

Birth Registration

This module will outline the importance to birth registration in access to and upholding of human rights, and is a good way of relating the concept of identity to rights.

Introduction to Birth Registration – Why does it Matter?

Objectives

To introduce the concept of birth registration by looking at possible consequences of not being registered.

Previous Preparation

There may be students in your class that are not registered, it is therefore important to be sensitive to this and to ensure that they feel comfortable and unashamed. If you find the resource sheet too contentious, or that it deals with subjects that are too mature for your class you may wish to look at the case study of Baby 81 (see module on natural disasters) instead.

Copies of the 'The Case for Birth Registration' resource sheet.

Introduction

Whole Group – *Explanation and allocation of tasks by teacher*

Explain to the class that they will be assessing some of the reasons why birth registration is important. Split the class into groups looking at the following reasons:

- The Right to Name and Nationality
- The Right to Health Care
- The Right to Education
- Property Rights for HIV/AIDS Orphans
- Protection Against Child Trafficking
- Protection Against Child Labour
- Protection Against Early Marriage
- Protection During Armed Conflict
- Protection in the Juvenile Justice System

Ask the groups to read their sections on the resource sheet, answering the questions, and to be prepared to report back to the class on why their reason is important.

Development

Whole Group

Get the groups to report back one at a time on what they have read. The groups can identify a single speaker, or each member of the group can report one key finding which they thought was significant. As the students report back make a

note of their key findings on the board.

Conclusion

Whole Group

What were some of the key findings? Were the group shocked by any of the information? Which reasons do they think are most important and why?

Resource Sheet: The Case for Universal Birth Registration

"I want to protect my children's inheritance and property. I want them to have what I never got; access to education. I want them to know and have proof of who their parents are. Above all, I want them to realise that they are citizens of Uganda"

A mother from Tororo, Uganda

The United Nations' Convention on the Rights of the Child

The United Nations' Convention on the Rights of the Child (CRC) has been agreed to by every country in the world except for the United States of America and Somalia. Article 7 of the Convention imposes an obligation on state parties to register the birth of every child: "The child shall be registered immediately after birth and shall have the right from birth to a name [and] the right to acquire a nationality". Birth registration provides formal recognition of the child's identity and acts as the starting point of relationship between the state and the individual. With a birth certificate as proof of this legal acknowledgment, the individual is better able to claim and receive the rights and privileges to which they are entitled.

The Right to a Name and Nationality

The question of nationality is one of the most sensitive and complex aspects associated with birth registration, particularly for children of asylum seekers, refugees and minority groups who may experience discrimination. Birth registration is an effective legal mechanism that can be used to prove a child's nationality. This is because the birth record or certificate typically includes details such as the child's place of birth as well as the child's parents. However, if a child is not registered and neither his or her place of birth nor the nationality of his or her parents can be proved, the child is vulnerable to being left stateless.

The Right to Health Care

State parties shall strive to ensure that no child is deprived of his or her right of access to...health care services

United Nations' Convention on the Rights of the Child, Article 24

Every year, millions of children die of preventable diseases before reaching the age of five. Ineffective systems of birth registration play a role in this crisis since unregistered children may be unable to gain access to health care services or

may have to pay more than the registered child. In some countries, a child without proof of citizenship will also be denied access to free or subsidized vaccination programmes.

The Right to Education

State parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity
United Nations' Convention on the Rights of the Child, Article 28

For many children, the impact of not having their birth registered is the long-term loss of potential caused by lack of access to education. Although the legal requirement to produce a birth certificate for enrolment in publicly funded schools is not enforced or has been abolished in many countries, it remains a necessity in others. The requirement to produce a birth certificate in order to enroll in school has a negative effect if birth registration is not universally accessible.

Birth registration can be integrated into the educational system so that children who do not have a birth certificate are registered when they enter primary school. However, in countries where attending school is a mechanism for receiving a birth certificate, gender discrimination that prevents girls from attending school has a negative impact on levels of birth registration. This is particularly worrying, since research shows that girls who have missed out on education are less likely to register their own children when they are mothers. Without access to education, children are more susceptible to other rights abuses such as exploitative forms of work and trafficking.

The absence of a birth certificate can also impact negatively on the quality of education that children receive. For example, although many countries specify an age for compulsory education in their national legislation, this cannot be effectively implemented and monitored if parents and the state do not know how old a child is. Furthermore, birth registration data generates information about the size, gender and age of the child population which helps governments to effectively plan for education - recruiting and training the required number of teachers and estimating the funds to ensure that there are enough primary and secondary schools.

Property Rights for HIV/AIDS Orphans

Almost 38 million people are living with HIV/AIDS, with young people (15-24 years olds) accounting for nearly half of all HIV infections worldwide. HIV/AIDS thrives in the poorest communities where children are least likely to be registered at birth. Unknown numbers of HIV/AIDS orphans are being denied their right to inherit parental property because they do not have a birth certificate providing legal proof of their identity and family ties. This makes enforcing their right to parental property in a court of law very difficult. In addition, many

children die without ever being legally recognised or supported by their own government.

Protection against Child Trafficking

State parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form

United Nations' Convention on the Rights of the Child, Article 35

Child trafficking is defined by the United Nations as the recruitment, transportation, transfer, harbouring or receipt of any person under the age of 18 for the purposes of sexual or labour exploitation, forced labour or slavery. Its practice threatens the lives and development of children by denying them their rights to education, to health, to grow up within a family and to protection from exploitation and abuse. An effective system of birth registration can play an important role in helping to prevent the trafficking of thousands of boys and girls within countries and across international borders whether for purposes of illegal adoption, child prostitution or child labour. Since 2001, for example, the authorities in Mali have been checking identity papers and birth certificates at border checkpoints as part of their efforts to counter child trafficking. Similarly, in Vietnam, the police can request a child's birth certificate from adults travelling with a child at any time.

The absence of a birth certificate creates an environment where children are exposed to trafficking due, in large part, to the state of powerlessness that the lack of a legal status can impose on an individual. Not only does the absence of a birth certificate stop efforts to provide alternatives to trafficking as part of a preventative strategy, but it can also pose a stumbling block in finding and punishing traffickers. If a child is not registered at birth it is difficult to prove his or her age which causes problems if the child takes his or her exploiters to court.

A birth certificate also plays a significant role in providing every child with a traceable identity and history for repatriation purposes by identifying the child's parents, proving the child's nationality and helping to gain access to health, education and other welfare services when the child returns home.

Protection against Child Labour

States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development

United Nations' Convention on the Rights of the Child, Article 32

The International Labour Organisation (ILO) estimates that around 246 million children are currently involved in child labour worldwide. Of these, 179 million – or 1 in every 8 children – are exposed to the worst forms of child labour. The importance of an effective birth registration system in protecting children from economic exploitation is explicitly recognised in the ILO Convention 138 (recommendation 146, article 16).

Birth registration can play an important role in the fight against hazardous child labour. Establishing a legal minimum age for work is clearly an important step. However, unless an effective birth registration system is in place to back it up, government agencies acting to eliminate exploitation will find it difficult to enforce such a regulation without being able to easily confirm the age of the child concerned. Similarly, it will also be difficult to prosecute his or her employers.

Protection against Early Marriage

Early marriage is defined as marriage below the legal minimum age which, in many countries, is 18 years old. It is common practice in parts of East Africa, West Africa and South Asia. Worldwide there are currently more than 51 million girls and young women aged between 15 and 19 who are married and, if this trend continues, over 100 million girls under the age of 18 will be married in the next decade. Early marriage has negative repercussions for the lives of young women, including reproductive health problems and lack of access to education.

Registering girls at birth can help protect them from early marriage as the absence of a birth certificate makes it difficult for law enforcement personnel to verify the age of the girls concerned. This is especially the case when parents may actively try to conceal the real age of their daughter in order to get a higher 'bride price' or to avoid paying too high a dowry.

Accurate data on early marriages and pregnancies is also vital for understanding the scale of this issue and ensuring an effective response. Yet, because young married women and mothers are found in the most marginalised populations where birth registration is more likely to be absent or incomplete, the ages of the girls involved in the practice may not have been recorded or even known. Similarly, because early marriages are generally recognised under local law or custom, they may not be formally recorded in national statistics.

Protection during Armed Conflict

State parties shall take all feasible measures to ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces

Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, Article 38

During conflict and in times of civil unrest, the probability of having a birth, name and nationality registered is particularly low. Systems of birth registration collapse and existing identification papers are misplaced or destroyed. As a result, adults and children become officially 'lost' – unaccounted for by any government system.

Children displaced by conflict and born in refugee camps across national borders are particularly vulnerable since receiving states often refuse to recognise and register their births. This means that they become 'stateless children' – a situation that not only deprives them of social opportunities, but exposes them to many forms of discrimination.

Without identity papers, for example, children and their families may experience problems qualifying for food aid, refugee status, gaining access to health, educational and welfare services and claiming their right of residence when returning to their home country. Furthermore, children lost or abandoned in such upheavals and who lack papers cannot easily be legally adopted. This means they may end up living in institutions or on the streets.

Problems with birth registration also increase the problem of under age recruitment of children into armed conflict. Recruitment officers are left to determine the age of children – a practice that leaves minors at high risk. Indeed, more than half-a-million children under 18 have been recruited into government forces and a wide variety of non-state armed groups in more than 85 countries worldwide. Unregistered children rescued from their situation of exploitation as child soldiers are likely to find that their repatriation and reintegration back into society is problematic. This is often because they lack any legal document proving their age, family links or country and place of birth.

Protection in the Juvenile Justice System

Neither capital punishment nor life imprisonment shall be imposed for offences committed by persons below eighteen years of age [and] every child deprived of liberty shall be separated from adults

United Nations' Convention on the Rights of the Child, Article 37

International standards recognize that children are entitled to special care and protection in justice systems because they are still developing physically, mentally and emotionally. A birth certificate may provide children under arrest with some protection against prosecution as an adult by providing proof of age. This should also help to make sure that the child receives the special legal protection that is available to him or her as a juvenile in national and international justice systems, including freedom from capital punishment.

Questions to think about:

Why is birth registration important in the case that you are looking at?

Who is responsible for ensuring that children are registered?

What are some of the reasons why some children are not registered at birth?

What can happen to children which are not registered?

What can be done to avoid these situations?

How does birth registration relate to rights in the case you are looking at?

Teacher Evaluation:

Comments on the class:

Pupil specific comments:

Observation

and evaluation of the class:

Citizenship

Universal Birth Registration and Rights – Students can explore the link between birth registration and access to and upholding of rights

<http://www.hrw.org/reports/2002/domrep/domrep0402-05.htm>

Case study of Dominican Republic and lack of access to education due to lack of registration.

<http://www.curriculumsupport.nsw.edu.au/hsie/croc/birthbangladesh.htm>

Case study on birth registration in Bangladesh.

http://www.unicef.org/southafrica/protection_761.html

South African birth registration.

http://www.unicef.org/scg/reallives_887.html

Case study on immunisation of Roma children in Serbia and Montenegro

<http://www.hetq.am/eng/society/0501-invisible.html>

Case study of Armenia – Invisible people, corruption over issuing birth

certificates preventing children from accessing health and education facilities

<http://observer.guardian.co.uk/international/story/0,6903,1092977,00.html> 23 Nov 2003 Article about Aids orphans in Malawi and property grabbing from children

<http://www.endchildexploitation.org.uk/stopthetraffic/> - Unicef 'stop the trafficking' report.

www.endchildexploitation.org.uk/case_detail.asp?case_id=22&issue_id=1
Case study on child trafficking in Benin.

<http://www.newint.org/issue194/sale.htm> - Case study on illegal adoption in Brazil.

<http://www.guardian.co.uk/guardianweekly/outlook/story/0,,1271724,00.html>
Washington Post Article about children cutting sugar cane in El Salvador and the physical damage and loss of education.

<http://www.guardian.co.uk/international/story/0,,1349149,00.html> - Sri Lanka – Tamil Tigers still enlisting thousands of child soldiers

<http://education.guardian.co.uk/egweekly/story/0,,1500258,00.html> - Child labour, lesson ideas, website links, resources.

http://www.developments.org.uk/data/03/wv_1.htm - Developments article on Rwandan orphans and armed conflict

http://www.opendemocracy.net/people-migrationeurope/article_1685.jsp
Liberian child soldier who has ended up in London - first hand account

Geography

The Geography of Birth Registration – Students can research and analyse statistics on universal birth registration and relate it to human rights.

<http://www.childinfo.org/areas/birthregistration/> - Unicef - Challenges and Progress to date + Country data, graph, table, statistics

<http://www.childinfo.org/eddb/work/index.htm> - Charts on child labour in 49 developing countries

www.icrc.org/web/eng/siteeng0.nsf/iwpList74/1DA57DBE6A7C7E75C1256F580047E340 - Figures relating to reuniting families in Sudan during 2004

<http://www.writemedown.org/> - Plan case studies on universal birth registration.

History

My Family History - This topic does not lend itself very well to History but students may wish to create a family tree using their birth certificates or other information which they have available to them

<http://www.bbc.co.uk/history/familyhistory/> - BBC website on researching your family history.

<http://www.familysearch.org/> - a large collection of genealogy records.

<http://www.familytreearcher.com/> - This free service makes your search for family trees on the Internet easier.

<http://www.genealogy-search-advice.com/> - website offering advice on genealogy searches.

English

Reporting Injustice – Students can write articles about some of the injustices that are inflicted on children and how they can be helped by birth registration. You may also wish to explore some of the links in the Citizenship section.

www.minesandcommunities.org - News articles about the use of child labour in Indian mines

www.child-soldiers.org/childsoldiers/
Factsheet, reasons why children join armies, some testimonies, Q&A

<http://www.worldrevolution.org/guidepage/childsoldiers/intro>
Child soldiers – Introduction

www.newint.org/issue377/tanya.htm -New Internationalist 377 April 2005 – Street Children, Harare, Zimbabwe mentions underage HIV/AIDS orphans, losing homes and sexual exploitation.

ICT

Technology for Universal Birth Registration – Students can explore the technology available for managing birth registration data.

<http://www.egov4dev.org/rajshahi.htm>
<http://www.egov4dev.org/banglaimmune.htm>

<http://topics.developmentgateway.org/innovations/rc/ItemDetail.do~393369>
project in Bangladesh to computerise birth registration and link infant immunisation to this.

Whole School Activities

<http://www.writemedown.org/act/promote/ideas/#gathering> - arrange a gathering or a whole school campaign

Taking Action

<http://www.writemedown.org/> - Sign Plan's petition on universal birth registration

<http://www.writemedown.org/act/tellfriends/> - Tell your friends!

You can fundraise for organisations like Plan, who are helping to promote birth registration globally. For more information on fundraising, look at the 'Taking Action' module.