia Country Report.

<sup>95</sup> Myanmar Country Report and updated information by Myanmar focal point.

In the case of **the Philippines**, birth registration for abandoned children or foundlings is to be done by the individual who found the child or a charitable institution within 30 days of the date on which the child was found. Any report made after 30 days is considered to be late and an explanation is required. Requirements for the registration of foundlings include an affidavit from the finder stating the facts and circumstances of the child, and certification on the report made by the finder from either the barangay captain or police authority.<sup>96</sup> There is a special procedure

for registering the birth of an abandoned child/foundling in **Singapore**. A medical report, as well as a report from the police, stating that the child's parents' identities cannot be ascertained, are required in order for the Ministry of Social and Family Development (MSF) to register the child.<sup>97</sup> **Thailand** undertakes a similar process. The Civil Registration Law obliges any person who encounters a foundling or an abandoned child to take the child to and inform an administrative official, police officer, or official of the Ministry of Social Development and Human Security (MSDHS) in the area where the child was found. Upon receiving the child, a record of reception is made by the relevant officials. In cases where an administrative official or police officer receives the child, they shall take the child and the record of reception to an official of the MSDHS in charge of the area, who will notify a Registrar of the birth and the Registrar shall issue a birth certificate.<sup>98</sup> **Viet Nam** has a separate stipulation of birth registration for abandoned children/foundlings, which includes Article 16 of the Law on Civil Status and Article 14 of Decree no. 123/2015/NĐ-CP of the Government, dated 15 November 2015, guiding the implementation of some Articles and Implementation Measures of the Law on Civil Status 2014.<sup>99</sup> The said Article stipulates that:

*“for birth registration for abandoned children, there must be a written record certifying the child’s abandonment made by a competent agency... A person who discovers an abandoned child shall protect the child and promptly notify such to the commune-level People’s Committee or public security agency of the place where the child is abandoned. For a child abandoned at a health establishment, the establishment head shall make such a notice. The individual or organization taking temporary care of the child shall make birth registration for the child. The birth registration procedures shall be carried out under Clause 2, Article 16 of the Law on Civil Status”.*<sup>100</sup>

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<sup>96</sup> Philippines Country Report.

<sup>97</sup> Singapore Country Report.

<sup>98</sup> Thailand Country Report.

<sup>99</sup> Viet Nam Country report.

<sup>100</sup> *Ibid.*

### c) Non-Nationals

Most AMS do not require different/special procedures to register the births of non-nationals, however, additional documentation must be provided. In **Brunei Darussalam**, non-nationals will be required to provide their passports in addition to the standard documentation requirements when applying for birth registration, but the registration is still free of charge.<sup>101</sup> In **Cambodia**, children of foreigners and migrants legally staying in Cambodia can be registered by their parents at the Commune or Sangkat office, or at their respective consulate/embassy, by producing the parent's passport and valid visa or documentation of authorization for their stay in Cambodia as well as marriage certificate (or a copy).<sup>102</sup> In **Indonesia**, as stated previously, "since October 2018, the President Regulation No.25/2008 has been replaced by the President Regulation No.96/2018. Article 32 of the 2018 President Regulation prescribed the eligibility for foreign (permanent/limited/temporary visa) to report and register the birth. Article 33 of the said President Regulation specified required documents for birth registration of foreign children including passport, notification letter of birth and ID card (KTP-e1/National ID for foreigners who hold permanent visa or limited/temporary visa card depending on their visa type".<sup>103</sup> **Lao PDR** does not have a different procedure for the registration of non-nationals. The Law on Family Registration is applied to all children born in Lao territory (Article 17 revised).<sup>104</sup> **Malaysia** does not apply different procedures of birth registration for the children

of non-nationals. However, the documentary evidence required may differ due to the various nationality statuses of the non-nationals.<sup>105</sup> There is also no special procedure for the registration of births of non-nationals in **the Philippines**. However, non-nationals are required to report to their consulate.<sup>106</sup> Likewise, in **Singapore**, there are no special procedures for non-nationals. However, foreigners must provide additional documentary evidence such as the passports, entry permits or passes, and disembarkation/embarkation cards of the child's parents.<sup>107</sup>

In **Thailand**, the birth notification procedure for non-Thai nationals is identical to those for children born to Thai nationals. The only differences between the two are the birth certificate form, identification numbers, and house registration book. For example, a child of legal migrants receives a birth certificate (Thor.Ror.3), is assigned with an identification number starting with 7, and the child's name is inserted in the house registration book for temporary resident (Thor.Ror.13). A child born to migrant workers from Myanmar, Lao PDR, or Cambodia receives a birth certificate (Thor.Ror.3), is assigned with an identification number starting with 00, and the child's name is inserted in the profile registration (Thor.Ror.38). A child born to undocumented persons receives a birth certificate (Thor.Ror.031), is assigned with an identification number starting with 0, and the child's name is inserted in the profile registration (Thor.Ror.38Kor).<sup>108</sup> **Viet Nam** seems

<sup>101</sup> Brunei Darussalam Country Report.

<sup>102</sup> Cambodia Country Report.

<sup>103</sup> Inputs provided by Indonesia focal point on 29 March 2019.

<sup>104</sup> Lao Country Report.

<sup>105</sup> Malaysia Country Report (with comment of UNHCR).

<sup>106</sup> Philippines Country Report.

<sup>107</sup> Contributions by Singapore focal point.

<sup>108</sup> Thailand Country Report.



to be the only country where legislation has created a special procedure for registering the birth of non-nationals in the country. While the birth registration for children born to nationals is done at the Commune People's Committee, birth registration for "(1) Children born in Vietnam and a/ Having a parent being a Vietnamese citizen and the other being a foreigner or a stateless person; b/ Having a parent being a Vietnamese citizen residing in the country and the other being a Vietnamese citizen residing abroad; c/ Having both parents being Vietnamese citizens residing abroad; d/ Having both parents being foreigners or stateless

#### **d) Stateless Persons**

**Most, if not all, AMS require registration of all births within the territory; therefore, it is expected that stateless children are also registered at birth. However, data regarding this is not made available in most of the country reports.** In **Brunei Darussalam**, Chapter 79 of the Births and Deaths Registration Law emphasizes the need for all births occurring in Brunei Darussalam to be registered, including births of stateless persons.<sup>110</sup> **Cambodia** did not provide information about the civil registration/birth registration of stateless persons and/or persons of undetermined nationality, suggesting that the data is not available.<sup>111</sup> The **Lao PDR** country report does not mention the civil registration of stateless persons/persons of undetermined nationality, but the Law on Lao Nationality (Article 7) defines a non-national as "an individual residing in the territory of Lao PDR who is not a Lao citizen and who is unable to certify his(her) nationality".<sup>112</sup> Non-nationals may, however, enjoy some basic

*persons or (2) Children born abroad with their birth not yet registered abroad and taken to reside in Vietnam and a/ Having both parents being Vietnamese citizens; b/ Having a parent being a Vietnamese citizen"* is to be carried out at the district-level People's Committee (Article 35 Law on Civil Status 2014).<sup>109</sup>

**It is crucial to note that the legality of the status and stay of non-nationals in all AMS is important for the registration of births.** In most of the countries, non-national parents may opt to register the birth of their children at their Consulate or Embassy.

rights which may include the right to be registered at birth. In **Malaysia**, the citizenship status of a person will be recorded as either 'citizen' or 'non-citizen' in the birth registration, based on evidence or valid documentation.<sup>113</sup> Refugees may or may not be stateless, even where the country of former habitual residence is known. Refugee communities (Rohingya, Palestinians, or even Bajau Lauts) in Malaysia are not exempted from registering their births and their citizenship status will be recorded as non-citizen.<sup>114</sup> It was pointed out that the children of refugees and asylum-seekers of undetermined nationality are, by law, also registered at birth. The **Myanmar** country report does not provide information about the civil registration of persons of undetermined nationality and/or stateless persons. Article 65 of the Myanmar Citizenship law states "Any person may apply to the Central Body when it is necessary for decision as to his citizenship".<sup>115</sup> According to the report, there are no stateless persons in Myanmar and

<sup>109</sup> Viet Nam Country Report.

<sup>110</sup> Brunei Darussalam Country Report.

<sup>111</sup> Cambodia Country Report.

<sup>112</sup> Lao PDR Country Report.

<sup>113</sup> Proposed revision made by Malaysia focal point.

<sup>114</sup> Malaysia Country Report.

<sup>115</sup> Myanmar Country Report.

persons of undetermined nationality have to hold a suitable card pursuant to Article 65 of the Law.<sup>116</sup>

As a State Party to the 1954 Convention relating to the Status of Stateless Persons, the law of **the Philippines** seems to be open to covering stateless persons for birth registration. The country report identified different vulnerable groups which are at risk of lacking birth registration or civil registration, including indigenous peoples, Sama Dilaut or Sama Badjao, and children of Filipino descent in migration situations in Sabah. These people do not usually have any identity documents, which makes them stateless.<sup>117</sup> The Philippines acknowledges gaps and challenges and has been trying to address them in order to ensure the access of those peoples to birth registration and other civil registration.<sup>118</sup> According to the **Singapore** report, there is no risk of lacking birth registration or civil registration for any individuals or communities in the country; which means that the section on stateless persons in the Singapore report may not be relevant in this case.<sup>119</sup> It is assumed that since all births must be registered, this will also cover stateless children, if any. The **Thailand** country report states that the Thai government has been implementing policy measures and means to tackle the issues concerning civil registration and statelessness, including through the amendment, by the Department of Provincial Administration of the Ministry of Interior, of the Civil Registration Act 1991 (B.E. 2534) (Revised No.2) 2008 (B.E. 2551), which provides that a Registrar shall process civil registration for stateless persons in the same manner as in the case of Thai nationals.<sup>120</sup> The

revised Act acknowledges and requires the registration of the birth of all persons born in the Kingdom of Thailand regardless of the type of legal status of the parents or whether they have civil documentation or not. The amendment provides for the creation of a profile in the database for stateless persons pursuant to the Cabinet Resolution as well as the Civil Registration Act (Article 38 paragraph 2), and then issues an identification card for non-Thai nationals and for persons without civil registration status.<sup>121</sup> In **Viet Nam**, a similar process of registration for non-nationals is applied to stateless persons.<sup>122</sup>

*Some of the country reports provide statistics of births registered for both nationals and non-nationals; such as Brunei Darussalam, Cambodia, Lao PDR, and Thailand.*<sup>123</sup> **Indonesia** has not provided statistics in the country report submitted, but added in the proposed revision made on 29 March 2019 that “Indonesia has statistics of birth registered at national and sub national levels (districts/cities and provinces). Statistics provide for children under 18 (National law of Children Protection – law No.23/2002 jo. Law No.35/2014 regulated that children are under 18). By the end of 2018, coverage of birth certificate for children under 18 is 91.95 % (amount of under 18 : 79,590,629 : have birth certificate 73,182,341) [sic]”.<sup>124</sup> The statistics provided in Malaysia’s report were from 2010.<sup>125</sup> The **Myanmar** report indicates that between 2015-2016, 81.3% of children under 5 years old had their births registered.<sup>126</sup> The report from Singapore does not provide any statistics. Since there is no consistency in the statistics provided by each country, it is difficult to draw any

<sup>116</sup> Updated information by Myanmar focal point.

<sup>117</sup> Philippines Country Report.

<sup>118</sup> *Ibid.*

<sup>119</sup> Singapore Country Report.

<sup>120</sup> Thailand Country Report.

<sup>121</sup> *Ibid.*

<sup>122</sup> Viet Nam Country Report.

<sup>123</sup> Brunei Darussalam (2010-2017), Cambodia 2017, Lao PDR Report (2013-2016), Malaysia (2010), Philippines 2015-2017, Thailand (2012-2016), Vietnam (2014-2016).

<sup>124</sup> Additional inputs by Indonesia focal point on 29 March 2019.

<sup>125</sup> Malaysia Country Report.

<sup>126</sup> Myanmar Country Report.

conclusions. In addition, the statistics do not provide much information about the registration coverage in each country.

An important issue is access to basic human rights, such as education and healthcare, for those who are lacking legal documentation. In **Brunei Darussalam**, the rights of children without legal documentation are restricted, however, provisions exist for the children to be registered.<sup>127</sup> In **Cambodia** and **Lao PDR**, access to basic rights is not dependent on birth registration. In **Indonesia** there is a reciprocal relation between having a birth certificate and access to public services. A birth certificate is required in order to access public services; however, once public service officers are aware of a child not having a birth certificate, they will notify the Civil Registration Office to issue a birth certificate. Despite this, children without birth certificates can access health and education services in Indonesia.<sup>128</sup> In **Malaysia**, children without legal status documents or birth registration have access to education in learning centres established by non-governmental organizations (NGOs). However, children without legal documents, but whose father or mother is a Malaysian citizen, may have access to education in public schools. In this regard, a letter of confirmation, which is certified by a village head, is required prior to a child's admission to a public school.<sup>129</sup> In **the Philippines**, it was pointed out that without a



birth certificate, it is difficult for a person to access both governmental and private-sector services and programs. The increase in the level of birth registration over the years is mainly because a birth certificate is important to be able to access services and benefits.<sup>130</sup> **Singapore** requires school applicants to submit documents for identity verification for school admission, but undocumented persons are able to access necessary medical care including emergency health care.<sup>131</sup> **Myanmar** has a similar practice to Singapore, requiring school applicants to submit documents for identity verification prior to school admission. However, undocumented persons are able to access necessary medical care.<sup>132</sup> The **Thailand** country report does not cover this matter.<sup>133</sup> In **Viet Nam**, children without documentation are able to access to basic rights without distinction.<sup>134</sup> It can be concluded that in half of the AMS, documentation is crucial in order to access basic rights including healthcare and education.

The country reports also reveal that **some groups of children have a high risk of lacking birth registration and civil registration**. These include *children of migrants, urban asylum-seekers, ethnic minorities, indigenous people, and those who are living in rural and remote areas*. The **Indonesia** report indicates that people who are victims of natural disasters, victims of social disorder and riots, and homeless people are at risk of not being registered. **The Philippines** points out that children born out of

<sup>127</sup> Brunei Darussalam Country Report.

<sup>128</sup> Further inputs made on 29 March 2019 by Indonesia focal point.

<sup>129</sup> Proposed revision by Malaysia focal point.

<sup>130</sup> Philippines Country Report.

<sup>131</sup> Singapore Country Report.

<sup>132</sup> Updated information by Myanmar focal point.

<sup>133</sup> Thai Education Act does not require a birth certificate for getting access to compulsory education. However, access in practice may depend on the discretion of schools (note by author of the synthesis).

<sup>134</sup> Viet Nam Country Report.



wedlock to teenage mothers, children of Filipino descent in a migratory setting (Sabah in Malaysia<sup>135</sup>, Japan, and Saudi Arabia, and Sama Dilaut or Sama Badjao) are at risk of not being registered at birth. The **Viet Nam** report has identified a specific group at risk of not receiving a birth certificate, namely children of

Vietnamese women who married foreigners but who returned to Viet Nam with their children following divorce or separation, and without having their own documents.<sup>136</sup> Only the **Malaysia** and **Singapore** reports affirm that no individuals or communities are at risk of lacking birth registration or civil registration.<sup>137</sup>

## 2.4 Challenges and good practices

### a) Challenges

All country reports except for **Brunei Darussalam** and **Singapore** have identified a number of gaps and challenges in implementing civil registration generally and birth registration in particular. **Cambodia** points out that a limited legal framework and limited funds pose challenges to fully implementing civil registration in accordance with international standards.<sup>138</sup> Serious problems for **Indonesia** are linked to being an archipelago, having a widely spread land mass with many diverse ethnic and sub-ethnic groups, each with their own culture and local language, as well as having many low-income groups, especially homeless people. Natural disasters have also left many people without documents.<sup>139</sup> However, using the national database of population, in the event of a disaster, the population documents in the area can be reissued immediately. Now the recovery of population services can happen within 24 hours following a natural disaster.<sup>140</sup> For **Lao PDR**, the lack of awareness of the importance of

birth registration is a barrier, especially among people living in remote areas, particularly ethnic minorities who do not speak official languages. Poor infrastructure makes it difficult for people to register even at their local office.<sup>141</sup> For **Myanmar**, the General Administration Department follows Article 13(n) of the Ward and Village Tracts Administrators Law and paragraph 20(a), (b) and (c) of the regulation of Ward and Village Tracts Administrators for birth and death registration.<sup>142</sup> Additional contributions to the Myanmar report indicate that there have been some difficulties in some remote areas with regard to the process of birth registration.<sup>143</sup> Recently, the change from registering in the place of occurrence to the place of residence has also confused many people. It is challenging to access hard-to-reach population groups, which affects the birth registration rate. Paper-based registration was also identified as a major barrier both during

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<sup>135</sup> In Malaysia, the registration of births is governed by the Births and Deaths Registration Act 1957, the Registration of Births and Deaths Ordinance 1948 (Sabah Cap.123) and the Registration of Births and Deaths Ordinance 1951 (Sarawak Cap.10) and the birth of every child born in Malaysia shall be registered by the Registrar in any registration area. Additional data provided in the proposed revision to the regional synthesis by Malaysian focal point.

<sup>136</sup> *Ibid.*

<sup>137</sup> Malaysia and Singapore Country Reports. However, children in remote communities such as in Sabah and

Sarawak are at risk of lacking birth registration. The Representative of Singapore to ACWC indicated that there are 1,141 stateless persons in the country.

<sup>138</sup> Cambodia Country Report.

<sup>139</sup> Indonesia Country Report.

<sup>140</sup> Best practice from Lombok Earthquake, 2018: Palu Tsunami 2018 cited in further inputs made by Indonesia 29 on March 2019.

<sup>141</sup> Lao PDR Country Report.

<sup>142</sup> Updated information provided by Myanmar focal point.

<sup>143</sup> *Ibid.*

registration itself and for evaluation of civil registration.<sup>144</sup>

The **Malaysia** country report does not specify gaps or challenges. However, it is worth noting that in Peninsular Malaysia, the government has extended the period for registering births from 14 days to 60 days.<sup>145</sup> For **the Philippines**, access of some groups, especially Moro or Muslim populations in the Autonomous Region in Muslim Mindanao (ARMM) and Lumad or indigenous groups in Davao Occidental, to birth and civil registration is very poor when compared to the national average. ARMM shown the lowest rate of birth registration in 2015 registering 40.86% in 2015. The national average is 93.5% in 2010.<sup>146</sup> The cases of these two groups were examined in detail in the Philippines' report.<sup>147</sup> The two case studies reveal that the registration of births, marriages and deaths in these areas is the lowest in the whole country due to various reasons such as: armed conflict, remoteness of and difficulty of access to, the areas, lack of understanding and awareness on the importance of civil registration, normalcy of home/traditional birth delivery where traditional birth attendants are reluctant to register births due to fear of being penalized by local government<sup>148</sup>, cost of registration and transportation, slow process of registration, loss of trust in the system, lack of local registration offices, and cultural and religious practice. The low literacy rate among mothers is also identified as one of the causes of low registration rates, especially among indigenous groups. Many marriages are not registered, which also has an impact on the registration of births.<sup>149</sup> There are also

challenges and gaps identified within the registration system itself, such as: limited capacity building at the Local Civil Registration (LCR) and barangay level; lack of engagement between PSA and other stakeholders; laws and regulations<sup>150</sup> being issued without proper consultations with LCRs; limited awareness of the Philippine Strategic Plan for CRVS among PSA regional personnel and civil registrars; delay of civil registry documents; inadequate human resources and budgetary support for LCRs; lack of appreciation by local leaders of the importance of CRVS; and delays in processing out-of-town registration for people on the move.<sup>151</sup> **Singapore** did not identify gaps but is aiming to strengthen the civil registration system through digitalization.<sup>152</sup>

**Thailand** identified groups which are at risk of not being registered at birth, particularly individuals born outside of hospital and living in remote areas, marginalised and vulnerable groups, and urban asylum-seekers. To address this issue, the Ministry of Public Health, the Department of Provincial Administration of the Ministry of Interior, and the National Health Security Office (NHSO), in cooperation with the United Nations Children's Fund (UNICEF), have initiated the Birth Registration Development Project to ensure the rights of all children born in Thailand, including Thai children and alien children. Public hospitals throughout the country have been requested to participate in the civil registration monitoring system. Between 2011 and 2013, the project resulted in a decrease in the number of children whose births were not registered within 15 days. The Ministry of Public Health, the National Health Security Office

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<sup>144</sup> Myanmar Country Report.

<sup>145</sup> Malaysia Country Report.

<sup>146</sup> Updated information provided by Philippines focal point.

<sup>147</sup> Philippines Country Report.

<sup>148</sup> Updated information provided by Philippines focal point.

<sup>149</sup> *Ibid.*

<sup>150</sup> Administrative orders (AO) and/or Memorandum circulars (MC).

<sup>151</sup> See detailed study in Philippines Country Report.

<sup>152</sup> Singapore Country Report.

(NHSO), as well as other relevant agencies are in the process of developing the registration system to achieve the goal of complete registration. Despite the success of the project, it was found that no agency has yet been in charge of information gathering and recording for children born outside hospitals and other marginalised children.<sup>153</sup> As for **Viet Nam**, the country is undergoing a reform of administrative procedures following the enactment of the 2014 Law on Civil Status, including the transfer of responsibility for civil registration of ‘foreigners’ and/or ‘foreign elements’<sup>154</sup> from the Department of Justice to the Commission District People's Committee, in order to better facilitate people. However, the implementation is not yet

well established due to a few gaps, namely the inadequate number of civil servants and civil servants at the commune and district levels not having adequate professional capacity, computer skills, foreign languages skills, etc.<sup>155</sup>

*From the gaps identified in the country reports, it is apparent that many countries are facing a number of common challenges, such as accessing hard-to-reach groups, lack of awareness of the importance of civil registration, and challenges regarding the civil registration system itself. However, there are some good practices which the AMS could learn from one another in order to address these challenges.*



## ***b) Good practices and lessons learned***

<sup>153</sup> Thailand Country Report.

<sup>154</sup> Which refers to mixed couple, a child born out of Vietnamese and foreign parents. Example for birth registration, Article 35 of the Law on Civil Status, issued on 20 November 2014 stipulates as follows; District-level People's Committees of places of residence of fathers or mothers shall register birth for children in the following cases:

### 1. Children born in Vietnam:

- a/ Having a parent being a Vietnamese citizen and the other being a foreigner or a stateless person;
- b/ Having a parent being a Vietnamese citizen residing in the country and the other being a Vietnamese citizen residing abroad;

c/ Having both parents being Vietnamese citizens residing abroad;

d/ Having both parents being foreigners or stateless persons.

### 2. Children born abroad with their birth not yet registered abroad and taken to reside in Vietnam:

- a/ Having both parents being Vietnamese citizens;
- b/ Having a parent being a Vietnamese citizen.

See also Articles 37, 38 for marriage, Articles 39-40 for guardianship registration, Articles 51-52 for death registration, Socialist Republic of Viet Nam, Legal Normative Documents, <http://vbpl.vn/TW/Pages/vbpgen-toanvan.aspx?ItemID=11031>

<sup>155</sup> Viet Nam Country Report.



Between all of the country reports, a number of good practices and lessons learned were shared. Some of the reports provided lists of good practices/lessons learned, ranging from law reform to some practical policies such as

awareness raising to having mobile registration teams to ensure wider birth registration; whereas other reports covered individual points in detail. What follows is a list of good practices as identified by the country reports.

## Brunei Darussalam

- i. Making venues to register for ID cards available in all four districts of Brunei Darussalam. Verification is performed through visits by registration officers and is available to those who are not capable of attending the registration offices in person, for example disabled and elderly individuals, when registering for an ID card or performing other registration acts.

## Cambodia

- i. Creating the National Strategic Plan of Identification 2017-2026, which has set clear targets with a vision, mission, objective and strategic goals as well as a clear action plan. The Strategic Plan is the framework that aims to define individual identification in 2018, establish a Civil Registration and Vital Statistics System in line with International Standards in 2019, and have a fully functioning and accurate Civil Registration System by 2023;
- ii. Adopting legal measures to improve coordination among government agencies, namely:
  - a. Sub-Decree No.134 issued on 05 July 2016 on National Civil Register;
  - b. Inter-ministerial announcement No.14342 issued on 29 December 2016 on providing administration services at the sub-national level between Ministry of Interior and Ministry of Economics and Finance;
  - c. Instruction No. 035 issued on 20 October 2017 on the correction and annulment of the Civil Registration record;
- iii. Establishing mobile registration campaigns in order to increase access to birth registration, marriage certificates, and death certificates. As part of the mobile registration campaign, the MOI team deployed 13,000 mobile team members including officers at the administrative level. They were thoroughly trained in performing mobile registrations. With financial and technical support from the United Nations and Plan International, 27 international volunteers were also sent to support the mobile campaign.

## Indonesia

- i. Establishing collaboration between the Ministries of Home Affairs and Foreign Affairs to increase registration coverage among nationals and non-nationals, as well as Indonesians living outside the country. The collaborative activities include, for example, integrating the systems to provide birth certificate at the embassies, appointing a counsellor as a civil registrar, and providing joint capacity building training on civil registration services at the embassy;
- ii. Digitalizing all services at regional and city levels through use of Population Administration Information Systems (SIAK);
- iii. Performing capacity-building, including training on civil registration for local officials, which is conducted at least twice a year;
- iv. Charging no fees to access civil registration;
- v. Simplifying the registration process with a monitoring and evaluation system, as well as developing the 'Halo Dukcapil' or Customer Services which collect feedback from 'customers' in order to provide inputs for further improvement at the local level;
- vi. Using a digital signature for birth registration as well as an online birth certificate process. This allows services without the need for an in-person application;
- vii. Integrating services in issuing documents for population administration. A single application for birth registration provides at least 2 documents for the applicant: birth certificate, family card, national ID, etc.<sup>156</sup>

## Lao PDR

- i. Formulating the Citizen Registration and Statistics Strategy for 2016-2025;
- ii. Updating the Law on Registration;
- iii. Establishing the mobile birth registration unit;
- iv. Setting the target that by 2024, all citizens and new-borns are registered, and at least 70% of the population have official birth certificates;
- v. Accepting the recommendations made under the Universal Periodic Review regarding the modernisation/reform of the birth registration system with a focal point to implement.

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<sup>156</sup> Further inputs provided by Indonesia focal point on 29 March 2019.

## Malaysia

- i. Establishing two committees for the implementation of CRVS in Malaysia; namely the Steering Committee and the Technical Committee; to approve the plans, monitor the progress of the implementation of measures, and assess performance goals and targets as well as confirmed reports of CRVS activities in Malaysia;
- ii. Enhancing the regular and consistent reviews of structures and systems over the years, especially with the adaptation of current technology and a strong base of legislative frameworks;
- iii. Amending the Birth and Death Registration Act 1957 in 2017<sup>157</sup> to further strengthen the overall system;
- iv. Extending the period of normal birth registration from 14 days to 60 days for Peninsular Malaysia which has been in effect since August 2017;
- v. Establishing outreach programs to access hard-to-reach communities including those in rural areas;
- vi. Using technology to verify data in order to improve the quality of vital statistics produced.



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## Myanmar

- i. Creating a 5-day birth registration campaign in 9 out of 14 States/Regions. The campaign, guided by the revised Manual on Birth and Death Registration in 2017, facilitated the process and contributed to an increase of birth registration in those areas;
- ii. Revising the Manual on Birth and Death Registration in 2017 to make the process easier and more straightforward.<sup>158</sup>

<sup>157</sup> Additional data provided in the proposed revision to the regional synthesis by Malaysia focal point.

<sup>158</sup> Updated information provided by Myanmar focal person.



## The Philippines

- i. Formulating a long-term strategy as well as the birth registration decade<sup>159</sup> to meet the target set by the ESCAP. The PSA and LCRs also take measures to facilitate vulnerable groups' access to birth registration and civil registration;
  - ii. Strengthening, by the PSA, of the Barangay Civil Registration System (BCRS) which tries to overcome birth and civil registration issues amongst vulnerable groups and those in remote areas;
- iii. Using, by the BCRS, the Mobile Registration scheme, where local civil registrars undertake a house-to-house campaign in remote villages to ensure birth registration. This includes Mobile registration in distant barangays. Mobile registration services are provided for free, and will involve raising awareness of the advantages of civil registration. The frequency of Mobile Registration depends on the need of each barangay, which can submit requests through its Barangay Council;
  - iv. Urging LCROs and other stakeholders, during Civil Registration Month, to participate in the campaign by offering free registration of vital events, issuing free birth certificates at the Local Government Units (LGUs); conducting mass weddings, seminars, lectures and forums; and offering other related civil registration services;
- v. Implementing Free Registration Caravans across the different local governments across the country, especially during the Civil Registration Month (February), among vulnerable populations such as the indigenous peoples, Moro communities and other groups;
- vi. Launching an Awards System in order to encourage local governments to promote civil registration. In 2014 PSA launched an Awards System recognizing the Top 10 local government civil registry offices in terms of their active campaigns for civil registration. Incentivizing LGUs to promote civil registration helped increase the documentation of births and other vital civil events;
  - vii. Conducting workshops on civil registration. The PSA conducts biennial national workshops on civil registration to update civil registrars and other stakeholders on the laws, policies, and procedures for civil registration;
  - viii. Collaborating with private partners. The PSA engaged and obtained the services of a private partner for the digitalization of the registration of vital events. UNYSIS Management Services began the digitalization of registration in November 2018 with the establishment of a service outlet for each province, enhancing the efficiency of registration and document requests. This is an augmentation of the partnership that exists between PSA and the SM Malls nationwide, which provide space for onsite registration and document requests;



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<sup>159</sup> The years 2015 to 2024 are the “civil registration and vital statistics decade” in the Philippines.

ix. Waiving fees (including those for late registration) for indigenous groups and other indigent groups in places such as Davao City. Similarly, in the municipalities of Glan in Sarangani Province (2016) and Jose Abad Santos in Davao Occidental (2017), the respective local legislative bodies have enacted a resolution exempting persons of Indonesian descent (PIDs), who comprise a significant proportion of the population, from the payment of fees for birth registration and penalties for late registration, including the fees for correction of clerical entries;

x. Conducting forums with government agencies. The LCR regularly conducts a User's Forum with various government agencies, such as the Department of Foreign Affairs, Professional Regulation Commission, Department of Health, Department of Social Services and Development Office, as well as other stakeholders including private entities, to update them on recent developments in civil registration. This allows relevant agencies and stakeholders to be acquainted with how civil registration issues are handled by the local civil registrar and the PSA. This is, eventually, replicated at the national level with the PSA taking the lead;

xi. Establishing a school-based registration system in Davao City dubbed as "Sa paaralan kp pwede nang magparehistro". This project established Civil Registration Outlets in far flung schools, in particular those in areas where indigenous people reside. The primary objective is to ensure that before the students complete the primary level (Grade 4), their records are corrected and the registrations of their birth or other legal documents are accomplished. This project started with 11 schools in 2011, and covered a total of 40 schools in 2018. The City Civil Registry Office (CCRO) worked closely with the Department of Education (DepEd). They selected the most suitable teachers including Alternative Learning System (ALS) mobile teachers who had to undergo a two-day extensive training on civil registration and fifteen days of on-the-job training at various CCRO district offices. These teachers are supervised by the District Head and they are entitled to receive a monetary incentive from CCRO as part of the project, subject to existing government accounting and auditing procedures;

xii. Providing registration to at-risk groups. 'Rehistro nyo, sagot ng gobyerno' – Davao City provides registration of birth to indigenous peoples, indigent Christians and indigent Muslims, children in conflict with the law (CICL), and children in need of special protection (CNSP). This includes 'kasalan ng bayan' or mass weddings for parents of the same target groups. All costs are shouldered by the CCRO including fees for birth registration, Negative Certification of birth from NSO, or issuance of Certificate of No Marriage (CENOMAR). No transportation costs are incurred by the constituents, who are mostly from remote areas, because the CCRO conducts mobile registration;



- xiii. Establishing focused projects. A Mindanao-wide health project integrates birth registration for indigenous peoples in selected areas of Mindanao. The Indigenous Peoples-Maternal, Neo-Natal, Child Health and Nutrition (IP MNCHN) Project, funded by the European Union, aims to contribute to a significant and sustainable improvement in maternal and child health in targeted communities in Mindanao. This project was primarily implemented by the National Commission on Indigenous People (NCIP) with the United Nations Population Fund (UNFPA) as a key partner. Due to the low birth registration among the IPs, a community outreach/mobile birth registration was integrated as part of the project;
- xiv. Initiating bilateral cooperation through joint projects around registration in the migration context such as the joint project of the Governments of the Philippines and Indonesia on the Registration and Confirmation of Nationality of Persons of Indonesian Descent (PIDS) in Mindanao, funded by UNHCR. The governments of the Philippines and Indonesia agreed in February 2014 to determine the legal status of the PIDs under their Action Plan for 2014-2016, which gave birth to the PID Project.

Through different exercises, a total of 8,745 PIDs were registered in the Project, which benefitted both confirmed Indonesian nationals and confirmed Filipinos, as well as those identified with limited dual citizenship as Philippine and Indonesian citizens. 77% of the PID registrants, to date, have already been provided with durable solutions by confirming their citizenship status while the remaining 23% are undergoing final review of their applications by the DOJ-RSPPU.<sup>160</sup> This initiative has demonstrated good practice in resolving issues relating to statelessness. The Philippines considers the PID Project as a milestone in addressing the issue of statelessness, or those at risk of such status, in the country. It is also in accordance with the Government's National Action Plan (NAP) to End Statelessness, which was developed in 2015 following the pattern of the UNHCR 2014 1-Belong Global.<sup>161</sup> This case sets a very good example of a bilateral arrangement to address issues of access to birth registration to persons at risk of statelessness, as well as issues of statelessness itself.



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<sup>160</sup> Further inputs provided by the Philippines focal point.

<sup>161</sup> *Ibid.*



- i. Streamlining the birth registration process through digitalization. In 2016, Singapore streamlined the birth registration process by digitalizing the Notification of Live Birth (NLB) form. The NLB is a mandatory document issued by the doctor/midwife to attest the birth of a child in Singapore. Every NLB carries a unique serial number that is used to initiate a birth registration. This ensures that every live birth in Singapore has only one birth registration record in the national database. Parents are required to provide the NLB for the birth registration as the child's birth record is based on the details in the NLB. The NLB is also the source document to track all live births that occur in Singapore and to monitor cases where parents have yet to register the birth of their child. By digitalizing the NLB, the doctor/midwife no longer needs to manually fill in the form. The child and parents' information will be electronically filed in the e-NLB by the hospital system. All the e-NLB data will be transmitted to the government database for tracking purposes. Parents do not need to furnish the NLB for birth registration as all the records are available in the government database. This reduces the transaction time spent at counters for birth registration;
- ii. Introducing online registration. Following the successful implementation of the e-NLB, Singapore is introducing Online Birth Registration. Singapore developed a mobile application, which was piloted in June 2018, to provide a one-stop service for parents by combining Online Birth Registration and Baby Bonus application into a single electronic form. The mobile application provides an additional channel for parents to register the birth of their child at any time and from the comfort of their own home using a mobile device, without the need to manually fill in a form.



## Thailand

- i. Amending the Civil Registration Act 1991 (B.E. 2534) (Revised No.2) 2008 (B.E. 2551), which provides that a Registrar shall process civil registration for stateless persons in the same manner as in the case of Thai nationals; i.e. 1) acknowledge a birth notification or register a birth and issue a birth certificate to all persons born in the Kingdom of Thailand regardless of the type of alien status of the child's parents or whether they have civil documentation or not; 2) create a profile in the database for stateless persons pursuant to the Cabinet Resolution as well as the Civil Registration Act (Article 38 paragraph 2); and 3) issue an identification card for non-Thai nationals and for persons without civil registration status;
- ii. Establishing the "Birth Registration Development Project". The Ministry of Public Health, the Department of Provincial Administration of the Ministry of Interior, and

the National Health Security Office (NHSO) in cooperation with the United Nations Children's Fund (UNICEF), has initiated the 'Birth Registration Development Project' to ensure the rights of all children born in Thailand, including Thai children and alien children. Public hospitals throughout the country have been requested to participate in the civil registration monitoring system. Between 2011-2013, the project resulted in a decrease in the number of children whose births were not registered within 15 days. The Ministry of Public Health, the NHSO, and other relevant agencies are in the process of developing the registration system to achieve the goal (set by the ESCAP). Despite the success of the project, it was found out that no agency has yet been in charge of gathering information for children born outside hospitals and for marginalised children.

## Viet Nam

The Viet Nam report has also identified a long list of initiatives which could be considered as good practices based on the enactment of the 2014 Law on Civil Status:

- i. Passing enactment of the Law on Civil Status on 20 November 2014, becoming effective as of 1 January 2015. It features many breakthrough elements contributing to the vigorous reform of the registration and management of civil status in particular, and population management in general. Under the Law on Civil Status, in addition to the legislation on civil status registration and management, new basic provisions are provided such as the granting of personal identification numbers with birth registration; reform of administrative procedures, and strong application of information technology in the registration and management of civil status (with simplification and reduction of many unnecessary documents in civil status registration). At the same time, the law clearly stipulates the standards, qualifications and responsibilities of civil servants working in civic status work, as well as the responsibilities of chairpersons of People's Committees at all levels regarding mistakes and violations in the registration and management of civic status.



Individuals have the right to choose civil status registries for themselves regardless of their previous residence (civil status may be registered at their place of permanent residence, temporary residence or current residence);

- ii. Opening more channels for the submission of forms, which may be submitted directly, by postal mail or through the civil status registration system, which reduces the time limit for completion of most civil status work;
- iii. Establishing an electronic citizen database to store information on the civil status of individuals, and to connect to the national database on population and provide it with individuals' basic civil status information. On 11 December 2015, the Minister of Justice signed the Decision No. 2173/QĐ-BTP on issuance of the Project on a nationwide electronic citizen database. After the official

implementation of the birth registration software, which links birth registration to issuance of individual identification numbers for children in civil status registration agencies (at commune and district levels), of 4 cities (Hanoi, Ho Chi Minh, Da Nang, Hai Phong) and Que Phong district, Nghe An province; from 1 January 2016, until now, the Ministry of Justice has continued to expand the deployment to 16 provinces and cities under the central government, and piloted it in Bac Ai district of Ninh Thuan province. It is expected that by 2020, the nationwide electronic citizen database will include data from all 63 provinces/cities nationwide. Registered information about births, deaths and marriages is aggregated by the Ministry of Justice, then published to its website and posted to relevant agencies in accordance with the Statistics Act of 2015;



- iv. Decentralizing and assignment to the local administrations for activities such as settling civil status matters involving foreigners, changing or correcting the civic status of residents aged 14 or above, re-determining one's nationality, etc.;



- v. Adopting the National Action Plan for Civil Status Registration and Statistics of 2015-2024 to ensure the timely, complete and correct registration of civil status for Vietnamese citizens, foreigners residing in Viet Nam, and overseas Vietnamese in compliance with the provisions of law. The Plan also aims to strengthen the coordination between relevant agencies;
- vi. Concluding Memoranda of Understanding. For spontaneous migrants<sup>162</sup> around the Viet Nam-Laos border areas, the Government of the Socialist Republic of Viet Nam and the Government of the Lao People's Democratic Republic signed a Memorandum of Understanding on the Settlement of Spontaneous Migration and Births Out of Wedlock. This agreement assigns authorities to coordinate the resolution of the above problems; design plans and roadmaps for the implementation of the agreement contents; types of documents, forms, and ways of dealing with related issues. This agreement was extended by Decision No. 2324/QD-CTN dated 14 November 2016. The duration of renewal of this agreement is three years from the date of issuing the Decision;
- vii. Improving Civil Registration and Vital Statistics systems, including increasing levels of birth registration among at-risk groups to prevent statelessness, and implementation of measures particularly for hard-to-reach and marginalized groups, including of community engagement, cooperation and awareness-raising to facilitate access to identity documentation;
- viii. Protecting rights through legislation. The 2016 Children Law states that children have the right to have their birth, death, surname, and nationality registered in accordance with the law. The Children's Law of 2016 also recognizes the rights of children of non-Vietnamese nationals who are living and working in Viet Nam, children living in another country applying for asylum, refugee children without accompanying adults and under the protection of Viet Nam, and beneficiaries of alternative care;
- ix. Establishing procedures through legislation. The 2014 Law on Civil Status stipulates the procedures of birth registration for children, including in cases of abandoned children whose parents are non-nationals, in order to secure the provision of birth certificates to all children in the territory of Viet Nam, and ensure that all children born in the territory of Viet Nam have Vietnamese nationality;
- x. Conducting administrative reforms. The Government of Viet Nam continues its efforts to carry out administrative reforms of the work on birth registration, civil status registration and nationality. On 4 August 2014, the Government issued Decision No. 1299/QD-TTg approving the scheme on the interlinking of birth registration, permanent residence registration, and the granting of health insurance cards, for children under 6 years of age. On that basis, the People's Committees of all localities have promulgated the plan for the implementation of this decision nationwide. This is a '3-in-1' implementation model which deals with birth registration, permanent residence registration,



<sup>162</sup> The term "spontaneous migrant" is officially used in Viet Nam to define persons with undetermined nationality who spontaneously cross the border to reside in the border area at Vietnamese side.

and granting children's health insurance cards; ensuring that they meet the criteria of fast, compact, efficient, and economical deployment. Previously, people had to visit three different agencies to complete these procedures one by one: to the People's Committee to register the birth, to the police to register the permanent residence, and to the Social Insurance Agency to register for the health insurance card. Now, people only need to go to one agency to complete all of these tasks;

- xi. Initiating home delivery. The People's Committee of Da Nang City has also initiated the home delivery of birth certificates, permanent residence registration books, and health insurance cards to newly-born citizens in cases where their parents have completed the procedure for birth registration at the People's Committees at commune, ward, or district levels. The parents shall receive the birth certificate, household registration book, and health insurance card no more than one day from the date when the results of the administrative procedures are available.

There are a number of good practices identified by each country report. The most common are reform and enactment/amendment of legislation regarding birth and civil registration. The establishment of mobile registration teams was also mentioned by a number of countries. Many initiatives were created to connect with hard-to-reach groups living in remote areas. Awareness-raising and information campaigns are also quite common in many countries. Some interesting initiatives are that of the Philippines' school-based registration; as well as the cooperation with other relevant government agencies (Ministry of Health and hospitals) in the case of the Philippines, Thailand and Viet Nam. The one stop service or 3-in-1 model in Viet Nam provides a good model for other countries to consider. Computerisation, and ultimately digitalization, as applied by Singapore, is the key to achieving universal birth registration and the goals of 'getting everyone in the picture' and 'leaving no one behind'.





# Nationality and Citizenship in ASEAN<sup>163</sup>



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<sup>163</sup> Some paragraphs of this introductory section were taken from the Bali Process Civil Registration Assessment Toolkit prepared by the Regional Support Office of the Bali Process (RSO) with modifications.



### 3.1 Introduction

*The right to nationality is recognized by a number of international human rights treaties including the 1948 Universal Declaration of Human Rights, Article 15.<sup>164</sup> The right is also enshrined in the three international conventions, the CRC, CEDAW and CRPD, which all ASEAN Member States are party to.*

Article 7 of the CRC not only prescribes the right of children to be registered at birth, but also recognizes the right to acquire nationality. The same article obliges State parties to ensure the implementation of the rights in accordance with national law and their obligations under the relevant international instruments in the field, in particular where the child would otherwise be stateless.<sup>165</sup> By the same token, the CEDAW places a duty on State parties to *“grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of husband. It further states that State parties shall grant equal rights with men with respect to nationality of their children”*.<sup>166</sup> Paragraph 1 of Article 18 of the CRPD states, among other requirements, that the State parties shall recognize the rights of persons with disabilities to a

nationality, on an equal basis to others.<sup>167</sup> Likewise, pursuant to Article 18(1)(a) of the CRPD, the State parties shall ensure that persons with disabilities have the right to acquire and change nationality and not be deprived of their nationality arbitrarily or on the basis of disability. Article 18(1)(b) of the CRPD further provides that persons with disabilities shall not be deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement.<sup>168</sup> Paragraph 2 of Article 18 recognises that children with disabilities shall have the right to acquire nationality.<sup>169</sup>

The ASEAN Human Rights Declaration (AHRD) recognizes the right of every person to a nationality as prescribed by law, and emphasizes that no person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality. It is worth noting that the General Principles of the AHRD Article 2 prohibits discrimination on the grounds of disability, and Article 3 recognises the equal right of every person before the law and that every person is entitled, without discrimination, to equal protection of the law.<sup>170</sup>

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<sup>164</sup> Article 15 of the UDHR:

(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.

<sup>165</sup> CRC, Article 7, Para 2.

<sup>166</sup> CEDAW, Article 9.

<sup>167</sup> CRPD, Article 18.

<sup>168</sup> CRPD, Article 18.

<sup>169</sup> *Ibid.*

<sup>170</sup> AHRD.

Birth registration is an important legal act as it creates a permanent legal record of a child's existence; but registering the birth of a child does not automatically confer on the child the nationality of the State in which he or she is born.<sup>171</sup> Rather, nationality is acquired as a



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**A lack of birth registration can create a risk of statelessness.** Birth registration is an important legal act as it creates a permanent legal record of a child's existence [...]

child's birth

is registered.

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 within a country's territory (*jus soli*) or, more usually, a combination of these approaches set out in the detailed provisions of the national law. All AMS have established laws and procedures by which a child's nationality is identified and recorded when the

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,

<sup>171</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)

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>172</sup>

Birth and marriage registration create records and documents that prove a person’s link to 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. The recording of their parents’ 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 in 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>173</sup> In addition, States usually have detailed laws and regulations which set out the 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 in the territory.

Different AMS have nationality or citizenship law governing the granting of the right to nationality with their own conditions. The most common is one or both parents being a national of that particular state. **Table 3** in the Annex (see page 105) shows laws and policies pertaining to nationality that exist in all 10 AMS.



**Not all persons who have not had their birth registered are stateless. However, for those born in certain situations, a lack of birth registration can cause statelessness.**

<sup>172</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>173</sup> UNHCR, 2014. *UNHCR Handbook on Protecting Stateless Persons*, pp. 22, para 53. Available at: <http://www.refworld.org/docid/53b676aa4.html>



## 3.2 Law and policies pertaining to nationality and citizenship in ASEAN

In ASEAN, most States apply the *jus sanguinis* principle to the acquisition of nationality, which means that nationality is acquired through the bloodline. Cambodia, Thailand and Viet Nam apply both *jus sanguinis* and *jus soli* principles. In **Brunei Darussalam**, Chapter 15 of the Brunei Nationality Act states that nationality is determined by having one or both parents who are nationals.<sup>174</sup> However, the report reveals different requirements for children born in wedlock and for children born out of wedlock to a single mother/father who is a national, and a person who is commonly accepted as belonging to one of the following indigenous groups of the Malay race, namely; Belait, Bisayah, Brunei, Dusun, Kedayan, Murut or Tutong. The birth or residence of the father also plays an important role in defining the nationality of children born out of wedlock.<sup>175</sup> The Law on Nationality (1996) of **Cambodia** is rather open as it appears that both '*jus sanguinis*' and '*jus soli*' are applied. Chapter 2, Article 4, point 2 states that Khmer nationality/citizenship can be obtained by having been born in Cambodia as: a) a child born to a foreign mother and father born and living legally in the Kingdom of Cambodia; or b) a child born to unknown parents in the Kingdom of Cambodia.<sup>176</sup> This includes both legitimate and illegitimate children. The **Indonesia** country

report does not give any information on nationality and citizenship.<sup>177</sup>

The case of **Lao PDR** is interesting as the Law on Lao Nationality defines national, citizen and non-national(ity)<sup>178</sup> quite clearly. The term 'citizen' is defined broadly to refer to "Lao citizens, aliens, foreigners and non-nationals who live in the Lao PDR".<sup>179</sup> Lao nationality is acquired by birth when one or both of the parents is a Lao citizen (regardless of their residence), naturalization, re-acquisition of Lao nationality, and other means as prescribed by Lao nationality law.<sup>180</sup> The law governing citizenship in **Malaysia** is the Federal Constitution. An entire part of the Federal Constitution, i.e. Part III, comprising of three Chapters, is dedicated to the subject of citizenship. Chapter 1 deals with acquisition of citizenship, Chapter 2 deals with termination of citizenship, and Chapter 3 contains supplementary provisions. Chapter I, Part III of the Federal Constitution provides that citizenship may be acquired by operation of law<sup>181</sup>, registration<sup>182</sup>, naturalization<sup>183</sup>, and incorporation of a new territory into the Federation.<sup>184</sup>,<sup>185</sup> In **Myanmar**, citizenship is defined according to Article 2(b) of the Citizenship Law of 1982. Nationality is determined by one or both parents being nationals. Citizenship in Myanmar is divided into

<sup>174</sup> Brunei Darussalam Country Report.

<sup>175</sup> *Ibid.*

<sup>176</sup> Cambodia Country Report.

<sup>177</sup> The section on nationality and citizenship was not provided by the Indonesia Country Report. The information shown in the tables was based on a research done by the co-author, Bongkot Napaumporn. The authors decided not to cover Indonesia in this section of the narrative.

<sup>178</sup> Non-nationality "is an individual residing in the territory of the Lao PDR who is not a Lao citizen and who is unable to certify his nationality", Lao PDR Country Report.

<sup>179</sup> *Ibid.*

<sup>180</sup> *Ibid.*

<sup>181</sup> Article 14 of the Federal Constitution of Malaysia.

<sup>182</sup> Articles 15, 15A, 16 and 16A of the Federal Constitution of Malaysia.

<sup>183</sup> Article 19 of the Federal Constitution of Malaysia.

<sup>184</sup> Article 22 of the Federal Constitution of Malaysia.

<sup>185</sup> Revision proposed by Malaysia focal point.

three categories namely full citizenship, associate citizenship, and naturalized citizenship.<sup>186</sup> As for **the Philippines**, there are various laws regarding nationality.<sup>187</sup> However, the main law pertaining to nationality is the Constitution. Section 1 of Article IV of the 1987 Philippines Constitution enumerates the citizens of the Philippines. The 1987 and 1973 Constitutions strictly follow the *jus sanguinis* principle in acquiring citizenship. This means that it is parental lineage that determines citizenship, not the place of birth. This is based on the citizenship provision of the constitution saying that, "Philippine citizens are those born of Filipino fathers or mothers."<sup>188</sup> There are four categories of citizenship in the Philippines, namely:

(1) Those who are citizens of the Philippines at the time of the adoption of the Constitution;

(2) Those whose fathers or mothers are citizens of the Philippines;

(3) Those born before 17 January 1973, of Filipino mothers, who elect Philippine

citizenship upon reaching the age of majority; and

(4) Those who are naturalized in accordance with law.

The first category refers to those who, at the time of the adoption of the 1987 Constitution, were already Filipino citizens under the 1935 and 1973 Constitutions. The second category refers to those who, subsequent to the passage of the Constitution, are born to either fathers or mothers who are citizens of the Philippines. Thus, a person born to parents of mixed nationalities, one of whom is a Filipino, may possibly have dual citizenship, depending on the national laws of the non-Filipino parent. The third category of Filipino citizens pertains to those who are entitled to *elect* Filipino citizenship. This covers those born under the 1935 Constitution and having a Filipino mother and a foreign father. The final category covers *naturalized* Filipino citizens.<sup>189</sup>

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<sup>186</sup> 1982 Citizenship Law, Myanmar Country Report.

<sup>187</sup> According to Philippines Country Report, the laws on nationality and citizenship are as follows:

- Republic Act No. 9225 – an act making the citizenship of Philippine citizens who acquire foreign citizenship permanent, amending for the purpose Commonwealth Act. No. 63, as amended and for other purposes.
- Republic Act No. 9139 – an act providing for the acquisition of Philippine citizenship for certain aliens by administrative naturalization and for other purposes.
- RA 8171 – an act providing for the repatriation of Filipino women who have lost their Philippine citizenship by marriage to aliens and of natural-born Filipinos.
- RA 7837 – an Act granting permanent resident status, other rights and privileges to Filipino

veterans of World War II who acquired American citizenship under the United States Immigration Act of 1990, and for other purposes.

- Executive Order No. 209, s. 1987 – the family code of the Philippines.
- Republic Act No. 386 – Civil code of the Philippines.
- Commonwealth Act No. 473 – an act to provide for the acquisition of Philippine citizenship by naturalization, and to repeal acts number 2927 and 3448.
- Commonwealth Act No. 63 – an act providing for the ways in which Philippine citizenship may be lost or reacquired.

<sup>188</sup> Philippines Country Report.

<sup>189</sup> *Ibid.*

For **Singapore**, the Constitution states that citizenship may be acquired by birth, descent, registration or naturalization. Only a child of a Singapore citizen can be a citizen by birth or descent.<sup>190</sup> The Law further specifies that “every person born in Singapore after 16<sup>th</sup> Sept 1963 shall be a citizen of Singapore by birth if either one of the parents is a Singapore citizen (SC). In the case of an illegitimate child born in Singapore, Section 15(1) of the Third Schedule states that an illegitimate child born in Singapore shall not be a citizen of Singapore unless the child's mother is a citizen of Singapore”.<sup>191</sup> A minor born outside Singapore may be registered as an SC by descent if a) the father/sponsor (SC by Birth) has a lawful marriage with the mother of the minor; or b) the mother (SC by birth) is the sponsor, for which the minor must be born on or after 15 May 2004; or c) the sponsor (mother or father) who is a SC by descent has resided in Singapore for a period (accumulative) of not less than 5 years before the minor’s birth, or not less than 2 years (accumulative) during the period of 5 years preceding the minor’s birth.<sup>192</sup> In **Thailand**, the Nationality Act 1965 (B.E. 2508) states a person shall acquire Thai nationality by birth if the person is born of a father or a mother of Thai nationality, whether born in or outside the Kingdom of Thailand or if a person is born in the Kingdom of Thailand except the person under Article 7 *bis* paragraph 1. This means that the mode of acquisition of nationality in Thailand is a combination of both *jus sanguinis* and *jus soli*. A child can acquire Thai nationality if one of the parents is Thai. In **Viet Nam**, the Law on Vietnamese Nationality 2008 defines both terms – nationality and citizenship. It applies both principles *jus sanguinis* and *jus soli*<sup>193</sup> on the grounds of birth or having been naturalized in Viet Nam, having Vietnamese nationality restored as prescribed by Articles 18<sup>194</sup>, 35 and 37 of this Law and by treaties to which the Socialist Republic of Viet Nam is a contracting party.<sup>195</sup>

See **Table 4** on AMS legal frameworks pertaining to acquisition of nationality by children born to nationals, in the Annex, page 109.

<sup>190</sup> Singapore Country Report.

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*

<sup>193</sup> Viet Nam Country Report.

<sup>194</sup> *Ibid.*, Article 18(1) stipulates that “Abandoned newborns and children found in the Vietnamese territory whose parents are unknown, have Vietnamese nationality”.

<sup>195</sup> *Ibid.*





### 3.3 Implementation of nationality and citizenship in ASEAN Member States



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In most AMS, in terms of nationality, women enjoy equal rights to men, except in a few countries.

#### **a) Gender in nationality law**

In **Brunei Darussalam's** nationality law, women acquire nationality on the same terms as men *subject to acts, regulations and policies*. They can retain their nationality upon marriage with a foreigner and can transmit their nationality to their children *by means of application*.<sup>196</sup> The Nationality law of **Cambodia** follows the Constitution in the sense that women have the same rights as men and that Cambodian citizens do not lose their nationality because of marriage with foreigner.<sup>197</sup> In **Lao PDR's** Nationality Law, it is stated that the marriage of a Lao citizen with, or the divorce of a Lao citizen from, individuals holding other nationalities or without nationality, will not alter their Lao nationality, and that acquisition or forfeiture of Lao nationality will not induce any change in the nationality of their spouse.<sup>198</sup> It is assumed that a Lao woman can transfer her nationality to her child. However, the law states that *“if the parents have different nationalities, the children may take their father's or their mother's [nationality] in accordance with the Law on Lao Nationality”*.<sup>199</sup> In **Malaysia**, all men and women are accorded equal rights to citizenship under

<sup>196</sup> Brunei Darussalam Country Report.

<sup>197</sup> Cambodia Country Report.

<sup>198</sup> Article 4 of Law on Lao Nationality, Lao PDR Country Report.

<sup>199</sup> *Ibid.*

the Federal Constitution. Article 14(1)(b) and Part II of the Second Schedule of the Federal Constitution provide for citizenship by operation of law for every person born outside Malaysia whose father is a citizen of Malaysia at the time of birth. A Malaysian woman can apply for her child to be registered as a citizen under Article 15(2) of the Federal Constitution. In this regard, the Government has enhanced the implementation of Article 15(2) by way of an interim administrative procedure that was implemented on 1 June 2010, and applies to children born overseas after 1 January 2010 to Malaysian women who are married to foreigners. Applications can be made by the Malaysian woman at their Malaysian Consulate within a year of the date of the child's birth. This administrative procedure further reinforces equal rights of women in determining the citizenship status of children.<sup>200</sup> Spouses/wives of Malaysian men may apply to be registered as a Malaysian citizen provided that they fulfil the 2-year residency requirement. However, spouses/husbands of Malaysian women must apply for citizenship by way of naturalization<sup>201</sup>, which necessitates that they reside in Malaysia for not less than 10 years in the 12 years immediately preceding the application date.<sup>202</sup>

Women acquire nationality on the same terms as men under the **Myanmar** Citizenship Law. Their nationality does not change upon marriage with a foreigner.<sup>203</sup> However, the transmission of their nationality to their children is subject to the discretion of the law.<sup>204</sup> In **the Philippines**, the 1973 and 1987 Constitutions provide that men and women acquire Philippine citizenship in the same manner and without any distinction. Under the 1987 Constitution, women do not lose their citizenship upon marriage to a foreigner.<sup>205</sup> As citizenship follows the *jus sanguinis* principle, children of a Filipino woman inherit her Philippine citizenship. If, in the laws of the foreign spouse, the child also receives the citizenship of the foreign parent, the child is deemed to have dual citizenship under Philippine law.<sup>206</sup> This was confirmed by Section 19 of the Magna Carta of Women (RA 9710, 2009): Equal Rights in All Matters Relating to Marriage and Family Relations.<sup>207</sup> In **Thailand**, women acquire nationality on the same terms as men. Women can retain their nationality except in cases of renunciation. A mother can transmit her nationality

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<sup>200</sup> Revision proposed by Malaysia focal point.

<sup>201</sup> *Ibid.*

<sup>202</sup> Article 15 and 19 of the Federal Constitution, Malaysia Country Report.

<sup>203</sup> Myanmar Country Report.

<sup>204</sup> *Ibid.*

<sup>205</sup> Philippines Country Report. Additional information provided by the Philippines specified that *"the 1987 Constitution generally adopted the provisions of the 1973 Constitution, except for subsection (3) thereof that aimed to correct the irregular situation generated by the questionable proviso in the 1935 Constitution.*

*Section 1, Article IV, 1987 Constitution now provides:*

*"The following are citizens of the Philippines:*

*(1) Those who are citizens of the Philippines at the time of the adoption of this Constitution.*

*(2) Those whose fathers or mothers are citizens of the Philippines.*

*(3) Those born before January 17, 1973 of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and*

*(4) Those who are naturalized in accordance with law"*

<sup>206</sup> *Ibid.*

<sup>207</sup> It says "The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure: (g) women shall have equal rights with men to acquire change, or retain their nationality. The State shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered, *Ibid.*

to her child.<sup>208</sup> In **Viet Nam**, the Law on Vietnamese Nationality 2008 ensures equality between men and women, without discrimination against women in terms of nationality. The marriage, divorce or annulment of unlawful marriage between a Vietnamese citizen and a foreigner does not alter the Vietnamese nationality of the involved parties, as well as their minor children (if any). It also specifies that if a husband or wife acquires, restores, or loses his/her Vietnamese nationality it does not alter the nationality of his/her spouse.<sup>209</sup>

### ***b) Children born out of wedlock***

In **Brunei Darussalam**, there is a provision in the Brunei Nationality Act for a single mother of Brunei nationality to apply for her child born out of wedlock to receive her nationality.<sup>210</sup> **Cambodia's** law does not take into consideration whether or not a child was born in or out of wedlock, as long as he/she has a father or mother with Khmer nationality.<sup>211</sup> This matter was not addressed in the **Lao PDR** report. In **Malaysia**, different provisions apply to Muslim and non-Muslim, and legitimate and non-legitimate children.<sup>212</sup> For Muslim children, the name of the biological father cannot be registered as father of the child.<sup>213</sup> For non-Muslim children, the name of the father will not be entered in the register of birth unless a joint application is made by the mother and the person claiming to be the father of the child.<sup>214,215</sup> **The Philippines'** law on citizenship adheres to the principle of *jus sanguinis*, which confers citizenship by virtue of blood relationship.<sup>216</sup> The child, being non-legitimate, is a Filipino citizen following the citizenship of either the father or mother, who is a Filipino. By being a non-legitimate child of a Filipino mother, he/she automatically becomes a Filipino upon birth.<sup>217</sup> In **Thailand's** Nationality Law, since the acquisition of Thai nationality is on the ground of *jus sanguinis*, there is no distinction between a child born out of wedlock and a child born in wedlock, unless it is the case of a child born out of wedlock to a Thai father and an alien mother, and outside the Kingdom of Thailand. *"To this extent, the paternity is required to be proven*

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<sup>208</sup> The acquisition of Thai nationality for a child on the grounds of *jus sanguinis* (right of blood) is stipulated under Article 7 (1) of the Nationality Act 1965 (B.E. 2508), which prescribes the same provision in the case of both a father and a mother without any exceptions, Thailand Country Report.

<sup>209</sup> Viet Nam Country Report.

<sup>210</sup> Brunei Darussalam Country Report.

<sup>211</sup> Cambodia Country Report.

<sup>212</sup> Malaysia makes no distinction between legitimate or illegitimate children in relation to their rights to education, health services etc.

<sup>213</sup> This is because in Islam, children must be born within wedlock to have legal status and it is related to the issue of "nasab" (lineage).

<sup>214</sup> Part III, Federal Constitution, is applied to children born in wedlock and Section 17, Part III, Second Schedule, Federal Constitution, is applied to children born out of wedlock. In the case of an illegitimate child, no person shall as father of the child be required to give information concerning the birth of the child, and the Registrar shall not enter in the register the name of any person as father of the child except at the joint request of the mother and the person acknowledging himself to be the father of the child, and that person shall in that case sign the register together with the mother.

<sup>215</sup> Revision proposed by Malaysia focal point.

<sup>216</sup> Revision based on further inputs from the Philippines.

<sup>217</sup> Philippines Country Report. Additional information provided by the Philippines stated further that *"it is a settled rule in this jurisdiction that only legitimate children follow the citizenship of their father, and that illegitimate children are under the parental authority of the mother, and follow her nationality [The Republic of the Philippines vs. Nora Fe Sagun, G.R. No. 187567 15 February 2012]."*

*It is also ruled that an illegitimate child of a Filipina need not perform any act to confer upon him all the rights and privileges attached to citizens of the Philippines; he automatically becomes a citizen himself".*



under Article 7 paragraph 2, or the registration child of legitimation is required under Article 1548 of the Civil and Commercial Code”.<sup>218</sup> The **Viet Nam** report does not discuss this matter, but confirms that no distinction is made between a child born out of wedlock and a child born in wedlock.<sup>219</sup>

### c) Foundlings

In **Brunei Darussalam**, upon application made by the parent or guardian, a minor child may apply for nationality based on Section 6(1) of the Brunei Nationality Act.<sup>220</sup> In **Cambodia**, an abandoned child is automatically considered to be a citizen of Cambodia.<sup>221</sup> The Law on Nationality of **Lao PDR** provides that children found in the territory and whose parents’ identity is unknown will be considered to be Lao citizens. However, *“in the event that, while such children are still under 18 years of age, evidence [is found that] demonstrates that their parents are foreign citizens, they will be considered foreign citizens from birth”*.<sup>222</sup> In **Malaysia**, according to Section 19B, Part III of the Second Schedule of the Federal Constitution, in the event of a new born child who was found exposed in any place; being presumed to have been born in Malaysia of a mother permanently resident; and having no contrary proof, the child is considered a Malaysian citizen.<sup>223</sup> In **the Philippines**, the provisions of the Constitution are silent on the matter of foundlings. The Philippines has no existing national law or legislation passed by Congress on foundlings and their citizenship status, notwithstanding the recognized existence of foundlings in the country.<sup>224</sup> However, the Supreme Court has declared that *“all foundlings found in the Philippines are born to at least either a Filipino father, or a Filipino mother, and are thus, natural-born unless there is substantial proof otherwise.”*<sup>225</sup> Likewise, in **Singapore**, under the Third Schedule to the Constitution, any



<sup>218</sup> Thailand Country Report.

<sup>219</sup> Revision made by Viet Nam focal point.

<sup>220</sup> Brunei Darussalam Country Report.

<sup>221</sup> A child born from unknown parents, who was recently born who was found in Cambodia is considered to have been born in Cambodia (Law on Nationality in Chapter 2 Article 4 point 2), Cambodia Country Report.

<sup>222</sup> Lao PDR Country Report.

<sup>223</sup> See Table 5 on AMS legal frameworks pertaining to acquisition of nationality by foundlings and adopted children, page 102.

<sup>224</sup> Additional information provided by the Philippines.

<sup>225</sup> Philippines Country Report. Further details was given by the Philippines citing the *“landmark decisions of the Supreme Court in David v. Senate Electoral Tribunal (SET) (G R. No. 221538, September 20, 2016), and Poe-Llamanzares v. COMELEC (G R. Nos. 221697 & 221698-700, March 8, 2016), the Highest Court ruled, specifically in David v. SET, that “all foundlings found in the Philippines are born to at least either a Filipino father, or a Filipino mother, and are thus, natural-born unless there is substantial proof otherwise.” Specifically, in Poe-Llamanzares, the Court declared: that as a matter of law, foundlings are as a class, natural born citizens; that domestic laws on adoption support the principle that foundlings are Filipinos, such that the adoptee must be*

new-born child found exposed in Singapore of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to be a citizen of Singapore by birth; and the date of finding shall be taken to be the date of birth of such child.<sup>226</sup> In **Thailand**, foundlings proven to have been born in the country and without a father and mother are subject to provisions under Article 7 *bis* of the Nationality Act 1965 (B.E. 2508).<sup>227</sup> Under **Viet Nam's** law, abandoned new-borns and children found in Vietnamese territory, whose parents are unknown, have Vietnamese nationality. However, for a child who is aged under 15 years, they will no longer have Vietnamese nationality if he/she has found his/her parents who hold a foreign nationality or he/she has found his/her mother or father who holds a foreign nationality.<sup>228</sup>

It is noteworthy to mention that there was a consensus on the foundling issue reached by all ten AMS during the Regional Consultation Workshop on Promoting Inclusion and Sustainable Development in Building the ASEAN Community through Ensuring the Recognition of the Legal Identity of All Women and Children in ASEAN, held in Dalat, Viet Nam, on 8 – 9 November 2018. It was agreed that “it is in the interest of the AMS and in the best interest of the children that all foundlings should be registered and that they should be afforded a nationality”. The ACWC agreed to pursue regional advocacy on this matter.

See **Table 5** on AMS legal frameworks pertaining to acquisition of nationality by foundlings and adopted children in the Annex, page 130.

#### ***d) Stateless children and children who are unable to acquire another nationality***

Very few AMS have provisions regarding the granting of nationality to stateless children/persons. In **Brunei Darussalam**, the application for stateless children and children who are unable to acquire another nationality can be made under Chapter 15, the Brunei Nationality Act, Section 4,5,6 and 8.<sup>229</sup> Although the **Cambodia** report states that there is no data available and did not provide data about stateless children, the nationality law could be applied to stateless children without having to

apply for naturalization.<sup>230</sup> The nationality law of **Lao PDR** is as open as that of Cambodia. Although there is no provision directly addressing stateless children and children of undetermined nationality, the law provides that children born to non-national parents in Lao territory who then permanently reside in Lao PDR and integrate into Lao society and culture will acquire Lao citizenship, if requested by their

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*a Filipino in the first place to be adopted; that Philippine adoption laws such as Republic Act (R.A.) No. 8043 (Inter-Country Adoption Law) and R.A. No. 8552 (Domestic Adoption Law), and the Supreme Court (SC) Rule on Adoption under Administrative Matter (A.M.) No. 02-602-SC all expressly refer to "Filipino children", and include foundlings as among Filipino children who may be adopted; that the Department of Foreign Affairs (DFA) issues passports to foundlings, passports being issued only to citizens; and that foundlings are being considered citizens under international law, citing Article 15, Universal Declaration of Human Rights; Article 7, Convention on the Rights of the Child; Article 24, International Convention on Civil and Political Rights; Article 14 Hague Convention; and Article 2, 1961 Convention on the Reduction of Statelessness”.*

<sup>226</sup> Singapore Country Report.

<sup>227</sup> Thailand Country Report.

<sup>228</sup> Viet Nam Country Report.

<sup>229</sup> The application for this category can be acquired under Chapter 15, Brunei Nationality Act Section 4, Section 5, Section 6 and Section 8. Brunei Darussalam Country Report.

<sup>230</sup> Interpretation is made by the author based on Cambodia Country Report.

parents.<sup>231</sup> In **Malaysia**, Article 14(1)(b) Part II(1)(e) of the Second Schedule of the Federal Constitution has been cited as model legislation for preventing statelessness. However, the protections offered by this Article have not been extended to many children who are stateless or at risk of statelessness in the country. While this Article provides that a child who is born in Malaysia is, by operation of law, a Malaysian citizen if he or she “is not born a citizen of any country;” groups of marginalized children, such as children abandoned in Jabatan Kebajikan Masyarakat (JKM)<sup>232</sup> homes without any identity documentation, continue to be issued with birth certificates that state the child’s citizenship status to be “bukan warganegara” (non-citizen), even though they are not born a citizen of any other country.<sup>233</sup>

**The Philippines** was, in 1955, one of the first countries to sign the 1954 Convention Relating to the Status of Stateless Persons, and the first Asian country to become a State Party to said Convention in September 2011.<sup>234</sup> Statelessness Determination Procedure is to be processed by the Department of Justice (DOJ) through the Refugees and Stateless Persons Protection Unit (RSPPU) under DOJ Department Circular (D.C.) No. 58, issued in 2012.<sup>235</sup> Thereafter, a stateless person, as determined by the RSPPU, may apply for judicial or administrative naturalization under Philippine law.<sup>236</sup> The Philippines does not actually have stateless persons or populations *per se*, based on the definition of a stateless person under the 1954 Convention on Statelessness, “a person who is not considered a national by any State under the operations of its laws”. In 2010 – 2011, however, the Philippine Government, in

cooperation with UNHCR, conducted a series of inter-agency roundtable discussions, the result of which identified the populations ‘at risk of statelessness’, namely:

- i. Unregistered children or children without birth registration;
- ii. Foundlings;
- iii. Children of Filipino descent in migration settings (those born in Saudi Arabia, Sabah or Japan);
- iv. Persons of Indonesian Descent (PIDs) in Southern Philippines (Marori or Sangir); and
- v. The Badjaos (Sama Dilaut or boat people).<sup>237</sup>



<sup>231</sup> Lao PDR Country Report.

<sup>232</sup> Or Department of Social Welfare, Malaysia.

<sup>233</sup> Malaysia Country Report.

<sup>234</sup> Further inputs from the Philippines focal point.

<sup>235</sup> Department Circular No.58 on Establishing the Refugee and Stateless Status Determination Procedure, Refworld, <https://www.refworld.org/pdfid/5086932e2.pdf>.

<sup>236</sup> Philippines Country Report.

<sup>237</sup> *Ibid.*



Like the PIDs, there may be also another existing population in the country at risk of being stateless, known as the Persons of Japanese Descent (PJDs) composed of legitimate children born to Filipino mothers and Japanese fathers during the World War 2 era and under the effect of the 1935 Constitution.<sup>238</sup> In this case, naturalization is a solution for the acquisition of persons without nationality.<sup>239</sup> The **Singapore** report states that stateless persons can apply for Permanent Residency and Singapore Citizenship. Each application for Permanent Residency and Singapore Citizenship is assessed on its own merits and based on prevailing eligibility requirements. In fact, ‘migrant children’ born to foreigners in Singapore, will be granted a special pass to remain in Singapore, valid for 42 days from the date of birth. To remain in Singapore thereafter, an extension of the special pass or an immigration pass or permit must be sought for the child.<sup>240</sup> Stateless children born in **Thailand** are able to acquire Thai nationality pursuant to Article 7 (2) of the Nationality Act. In the case of stateless children who may not acquire Thai

### e) Naturalization

All AMS’s laws have provisions for naturalization. **Brunei Darussalam’s** nationality law allows for naturalization by application, subject to the fulfilment of the required conditions, including; the period of residence in Brunei Darussalam, examination on the Malay language, being of good character, and having a clear security vetting.<sup>243</sup> Very limited information regarding naturalization was provided in the **Cambodia** report. However, it

nationality pursuant to Article 7 *bis* (1), (2), or (3), they may acquire Thai nationality if they satisfy the qualifications prescribed by the Minister of Interior pursuant to Article 7 *bis* paragraph 2.<sup>241</sup>

**Viet Nam’s** nationality law is quite open to stateless persons as it creates conditions for children born in Vietnamese territory to have Vietnamese nationality and stateless persons permanently residing in Viet Nam to acquire Vietnamese nationality. It says that a child born in Vietnamese territory whose parents, at the time of his/her birth, are both stateless persons permanently residing in Viet Nam, has Vietnamese nationality and that a child born in Vietnamese territory whose mother, at the time of his/her birth, is a stateless person permanently residing in Viet Nam and whose father is unknown, has Vietnamese nationality.<sup>242</sup>

See **Table 6** on AMS legal frameworks pertaining to acquisition of nationality by stateless children/persons in the Annex, page 133.

could be concluded that for individuals not born as Cambodian nationals, nationality can be granted through marriage or naturalization.<sup>244</sup> In **Lao PDR**, naturalization of foreign citizens or non-nationals can be granted based on a number of conditions, such as: being 18 years of age or more; having respect for the Constitution and the laws of Lao PDR; speaking, reading and writing fluently in Lao; possessing evidence of social and cultural integration, and knowledge of

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.*

<sup>240</sup> Singapore Country Report. However, the Representative of Singapore to ACWC revealed during the Regional Consultation Workshop on “Promoting inclusion and sustainable development in building the ASEAN Community through ensuring the recognition of the legal

identity of all women and children in ASEAN” that there were 1,141 stateless persons in Singapore.

<sup>241</sup> Thailand Country Report.

<sup>242</sup> Viet Nam Country Report.

<sup>243</sup> Brunei Darussalam Country Report.

<sup>244</sup> Cambodia Country Report.

and respect for Lao traditions; being in good health and not suffering from any serious infectious disease or drug addiction; not having been sentenced by any court to imprisonment; participating in the protection and development of the country; not having caused harm to the national interest; agreeing to relinquish their previous nationality (unless they have no nationality); and having (established) continuous permanent residence in the Lao People's Democratic Republic for ten years before applying for Lao nationality.<sup>245</sup> The duration of stay required may be reduced for individuals whose professional qualifications are at an expert level, or have professions and qualifications in certain areas and have a stable economic status.<sup>246</sup> It is to be noted that Lao PDR does not allow dual nationality.

The law in **Malaysia** also prescribes naturalization. There are conditions for application for Malaysian nationality including: being over 21 years of age; residing in Malaysia for the required period<sup>247</sup> and intending, if the certificate is granted, to do so permanently; being of good character; and having an adequate knowledge of the Malay language.<sup>248</sup> The

<sup>245</sup> Lao PDR Country Report.

<sup>246</sup> *Ibid.*

<sup>247</sup> Which amount in the aggregate to not less than 10 years in the 12 years immediately preceding the date of the application for the certificate, and which include the 12 months immediately preceding that date. To be added that residence before Malaysia Day in the territories comprised in the States of Sabah and Sarawak shall be treated as residence in the Federation; and for purposes of Clause (2) residence in Singapore before Malaysia Day or with the approval of the Federal Government residence in Singapore after Malaysia Day shall be treated as residence in the Federation. Malaysia Country Report.

<sup>248</sup> *Ibid.*

<sup>249</sup> The Myanmar Country Report states that:

- Persons who have entered and resided in the state prior to 4<sup>th</sup> January 1948, and their children born within the State may, if they have not yet applied under the Union Citizenship Act, 1948,

nationality law of **Myanmar** provides for naturalization for different groups of persons.<sup>249</sup> This means that naturalization in Myanmar is dependent on the date of registering in Myanmar and the category of citizenship of the individual's parents.<sup>250</sup> Article 8 (a) of the Myanmar Citizenship Law, states that the President of the State or the Union Government may, in the interest of the State, confer on any person citizenship or associate citizenship or naturalized citizenship.<sup>251</sup> In **the Philippines**,



apply for naturalized citizenship to the Central Body;

- Persons born in or outside the State, from the date this Law comes into force (1982), may also apply for naturalized citizenship;
- Persons born of parents, one of whom is a citizen and the other, a foreigner;
- Persons born of parents, one of whom is an associate citizen and the other, a naturalized citizen;
- Persons born of parents, one of whom is an associate citizen and the other, a foreigner;
- Persons born of parents, both of whom are naturalized citizens;
- Persons born of parents, one of whom is a naturalized citizen and the other, a foreigner.

<sup>250</sup> Myanmar Country Report.

<sup>251</sup> *Ibid.*

there are three ways under its current legal framework by which a non-national may become a Philippine citizen by naturalization.<sup>252</sup> A native born alien has the choice to apply for judicial or administrative naturalization, subject to the prescribed qualifications and disqualifications. It is not therefore far-fetched to assume that “stateless persons determined as such by the DOJ-RSPPU may qualify to avail of the legal remedy of naturalization under either of the ways described in the cited jurisprudence as may be applicable to them”.<sup>253</sup> Some of the requirements are not dissimilar from other countries, as the law in the Philippines requires ten years of continuous residence, but this can be reduced to five years for an applicant who meets certain conditions.<sup>254</sup> Furthermore, Philippine citizenship may also be granted through an act of Congress to aliens who have made ‘significant’ contributions to the Government or to the national patrimony.<sup>255</sup> In addition, by the process of derivative naturalization, legal wives and children of an alien who has acquired citizenship may also benefit indirectly from the naturalization

acquired by their alien husband/father. This allows aliens to acquire citizenship without having to present any further qualifications or undergoing the same administrative or judicial naturalization processes as their spouses or parents.<sup>256</sup> However, it was noted in further inputs provided by the Philippines’ focal person on derivative naturalization that “the laws pertaining to this mode affect women and men differently. Under the present legal framework on naturalization, only naturalized males are able to extend the privilege of Philippine citizenship to their alien spouses and children. The naturalization of females only benefits their



<sup>252</sup> The options include:

- a) Administrative naturalization pursuant to Republic Act (R.A.) No. 9139, otherwise known as The Administrative Naturalization Law of 2000;
- b) Judicial naturalization pursuant to Commonwealth Act (C.A.) No. 473, otherwise known as the Revised Naturalization Law, as amended; and
- c) Legislative naturalization in the form of a law enacted by Congress bestowing Philippine citizenship to an alien. Further inputs provided by the Philippines. C.A. No. 473 and R.A. No. 9139 are separate and distinct laws — the former covers all aliens regardless of class while the latter covers native-born aliens who lived here in the Philippines all their lives, who have never seen any other country and always thought that they were Filipinos; who have demonstrated love and loyalty to the Philippines and affinity to the customs and traditions. On the third, the Philippines Country Report refers

to “derivative naturalization”, which is available to alien women married to Filipino husbands.

<sup>253</sup> Further inputs given by the Philippines focal point.

<sup>254</sup> The mentioned qualifications include:

- Having honourably held office under the Government of the Philippines or under that of any of the provinces, cities, municipalities, or political subdivisions thereof;
- Having established a new industry or introduced a useful invention in the Philippines;
- Being married to a Filipino woman;
- Having been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years; and
- Having been born in the Philippines. *Ibid.*

<sup>255</sup> *Ibid.*

<sup>256</sup> Further inputs given by the Philippines focal point.



minor children and does not have any legal effect on their alien husbands".<sup>257</sup> In **Singapore**, the Singapore Government may, upon application by any person of or over the age of 21 years who is not a Singapore citizen, grant a certificate of naturalization to him/her, if the Government is satisfied:

- i. That the person has resided in Singapore for the required period and intends, if the certificate is granted, to do so permanently;
- ii. That the person is of good character; and
- iii. That the person has adequate knowledge of the national language.<sup>258</sup>

The period of residence in Singapore required for the grant of a certificate of naturalization is made up of periods which amount in the aggregate to not less than 10 years in the 12 years immediately preceding the date of the application, and which include the 12 months immediately preceding that date. The person to whom a certificate of naturalization is granted shall be a citizen of Singapore by naturalization from the date on which the certificate is granted. No certificate of naturalization shall be granted to any person until the applicant has taken the Oath of Renunciation, Allegiance and Loyalty in the form set out in the Second Schedule to the Constitution.<sup>259</sup> In **Thailand**, an alien who possesses the qualifications prescribed by the Nationality Law may apply for naturalization for

Thai nationality. The qualifications include a) becoming *sui juris* under the Thai law and the law of which such person has nationality, b) having good behaviour, c) having regular occupation, d) having a domicile in the Kingdom of Thailand for a consecutive period of not less than five years before the date of filing a naturalization application, and e) having knowledge of the Thai language as prescribed in the Ministerial Regulations.<sup>260</sup> The naturalization in **Viet Nam** nationality law allows foreign nationals and stateless persons permanently residing in Viet Nam to file applications for Vietnamese nationality with certain conditions<sup>261</sup> with some exceptions.<sup>262</sup>



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It can be seen that all States in ASEAN allow naturalization with some common conditions, such as knowledge of language, having good character, exceeding a certain duration of stay, etc. However, only a few countries, including Thailand and Viet Nam, allow naturalization of stateless persons. Very

<sup>257</sup> *Ibid.*

<sup>258</sup> Singapore Country Report.

<sup>259</sup> *Ibid.*

<sup>260</sup> Thailand Country Report.

<sup>261</sup> The mentioned conditions are:

- a/ Having the full civil act capacity as prescribed by Viet Nam's laws;
- b/ Obeying the Constitution and laws of Viet Nam; respecting the traditions, customs and practices of the Vietnamese nation;
- c/ Understanding Vietnamese language sufficiently to integrate themselves into the Vietnamese community;

d/ Having resided in Viet Nam for 5 years or more by the time of application for naturalization;

e/ Being capable of making their livelihood in Vietnam.

<sup>262</sup> The exceptions are:

- a/ Being spouses, natural parents or natural offspring of Vietnamese citizens;
- b/ Having made meritorious contributions to Viet Nam's national construction and defence;
- c/ Being helpful to the State of the Socialist Republic of Vietnam.

few of the country reports provide information about obtaining citizenship for persons of undetermined nationality. Only the Philippines' country report clearly states that the statelessness status determination procedure is to be performed by the Department of Justice (DOJ) through the Refugees and Stateless Persons Protection Unit (RSPPU) under DOJ Department Circular (D.C.) No. 58 of 2012. Thereafter, a stateless person, as determined by the RSPPU, may apply for judicial, administrative or derivative naturalization under Philippine law,

with its specific rules and recognized exemptions. In addition, the report also gives an example of the PIDs project which addresses children of migrants (from Indonesia) who are given access to their legal identity. Those children who are confirmed as Indonesians are provided with a passport and visa. This process is on-going.<sup>263</sup>

See **Table 7** on AMS legal frameworks pertaining to acquisition of nationality by naturalization in the Annex, page 143.



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<sup>263</sup> Philippines Country Report.

## **f) Loss of nationality/citizenship**

In **Brunei Darussalam**, a person may lose his/her nationality if they absent them self from Brunei Darussalam for a continuous period of 5 years and are unable to provide satisfactory proof that he/she has maintained a substantial connection with Brunei Darussalam during that period. This also applies to any person who voluntarily acquires the nationality or citizenship of any State or country outside Brunei Darussalam; or a woman who acquires, by reason of her marriage, the nationality or citizenship of her husband, who is national or citizen of any State or country outside Brunei Darussalam.<sup>264</sup> In the case of **Cambodia**, the loss of nationality is prescribed by the Article 18 of the Law on Nationality which states that *“any person who has Khmer nationality and who is at least 18 years old, may request without coercion to renounce his/her Khmer nationality, if upon such person has got another nationality”*.<sup>265</sup> As for **Lao PDR**, the loss of nationality could occur in three situations, namely that Lao nationality is relinquished, is withdrawn, or the concerned party has migrated to another country. However, the law makes it clear that this does not affect the nationality of the individual’s husband/wife or children.<sup>266</sup> In **Myanmar**, The Council of State may revoke *“the citizenship or associate citizenship or naturalized citizenship of any person except a citizen by birth”*.<sup>267</sup> It is also prescribed in Article 16 of Burma Citizenship Law that *“a citizen who leaves the State permanently, or who acquires the citizenship of or registers himself as a citizen of another country, or who*

*takes out a passport or a similar certificate of another country ceases to be a citizen”*.<sup>268</sup> The loss of citizenship is further prescribed in Articles 17-22 (for citizens), Articles 34-41 (for associate citizens), and Articles 57-61 (for naturalized citizens).<sup>269</sup> It is worth noting that despite certain common grounds on the loss of nationality, the conditions applied differ from one category of citizenship to another.

**The Philippines’** Law provides for the loss of citizenship if the person: was naturalized in a foreign country; renounces their citizenship; subscribes to an oath of allegiance to support the constitution or laws of a foreign country upon attaining 21 years of age or more; renders services to, or accepts commission in, the armed forces of a foreign country; cancels their certificates of naturalization; and is declared by competent authority to be a deserter of the Philippine armed forces in a time of war, unless a plenary pardon or amnesty has been granted subsequently.<sup>270</sup> In **Singapore**, Articles 128, 129, 130, and 133 of the Singapore Constitution set out the process and criteria for loss of citizenship by renunciation or deprivation. Any Singapore citizen of or over the age of 21 and of sound mind who is about to become a citizen of another country may renounce his Singapore citizenship. For deprivation, the Singapore Government may, by order, deprive any naturalized citizen of his/her citizenship.<sup>271</sup> **Thailand’s** law allows dual citizenship, but loss of nationality could occur by renunciation, if required by another country’s

<sup>264</sup> Brunei Darussalam Country Report.

<sup>265</sup> Refworld, Law on nationality, <https://www.refworld.org/docid/3ae6b5210.html>.

<sup>266</sup> Lao PDR Country Report.

<sup>267</sup> Article 8(b) of Burma Citizenship law, 15 October 1982, <https://www.refworld.org/docid/3ae6b4f71b.html>.

<sup>268</sup> Op.cit, Article 16.

<sup>269</sup> See Burma Citizenship law, *Ibid*.

<sup>270</sup> Philippines Country Report. See details in Commonwealth Act (C.A.) No. 63 entitled "An Act Providing for the Ways in Which Philippine Citizenship May Be Lost or Reacquired" which provides the manner in which Philippine citizenship may be lost or reacquired. Section 1.

<sup>271</sup> Singapore Country Report.



nationality law; or revocation if there is evidence demonstrating that he/she makes use of the nationality of his/her father or mother, or of other foreign nationality, or that he/she has an active interest in the nationality of his/her father or mother or of other foreign nationality.<sup>272</sup> He/she could also lose nationality for committing any act prejudicial to national security, or in conflict with national interest, or amounting to an insult against the nation, and he/she commits any act contrary to public order or good morals.<sup>273</sup> It can be observed that some grounds are quite vague and subject to interpretation by officers. Nationality law of **Viet Nam** provides for the loss of nationality on different grounds, namely renunciation of Vietnamese nationality; deprivation of Vietnamese nationality; failing to register for retention of Vietnamese nationality as prescribed in Clause 2, Article 13 of the Law on Vietnamese Nationality 2008; falling into cases specified in Clause 2, Article 18<sup>274</sup> and Article 35; and falling into cases specified in treaties to which the Socialist Republic of Viet Nam is a contracting party.<sup>275</sup> It is worth noting that Clause 2 of Article 13 was amended by the

Law 56/2014/QH13 with supplementing provisions of the Law on Vietnamese Nationality.<sup>276</sup>

It can be seen that the loss of nationality is mainly based on renunciation by the individual, or by deprivation through the decision of the State based on different grounds defined by the national law of each country. As mentioned earlier, some grounds for deprivation of nationality are quite vague and subject to the discretion of the officers/government. Some countries, such as Cambodia and Lao PDR, provide some safeguards against becoming stateless, specifically that the loss of nationality is effective only when a person has got another nationality, and that the loss of nationality of an individual does not affect the nationality of that individual's husband/wife or children in the case of Lao PDR. One common element which was found in all AMS is that nationality by naturalization or associated citizenship (in the case of Myanmar) may be removed by the State at its discretion.

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<sup>272</sup> Thailand Country Report.

<sup>273</sup> *Ibid.*

<sup>274</sup> The nationality of abandoned new-borns and children found in the Vietnamese territory.

<sup>275</sup> Viet Nam Country Report.

<sup>276</sup> Article 13. Persons having Vietnamese nationality.

1. Persons having Vietnamese nationality include those who have Vietnamese nationality by the effective date of this Law and those who acquire Vietnamese nationality under this Law.

2. Overseas Vietnamese who have not yet lost Vietnamese nationality as prescribed by Vietnamese law

before the effective date of this Law may retain their Vietnamese nationality.

Overseas Vietnamese who have not yet lost Vietnamese nationality, but without papers proving Vietnamese nationality as prescribed in Article 11 of this Law, shall register with overseas Vietnamese representative missions to verify their Vietnamese nationality and shall be granted a Vietnamese passport.

The government shall specify this clause.

## 3.4 Challenges and good practices

### a) Challenges

There is no information regarding challenges in the **Brunei Darussalam**, **Cambodia**, **Lao PDR**, **Malaysia**, **Myanmar** and **Thailand** reports. The **Singapore** report states that there are challenges when it comes to citizenship and nationality issues.<sup>277</sup>

Only a few country reports, namely the Philippines, Thailand and Viet Nam, have identified some gaps and challenges regarding issues of nationality and citizenship. For **the Philippines**, the country report states that despite the existence of the National Action Plan to End Statelessness (NAP) which provides a framework of 7 Action Points<sup>278</sup> which the Government of the Philippines has committed to implement until the year 2024, some issues remain, especially the removal of discrimination from nationality laws. The report emphasises the need to review laws on nationality and citizenship to ensure the passage of an amendatory law that ensures gender equality in the acquisition of citizenship by qualified aliens.<sup>279</sup> In addition, the report points out that it is difficult for the PIDs to apply for naturalization due to the prohibitively expensive cost and the complexity of the procedure. As a result of nationality problems, PIDs are facing a number of difficulties such as displacement from tenancy arrangements; lack of access to information regarding prices of products; limited choice of residence, which affects work opportunities and access to services and facilities; discrimination in the workplace; no right of possession of immovable property, and difficulties faced by their children at school such as being bullied and unable to take national licensure examinations.<sup>280</sup>

In **Thailand**, it is estimated that there are more than 40,000 persons who are qualified, but are not registered in the civil registration database of the Department of Provincial Administration. The database survey seems to overlook this group of people. They have not yet been assigned with an identification number or their birth has not been notified to a Registrar.<sup>281</sup> In the case of **Viet Nam**, gaps in nationality were identified. At present, Viet Nam's nationality law does not prescribe a specific competence and procedure for identifying Vietnamese nationality. The determination of Vietnamese nationality is carried out according to administrative measures which are integrated with the procedures for birth registration, including birth registration for new-born children and late birth registration. The report recommends that the two procedures should be separated, as is practiced internationally. This will

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<sup>277</sup> Singapore Country Report.

<sup>278</sup> (1) Resolve existing situations of statelessness, (2) No child is born stateless, (3) Remove gender discrimination from nationality laws, (4) Grant protection status to stateless migrants and facilitate their naturalization, (5) Ensure birth registration for the prevention of statelessness, (6) Accede to the UN Statelessness Conventions, and (7) Improve quantitative and qualitative data on stateless populations. The action points are geared towards 1) resolving existing situations of statelessness, 2) preventing new cases from emerging, and 3) better identifying and protecting stateless populations. Philippines Country Report.

<sup>279</sup> *Ibid.*

<sup>280</sup> *Ibid.*

<sup>281</sup> Thailand Country Report.

facilitate the identification of citizenship more transparently.<sup>282</sup> Additionally, the Nationality Law stipulates that stateless persons must have a stable residence in Vietnamese territory for a period of at least 20 years to be considered for naturalization in Viet Nam. The report suggests a study for revision and adjustment to create favourable conditions for stateless migrants in border areas in Viet Nam to more quickly acquire nationality so that they can enjoy stability and other basic rights of citizens.<sup>283</sup>

### ***b) Good practices and lessons learned***

Between all of the country reports, a number of good practices and lessons learned were shared. Some reports discussed these in detail, whereas others covered each point briefly as part of an extended list. These good practices/lessons learned range from law reform to practical policies. The following are the good practices identified in the country reports.

## **Brunei Darussalam**

- i. Entrusting police officers and the village heads (Ketua Kampong) with the duty to ensure that the welfare of the village residents is protected. Should there be issues related to nationality, the Department of Immigration and National Registration will be notified.<sup>284</sup>
- ii. Improving ease of physical access to registration. The Department of Immigration and National Registration has offices within each of the four districts, which facilitates access for those having problems with birth registration and nationality.<sup>285</sup>

## **Cambodia**

- i. Clarifying procedures in legislation. According to the Constitution and the Law on Nationality (Chapter 1, Article 1 and Chapter 2, Article 4), all women, regardless of nationality, living legally in Cambodia have the rights to register the birth of their child and to apply for citizenship for their new-born. All births are to be registered with the commune/sangkat office within 30 days after the birth. Children who are not registered within 30 days of birth can receive a birth certificate under national guidelines, which affords children the same rights as birth registration. The Birth Registration Guidelines and Birth Certification procedures stipulate the processes to be followed, the necessary requirements and the proper documentation needed. This paves the way to

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<sup>282</sup> Viet Nam Country Report.

<sup>283</sup> *Ibid.*

<sup>284</sup> Brunei Darussalam Country Report.

<sup>285</sup> *Ibid.*



nationality, with the Law on Nationality in Chapter 2 Article 4 point 2 stipulating that a child born to foreign parents, who were born and lived legally in Cambodia, can acquire Khmer nationality.<sup>286</sup>

## Lao PDR

- i. Reducing the duration of stay required by the Lao Nationality law (10 years) for naturalization for individuals who: have professional qualifications at an expert level, have professions and qualifications in certain areas, or have a stable economic status;<sup>287</sup>
- ii. Establishing equal rights between Lao nationals and foreigners and non-nationals, including the right to vote. Foreigners and non-nationals can also run in elections in accordance with the rules and laws on elections, which define specific conditions and procedures for election candidacy;<sup>288</sup>
- iii. Concluding bilateral agreements between Lao PDR and Thailand and Lao PDR and Viet Nam to cooperatively address the issues of irregular migrant workers who may not enjoy their rights (including rights to civil registration and nationality);<sup>289</sup>
- iv. Ensuring the implementation of commitments to Concluding Observations made by CEDAW and CRC, as well as recommendations made by the Universal Periodic Review (UPR) regarding the improvement of the law on nationality by adding details and content on national protection and the conditions for adopting the Lao nationality, and defining the rights and responsibilities as well as the removal of nationality;<sup>290</sup>
- v. Establishing the complaints mechanism of the Lao PDR, in accordance with the law. There is also a government hotline (1516) to receive complaints and resolve problems regarding nationality.<sup>291</sup>

## Malaysia

- i. Introducing initiatives, through the National Registration Department (NRD), to improve birth registration systems together with other relevant agencies, with the aim of ensuring that all births in Malaysia are registered. Such initiatives include outreach programs and mobile registration to address hard-to-reach communities, including those residing in rural areas;
- ii. Using technology to verify data in order to improve the quality of vital statistics produced. These measures do not include issues of nationality.<sup>292</sup>

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<sup>286</sup> Cambodia Country Report.

<sup>287</sup> Lao PDR Country Report.

<sup>288</sup> *Ibid.*

<sup>289</sup> *Ibid.*

<sup>290</sup> *Ibid.*

<sup>291</sup> *Ibid.*

<sup>292</sup> Malaysia Country Report with improvement proposed by Malaysia focal point.

## The Philippines

- i. Convening inter-agency discussions/collaborations. In 2009, UNHCR and the Government of the Philippines (GOP) jointly convened a series of Inter-Agency Round Table Discussions on Statelessness with participation from line agencies of the GOP, United Nations agencies and other international organizations, as well as civil society. The discussions aimed to build awareness of statelessness, identify policy issues and operational responses to statelessness in the Philippine context, and strengthen the capacity of the various stakeholders engaged in addressing the issue. The discussions resulted in the identification of five populations at risk of statelessness in the Philippine context: (1) unregistered children in the Philippines; (2) foundlings; (3) children of Filipino descent in migration situations (Japan, Saudi Arabia and Sabah); (4) Persons of Indonesian Descent in Southern Philippines (PIDs); and (5) Sama Dilaut.<sup>293</sup> Among the outcomes of the discussions during the Inter-agency Round Table Discussions were:
  - the pledge by the GOP, during the Ministerial Meeting of State Parties to the Refugee and Statelessness Conventions 1961 on 7 – 8 December 2011, to address statelessness in the Philippines, including continuing analysis and assessment of statelessness and the mapping of persons at risk of statelessness with the support of, and in cooperation with, UNHCR (in particular, Persons of Indonesian Descent);
  - the GOP's ratification in June 2012 of the 1954 Convention relating to the Status of Stateless Persons; and, thereafter;
  - the establishment of a national focal unit within the Department of Justice – Refugees and Stateless Persons Protection Unit ('DOJ RSPPU') to oversee the coordination of issues relating to statelessness and the protection of stateless persons through the issuance by Department of Justice of the Department Circular No. 58 (the rules on Establishing the Refugee and Stateless Status Determination Procedure) on 18 October 2012.<sup>294</sup>
- ii. Establishing statelessness determination procedures. In October 2012, the Philippines established a statelessness status determination procedure on the identification, treatment, and protection of stateless persons in Philippines through DOJ DC No. 58;
- iii. Establishing joint programs. In 2014, the Government of the Philippines, in partnership with the Government of Indonesia (GOI), with support from the UNHCR, carried out a joint program to map out and resolve the citizenship issues of thousands of Persons of Indonesian Descent (PIDs) residing in the Philippines. As of November 2017, around 75% of the 8,745 PIDs have had their citizenship confirmed. The report provides a very detailed case study of how the Philippines has been addressing the issues regarding nationality and legal status of PIDs. It's worth noting that the Joint Committee on Bilateral Cooperation between Philippines and Indonesia (JCBC) was also

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<sup>293</sup> Philippines Country Report.

<sup>294</sup> *Ibid.*

established. This Joint Committee of Bilateral Cooperation (JCBC) between GOP and GOI is a concrete response to action point No. 1 (resolve existing situations of statelessness) of the 10 action points of the Global Action Plan to End Statelessness: 2014 – 2024. This Global Action Plan, developed in consultation with States, civil society and international organizations, aims to end statelessness within ten years. The Philippine’s National Action Plan to End Statelessness (2015 - 2024) or NAP was formulated in 2015. One of its goals is the granting of legal Status to PIDs whether through a permanent residence visa or by acquisition of Philippine citizenship,<sup>295</sup>

- iv. Providing free legal representation to stateless peoples. There was also a Memorandum of Understanding signed between the Public Attorney’s Office (PAO), the Public Legal Aid Bureau of the Government of the Philippines, and UNHCR for the provision of free legal assistance and representation to stateless persons and persons at risk of statelessness in all stages of the naturalization and citizenship proceedings. In anticipation of the extensive individual case documentation, capacity building activities were implemented for lawyers of the PAO to support them in providing free legal aid and assistance. A network of paralegal volunteers and civil society organizations which could provide pro bono assistance to PIDs in these areas was also created,<sup>296</sup>
- v. Issuing of passports to specific groups. In January 2018, a number of PIDs symbolically received Indonesian passports from Indonesian Foreign Minister Retno LP Marsudi. The PIDs had to collectively apply for the passports. The passports were issued for free, and quite possibly, with a Philippines residence visa. The target, at that time, was to be able to issue passports to all confirmed PIDs by the end of 2018.<sup>297</sup>
- vi. Creating focused action plans. On 24 November 2017, the Philippine Government launched the country’s National Action Plan (NAP) to End Statelessness. As cited earlier, NAP is a framework of 7 action points<sup>298</sup>, which the Philippine Government has committed to implementing. The action points are in line with the Global Action Plan to End Statelessness, which is part of the UNHCR’s 10-year campaign to end statelessness.<sup>299</sup> The Philippine NAP covers the period 2015 – 2020. The plan was crafted with the leadership of the Department of Justice in collaboration with other government agencies, non-government organizations, civil society organizations and other relevant sectors, with the technical support of the UNHCR. It aims to address issues of ‘persons at risk of being stateless’, namely Foundling Children, Sama Badjaos, Persons of Indonesian Descent, and Undocumented Children in migration settings;<sup>300</sup>

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<sup>295</sup> Philippines Country Report.

<sup>296</sup> *Ibid.*

<sup>297</sup> *Ibid.*

<sup>298</sup> Seven action points identified in the NAP include:

Action Point No. 1 (Resolve existing situations of statelessness);

Action Point No. 2 (No child is born stateless);

Action Point No. 3 (Remove gender discrimination from nationality laws);

Action Point No. 6 (Grant protection status to stateless migrants and facilitate their naturalization);

Action Point No. 7 (Ensure birth registration for the prevention of statelessness);

Action Point No. 9 (Accede to the UN Stateless Conventions); and

Action Point No. 10 (Improve quantitative and qualitative data on stateless populations).

<sup>299</sup> Philippines Country Report.

<sup>300</sup> Further inputs provided by the Philippines focal point.



- vii. Identifying and reducing areas of gender discrimination. The Philippine Government has included in its National Action Plan to End Statelessness, the Removal of Gender Discrimination from Nationality Laws. The UNHCR and the Philippine Government (represented by the Plan's lead agency, the Department of Justice, and its co-lead in the action point, the Philippine Commission on Women) has committed to conducting a review of CA 473 and RA 9139 and ensuring the passage of an amendatory law to ensure gender equality in the acquisition of Philippine citizenship by qualified aliens,<sup>301</sup>
- viii. Registering Filipinos Abroad. The cooperative initiative of the Department of Foreign Affairs (DFA), Department of Social Welfare (DSWD), and the Philippine Statistics Authority (PSA) in registering the birth of undocumented children in Sabah through a team which personally reaches out to Filipino communities. Likewise, Social Welfare Attachés are deployed by DSWD to countries in the Middle East to facilitate the documentary requirements and travel documents for the repatriation of abandoned and foundling undocumented children of Filipino migrants,<sup>302</sup>
- ix. Strengthening legislative efforts towards the enhancement of the civil registration system. Several bills have been filed in both houses of Congress with reference to the institutionalizing of a comprehensive civil registration and vital statistics system or digitalization of data. Continuous advocacy for the passage into law of such bills is being carried on by the Child Rights Network (CRN), an umbrella organization of children's rights groups in the country,<sup>303</sup>

## Singapore

- i. Allowing stateless persons to apply for permanent residency (PR) and Singapore citizenship. Their application would be assessed based on prevailing eligibility requirements, with each application carefully assessed on its own merits. Stateless Singapore PRs may also apply for a Certificate of Identity, which can be used to facilitate his/her travel abroad. Stateless persons are also granted access to birth registration,<sup>304</sup>
- ii. Reducing gender discrimination. Singapore has highlighted in its 2nd and 3rd Periodic Reports for the UN Convention on the Rights of the Child (CRC), that Singapore has amended its Constitution in 2004 to allow Singaporean women to transmit their Singapore citizenship by descent to their foreign-born children. This is a positive development to strengthen legislation in the area of children's rights;<sup>305</sup>
- iii. Preventing deprivation of citizenship. In response to the CRC Committee's Concluding Observations, Singapore has stated in its 4th and 5th Periodic Reports of the CRC that Singapore laws do not provide for the deprivation of citizenship of any child who is a Singapore citizen by birth or descent. Like any other person, stateless children may apply for Singapore citizenship in

<sup>301</sup> *Ibid.*

<sup>302</sup> *Ibid.*

<sup>303</sup> *Ibid.*

<sup>304</sup> Singapore Country Report.

<sup>305</sup> *Ibid.*

accordance with the law. Children born to Singaporean mothers before May 2004 may apply for Singapore citizenship by registration under Singapore law.<sup>306</sup>

## Thailand

Drawing on a pilot project conducted in Mae Hong Son province which aimed to address the legal status of ethnic groups, some generalised good practices could be shared as follows:

- i. Creating generally applicable guidelines. Pursuant to Article 7 *bis*<sup>307</sup> paragraph 2 of the Nationality Act, together with the Cabinet Resolution dated 7 December 2016 (B.E. 2559), the Minister of Interior has issued the Ministry of Interior Order on granting Thai nationality, as generalised applicability, to a person born in the Kingdom of Thailand to an alien father and mother who does not acquire Thai nationality, and on granting Thai nationality in a special case dated 16 February 2017 (B.E. 2560), which provides that four categories of persons<sup>308</sup> who meet the required qualifications prescribed by the Cabinet shall acquire Thai nationality either on the general or specific basis. They can submit an application to the District Registration Bureau to which the Applicant is registered (in his/her house registration book or data registration),<sup>309</sup>
- ii. Strengthening collaboration between the state and Non-Governmental Organizations (NGOs). It is noted that the cooperation between NGOs and state actors not only increases the efficiency and productivity of the work by more than five times, but it also does not affect the Government budget, as NGOs have their own budgets; or alternatively, they can use the success of the pilot project to request for further support and funding. This is indeed beneficial for both the

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<sup>306</sup> *Ibid.*

<sup>307</sup> The Nationality Act 1965 (B.E. 2508) and its amendments Article 7 *bis*

A person born in the Kingdom of Thailand of alien parents does not acquire Thai nationality if at the time of his/her birth, his/her lawful father or his/her father is not legally married to his/her mother, or his/her mother is:

- (1) The person who is authorised, in a special case, to reside in the Kingdom of Thailand;
- (2) The person who is authorised to reside in the Kingdom of Thailand on a temporary basis;
- (3) The person who entered into the Kingdom of Thailand without authorisation under the law on immigration.

As deemed appropriate, the Minister may consider and give an order for each particular case or in general to grant Thai nationality to any person under paragraph 1, in conformity with the regulations prescribed by the Cabinet. Thailand Country Report.

<sup>308</sup> *Ibid.*

1. A person who is born in Thailand of a minority father or mother, or of a father or mother belonging to an ethnic group, who have migrated to and lived in Thailand for at least 15 consecutive years and whose data has been recorded and registered.

2. A person born in Thailand of an alien father and mother apart from the groups stated in 1. (who are alien laborers, or stateless without any identification number) and has obtained at least a bachelor's degree or equivalent;

3. A stateless person born in Thailand and who is currently enrolled in an educational institute (without parents or was abandoned by parents since childhood). In this case, two additional requirements must be satisfied i.e. a certificate of stateless person issued by the competent department of the Ministry of Social Development and Human Security must be obtained and such person must have a domicile in Thailand for not less than 10 years.

4. A person born in Thailand and who has done acts to the benefit of Thailand, which are widely recognised. In this case, a certificate of recognition issued by the competent government agency of at least Department level or equivalent is required.

<sup>309</sup> *Ibid.*

Government and the NGOs. In addition, in cooperation with the Village Head or local administrative officials, the personnel of the NGOs, as locals, can also help monitoring and checking the information concerning the residence of the Applicants, in order to prevent any potential fraud. Moreover, the mobile operation team was also established in order to receive applications in remote areas. Due to the cooperation of all stakeholders, during October 2016 (B.E. 2559) – March 2018 (B.E. 2561), 4,225 applications were processed.<sup>310</sup>

## Viet Nam

The Viet Nam report provides examples of measures to address issues of nationality for different vulnerable groups including women and children. The case of Viet Nam is an example of very open nationality law. The UNHCR considers Viet Nam the best country in addressing the issue of statelessness in the Asia-Pacific region, and a good model for prevention of statelessness.<sup>311</sup>

- i. Establishing clear options for naturalization. The Law on Vietnamese Nationality 2008 contains 1 specific article (Article 22) stipulating the options for naturalization in Viet Nam for stateless persons: *“Stateless persons who do not have adequate personal identification papers but have been stably residing in the Vietnamese territory for 20 years or more by the effective date of this Law and obey Vietnam’s Constitution and laws will be permitted for naturalization in Vietnam under the order, procedures and dossiers specified by the Government”*. This is a transitional provision that will be implemented within 3 years (from the date of effect of the Law on Vietnamese Nationality 2008 to 31 December 2012). A number of decrees and circular regulations were adopted to facilitate the process, such as the exemption from the fee;<sup>312</sup>
- ii. Protecting the rights of at-risk children. The Law on Children 2016 recognizes the rights of children having no Vietnamese citizenship and living in Viet Nam, child asylum-seekers, and child asylum-seekers without an accompanying adult, to protection by Viet Nam law and entitlement to a substitute care policy;<sup>313</sup>
- iii. Clarifying procedures in legislation. The Law on Civil Status Act 2014 provides for the order and procedures for birth registration for children, including cases of abandoned children and those whose parents are non-nationals, in order to ensure the issuing of birth certificates for all children in the territory of Viet Nam and that all children born in the territory of Viet Nam have their nationality;<sup>314</sup>

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<sup>310</sup> *Ibid.*

<sup>311</sup> Viet Nam Country Report.

<sup>312</sup> Circular No. 146/2009/TT-BTC dated July 20, 2009, guiding the regime of collection, payment, use and management of fees for nationality-related matters and Circular No. 135/2010 TT-BTC dated 13 September 2010 of the Ministry of Finance amending and supplementing the Circular No. 146/2009/TT-BTC - are all important legal documents for the settlement of naturalization in accordance with Article 22, which clearly specifies that all cases of naturalization in Viet Nam under Article 22 are exempted from fees for nationality. Viet Nam Country Report.

<sup>313</sup> *Ibid.*

<sup>314</sup> *Ibid.*



- iv. Promoting international collaboration: Bilateral agreement between Viet Nam and Lao PDR. For spontaneous migrants in the Viet Nam-Laos border areas, the Government of the Socialist Republic of Viet Nam and the Government of the Lao People's Democratic Republic signed a Memorandum of Understanding on the Settlement of free migration and children born out of wedlock. It assigns authorities to coordinate the resolution of the above problems; designs plans and roadmaps for the implementation of the agreement contents; forms of documents, ways of handling and dealing with related issues. This agreement was extended by Decision No. 2324/QD-CTN dated 14 November 2016. The duration of renewal of this agreement is 3 years from the date of issuing the Decision,<sup>315</sup>
- v. Committing to implementing recommendations of UPR and Concluding Observations made by CEDAW and CRC<sup>316</sup> regarding nationality and statelessness issues;
- vi. Creating favourable conditions for stateless persons to integrate with the local community in Viet Nam and to prevent statelessness. Viet Nam's laws have stipulated many open clauses for stateless persons. This is reflected in Article 8 of the Law on Vietnamese Nationality which states that: *"the State of the Socialist Republic of Viet Nam creates conditions for the children born in the Vietnamese territory to have a nationality and stateless person permanently residing in Viet Nam to acquire Vietnamese nationality under this Law"*;<sup>317</sup>
- vii. Creating favourable conditions for children born in Viet Nam to have nationality and using legislation to prevent children from becoming stateless. The Law on nationality stipulates that:
  - A child born in Vietnamese territory whose parents, at the time of his/her birth, are both stateless persons with a permanent residence in Viet Nam, has Vietnamese nationality. (Clause 1, Article 17 Law on Vietnamese Nationality 2008);
  - A child born in Vietnamese territory whose mother, at the time of his/her birth, is a stateless person with a permanent residence in Viet Nam and whose father is unknown, has Vietnamese nationality. (Clause 2, Article 17, Law on Vietnamese Nationality 2008),<sup>318</sup>
- viii. Allowing restoration of nationality. The Law also provides for cases applying for restoration of Vietnamese nationality (Article 23 of the Law on Vietnamese Nationality 2008), stating: *"person*

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<sup>315</sup> *Ibid.*

<sup>316</sup> CEDAW and CRC Concluding Observations on the nationality of women and children:

- The CRC Committee recommends that Viet Nam ratify the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Please note that at present, Viet Nam is considering the ratification of these two Conventions.
- The CEDAW Committee recommends the followings with regard to the statelessness, asylum and refugee status of women:
  - “In line with its general recommendations No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State Party:
    - (a) Adopt legislation and effective procedures for granting asylum and refugee status and provide protection on grounds of gender-based persecution;
    - (b) Continue to facilitate the reduction of statelessness, in particular the reacquisition of Vietnamese nationality by women who become stateless by renouncing that nationality;
    - (c) Expedite its accession to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness” *Ibid.*

<sup>317</sup> *Ibid.*

<sup>318</sup> *Ibid.*

*who has lost his/her Vietnamese nationality and applies for restoration of Vietnamese nationality may restore his/her Vietnamese nationality, if he/she falls into any of the following cases:*

- *Having applied for permission to return to Vietnam;*
- *His/her spouse, a natural parent or a natural offspring is a Vietnamese citizen;*
- *Having made meritorious contributions to Vietnam's national construction and defense;*
- *Being helpful to the State of the Socialist Republic of Vietnam;*
- *Making investment activities in Vietnam;*
- *Having renounced Vietnamese nationality for acquisition of a foreign nationality but failing to obtain permission to acquire the foreign nationality”*.<sup>319</sup>



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<sup>319</sup> *Ibid.*





Good Practices and  
Lessons Learnt from  
Other Regions



## 4.1 Europe

Europe is the region with the highest level of birth registrations, and has few problems relating to civil registration.<sup>320</sup> It is also the continent with the most far-reaching norms in terms of access to nationality and protection against statelessness. 33 European countries are party to the 1954 Convention, while the 1961 Convention has been ratified by 28 European countries. In addition, the 1997 European Convention on Nationality (ECN) has been ratified by 21 countries. While the European Union is not competent in matters of nationality, the Council of Europe has by contrast been very active. The aforementioned ECN is by far the most comprehensive regional instrument on nationality law, but in 2009 the very authoritative Recommendation 2009/13 was adopted.<sup>321</sup> It follows from Principle 23 of this recommendation that birth registration is of the utmost importance as an entry ticket to nationality and the enjoyment of other human rights. Thus, according to Principle 23, birth registration always needs to take place, even if the parent is a foreigner, irregular migrant or undocumented. The best interest of the child requires the registration of his/her existence, under all circumstances without any exception.

Gender discrimination has been gradually abolished in Europe since the 1970s. Ethnic and religious discrimination in nationality law is also prohibited by different international treaties, and this prohibition is further reinforced at the regional level by the ECN. Comparative research on protection against statelessness shows that most countries comply with international standards, including with regard to otherwise stateless children born in their territory, but that these standards can and should be implemented more precisely.<sup>322</sup> For example, some countries provide protection to stateless children, but only if his/her parents are also stateless, or provided that certain integration requirements are met. Such requirements are not allowed under the international instruments.

As with other regions, Europe faces the need to improve the data on the number of stateless persons born or residing in Europe. The most important development in Europe is the recognition of the need to create statelessness determination procedures – by both States themselves<sup>323</sup> and the EU.<sup>324</sup> Indeed, it frequently occurs that stateless persons are not recognized as such, or are granted the status of ‘undetermined nationality’, which does not entail any rights under the statelessness conventions. This problem has been identified in several European ‘mapping studies’ conducted by UNHCR. The latter in fact considers statelessness determination procedures an indispensable tool for States to fulfil their protection obligations under international law.<sup>325</sup>

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<sup>320</sup> [https://data.unicef.org/wp-content/uploads/2015/12/Birth\\_Registration\\_lores\\_final\\_24.pdf](https://data.unicef.org/wp-content/uploads/2015/12/Birth_Registration_lores_final_24.pdf), page 17.

<sup>321</sup> <https://rm.coe.int/16807096bf>

<sup>322</sup> [http://eudo-citizenship.eu/images/docs/eudocit\\_vink\\_degroot\\_statelessness\\_final.pdf](http://eudo-citizenship.eu/images/docs/eudocit_vink_degroot_statelessness_final.pdf)

<sup>323</sup> Statelessness determination procedures can now be found in Bulgaria, France, Georgia, Hungary, Italy, Kosovo, Latvia, Moldova, Spain, Turkey and the United Kingdom. See <http://www.institutesi.org/worldsstateless17.pdf>, page 82.

<sup>324</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536476/IPOL\\_STU\(2015\)536476\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536476/IPOL_STU(2015)536476_EN.pdf). See also the EU Council Conclusions adopted in December 2015 in which the Council invites Member States to exchange good practices regarding statelessness determination procedures, available at: <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/#>.

<sup>325</sup> <http://www.unhcr.org/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html>

The European Network on Statelessness published an extensive report on best practices regarding statelessness determination procedures in Europe<sup>326</sup> and UNHCR has identified the creation of such procedures as Action 6 in its global campaign to end statelessness by 2024.<sup>327</sup> While statelessness determination procedures have proven not to act as a pull factor, it should be noted that the number of applicants has been low (several hundred each year) and has therefore not put countries to the test. It remains to be seen how similar procedures would work in countries with a larger stateless population, although UNHCR has pointed out that determination procedures are not a suitable instrument for countries with a large *in situ* stateless population (see Part II below).

Hungary may be considered a champion in that it has an effective and dedicated statelessness determination procedure, and because it solved a major flaw by removing the requirement that only lawfully residing persons could apply, following a 2015 judgment by the Hungarian Constitutional Court.<sup>328</sup>

The European Network on Statelessness has published a report specifically on gaps and best practices regarding childhood statelessness. While giving an accessible overview, its conclusions mainly draw on a previous comparative analysis, conducted by the GLOBALCIT Observatory in collaboration with UNHCR, of the compatibility of municipal nationality rules on statelessness with the international standards.<sup>329</sup>



<sup>326</sup>

<https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/Statelessness%20determination%20and%20the%20protection%20status%20of%20stateless%20persons%20ENG.pdf>

<sup>327</sup> <http://www.refworld.org/pdfid/57836cff4.pdf>

<sup>328</sup> <http://www.institutesi.org/worldsstateless17.pdf>, page 16.

<sup>329</sup> <http://eudo-citizenship.eu/databases/protection-against-statelessness>

## 4.2 Africa

The African Charter on the Rights and Welfare of the Child, which entered into force in 1999, guarantees children the right to registration immediately after birth and the right to acquire a nationality in Article 6.<sup>330</sup> The African Committee on the Rights and Welfare of the Child issued a General Comment with respect to this Article, in which it clarifies the rights laid out therein.<sup>331</sup>



By contrast, the African Charter on Human and People's Rights, which entered into force in 1986, does not contain a provision on nationality but provides in Article 5 what is generally considered a reference to the concept of legal identity: *"Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status"*.<sup>332</sup>

The Charter also contains provisions relevant to citizenship (e.g. Article 12, which states that every individual shall have the right to leave any country including his own), and the African Commission on Human and People's Rights has repeatedly found in different cases that the right to nationality is implied within Article 5 of the Charter.<sup>333</sup> However, it is a 2013 resolution on the right to a nationality, as adopted by the African Commission, which reaffirms so explicitly: *"the right to nationality of every human person is a fundamental human right implied within the provisions of Article 5 of the African Charter on Human and Peoples' Rights and essential to the enjoyment of other fundamental rights and freedoms under the Charter"*.<sup>334</sup>

Importantly, in 2014 the Commission followed up with a commitment towards drafting a protocol to the African Charter on the right to a nationality. In terms of substance, the draft version of this protocol goes beyond the European Convention on Nationality and would, if adopted, be the most progressive instrument on nationality on any continent. It contains a set of detailed principles concerning the recognition of citizenship, the revision of laws and procedures in the interests of nomadic groups, the promotion of gender equality, the prohibition of racial and religious discrimination, and other aspects of nationality law.

The best good practice on the African continent, and also recognized as such by the African Committee on the Rights and Welfare of the Child,<sup>335</sup> is the existence of different forms of *jus soli* in 25 African countries. 10 West African countries (nearly all of them francophone countries such as Benin,

<sup>330</sup> <http://www.achpr.org/instruments/child/>

<sup>331</sup> <http://www.refworld.org/docid/54db21734.html>

<sup>332</sup> African Charter on Human and Peoples' Rights, available at: <https://www.achpr.org/legalinstruments/detail?id=49>

<sup>333</sup> Bronwen Manby, *Citizenship and Statelessness in Africa*, page 462. Available at:

<https://pub.maastrichtuniversity.nl/f91d9081-73da-4125-9a7a-887ceb4acca7>

<sup>334</sup> <http://www.achpr.org/sessions/53rd/resolutions/234/>

<sup>335</sup> <http://www.institutesi.org/worldsstateless17.pdf>, page 23.



Burkina Faso, Cameroon and others) provide for double *jus soli* (i.e. children born in a country to a parent who was also born there automatically acquire citizenship), while several other countries provide variants of double *jus soli*.<sup>336</sup> More problematic is that only 13 countries grant citizenship automatically to children born in the country who would otherwise be stateless,<sup>337</sup> while 11 other countries make this conditional on the parents being stateless. This latter requirement, as seen above in relation to Europe, is not allowed under the international standards and does not provide sufficient protection to those whose parents hold a nationality but cannot transmit it to their children. 27 and 19 African countries are party to the 1954 and 1961 Conventions respectively.

Finally, the example of Africa shows, according to Manby, that the push to create and document legal identity is generating problems of nationality, especially where discriminatory or exclusive nationality laws have not first been addressed. She describes this as a process bringing with it the risk of “creating stateless persons where previously there were only undocumented ones”.<sup>338</sup> On the other hand, as noted by Van Waas, “if nationality is by definition a legal bond between a person and a state, can statelessness be eradicated without also dealing with underlying problems of legal invisibility or lack of legal identity?”<sup>339</sup>

## 4.3 The Americas



The Americas have a strong *jus soli* tradition, with 30 out of 35 countries providing

for automatic acquisition of nationality by birth on the territory. This provides most residents

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<sup>336</sup> Manby, page 125.

<sup>337</sup> On initiatives to eradicate statelessness in Africa, see in particular the 2015 Abidjan Declaration:

<http://www.unhcr.org/ecowas2015/>

<sup>338</sup> <https://www.statelessness.eu/blog/right-legal-identity-or-right-legal-id>

<sup>339</sup> *Ibid.*

with access to nationality and protection against statelessness. However, pockets of statelessness exist, mainly in the Caribbean, where some countries still discriminate on the basis of gender (e.g. the Bahamas) and where the Dominican Republic has arbitrarily deprived citizens of Haitian descent of their Dominican nationality based on their ethnicity.

As part of the 2014 Brazil Declaration, 28 countries and 3 Latin American and Caribbean territories committed themselves to eradicating statelessness in the Americas by 2024, following the guidelines of the UNHCR Global Action Plan to End Statelessness.<sup>340</sup> The Brazil Declaration is comprehensive in that it proposes that States adopt measures in the three areas relevant to statelessness, namely prevention, protection and resolution.<sup>341</sup>

These three measures can, according to Juan Mondelli of the UNHCR regional office in San José, Costa Rica, be further subdivided as follows:

- *Prevention*: accession to the 1961 Convention, and harmonization of internal regulations and practices pertaining to nationality with international standards;<sup>342</sup>
- *Protection*: accession to the 1954 Convention, establishing statelessness

determination procedures,<sup>343</sup> and adopting protection frameworks to give full effect to the 1954 Convention and other human rights treaties;

- *Resolution*: granting facilitated naturalization,<sup>344</sup> confirming nationality (e.g. by facilitating late registration of birth and issuing relevant documentation),<sup>345</sup> and facilitating the re-acquisition and restitution of nationality.

Following the UNHCR campaign from the mid-2000s onwards, in addition to the Brazil Declaration, the number of states that have acceded to the 1954 and/or 1961 Conventions has grown rapidly in the Americas: 19 out of 35 countries are now party to the 1954 Convention, while 17 out of 35 are party to the 1961 Convention.<sup>346</sup> It also follows from the Brazil Declaration that states should establish procedures for determining statelessness in order to comply with their obligations under the 1954 Convention. This was in fact reinforced by a 2016 resolution of the Organization of American States (OAS) on Promotion and Protection of Human Rights.<sup>347</sup> Thus, it underscores “the importance of the conventions on statelessness; and to invite member states that have not yet done so to consider ratifying or acceding to them, as appropriate; and to invite

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<sup>340</sup> <http://www.unhcr.org/ibelong/global-action-plan-2014-2024/>

<sup>341</sup> <http://www.fmreview.org/latinamerica-caribbean/mondelli.html>

<sup>342</sup> For issues that still need a resolution, such as the nationality position of foundlings and the possible statelessness of children born abroad, see Mondelli, Juan Ignacio. "Towards the eradication of statelessness in the Americas: The Brazil Declaration and Plan of Action", in *Solving Statelessness*, eds. Laura van Waas and Melanie Khanna, 285-316. Oisterwijk: Wolf Legal Publishers, 2016, pages 303-306.

<sup>343</sup> Around a dozen American states have introduced statelessness determination procedures or are in the

process of doing so. Since this is a very recent development, little is known about their actual implementation. See Mondelli, 309-311.

<sup>344</sup> No American country has yet introduced facilitated naturalization, but Bolivia has significantly reduced the costs for applying for naturalization.

<sup>345</sup> See also Action 8 of the Global Action Plan ('Issuing nationality documentation to those entitled to it') at <http://www.unhcr.org/statelesscampaign2014/Global-Action-Plan-eng.pdf>

<sup>346</sup> <http://www.refworld.org/docid/54576a754.html>

<sup>347</sup> [http://www.oas.org/en/sla/dil/docs/AG-RES\\_2887\\_XLVI-O-16.pdf](http://www.oas.org/en/sla/dil/docs/AG-RES_2887_XLVI-O-16.pdf)

member states to establish fair and efficient procedures for determining statelessness and grant facilities for the naturalization of stateless persons, as applicable”.<sup>348</sup>

Several states have followed up by either adopting special regulations for this purpose or by amending their citizenship or migration acts. As for resolving the issue of statelessness, several countries have implemented projects to verify or review people’s birth registration and ensure appropriate registration and access to documentation proving nationality.

At the same time, progress is being made in securing birth registration in the Americas.<sup>349</sup> While 76% of children under the age of five were registered in the early 2000s, this number had increased to 94% in 2016. UNICEF points out that this is due to “the enhanced capacity of institutions in charge of civil registration to deliver services, the establishment of such services in public hospitals, the elimination of fees, public policies linking birth registration to access to social protection mechanisms, and massive information campaigns”.<sup>350</sup>

#### 4.4 Middle East and North Africa

No best practices can be identified in the MENA region. Indeed, a recent report states that: “The overall picture is of a region with significantly flawed nationality laws, where reactionary practices have regularly placed the nationality of undesirable groups under threat”.<sup>351</sup> Although a number of regional instruments have been adopted and have been widely ratified, including the 2004 Arab Charter on Human Rights and the 2005 Covenant on the Rights of the Child in Islam, it is a region known for its restrictive nationality strategies (particularly in the Arab Gulf States) as well as gender and religious discrimination in matters of nationality.<sup>352</sup> While no MENA country has automatic *jus soli*, several do provide for double *jus soli*.<sup>353</sup>



<sup>348</sup> See Section 6 of the resolution entitled ‘Prevention and reduction of statelessness and protection of stateless persons in the Americas’.

<sup>349</sup> <https://data.unicef.org/resources/birth-registration-latin-america-caribbean-closing-gaps/>

<sup>350</sup> *Ibid.*

<sup>351</sup> Zahra Albarazi, ‘Regional GLOBALCIT report on citizenship: The Middle East and North Africa’ (forthcoming), page 9.

<sup>352</sup> *Ibid.*, page 3. Albarazi points out that of the 25 countries worldwide that still have gender discrimination, more than half of them can be found in the MENA region.

<sup>353</sup> *Ibid.*, page 12.



# Conclusions and Recommendations



## 5.1 Birth registration and nationality as ways to define demographic limit of state

A nation-state “defines its geographical limits by territory and its demographic limits by nationality”.<sup>354</sup> A national of a given state is considered as member of that particular political community. Those who are not nationals are ‘aliens’ or ‘foreigners’ who are not usually entitled to the same membership goods or the same treatment. Most AMS demonstrate in their country reports, however, that the equal enjoyment of rights of non-nationals is ensured by national law, including birth registration. Birth registration of all children born in the country is prescribed by law in every single AMS. However, access to birth registration and civil registration of different groups may vary from one country to another, as well as from one population group to another. Singapore, with its digitalized system of registration, provides universal access to birth registration, whereas 75 million people in Indonesia still lack a birth certificate.<sup>355</sup> In the Philippines and Thailand, some groups of people are still left out of the registration scheme. The two countries, through special programs and projects, have made efforts to give access to birth and civil registration to hard-to-reach groups in areas where physical access and infrastructure are still limited, awareness and understanding are low and, in some cases, the importance of birth and civil registration is not well appreciated. Measures including legal reform and enactment of specific laws on civil registration, as in the case of Cambodia, are being taken. Mobile registration teams are made available in most AMS. Some countries, such as Viet Nam, have decentralised the power to register births and perform other civil

registration activities. However, except in a few countries, such as Cambodia, Thailand and Viet Nam, legality of parents is required by most countries for registration of birth. This requirement leaves some groups of people, such as irregular migrant workers, refugees and asylum-seekers, outside the registration system. **Despite some challenges, there is a long list of good practices that each country report identifies, through which AMS can learn from one another to address issues regarding birth and civil registration.**

A number of studies showed that historically, all AMS have accommodated a large number of individuals in their territory, made diverse communities feel that they share some things in common, and built the trust and loyalty necessary for the functioning of a nation-state. With the construction of a nation-state, “each political community has constructed a so-called collective identity, a robust sense of belonging and social cohesion within its borders”.<sup>356</sup> Post-nationalists “agree that reference to a common



<sup>354</sup> William Wetherall, Nationality in Japan, in Soo Im Lee, et al, (eds), Japan’s Diversity Dilemmas : Ethnicity, Citizenship, and Education, New York, iUniverse, Inc., New York, 2006, p.11.

<sup>355</sup> Asian Nikkei, “‘Invisible’ Indonesians nudged to get birth certificates”, available at: <https://asia.nikkei.com/Economy/Invisible-Indonesians-nudged-to-get-birth-certificates>

<sup>356</sup> J.Habermas, The inclusion of other, in Studies in Political Theory, C.Cronin and P.de Greif, (eds.), Cambridge (Mass.), MIT Press, 1998, p.132.

nationality allowed the political mobilization of its inhabitants, calling on their shared descent, history or language".<sup>357</sup> The sovereign, territorial state, therefore, became the necessary framework



for citizenship and vice versa. "Citizenship both as legal status and as activity, is thought to presuppose the existence of a territorially bounded political community, which extends overtime and is the focus of a common identity".<sup>358</sup> Although this premise is being contested because globalization has rendered the borders so porous, a large number of states are still tied to the formal expression of membership and the formal institutionalized political community, and assume that it has both legal and moral rights to choose its members and to close or open its borders and that "monopoly over territory is exercised through immigration and citizenship policies".<sup>359</sup>

Laws of all AMS, as revealed by the country reports, define who is eligible for and who can get access to membership through the citizenship/nationality of a given State. There seems to be a *"growing convergence among states regarding policies of acquisition of citizenship. Such policies are usually classified in two broad categories: jus soli, which confers citizenship based on birth on state territory; and jus sanguinis, which confers citizenship based on descents..."*<sup>360</sup> With the growing migration phenomenon, any *jus sanguinis* states-faced with several generations of foreign

nationals residing within their borders, such as PIDs in the Philippines and some ethnic groups in Thailand. Some countries in the region have adopted policies that grant citizenship to children born to certain classes of immigrants;

at the same time, most states have altered *jus soli* rules to limit birth right citizenship to children born to settled (not temporary or undocumented) immigrants".<sup>361</sup> This is clearly the case of Cambodia, Lao PDR and Viet Nam. In all cases, citizenship is attributed by birth. Regardless of what forms of attribution they follow, some states (Cambodia, Lao PDR, the Philippines, Singapore<sup>362</sup> and Viet Nam), have laws and policies which consider the granting of citizenship to persons born in the country who are stateless.<sup>363</sup> Citizenship is never attributed to someone born outside of the country to non-citizens, but can be acquired by naturalization or registration procedures. All AMS are equipped with laws providing for naturalization with different requirements, including duration of stay. Nevertheless, the same law of each country stipulates the loss of nationality either by renunciation or deprivation. However, only two countries accept dual nationality, the Philippines and Thailand.

From the country reports received, all AMS grant citizenship on the basis of parentage rather than place of birth, meaning one is automatically granted citizenship if one or both to parents is/are

<sup>357</sup> *Ibid.*

<sup>358</sup> Citizenship, First published Friday, 13 October 2006.

<sup>359</sup> Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens*, Cambridge University Press, 2004, p.5.

<sup>360</sup> T. Alexander Aleinikoff and Douglas Klusmeyer (codirectors), *Citizenship Policies for an Age of Migration*, MPI, Washington, D.C., 2002, p.2.

<sup>361</sup> *Ibid.*

<sup>362</sup> By Constitution.

<sup>363</sup> Revision made by Singapore focal point.



nationals of the relevant country, no matter where one is born; whereas a child of non-nationals born in the country in question is not automatically a citizen and can become one only through naturalization procedures. This means that a person who may not speak the national language, has never lived in the country, and whose only connection with that State is through parent or grandparents who may have emigrated a long time ago, has a better legal claim to citizenship than the child of a migrant/refugee or an indigenous person who is born in the country.

Without birth registration, the door for obtaining proper legal status is closed. Unregistered children are sentenced to 'civil death'<sup>364</sup> only because chance, not choice, placed them within political borders that deny their rights to birth registration (and nationality). Political borders, therefore, render human beings legally invisible and deprive them of fundamental rights. This allows a system of different categories of people in that society. The 'politics of difference' is also apparent in some reports, that even among the same nationals, citizens are treated differently. In a few countries, a mother is not entitled to automatically confer nationality to her children. This is, undeniably, gender discrimination which must be eliminated as all AMS have already ratified the CEDAW and the principle of non-discrimination is enshrined in all national constitutions.

The review of all reports received has shown a positive trend among ASEAN Member States towards a more open policy both on birth registration/civil registration and the granting of nationality. There were a few consensus reached during the Regional Consultation Workshop on Promoting Inclusion and Sustainable Development in Building the ASEAN Community

through Ensuring the Recognition of the Legal Identity of All Women and Children in ASEAN, two of which regard the automatic registration of the birth of foundlings and the automatic granting of nationality by the country in which they were found. Another consensus regards ensuring equality between the father and mother to automatically transfer his/her nationality to children. This trend is in line with the Concluding Observations that AMS received from the CEDAW and CRC Committees.

Indeed, by examining the Concluding Observations of the CEDAW and CRC Committees, many countries received similar recommendations both in terms of birth registration and nationality. Although the Concluding Observations for the reports to CRC and CEDAW may seem outdated<sup>365</sup> many concerns raised by the CRC and CEDAW Committees remain relevant. Some of these are still reflected in some country reports. There are some common elements which require the attention of all AMS, namely:

- Guaranteeing birth registration to all children regardless of legal status. Special attention should be given to some ethnic groups in a given country, refugees, asylum-seekers and migrant workers, and stateless persons. This represents hard-to-reach groups in rural and remote areas who may require special measures and efforts, particularly for mothers who may not speak the language. Good practices such as the deployment of mobile registration by most AMS provide a model to pursue.
- Strengthening public awareness-raising campaigns and taking concrete measures to ensure that poor and rural

<sup>364</sup> Expression used by Seyla Benhabib.

<sup>365</sup> For example: Brunei Darussalam CRC report submitted in 2013, Cambodia CRC report reviewed in 2011, Indonesia CEDAW report reviewed in 2012, Malaysia CRC report

reviewed in 2007, Myanmar CRC report reviewed in 2012, Philippines CRC report reviewed in 2009, Singapore CRC reviewed in 2011, Thailand CRC report reviewed in 2012, Viet Nam CRC report reviewed in 2012.

women/ethnic groups are aware of the requirements relating to birth registration and certificates and are able to easily access birth certificate and registration services.

- Eliminating discrimination against women who married foreigners in the automatic conferment of nationality on their children. This point was reiterated in the Concluding Observations, and was also mentioned in a number of country reports.
- Removing fees (and fines) for late birth registration and certificates and other

informal fees which seem to be applied in a number of AMS.

- Prioritizing accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- Amending constitutions and/or legislation regarding civil registration and nationality to make them more open and remove discriminatory provisions against women and non-nationals.

## 5.2 Recommendations

Based on the country reports; the discussions during the Regional Consultation Workshop on Promoting Inclusion and Sustainable Development in Building the ASEAN Community through Ensuring the Recognition of the Legal Identity of All Women and Children in ASEAN; and the Concluding Observations made by the CRC and CEDAW Committees, the following recommendations are made:

### For AMS

1. To address the challenges identified in the country report submitted.
2. To expediently implement the Concluding Observations made by the CRC and CEDAW Committees as shown in Annex 2 (see page 156). This also includes the withdrawal of reservations made to the CRC, CEDAW and CRPD regarding birth registration and nationality, as well as accession to and ratification of the UN Statelessness Convention.
3. To seriously review the country report submitted as well as the Concluding Observations made by the CRC and CEDAW Committees and identify which issues could be tackled immediately as well as in the medium and long term. A clear action plan and mechanism to implement should be considered.
4. To make use of the Bali Process Civil Registration Assessment Toolkit prepared by Regional Support Office for the Bali Process (RSO).<sup>366</sup> This will facilitate the formulation of plans and policy to perform civil registration, including birth registration, for hard-to-reach groups within the country.

<sup>366</sup> Bali Process Civil Registration Assessment Toolkit,  
<https://www.baliprocess.net/UserFiles/baliprocess/File/Bali>

[%20Process%20Civil%20Registration%20Assessment%20Tool  
kit%20FINAL.pdf](#)

5. To make efforts to meet the targets set, by both ESCAP on CRVS by 2024 and by SDGs, on birth registration and addressing issues of statelessness in order to not leave anyone behind.
6. To engage not only with each other but also with other stakeholders in addressing the issues of civil registration and statelessness. Lessons could be learned from the Philippines, Thailand and Viet Nam.

## For ACWC

1. To advocate on, at least, two issues which enjoyed consensus, namely: making birth registration universal by automatically registering the birth of foundlings and automatically granting nationality in the country in which they were found; and ensuring equality between the father and mother to automatically transfer his/her nationality to their children.
2. To jointly identify common gaps and good practices listed in the regional synthesis which could be shared in order to support one another in the efforts to fill the gaps.
3. To promote the sharing of good practices. Some countries, such as the Philippines and Singapore, are able to share with other AMS in the areas in which they have been successful. Philippines has initiated a number of projects and programs to reach out to hard-to-reach groups, whilst Singapore has made birth registration universal through a digitalized registration system.
4. To conduct further studies regarding people on the move. As ASEAN is facing rising migration, including among children and women, issues for further study concern migrant populations, such as issues related to unregistered children (no birth registration), children at work, PWDs, LGBTI, human smuggling, and human trafficking. The Philippines country report recommends further, and more extensive, research. Certainly, findings related to these issues in the context of migration can unearth more protection issues which should be considered in resolving issues related to persons at risk of statelessness.<sup>367</sup>
5. To consider encouraging ASEAN to formulate a regional strategy or work plan on CRVS.
6. To promote regional awareness raising and capacity building, which is of particular importance. Workshops/training on issues such as birth registration, statelessness, access to nationality, and the impacts of the lack thereof, could be initiated collectively by ACWC.
7. To hold a regional launch for this synthesis, once it is finalised and adopted by all ACWC Representatives, to serve not only as awareness raising among agencies concerned but also to identify strategic partners in addressing the issues surrounding CRVS.

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<sup>367</sup> Philippines Country Report.



## For UNHCR

1. To continue its support to each AMS, especially in the forms of provision of technical cooperation expertise and financial support.
2. To make full use of UNHCR Country Program to engage with each AMS as exemplified by the case of the Philippines.
3. To identify champions among AMS to further pursue the goals of getting everyone in the picture and ending statelessness in the region. The champions could be regarding different issues such as birth registration, statelessness, and elimination of gender discrimination.
4. To utilize research results for policy, development of materials, advocacy and other interventions for UNHCR.
5. To compile good practices or success stories in the form of a booklet in cooperation with ACWC.

This synthesis ends by reiterating that one can choose his/her political views, but, in a way, one cannot choose the culture in which she/he has been or is to be raised, and definitely one cannot choose the genetics of her/his family. Many people, especially women and children, are deprived of legal documents due to no fault of their own. If AMS want to represent themselves as caring societies, each will have to do their best to be inclusive, to accept membership, and provide membership goods to those people whose ethnic and cultural background may be different from that of the current citizens. Birth registration and nationality are the key for each AMS, and ASEAN as a whole, to become an inclusive, caring and sharing societies, as inspired by the ASEAN Vision 2025.



## Annex

### Annex 1: Relevant Legal Frameworks in ASEAN Member States

Table 1: ASEAN Member States and their Ratification of Human Rights Treaties (including Refugee and Statelessness Conventions)

Convention Country	Human Rights Treaties									Refugee Conventions		Statelessness Conventions	
	CCPR	CESCR	CERD	CEDAW	CAT	CRC	CMW	CRPD	CED	1951	1967	1954	1961
Brunei	X	X	X	2006 <sup>368</sup>	X <sup>369</sup>	1995 <sup>370</sup>	X	2016 <sup>371</sup>	X	X	X	X	X
Cambodia	1992	1992	1983	1992	1992	1992	X	2012	2013	1992	1992	X	X
Indonesia	2006 <sup>372</sup>	2006 <sup>373</sup>	1999 <sup>374</sup>	1984 <sup>375</sup>	1998 <sup>376</sup>	1990	2012	2011 <sup>377</sup>	X	X	X	X	X

<sup>368</sup> **Brunei Darussalam** entered reservations to CEDAW, Article 9 paragraph 2 (equal rights to transmit their nationality to their children) and Article 29 paragraph 1 (dispute resettlement by the International Court of Justice).

<sup>369</sup> Brunei Darussalam signed CAT in 2015.

<sup>370</sup> **Brunei Darussalam** entered reservations to CRC, Article 14 (the right to freedom of thought, conscience and religion); Article 20 paragraph 3 (special care for children deprived of their family environment); and Article 21 (b), (c), (d), and (e) (provisions related to inter-country adoption).

<sup>371</sup> **Brunei Darussalam** entered reservations to CRPD “regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam”.

<sup>372</sup> **Indonesia** made a declaration under CCPR, Article 1 (the right of self-determination).

<sup>373</sup> **Indonesia** made a declaration under CESCR, Article 1 (the right of self-determination).

<sup>374</sup> **Indonesia** entered a reservation to CERD, Article 22 (dispute resettlement by the International Court of Justice).

<sup>375</sup> **Indonesia** entered a reservation to CEDAW, Article 29 paragraph 1 (dispute resettlement by the International Court of Justice).

<sup>376</sup> **Indonesia** entered a reservation to CAT, Article 30 paragraph 1 (dispute resettlement by the International Court of Justice). Also, it made a declaration “that the provisions of paragraphs 1, 2, and 3 of Article 20 of the Convention will have to be implemented in strict compliance with the principles of the sovereignty and territorial integrity of States.”

<sup>377</sup> **Indonesia** made reservations to CRPD, articles 1, 6 (1 and 2), 7, 9, 10, 24 and 25.

Convention Country	Human Rights Treaties									Refugee Conventions		Statelessness Conventions	
	CCPR	CESCR	CERD	CEDAW	CAT	CRC	CMW	CRPD	CED	1951	1967	1954	1961
Lao PDR	2009 <sup>378</sup>	2007	1974	1981	2012 <sup>379</sup>	1991	X	2009	X	X	X	X	X
Malaysia	X	X	X	1995 <sup>380</sup>	X	1995 <sup>381</sup>	X	2010 <sup>382</sup>	X	X	X	X	X
Myanmar	X	X	X	1997 <sup>383</sup>	X	1991	X	2011	X	X	X	X	X
Philippines	1986	1974	1967	1981	1986	1990	1995	2008	X	1981	1981	2011	X

<sup>378</sup> Lao PDR entered a reservation to CCPR, Article 22 (the right to freedom of association) and made a declaration under Article 1 (the right of self-determination) and Article 18 (the right to freedom of thought, conscience and religion).

<sup>379</sup> Lao PDR entered reservations to CAT, Article 20 (co-operation with the Committee in the examination of the information) and Article 30 paragraph 1 (dispute resettlement by the International Court of Justice). In addition, it made declarations under Article 1 paragraph 1 (definition of torture) and Article 8 paragraph 2 (legal basis for extradition).

<sup>380</sup> Malaysia entered reservations to CEDAW, Article 9 paragraph 2 (equal rights to transmit the nationality to their children); Article 16(1)(a) (equal right to enter into marriage); Article 16(1)(c) (equal rights and responsibilities during marriage and at its dissolution); Article 16(1)(f) (equal rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children); Article 16(1)(g) (equal rights as husband and wife, including the right to choose a family name, a profession and an occupation). A declaration was made that “Malaysia’s accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Shari’a law and the Federal Constitution of Malaysia.”

<sup>381</sup> Malaysia entered reservations to CRC, Article 2 (general principle on discrimination); Article 7 (the right to birth registration, the right to have a name, the right to a nationality and the right to know and be cared for by their parents); Article 14 (the right to freedom of thought, conscience and religion); Article 28(1)(a) (the right to free and compulsory primary education); and Article 37 (protection against torture or other cruel, inhuman or degrading treatment or punishment).

<sup>382</sup> Malaysia entered reservations to CRPD, Article 15 (freedom from torture or cruel, inhuman or degrading treatment or punishment) and Article 18 (liberty of movement and nationality).

<sup>383</sup> Myanmar entered a reservation to CEDAW, Article 29 (dispute resettlement by the International Court of Justice).



Convention Country	Human Rights Treaties									Refugee Conventions		Statelessness Conventions	
	CCPR	CESCR	CERD	CEDAW	CAT	CRC	CMW	CRPD	CED	1951	1967	1954	1961
Singapore	X	X	2017 <sup>384</sup>	1995 <sup>385</sup>	X	1995 <sup>386</sup>	X	2013 <sup>387</sup>	X	X	X	X	X
Thailand	1996 <sup>388</sup>	1999 <sup>389</sup>	2003 <sup>390</sup>	1985 <sup>391</sup>	2007 <sup>392</sup>	1992 <sup>393</sup>	X	2008	X	X	X	X	X

<sup>384</sup> **Singapore** entered a reservation on the right to apply its policies concerning the admission and regulation of foreign work pass holders and also made declarations under CERD, Article 2 (prohibition of racial discrimination by all appropriate means); Article 6 (effective protection and remedies and the right to seek just and adequate reparation or satisfaction); and (dispute resettlement by the International Court of Justice).

<sup>385</sup> **Singapore** entered reservations to CEDAW, Article 2(a)-(f) (general principle on discrimination against women); Article 11(2) (discrimination in the field of employment); Article 16(1)(a) (equal right to enter into marriage); Article 16(1)(c) (equal rights and responsibilities during marriage and at its dissolution); Article 16(1)(h) (equal rights for both spouses to property); Article 16 paragraph 2 (child marriage); and Article 29 paragraph 1 (dispute resettlement by the International Court of Justice).

<sup>386</sup> **Singapore** generally made a statement that “the Constitution and the laws of the Republic of Singapore provide adequate protection and fundamental rights and liberties in the best interests of the child. The accession to the Convention by the Republic of Singapore does not imply the acceptance of obligations going beyond the limits prescribed by the Constitution of the Republic of Singapore nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution”. Singapore reserved the right to apply such legislation and conditions concerning the entry into, stay in and the acquisition and possession of citizenship of those who do not or who no longer have the right under the laws of the Republic of Singapore. Particularly, Singapore entered reservations to Article 28(1)(a) (the right to free and compulsory primary education) and Article 32 (the right to be protected from economic exploitation and from performing any hazardous work). In addition to these reservations, Singapore made declarations on the rights defined in articles 12 to 17 (the right to be heard in judicial and administrative proceedings, the right to freedom of expression, the right to freedom of thought, the right to freedom of association, the right to privacy and access to information), Article 19 (protection against all forms of violence) and Article 37 (prohibition of torture).

<sup>387</sup> **Singapore** entered reservations to CRPD, Article 12 paragraph 4 (safeguards to prevent abuse while exercising legal capacity); Article 25(e) (discrimination in the provision of health insurance and life insurance); and Article 29(a)(iii) (guarantee of the free expression of the will of persons with disabilities as electors).

<sup>388</sup> **Thailand** made declarations under CCPR, Article 1 (the right of self-determination) and Article 20 (prohibition of propaganda for war).

<sup>389</sup> **Thailand** made declarations under CESCR, Article 1 (the right of self-determination).

<sup>390</sup> **Thailand** entered reservations to CERD, Article 4 (promotion of discrimination using propaganda) and Article 22 (dispute resettlement by the International Court of Justice), and also made a declaration that “it does not interpret and apply the provisions of this Convention as imposing upon the Kingdom of Thailand any obligation beyond the confines of the Constitution and the laws of the Kingdom of Thailand. In addition, such interpretation and application shall be limited to or consistent with the obligations under other international human rights instruments to which the Kingdom of Thailand is party.”

<sup>391</sup> **Thailand** entered a reservation to CEDAW, Article 29 (dispute resettlement by the International Court of Justice).

<sup>392</sup> **Thailand** entered a reservation to CAT, Article 30 paragraph 1 (dispute resettlement by the International Court of Justice). It also made declarations under Article 1 paragraph 1 (definition of torture), Article 4 (assurance of torture to be stipulated as offences under a criminal law) and Article 5 (establishment of jurisdiction over the offences where an alleged torturer cannot be extradited).

<sup>393</sup> **Thailand** entered a reservation to CRC, Article 22 (protection for asylum-seeker and refugee children).

Convention Country	Human Rights Treaties									Refugee Conventions		Statelessness Conventions	
	CCPR	CESCR	CERD	CEDAW	CAT	CRC	CMW	CRPD	CED	1951	1967	1954	1961
Viet Nam	1982	1982	1982 <sup>394</sup>	1982 <sup>395</sup>	2015 <sup>396</sup>	1990	X	2015	X	X	X	X	X

Table 2: CRVS Legal Frameworks in ASEAN Member States

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
<b>Brunei Darussalam</b>	<b>Ministry of Home Affairs</b> (Department of Immigration and National Registration)	<ul style="list-style-type: none"> <li>• Births and Deaths Registration Act 1922, Chapter 79</li> </ul>	<ul style="list-style-type: none"> <li>• Births and Deaths Registration Act 1922, Chapter 79</li> </ul>	<ul style="list-style-type: none"> <li>• Registration of Marriages Act 1984, Chapter 124 (for non-Muslims)</li> <li>• Islamic Family Law 1999, Chapter 217 (for Muslims)</li> </ul>	<ul style="list-style-type: none"> <li>• National Registration Act 1984, Chapter 19</li> </ul>
<b>Cambodia</b>	<b>Ministry of Interior</b> (General Department of Identification)	<ul style="list-style-type: none"> <li>• Sub-decree No.103 on Civil Status 2000 as amended by Sub-</li> </ul>	<ul style="list-style-type: none"> <li>• Sub-decree No.103 on Civil Status 2000 as amended by Sub-decree No.60 in 2002</li> </ul>	<ul style="list-style-type: none"> <li>• Law of 1989 on the Marriage and Family</li> <li>• Sub-decree No.103 on Civil Status 2000 as amended by Sub-</li> </ul>	<ul style="list-style-type: none"> <li>• Sub-decree No.60 on Cambodian Nationality Identity Cards 2007</li> </ul>

<sup>394</sup> Viet Nam entered a reservation to CERD, Article 22 (dispute resettlement by the International Court of Justice).

<sup>395</sup> Viet Nam entered a reservation to CEDAW, Article 29 paragraph 1 (dispute resettlement by the International Court of Justice).

<sup>396</sup> Viet Nam made a declaration under CAT, Article 8 paragraph 2 (legal basis for extradition), Article 20 (co-operation with the Committee in the examination of the information) and Article 30 paragraph 1 (dispute resettlement by the International Court of Justice). Please note that the declarations made under Article 20 and 30 paragraph 1 are likely reservations as it denied to be bound by such provisions.

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
		decree No.60 in 2002 <sup>397</sup>		decree No.60 in 2002 <ul style="list-style-type: none"> <li>Sub-decree No.183 on Process and Legal Procedure of Marriage between Cambodian Citizen and Foreign National 2008</li> </ul>	
<b>Indonesia</b>	<b>Ministry of Home Affairs</b> (Directorate General of Population and Civil Registration)  <b>The Office of Population and Civil Registration</b> for Regency/City	<ul style="list-style-type: none"> <li>Law No.23/2006 on Population Administration</li> <li>Law No.24/2013 on Population Administration (Amendment of 2006 Law)</li> <li>President Regulation No. 25/2008 on Requirements and Procedures for Population Registration and Civil Registration</li> </ul>	<ul style="list-style-type: none"> <li>Law No.23/2006 on Population Administration</li> <li>Law No.24/2013 on Population Administration (Amendment of 2006 Law)</li> <li>President Regulation No.96/2018 concerning Requirements and Procedures for Population</li> </ul>	<ul style="list-style-type: none"> <li>Law No.1/1974 on Marriage</li> <li>Law No.23/2006 on Population Administration</li> <li>Law No.24/2013 on Population Administration (Amendment of 2006 Law)</li> <li>President Regulation No.96/2018 concerning Requirements and Procedures for</li> </ul>	<ul style="list-style-type: none"> <li>Law No.23/2006 on Population Administration</li> <li>Law No.24/2013 on Population Administration (Amendment of 2006 Law)</li> <li>President Regulation No. 25/2008 on Requirements and Procedures for Population Registration and Civil Registration</li> </ul>

<sup>397</sup> The Sub-decree mandates that birth registrations must be performed within 30 days, and death and marriage registrations within 15 days. Birth, marriage and death certificates are generally issued within 3 days of registration.



Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
		<ul style="list-style-type: none"> <li>• MOHA Regulation No.11/2010 regarding Guidelines on Data Collection and the Issuance of Population Document for Vulnerable Populations</li> <li>• MOHA Regulation No.9/2016 on the Acceleration of Birth Certificate Ownership Coverage</li> <li>• President Regulation No.96/2018 concerning Requirements and Procedures for Population Registration and Civil Registration</li> </ul>	Registration and Civil Registration	Population Registration and Civil Registration	<ul style="list-style-type: none"> <li>• MOHA Regulation No.11/2010 regarding Guidelines on Data Collection and the Issuance of Population Document for Vulnerable Populations</li> <li>• MOHA Regulation No.9/2016 on the Acceleration of Birth Certificate Ownership Coverage</li> <li>• MOHA Regulation No.2/2016 covering the Child ID Card</li> <li>• President Regulation No.96/2018 concerning Requirements and Procedures for Population Registration and Civil Registration</li> </ul>

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
Lao PDR	<p><b>Ministry of Public Security</b> (Responsible for family book registration and issuance of ID card)</p> <p><b>Ministry of Home Affairs</b> (Responsible for birth, marriage, and death registration)</p> <p><b>Ministry of Justice</b> (Responsible for adoption and change of nationality)</p>	<ul style="list-style-type: none"> <li>• Law on Family Registration 2009</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Family Registration 2009</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Family Registration 2009</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Family Registration 2009</li> </ul>
Malaysia	<p><b>Ministry of Home Affairs</b> (Department of National Registration)</p>	<ul style="list-style-type: none"> <li>• Births and Deaths Registration Act 1957 [Act 299] (for Peninsular Malaysia)</li> <li>• Registration of Births and Deaths Ordinance 1948 (Chapter 123) (in Sabah) and 1951 Registration of Births</li> </ul>	<ul style="list-style-type: none"> <li>• Births and Deaths Registration Act 1957 [Act 299] (for Peninsular Malaysia)</li> <li>• Registration of Births and Deaths Ordinance 1948 (Chapter 123) (in Sabah) and 1951 Registration of Births</li> </ul>	<ul style="list-style-type: none"> <li>• Law Reform (Marriage &amp; Divorce) Act 1976 [Act 164]</li> <li>• Islamic Family Law (Federal Territory) Act 1984 [Act 303] (applicable to the Federal Territories including Kuala</li> </ul>	<ul style="list-style-type: none"> <li>• National Registration Act 1959 [Act 78] and National Registration Regulations 1990 [P.U.(A)472/1990]</li> </ul>

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
		and Deaths (Chapter 10) (in Sarawak)	and Deaths (Chapter 10) (in Sarawak)	<p>Lumpur, Labuan and Putrajaya only) – Muslims residing in other 14 states are governed by Islamic Family Law of each state.</p> <ul style="list-style-type: none"> <li>Registration of Marriages Ordinance 1952 (No.53 of 1952) (applicable to Sabah and Sarawak only for the registration of marriages whose one of the parties professes the religion other than Islam and Christian)</li> </ul>	
<b>Myanmar</b>	<b>Ministry of Labour, Immigration and Population</b> (Department of Immigration, Department of National Registration and Citizenship, Department of Population)	<ul style="list-style-type: none"> <li>Notification No.1/2014 (18-11-2014), power conferred under Section 16, Myanmar Immigration (Emergency</li> </ul>	<ul style="list-style-type: none"> <li>Myanmar Citizenship Law 1982</li> <li>Permanent Residence of a Foreigner Rule issued on 18 November 2014 by virtue of</li> </ul>	<ul style="list-style-type: none"> <li>Myanmar Buddhist Women’s Special Marriage Law 2015</li> <li>Law on the Practice of Monogamy 2015</li> </ul>	<ul style="list-style-type: none"> <li>Myanmar Citizenship Law 1982</li> <li>Permanent Residence of a Foreigner Rule issued on 18 November 2014 by virtue of Section 16,</li> </ul>



Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
		Provisions) Act, 1947 <sup>398</sup> <ul style="list-style-type: none"> <li>• Myanmar Citizenship Law 1982<sup>399</sup></li> <li>• Permanent Residence of a Foreigner Rule issued on 18 November 2014 by virtue of Section 16, the 1947 Myanmar Immigration (Emergency Provisions) Act – Notification of the Ministry of Immigration and Population No. 1/2014</li> <li>• Child Rights Law 2019</li> </ul>	Section 16, the 1947 Myanmar Immigration (Emergency Provisions) Act – Notification of the Ministry of Immigration and Population No.1/2014		the 1947 Myanmar Immigration (Emergency Provisions) Act – Notification of the Ministry of Immigration and Population No.1/2014
<b>Philippines</b>	<b>Philippine Statistics Authority (PSA)</b>	<ul style="list-style-type: none"> <li>• Act No.3753, s. 1930 (Law on Registry of Civil Status)</li> </ul>	<ul style="list-style-type: none"> <li>• Act No.3753, s. 1930 (Law on Registry of Civil Status)</li> </ul>	<ul style="list-style-type: none"> <li>• Act No.3613, s. 1929 (The Marriage Law)</li> </ul>	<ul style="list-style-type: none"> <li>• Republic Act No.11055, s. 2018 (The Philippine</li> </ul>

<sup>398</sup> There seems to be no specific law regarding civil registration in Myanmar, Myanmar Country Report, page 3.

<sup>399</sup> Article 9, 10 and 11 in the Citizenship Law state about birth registration of nationals born in Myanmar, born outside Myanmar and penalty when the births are not registered respectively.

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
	<p><b>Department of Interior and Local Government (DILG)</b></p> <p><b>Office of the Civil Registrar General (OCRG)</b></p> <p><b>Philippine Foreign Service Post (PFSP)<sup>400</sup></b></p>	<ul style="list-style-type: none"> <li>• Presidential Decree No.651, s. 1975 (Requiring the registration of births and deaths in the Philippines which occurred from 1 January 1974 and thereafter)</li> <li>• Proclamation No.326, s. 1994<sup>401</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Presidential Decree No.651, s. 1975 (Requiring the registration of births and deaths in the Philippines which occurred from 1 January 1974 and thereafter)</li> <li>• Presidential Decree No.856, s. 1975 (Code of Sanitation of the Philippines)<sup>402</sup></li> <li>• Proclamation No.326, s. 1994</li> </ul>	<ul style="list-style-type: none"> <li>• Act No.3753, s. 1930 (Law on Registry of Civil Status)</li> <li>• Presidential Decree No.1083, s.1977 (Code of Muslim Personal Laws)<sup>403</sup></li> <li>• Proclamation No.326, s. 1994</li> </ul>	<p>Identification System Act)</p> <ul style="list-style-type: none"> <li>• Implementing Rules and Regulations (IRR) of Republic Act No.11055, s. 2018</li> </ul>
<b>Singapore</b>	<b>Ministry of Home Affairs</b> (Immigration & Checkpoints Authority)	<ul style="list-style-type: none"> <li>• Registration of Births and Deaths Act (Chapter 267)<sup>404</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Registration of Births and Deaths Act (Chapter 267)</li> </ul>	<ul style="list-style-type: none"> <li>• Women’s Charter (Chapter 353)</li> <li>• Administration of Muslim Law Act (Chapter 3)</li> </ul>	<ul style="list-style-type: none"> <li>• National Registration Act (Chapter 201)</li> </ul>

<sup>400</sup> For overseas Filipinos, Philippines Country Report.

<sup>401</sup> The Proclamation declares the registration of births, deaths, marriages and foundling as a national state policy and eliminates registration fees, Philippines Country Report.

<sup>402</sup> It stipulates a death certificate as a burial requirement.

<sup>403</sup> Shari’a District Court acts as District Registrar of Muslim marriage, divorce, revocation of divorces and conversions within the territorial jurisdiction of said court. Philippines Country Report (Legislation and Case law).

<sup>404</sup> The law requires that all births, still births and deaths occurring within Singapore and its territorial waters are registered within 14 days after the event has occurred.

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
	(the Registry of Births and Deaths)				
<b>Thailand</b>	<b>Ministry of Interior</b> (Department of Provincial Administration, Bureau of Registration Administration)  <b>The Central Registration Bureau Regulation (for non-Thais)</b>	<ul style="list-style-type: none"> <li>Civil Registration Act 1991 as amended by Act No.2 in 2008 and Act No.3 in 2019</li> </ul>	<ul style="list-style-type: none"> <li>Civil Registration Act 1991 as amended by Act No.2 in 2008 and Act No.3 in 2019</li> </ul>	<ul style="list-style-type: none"> <li>Family Registration Act 1935 as amended by Act No.2 in 1939 and No.3 in 1990</li> </ul>	<ul style="list-style-type: none"> <li>National Identity Card Act 1983 as amended by Act No. 2 in 1999 and No.3 in 2011 (for Thai nationals)</li> <li>Civil Registration Act 1991 (specific provisions for non-nationals)<sup>405</sup></li> </ul>
<b>Viet Nam</b>	<b>Ministry of Justice</b> (Department of Civil Registration, Nationality and Authentication)	<ul style="list-style-type: none"> <li>Law on Civil Status 2014 (Law No. 60/2014/QH13)</li> <li>Law on Children 2016 (Law No.102/2016/QH13)<sup>406</sup></li> </ul>	<ul style="list-style-type: none"> <li>Law on Civil Status 2014 (Law No. 60/2014/QH13)</li> <li>Law on Children 2016 (Law No.102/2016/QH13)</li> </ul>	<ul style="list-style-type: none"> <li>Law on Civil Status 2014 (Law No. 60/2014/QH13)</li> </ul>	<ul style="list-style-type: none"> <li>Law on Citizen Identification 2014 (Law no. 59/2014/QH13)</li> <li>Law on Entry, Exit, Transit, and Residence of Foreigners in Vietnam</li> </ul>

<sup>405</sup> More details could be found in the Ministerial Regulation on a non-Thai national's obligations under civil registration and fee rate 2008 and the Central Registration Bureau Regulation on issuance of the identification card for a non-Thai national 2008, Thailand Country Report.

<sup>406</sup> Law on Children 2016, Article 13 - "The child has the right to birth registration and death certification, to a family name and a given name, and to acquire a citizenship; and to have his/her parents, nationality and gender identified in accordance with law", Viet Nam Country Report.

Country	Competent authority	Applicable law			
		Birth	Death	Marriage	ID Document
					2014 (Law No. 47/2014/QH13)

Table 3: Nationality and Citizenship Legal Frameworks in ASEAN Member States

Country	Competent authority	Principle	Applicable law	Provisions		
				Acquisition	Loss	Restoration
<b>Brunei Darussalam</b>	<b>Ministry of Home Affairs</b> (Department of Immigration and National Registration)	<i>Jus sanguinis</i>	Brunei Nationality Act 1961 (Chapter 15)	Section 4, 5, 6, and 8	Section 9, 10, and 11	N/A
<b>Cambodia</b>	<b>Ministry of Interior</b> (General Department of Identification)	<i>Jus sanguinis</i> and <i>Jus soli</i>	Law on Nationality 1996 <sup>407</sup>	Article 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14	Article 18	N/A

<sup>407</sup> There are more legal frameworks on nationality in Cambodia namely:

- Sub-decree No.286 dated on 31st May 2013 on Procedure to Request for Cambodian Nationality
- Sub-decree No.286 dated on 31st May 2013 on Procedure of Giving up Nationality
- Sub-decree No.287 dated on 31st May 2013 on Procedure of Nationalization

See Cambodia Country Report.



Country	Competent authority	Principle	Applicable law	Provisions		
				Acquisition	Loss	Restoration
Indonesia <sup>408</sup>	Ministry of Law and Human Rights	<i>Jus sanguinis</i> and <i>Jus soli</i>	Law No.12, 2006 on Citizenship of the Republic of Indonesia	Article 4, 5, 9, 19, 20 and 21	Article 23, 26 and 28	Article 31 and 32
Lao PDR	Ministry of Justice	<i>Jus sanguinis</i>	Law on Lao Nationality 2004	Article 10, 11, 12, 13, 14, 15, and 25	Article 18, 19, and 20	Article 21
Malaysia	Ministry of Home Affairs (National Registration Department)	<i>Jus sanguinis</i> and <i>Jus soli</i>	Federal Constitution of Malaysia 1957, Part III – Citizenship	Chapter 1, Article 14-22 (Second Schedule of the Federal Constitution should be read together)	Chapter 2, Article 23-28 (Second Schedule of the Federal Constitution should be read together)	N/A
Myanmar	Ministry of Labour, Immigration and Population	<i>Jus sanguinis</i>	Myanmar Citizenship Law 1982 and Procedures relating to Myanmar Citizenship Laws 1983 <sup>409</sup>	Article 3, 7, 23 and 52  Article 42,43, 28 and 50 <sup>410</sup>	Article 16-19  (for citizens)  Article 34-38	N/A

<sup>408</sup> No information was provided by Indonesia Country Report.

<sup>409</sup> The 1983 Procedures includes three different sets of procedures: Procedures relating to Myanmar Citizenship Law, 1983 (1983 Procedures relating to Citizenship) No.13/83 (“1983 Procedures relating to Citizenship”) (unofficial translation), Procedures relating to Myanmar Citizenship Law, 1983 (1983 Procedures relating to Associate Citizenship) No.14/83 (“1983 Procedures relating to Associate Citizenship”) (unofficial translation), and Procedures relating to Myanmar Citizenship Law, 1983 (1983 Procedures relating to Naturalized Citizenship) No.15/83 (“1983 Procedures relating to Naturalized Citizenship”) (unofficial translation).

<sup>410</sup> Naturalization – Myanmar Country Report.

Country	Competent authority	Principle	Applicable law	Provisions		
				Acquisition	Loss	Restoration
					(for Associate Citizens)  Article 57-61  (for Naturalized) citizens)	
Philippines	Ministry of Justice (Department of Justice, Bureau of Immigration)	<i>Jus sanguinis</i>	Constitution of the Republic of the Philippines 1987, Article IV	Section 1	Section 3	Section 3
			Commonwealth Act No.63, s. 1936 (An Act providing for the ways in which Philippine citizenship may be lost or reacquired)	-	Section 1	Section 2 and 3
			Commonwealth Act No.473, s. 1939 (The Revised Naturalization Law)	Section 2 and 3	-	-
			Republic Act No.8171, s. 1995 (An Act providing	-	-	Section 1

Country	Competent authority	Principle	Applicable law	Provisions		
				Acquisition	Loss	Restoration
			for the repatriation of Filipino women who have lost their Philippine citizenship by marriage to aliens and of natural-born Filipinos)			
			Republic Act No.9139, s. 2001 (The Administrative Naturalization Law)	Section 2 and 3		
			Republic Act No. 9225, s. 2003 (An act making the citizenship of Philippine citizens who acquire foreign citizenship permanent, amending for the purpose of Commonwealth Act No.63, as amended and for other purposes)	-	-	Section 3 and 4
<b>Singapore</b>	<b>Ministry of Home Affairs</b> (Immigration & Checkpoints Authority)	<i>Jus sanguinis</i> and <i>Jus soli</i>	Constitution of the Republic of Singapore 1965 (Part X)	Article 121, 122, 123, 124 and 127	Articles 128, 129, 130, 131, 132, 134, 135, and 137	N/A

Country	Competent authority	Principle	Applicable law	Provisions		
				Acquisition	Loss	Restoration
		(with conditions)				
Thailand	Ministry of Interior (Department of Provincial Administration)	<i>Jus sanguinis</i> and <i>Jus soli</i> (with conditions)	Nationality Act 1965 as amended by Act No.2 and 3 in 1992, Act No.4 in 2008, and Act No.5 in 2012	Section 7, 9, 10, 11, 12, and 12/1	Section 13, 14, 16, 17, 18, 19, 21, and 22	Section 23 and 24
			Nationality Act No.4 2008	Section 23	-	-
			Civil Registration Act No.3 2019	Section 19/2 paragraph 2	-	-
Viet Nam	Ministry of Justice (Department of Civil Registration, Nationality and Authentication)	<i>Jus sanguinis</i> and <i>Jus soli</i>	Law on Vietnamese Nationality 2008 (Law No.24/2008/QH12) as amended and supplemented by Law No.56/2014/QH13	Article 13, 15, 16, 17, 18, 19, and 22	Article 27, 31, and 33	Article 23

Table 4: Legal Frameworks in ASEAN Members States Pertaining to Acquisition of Nationality by Children Born to Nationals



Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
<b>Brunei Darussalam</b>	<p><b>Section 4(1)</b> <b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Brunei before, on or after the appointed day;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Father is a Brunei national.</li> </ul>	<p><b>Section 4(1)</b> <b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Child born outside Brunei;</li> <li>- Father is a Brunei national;</li> <li>- Father is employed outside Brunei in the service of the Government, by any company registered in Brunei.</li> </ul>	<p><b>Same as Section 4 (1)</b> <b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Child born in Brunei;</li> <li>- Father is a Brunei national;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Child born outside Brunei;</li> <li>- Father is a Brunei national;</li> <li>- Father is employed outside Brunei in the service of the Government, by any company registered in Brunei.</li> </ul> <p><b>Section 6</b> <b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- A minor child;</li> <li>- Application made by a parent or adoptive parent or guardian.</li> </ul>	<p>Not applicable</p>
<b>Cambodia</b>	<p><b>Article 4(1)</b> <b>[Automatic]</b></p>	<p><b>Article 4(1)</b> <b>[Automatic]</b></p>	<p><b>Article 4(1)</b> <b>[Automatic]</b></p>	<p><b>Article 4(1)</b> <b>[Automatic]</b></p>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<ul style="list-style-type: none"> <li>- Being a legitimate child who is born to a Khmer parent;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being an illegitimate child who is born to a Khmer parent or recognized by a Khmer parent;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Having a court decision stating that the child was born to a Khmer parent.</li> </ul>	<ul style="list-style-type: none"> <li>- Being a legitimate child who is born to a Khmer parent;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being an illegitimate child who is born to a Khmer parent or recognized by a Khmer parent;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Having a court decision stating that the child was born to a Khmer parent.</li> </ul>	<ul style="list-style-type: none"> <li>- Being a legitimate child who is born to a Khmer parent.</li> </ul>	<ul style="list-style-type: none"> <li>- Being an illegitimate child who is born to a Khmer parent or recognized by a Khmer parent.</li> </ul>
<b>Indonesia</b>	<p>Same as <b>Article 4(2)-(8)</b></p> <p style="text-align: center;">And</p> <p><b>Article 4(13)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to parents who were granted Indonesian</li> </ul>	<p><b>Article 4(12)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to both Indonesian father and mother; and</li> <li>- The Indonesian parents cannot confer the nationality to the child due to law prevailing in the country of birth automatically providing citizenship to the child.</li> </ul>	<p><b>Article 4(2)-(6)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to both Indonesian father and mother;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being born to an Indonesian father and alien mother;</li> </ul>	<p><b>Article 4(7)-(8)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to an Indonesian mother;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being born to an alien mother who is claimed by the Indonesian father;</li> </ul>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p>citizenship and died before they had sworn their allegiance.</p>		<p>Or</p> <ul style="list-style-type: none"> <li>- Being born to an Indonesian mother and alien father;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born to an Indonesian mother and stateless father or a foreign father whose nationality cannot confer to the child;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born to an Indonesian father and alien mother; and</li> <li>- Being born within 300 days after the Indonesian father has passed away.</li> </ul>	<ul style="list-style-type: none"> <li>- The claim is declared before the child reaches the age of 18 or before the child has married.</li> </ul> <p><b>Article 5</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to both Indonesian parents;</li> <li>- Being under the age of 18 and unmarried; and</li> <li>- Being not legally adopted by a foreign father.</li> </ul> <p>Please note that Constitutional Court decision No. 46/PUU-VIII/2010 (decided in 2012) rules that according to Article 49(1) of the Marriage Act, “a child born out of marriage has a civil legal relationship with the mother and her family, and the father and his family, provided that paternity can be proven by</p>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
				science and technology and/or another form of evidence that the father has a blood relationship with the child”.
Lao PDR	<p><b>Article 10</b> [Automatic]</p> <ul style="list-style-type: none"> <li>- Being born to parents who both have Lao nationality</li> </ul> <p><b>Article 11 para 1(1)</b> [Automatic]</p> <ul style="list-style-type: none"> <li>- Being born to one parent who has Lao nationality</li> </ul> <p><b>Article 11 para 3</b> [Automatic]</p> <ul style="list-style-type: none"> <li>- Being born to one parent who has Lao nationality and another who is stateless</li> </ul>	<p><b>Article 10</b> [Automatic]</p> <ul style="list-style-type: none"> <li>- Being born to parents who both have Lao nationality</li> </ul> <p><b>Article 11 para 1(2)</b> [Automatic]</p> <ul style="list-style-type: none"> <li>- Being born to one parent who has Lao nationality; and</li> <li>- At least one parent has a permanent address in Lao PDR</li> </ul> <p><b>Article 11 para 2</b> [Automatic]</p> <ul style="list-style-type: none"> <li>- Being born to one parent who has Lao nationality; and</li> </ul>	Same as <b>Article 10 and 11</b>	Same as <b>Article 10 and 11</b>



Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
		<ul style="list-style-type: none"> <li>- Both parents have a permanent address outside Lao PDR; and</li> <li>- The parents make a decision regarding the child's nationality.</li> </ul> <p><b>Article 11 para 3</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to one parent who has Lao nationality and another who is stateless</li> </ul>		
Malaysia	<p><b>Article 14(1)(a) + Section 1(b), Part I of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Malaysia on or after Merdeka Day (31 August 1957) and before October 1962</li> </ul> <p><b>Article 14(1)(a) + Section 1(c), Part I of the Second Schedule</b></p>	<p><b>Article 14(1)(a) + Section 1(d), Part I of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born abroad on or after Merdeka Day;</li> <li>- Having a father who was a citizen; and</li> <li>- The father was born in Malaysia or in service under the Government.</li> </ul>	Same as <b>Article 14(1)</b> and <b>Article 15(2)</b>	Please note that <b>Section 17, Part III of Second Schedule</b> clearly states that an illegitimate child born in Malaysia shall not be a citizen of Malaysia unless the child's mother is a citizen of Malaysia

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Malaysia after September 1962; and</li> <li>- One parent was a citizen or permanent resident at the time of the birth.</li> </ul> <p><b>Article 14(1)(b) + Section 1(a), Part II of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Malaysia on or after Malaysia Day (16 September 1957); and</li> <li>- One parent was a citizen or permanent resident at the time of the birth.</li> </ul> <p><b>Article 15(2) – Citizenship by registration (wives and children of citizens)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being under the age of 21; and</li> </ul>	<p><b>Article 14(1)(a) + Section 1(e), Part I of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born abroad on or after Merdeka Day;</li> <li>- Having a father who was a citizen; and</li> <li>- The birth (including those occurring in Singapore, Sarawak, Brunei or North Borneo) was registered in Malaysia within one year, or a longer period if permitted.</li> </ul> <p><b>Article 14(1)(a) + Section 2, Part I of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being a citizen of the United Kingdom and Colonies before Malaysia Day;</li> </ul>		

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<ul style="list-style-type: none"> <li>- Having one parent who is (or was at death) a Malaysian citizen.</li> </ul>	<ul style="list-style-type: none"> <li>- Being a resident in the State of Sabah or Sarawak or in Brunei on Malaysia Day; and</li> <li>- Either being born in the territories comprised of the States of Sabah or Sarawak, or becoming a citizen of those States by registration in those territories or by or in consequence of naturalization there.</li> </ul> <p><b>Article 14(1)(b) + Section 1(b) and Section 2(2), Part II of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born abroad on or after Malaysia Day;</li> <li>- Having a father who was a citizen; and</li> <li>- The father was born in Malaysia or in service under the Government.</li> </ul>		

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
		<p>Or</p> <ul style="list-style-type: none"> <li>- Being born before Malaysia Day in the territories comprised in the States of Sabah and Sarawak;</li> <li>- Having a father who was a citizen; and</li> <li>- The father was born in Malaysia or in service under the Government.</li> </ul> <p><b>Article 14(1)(b) + Section 1(c), Part II of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born abroad on or after Malaysia Day;</li> <li>- Having a father who was a citizen; and</li> <li>- The birth (including those occurring in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong) was registered at a consulate or in</li> </ul>		



Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
		<p>Malaysia within one year, or a longer period if permitted.</p> <p><b>Article 14(1)(b) + Section 1(d), Part II of the Second Schedule</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Singapore<sup>411</sup> on or after Malaysia Day;</li> <li>- One parent was a citizen or permanent resident at the time of the birth; and</li> <li>- Not being born a citizen other than by virtue of this paragraph.</li> </ul> <p><b>Article 15(2) – Citizenship by registration (wives and children of citizens)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being under the age of 21; and</li> </ul>		

<sup>411</sup> Singapore became independent from Malaysia on 9 August 1965.

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
		<ul style="list-style-type: none"> <li>- Having one parent who is (or was at death) a Malaysian citizen.</li> </ul>		
Myanmar	<p><b><u>(Full) Citizenship</u></b></p> <p><b>Article 3</b></p> <ul style="list-style-type: none"> <li>- Belonging to the Kachin, Kayah, Karen, Chin, Buramn, Mon, Rakhine or Shan ethnic groups; and</li> <li>- Having permanently settled in Myanmar before 1823.</li> </ul> <p><b>Article 7</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to parents, both of whom are citizens;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to a citizen and an associate citizen;</li> </ul>	Same as <b>Article 7 and Article 8</b>	Same as <b>Article 7 and Article 8</b>	Same as <b>Article 7 and Article 8</b>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to a citizen and a naturalized citizen;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to parents, one of whom is a citizen or an associate citizen or naturalized citizen; and</li> <li>- The other parent was born to parents, both of whom were associate citizens;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to parents, one of whom is a citizen or an associate citizen or naturalized citizen; and</li> </ul>			

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<ul style="list-style-type: none"> <li>- The other parent was born to parents, both of whom were naturalized citizens;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to parents, one of whom is a citizen or an associate citizen or naturalized citizen; and</li> <li>- The other parent was born to an associate citizen and a naturalized citizen.</li> </ul> <p><b><u>Associate citizenship</u></b></p> <p><b>Article 23</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having applied for citizenship under the 1948 Citizenship Act before 15 October 1982; and</li> <li>- Having not received a decision on their application;</li> </ul>			



Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p>- Applicants for citizenship under the Union Citizenship Act, 1948, conforming to the stipulations and qualifications may be determined as associate citizens by the Central Body.<sup>412</sup></p> <p><b>Article 8(a)</b></p> <p><b>[Discretionary]</b></p> <p>The Council of State may, in the interest of the State, confer on any person citizenship or associate citizenship or naturalized citizenship</p>			
<b>Philippines</b>	<p><b>Section 1(1)</b></p> <p>- Being a citizen of the Philippines under the 1935 and 1973 Constitutions</p>	Same as <b>Section 1(1)-(3)</b>	Same as <b>Section 1(1)-(3)</b>	Same as <b>Section 1(1)-(3)</b>

<sup>412</sup> Updated information provided by the Myanmar focal point.

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p><b>Section 1(2)</b></p> <ul style="list-style-type: none"> <li>- Being born to one parent who is a citizen of the Philippines</li> </ul> <p><b>Section 1(3)</b></p> <ul style="list-style-type: none"> <li>- Being born before 17 January 1973 to a Filipino mother and a foreign father; and</li> <li>- Having elected Philippine citizenship upon reaching the age of majority.</li> </ul>			
Singapore	<p><b>Article 121</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Singapore after 16 September 1963;</li> <li>- Having either a father (who is legally married to the mother) or a mother who is a citizen of Singapore.</li> </ul> <p><b>Article 124</b></p>	<p><b>Article 122(1)(a) + Article 122(2)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born outside Singapore after 16 September 1963, but before 15 May 2004 (the date of commencement of section 7 of the Constitution (Amendment) Act 2004);</li> <li>- Having a father who is a citizen of Singapore by birth or by registration and has a</li> </ul>	<p><b>Article 122(1)(a) + Article 122(2)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born outside Singapore after 16 September 1963, but before 15 May 2004 (the date of commencement of section 7 of the Constitution (Amendment) Act 2004);</li> <li>- Having a father who is a citizen of Singapore by birth or by registration and has a</li> </ul>	<p>Please note that <b>Section 15(1), Third Schedule</b> clearly states that an illegitimate child born in Singapore shall not be a citizen of Singapore unless the child's mother is a citizen of Singapore.</p>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being under the age of 21;</li> <li>- Being a child of a Singaporean citizen; and</li> <li>- Residing in Singapore</li> </ul>	<p>lawful marriage with the mother;</p> <ul style="list-style-type: none"> <li>- Having birth registered at a diplomatic or consular mission of Singapore within 1 year, or longer if the Government permits; and</li> <li>- Having not acquired the citizenship of the country where s/he was born.</li> </ul> <p><b>Article 122(1)(b) + Article 122(2)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born outside Singapore after 16 September 1963, but on or after 15 May 2004;</li> <li>- Having either a father or a mother who is a citizen of Singapore by birth, registration or descent;</li> <li>- Having birth registered at a diplomatic or consular mission of Singapore within 1 year, or</li> </ul>	<p>lawful marriage with the mother;</p> <ul style="list-style-type: none"> <li>- Having birth registered at a diplomatic or consular mission of Singapore within 1 year, or longer if the Government permits; and</li> <li>- Having not acquired the citizenship of the country where s/he was born.</li> </ul> <p><b>Article 121</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Singapore after 16 September 1963;</li> <li>- Having either a father (who is legally married to the mother) or a mother who is a citizen of Singapore;</li> <li>- Parents are legally married.</li> </ul>	

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
		<p>longer if the Government permits; and</p> <ul style="list-style-type: none"> <li>- Having not acquired the citizenship of the country where s/he was born.</li> </ul> <p><b>Article 122(1)(b) + Article 122(3)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born outside of Singapore;</li> <li>- Having either a father or a mother who is a citizen by descent; and</li> <li>- The Singaporean parent has 5 years cumulative residence in Singapore before the child was born.</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born outside of Singapore;</li> </ul>		



Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
		<ul style="list-style-type: none"> <li>- Having either a father or a mother who is a citizen by descent; and</li> <li>- The Singaporean parent has 2 years cumulative residence in Singapore in the last 5 years immediately preceding the birth of the child.</li> </ul> <p><b>Article 124</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being under the age of 21;</li> <li>- Being a child of a Singaporean citizen; and</li> <li>- Residing in Singapore.</li> </ul>		
<b>Thailand</b>	<p><b>Section 7(1)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to a Thai father or mother</li> </ul> <p><b>Section 9/6</b></p>	Same as <b>Section 7(1), 9/6 and 9/7</b>	Same as <b>Section 7(1), 9/6 and 9/7</b>	<p><b>Section 7(1) para 2</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to a Thai biological father;</li> <li>- The father has to be proved, conforming with the Ministerial Regulation.</li> </ul>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being recognized as a Displaced Thai by the Committee;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being a child born to those recognized as a Displaced Thai by the Committee; and</li> <li>- Having no other nationality.</li> </ul> <p><b>Section 9/7</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being a child of a Displaced Thai; and</li> <li>- Having acquired Thai nationality before his or her parents were recognized as Displaced Thais.</li> </ul>			
Viet Nam	<p><b>Article 13(2)</b></p> <p><b>[Automatic]</b></p>	<p><b>Article 13(2)</b></p> <p><b>[Automatic]</b></p>	Same as <b>Article 13(2), 15 and 16</b>	Same as <b>Article 13(2), 15 and 16</b>

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<ul style="list-style-type: none"> <li>- Being an overseas Vietnamese who has not yet lost Vietnamese nationality; and</li> <li>- Submitting registration with overseas Vietnamese representative missions.</li> </ul> <p><b>Article 15</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Viet Nam; and</li> <li>- Having parents, both of whom are Vietnamese citizens.</li> </ul> <p><b>Article 16</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Viet Nam; and</li> <li>- Having parents, one of whom is a citizen and the other is stateless;</li> </ul> <p>Or</p>	<ul style="list-style-type: none"> <li>- Being an overseas Vietnamese who has not yet lost Vietnamese nationality; and</li> <li>- Submitting registration with overseas Vietnamese representative mission.</li> </ul> <p><b>Article 15</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born abroad; and</li> <li>- Having parents, both of whom are Vietnamese citizens.</li> </ul> <p><b>Article 16</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born abroad; and</li> <li>- Having parents, one of whom is a citizen and the other is stateless;</li> </ul> <p>Or</p>		

Country	Children born to nationals in the country	Children born to nationals abroad	Children born in wedlock	Children born out of wedlock
	<ul style="list-style-type: none"> <li>- Being born in Viet Nam; and</li> <li>- Having a mother who is a citizen and a father who is unknown;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being born in Viet Nam;</li> <li>- Having parents, one of whom is a citizen and the other is a foreigner; and</li> <li>- The parents agree in writing that the child has Vietnamese nationality (if the parents fail to reach this agreement, the child shall have Vietnamese nationality).</li> </ul>	<ul style="list-style-type: none"> <li>- Being born abroad; and</li> <li>- Having a mother who is a citizen and a father who is unknown;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being born abroad;</li> <li>- Having parents, one of whom is a citizen and the other is a foreigner; and</li> <li>- The parents agree in writing that the child has Vietnamese nationality.</li> </ul>		



Table 5: Legal Frameworks in ASEAN Member States Pertaining to Acquisition of Nationality by Foundlings and Adopted Children

Country	Foundlings/Adopted children
<b>Brunei Darussalam</b>	<p><b>Section 6</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- A minor child; and</li> <li>- Application made by a parent or adoptive parent or guardian.</li> </ul>
<b>Cambodia</b>	<p><b>Article 4(2)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Cambodia; and</li> <li>- Being born to an unknown mother or father.</li> </ul> <p>Please note that a newly born child who is found in Cambodia shall be considered as having been born in Cambodia.</p>
<b>Indonesia</b>	<p><b>Article 4(10)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being a new-born child;</li> <li>- Being found in Indonesia; and</li> <li>- Being born to parents who are undetermined.</li> </ul> <p><b>Article 21(2)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a child of foreign nationality below the age of 5;</li> <li>- Being adopted through legal proceedings as a child of Indonesian citizens; and</li> <li>- Renouncing previous nationality.</li> </ul>
<b>Lao PDR</b>	<p><b>Article 13</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being found in Lao PDR; and</li> <li>- Being born to parents whose identity is unknown</li> </ul> <p>Note: If, before reaching the age of 18, there is evidence found that the parents are foreign nationals, the child will be considered a foreign national from birth.</p>

Country	Foundlings/Adopted children
	<p><b>Article 25</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a child of foreign nationality or a stateless child; and</li> <li>- Being adopted by Lao nationals.</li> </ul>
<b>Malaysia</b>	<p><b>Section 19B, Part III of the Second Schedule</b></p> <ul style="list-style-type: none"> <li>- Being a new-born child who was found exposed in any place;</li> <li>- Being presumed to have been born in Malaysia of a mother permanently resident; and</li> <li>- Having no proof contrary to the above.</li> </ul>
<b>Myanmar</b>	<p><b>Article 8(a)</b></p> <p><b>[Discretionary]</b></p> <p>The Council of State may, in the interest of the State, confer on any person citizenship, associate citizenship or naturalized citizenship.</p>
<b>Philippines</b>	<p><b>Senator Grace Poe’s Case: Mary Grace Natividad Poe-Llamanzares v. COMELEC, G.R. No. 221697, March 8, 2016</b></p> <p>“As a matter of law, foundlings are as a class, natural-born citizens”.</p>
<b>Singapore</b>	<p><b>Section 13, Third Schedule</b></p> <ul style="list-style-type: none"> <li>- Being a new-born child who was found exposed in Singapore;</li> <li>- Having unknown and unascertainable parentage; and</li> <li>- Having no proof contrary to the above.</li> </ul>
<b>Thailand</b>	<p><b>Section 7 bis paragraph 2</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being born in Thailand;</li> <li>- Being born to a father or mother who is an alien with either temporary stay permits or illegally staying in Thailand;</li> <li>- The Cabinet has set out rules and criteria for specific groups; and</li> <li>- Being granted Thai nationality by the Minister.</li> </ul> <p><b>Section 19/2 paragraph 2 of the 2019 Civil Registration Act</b></p> <p><b>[Discretionary]</b></p>

Country	Foundlings/Adopted children
	<ul style="list-style-type: none"> <li>- Being found in Thailand;</li> <li>- Having an unknown birth status and nationality;</li> <li>- Being registered into the civil registration system; and</li> <li>- Having resided in Thailand for at least 10 years.</li> </ul>
Viet Nam	<p><b>Article 18</b></p> <ul style="list-style-type: none"> <li>- Being an abandoned new-born or child who was found in Viet Nam; and</li> <li>- Being born to unknown parents.</li> </ul> <p>Please note that if the child is under the age of 15 and has found a parent who holds a foreign nationality, the child will no longer have Vietnamese nationality.</p>

Table 6: Legal Frameworks in ASEAN Members States Pertaining to Acquisition of Nationality by Non-Nationals (potentially including stateless children/persons)

Country	For stateless children/persons	Potential naturalization for stateless persons
Brunei Darussalam	<p><b>Section 6</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- A minor child;</li> <li>- Application made by a parent or adoptive parent or guardian.</li> </ul>	<p><b>Section 8(1) – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having 20 years of residence in the last 25 years;</li> <li>- Having 2 years of previous residence immediately prior to submitting an application;</li> <li>- Clear security vetting; and</li> <li>- Having knowledge of the Malay language.</li> </ul>
Cambodia	<p><b>Article 4(2)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Cambodia;</li> <li>- Being born to an unknown mother or father.</li> </ul> <p>Please note that a newly born child who is found in Cambodia shall be considered as having been born in Cambodia.</p>	<p><b>Article 8 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted for any criminal offence;</li> <li>- Having resided in Cambodia continuously for 7 years;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 9 – For foreigners born in Cambodia</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being born in Cambodia;</li> <li>- Having good behaviour and moral conduct;</li> </ul>



Country	For stateless children/persons	Potential naturalization for stateless persons
		<ul style="list-style-type: none"> <li>- Never having been convicted for any criminal offence;</li> <li>- Having resided in Cambodia continuously for 3 years;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 13 – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having offered any special merit or achievement in the interests of Cambodia;</li> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted for any criminal offence;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 14 – Spouse or child</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a spouse or child of the abovementioned applicant</li> </ul>
Indonesia	<p><b>Article 4(9)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Indonesia;</li> </ul>	<p><b>Article 9 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 18 or married;</li> </ul>

Country	For stateless children/persons	Potential naturalization for stateless persons
	<ul style="list-style-type: none"> <li>- Having both parents who are of undetermined nationality at the time of the child’s birth.</li> </ul> <p><b>Article 4(11)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Indonesia;</li> <li>- Having both parents who were stateless or are unknown at the time of the child’s birth.</li> </ul>	<ul style="list-style-type: none"> <li>- Having resided continuously for at least 5 years, or intermittently for 10 years;</li> <li>- Being of sound health and mind;</li> <li>- Being able to speak Bahasa Indonesia and having knowledge of the state, basic principles of Pancasila and the 1945 Constitution;</li> <li>- Having never been legally prosecuted due to criminal acts and sentenced to prison for 1 year or more;</li> <li>- Renouncing any other nationality upon acquiring Indonesian citizenship;</li> <li>- Having a steady income; and</li> <li>- Paying a naturalization fee.</li> </ul> <p><b>Article 20 – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Deserving merit for services to Indonesia; and</li> <li>- Receiving the deliberations of the People’s Representative Council.</li> </ul>
Lao PDR	<p><b>Article 11 para 3</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born to one parent who has Lao nationality and another who is stateless</li> </ul> <p><b>Article 12</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being born in Lao PDR;</li> </ul>	<p><b>Article 14 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being 18 years of age or above;</li> <li>- Respecting the Constitution and the laws;</li> <li>- Speaking, reading and writing fluently in Lao;</li> <li>- Having integrated in Lao PDR socially and culturally and respecting Lao traditions;</li> <li>- Being in good health;</li> <li>- Having never been sentenced by any court to imprisonment;</li> <li>- Participating in the protection and development of Lao PDR;</li> </ul>

Country	For stateless children/persons	Potential naturalization for stateless persons
	<ul style="list-style-type: none"> <li>- Having stateless parents both of whom are permanently residing in Lao PDR and integrated into the Lao society and culture; and</li> <li>- Having a request made by the parents.</li> </ul> <p><b>Article 13</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being found in Lao PDR; and</li> <li>- Having unknown parents.</li> </ul> <p>Note: If, before reaching the age of 18, there is evidence found that the parents are foreign nationals, the child will be considered a foreign national from birth.</p> <p><b>Article 25</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a child of foreign nationality or a stateless child; and</li> <li>- Being adopted by Lao nationals.</li> </ul>	<ul style="list-style-type: none"> <li>- Having not caused harm to the national interest;</li> <li>- Agreeing to renounce previous nationality;</li> <li>- Having continuous permanent residence in Lao PDR for 10 years; and</li> <li>- Having a stable economic status.</li> </ul> <p><b>Article 15 – For persons of Lao race</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 18;</li> <li>- Respecting the Constitution and the laws;</li> <li>- Speaking, reading and writing fluently in Lao;</li> <li>- Having integrated in Lao PDR socially and culturally and respecting Lao traditions;</li> <li>- Being in good health;</li> <li>- Having never been sentenced by any court to imprisonment;</li> <li>- Participating in the protection and development of Lao PDR;</li> <li>- Having not caused harm to the national interest;</li> <li>- Having continuous permanent residence in Lao PDR for 5 years for individuals who had earlier acquire another nationality, or having continuous permanent residence in Lao PDR for 3 years for stateless persons; and</li> <li>- Having a stable economic status.</li> </ul>

Country	For stateless children/persons	Potential naturalization for stateless persons
Malaysia	<p><b>Article 14(1)(a) + Section 1(c), Part I of the Second Schedule</b></p> <ul style="list-style-type: none"> <li>- Being born in Malaysia after September 1962; and</li> <li>- Being unable to acquire any other nationality.</li> </ul> <p><b>Article 14(1)(b) + Section 1(e) and Section 2(1), Part II of the Second Schedule</b></p> <ul style="list-style-type: none"> <li>- Being born in Malaysia on or after Malaysia Day; and</li> <li>- Being unable to acquire any other nationality within 1 year of birth.</li> </ul> <p><b>Article 15A</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being under the age of 21; and</li> <li>- Being granted permission to be registered as a Malaysian citizen by the Federal Government in special circumstances.</li> </ul> <p><b>Article 16</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 18;</li> </ul>	<p><b>Article 19 – Citizenship by naturalization</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 21;</li> <li>- Having 10 years of residence in the last 12 years;</li> <li>- Having 12 months of residence immediately prior to submitting the application;</li> <li>- Being of good character;</li> <li>- Having knowledge of the Malay language; and</li> <li>- Making an oath.</li> </ul>



Country	For stateless children/persons	Potential naturalization for stateless persons
	<ul style="list-style-type: none"> <li>- Being born in Malaysia before Merdeka Day;</li> <li>- Having resided continuously in Malaysia for at least 5 years in a total of 7 years of residence;</li> <li>- Being of good character; and</li> <li>- Having knowledge of the Malay language.</li> </ul>	
<b>Myanmar</b>	<p><b>Article 8(a)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- The Council of State may, in the interest of the State, confer on any person citizenship or associate citizenship or naturalized citizenship.</li> </ul>	<p><b>Article 42</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having entered and resided in Myanmar before 4 January 1948; and</li> <li>- Having children born in Myanmar.</li> </ul>
<b>Philippines</b>	<p><b>Section 3 (Special qualification) of the Commonwealth Act No. 473 (judicial naturalization)</b></p> <ul style="list-style-type: none"> <li>- Having 5 years of residence;</li> <li>- Having honourably held office under the Government of the Philippines;</li> <li>- Having established a new industry or introduced a useful invention in the Philippines;</li> <li>- Being married to a Filipino woman;</li> <li>- Having been engaged as a teacher in the Philippines in a public or recognized private school for a period of not less than 2 years; and</li> <li>- Being born in the Philippines.</li> </ul>	<p><b>Section 1(4) of the 1987 Constitution</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being naturalized in accordance with the law</li> </ul> <p><b>Revised Naturalization Law (judicial naturalization) under Commonwealth Act (C.A.) No. 473</b></p> <p><b>Administrative Naturalization Law under Republic Act (R.A.) No. 9139 (administrative naturalization)</b></p> <p><b>Derivative naturalization (See, Republic v. Batugas, G.R. No. 183110, October 7, 2013, citing Section 15, C.A. No. 473)</b></p>

Country	For stateless children/persons	Potential naturalization for stateless persons
Singapore	<p><b>Article 123(1)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 21;</li> <li>- Being of good character;</li> <li>- Having resided for an aggregate of not less than 10 years in the last 12 years immediately preceding the date of application;</li> <li>- Having 12 months of residence immediately prior to submitting the application;</li> <li>- Intending to reside permanently in Singapore; and</li> <li>- Having an elementary knowledge of one of the following languages: Malay, English, Mandarin and Tamil.</li> </ul> <p><b>Article 124(2)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being under the age of 21; and</li> <li>- Being granted permission to be registered as a Singaporean citizen by the Government in special circumstances.</li> </ul>	<p><b>Article 127</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 21;</li> <li>- Has resided for an aggregate of not less than 10 years in the last 12 years immediately preceding the date of application;</li> <li>- Having 12 months of residence immediately prior to submitting the application;</li> <li>- Being of good character;</li> <li>- Having knowledge of the national language; and</li> <li>- Making an oath.</li> </ul>
Thailand	<p><b>Section 7(2)</b></p> <p><b>[Automatic]</b></p> <ul style="list-style-type: none"> <li>- Being born in Thailand;</li> </ul>	<p><b>Section 10 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 20;</li> </ul>

Country	For stateless children/persons	Potential naturalization for stateless persons
	<ul style="list-style-type: none"> <li>- Both parents having permanent residence in Thailand.</li> </ul> <p><b>Section 7 bis paragraph 2</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being born in Thailand;</li> <li>- Having a father or mother who is an alien with either a temporary stay permit or illegally staying in Thailand;</li> <li>- The Cabinet has set out rules and criteria for specific groups; and</li> <li>- Being granted Thai nationality by the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>- Having good behaviour;</li> <li>- Having regular occupation;</li> <li>- Having 5 years of residence; and</li> <li>- Having knowledge of Thai language.</li> </ul> <p><b>Section 11 – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having rendered distinguished service to Thailand;</li> <li>- Being a child, wife, or husband of a person who has been naturalized as a Thai or has recovered Thai nationality;</li> <li>- Being over the age of 20;</li> <li>- Having good behaviour; and</li> <li>- Having regular occupation;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Having rendered distinguished service to Thailand;</li> <li>- Being a person who used to have Thai nationality;</li> <li>- Being over the age of 20;</li> <li>- Having good behaviour; and</li> <li>- Having regular occupation;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Having rendered distinguished service to Thailand;</li> <li>- Being a husband of a Thai woman;</li> </ul>

Country	For stateless children/persons	Potential naturalization for stateless persons
		<ul style="list-style-type: none"> <li>- Being over the age of 20;</li> <li>- Having good behaviour; and</li> <li>- Having regular occupation.</li> </ul> <p><b>Section 12 para 2 – For children of the applicants for naturalization</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a child of the applicants for naturalization;</li> <li>- Being under the age of 20;</li> <li>- Having a domicile in Thailand; and</li> <li>- Having good behaviour.</li> </ul> <p><b>Section 12/1 – Naturalization application on behalf of persons without Thai nationality</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being an incompetent person who was born in Thailand;</li> <li>- Being over the age of 20;</li> <li>- Submitting an application by a curator under an order of the court;</li> <li>- Having good behaviour; and</li> <li>- Having 5 years of residence;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being a child staying at a public foster home registered with the Minister for 10 years or over;</li> </ul>

Country	For stateless children/persons	Potential naturalization for stateless persons
		<ul style="list-style-type: none"> <li>- Being under the age of 20;</li> <li>- Submitting an application by the Superintendent of the public foster home;</li> <li>- Having good behaviour;</li> <li>- Having 5 years of residence; and</li> <li>- Having knowledge of the Thai language;</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>- Being a child who was adopted by a Thai person for 5 years or over;</li> <li>- Being born in Thailand;</li> <li>- Being under the age of 20;</li> <li>- Submitting an application by the adoptive Thai parent;</li> <li>- Having good behaviour;</li> <li>- Having 5 years of residence; and</li> <li>- Having knowledge of Thai language.</li> </ul>
Viet Nam	<p><b>Article 17(1)</b></p> <ul style="list-style-type: none"> <li>- Being born in Viet Nam;</li> <li>- Having stateless parents both of whom have permanent residence in Viet Nam.</li> </ul> <p><b>Article 17(2)</b></p> <ul style="list-style-type: none"> <li>- Being born in Viet Nam;</li> <li>- Having a stateless mother who has permanent residence in Viet Nam; and</li> <li>- Having an unknown father.</li> </ul>	<p><b>Article 19(1) – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a foreign national or stateless person permanently residing in Viet Nam;</li> <li>- Having the full civil act capacity;</li> <li>- Obeying the Constitution and laws of Viet Nam;</li> <li>- Understanding Vietnamese sufficiently to integrate into the community;</li> <li>- Having 5 years of residence;</li> <li>- Being capable of making their livelihood in Viet Nam.</li> </ul>



Country	For stateless children/persons	Potential naturalization for stateless persons
		<p><b>Article 19(2) – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having made meritorious contributions to Viet Nam’s national construction and defence, or being helpful to Viet Nam;</li> <li>- Having the full civil act capacity; and</li> <li>- Obeying the Constitution and laws of Vietnam.</li> </ul> <p><b>Article 22</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a stateless person who does not have adequate personal identification papers;</li> <li>- Having 20 years of residence; and</li> <li>- Obeying the Constitution and laws of Viet Nam.</li> </ul>

Table 7: Legal Frameworks in ASEAN Member States Pertaining to Acquisition of Nationality through Naturalization and Marriage

Country	By Naturalization	By Marriage
Brunei Darussalam	<p><b>Section 8(1) – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having 20 years of residence in the last 25 years;</li> <li>- Having 2 years of residence immediately prior to submitting the application;</li> </ul>	<p><b>Section 5(6)-(7)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being married to a national;</li> <li>- Being of good character.</li> </ul>

Country	By Naturalization	By Marriage
	<ul style="list-style-type: none"> <li>- Clear security vetting;</li> <li>- Being of good character;</li> <li>- Having knowledge of the Malay language.</li> </ul>	
Cambodia	<p><b>Article 8 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted of any criminal offence;</li> <li>- Having resided in Cambodia continuously for 7 years;</li> <li>- Having knowledge of Khmer language, history, customs and traditions;</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 9 – For foreigners born in Cambodia</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being born in Cambodia;</li> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted of any criminal offence;</li> <li>- Having resided in Cambodia continuously for 3 years;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 10 – For investors group 1</b></p>	<p><b>Article 5</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a wife or husband of a national; and</li> <li>- Having lived together for 3 years after the registration of the marriage.</li> </ul>

Country	By Naturalization	By Marriage
	<p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having received a letter of authorization for investment from the Cambodian Development Council;</li> <li>- Spending initial capital of over 1,250,000,000 Riels;</li> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted of any criminal offence;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 11 – For investors group 2</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having received authorization for investment legitimately from the Government;</li> <li>- Spending initial capital of over 1,250,000,000 Riels;</li> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted of any criminal offence;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 12 – For donors</b></p> <p><b>[Discretionary]</b></p>	

Country	By Naturalization	By Marriage
	<ul style="list-style-type: none"> <li>- Making a donation in cash, to the national budget, of over 1,000,000,000 Riels;</li> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted of any criminal offence;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia; and</li> <li>- Filing an application for Khmer nationality.</li> </ul> <p><b>Article 13 – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having offered special merit or achievement in the interest of Cambodia;</li> <li>- Having good behaviour and moral conduct;</li> <li>- Never having been convicted of any criminal offence;</li> <li>- Having knowledge of Khmer language, history, customs and traditions; and</li> <li>- Not being a danger or burden to Cambodia.</li> </ul> <p><b>Article 14 – Spouse or child</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a spouse or child of the abovementioned applicant</li> </ul>	
Indonesia	<b>Article 9 – General provision</b>	<b>Article 19</b>

Country	By Naturalization	By Marriage
	<p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 18 or married;</li> <li>- Having resided continuously for at least 5 years or intermittently for 10 years;</li> <li>- Being of sound health and mind;</li> <li>- Being able to speak Bahasa Indonesia and having knowledge of the state, basic principles of Pancasila and the 1945 Constitution;</li> <li>- Having never been legally prosecuted due to criminal acts and sentenced to prison for 1 year or more;</li> <li>- Renouncing any other nationality upon acquiring Indonesian citizenship;</li> <li>- Having a steady income; and</li> <li>- Paying a naturalization fee.</li> </ul> <p><b>Article 20 – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Deserving merit for services to Indonesia; and</li> <li>- Receiving the deliberations of the People’s Representative Council.</li> </ul>	<p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being legally married to an Indonesian citizen; and</li> <li>- Having resided continuously for at least 5 years or intermittently for 10 years.</li> </ul>
Lao PDR	<p><b>Article 14 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 18;</li> <li>- Respecting the Constitution and the laws;</li> <li>- Speaking, reading and writing fluently in Lao;</li> </ul>	N/A



Country	By Naturalization	By Marriage
	<ul style="list-style-type: none"> <li>- Having integrated in Lao PDR socially and culturally and respecting Lao traditions;</li> <li>- Being in good health;</li> <li>- Having never been sentenced by any court to imprisonment;</li> <li>- Participating in the protection and development of Lao PDR;</li> <li>- Having not caused harm to the national interest;</li> <li>- Agreeing to renounce previous nationality;</li> <li>- Having continuous permanent residence in Lao PDR for 10 years; and</li> <li>- Having a stable economic status.</li> </ul> <p><b>Article 15 – For persons of Lao race</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 18;</li> <li>- Respecting the Constitution and the laws;</li> <li>- Speaking, reading and writing fluently in Lao;</li> <li>- Having integrated in Lao PDR socially and culturally and respecting Lao traditions;</li> <li>- Being in good health;</li> <li>- Having never been sentenced by any court to imprisonment;</li> <li>- Participating in the protection and development of Lao PDR;</li> <li>- Having not caused harm to the national interest;</li> <li>- Having continuous permanent residence in Lao PDR for 5 years for individuals who had earlier acquire another nationality, or having continuous permanent residence in Lao PDR for 3 years for stateless persons; and</li> <li>- Having a stable economic status.</li> </ul>	

Country	By Naturalization	By Marriage
Malaysia	<p><b>Article 19 – Citizenship by naturalization</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 21;</li> <li>- Having 10 years of residence in the last 12 years;</li> <li>- Having 12 months of residence immediately prior to submitting the application;</li> <li>- Being of good character;</li> <li>- Having knowledge of the Malay language;</li> <li>- Making an oath.</li> </ul>	<p><b>Article 15(1) – Citizenship by registration (wives and children of citizens)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a woman who is legally married to a Malaysian citizen;</li> <li>- Having a Malaysian husband who was a citizen at the beginning of October 1962;</li> <li>- Having 2 years of residence immediately prior to submitting the application; and</li> <li>- Being of good character.</li> </ul>
Myanmar	<p><b>Article 42</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having entered and resided in Myanmar before 4 January 1948; and</li> <li>- Having children born in Myanmar.</li> </ul> <p><b>Article 43 and 44</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to a citizen and a foreigner;</li> <li>- Being over the age of 18;</li> <li>- Being able to speak well one of the national languages;</li> <li>- Being of good character; and</li> <li>- Being of sound mind;</li> </ul>	<p><b>Article 45</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being legally married to a citizen, an associate citizen or a naturalized citizen;</li> <li>- Holding a Foreigner’s Registration Certificate before 1982;</li> <li>- Being over the age of 18;</li> <li>- Being of good character;</li> <li>- Being of sound mind;</li> <li>- Being the only husband or wife; and</li> <li>- Having 3 years of residence.</li> </ul>

Country	By Naturalization	By Marriage
	<p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to an associate citizen and a naturalized citizen;</li> <li>- Being over the age of 18;</li> <li>- Being able to speak well one of the national languages;</li> <li>- Being of good character; and</li> <li>- Being of sound mind;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to an associate citizen and a foreigner;</li> <li>- Being over the age of 18;</li> <li>- Being able to speak well one of the national languages;</li> <li>- Being of good character; and</li> <li>- Being of sound mind;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to 2 naturalized citizens;</li> <li>- Being over the age of 18;</li> <li>- Being able to speak well one of the national languages;</li> <li>- Being of good character; and</li> <li>- Being of sound mind;</li> </ul> <p>Or</p>	

Country	By Naturalization	By Marriage
	<ul style="list-style-type: none"> <li>- Being born in Myanmar or abroad to a naturalized citizen and a foreigner;</li> <li>- Being over the age of 18;</li> <li>- Being able to speak well one of the national languages;</li> <li>- Being of good character; and</li> <li>- Being of sound mind.</li> </ul>	
<b>Philippines</b>	<p><b>Section 1(4) of the 1987 Constitution</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being naturalized in accordance with law</li> </ul> <p><b>Revised Naturalization Law (judicial naturalization) under Commonwealth Act (C.A.) No. 473</b></p> <p><b>Administrative Naturalization Law under Republic Act (R.A.) No. 9139 (administrative naturalization)</b></p> <p><b>Derivative naturalization (See, Republic v. Batugas, G.R. No. 183110, October 7, 2013, citing Section 15, C.A. No. 473)</b></p>	
<b>Singapore</b>	<p><b>Article 127</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 21;</li> </ul>	<p><b>Article 123(2)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a woman who is married to a Singaporean citizen;</li> </ul>

Country	By Naturalization	By Marriage
	<ul style="list-style-type: none"> <li>- Having resided for an aggregate of not less than 10 years of residence in the last 12 years immediately preceding the date of application;</li> <li>- Having 12 months of residence immediately prior to submitting the application;</li> <li>- Being of good character;</li> <li>- Having knowledge of the national language;</li> <li>- Making an oath.</li> </ul>	<ul style="list-style-type: none"> <li>- Having resided continuously for a period not less than 2 years before the application;</li> <li>- Intending to reside permanently in Singapore; and</li> <li>- Being of good character.</li> </ul>
Thailand	<p><b>Section 10 – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being over the age of 20;</li> <li>- Having good behaviour;</li> <li>- Having regular occupation;</li> <li>- Having 5 years of residence; and</li> <li>- Having knowledge of Thai language.</li> </ul> <p><b>Section 11 – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having rendered distinguished service to Thailand;</li> <li>- Being a child, wife, or husband of a person who has been naturalized as a Thai or has recovered Thai nationality;</li> <li>- Being over the age of 20;</li> <li>- Having good behaviour; and</li> <li>- Having regular occupation;</li> </ul>	<p><b>Section 9</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being an alien woman;</li> <li>- Legally married with a Thai man; and</li> <li>- Filing an application with the competent official.</li> </ul>



Country	By Naturalization	By Marriage
	<p>Or</p> <ul style="list-style-type: none"> <li>- Having rendered distinguished service to Thailand;</li> <li>- Being a person who used to have Thai nationality;</li> <li>- Being over the age of 20;</li> <li>- Having good behaviour; and</li> <li>- Having regular occupation;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Having rendered distinguished service to Thailand;</li> <li>- Being a husband of a Thai woman;</li> <li>- Being over the age of 20;</li> <li>- Having good behaviour; and</li> <li>- Having regular occupation.</li> </ul> <p><b>Section 12 para 2 – For children of the applicants for naturalization</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a child of the applicants for naturalization;</li> <li>- Being under the age of 20;</li> <li>- Having a domicile in Thailand; and</li> <li>- Having good behaviour.</li> </ul> <p><b>Section 12/1 – Naturalization application on behalf of persons without Thai nationality</b></p>	

Country	By Naturalization	By Marriage
	<p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being an incompetent person who was born in Thailand;</li> <li>- Being over the age of 20;</li> <li>- Submitting an application by a curator under an order of the court;</li> <li>- Having good behaviour; and</li> <li>- Having 5 years of residence;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being a child staying at a public foster home registered with the Minister for 10 years or over;</li> <li>- Being under the age of 20;</li> <li>- Submitting an application by the Superintendent of the public foster home;</li> <li>- Having good behaviour;</li> <li>- Having 5 years of residence; and</li> <li>- Having knowledge of Thai language;</li> </ul> <p>Or</p> <ul style="list-style-type: none"> <li>- Being a child who was adopted by a Thai person for 5 years or over;</li> <li>- Being born in Thailand;</li> <li>- Being under the age of 20;</li> <li>- Submitting an application by the adoptive Thai parent;</li> <li>- Having good behaviour;</li> <li>- Having 5 years of residence; and</li> <li>- Having knowledge of Thai language.</li> </ul>	

Country	By Naturalization	By Marriage
Viet Nam	<p><b>Article 19(1) – General provision</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a foreign national or stateless person permanently residing in Viet Nam;</li> <li>- Having the full civil act capacity;</li> <li>- Obeying the Constitution and laws of Viet Nam;</li> <li>- Understanding Vietnamese sufficiently to integrate into the community;</li> <li>- Having 5 years of residence;</li> <li>- Being capable of making their livelihood in Viet Nam.</li> </ul> <p><b>Article 19(2) – For parents and children of a Vietnamese citizen</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a natural parent or offspring of Vietnamese citizens;</li> <li>- Having the full civil act capacity; and</li> <li>- Obeying the Constitution and laws of Viet Nam.</li> </ul> <p><b>Article 19(2) – On special merit basis</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Having made meritorious contributions to Viet Nam’s national construction and defence, or being helpful to Viet Nam;</li> <li>- Having the full civil act capacity; and</li> <li>- Obeying the Constitution and laws of Viet Nam.</li> </ul>	<p><b>Article 19(2)</b></p> <p><b>[Discretionary]</b></p> <ul style="list-style-type: none"> <li>- Being a spouse of a Vietnamese citizen;</li> <li>- Having the full civil act capacity; and</li> <li>- Obeying the Constitution and laws of Viet Nam.</li> </ul>

## Annex 2: Extract of recommendations on birth registration and nationality from Concluding Observations made by Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women to ASEAN Member States

### Brunei Darussalam

#### On Birth Registration:

- To continue its efforts to ensure the registration at birth of all children, notably by carrying out awareness-raising campaigns about birth registration.<sup>413</sup>
- To intensify its efforts in taking all the measures necessary to ensure the registration at birth of all children in both rural and urban areas; children in migration circumstances, including irregular migration; and children in Kampong Ayer.<sup>414</sup>

#### On nationality:

- To withdraw its reservation to Article 9 (2) of the Convention.<sup>415</sup>
- To amend its Nationality Act with a view to bringing it into full compliance with the Convention and enabling Bruneian women to transmit their nationality to their children and foreign spouses on a basis of equality with Bruneian men.<sup>416</sup>
- To revise the Brunei Nationality Act in order to ensure that children who have a Brunei parent acquire Brunei citizenship in an equal manner, regardless of whether the Bruneian parent is the father or the mother.<sup>417</sup>
- To review the Brunei Nationality Act and other relevant legislation relating to nationality to ensure that Bruneian women can transfer nationality automatically to their children, and to strengthen measures to naturalize stateless children and conduct awareness-raising campaigns among parents and guardians of stateless children.<sup>418</sup>

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<sup>413</sup> UN Committee on the Rights of The Child, concluding observations Brunei Darussalam 2003.

<sup>414</sup> UN Committee on the Rights of The Child, concluding observations Brunei Darussalam 2016.

<sup>415</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined initial and second periodic reports of Brunei Darussalam, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=En)

<sup>416</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined initial and second periodic reports of Brunei Darussalam, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=En)

<sup>417</sup> UN Committee on the Rights of the Child (CRC), List of issues in relation to the combined second and third periodic reports of Brunei Darussalam, 23 July 2015, CRC/C/BRN/Q/2-3, available at: <https://www.refworld.org/docid/56a0872a4.html>

<sup>418</sup> UN Committee on the Rights of The Child, concluding observations Brunei Darussalam 2016.

**On birth registration:**

- To guarantee free birth registration for all, regardless of their parents' legal status and origins, and to ensure that children of Vietnamese origin have effective access to birth registration, identity documents, public education and health care services.<sup>419</sup>

**On nationality:**

- To intensify efforts to facilitate the birth registration of children born to Vietnamese mothers and their acquisition of citizenship.<sup>420</sup>
- To consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>421</sup>
- To facilitate access to identification documentation and guarantee the right of stateless children who were born in the territory of Cambodia to stateless parents to acquire a nationality.<sup>422</sup>

## Indonesia

**On birth registration:**

- To ensure that all children born in Indonesia are registered and issued birth certificates, regardless of their nationality, religion and status at birth, and that birth registration is facilitated and free of charge everywhere and under all circumstances.
- To remove the indication of religious affiliation on identity cards and close the gap in the law which may leave some children stateless.<sup>423</sup>

<sup>419</sup> UN Committee on the Rights of The Child, concluding observations Cambodia 2011.

<sup>420</sup> UN Committee on the Rights of the Child (CRC), List of issues in relation to the combined second and third periodic report of Cambodia (CRC/C/KHM/2-3), see CRC/C/SR.1639, held on 17 June 2011, available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KHM/CO/2&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KHM/CO/2&Lang=En).

The (CRC) Committee is concerned that children of irregular immigrants are not eligible for birth registration, and that families of Vietnamese origin are often rejected when they try to obtain a birth certificate for their children.

<sup>421</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), List of issues and questions is contained in CEDAW/C/KHM/Q/4-5 and the responses of the Government of Cambodia are contained in CEDAW/C/KHM/Q/4-5/Add.1, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KHM/CO/4-5&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KHM/CO/4-5&Lang=En).

The (CEDAW) Committee is concerned that women of Vietnamese origin undergo considerable difficulties in the registration of births and the acquisition of Cambodian citizenship, which places them at risk of statelessness. The Committee calls upon the State Party.

<sup>422</sup> UN Human Rights Committee, Concluding Observation Cambodia 2015.

<sup>423</sup> UN Committee on the Rights of the Child (CRC), the combined third and fourth periodic reports of Indonesia (CRC/C/IDN/3-4) at its 1890th and 1891st meetings, see CRC/C/SR.1890 and 1891, and adopted, at its 1901st meeting, held on 13 June 2014,



- To ensure the effective implementation of Law No. 23/2002, on child protection, which provides that every child must be given an identity from birth, and Law No. 23/2006, on population administration, which provides that the issuance of the birth certificate shall be free of charge; and establish a monitoring mechanism to ensure the enforcement of these laws.<sup>424</sup>
- To strengthen its public awareness-raising campaigns and take concrete measures to ensure that poor and rural women are aware of the requirements relating to birth registrations and certificates and are able to easily access the birth certificate and registration services provided by the Government.<sup>425</sup>

#### On nationality:

- To accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>426</sup>
- To consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>427</sup>

## Lao PDR

#### On birth registration:

- To further raise awareness about the importance of birth registration.
- To simplify the procedure, including by continuing to establish mobile registration structures.
- To eliminate hidden fees and costs associated with registration that negatively affect birth registration rates.
- To allocate adequate human and financial resources, in particular to the Ministry of Home Affairs, with a view to further accelerating birth registration of children and the issuance of birth certificates.<sup>428</sup>

available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/IDN/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/IDN/CO/3-4&Lang=En)

<sup>424</sup> *Ibid.*

<sup>425</sup> *Ibid.*

<sup>426</sup> *Ibid.*

<sup>427</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the combined sixth and seventh periodic report of Indonesia (CEDAW/C/IDN/6-7), List of issues and questions is contained in CEDAW/C/IDN/Q/6-7, and the responses of the Government of Indonesia are contained in CEDAW/C/IDN/Q/6-7/Add.1., available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/IDN/CO/6-7&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/IDN/CO/6-7&Lang=En)

<sup>428</sup> UN Committee on the Rights of the Child (CRC), the combined third to sixth periodic reports of the Lao People's Democratic Republic (CRC/C/LAO/3-6), see CRC/C/SR.2318 and CRC/C/SR.2319, concluding observations adopted on 5 October 2018, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LAO/CO/3-6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LAO/CO/3-6&Lang=En)

The Committee remains concerned that of the 75 per cent of children under the age of 5 who are registered, only 33 per cent have a birth certificate. It is also concerned at the costs associated with registration, which are a barrier, as well as at the discrepancy between urban and rural areas as regards the number of children with a birth certificate.

- To facilitate the timely birth registration of children, especially in rural and remote areas, by conducting awareness-raising campaigns, removing language barriers and deploying mobile civil registration units.<sup>429</sup>

## Malaysia

### On birth registration:

- To continue to implement an efficient and, at all stages, free-of-charge birth registration system, which covers its territory fully, and undertake awareness-raising campaigns to reach the most remote areas of its territory.
- To improve the birth registration system of non-Malaysian children born in Malaysia, children of single mothers and children born in remote areas of the country. Meanwhile, children without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.<sup>430</sup>

### On nationality:

- To amend all provisions of the Federal Constitution that deny women equal rights with respect to the transmission of their nationality to their children and foreign spouses.
- That the State Party ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>431</sup>

<sup>429</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the combined eighth and ninth periodic reports of the Lao People's Democratic Republic (CEDAW/C/LAO/8-9), List of issues and questions is contained in CEDAW/C/LAO/Q/8-9 and the responses of the State Party are contained in CEDAW/C/LAO/Q/8-9/Add.1, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LAO/CO/8-9&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LAO/CO/8-9&Lang=En)

<sup>430</sup> UN Committee on the Rights of the Child (CRC), the initial report of Malaysia (CRC/C/MYS/1), see CRC/C/SR.1216 and 1217, Concluding Observations adopted on 2 February 2007, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/MYS/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/MYS/CO/1&Lang=En).

The Committee has to note that the latest submission of CRC Report by Malaysia government dated back to 2007. However, until 2018 when the 2<sup>nd</sup> UPR was reviewed, the Working Group seemed to raise concerns and make the same recommendations.

<sup>431</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the combined third to fifth periodic reports of Malaysia (CEDAW/C/MYS/3-5), List of issues and questions is contained in CEDAW/C/MYS/Q/3-5 and the responses of Malaysia are contained in CEDAW/C/MYS/Q/3-5/Add.1., available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MYS/CO/3-5&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MYS/CO/3-5&Lang=En)

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**On birth registration:**

- To strengthen its efforts to ensure effective registration of all children born in the State Party, regardless of their origin and without any discrimination.
- To implement special measures for improving the birth registration system, greater access to registry services and sensitization and training for registry officials, with a view to ensuring that all children.
- To develop a plan to provide birth registration to all children up to 18 years of age who have not yet been registered.
- To remove practical restrictions to ensure that all children are registered at birth without discrimination.
- To ensure compulsory birth registration of those born in camps for internally displaced persons in order to protect them from being rendered stateless.<sup>432</sup>

**On nationality:**

- To address gaps in the current citizenship legislation, which lead to statelessness.
- To accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- To abrogate the legal provisions providing for different categories of citizenship.
- To remove any indication of ethnic origin on identity cards.<sup>433</sup>
- In addition, the UN CEDAW Committee has also reiterated its previous recommendations (see CEDAW/C/MMR/CO/3, paras. 31 and 33) and recommends that the State Party amend the Citizenship Law of 1982 in order to grant citizenship to residents in the State Party, in particular women and girls in northern Rakhine State, so that they can freely enjoy all human rights.<sup>434</sup>

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<sup>432</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the combined fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/4-5), see CEDAW/C/SR.1407 and 1408), List of issues and questions is contained in CEDAW/C/MMR/Q/4-5 and the responses of Myanmar are contained in CEDAW/C/MMR/Q/4-5/Add.1., available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMMR%2fCO%2f4-5&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMMR%2fCO%2f4-5&Lang=en)

<sup>433</sup> *Ibid*, UN Committee on the Rights of the Child (CRC).

<sup>434</sup> *Ibid*, UN Committee on the Elimination of Discrimination against Women (CEDAW).

## The Philippines

### On birth registration:

- To pursue and strengthen its efforts to develop an efficient and free birth registration system for all children.
- To strengthen the Barangay Civil Registration System (BCRS) in order to make the civil registration system more accessible at the grassroots level.
- To ensure allocation of adequate financial, human and other resources to registration centres.
- To take further measures, including mobile services, to ensure easy access to registration by the population, including in the most remote areas of the country, with particular attention to Muslim and indigenous children living in Mindanao.
- To put in place a mechanism to encourage and provide for late registration free of charge.<sup>435</sup>
- Reiterating its previous recommendation to further facilitate that parents, irrespective of their residence status, can register their children born abroad and to ensure that unregistered children without official documentation are allowed to access basic services, such as health and education, upon their return to the Philippines, while waiting to be properly registered.<sup>436</sup>

### On Nationality

- To further facilitate that parents, irrespective of their residence status, can register their children born abroad, and to ensure that unregistered children without official documentation are allowed to access basic services, such as health and education, upon their return to the Philippines, while waiting to be properly registered.<sup>437</sup>

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<sup>435</sup> UN Committee on the Rights of the Child (CRC), the third and fourth combined periodic report of the Philippines (CRC/C/PHL/3-4), see CRC/C/SR.1428 and 1429, Concluding observations adopted 2 October 2009, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PHL/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PHL/CO/3-4&Lang=En)

<sup>436</sup> *Ibid.*

<sup>437</sup> *Ibid.*

**On nationality:**

- To revise its nationality law with a view to preventing children from being deprived of their citizenship, and to consider granting citizenship to all children born before 2004 to Singaporean mothers.<sup>438</sup>
- To publish up-to-date statistics on the number of stateless persons in the State Party, disaggregated by age, gender, ethnic origin, residence status and other relevant characteristics.
- To revise the law to ensure that children born in Singapore who cannot acquire another nationality are able to automatically acquire Singaporean nationality.
- To ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.
- To ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>439</sup>

## Thailand

**On birth registration:**

- To take measures to ensure birth registration for all children born on its territory, especially those who are not registered due to the economic status of their parents, ethnicity and immigration status.

<sup>438</sup> UN Committee on the Rights of the Child (CRC), the consolidated second and third periodic report of Singapore (CRC/C/SGP/2-3), CRC/C/SR.1590 and 1591, Concluding observations adopted on 4 February 2011, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/SGP/CO/2-3&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/SGP/CO/2-3&Lang=En)

The Committee noted the welcoming of the amendment to the Constitution in April 2004, allowing children to acquire citizenship by descent from their mothers, the Committee notes with concern that this amended law is applied only to children born on or after 15 May 2004. The Committee is concerned that there is still a number of stateless children in the State Party, and that under specific circumstances, children can be deprived of their citizenship under Article 129.2 (a) of the Constitution.

<sup>439</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the fifth periodic report of Singapore (CEDAW/C/SGP/5), see CEDAW/C/SR.1534 and CEDAW/C/SR.1535, list of issues and questions is contained in CEDAW/C/SGP/Q/5 and the responses of Singapore are contained in CEDAW/C/SGP/Q/5/Add.1., available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SGP/CO/5&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SGP/CO/5&Lang=En)

The Committee expressed its concern about the lack of official information on the number of stateless persons in the State Party and the lack of protection under the law to ensure that children born in the State Party who cannot acquire another nationality automatically acquire Singaporean nationality.



- To carry out public education programmes, including campaigns to provide birth registration to those children already born in the territory of the State Party but who remain unregistered.
- To remove any monetary penalties for late registrations and take alternative measures to ensure timely registration of new-born children.<sup>440</sup>
- Intensify efforts to facilitate the birth registration of children, especially in rural and remote areas, in particular by conducting awareness-raising campaigns and removing language barriers.<sup>441</sup>

**On nationality:**

- To further review and enact legislation in order to ensure that all children who are at risk of becoming stateless, including children belonging to disadvantaged groups, are provided with access to Thai nationality.
- To consider ratifying the 1954 Convention relating to the Status of Stateless Persons and its 1967 Optional Protocol, and the 1961 Convention on the Reduction of Statelessness.<sup>442</sup>
- To adopt further legislative amendments to ensure that women and men enjoy equal rights to confer their nationality on foreign spouses.
- To ensure without delay that women belonging to ethnic minority and indigenous groups have equal access to nationality as men, including by eliminating obstacles relating to language, bureaucracy, residential requirements, literacy and the attitudes of officials and ensure that they enjoy their rights to freedom of movement and access to education, employment, healthcare and social protection without undue restrictions.
- To ratify the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.

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<sup>440</sup> UN Committee on the Rights of the Child (CRC), the third and fourth periodic reports of Thailand (CRC/C/THA/3-4), Concluding observations adopted on 3 February 2012 (see CRC/C/SR.1697), available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/THA/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/THA/CO/3-4&Lang=En)

The Committee expressed concern that a considerable number of children, especially children living in poverty, children of indigenous groups and migrants remain unregistered. It also remains concerned that the State Party maintains a penalty, however low it might be, for late registration of children.

<sup>441</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the combined sixth and seventh periodic reports of Thailand (CEDAW/C/THA/6-7), see CEDAW/C/SR.1504 and CEDAW/C/SR.1505), list of issues and questions are contained in CEDAW/C/THA/Q/6-7 and the responses of Thailand are contained in CEDAW/C/THA/Q/6-7/Add.1, available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/THA/CO/6-7&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/THA/CO/6-7&Lang=En)

The Committee remains concerned that the measures adopted by the State Party notwithstanding, a significant number of children have not had their births registered or lack birth registration documents and are thus vulnerable to becoming stateless.

<sup>442</sup> *Ibid*, UN Committee on the Rights of the Child (CRC).

The Committee remains concerned that a significant number of people including children, especially children of indigenous and minority groups, and children of migrant workers, refugees and asylum-seekers remain stateless or potentially stateless.

**On birth registration:**

- Recalling its previous recommendation (CRC/C/15/Add.200, para. 32), recommended that Viet Nam continue and strengthen its efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.
- To undertake awareness-raising campaigns on the right of all children to be registered at birth, regardless of social and ethnic background and the resident status of parents.<sup>443</sup>

**On nationality:**

- To adopt legislation and effective procedures for granting asylum and refugee status and provide protection on grounds of gender-based persecution.
- To continue to facilitate the reduction of statelessness, in particular the reacquisition of Vietnamese nationality by women who became stateless by renouncing that nationality.
- To expedite its accession to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.<sup>444</sup>

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<sup>443</sup> UN Committee on the Rights of the Child (CRC), the combined third and fourth periodic report of Viet Nam (CRC/C/VNM/3-4), see CRC/C/SR.1702 and 1703), Concluding observations adopted on 15 June 2012, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/VNM/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/VNM/CO/3-4&Lang=En).

The Committee expressed its concern at the persisting geographical and ethnic disparities in birth registration rates whereby the lowest rate remains in the two poorest regions, the North West and the Central Highlands. The Committee is further concerned that parents, particularly in remote areas, are not always aware of birth registration requirements and of the importance attached to birth registration.

<sup>444</sup> UN Committee on the Elimination of Discrimination against Women (CEDAW), the combined seventh and eighth periodic reports of Viet Nam (CEDAW/C/VNM/7-8), 10 July 2015, list of issues and questions is contained in CEDAW/C/VNM/Q/7-8 and the responses of Viet Nam are contained in CEDAW/C/VNM/Q/7-8/Add.1., available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/VNM/CO/7-8&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/VNM/CO/7-8&Lang=En).

The Committee noted that there is no procedure in place for granting asylum or determining refugee status, notwithstanding the constitutional guarantee of the right to asylum and that there are 800 stateless women who lost their Vietnamese nationality in failed attempts to obtain another nationality.

**A REGIONAL SYNTHESIS ON LEGAL IDENTITY OF ALL WOMEN AND  
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**DAN TRI PUBLISHING HOUSE**

No 9 - Alley 26 – Hoang Cau Street – Dong Da District – Ha Noi

Office: No 347, Doi Can Street – Ba Dinh District – Ha Noi

Tel: (024) 6686 0751 - (024) 6686 0752

Email: [nxbdantri@gmail.com](mailto:nxbdantri@gmail.com)

Website: [nxbdantri.com.vn](http://nxbdantri.com.vn)

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