

The Significance of Birth Registration in Today's World

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Summary

The importance of birth registration cannot be underestimated since it bestows a legal identity on children for life. Without a birth certificate, children may be excluded from education as well as health and social services. The article examines the gaps in birth registration in different regions, and calls attention to the danger incurred by unregistered children in difficult circumstances. Birth registration is an internationally recognized right of every child that also allows governments to know the size and needs of their populations, and to provide the necessary structures and services for their citizens' well-being.

Introduction

The importance of birth registration is not immediately evident to everyone. In industrialized countries it is viewed as a formality that parents have to fulfill following the birth of their child, with little thought given to the full weight of this step, and

even less to the adverse effects of the absence of registration on millions of the world's children throughout their lives.

Birth registration is no mere administrative measure. It is a passport to citizenship for the registered child, and it incorporates vital data for national statistics to guide governments' formulation of their development policies, e.g. in the fields of health, education and social services. In some countries, access to health services may not be possible without any proof of a legal identity, and while unregistered children can usually enroll in primary schools, without it in most countries they may find themselves barred later from sitting for national school tests or being admitted to universities. The absence of a legal identity is also an impediment to marriage, property ownership, inheritance, travel abroad necessitating a passport, or even obtaining a driving license – although, depending on the country, such problems can often be solved through affidavits or other methods which can be costly as well as time consuming.

Responsibility for civil registration lies squarely with governments and their national structures and services, while the birth registration process relies also on other actors such as hospitals, health and community centers, midwives and traditional birth attendants. Social workers can play an important role in advocating and facilitating birth registration and establishing links with registration authorities at various levels. Such actions are likely to have a multiplier effect, such as empowering parents to deal with local and other authorities, encouraging them to visit health centers with their children and to send their children to school, even if neither parent is literate.

While birth registration is a national policy and a societal matter, it is also inextricably linked to child rights. Article 7 of the United Nations Convention on the Rights of the Child reads:

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.

Since the Convention has now been ratified by all members of the United Nations, save two (the United States and Somalia), the world has officially recognized all rights stated therein, including the right of every child to be registered.

Other United Nations instruments and official reports as well as regional instruments that have recognized the right to birth registration are:

- 1966 International Covenant on Civil and Political Rights, Art. 24 – ‘every child shall be registered immediately after birth...’
- 1989 35th Session of the UN High Commissioner for Human Rights – notes the importance of birth registration or child protection, particularly for illegitimate children and to reduce the sale and trafficking of children.
- 1990 African Charter on the Rights and the Welfare of the Child, Art. 7 ‘Every child shall have the right from his birth to a name. . . shall be registered immediately after birth . . .’
- 1990 International Convention on the Rights of all Migrant Workers and Members of their Families, Art. 29 ‘Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality’¹
- 2001 UN General Assembly Resolution ‘A World Fit for Children,’ Art. 44(1), which commits to ‘developing systems to ensure the registration of every child at, or shortly after birth’.

¹ Birth registration: Right from the Start UNICEF 2001 p.3

Lacunae in Universal Birth Registration (UBR): What still needs to be achieved

In its 2005 publication *The 'Rights' Start to Life* UNICEF presents an annual estimate of over 48 million unregistered children under 5 years of age, representing approximately 36% of all those born within a given year. Two main instruments were used for the survey: Multiple Indicator Cluster Surveys (MICS) and the Demographic and Health Surveys (DHS). The result showing regional disparities are displayed in Table 1 below:

Table 1: Extent of the Problem: Proportion of annual unregistered births, by region			
Regional summaries	Births 2003	Percentage (%) of unregistered children	Number of unregistered children (in thousands)
Sub-Saharan Africa	26,879	55	14,751
Middle East and North Africa	9,790	16	1,543
South Asia	37,099	63	23,395
East Asia and Pacific	31,616	19	5,901
Latin America and Caribbean	11,567	15	1,787
CEE/CIS and Baltic States	5,250	23	1,218
Industrialized countries	10,827	2	218
Developing countries	119,973	40	48,147
Least developed	27,819	71	19,682

countries			
World	133,028	36	48,276

Source: UNICEF (2005:3)

What the table does not show are the important disparities within regions and also those within the countries of almost every region. Such disparities can be attributed to a myriad of factors and circumstances such as the quality of governance, the GNP of various nations, the varying income of states or provinces within a country, the chasm between conditions in rural and urban areas, and the degree of centralized and effective registration systems often condemned to rely on primitive data gathering of the vital events of human life: birth, marriage and death.

In its Article 7 the Convention on the Rights of the Child (CRC) logically links the registration of a newborn child to the bestowal of a name and a nationality. As far as the name is concerned, there is no problem, except that some countries refuse to record names chosen by parents if they are considered absurd or even detrimental to the child in his/her later life (e.g. 'Beautiful Angel'). In Azerbaijan, on the other hand, local registrars are refusing to register children with religious names, advising parents to choose names of famous Azeri poets or writers instead. Furthermore, some religions require a lengthy waiting period for the choice of a name (e.g. for Muslims and Hindus), which may clash with statutory time limits for the registration of a birth.

The child's nationality, however, frequently gives rise to serious controversy as countries' legislations vary. Some apply *jus soli* (law of the soil), which means that anyone born on their soil acquires the nationality of the country, while others apply *jus sanguinis* (law of the blood), which means that the child born there will acquire the nationality of his or her parents or at least that of one of them. In the case of refugees and asylum seekers, as well as internally displaced persons (IDP), this can

be difficult as these persons may have no documentation proving their nationality, either because they disposed of it (e.g. to claim refugee status and avoid repatriation), lost it or had it taken away from them. The UN High Commissioner for Refugees (UNHCR) is responsible for ensuring that the birth of all refugee children is registered, and if the receiving country is unable or unwilling to bestow its nationality on the newborn, and the parents' country can either not be established, or the diplomatic representative of that country proves unwilling to recognize and document the newborn, the UNHCR will organize a local registration to ensure that at least the date, place of birth and the names and nationalities of both parents are recorded. Similar registration procedures are also organized for abducted children in Internally Displaced People's camps.²

Importance of Birth Registration for Policy and Planning

Most countries carry out regular censuses at 10-year intervals to ascertain the composition and requirements of their population, and to plan for the provision or extension of services in the fields of health, education, security, justice, leisure activities and sports. Targeted surveys are carried out by the statistical divisions of various ministries and by national institutes. At the international level, the lead agency is the United Nations Statistical Office, which often co-operates with other UN structures such as the United Nations Fund for Population Activities (UNFPA), the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labor Organization (ILO) and the United Nations Children's Fund (UNICEF), as well as with some of the major international NGOs.

Civil registration in general and birth registration in particular represent a fundamental tool for good governance. Without a well-working civil registration system, governments cannot plan

² *ibid* p. 11

for their populations' well-being and welfare, and may not be able to carry out regular censuses except through house-to-house visits.

The expression 'a passport to citizenship' used earlier in this article refers also to the right of each child to be counted and included in the countries' budgetary and other provisions for adequate schooling, health care and recreational facilities. It therefore follows that when a sizeable proportion of children are never registered, they will be systematically excluded from government planning and, possibly, from the provision of much needed services as well.

Thus, social exclusion may start early, even before a child is born. It is always hard to reach the so-called invisible sectors of society, either because they may be difficult to locate, or because their destitution and their manifold other problems are deemed hard to tackle effectively. While birth certificates will not put food into anyone's mouth or guarantee people the key to decent housing, health care, education, training and employment, the fact of being noted and counted may finally help them acquire not only a legal identity but also a certain pride of citizenship that could influence their lives in more than one way.

In all fairness it must be noted that a growing number of developing countries are undertaking drives for birth and civil registration, although they often lack sufficient means as far as trained manpower and finance are concerned. A chain of command from the national to the state or provincial level and right down to local and community structures seems to work reasonably well, notwithstanding some technical and other insufficiencies encountered in poor countries.

Unregistered children: who are they and where can they be found?

- A vast majority of such children are found in the rural areas of developing countries where there is little awareness of, or interest in, birth registration, as many of the parents are peasants and often illiterate.
- Children of families living in marginalized sectors of urban centers, not only in developing countries but also in industrialized ones.
- Children from indigenous and ethnic groups whose exclusion from the civil registration process is but one symptom of the neglect, discrimination, ostracism and low esteem to which they are subjected in the countries in which they live.
- Orphans, not least those stemming from successive wars in Africa and others whose parents died of AIDS. It is difficult to have a clear picture of the extent of the problem concerning these orphaned children whose origin is often unknown, making their reintegration into the community into which they were born a rarely realizable option.
- Children of unmarried mothers are often not registered out of shame or ignorance. The same occurs in the case of polygamous families, e.g. in Nepal, where polygamy is illegal, but nevertheless widely practiced in rural areas and where registrars are unwilling to register the children of second or third wives fearing that they would thereby legitimize illegitimate unions.³
- Internally displaced children as well as refugee and abducted children.
- Children of illegal migrants and habitual frontier crossers cannot be registered as such informal migration which usually takes place from a poor country to a neighboring and more affluent one, is not regarded favorably by the latter (e.g.

³ *ibid* p. 11

from Haiti to the Dominican Republic).⁴ This phenomenon also exists in industrialized countries where illegal migration is on the rise, and where unsuccessful asylum seekers often go underground to become, in effect, illegal immigrants.

- Children whose records were destroyed due to natural or man-made disasters, armed conflicts and vandalism will find it difficult to re-establish their legal identity. This happens predominantly in regions where manual registration systems still prevail, and where records are not safeguarded in computerized systems.
- There are specific situations such as that of children of hill tribes in the north of Thailand who are officially regarded as nomads and therefore not registered. In all other respects, Thailand's highly sophisticated civil registration system is a model one.
- Another example concerns children in countries like China and Mongolia whose parents moved without permission from rural areas to urban centers where, as illegal residents, they cannot register their children. More often, however, children in China are not registered because their birth contravenes family planning laws.⁵

This list is not exhaustive.

Why parents fail to register their children

Parents' lack of knowledge about birth registration and/or the scant importance given to the issue are probably the main reasons for the low registration figures in many developing countries. Illiteracy of the mother or of both parents influences their choice not to register their children.

⁴ *ibid* p. 14

⁵ *ibid* p. 11

Financial considerations come next. In most countries, registration is free but certification of a birth is not, even if the amount charged is usually minimal. Furthermore, when charged a fine for late registration, which most countries levy for unreported births after a period of 30 days, low-income parents often decide that they cannot afford it and give up.

Many parents are intimidated by what they perceive as bureaucratic procedures at registration offices.

Parents living in remote areas will have to forego a day's earnings and pay for travel to the nearest registration office. If the registrar happens to be absent, the office closed, or registration forms are not available, one of the parents will have to come back another time. In such cases, parents may give up trying to register their child.

Cultural and religious practices are often at the root of parents' decision not to register their child. In some regions the naming of a child requires lengthy reflection by religious leaders and the community, thus necessitating late registration with the possible levying of a fine. In other regions mothers or parents do not wish to disclose the birth of a child for fear of an 'evil eye' and also because of taboos such as 'counting children'.⁶ Furthermore, a strong preference for horoscopes in lieu of birth certificates is not uncommon.

Gender bias causes parents to register sons rather than daughters. Also, in some countries only men are authorized to register children, and in Nepal, for instance, only the most senior male household member can register a birth.⁷

Single mothers, as already mentioned earlier, are not only too embarrassed to register their children but it is also made difficult for them to do so in a number of countries.

⁶ *ibid* p. 15

⁷ *ibid* p. 15

Awareness-raising for birth registration

Convinced of the necessity of a comprehensive civil registration system, a number of governments carry out public awareness campaigns and vigorous, imaginative birth registration drives. Addressing society through the visual, spoken and written media, the campaigns demonstrate to the public the necessity in a modern world of a legal identity for everyone from birth.

Birth registration drives vary from house-to-house visits, registration booths at markets and fairs, inclusion of birth registration in vaccination and other campaigns, as well as from simple to highly sophisticated mobile registration units equipped with the latest technology able to register and process data, transmit them to a national registration center and, upon approval, print and emit certificates.

Birth registration as protection for children in difficult and dangerous circumstances

There are numerous circumstances where an official document can contribute to saving children from injustice and harm. The following examples will attempt to illustrate the fact that children who have no proof or even knowledge of their origin, age or nationality, are invariably vulnerable and at risk.

In cases of conflict with the law, unregistered children, unable to prove their real age even if they know it, might be ineligible for legal protection under juvenile justice, which could afford them a sentence, treatment and rehabilitation relative to their age. If their offence is serious, they might face the death penalty where it exists. Moreover, while international instruments such as the 'Beijing Rules'⁸ foresee special treatment for juvenile offenders,

⁸ United Nations Standard Minimum Rules for the Administration of Justice known as 'Beijing Rules' adopted by the UN General Assembly resolution 40/33 of 29 November 1985.

and emphasize the need to detain them in separation from adult ones, unregistered youngsters unable to prove that they are under 18, can, or most certainly will, be subjected to dangerous, degrading and corrupting practices of senior detainees.

The lack of proof of identity and age also puts youngsters unable to prove that they are under-18 at risk of enrolment in regular armed forces in countries where the age of recruitment is set at 18. Parallel armed forces, on the other hand, attract or force children to join them, sometimes after killing their parents before their eyes.

The situation of refugee, migrant or internally displaced children who are separated from their families is made all the more difficult and possibly dangerous if they do not have a legal identity to protect them.

Trafficking of children (and adults) for the sex trade or forced labor has developed into one of the world's most lucrative criminal enterprises. A legal identity ensures some protection against forced recruitment, and might help a child or young person escape from his/her enslavement at some point.

The sale and abduction of children are among the most heinous of crimes against which birth registration is of little help, except when it comes to tracing and redeeming the victims. One of the worst examples is the abduction of around 20,000 children by the North Ugandan 'Lord's Resistance Army' (LRA)⁹ which uses both boys and girls as combatants and some of the girls as sex slaves. Abductions also happen elsewhere in Africa and likewise in other regions of the world.

Early marriages still occur in some countries, even if in most of them a legal minimum age for matrimony is established. Such violation of children's rights can sometimes be halted on the basis of birth certificates showing the age, which would

⁹ The LRA, a Ugandan rebel paramilitary group, was formed in 1987 and operates mainly in Northern Uganda. It is led by Joseph Kony who labels himself a 'spirit medium'.

generally be that of the bride, to be below the one permitted by law. Most such cases concern very young girls forced to marry much older men.

Finally, it should be noted that it is mainly their own resilience that enables children to survive these and other ordeals. Birth registration and certification are merely useful tools for the prevention of violations, as well as for tracing and rescue activities after child rights violations have occurred.

What can social workers do?

Given their broad training and their enormous field of action, social workers can contribute significantly and at various levels to the achievement of universal birth registration. They have both knowledge and contacts, e.g. with parents and families, community structures, policy makers, local, regional and national authorities, allied professions and in some cases also with the press.

In developing countries where social workers are often found in important civil service positions, they can avail themselves of opportunities to influence decision makers to advance birth registration coverage in municipalities, cities and provinces.

Social workers employed in development agencies, non-governmental and other organizations can try to call their employers' attention to the birth registration issue and encourage them to become active in this field.

Full birth registration coverage or something close to it exists in industrialized, as well as in a number of emerging and developing countries. In other countries where this has not happened, social workers can encourage their associations to become involved with their governments in this important developmental and nation-building issue.

The experience of an IFSW representative

In August 1996 during my term as President of the NGO Committee on UNICEF, the Committee organized a preliminary consultation on *Unregistered Children in South/East Asia* in Bangkok, Thailand, in collaboration with Child Rights ASIANET and the UNICEF Regional Office for East Asia and Pacific. The aim was to study the prevalence of birth registration in the area, and, as a start, representatives of nine countries were invited to present the results of their preliminary studies on the subject.

The Unregistered Children Project, for which the Committee secured funding on two occasions from the Swiss Development and Cooperation Agency, had been conceived as three-tier – involving research, training and evaluation of the work undertaken – and finally the drafting of guidelines for the gradual achievement of generalized child registration in the nine countries.

In fact, the project did not quite turn out as planned. To begin with, only six countries (Cambodia, China, Indonesia, the Philippines, Thailand and Vietnam) attended the consultation, leaving out Laos, Malaysia and Myanmar, which had not responded. Some of the attending countries' findings proved to be interesting rather than comprehensive, and clearly required further in-depth research and close co-operation with requisite ministries and chief civil registrars. As ASIANET was not in a position to undertake this task, the project remained in abeyance for some 18 months until the Committee was able to find a replacement partner – Plan – to take it on. Plan, which was founded in the US in 1937 as 'Foster Parents Plan for Children in Spain', and is now known simply as 'Plan', is one of the world's large development organizations, active in 46 developing countries. While its main operations occur at grass-root level, Plan, partly thanks to its remarkable work in the field of birth registration, has acquired international visibility and a high profile at the UN and UNICEF.

From the first Plan-led in-depth birth registration research in the Philippines and subsequent consultation in Manila in 1999, the work spread quickly and successfully to Vietnam, Cambodia and other countries in Asia as well as in South-East and Western Africa. Every three years conferences take place in the various regions to monitor progress, and the next region to be tackled is Central America where a first consultation will be held in the last quarter of 2006. Much has been achieved thanks to Plan and UNICEF working with governments, UN bodies, chief registrars, professional partners such as the medical profession, including midwives and traditional birth attendants as well as regional, municipal and local government structures and community leaders.

The NGO Committee continues its marginal involvement and is deeply indebted to Plan for its work that last year included an international birth registration campaign launched by Bishop Desmond Tutu of South Africa.

It has been a long way since the inception of the NGO Committee on UNICEF's Unregistered Children project. Progress continues thanks to the Plan / UNICEF partnership and to the active involvement of children in all birth registration projects. Finally, however, universal birth registration can only be achieved by governments themselves working in partnership with their own population and civil society sector, possibly with financial and other assistance from major international or regional agencies and institutions.

Reference

UNICEF (2005) *The 'Rights' Start to Life. A Statistical Analysis of Birth Registration*. Geneva: The United Nations Children's Fund.