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Birth Registration: An Essential First Step toward Ensuring the Rights of All Children

by Jonathan Todres*

Birth registration—the official recording of a child’s birth by a government agency—is one of the most important events in a child’s life. Birth registration establishes the existence of the child under law and provides the foundation for ensuring many of the child’s rights. Although birth registration alone does not guarantee that a child will have access to adequate healthcare, receive an education, or be free from abuse or exploitation, its absence leaves a child at significantly greater risk of a range of human rights violations. Despite the importance of birth registration, according to UNICEF, approximately 50 million newborn babies are not registered each year, accounting for over 40 percent of the children born annually.

Birth Registration Defined

Birth registration is the process by which a child’s birth is recorded in a civil register by the applicable government authority. This step provides the first legal recognition of the child, and generally is required for the child to obtain a birth certificate. A child’s birth record typically includes the name of the child, the names of his or her parents, the name of the attending healthcare professional or birth attendant, and the date and place of birth. Once this information is provided, the birth record is signed by the local registrar and filed with the relevant government agency for that region. The birth record may also include the name, address, and nationality of each parent. Such additional information, along with the child’s place of birth, can help establish the nationality of the child. Although birth registration can be achieved in a variety of ways, the registration of a newborn child typically is facilitated by the local hospital where the child is born or the community healthcare worker present at the birth. If the birth does not take place in a hospital or is not presided over by a community health worker, the parents are expected to take their child to the local government office to register the child as soon as possible after the birth.

Current Data on Birth Registration Rates

Although the issue of unregistered children is a global problem, most unregistered children are found in developing countries. The problem of unregistered children is most prevalent in sub-Saharan Africa and South Asia, where over 70 percent and 63 percent of births go unregistered in each region, respectively. In the Middle East/North Africa region, 31 percent of children are not registered, and in Asia and the Pacific the rate is 22 percent. In addition, 14 percent of children born in Latin America and the Caribbean region are not registered. By comparison, only 2 percent of births in industrialized countries are not registered.

Nearly half the countries for which data is available fail to register at least one in ten children born within their jurisdiction. In 39 countries, over 30 percent of all children under age five were not registered at birth, and in 19 of these countries, over 60 percent of such children were not registered at birth. For example, registration rates in Bangladesh and Tanzania are reportedly less than 15 percent, while Nigeria registers only 30 percent of newborns. Meanwhile, in India and Nepal, little more than one third of the children under five have been registered. In addition to these and other countries where the registration systems currently in place have great room for improvement, a small number of coun-

tries, including Eritrea, Ethiopia, Namibia, Oman, and Somalia, have no birth registration system at all. Still others, such as the Democratic Republic of the Congo, have birth registrations systems that have essentially collapsed due to civil war or internal strife.

Disparities between birth registration rates exist not only from country to country but also within the borders of individual countries. Generally, birth registration systems are more effective in urban centers than in rural areas. For example, in Niger the birth registration rate is 85 percent in urban areas but only 40 percent in rural areas. In Indonesia, 47 percent of births in urban areas are registered compared to only 20 percent of births in rural areas. In addition to the failure of some birth registration systems to reach rural areas effectively, certain populations—particularly refugees, internally displaced groups, and children of indigenous or migrant populations—are particularly at risk of not having their children registered. Such populations are often already at risk of exploitation and the failure to register these children increases that risk.

Finally, even though most industrialized countries have very high birth registration rates, the approximately two percent of children who go unregistered in these countries are often overlooked and relegated to the margins of society. As a result, such children are often subject to the same human rights violations typically thought to be prevalent only in poorer, more resource-constrained environments, and they too need the benefit of birth registration.

The Right to Birth Registration

The United Nations Convention on the Rights of the Child (CRC), the most widely ratified international human rights treaty, recognizes birth registration as a fundamental human right. Immediately after setting forth the child’s most basic and fundamental right (the child’s “inherent right to life”) in Article 6, the CRC recognizes the right to birth registration in Article 7, as birth registration provides the initial foundation for the fulfillment of other rights of the child. Article 7 of the CRC establishes that each child “shall be registered immediately after birth and shall have the right from birth to a name, [and] the right to acquire a nationality. . . .” Importantly, the CRC requires each child to be registered immediately after birth so that there is no delay in officially recognizing the existence of the child and granting that child access to the privileges and protections afforded to each member of society. In addition to the CRC, the International Covenant on Civil and Political Rights (ICCPR) also establishes that “[e]very child shall be registered immediately after birth and shall have a name” and that each child “has the right to acquire a nationality.” This right to birth registration is impor-



Students in primary school in Dar Es Salaam, Tanzania.

Credit: UN/UNMEE photo by J. Avamburu

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tant not only as an individual right but also because it enables each child to assert a broad range of other human rights, including not only civil and political rights but also economic, social, and cultural rights.

Implications of Birth Registration for Children's Civil and Political Rights

The Right to a Name and Nationality

First and foremost, birth registration is fundamental to securing the child's rights to a name, identity, and nationality—rights recognized by both the CRC and the ICCPR. Birth registration officially records a child's birth, providing the first legal recognition of the child, and generally is required in order to obtain a birth certificate. As a birth record or birth certificate typically includes such details as the child's birthplace and information on the child's parents, it can help establish the nationality of the child and the child's right to know his or her parents. By contrast, if the child's birth is not registered and neither his or her nationality nor citizenship is established, the child is vulnerable to being left stateless. Having set forth the right to a name and nationality in Article 7, the CRC reinforces its importance in Article 8, by mandating that states parties respect "the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference," and requiring that "Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity."

The CRC and the ICCPR are not the only human rights instruments that acknowledge the fundamental importance of birth registration and the child's right to a name and nationality. Article 15 of the Universal Declaration of Human Rights, which though a non-binding declaration is regarded by many as customary international law, affirms that "[e]veryone has the right to a nationality." In addition, the right to birth registration and the right to a name and nationality are also set forth in the Convention on the Reduction of Statelessness, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This proliferation of international declarations and treaties reflects the consensus that a child's rights to a name and nationality, rights which can be secured in large part through birth registration, are fundamental rights upon which many others are predicated.

The Right to Be Free from All Forms of Exploitation

Registration of a child's birth offers benefits beyond securing the child's right to a name and nationality. Although birth registration does not provide guarantees by itself, birth registration can assist in efforts to combat various forms of exploitation of children. Falsification of a child's age and identity is harder to detect among unregistered children. Therefore, the illicit trafficking of children, whether for purposes of inter-country adoption, child labor, or child prostitution, often thrives in areas where birth registration rates are low. Thus birth registration plays an important role in a government's efforts to protect children from all forms of exploitation, including child labor (CRC, Article 32), sexual exploitation (CRC, Article 34), the sale or trafficking of children

(CRC, Article 35), and any other form of exploitation of children (CRC, Article 36). Article 38 of the CRC and the Optional Protocol to the CRC on the involvement of children in armed conflicts also set forth prohibitions on the involvement of children in armed conflicts, the enforcement of which again relies on the ability to establish the age of the child. Low birth registration rates increase the incidence of underage recruitment, such as in Myanmar and the Central African Republic. The right to be free from all forms of exploitation is also set forth in Article 8 of the ICCPR, which prohibits "slavery and the slave-trade in all their forms."

The Right to Protections in the Juvenile Justice System

The impact of birth registration also extends to the juvenile justice system, as access to certain protections are contingent on the child's ability to prove his or her age or nationality. Article 37 of the CRC establishes guidelines for juvenile justice and requires countries to treat any child deprived of his or her liberty "in a manner which takes into account the needs of persons of his or her age." Being able to prove that a child is a juvenile affords a child the additional protections required under international law, as well as national laws, while in custody and may ensure that the child is not prosecuted as an adult.

Additional Civil and Political Rights beyond Childhood

Finally, the impact of birth registration extends beyond the adolescent years. A birth certificate may also be required to vote, obtain a passport, be a candidate for office, or otherwise participate in the civic and political affairs of one's country.

Implications of Birth Registration on Children's Economic, Social, and Cultural Rights

The Right to Healthcare

Pursuant to Article 24 of the CRC, states parties "recognize the right of the child to the enjoyment of the highest attainable standard of health" and are required to "pursue full implementation of this right." The right to enjoy "the highest attainable standard of physical and mental health" is further recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which requires that states parties take steps necessary for the "healthy development of the child." Despite these requirements, each year more than ten million children die before they reach the age of five, and most of these deaths are preventable. Ineffective birth registration systems play a role in this crisis, as unregistered children are harder to reach for community healthcare workers and may be overlooked entirely in public health planning. As such, these children may not gain access to immunization programs and other important healthcare programs (e.g., 26 percent of the world's children under 2 years do not receive immunizations for diphtheria, pertussis and tetanus). Even where a child's family can provide access to community health centers, a birth certificate may be required to obtain free or subsidized immunizations, thus illustrating the importance of early birth registration for all children.

The Right to an Education

Birth registration is also important in ensuring each child's right to education, as recognized under Article 28 of the CRC and Article 13 of the ICESCR. For example, birth certificates are required for enrolling in school in certain coun-

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tries, including Cameroon, Lesotho, Sudan, and Yemen. Thus, a child whose birth was not registered may be unable to obtain an education. In other countries, such as Malaysia, birth certificates are not required to enroll in school but still form a barrier because they are required for those students applying for educational scholarships. This type of economic obstacle has a greater impact in poorer regions, which also generally have lower birth registration rates. Elsewhere, birth certificates are needed to obtain a primary school diploma and thus advance to secondary school, as in Turkey, or are required in order to sit for exams, as in Sri Lanka. In each of these cases, unregistered children are at a disadvantage and may find it impossible to overcome these obstacles to obtaining an education. Today, it is estimated that approximately 120 million primary school age children are not in school. Without adequate educational opportunities, these children are more vulnerable to the various forms of exploitation discussed above, including forced labor, prostitution, and involvement in armed conflict. Effective birth registration systems can help ensure that children will have access to schooling.

The Right to Be Free from Economic and Social Exploitation

Beyond providing healthcare and education to children, states must take additional steps to protect children from economic and social exploitation, as mandated by Article 10 of the ICESCR. Birth registration can play a role in combating other violations of economic and social rights, among them child labor. Article 32 of the CRC requires countries to take the measures necessary to eliminate harmful child labor practices. In addition, Article 7 of the ICESCR recognizes the “right of everyone to the enjoyment of just and favourable conditions of work” including fair wages, “safe and healthy working conditions,” and “reasonable limitation of working hours.” Article 10 of the ICESCR specifically addresses the issue of children, stating that

Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Similar protections are set forth in Article 32 of the Charter of Fundamental Rights of the European Union .

In addition to these obligations under international law, most countries have enacted child labor laws, yet the exploitation of child laborers persists. An estimated 250 million children between the ages of 5 and 14 work for a living. In Kenya, for example, where the rural birth registration rate is 57 percent, an estimated 3.5 million children aged 6 to 15 work, more than one quarter of all children in the country. Enforcement of child labor laws requires the capability of proving the ages of children involved, a process made much more difficult when dealing with unregistered children whose ages cannot be confirmed accurately. In addition, as unregistered children do not exist in any government records, their absence from school as a result of forced labor may not even draw the attention of authorities.

The same holds true in cases of child prostitution. The global sex trade continues to expand at an alarming rate, as over



Credit: The International Federation of the Red Cross and Red Crescent Societies/Marho Kobié

Red Cross volunteers vaccinating children against yellow fever in Côte D'Ivoire.

one million children are drawn into the world sex trade each year. While it is difficult to obtain precise statistics or determine the exact correlation between unregistered births and trafficking of children for prostitution, children whose births go unregistered and thus have no identity under any government's records are much more difficult to track. As a result, these children are clearly more vulnerable to such exploitation.

Additional Economic and Social Rights beyond Childhood

Birth registration and the ability to assert one's nationality may also prove important in terms of securing additional economic and social rights during adulthood. Providing official identity documents is a common step in securing employment. Later in life, proof of nationality may be necessary to receive social security, a right set forth in Article 9 of the ICESCR, which states that “States Parties . . . recognize the right of everyone to social security, including social insurance.”

The Impact beyond Unregistered Children

Failure to obtain universal birth registration may contribute to harmful realities for all children of a community, even those who have been registered. Obtaining accurate population statistics is essential in social services planning for any government and in ensuring that adequate resources and budgets are made available to address the needs of the population. If a government's birth records are incorrect, it may not allocate adequate resources to immunization programs, education budgets, or programs designed to combat exploitation. Moreover, developing countries may request and receive insufficient international aid based on this underreporting of births. As a result, unregistered children who gain access to the local healthcare system or schools may receive inadequate care or education because government budgets and planning have not accounted for these children. Further, even those children whose births are registered may suffer as they may find themselves accessing an over-burdened social services system. Finally, as birth registration systems are often less effective in poorer rural areas of a country, these areas which may have the greatest actual need may receive dramatically insufficient resources or aid.

Developing Successful Birth Registration Programs

Despite the clear mandate set forth under international law, the latest figures on birth registration demonstrate

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urgent need for additional action. Birth registration must become a priority for all countries, as it starts the child on the path to receiving the full benefits of society to which every individual has a right.

At the international level, there are indications that birth registration is receiving greater priority. The value of birth registration was recognized at last year's United Nations Special Session on Children, as the final outcome document and Plan of Action adopted by the UN General Assembly included the requirement that governments "[d]evelop systems to ensure the registration of *every* child at or shortly after birth, and fulfil his or her right to acquire a name and a nationality, in accordance with national laws and relevant international instruments" (emphasis added). The inclusion of this language remedied a significant oversight in the previous Plan of Action adopted at the World Summit for Children in 1990, which neglected to mention birth registration at all. In addition, the Committee on the Rights of the Child has emphasized the importance of improving birth registration rates in its observations and recommendations on reports submitted by a number of states parties, including Bhutan, Cambodia, the Dominican Republic, India, and Paraguay. Finally, UNICEF and nongovernmental organizations, working in conjunction with civil registry offices in numerous countries, have begun implementing programs designed to establish new birth registration systems or further strengthen existing ones.

To date, a number of countries have developed successful birth registration systems. Uzbekistan has provided an incentive-based system, in which the state pays a bonus to parents registering their children. As a result, in Uzbekistan almost 100 percent of children under age five are registered. Other countries have had success even without offering a financial incentive, often by building on their existing health-care infrastructure. For example, in Algeria, 92 percent of children are born in medical facilities and registered immediately. As a result of this approach, 97 percent of children born in Algeria are registered within five days of their birth.

Still other countries have much lower registration rates but are making efforts to address this issue. Bangladesh has commenced a program in collaboration with UNICEF to reach unregistered children in remote areas and establish a better system for newborns in the future. This pilot program shows signs of success. For example, in Rajshahi, Bangladesh, birth registration rates improved from below 12 percent in 1997 to over 70 percent in 2002. This improvement is attributed to a number of factors, including: effective decentralization of the registration process, which helps reach poorer populations; reliance on existing networks, which encourages collaboration and minimizes costs for establishing new networks; and an awareness program designed to educate parents on the value of birth registration. Such programs may offer important lessons for other countries working to improve the effectiveness of their birth registration systems.

Recommendations for Improving Birth Registration Rates

The experience of countries working to implement successful birth registration systems suggests the need to focus on three key areas in order to achieve universal birth registration: education, law, and local factors.

First, greater emphasis must be placed on educating both government leaders (at national and local levels) and the general public on the importance of birth registration for children. Birth registration must be considered not just a

bureaucratic exercise in record-keeping; rather, governments must recognize it as a significant child rights issue. If government leaders are not convinced of its importance, the political will to implement or strengthen birth registration systems

is likely to be insufficient. In turn, governments must educate parents on the value of birth registration so that parents better understand its importance in ensuring the rights of their children.

Second, countries must review their laws and take steps to remove any legislative barriers to birth registration. Specifically, governments should revise applicable laws or regulations with a view toward simplifying the process of birth registration, removing any existing economic barriers (e.g., charges for birth certificates), encouraging immediate registration without penalizing children who are registered later, and finding ways in which the law can help minimize fear among refugees or other displaced persons who may suspect that registering their newborn children will lead to deportation or other harm. In addition countries that require the presence of the father to register a birth or have patriarchal nationality laws that grant citizenship based only on the father's nationality, must also review such laws to eliminate gender discrimination.

Finally, governments must properly account for local factors, including geographic and cultural barriers, in implementing birth registration systems. In a number of countries, the disparity in registration rates between urban and rural areas is significant, as it is often difficult or expensive for families in remote areas to travel to the designated civil registry office to register their children. Governments must also address concerns among ethnic minorities and other vulnerable populations who for cultural or other reasons may be unaware of the value of birth registration or fearful that registration of their children will lead to government recrimination. Failure to account for these local factors will likely cause such programs to fall far short of success.

Focusing on these three areas should help improve the success rate of birth registration programs around the globe. In turn, comprehensive birth registration will enable each child to begin his or her life recognized as a person under the law, entitled to the full benefits and protections of society. While birth registration is essential, it remains only a first step. At every stage thereafter, governments still have a great deal of work to do in order to ensure the rights of all children. Such work will be made easier, and will ultimately be more successful, if all children are registered immediately after birth. ☸

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Mastering the art of writing in Karachi, Pakistan.

Credit: UN/UNICEF photo by J. Aramburu

