NGO Position Paper for a UNHCR Conclusion on Birth Registration

Birth registration is the official recording of a child’s birth by the government and establishes their legal identity. It is a fundamental human right enshrined in Articles 7 and 8 of the 1989 UN Convention on the Rights of the Child, which gives every child the right to be registered at birth by the State within whose jurisdiction she/he is born. Therefore States must make birth registration accessible, available to all children, including asylum seekers, refugees, internally displaced children, indigenous populations and immigrants, documented or otherwise, as well as stateless children. In addition birth registration should be available free of charge and no fines should apply for late registry.

States should raise awareness of the importance of birth registration at national, regional and local levels. Civil registration is important not only for individuals, but for the State. In order for countries to plan their services such as health and education facilities appropriately, the State must have accurate population statistics.\(^1\) State capacity to ensure protection for all children requires, among other things, an effective universal birth registration system to provide accurate data for delivery of services to children.

Birth registration serves as a prerequisite to the realization of other human rights integral for a child’s development and well-being. It is also a crucial first step in building an environment of protection against abuse, exploitation and violence\(^2\), especially during and after conflicts, when State, community and social structures break down. A child whose birth is not fully registered or who is without a birth certificate, does not have proof of legal recognition, identity or nationality. Lack of documentation leads to a range of obstacles in accessing health care, education, or social assistance. Later in life identity documents help protect children against the worst forms of child labour, early marriage and premature enlistment in armed forces or, if accused of a crime, prosecution as an adult\(^3\). It facilitates obtaining a passport, marriage or driver’s license, access to credit; entry into the formal economy; inheritance of property and participation in civic engagements within society.

The UNHCR recognizes that birth registration is a critical protection tool for children of concern and prevention of statelessness. UNHCR 2009 baseline data revealed that only 46% of newborns in 103 refugee camps and 49% of newborns in 94 urban areas were issued birth certificates. Hence, UNHCR has made the attribution of individual and civil documentation

\(^2\) UNICEF (2007) *Birth Registration and Armed Conflict*, Innocenti Research Centre, Florence, Italy.
one of its Global Strategic Priorities, beginning with populations of concern and children who are at risk of becoming stateless due to birth registration deficits.4

The barriers to birth registration for refugee children and children of concern are numerous:
- Birth registration is not perceived as a fundamental right, consequently given low priority.
- Insufficient or outdated legislative frameworks
- No legislation requiring birth registration.
- Weak enforcement and the lack of sufficient infrastructure, financial and human resources to support the logistical aspects of registration.
- Discrimination against ethnic, social or religious groups.
- Birth registration may be too costly for parents, and late registration may involve fines and lengthy judicial proceedings
- Incompatible cultural and traditional practices with birth registration
- Lack of access due to geographic barriers
- Fear of identification that may lead to undesirable consequences
- Lack of awareness of the importance of birth registration
- Gender discrimination

The NGO community applauds UNHCR Executive Committee’s decision in January 2010 for a conclusion on birth registration. We believe that a conclusion will serve to strengthen UNHCR and its partners’ capacities in ensuring greater protection for children.

We further recommend that the conclusion takes into account UNICEF’s recommendations for birth registration based on their 2007 research on birth registration and armed conflict,5 the SRSG report on internally displaced children’s rights in armed conflict,6 as well as Plan International’s recommendations emanating from their five-year campaign on birth registration7

We call upon UNHCR and States to include birth registration as a key element within the commitments for States at the Ministerial-level Meeting of States Parties scheduled to take place on December 7-8, 2011.

We look forward to the Expert Meeting on Safeguarding against Statelessness at Birth taking place during the course of 2011 and anticipate that difficult issues raised by States will be competently addressed, thereby building greater consensus for a conclusion.

We anticipate that the 50th Standing Committee session on protection in June will affirm the Executive Committee’s commitment to the conclusion and a date set for starting the process.

We also anticipate that the conclusion will be included in States’ and UNHCR’s priorities for 2012 and announced at the 62nd Executive Committee meeting in early October.

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