



# Birth Registration

*The right to a name, identity, and to be registered at birth is a right of all children. This is stated in various human rights instruments, including the Convention on the Rights of the Child (Articles 7 and 8). Unfortunately, millions of children around the world continue to go unregistered. Despite increasing awareness and efforts to improve birth registration systems, many refugees, other displaced persons, and stateless persons often face significant barriers with respect to registering the birth of their children.*

*Having an effective birth registration system in place is an important first step to ensuring the protection of children. However, during emergencies, civil registration systems may be destroyed or made non-functional. Additionally, a host State may decide to restrict the right to be registered at birth for refugees, other displaced children, or those who are stateless. In these instances, the UN and international and national non-governmental organizations play an important role in supporting the development of systems that meet international standards and working towards access to birth registration for all children.*

## Key messages

Birth registration should be **free, accessible to all, and conducted for each newborn** child immediately or as soon as possible after birth. Any late registration fees should be waived.

**Governments are encouraged to put in place an effective birth registration system** that is **flexible and responsive** to the specific circumstances of families in situations of displacement. This could include providing **mobile birth registration** or registration through agreements with the UNHCR or other partners where appropriate.

Children born to foreign or stateless parents, refugees, immigrants, asylum seekers and internally displaced persons should be issued a birth certificate **irrespective of the nationality, migration and residence status of their parents.**

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.





Universal birth registration is **impossible to ignore** and entirely **possible to achieve.**”

Archbishop Emeritus Desmond Tutu

## UNHCR and Birth Registration

UNHCR has made birth registration a global strategic priority. The Framework for the Protection of Children (2012) issued by UNHCR in 2012 also includes a specific objective to ensure girls and boys obtain legal documentation, including birth certificates, in a non-discriminatory manner (Goal 4). While other humanitarian and child protection entities focus on broader issues of strengthening the overall civil registration system, UNHCR will focus its efforts on overcoming specific registration obstacles affecting persons of concern.

## Why is Birth Registration Important?

In situations of displacement, birth registration is an important protection tool. At a basic level, birth registration establishes a child's identity. However, its importance goes far beyond this, as lack of birth registration can lead to serious barriers for children including:

- **NON-RECOGNITION AS A CITIZEN (statelessness):** Without birth registration and documentation, children may have problems proving their links to a State, which puts them at risk of becoming stateless.
- **DENIAL OF ACCESS TO SERVICES:** Without birth registration, a child's access to education, health care and social security may be hampered. For example, birth registration is sometimes a pre-requisite for school enrolment and for taking national exams. As an adult it is often a prerequisite for eligibility to marry, to enter the labour market, travel, access banking systems, and to register the birth of one's own children.
- **INCREASED RISK OF VIOLENCE AND ABUSE:** Children without birth registration are more vulnerable to protection risks such as trafficking, child labour, child marriage, illegal adoption, sexual exploitation and recruitment into armed forces and groups.
- **RISK OF BEING TREATED AS AN ADULT:** Children without birth registration may be unjustly treated as adults in asylum or judicial proceedings.
- **INCREASED RISK OF FAMILY SEPARATION IN EMERGENCIES:** Lack of a birth certificate decreases the possibility of successful tracing and family reunification for children separated from their families.
- **OBSTACLES TO DURABLE SOLUTIONS:** Family reunification can be difficult without any documents to trace the child's relatives, and lack of documentation can interfere with the child's ability to return to his/her country of origin.

## Key Concepts

**CIVIL REGISTRATION** is defined as the registration of major life events relating to civil status, such as births, deaths, and marriage. It is an overarching concept that includes Birth Registration. It is a fundamental responsibility of the government in the territory of asylum, and is described in international human rights law and conventions.

A **BIRTH REGISTRATION** is the official recording of the birth of a child through a state's administrative process. It is a permanent and official record of a child's existence. Although birth registration is different from the process of acquiring nationality, it establishes a child's legal identity.

A **BIRTH NOTIFICATION OR ATTESTATION** is the notice of the occurrence of birth by midwives or other health care providers to civil registrars, who then register the birth.

A **BIRTH CERTIFICATE** is a personal document issued by the state to prove birth registration, including the parents' names, date, place of birth and nationality.

## What is the Linkage Between Birth Registration and Nationality?

Birth registration **does not itself confer nationality** upon a child. The process for registering births is distinct from the process whereby individuals acquire nationality, which usually happens automatically at birth. Birth registration is nevertheless **important for the prevention of statelessness** because it establishes a legal record of where a child was born and who his or her parents are. This constitutes a **key form of proof** of whether a person has acquired nationality by birth on territory (*jus soli*) or descent (*jus sanguinis*), which are the most common bases for **acquisition of nationality** at birth.

# Key Actions: What UNHCR and Partners can do

## Legal & Policy Framework

- ➔ Assess gaps in laws and policies that prevent children of concern from being registered at birth.
- ➔ Support the government in civil registration reform so that birth registration procedures ensure that children of concern are registered and obtain birth certificates.
- ➔ Advocate for procedures for late registration, through which older children of concern and adults can be registered and obtain birth certificates after the deadline for doing so has passed.
- ➔ Analyse whether there are legal barriers to birth registration of children of concern, including discriminatory gender and social norms that prevent women from registering a birth (for example, where a child is born out of wedlock).
- ➔ Advocate for equal access for women to register their child (for example, without the approval or presence of the father).

## Knowledge & Data

- ➔ Assess practical obstacles that prevent children of concern from being registered at birth (for example, distance from a registration centre or associated application fees).
- ➔ Identify which groups or categories of children are being “left out” of the registration process, and analyse potential disincentives to birth registration. Discuss this with communities, e.g. during participatory assessments.
- ➔ Establish mechanisms/procedures to collect data on birth registration of newborns and persons of concern, and ensure that ProGres is updated accordingly. If you are undertaking household surveys, include a question on birth registration.

## Coordination

- ➔ Build or develop partnerships with key international and national organizations with experience in the field of birth registration.
- ➔ Protection coordination groups should regularly discuss issues related to birth registration.
- ➔ Liaise with health actors and coordination groups, to ensure there is a common understanding of the importance of birth registration and what the procedures are.

## Human & Financial Capacity

- ➔ Assess the resources and capacity of civil registration authorities within the targeted country/area.
- ➔ Ensure administrative personnel, judicial and security actors, and healthcare professionals (including birth attendants) are trained and aware of birth registration procedures for persons of concern.
- ➔ Support birth registration programmes for refugee children and children at risk of statelessness, especially in States without adequate resources.

## Prevention & Response

- ➔ Support governments to increase the accessibility of registration services in displacement settings. This could include using cell phone registration technologies, mobile birth registration programs, and specific procedures to cover births at home.
- ➔ Advocate for and support late birth registration facilities for children (and adults) who were not registered at birth.
- ➔ Integrate birth registration with other programmes, such as health and education and broader protection interventions.
- ➔ Update ProGres with the names and details of newborns. Where the government does not register newborn persons of concern, UNHCR ‘birth attestations’ can be used as an alternative to official birth certificates (but can never replace official birth certificates).

## Advocacy & Awareness

- ➔ Raise awareness about the importance of birth registration and certificates for girls and boys.
- ➔ Involve key community actors in behaviour-change and public sensitization campaigns, including traditional, religious, and youth leaders.
- ➔ Provide information to communities on birth registration procedures, including procedures for late registration, e.g. through information leaflets in local languages and discussions with community leaders.
- ➔ Advocate for policies which ensure that children are not denied access to school or health services due to lack of a birth certificate.
- ➔ Provide information on birth registration deficits and discriminatory birth registration practices to relevant UN bodies (OHCHR or UNICEF), and human rights treaty bodies (e.g. CEDAW) for the purposes of the Universal Periodic Review.

## UNHCR in Action: Examples from the Field

**IN THAILAND**, since 2010, UNHCR has been assisting the Thai Government with implementation of the revised *Civil Registration Act* (2008) meant to address a massive backlog of birth registration cases among refugee children born in Thailand from Myanmar parents. Under the revised law, all children born in the country are entitled to birth registration even if their parents are not Thai nationals – an important step to ensure protection and prevent statelessness. UNHCR support includes, among other things, awareness raising and information campaigns in the community regarding the importance of birth registration, and technical assistance in birth registration procedures.

**IN COLOMBIA**, since 2000, UNHCR has carried out a large-scale registration/documentation project in conjunction with the National Civil Registry Office. Focusing on IDPs and persons at risk of displacement, the project facilitates access to State services, improves security, updates civil registries, and provides identity cards for children and adults. UNHCR has put mobile teams with the necessary equipment (computers, fingerprint materials, cameras and a satellite antenna to connect the unit with the national database) at the disposal of the National Civil Registry. Although campaigns have traditionally focused on rural or hard-to-reach areas, urban campaigns have also been carried out. Altogether, from 2000 to 2009, birth registration and identity cards were issued for hundreds of thousands of children between ages 7 and 18.

**IN KENYA**, UNHCR has worked for a number of years with the Kenyan Department of Civil Registration. UNHCR facilitated missions by the Department of Civil Registration to refugee camps, and used these missions to highlight first-hand the issues faced by refugees and to advocate for access to registration services. As a result of these missions, the Department of Civil Registration mobilized district officers to support UNHCR operations. Building on this initiative, the government created an outreach program in 2012 where district officers attend camps with the UNHCR team to talk to refugees and initiate birth registration within the community. The results have been very positive so far, with many newborns being registered thanks to this initiative.

**IN CÔTE D'IVOIRE**, UNHCR legal aid programmes assisted thousands of people with information and late birth registration in the context of the large-scale *audiences foraines* carried out in the country in 2008 and 2009. These itinerant judicial hearings for granting of birth certificates targeted persons age 13 and above who were born in Côte d'Ivoire, regardless of their nationality. They benefitted a total of approximately 900,000 people in Côte d'Ivoire and have helped to prevent statelessness.

## What information should be recorded on a birth certificate?

- **THE CHILD'S NAME AT BIRTH**
- **THE CHILD'S SEX**
- **THE CHILD'S DATE OF BIRTH**
- **WHERE THE CHILD WAS BORN**
- **THE PARENTS' NAMES AND ADDRESSES (or the single parent's name if no paternal or maternal affiliation has been established)**
- **THE NATIONALITY STATUS OF BOTH PARENTS**

**Note:** in the case of a child **born out of wedlock** and no paternal/maternal affiliation has been established with the second parent, or where privacy concerns make it desirable that information about the second parent is not included in the certificate (e.g. where out-of-wedlock relations are socially unacceptable or when a child is born from an incestuous relation), procedures should allow for the registration of the single parent's name, address and nationality.

**Note:** it is not desirable that birth certificates include **information about the child's nationality**, because civil registration authorities will not always be competent to determine the child's nationality at birth (in particular where one or both parents are foreigners). In cases where birth certificates include such information, the field should be left blank where the child's nationality is unclear.

## For More Information:

- UNHCR Framework for the Protection of Children (2012)
- UNHCR, 2008. *Handbook for the Protection of Women and Girls*, Chapter 4, available at: <http://goo.gl/MxQ8i6>
- Plan International, 2009. *Count Every Child: The Right to Birth Registration*, available at: <http://goo.gl/ttS9tE>
- Plan International, 2006. *Global Guidelines and Strategies on Universal Birth Registration, An Analysis of the Concluding Observations and General Comments of the UN Committee on the Rights of the Child*, available at: <http://goo.gl/pbNuAk>
- Plan International, 2012. *Mother to child: how discrimination prevents women from registering the birth of their child*, available at: <http://goo.gl/bkLgmz>
- UNICEF Innocenti Research Centre, 2007. *Innocenti Insight: Birth Registration and Armed Conflict*, available at: <http://goo.gl/GWZ33b>
- ICM, *Statelessness: Prevention And Reduction of Statelessness and Protection of Stateless Persons*, available at: <http://www.unhcr.org/450823bf2.pdf>
- Plan International, 2012. *Under the radar and under protected: the urgent need to address stateless children's rights*, available at: <http://goo.gl/OQQoaM>