ABA Summit: Birth Registration Principles

CRC + GENERAL COMMENT LANGUAGE

Registration of birth is a fundamental right of all children, as set out in Article 7 of the Convention on the Rights of the Child:

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.

The General Comment expands on the importance of how the provision of a legal identity document can “change our story”. Having a demonstrable registered identity is essential when “it’s not about getting us off the streets and into shelters. It’s about giving us a status”.

The General Comment gives detailed advice: “Lack of proof of identity has a negative impact on the protection of rights for children in street situations in relation to education, health and other social services, justice, inheritance and family reunification. As a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages. Children in street situations should be supported proactively to obtain legal identity documents. As a temporary solution, States and local governments should allow innovative and flexible solutions, such as providing informal identity cards, linked to civil society personnel/addresses, allowing children in the meantime to gain access to basic services and protection in the justice system. Innovative solutions should be adopted to overcome the challenges faced by children in street situations, who are often highly mobile and who lack the means to keep a physical identity document safe without losing it or having it damaged or stolen.”
DRAFT STRATEGIES FOR IMPLEMENTATION

- States should assure that their laws allow children to access register their identity without being charged; and that those laws make provision for an accessible registration process that is easily understood and followed by all.

- States should assure that their laws make provision for alternative and innovative modes of registration, including, where appropriate, mobile and decentralised systems.

- States should assure that their laws make provision for the issuance of informal identity documents as a temporary measure where children in street situations may initially face barriers to gaining formal documentation.

- States should assure that their laws guarantee that all children at risk of not gaining formal registration will actively be supported to gain registration.

- States must abolish any provision that creates barriers to registration based on age, sex, ethnic group, or domicile.

- States must abolish any provision that requires the payment of fees in return for registration.

- States must abolish any provision that requires the participation of the child’s birth family in order for the child to gain registration.

SAMPLE STATUTORY AND POLICY LANGUAGE

The terrain of birth registration systems is highly heterogeneous. Some of the world’s newest countries are starting to build their systems from scratch. Others, with longstanding systems, are working on the fine detail of their processes to ensure that they do not discriminate against specific groups. However, despite these wide differences in context, there are principles of constructing a birth registration system that apply across the board.

To make birth registration available for all groups, including hard-to-reach populations such as children in street situations, governments must address the whole territory of civil registration. This entails work in four main areas: raising awareness of the importance of birth registration; building a reliable system; ensuring that this system is accessible by all sectors of the population; ensuring that the system can be maintained and sustained.
**Raise awareness:** In many countries, a large number of children and their families are not aware of the importance of birth registration, and the advantages that a legal identity may bring. It is essential to raise awareness of this key question amongst children and their families, as well as amongst those professionals who encounter or work with children; teachers, doctors, nurses, and civil servants. This may be undertaken directly, by mobile registration units or community sensitisation activities, as well as mass communication via radio, television, and poster campaigns. Children have been involved in the production of communication materials about birth registration. Where possible, children in street situations should be asked to advise on the key messages used to communicate about the importance of registration.

**Build a system:** Processes for the registration of all children, at any age, should be established as part of a national system of civil registration and vital statistics. Registration documents should be linked to a national register of citizenship. Where possible, this should be maintained as a digital database. Children in street situations often register outside of the neonatal period, and systems should be designed to ensure that this does not constitute a barrier to their registration. Children should be able to undertake their own registration and it should not be dependent on the participation or cooperation of their birth family.

**Make it accessible:** Registration should be accessible to all children and their families. It should be physically accessible, socially and culturally acceptable, and not hidden by discriminatory barriers. Some populations are physically distant from the locations where registration is undertaken. This barrier has been overcome by mobile registration units in some countries, whilst others have distributed communication systems to remote sites, to allow registrations to be logged and then passed on to a central authority. Registration of children born outside of marriage, or in other situations subject to potential cultural prejudice, may be at risk of not being registered because their parent is unwilling to reveal the circumstances of the birth. This kind of obstacle can be overcome by offering a private and confidential environment for undertaking registration. Children in street situations are in some contexts denied access to government offices where registration takes place because of their age or appearance; governments should work with civil society organisations to plan how these barriers can be removed. “Pop-up” registration sites in parks or other public spaces should be considered as a way to overcome this barrier.

**Make it sustainable:** Where possible, birth registration systems should be built within and alongside the existing structures of civil society, such as health centres; hospitals; schools, youth and community centres. Where registration systems are integrated as part of an existing social amenity, they are more likely to endure. Governments should consider which amenities are likely to be accessed by children in street situations, and consider where night shelters, drop-in centres, or transport hubs could become registration sites.