



Global Guidelines and Strategies for Universal Birth Registration

An Analysis of the Concluding Observations
and General Comments of the UN Committee
on the Rights of the Child



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Introduction

According to Article 7 of the United Nations (UN) Convention on the Rights of the Child, signatory governments are responsible for ensuring that systems are in place to register the births of all children.

Yet the Committee on the Rights of the Child notes that provision for registration of all children at birth is still a ‘major challenge’ in many countries and regions.¹ Indeed, according to the latest UN estimates, around 48 million children annually are not registered at birth.²

As the lead agency for civil registration, the UN Statistical Office cooperates with the International Institute for Vital Registration and Statistics and a number of other organisations on birth registration.

These include a wide range of UN agencies such as: the UN Children’s Fund (UNICEF); the UN Population Fund (UNFPA); the UN Education, Scientific and Cultural Organisation (UNESCO); the UN Development Programme (UNDP); the UN Refugee Agency (UNHCR); the International Labour Organization (ILO) and the World Health Organisation (WHO) as well as a number of international non-governmental organisations including Plan, Save the Children and World Vision.

However, in the absence of clear and coordinated international leadership from the UN Statistical Office, these different stakeholders employ a mixture of approaches to their birth registration efforts and do not always work with each other and with national governments in a coordinated and strategic manner.

Plan believes that it is time to agree a common agenda for birth registration in order to best harness these collective efforts. In mounting an effective global response to birth registration it will be necessary to work together in a creative and harmonised way under a framework of agreed international guidelines and strategies.

Such a framework could build upon the International Programme for Accelerating the Improvement of Vital Statistics and Civil Registration Systems developed by the UN Statistical Office in 1991, but should also introduce a rights-based perspective, ensuring that the voices of those most affected by the absence of a legal identity are heard.

The starting point for such an initiative can be found within the Concluding Observations and General Comments of the Committee on the Rights of the Child. These communicate to State parties the importance of birth registration within the Convention as a whole, provide guidance on the principles under which birth registration efforts should be implemented and suggest a number of strategies that will help to make the attainment of Universal Birth Registration (UBR) a reality.



The Importance of Birth Registration within the UN Convention on the Rights of the Child

The importance of birth registration as the first legal recognition of the child is raised in the preamble of the Convention on the Rights of the Child which notes that the child “needs special safeguards and care, including appropriate legal protection”. It is also set out specifically within Article 7 of the Convention which states that, “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”.

Birth registration is further affirmed as a strategy for child protection in Article 8(2) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, Article 3(d) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts and Article 44(1) of the United Nations’ General Assembly Resolution, A World Fit for Children, which commits to “develop systems to ensure the registration of every child at, or shortly after birth, and fulfil his or her right to a name and a nationality”.

However, despite the attention that birth registration receives, the Committee on the Rights of the Child observes that provision for registration of all children at birth is still a ‘major challenge’ for many countries and regions.³ Not only does the Committee express concern about the non-registration of significant groups of children but also that the lack of birth registration can have negative consequences on the wider enjoyment of a child’s fundamental rights and freedoms as set out in the Convention.

General Comment No.3(32) emphasises the critical implications of proof of identity as it relates to securing recognition before the law, safeguarding the protection of rights such as inheritance, education, health and other social services as well as making children less vulnerable to abuse and exploitation, especially if separated from their parents. In this regard, the Committee notes, birth registration is a critical first step in ensuring the rights to survival, development and access to quality services for all children.⁴



Relevant Articles include:

Article 1: Definition of the Child

The Committee has noted that the absence of a systematic birth registration system prevents an accurate statement of the identity or age of a child. This makes it difficult for the special protection afforded to children by domestic legislation or by the Convention to be enforced. In the absence of a birth certificate, age may be determined in an arbitrary manner such as visual presumption or by reference to events in a child's past.

Article 2: Non-Discrimination

The Committee has noted that birth registration may not be fully enforced in light of the principle of non-discrimination and respected as a right for all children. Some states do not make birth registration compulsory for all children or refuse to recognise children of adultery or incest and children born out of wedlock as well as child members of some distinct ethnic, religious, linguistic and cultural groups. There is also a tendency for some parents to register the birth of boys but not girls.

Article 3: Best Interests of the Child

The Committee has noted that birth registration may not be fully enforced in light of the principle of best interests of the child if governments do not ensure the registration of all births.

Article 4: Implementation of Rights in the Convention

The Committee has noted that, in cases where legislation relating to birth registration is absent or not fully implemented, non-registered children may be at a serious disadvantage in the full exercise and enjoyment of their fundamental rights and freedoms. Such a situation implies the non-recognition of these children as persons before the law, which will affect access to education and health, nationality and the right to know and be cared for by their parents.

Article 5: Parental Guidance and the Child's Evolving Capacities

The Committee has noted that, although parents or other responsible persons are required by law to register the births of their children, they may fail to do so owing, for example, to: a lack of knowledge that it is necessary; a lack of understanding about registration procedures; a lack of documentation; inability to pay the registration fee; non-accessibility to registration centres; and one parent being prohibited from registering their own child.

Article 7: Birth Registration, Name, Nationality and the Right to know and be cared for by Parents

The Committee has noted that children may not be able to secure their right to a name if it is deemed 'unusual' or if there are difficulties in registering an indigenous or refugee child's name in a native language. The Committee has also noted that the inability to register a birth and so prove place of birth and the nationality of the child's parents can result in cases of statelessness. Some States allow the mother to conceal her identity or collect data on a child's parents in an informal manner, impeding the child's right to know and be cared for by his or her parents.

Article 8: Preservation of Identity

The Committee has noted how birth registration provides the necessary certificates and documents which accurately protect and preserve the elements of a child's identity. Therefore, the absence of birth registration can impact negatively on a child's sense of personal identity.

Article 9: Separation from Parents

The Committee has noted that birth registration makes children less vulnerable to abuse and exploitation, especially if separated from their parents due to illness or death.

Article 20: Children deprived of their Family Environment

The Committee has noted that abandoned or displaced children may have difficulties gaining proper birth registration.

Article 21: Adoption

The Committee has noted that deficiencies in systems of birth registration where, for example, the names of one or both of the child's parents are absent, means that authorities are unable to authorise adoption. Furthermore, non-registered children are at risk from illegal adoption.

Article 22: Refugee Children

The Committee has noted that refugee children and their families have difficulties gaining proper birth registration and documentation to ensure that their rights are protected.

Article 23: Rights of Disabled Children

The Committee has noted that children with disabilities may have difficulties gaining proper birth registration.

Article 24: Child's Right to Health and Health Services

The Committee has noted that the absence of birth registration and a birth certificate can have serious implications for the child including the preclusion of his or her access to health services. The absence of an effective birth registration system can also result in the unavailability of accurate and updated health indicators which can hinder health campaigns. The Committee has further questioned how unregistered children are followed medically.



Article 26: Child's Right to Benefit from Social Security

The Committee has noted that, without proof of identity provided by birth registration, the child's right to benefit from social security cannot be safeguarded. It has also questioned how a state can adopt adequate social welfare policies if it is impossible to determine the size of the population.

Article 28: Child's Right to Education

The Committee has noted that children who are unable to obtain birth certificates may be unable to gain access to education, especially when a birth certificate is required for school enrolment. It has also questioned how, without knowing the child's age, authorities can monitor compulsory schooling.

Article 30: Children of Minorities or Indigenous People

The Committee has noted that special measures need to be taken to ensure the birth registration of children that belong to indigenous groups.

Article 32 Child Labour:

The Committee has noted that, in the absence of compulsory registration of children, it is difficult to ensure that the minimum age for employment is adhered to.

Article 35: Prevention of Abduction, Sale and Trafficking

The Committee has noted that deficiencies in systems of birth registration can leave children without protection against trafficking, abduction and sale.

Article 38: Protection of Children Affected by Armed Conflict

The Committee has noted that children who have not been registered at birth are more vulnerable to recruitment into armed groups, as their age cannot be established. The Committee has also noted that special emphasis should be placed on the registration of children belonging to vulnerable groups, including children living in areas affected by armed conflict and in camps for internally displaced groups. Furthermore, the Committee has asked how children can be protected from premature voluntary enlistment when, in some states, birth registration certificates can be easily altered.

Article 40: Administration of Juvenile Justice

The Committee has noted that, in the absence of such basic documentation as birth certificates detailing the child's age and family affiliations, children's right to protection under the administration of juvenile justice is hampered. For example, the absence of a birth certificate can result in the sentencing of a child to the death penalty.



Global Guidelines for Birth Registration

As a first step in ensuring the rights to survival, development and access to quality services for all children, the Committee recommends that States parties take all necessary measures to ensure that all children are registered at birth. Analysis of the Committee's Concluding Observations and General Comments to State parties identifies the following guidelines:

Universal Birth Registration

State parties should ensure compulsory and timely birth registration for all children within the national territory, paying particular attention to children in rural areas and children belonging to the most vulnerable and marginalised groups. This includes all children born to foreign parents, refugees, immigrants, asylum seekers and internally displaced persons who should receive automatic birth registration and be issued with a birth certificate irrespective of the nationality and residential status of their parents. Furthermore, State parties should encourage and facilitate parents to register their children born abroad.

Non-Discriminatory Registration

All children should be registered at birth without discriminatory conditions.

Free Registration

Birth registration should be free of cost at all stages, including obtaining birth certificates.

Accessible Registration

Birth registration should be well coordinated and equally accessible to all parents in a national territory.

Late Registration

State parties should make every effort to facilitate the late registration of older children who were not registered at birth without being subject to additional fees.

Preservation of Identity

Legislative and administrative measures should be in place to ensure that children, including those born out of wedlock, are guaranteed their right to preservation of identity, name and family relations. Children without birth certificates should be guaranteed their right to identity through the adoption process. Effective measures should be taken against the simulation of birth certificates.

Equal Access to Services

Children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.

Strategies for Birth Registration

The Committee on the Rights of the Child also suggests a number of strategies for achieving birth registration. Of course, the mix of actions required will vary from country to country according to identified needs, capacities and priorities.

Implement a National Strategy for Birth Registration

States parties should implement a comprehensive strategy to achieve 100 per cent birth registration by adopting and facilitating all necessary measures, including short-term and long-term approaches, to ensure the automatic registration of all children at birth and the issuance of a free birth certificate. Such measures should be particularly aimed at the most marginalised children.

Ensure Coordinated and Harmonised Birth Registration

States parties should establish effective coordination between the relevant ministries and institutions involved in birth registration to ensure the harmonisation of activities.

Undertake Legislative Measures and Reforms for Birth Registration

States parties should enact appropriate legislative measures for birth registration and, if necessary, amend all national and local level laws relating to birth registration in line with the principles and provisions of the Convention. This may include revising national policies that impede birth registration.

Enforce Legislation for Birth Registration

States parties should effectively enforce birth registration legislation.

Review the Birth Registration System

States parties should review the existing procedures and systems for registering, organising and keeping civil registry records so as to ensure the proper operation and maintenance of the birth registration system. States parties should make appropriate changes in order to overcome administrative and bureaucratic obstacles at all levels. This may involve modernisation and increasing the resources available to registering authorities.

Decentralise the Birth Registration System

States parties should take measures to decentralise the birth registration system. If necessary, they should introduce additional district facilities and reorganise civil registry services in local communities. This may include providing the necessary infrastructure to facilitate birth registration in rural communities. Those authorities who are entrusted with the task of birth registration should also actively engage with local communities to ensure that births are registered in a timely and effective manner.

Ensure a Flexible Birth Registration System

State parties should ensure an effective system of birth registration that is flexible and responsive to the circumstances of families, for example, by providing mobile birth registration where appropriate.



Provide Training for Birth Registration

States parties should provide training for birth registration.

Integrate Birth Registration with Public Services

States parties should establish public service mechanisms to help ensure birth registration in schools and establish links and cooperation between the birth registration authority and the health system including hospitals, maternity clinics, mobile clinics, midwives and traditional birth attendants.

Seek Technical Assistance for Birth Registration

States parties should seek technical assistance for birth registration and deepen cooperation with international agencies including UNICEF and the UNFPA, non governmental organisations, members of civil society and other potential donors.

Undertake Retrospective Birth Registration

States parties should organise, through special and flexible measures, the registration of children who were not registered at birth.

Introduce Special Measures for Birth Registration

States parties should introduce special measures for facilitating birth registration such as assisting families to acquire the necessary documentation or organising an amnesty/grace period for undocumented individuals to register themselves.

Conduct Awareness-Raising and Information Campaigns

States parties should establish national awareness-raising campaigns aimed at changing public attitudes and sensitising parents, families, maternity clinics and hospitals, midwives and traditional birth attendants and traditional leaders to the importance of birth registration, especially in rural areas. They should ensure that communities and children are provided with information regarding the child's right to an identity at birth and on birth registration procedures.

1 CRC/C/GC/7

2 UN (2005) 'The Rights Start to Life', April

3 CRC/C/GC/7

4 CRC/C/GC/7

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