

Universal Birth Registration

**Importance of BR and criteria for an effective
BR system in line with international standards**

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Presentation objectives:

- 1) To clarify the definition of birth registration;
- 2) To outline why birth registration is important as a fundamental human right;
- 3) To distinguish between birth registration and provision of citizenship - while highlighting the linkages;
- 4) To place birth registration within the context of international law; and
- 5) To provide an overview of international standards for birth registration.

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Definition of birth registration

- **Definition:**

- BR is the “official recording of the birth of a child by some administrative level of the state and coordinated by a particular branch of government”*
- BR is the “legal recognition of a child’s identity”**
- BR is part of an effective **civil registration system** which acknowledges the existence of the person before the law, establishes the child’s family ties and tracks the major events of an individual’s life – from live birth to marriage and death
- **Definition of a “child”:** Every human being below the age of 18 years (CRC article 1). Thus, the duty to register is not limited to newborn babies.

* UNICEF Innocenti Research Centre
** Norwegian Centre for Human Rights, University of Oslo



Definition of birth certificate

- A BC is a **personal document** issued to an individual by the state
- **BR enables a child to obtain a BC** - these are interlinked yet distinct events
- It is the most **visible evidence** of a government’s legal recognition of the existence of a child as a member of society
- Provides **proof of the child’s name, and the relationship with his/her parents and the state**
- In countries that employ criteria other than place of birth to grant nationality, a **BC is the most important documentary evidence of a child’s nationality, as it states the nationality of his/her parents**

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Definition of birth certificate (con't.)

- **Information recorded on a BC generally include:***

- Name of the child
- Names of the parents
- Sex of the child
- Parents' nationalities
- Name(s) of the attending physician, midwife, and/or other witnesses
- Date of birth
- Place of birth
- Name and signature of the government registrar



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Importance of birth registration

- **Common perception:** BR not perceived as a fundamental right & seen as nothing more than a legal formality
- **Proof of identity**
- **Proof of age**
- **State census and planning:**
 - Trends in terms of birth and deaths
 - Accurate way for updating population census data
 - Allows for projections of demographic change and compilation of accurate statistics
 - Planning and implementation of development policies
- **Right to inheritance:** Proof of family relations



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Importance of birth registration (con't.)

- **Child protection:**

- **Economic exploitation:** Enforcement of legislation to end child labour requires establishment of legal minimum age for employment and effective BR to confirm age of children concerned
- **Trafficking:** Those with no official identity or proven nationality are more vulnerable to trafficking
- **Access to juvenile justice:** Protection for child offenders against prosecution as an adult
- **Prosecution of abusers:** Convictions for certain offences linked to the age of the victim
- **Protection from early recruitment into the armed forces**
- **Protection from early marriage**

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Importance of birth registration (con't.)

- **Right to custody and guardianship:** Unregistered children could be subject to falsified papers for illegal adoption; BR also protects against illicit changes to the child's identity, including changes of name or falsification of family ties
- **Right to nationality**
 - **Linkage to other rights:** Right to legal employment, land ownership, political participation, travel and mobility, education, healthcare, social welfare, credit

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Birth registration in the context of international law

- First stated as a human right in **1948 Universal Declaration of Human Rights**
- **1989 Convention on the Rights of the Child (CRC)**
 - **Article 7:**
 - 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.

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Birth registration in the context of international law (con't.)

Relevance to other CRC articles:

- **Article 2:**

- 1. “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”
- 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”

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Birth registration in the context of international law (con't.)

Relevance to other CRC articles:

- **Article 3:** “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”
- **Article 4:** “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation”

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Birth registration in the context of international law (con't.)

Relevance to other CRC articles:

- **Article 8:**

1. States Parties undertake to 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.
2. 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.

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Birth registration in the context of international law (con't.)

- **1966 International Covenant of Civil and Political Rights (ICCPR)**
 - **Article 24:**
 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
 2. Every child shall be registered immediately after birth and shall have a name.
 3. Every child has the right to acquire a nationality.
 - This implies that the State must make BR accessible and available to all children, including asylum seekers, refugees and immigrants – documented or undocumented



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Birth registration in the context of international law (con't.)

Relevance to other human rights standards

- **1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families**
 - Article 29: "Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality."
- **2002 UN General Assembly Resolution: A World Fit for Children***
 - Article 44(1): "Develop systems to ensure the registration of every child at or shortly after birth, and fulfill his or her right to acquire a name and a nationality"

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*Not binding by law



Internationally defined criteria for birth registration

Guidelines for BR as derived by the UN Committee on the Rights of the Child Concluding Observations and General Comments to State parties:

- **Permanent:** BR is irrevocable and lasting; BC can be retrieved if lost
- **Official:** Acknowledges the existence of the child before the law, and is an official record. BC is evidence of the State's legal recognition of the existence of a child.
- **Immediate:** CRC article 7 indicates a baby should be registered "immediately after birth", implying urgency and the need to act within a reasonably short period of time – a period of days rather than months*
- **Compulsory:** BR is required of all births within a State's jurisdiction



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Internationally defined criteria for birth registration (con't.)

- **Free:** Should be free of cost at all stages
- **Accessible:** Well coordinated, even in remote areas, so that it is able to be accessed by all parents within a national territory
- **Universal:** According to CRC article 7, every child has the right to be registered by the State within whose jurisdiction the child is born – this includes non-nationals and undocumented persons. Indicates that registration should be non-discriminatory.
- **Integrative:** Part of a continuous and effective civil registration system*



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