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Universal birth registration by 2030: issue paper submitted by the United Nations Children's Fund

I.   Background

A.   International and regional legal and policy frameworks

1.   The right of every child to birth registration is enshrined in the United Nations Convention on the Rights of the Child (articles 7 and 8), the African Charter on the Rights and Welfare of the Child (article 6), and other international instruments. Many children in Africa, however, are still deprived of birth certificates[1] – their first legal proof of identity – simply because their parents cannot afford it or they face barriers to learning about and having access to registration services. Without a birth certificate, children are invisible to their country's Government, which means they may miss out on essential programmes that help to secure their most fundamental rights.

2.   The continental movement to advance birth registration in Africa is framed in the broader context of the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics Systems. The Africa Programme, guided by a core group of partners, including the secretariat, the Economic Commission for Africa, other United Nations agencies,

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[1] A new statistical profile with updated country and regional estimates on birth registration in Africa will be published in October 2022.

the African Union Commission and civil society partners, was formed following the political commitment and policy directives of the ministers in charge of civil registration to reform and improve civil registration and vital statistics systems on the continent. Linked to the Africa Programme, the "No Name Campaign", which was launched by the African Union in 2020 at the onset of the coronavirus disease (COVID-19), called for particular attention to birth registration to address the risk of deceleration or stagnation as a result of the global pandemic.

B.   Sustainable Development Goal 16, target 9

3.   The adoption of the Sustainable Development Goals by the General Assembly in September 2015 placed birth registration firmly on the international development agenda. It included a dedicated target (16.9) under Goal 16: by 2030, provide legal identity for all, including birth registration. Complementing this is target 17.9, which calls for international support for implementing effective and targeted capacity-building in developing countries.

4.   The United Nations Children's Fund (UNICEF) has been the lead agency supporting member States in their effort towards universal birth registration for decades. It supports countries in collecting data on the coverage of birth registration and certification through the multiple indicator cluster surveys. As the global custodian for Sustainable Development Goal indicator 16.9.1,[2] UNICEF is responsible for maintaining the global database on birth registration for official reporting. While household surveys remain the leading source of birth registration data in lower middle-income countries, UNICEF also encourages the strengthening of national systems for administrative data collection and the production of vital statistic reports, on the basis of data derived from civil registration in those countries, including in Africa.

5.   Sustainable Development Goal target 16.9 is relevant to the attainment of all the Goals. Without a legal identity and recognition before the law, an individual is effectively "invisible" to the State and cannot benefit from its protection and services, thereby undermining the fulfilment and enjoyment of all rights to which people are entitled. To fulfil the mission of "leaving no one behind", civil registration systems need to cover everyone, everywhere and with no boundaries.

C.   Legal identity

6.   Legal identity is defined as "the basic characteristics of an individual's identity, for example, name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth".[3] Civil registration is the appropriate means through which legal identity should be established. "Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death".[4]

7.   Civil registration is defined as "continuous, permanent, compulsory and universal recording of occurrence and characteristics of vital events pertaining to the population, as provided through decree or regulation, in accordance with the legal requirements in each

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[2] "Proportion of children under 5 years of age whose births have been registered with a civil authority, by age". Complementing target 16.9, is target 17.9, which calls for support in building the capacity of developing countries.
[3] United Nations operational definition of legal identity included in the report of the Secretary-General entitled: "Introduction of the United Nations Legal Identity Agenda: a holistic approach to civil registration, vital statistics and identity management", of 18 December 2019 (E/CN.3/2020/15), para. 4.
[4] Ibid.

country", with full respect for the rules regulating the protection and privacy of individual information.[5] Backed by the Deputy Secretary-General, the United Nations Legal Identity Agenda was launched under the One United Nations initiative to support member States in building holistic, country-owned and sustainable civil registration, vital statistics and identity management systems.[6] The Legal Identity Agenda is co-chaired by UNICEF, along with the Department of Economic and Social Affairs and the United Nations Development Programme, and the Economic Commission for Africa is a member of the task force and also of the secretariat.

D. Criticality of birth registration in relation to legal identity

8. The right to be recognized as a person before the law through birth registration is a critical step in ensuring lifelong protection and a prerequisite for exercising all other rights. Birth registration documents the facts of birth – such as date, place of birth and the details of parents. Lack of birth registration can create a barrier to obtaining nationality or recognition as a citizen.

9. A birth certificate, as legal proof of age, can protect children from child labour, child marriage, prosecution and sentencing of children as adults, and recruitment into armed forces and armed groups. A birth certificate may be required for an individual to have access to social service systems, including health, education and justice. The lack of legal identity is one of the common and determining factors of social and economic exclusion. Given the low rate of birth and death registration coverage, millions of the most vulnerable persons (including children) are born and die unregistered, invisible to and unaccounted for by the State. To ensure complementarity, birth registration should be the foundation for issuance of any other identity document (national identification (ID), voter registration, and other functional ID documents), putting it at the centre of the ID ecosystem in a country in line with the United Nations Legal Identity Agenda recommended approach to civil registration and vital statistics ID management.

10. The key international human rights instruments that provide for the right of all persons to be recognized as a person before the law and for the right to birth registration also provide for the right to a nationality. The Convention on the Rights of the Child specifically identifies "nationality", along with "name" and "family relations" as integral attributes of a child's identity (article 7). A stateless person is someone without the nationality of any State. Without any nationality, stateless persons are among those in society who are the furthest left behind, as lack of nationality seriously impairs their ability to enjoy basic human rights and leaves them more vulnerable to abuse and exploitation.

11. Many migrants, especially those of irregular status, report extreme difficulties in securing birth registration for their children in the host country. Consular authorities of the country of origin play a critical role in remedying these obstacles, especially because they can act as a civil registrar. It is equally important to ensure that civil registration laws in host countries do not obstruct the registration of migrant children born in their territories.

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[5] Department of Economic and Social Affairs, *Handbook on Civil Registration and Vital Statistics*, 2014.
[6] For further details of the Agenda, see E/CN.3/2020/15.

II. Key issues

12.   Four critical strategic shifts to advance the fulfilment of every child's right to be registered at birth and to obtain a birth certificate as proof of legal identity have been identified by UNICEF. These entail legal and policy reform, simplification of the business process, decentralization of service delivery through interoperability with health, and digitalization of systems.

A.   Legal and policy reform to ensure free and universal birth registration

13.   In most African countries, legal review and policy reforms are needed to align civil registration laws and policies with international standards and best practices, ultimately to make civil registration systems accessible, affordable, gender-neutral and equitable. Such reforms particularly concern the removal of any discriminatory laws or practices; free registration and certification within the normal reporting period and beyond; and delegation of authority for health agents to be part of the birth registration process and declaration of birth, and if possible, to facilitate the registration of birth and the issuance of the birth certificate.

1.   Removal of all discrimination

14.   Laws and policies need to be free from all discrimination (both in theory and practice), with particular attention to single and unwed mothers, refugees and those at risk of statelessness, to ensure equal rights in having access to birth registration.

2.   Free registration and certification

15.   Free registration and certification are two main drivers of universal birth registration and legal identity. In line with the recommendation of the Statistics Division, countries should ensure free registration and certification for children registered within the legally permissible period, which is still not the case in several African countries. Given the challenges faced in ensuring that all newborns are registered at birth or within the legally permissible period across countries on the continent, extending free registration and certification – including for late registration – is becomes critical to complementing country efforts. Furthermore, given the significant backlog of older unregistered children, compounded by the addition of unregistered children during COVID-19 restrictions, countries should consider waiving fees and fines for delayed registration cases to clear the backlog in a fixed timeframe.

3.   Delegation of authority

16.   In some African countries, birth registration by law falls under the responsibility of the ministry of health, while in others, it falls under both the ministry of health and the ministry responsible for civil registration.[7] When this is not the case, laws need to be sufficiently flexible to allow for the delegation of authority from civil registration authorities to other sectors, in particular health. Measures to uphold the legal authority of health worker to declare, register or certify births, when possible, have proved to be among the most important factors accelerating the coverage of newborn registration (notably in Côte d'Ivoire, the Democratic Republic of the Congo, Rwanda and the United Republic of Tanzania).

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[7] In the Gambia and Liberia, the Ministry of Health is the responsible authority for registration of births. In Rwanda, birth registration falls under both the Ministry of Health and the Ministry of Local Government.

Examples of delegation of authority towards health

In Cameroon, Côte d'Ivoire and Mali, the law allows delegation of authority from civil registration to the health system for the declaration of births, removing the need for parents to travel to the civil registration office.

In the Democratic Republic of the Congo, parents can sign a power of attorney form to allow health agents to declare the births on their behalf.

In Rwanda, since 2016, the law has given the health sector, through the director of midwifery and nursing in health facilities where births occur, the same powers as the civil registrar's office to register births and deaths and to issue certificates. Through the interoperability of the national ID system and the health management information system, the health facility generates a unique ID number from the system and issues certificates. While birth registration in Rwanda is free, the issuance of a hard copy birth certificate is performed for a fee. With the introduction of e-registration under the Government's paperless governance policy, certificates are only printed out on demand as they can be downloaded at any time and anywhere from the government e-services portal using the unique national ID number given to the child or person upon birth registration when seeking a service that requires production of a birth certificate, such as ID, school enrolment and passport. Given the relevance of a physical copy of a birth certificate, especially for protection issues and for requirements beyond the boundaries of a country, the Government of Rwanda may consider providing the first copy of the birth certificate free of charge immediately after the birth registration.

B. Simplification of business processes: moving information, not people

17.   Linked to legal reform, simplification of the business processes for registration (including late registration) is critical to enhancing the efficiency and affordability of service delivery and improving coverage. Taking advantage of the contact with health services at delivery and during vaccination, birth registration and certification should preferably be carried out as a one-stop process.

18.   In many countries, the process for registration involves multiple and sometimes overlapping steps, so they are encouraged to critically revise the process to improve efficiencies, including by extracting information that is already captured by the health sector at the moment of delivery (such as the mother and child health card, which captures essential data for uniquely identifying a birth) to avoid duplication of forms. For example, in Zambia, the Government has collapsed the birth notification and birth record into a single form as the information that was being captured was the same and this has reduced the amount of time that health workers spend on the two processes in the selected health facilities where this system has been rolled out.

19.   Interoperable systems should allow for information to move between health establishments and the civil registry, as an effective measure to reduce the burden on parents to obtain birth registration. For birth and death registration, this means that documents issued by the health sector should be sufficient proof of birth or death. Furthermore, health agents should be enabled to declare, and, if possible, to register and certify births – a measure that removes the requirement for parents to present themselves at the civil registration office to request birth registration. Deployment of civil registration officials to hospitals also simplifies the process for families, but this model is difficult to replicate across health facilities because

it is costly and therefore needs to be combined with more cost-effective options that may include delegation of authority to the health sector, especially in remote and rural areas.

C.   Decentralization through interoperability

20.   Evidence from programmes supported by UNICEF points to interoperability with health as one of the most significant game changers for birth registration. Through its Strategic Plan 2022–2025, UNICEF acknowledges the relevance of working towards interoperability between health systems and civil registration systems.[8] The notable increase in coverage of essential health services over the past decades – with even low and middle-income countries showing impressive progress in antenatal care, institutional delivery rates, vaccination coverage and access to other essential services – highlights the opportunities to leverage the health sector's reach at the community level to improve the coverage of notification, declaration, registration, and certification of births and deaths.

21.   While a majority of countries across Africa have created the institutional framework for interoperability with health and have put in place or have tested such mechanisms in selected locations, the scale of such work remains limited. Expansion and decentralization of interoperability of birth registration with health and immunization could be among the most cost-effective ways to achieve universal coverage of birth and death registration, building on the coverage of the health sector, including at the community level, to reach and facilitate more remote locations with birth registration. This is especially relevant for humanitarian responses, including pandemic responses, as exemplified during the COVID-19 pandemic, when interoperability with health enabled the continuity of service delivery in a context of government lockdowns and restrictions on movement. Beyond the more costly deployment of civil registrars to health facilities, this entails proactive and interoperable systems for sharing of data and innovative models that also involve community health workers in the declaration of births, with a feedback mechanism to ensure the delivery of the birth certificate.[9]

D.   Gradual and optimal digitalization of systems

22.   Digitalization of the civil registration system is critical to making the system efficient and inclusive, by improving the system's reach, accessibility and integration with other systems, in particular the health and national ID systems. It is also key to scaling up the provision of civil registration services and strengthening the capacity of governments to provide other services, including generating vital statistics.

23.   To derive the maximum benefit, digitalization efforts should be strictly aligned with the civil registration business process (and not the other way round) and not add additional layers to the process. Countries should decide on the extent of digitalization based on the local context and reality (for example, electricity penetration, connectivity, availability of hardware and skilled human resources) and opt for scalable and cost-effective solutions that can work across diverse and challenging settings. Given the realities on the ground, countries are recommended to follow a hybrid approach, shifting registration from a paper-based approach to a combined paper-based and digitalized system.

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[8] UNICEF work in strengthening civil registration and vital statistics systems, evaluation report (UNICEF, New York, 2021).
[9] This approach is being tested in the Democratic Republic of the Congo.

24. In addition, countries should note that safeguards and standards for the appropriate use of digital tools are of key importance because they are essential to protecting and promoting human rights.

III. Conclusions and recommendations

25. The past two decades have seen a rise in birth registration levels across some African countries. Such progress, however, has been uneven and additional investment will therefore be needed to achieve universality. In the light of the above discussion, informed by human rights instruments and policy frameworks, along with an evaluation of those instruments and frameworks, three recommendations are put forward for the consideration of the African ministers responsible for civil registration.

Recommendations

1. Revision of laws and policies to remove all discriminatory provisions and making registration and certification free within the legally permissible time period and beyond

26. To fulfil the central, transformative promise of the Sustainable Development Goals to leave no one behind, all discriminatory provisions and practices need to be removed from civil registration legislation and policies, and there needs to be a mechanism to ensure their enforcement. Furthermore, countries should ensure free registration and certification for children registered within the legally permissible time period and extend the same provision to delayed registration cases, given the challenges faced in ensuring that all newborns are registered at birth or within the normal reporting periods. Countries may also consider waiving fees and fines for delayed registration for a fixed time frame, to ensure that the backlog of unregistered older children is cleared.

2. Adoption of a one-stop approach for newborn registration and certification that is entirely interoperable with health and immunization systems, including in humanitarian contexts

27. The birth registration process should be made entirely interoperable with newborn health and immunization services, through sharing of data and engaging with health agents in the process of declaration of births and, if or when possible, in the process of registration and certification.

3. Gradual digitalization of systems

28. Countries should make a gradual shift towards digitization through a combination of paper-based and digitalized systems adhering to safe and innovative practices.

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