

Submission: Child Identity Protection (CHIP)¹ welcomes the opportunity to provide input for the study on **universal birth registration and the use of digital technologies** recommended by the Human Rights Council Resolution 52/25, which is being coordinated by the Child and Youth Rights section within the Office of the UN High Commissioner for Human Rights. This submission is based on CHIP's work including the Legal Atlas on birth registration currently being developed in collaboration with UNICEF (UNICEF/CHIP Legal Atlas)² as well as publicly available sources.

Introduction: Birth registration serves interrelated purposes for the fulfilment of children's rights in the CRC. Firstly, the child's right to be registered immediately after birth is embedded in international standards as a **stand-alone right** (e.g. Art. 24(2) ICCPR and Art. 7 CRC). Birth registration provides a legal identity, which has minimum conditions as defined by ECOSOC in 2019.³

Secondly, it is also often a prerequisite to the achievement of other **identity rights**, including right to nationality (e.g. it establishes facts in relation to *jus soli* and *jus sanguinis*), name (i.e. recorded at birth) and family relations (i.e. recording of mother, father, siblings etc.) (see Diagram 1).

Thirdly, birth registration acts as a gateway to **other CRC rights**. For example, without a birth certificate, children may not be able to go to school and/or sit exams to progress in their schooling; may be excluded from social protection subsidies; may not have origins information, which can impact both physical and mental health, as well may be prevented from accessing justice (Diagram 2).⁴

Fourthly, birth registration can **protect from harms** as it provides proof of age, limiting certain activities deemed unsuitable for children. Without this proof, children are at greater risk of exploitation, trafficking, recruitment as child soldiers, child marriage and extreme forms of child labour. In juvenile justice matters, children receive different treatment according to their age and maturity (Diagram 2).

In light of the above, CHIP welcomes all efforts that contribute to the preservation of the child's right to birth registration. These efforts require an enabling environment to ensure that the supply of birth registration services is adequate and that there is sufficient demand for the services. While, this enabling environment does not always exist in terms of supply (Section 1) and demand (Section 2), significant and proven efforts are underway to facilitate universal birth registration (Section 3).

Section 1: Challenges for the supply of birth registration services

To ensure universal access to birth registration, civil registration and vital statistics (CRVS) services should be available to all populations, including those most vulnerable, such as those living in poverty or in emergency contexts. Enablers exist to facilitate the supply of these services, but practical obstacles persist as listed below.

Diagram 1 : Child's right to identity (Art.7-8 CRC)

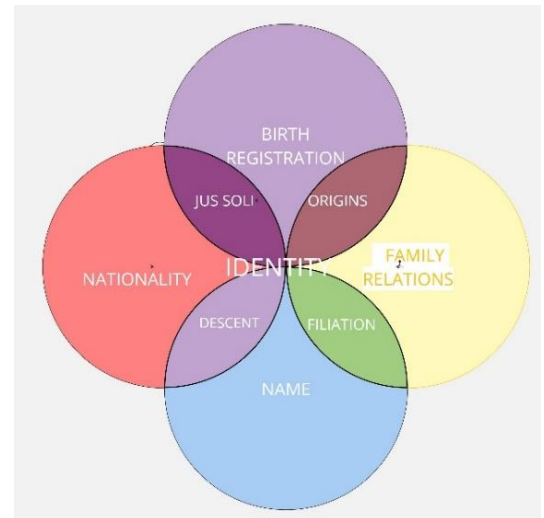
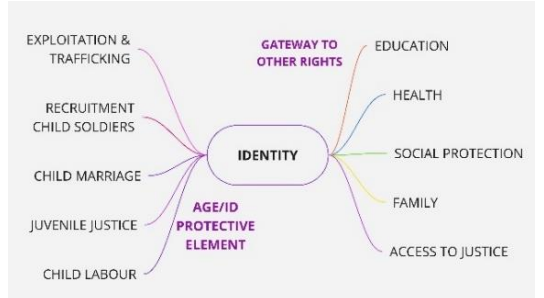


Diagram 2 : Birth registration as an enabler for other rights



¹ www.child-identity.org

² <https://www.child-identity.org/research-on-behalf-of-unicef-to-develop-a-legal-atlas-on-childs-right-to-identity/>

³ E/CN.3/2020/15 <https://unstats.un.org/unsd/statcom/51st-session/documents/2020-15-CRVS-E.pdf>

⁴ See meeting summary from Expert Meeting with CRC Committee on the Rights of the Child <https://www.child-identity.org/expert-meeting-with-crc-committee-on-childs-right-to-identity-and-access-to-remedies/>

Enabler 1: free birth registration and free or low-fee issuance of birth certificates⁵ including

- Fees exist in countries such as Ghana, India, the Maldives, Senegal, South Africa and Ukraine.
- Certification fees exist in countries such as Burkina Faso (stamp fees), Chile, Cote d'Ivoire, Eswatini (prescribed fee), Ghana (prescribed fee), Guatemala, Honduras, Kenya, Morocco, the Philippines, Samoa, Tunisia, Ukraine and Zambia.
- Late and/or delayed registration fees exist in countries such as Cote d'Ivoire (tribunal fees), Eswatini (prescribed fee), Ghana, Honduras, India, Kenya, Malaysia (application 50RM), the Philippines, Samoa and South Africa. In addition, the procedure is often cumbersome involving court procedures, which add another barrier to birth registration.

Enabler 2: location of civil registries is widely accessible to all populations

- Civil registries are prioritised in urban settings, which may be difficult to access for those living in rural communities as well as for nomadic and border-dwelling populations.⁶

Enabler 3: CRVS systems are well-equipped with adequate budget and resources

- CRVS system budgets may be limited, which leads to offices being closed, registers and paper forms being unavailable (*e.g.* in 2023, there were strikes among civil registrars in Senegal, which led to the closure of offices for periods of time).
- As civil registrars in some countries are "elected" into office as part of Mayor duties, this can lead to them not having adequate training and there may be a turnover with each election.

Enabler 4: CRVS systems are available and operational during emergency situations

- In an emergency context including in non-government controlled areas (NGCA), services must exist to register the child. For example, even before the Russian invasion of Ukraine, only 45% births were registered in Donetska and Luhanska and 12% in Crimea.⁷ From 2015 to 2021, up to 200,000 children did not have birth certificate.⁸ Even if *de facto* authorities registered children, these were often costly and were not always recognised by the Ukrainian Government.⁹
- In an emergency setting, birth registration documents may be forgotten, lost, stolen, destroyed and/or falsified. Systems should be in place to ensure access and/or reconstruction services.

Section 2: Challenges for the demand of birth registration services

In addition to supply challenges (Section 1), the demand for birth registration may be weak due to barriers faced by populations in accessing services as noted below.

Enabler 5: Importance of CRVS is widely understood by all populations

- In half of the 45 countries with available data, a majority of mothers/caregivers of unregistered children lack knowledge of how to register a child's birth,¹⁰ and why it is important.
- Children from the poorest households are less likely than their richest counterparts to have their births registered. Indeed, "in South Asia, 86 per cent of children under age 5 from the richest quintile have their births registered compared to 53 per cent of those from the poorest quintile."¹¹
- Children from some ethnic groups may be less likely to have their births registered.¹² For example, in Montenegro and Serbia, birth registration levels among Roma infants under age 1 are lower than national averages (90% versus 98% in both countries).¹³

Enabler 6: CRVS services are available to all populations independent of gender

- Regarding **informants**, in most countries, either the father or mother can register the child alone. In other countries, both parents are required, such as in Afghanistan, Bhutan, Kenya and the Maldives, which can act as a barrier, for example when they are separated and/or unknown. In Tunisia, only the father or other persons that have assisted in the birth can register the child.

⁵ A/HRC/52/L.23 https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/52/L.23 (p. 3)

⁶ United Nations Children's Fund, Birth Registration for Every Child by 2030: Are we on track?, UNICEF, New York, 2019.

⁷ https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf

⁸ <https://www.unhcr.org/ua/en/65737-unhcr-calls-for-improved-access-to-birth-registration-to-confirm-legal-identity-and-prevent-statelessness-in-ukraine.html>

⁹ https://www.unhcr.org/ua/wp-content/uploads/sites/38/2020/03/Briefing-Note-Birth-registration_2020.pdf

¹⁰ United Nations Children's Fund, Birth Registration for Every Child by 2030: Are we on track?, UNICEF, New York, 2019.

¹¹ United Nations Children's Fund, Birth Registration for Every Child by 2030: Are we on track?, UNICEF, New York, 2019.

¹² United Nations Children's Fund (2019), Birth Registration for Every Child by 2030: Are we on track?, UNICEF, New York, 2019.

¹³ United Nations Children's Fund, op cit..

- In some countries, **women can only register the birth of their children in exceptional circumstances**. For example, according to Djibouti's Civil Code, women are not permitted to register the births of their children. In Fiji, the Law on Births, Deaths and Marriages Registration only permits the mother to register the birth of the child where the father has died, fallen ill, is absent or unable. In Oman, the Civil Status Law stipulates that responsibility for registering the birth of the child falls first to the father. The final person eligible to register the child's birth, follows a successive list of individuals, is the mother. In Eswatini, the Birth, Deaths and Marriages Act specifies that the father is responsible to register the child. It is only where the father has died, is absent or unable that any other person present at birth may register the birth.
- In a few countries, **women can only register the birth of their children if they can prove that the child was born in wedlock**. For example, in Morocco and South Africa, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates, a marriage certificate is required for the child to be registered.¹⁴ In the Maldives, for married mothers, if the certificate is not available, she can only complete a *Foolhumaa* form, but not birth registry/certificate.¹⁵ The civil status laws and regulations in Egypt, Jordan and Palestine¹⁶ make provision for a child, who is born out of wedlock, to be registered using false names for the parents and/ or child, or by omitting their names from the certificate altogether. In Bahrain, a child born out of wedlock can be registered at birth, but the birth certificate will treat the child as though he or she were a foundling and record the child as having been born to unknown parents.
- In other countries **mothers may be able to register their children out of wedlock, but having such relations may be criminalised**, charging them with adultery or sex work and subjecting them to cruel and inhumane punishment. For example, the Iranian Law on Civil Status Registration allows for birth registration of all children, including children born out of wedlock.¹⁷ However, fear of severe punishment for sex out of marriage under Iran's Penal Code may serve as a deterrent for the registration of children born out of wedlock by the father or mother.
- **Social norms surrounding unmarried women may also prevent the registration of children**. For example, in some contexts, hospitals may refuse services to unwed pregnant women. In Malaysia's complex legal system,¹⁸ which encompasses Islamic, civil and customary law, a child is considered illegitimate if born out of wedlock. Mothers of children deemed illegitimate are often deterred from registering their children out of fear that they will be discriminated.

Enabler 6: CRVS services are available to all populations independent of age

- **Adolescent mother needs to be accompanied by a legal representative such as in Ecuador.**¹⁹ Civil registry officers in some countries, like Costa Rica and Guatemala, are obliged to report cases of adolescent mothers to the prosecutor's office, a potential deterrent for child mothers to register the birth of children.
- **Children who have not been registered at birth are sometimes precluded from making an application independent of their parents**. To illustrate, the great majority of EU member States "*do not regulate the issue of children under 18 years applying on their own for their birth registration, if parents fail to do so*".²⁰ Belgium, France, Luxembourg, Poland and Romania provide for late registration for other interested parties, such as relatives and professionals.

Section 3: Promising practices to facilitate universal birth registration and activate enablers

Promising practices exist, which can contribute to an enabling environment, to facilitating supply and to increase demand of birth registration services (Sections 1 and 2).

3.1 Change of discriminatory laws against women

Multiple examples have been highlighted by UNHCR and UNICEF,²¹ including Guinea, which reformed its Civil Code (Art. 202) in 2019 allowing women to register births. In 2018, South Sudan passed the

¹⁴ UNHCR and UNICEF (2021) [Background Note on Sex Discrimination in Birth Registration](#)

¹⁵ UNHCR and UNICEF: [op cit](#)

¹⁶ UNHCR and UNICEF: [op cit](#)

¹⁷ UNHCR and UNICEF: [op cit](#)

¹⁸ UNHCR and UNICEF: [op cit](#)

¹⁹ UNHCR and UNICEF: [op cit](#)

²⁰ <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/applying-birth-registration>

²¹ UNHCR and UNICEF: [op cit at 12](#)

Civil Registry Act of 2018 where Article 25.6 provides that the mother can also register the birth. In addition, a 2004 reform of the Civil Registration Code of Mozambique also allows either parent to register the birth and obtain a birth certificate. In addition, single Mozambican mothers can now register their children under their maiden name and choose to register them as having a father other than her husband.

3.2 Awareness-raising campaigns about the importance of birth registration

To increase consciousness and knowledge about the critical importance of birth registration, initiatives exist including in mass media.²² For example, in West and Central Africa, in 2020, the African Union with UNICEF, launched the *No Name Campaign: For Every Child a Legal Identity, For Every Child Access to Justice* where birth registration is recognised as a key element for the access to child-friendly justice.²³ Recent regional efforts will contribute to tackling this issue, including that Senegal hosted the first ever francophone Symposium on civil registration in December 2023 with 26 countries participating.²⁴ In 2024, UNICEF with leading football players and the private sector launched the *#MyName* campaign at the African Cup of Nations in Côte d'Ivoire.²⁵

3.3 Interoperability with Ministry responsible for Health (hospitals, health care centres)

Children should ideally be registered where they are born. In addition to multitude of examples identified by WHO/UNICEF of twinning with the health sector,²⁶ the UNICEF/CHIP Legal Atlas notes that several countries have benefited from using the health sector for birth registration, such as Afghanistan, Burkina Faso, Cote d'Ivoire, Guinea (Conakry), Maldives, Peru, the Philippines and Togo. In Burkina Faso and Togo, hospitals, maternity wards and public or private health facilities keep a register of births that have occurred there.²⁷ A specific provision in the law, complemented by active efforts have resulted from 2018 to 2021 in more than 65,000 children being registered in Guinea Conakry,²⁸ with civil registry corners in hospitals.²⁹

3.4 Interoperability with Ministry responsible for Education

As birth registration may be a requirement to access education, by increasing birth registration coverage, more children will be able to access/complete their education. Improving birth registration can occur by building on the interoperability between the Ministries responsible for civil registration and education. This can include establishing routine mechanisms for identification of students without birth registration, and regular catch-up registration in coordination between civil registration and educational authorities. For example, catch-up birth registration in Senegal has resulted in 50% of the backlog being resolved through a formal protocol.³⁰ Additionally, special catch-up birth registration programmes have been initiated in Cote d'Ivoire over different periods, where between 2017 and 2019, more than 600,000 pupils obtained a birth certificate³¹ and in 2022, 150,000 pupils were registered.³² A special catch-up birth registration mechanism is underway in Cameroon in 2024.

3.5 Interoperability with other sectors

In terms of twinning with other sectors, this may occur with the provision of social protection (*e.g.* using social workers to register children when families apply for subsidies).³³ Service delivery may

²² E.g. Gabon : faute d'actes de naissance, plusieurs milliers enfants "invisibles" privés d'école - Focus (france24.com) (France 24, 2021) <https://www.france24.com/fr/%C3%A9missions/focus/20211026-gabon-faute-d-actes-de-naissance-plusieurs-milliers-enfants-priv%C3%A9s-d-%C3%A9cole> ; "Enfants fantômes" : sans état civil, sans identité (TV5, 2019) <https://www.youtube.com/watch?v=ffB8F1DXkBA>

²³ <https://au.int/en/newsevents/20200617/no-name-campaign>

²⁴ <https://decentralisation.gouv.sn/2023/12/11/le-ministre-modou-diagne-fada-a-procede-a-louverture-du-premier-symposium-sur-letat-civil-en-afrique-francophone/>

²⁵ <https://twitter.com/UNICEFAfrica/status/1745875862694596704> ; <https://twitter.com/i/status/1747687797211775444> ; <https://www.unicef.org/wca/reports/myname-birth-registration-campaign> and brochure

<https://www.unicef.org/wca/media/9661/file/My%20Name%20Birth%20Registration%20Campaign%20-%20ENG.pdf>

²⁶ <https://iris.who.int/handle/10665/341911>

²⁷ Art. 108 of the Code des personnes et de la famille au Burkina Faso (1989) and Arts.19 of the Togolese Civil Registration Law n°2009 – 010

²⁸ <https://www.unicef.org/guinea/recits/enregistrement-des-naissances-%C3%A0-conakry-65756-actes-de-naissance-ont-%C3%A9t%C3%A9-d%C3%A9livr%C3%A9s-gr%C3%A2ce-%C3%A0>

²⁹ <https://www.unicef.org/guinea/recits/des-coins-d%C3%A9tat-civil-pour-favoriser-lenregistrement-des-naissances>

³⁰ <https://child-identity.org/strengthening-birth-registration-to-improve-access-to-education/>

³¹ <https://www.unicef.org/cotedivoire/communiqu%C3%A9s-de-presse/malgr%C3%A9-un-enregistrement-des-naissances-en-nette-hausse-un-quart-des-enfants>

³² <https://www.unicef.org/media/135841/file/Cote-d-Ivoire-2022-COAR.pdf>

³³ UNICEF, 'Reaching children with a holistic approach: Enhancing synergies between social protection and civil registration systems for an inclusive and equitable society', September 2023, <https://www.unicef.org/reports/reaching-children-holistic-approach>

also be adapted in areas that are difficult to access, such as in Peru, where “*where there are no Registry Offices, birth registration shall be carried out by military garrisons on the border or by missionaries duly authorised by the Registry*”. There is a specific provision in India that allows delegation of birth registration responsibilities to other sectors.³⁴ In Eswatini, the village chief and/or *Induna* has a notification role in specific situations.³⁵

Having a **unique identification number (UIN)** at birth is used in a number of countries as a “record locator or index within the system to facilitate back-end operations such as linking different tables within a database” and in some cases, can act for authentication purposes instead of physical credentials.³⁶ UIN facilitates the inter-operability and streamlining across different sectors. UINs are used in countries such as Bhutan, Chad, Chile, Colombia, Cote d’Ivoire Ethiopia, Guatemala, the Maldives, Morocco, Peru, the Philippines and South Africa. For example in the Philippines, a circular was introduced to ensure that all Filipinos are registered in LCR and enrolled with the Philippines Identification System.³⁷

3.6 Decentralisation of CRVS services

Standardised birth registration and certification procedures should be automatic, immediate, accessible, simple and free. **Registration fees do not exist** in many countries such as Afghanistan, Bhutan, Burkina Faso, Cameroon, Chad, Chile, Colombia, Cote d’Ivoire, Ethiopia, Guatemala, Guinea Conakry, Honduras, Kenya, Malaysia, Mexico Morocco, Paraguay, Peru, the Philippines, Samoa, Togo, Tunisia and Zambia. **Late and/or delayed registration fees do not exist** in countries such as Afghanistan, Bhutan, Burkina Faso, Cameroon, Chad, Chile, Eswatini, Guinea Conakry, Paraguay and Peru. **Certification fees do not exist** in many countries such as Afghanistan, Bhutan, Cameroon, Chad, Colombia, Guinea Conakry, India, Malaysia, Senegal, South Africa.

Procedures should be responsive to needs, irrespective of the parents’ documentation, residence or other status (*i.e.* gender, marital status, ethnicity, legal residence).³⁸

To ensure the widest possible reach, registrars should engage with communities to build trust and understand the challenges parents face to register children and to identify suitable solutions. This can include allowing key community figures, such as religious leaders, community health workers, volunteers, village headmen, midwives, to register births. For example, in Cameroon, the relevant Ministries and UNICEF, have introduced a campaign in 2024 to involve and make Mayors champions for civil registration. Based on a national roadmap, each Mayor is encouraged to develop communal roadmaps to meet their specific needs.

3.7 Digitalisation of CRVS services / Identity management system³⁹

In 2023, UNICEF published CRVS platforms Key Findings for Practitioners⁴⁰ to help those who wish to understand and implement digitalised CRVS programmes. It includes core functional and core non-functional characteristics of a robust system. Key lessons include that digitalisation initiatives should occur as part of wider E-governance country reforms that are government-led and compliant with human rights standards. They should be developed in a way that simplifies procedures, are connected with other sectors, available to all populations including those facing obstacles in accessing E-systems (*e.g.* those living in poverty, rural and conflict zones). They should be financed, not only for their initial set-up costs, but also to ensure that their maintenance can be absorbed by national budgets. Providers of E-services should not lead service provision, but should follow governments’ national strategies and needs.

³⁴ Registration of Births and Deaths Act, 1969, Section 8.

³⁵ The Births, Marriages And Deaths Registration Act, 1983. Village chief or his induna or registration information officer can also have a notification role within ten days.

³⁶ <https://id4d.worldbank.org/guide/unique-id-numbers>

³⁷ Circular 22 July 2022, PSA: Implementation of the Phylis Birth Registration Assistance Project (PBRAP)

³⁸ UNHCR and UNICEF: Background Note on Sex Discrimination in Birth Registration (2021)

<https://www.refworld.org/policy/opguidance/unhcr/2021/en/123888>

³⁹ Srdjan Mrkić (2020) Presentation on United Nations Legal Identity Agenda, United Nations Statistics Division

<https://unstats.un.org/unsd/demographic-social/meetings/2020/Webinar-crvs-Caricom/docs/01/unsd.pdf>

⁴⁰ https://unstats.un.org/legal-identity-agenda/documents/Paper/CRVS_Key%20Findings_for_Practitioners.pdf