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BIRTH REGISTRATION: STATELESSNESS AND OTHER REPERCUSSIONS FOR UNREGISTERED CHILDREN

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Birth Registration: Statelessness and other repercussions for unregistered children

Birth registration is a permanent and official record of a child's existence. It can be generally defined as the official recording of the birth of a child by some administrative level of the state and coordinated by a particular branch of government.² Registration at birth is a fundamental human right that confers a distinct legal identity on every child. Article 24 of the 1966 International Covenant on Civil and Political Rights states that,

Every child shall be registered immediately after birth and shall have a name. [...] Every child has the right to acquire a nationality.

This right is further elaborated under Article 7 of the 1989 Convention on the Rights of the Child, ratified to date by 192 states, including all the states of Europe. Article 7 states that,

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.

Article 7 also elaborates the obligations of States Parties in this respect and makes specific reference to statelessness:

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.

In addition, Article 8 of the Convention outlines the obligations of States Parties both to preserve and, where necessary, re-establish the child's identity, including nationality:

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations [...] 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.

Articles 7 and 8 of the Convention on the Rights of the Child recognize the child's right to identity and citizenship as an individual. In other words, this right is not contingent upon the status – including citizenship status - of a child's parents. This is in keeping with the general principle of non-discrimination contained in the Convention, a principle which requires that States Parties respect and ensure the rights set forth in the Convention to each child without discrimination of any kind, irrespective of the status of the child or that of his or her parent(s) or legal guardian(s). Furthermore, taken together Articles 7 and 8 should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the

² For a more extensive discussion of birth registration, its importance as a human right and initiatives to ensure this right, see UNICEF Innocenti Research Centre, *Birth Registration. Right from the start*, Innocenti Digest no. 9, UNICEF, March 2002.

promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless and to foresee effective remedies for the child to challenge a decision (or lack of decision) by the state in this regard.

Ideally, birth registration is part of an effective civil registration system that acknowledges the existence of a person before the law, establishes his or her family ties and tracks the major events of that individual's life, from birth, to marriage and parenting, to death. A fully functional civil registration system should be compulsory, universal, permanent and compulsory. It should collect, transmit and store data in an effective way and guarantee their quality, integrity and confidentiality. Such a system, and its instrumental value in safeguarding human rights, contributes to the normal functioning of any society.

The registration of a child's birth enables that child to obtain a birth certificate. In some cases, the issuing of a certificate automatically follows birth registration, while in others a separate application must be made. In either case, a birth certificate is a personal document issued to an individual by the state. The registration of a birth and the issuing of a birth certificate are, therefore, two distinct yet interlinked events. A birth certificate is the most visible evidence of a government's legal recognition of the existence of a child as a member of society. If a child is not registered at birth and has no birth record, he or she will not have a birth certificate with that all-important proof of their name and their relationship with their parents and the state.

While the information shown in a birth record and on a birth certificate may vary from country to country, the name and gender of the child, the name and nationality of the mother and, ideally, of the father, the attending physician, midwife, birth attendant or other witnesses are generally included, together with the date and place of birth, and the name and signature of the registrar.

Birth Registration and Nationality

While a person's name may be their most distinctive "mark" of individuality, additional information - such as age, family ties and nationality - promote the child's right to legal protection by parents and by the state. Without the recognition of identity assigned by birth registration, a child risks statelessness, and a stateless child is in an extremely vulnerable position.

The question of nationality is one of the most sensitive and complex aspects associated with birth registration. A country's political constitution or founding charter generally determines who is a national, who is an alien, and how nationality can be acquired or lost. Some governments follow the principle of *jus soli*, whereby those born within the country's territory are nationals, even if one or both parents came originally from another country. In this case, birth registration gives the child automatic right to citizenship of the country in which he or she was born. This is the system found in most countries in Central and South America and the Caribbean, except Haiti and some English-speaking areas. A number of countries grant nationality according to the principle of *jus sanguinis*. In this case, a child does not have an automatic right to citizenship of the country of birth if neither parent is a national of that state. This system applies in most of Asia and the majority of countries following Islamic law. In some countries applying *jus sanguinis*, such as Egypt, Jordan and Lebanon, nationality may only be passed on by a father who is a national. In the *jus soli* system, the entry of birth in the civil registry is enough to ensure nationality, but under *jus*

sanguinis nationality may depend on documentary evidence – generally a birth certificate – that at least one parent is a national of the country in question.³ In a country that follows the *jus sanguinis* system, difficulties may arise for children of parents who are nationals of a country that grants nationality on the *jus soli* principle. In such cases there is a risk that the children remain stateless.⁴ Most countries in the industrialized world combine *jus soli* and *jus sanguinis*, with more emphasis on the former in Australia, Canada, France, the Netherlands, United Kingdom and United States, and on the latter in Germany, Japan and Switzerland.

How many unregistered children?

Despite the importance of birth registration and the clear commitments of states under international law to ensure this right, it is estimated that around the world some 50 million children go unregistered every year. In 2000, in Sub Saharan Africa over 70 per cent of births were unregistered, while 63 per cent of births were unregistered in South Asia. In terms of absolute numbers of unregistered children, however, South Asia heads the table with approximately 22.5 million unregistered births in 2000, or over 40 per cent of the world's unregistered births in that year. In Central and Eastern Europe and the CIS, 10 per cent of births – some 650 000 - went unregistered in 2000, while unregistered births in 'industrialized countries' represented 2 per cent of total births in that year.⁵ From a statistical perspective, the registration of 98 per cent of annual births is defined as universal coverage, but from a human rights perspective, universality is only achieved with the registration of each and every child born under a state's jurisdiction.

In addition to the percentage of births registered in any given year, one can also consider the level of birth registration in a specific country or region. This is based on the proportion of children under 60 months whose births have been registered. In all member states of the Council of Europe, with the exception of Turkey, birth registration levels in 2000 were 90 per cent or more, meaning that all but 10 per cent of children under the age of 5 years have had their birth registered.⁶

In global terms, by far the largest number of unregistered children is found in developing nations. While a state's economic situation certainly has a bearing on registration levels, GNP alone does not explain discrepancies in registration coverage. For example, a number of countries of the former Soviet Union with per capita GNP in 2000 of under US\$750, including Armenia (\$490), Azerbaijan (\$550), Georgia (\$620), Kyrgyzstan (\$300), Moldova (\$370), and Uzbekistan (\$720) had coverage rates of 90 per cent or more.⁷ These figures

³ United Nations Department of Economic and Social Affairs, Statistics Division, *Handbook on Civil Registration and Vital Statistics Systems. Developing Information, Education and Communication*, United Nations, 1998.

⁴ The 1961 Convention on the Reduction of Statelessness offers a legal framework through which future cases of statelessness can be avoided, incorporating approaches of *jus soli* and *jus sanguinis* generally adopted by States to determine nationality.

⁵ All figures from UNICEF, *Progress since the World Summit for Children*, "Levels of Birth Registration, 2000 Estimates," UNICEF, 2001, see <http://www.childinfo.org/eddb/birthreg/index.htm>

⁶ The level of registration of under-fives in Turkey is between 70 and 89 per cent. All figures from UNICEF, *Progress since the World Summit for Children*, "Levels of Birth Registration, 2000 Estimates," UNICEF, 2001, see <http://www.childinfo.org/eddb/birthreg/index.htm>

⁷ UNICEF Innocenti Research Centre, *Birth Registration. Right from the start*, Innocenti Digest no. 9, UNICEF, March 2002. All GNP per capita figures are 1999, from UNICEF, *State of the World's Children 2001*, UNICEF, 2000. Birth registration figures from UNICEF, *Progress since the World Summit for Children*,

suggest that once social and administrative structures for birth registration are established, even countries with modest GNPs can achieve consistently high levels of coverage. Generally, unregistered children are more likely to be found in countries where there is little awareness of the value of birth registration, there are no public campaigns, the registration network is inadequate or parents are required to pay for registering their child.

The cases cited above also point to another potentially important factor for registration: in all but Moldova, for which there were no relevant data, over 90 per cent of women who gave birth were attended by trained health personnel. It is likely that countries with high birth registration rates tend to have high rates of births in medical facilities or attended by trained personnel, although more research is required to confirm this. The logic is simple: mothers come into close contact with a branch of the national infrastructure at a critical point in terms of registration – the actual birth of the child. At the same time, the state benefits from the existence of an established structure to provide various social services for children in an integrated and cost-effective manner.

Who are the unregistered children?

Research demonstrates that, around the globe, unregistered children are those who belong to the poorest and most marginalized sectors of a given society. Lack of registration, and the statelessness that generally results, underscore their marginalization still further. Those most at risk include, for example, children from particular ethnic or indigenous groups, especially those that experience discrimination, children of internally displaced persons or refugees, children who have lost their parents, including children orphaned by AIDS, children born to illiterate parents and children of migrants, especially undocumented migrants. Cross-cutting these and many other categories is a clear gender dimension: a cultural preference for male children mean that girls suffer from discrimination and are all too often denied their right to a name and a nationality.

Unaccompanied children constitute another group at significant risk of missing out on registration or having no documents to prove their identity. These are children who are separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. Child labourers and trafficked children may be unaccompanied, as may be young migrants without papers. In the chaos of war, displaced children and children seeking asylum may also be separated from family members. If these children were unregistered at the time of separation, they will have no legal proof of name, age, family ties or nationality. In other cases, children registered at birth may have lost their documents due to displacement or may have purposely destroyed them in order to escape the threat of violence based upon identity, including ethnic or national origin. In post-conflict Guatemala, for example, many altered or destroyed their personal information and registered themselves using false information in an attempt to hide from Government security forces. In the case of trafficked children, traffickers may destroy documents or use false ones. Registration records in the child's country of birth can help facilitate tracing, return and reunification (where this is in the best interests of the child).⁸ Until this takes place, however,

“Levels of Birth Registration, 2000 Estimates,” UNICEF, 2001, see <http://www.childinfo.org/eddb/birthreg/index.htm>

⁸ “The best interests of the child” is one of the general principles of the Convention on the Rights of the Child (Article 3). In this case, it implies that a state should ascertain whether it is indeed in the child's best interests to be returned to his or her country of origin and reunited with his or her family. This goes hand-in-hand with another of the Convention's general principles: the right of the child to express his or her views freely in all

a child without legal identification is, in practical terms, stateless, having no means to prove her or his nationality, name or family links.

The importance of registration at birth for every child and its significance as regards the enjoyment of the right to nationality is reflected in the attention given to Article 7 of the Convention on the Rights of the Child by the Committee on the Rights of the Child, which monitors and promotes the implementation of the Convention. The Committee has noted, for instance, that,

Syrian-born Kurdish children are considered as foreigners or as “maktoumeen” (unregistered) by the Syrian authorities and face great difficulties in acquiring Syrian nationality, although they have no other nationality at birth.⁹

Specifically, under Syrian citizenship laws, Kurdish children acquire unregistered status if one or both of their parents is unregistered, or if their father is a non-citizen Kurd (either unregistered or a “foreigner”) and their mother is a Syrian citizen. The number of *maktoumeen* children in Syria is reported to be increasing rapidly due to population growth. According to Kurdish sources, children assigned this status currently number about 25,000.¹⁰

Some states, while not explicitly excluding certain groups from registering their children, erect significant administrative barriers. In Sri Lanka, for example, Tamils of Indian origin have long faced serious difficulties in registering births, and many are effectively stateless. The Sri Lankan government introduced legislation in 1988 to enable these Tamils to claim citizenship, but every application called for 11 different documents. New legislation passed in October 2003 has reduced the number of documents to eight: the birth certificates of the mother, father, eldest and youngest siblings, the parents’ marriage certificate, the child’s horoscope, a letter of support from the local government administrator and a letter of support from the medical services¹¹ – still a significant requirement. It is worth adding that an important registration campaign launched in Sri Lanka at the end of 2003 has registered more than 190,000 persons as citizens, demonstrating the potential of law reform to bring an end to legal exclusion.

In several states, especially in the Middle East, women cannot transmit nationality to their children. In Egypt, for example, it is estimated that some one million children born to Egyptian women and non-Egyptian fathers cannot claim Egyptian citizenship.¹² Other states have legislation that confers only limited nationality to certain groups, such as children of parents who are not themselves citizens. Myanmar has three levels of citizenship with corresponding levels of rights – full citizens, associate citizens and naturalized citizens. To become a full citizen, a person has to be able to prove Myanmar ancestry dating back prior to

matters affecting the child, such views being given due weight in accordance with the age and maturity of the child (CRC Article 12). Children should therefore be given the opportunity to express their views in all matters relating to the establishment or re-establishment of their identity.

⁹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Syrian Arab Republic. 24/01/1997. CRC/C/15/Add.70. 1997.*

¹⁰ Human Rights Association in Syria (HRAS), “The Effect of Denial of Nationality on the Syrian Kurds”, November 2003.

¹¹ Communication from UNICEF Country Office, Sri Lanka, July 2004.

¹² Paul Schemm, “Egypt May Soon Permit Women to Confer Citizenship”, Global Policy Forum, *Women's eNews*, November 3, 2003, see <http://www.globalpolicy.org/nations/sovereign/citizen/2003/1103egyptwomen.htm>

1824. Officially only full citizens can train to be doctors or engineers, stand for election, or work for a foreign company, UN agency or foreign embassy.¹³ The Committee on the Rights of the Child expressed its concern that as a result of Myanmar's citizenship regulations some categories of children and their parents might be stigmatized or denied certain rights.¹⁴

Challenges associated with statelessness are by no means limited to developing countries, especially as regards the most vulnerable groups of children. In Europe it is reported that citizenship problems have arisen in the Baltic countries after the break-up of the former Soviet Union, where the new states introduced citizenship legislation that appears to be discriminatory towards minorities, primarily Russians and Russian-speakers. Statelessness is reportedly very widespread and it is estimated, for example, that some 170,000 stateless persons are currently living in Estonia.¹⁵ Stateless parents face significant obstacles to registering their children, despite states having important obligations under international law in this respect.

One of the communities in Europe most at risk of statelessness is the Roma, especially in the Czech Republic, Slovenia, Croatia and Macedonia.¹⁶ Even in situations where citizenship is not an issue, a lack of necessary documentation or, in some cases a distrust of state institutions, means that many Romani women do not give birth in hospitals, increasing the risk that their child is not registered. It is also reported that in situations in which Roma have married before the legal age of marriage, young mothers are reluctant to present themselves in hospitals or register their children.¹⁷ In still other cases, young parents may simply be unaware of the requirement to register their child. The Committee on the Rights of the Child has on many occasions drawn attention to the level of birth registration in Roma communities. For example, as regards Romania, the Committee stated in 2003 that it,

[...] remains concerned at the lack of measures to prevent non-registration of children and is concerned at the high number of stateless persons, in particular among the Roma.¹⁸

Regarding Greece, in 2002 the Committee expressed concern that:

[...] the right of some children, and particularly child members of some distinct ethnic, religious, linguistic and cultural groups such as the Roma, to birth registration is not respected as a result of a lack of information on birth registration procedures, a lack of legal

¹³ Human Rights Watch, Asia, 'Children's Rights and the Rule of Law', *Human Rights Watch*, vol. 9, no. 9, 1997.

¹⁴ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Myanmar*. 24/01/97. CRC/C/15/Add.69. 1997.

¹⁵ Tatjana Perić, "Personal Documents and Threats to the Exercise of Fundamental Rights of Roma in Europe", European Roma Rights Centre, 2003, see <http://www.errc.org/cikk.php?cikk=1097&archiv=1#1>

¹⁶ European Roma Rights Centre, "Personal Documents and Threats to the Exercise of Fundamental Rights among Roma in the former Yugoslavia", European Roma Rights Centre, 2004, see <http://www.errc.org/cikk.php?cikk=1685>

¹⁷ *ibid.*

¹⁸ UN Committee on the Rights of the Child, *Concluding observations of the Committee on the Rights of the Child : Romania*. 18/03/2003. CRC/C/15/Add.199. 2003.

representation for particular population groups and the lack of sufficiently decentralised services [...].¹⁹

In commenting on the Former Yugoslav Republic of Macedonia in 2000 the Committee noted its concern that,

[...] in spite of relevant legislation and an increasing number of births in hospitals, there are still children in the State party who are not registered at birth and is further concerned at the fact that a large proportion of unregistered births are of Roma children.²⁰

Marginalised children who are already at high risk of non-registration in normal circumstances are still less likely to be registered in situations of armed conflict or civil unrest, not least due to the erosion or collapse of state structures and the difficulty of accessing civil registry offices.²¹ Fear of repercussions can also prevent parents from registering the birth of a child: for example, in Kosovo, before the war, Albanian families did not register children from fear of approaching and being associated with the Serbian State authorities.²² In Eritrea, it is reported that people continue to avoid registration of children from fear of them being conscripted as child soldiers.²³

In the case of refugee children, host countries are often unwilling to facilitate birth registration and still more reluctant to grant nationality to refugee babies born on their soil. The United Nations High Commission for Refugees (UNHCR) confirms that

Statelessness is often caused by States' deliberate policies not to confer nationality to children born to refugees. It may also be caused by the existence of conflicting laws regarding nationality [...]. All refugee children in the country of asylum must be considered as having, or being able to acquire, including through naturalization, an effective nationality.²⁴

The sheer number of human beings involved in refugee movements gives an indication of the scale of the challenge. To take a European example, almost a million applications for asylum were made by people fleeing conflict in the former Yugoslavia to industrialized countries between 1989 and 2001.²⁵ Information on the number of children growing up as refugees and displaced persons is generally scarce, but children and young people often make up a significant proportion of these populations. For example, UNHCR estimates that in 2001

¹⁹ UN Committee on the Rights of the Child, *Concluding observations of the Committee on the Rights of the Child: Greece. 01/02/2002. CRC/C/15/Add.170. 2002*

²⁰ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child : The Former Yugoslav Republic of Macedonia . 23/02/2000. CRC/C/15/Add.118. 2000*

²¹ For a full discussion of birth registration in situations of armed conflict, see UNICEF Innocenti Research Centre, *Birth Registration and Armed Conflict*, UNICEF, forthcoming.

²² UNICEF, Kosovo, September 2003.

²³ UNICEF Innocenti Research Centre, *Birth Registration and Armed Conflict*, UNICEF, forthcoming.

²⁴ United Nations High Commission for Refugees, *Refugee Children – Guidelines on Protection and Care*, UNHCR, 1994.

²⁵ UNICEF Innocenti Research Centre, "Refugees and displaced persons: still large numbers", *Innocenti Social Monitor 2003*, UNICEF, 2003

individuals under 18 comprised a third of all refugees and displaced persons in Azerbaijan and a half in Uzbekistan.²⁶

Implications of non-registration

Unregistered children have no official recognition of their existence. In every part of the world this means that these children are excluded from the benefits of citizenship. The implications of this exclusion may, however, differ from country to country. In Bangladesh, for example, where less than 40 per cent of children are thought to be registered,²⁷ non-registration is the norm and there exists a plethora of mechanisms - some formal, some decidedly less so - to circumscribe the requirement for a birth certificate. This can lead to problems of false or inaccurate documents and a lack of standardisation. In contrast, in countries of Europe where “universal” registration prevails, there is an assumption that every individual is registered and has the possibility of producing a birth certificate to prove his or her name, nationality and family relations. Since administrative structures reflect this assumption, in the case where a child is unregistered the implications of exclusion can be extreme.

Denial of citizenship rights

A birth certificate is, in many respects, a child’s membership card that opens the door to his or her full citizenship. It is normally required in order to obtain an identity card, a marriage licence or a driver’s licence, and it may also be needed to open a bank account, inherit property or even to secure formal employment, especially within the public sector. And of course, proof of name and nationality, and state recognition in the form of a birth certificate, is the first step towards ensuring one’s democratic rights – not only to vote, but also to stand for election.

A birth certificate is also a prerequisite to obtain a passport, an important document in an increasingly mobile world. Without a passport, an individual wishing to cross national borders may be forced to resort to clandestine means. The significance of personal documents must also be considered in the context of the current global atmosphere of concern regarding national security issues. Perceived threats to national security have resulted in a much closer attention given to individual identity by many states, especially in Europe and North America. An unregistered individual with no legal means to prove nationality potentially becomes an object of suspicion.²⁸

For children whose births are not registered and who cannot obtain a birth certificate, the door to citizenship remains closed. Research shows that numerous Roma around Europe - and particularly in countries that were part of the former Yugoslavia, Soviet Union or Czechoslovakia – often lack personal documents. Without them, Roma reportedly face a range of problems in securing other documents such as identity cards and other documents necessary for realizing basic rights such as housing, health, education and social welfare.²⁹

²⁶ *ibid.*

²⁷ UNICEF, *Progress since the World Summit for Children*, “Levels of Birth Registration, 2000 Estimates,” UNICEF, 2001, see <http://www.childinfo.org/eddb/birthreg/index.htm>

²⁸ Conversely, in the current political climate, citizens of certain states who *can* offer documentary evidence of their nationality (in the form of a passport, for example) are likewise often regarded with suspicion.

²⁹ Tatjana Perić, “Personal Documents and Threats to the Exercise of Fundamental Rights of Roma in Europe”, European Roma Rights Centre, 2003, see <http://www.errc.org/cikk.php?cikk=1097&archiv=1#1>

Because of the massive displacement of Roma from former Yugoslav countries, the repercussions of their statelessness can be seen throughout Europe. In Italy, for example, it is reported that Romani asylum seekers from the countries of former Yugoslav Federation often lack personal documents and thus live in a legal limbo. Many children born in Italy of former Yugoslav Romani parents have not been registered and have no documents. Although Italian citizenship laws allow children born in Italy of foreign parents to apply for citizenship when reaching legal maturity, Romani children living in informal settlements face challenges because they are unable to prove legal residence in the country.³⁰

Even registered children can, in certain cases, be excluded from enjoying the entitlements of full citizenship and, in contravention of the principle of non-discrimination enshrined in international law, registration has been used by states to classify populations and control their movements. In the Occupied Palestinian Territory, for example, Palestinians have been motivated to register their children in order to establish legal identity. On the basis of this registration, identity cards are issued which designate whether the child was born in Gaza, the West Bank or Jerusalem. This in turn establishes categories of the population subject to controlled mobility, leading to stigmatized treatment and additional discriminations.³¹

Vulnerability to exploitation

Every child is entitled to State protection against exploitation and abuse. In the case of the unregistered child, however, with no means to prove citizenship, age or family ties, he or she has no guaranteed protection of a specific national jurisdiction. Proof of age and identity in the form of a birth certificate can act as a significant disincentive to child labour, commercial sexual exploitation, early marriage and military recruitment. Unregistered children also become a more attractive commodity to child traffickers, illegal adoption rings and others who seek to take advantage of what is effectively these children's non-status.

If a child is arrested, a birth certificate can protect him or her against prosecution as an adult, prevent their being held in detention centres together with adults and help ensure that he or she receives special legal protection available to juveniles under the justice system. Furthermore, if age-related abuse does take place, without a birth certificate it is difficult for an unregistered child, or that child's family, to seek legal redress.

Lack of protection in conflict and emergency situations

The vulnerability of stateless children becomes still more acute in situations of war or natural disaster, yet lack of personal documents is a common problem. In Sweden, for example, it is reported that approximately 70 per cent of refugees entering the territory do not possess any identity document. This can cause difficulties in the investigation of individual cases, the provision of appropriate protection and the process of family tracing and unification.³²

³⁰ Ferdinando Sigona cited in Tatjana Perić, "Personal Documents and Threats to the Exercise of Fundamental Rights of Roma in Europe", European Roma Rights Centre, 2003, see <http://www.errc.org/cikk.php?cikk=1097&archiv=1#1>

³¹ UNICEF Innocenti Research Centre, *Birth Registration and Armed Conflict*, UNICEF, forthcoming.

³² Larsson Bellander, E. *Birth Registration and Armed Conflict*. A paper presented at the Expert Consultation on Birth Registration and Armed Conflict, 2-3 July 2003, Florence, Italy.

The right of every child to be registered at birth must be a priority in times of humanitarian emergency or armed conflict. Indeed, the importance of this measure becomes increasingly evident at a time when families and communities – and the social environment assuring their well-being - are substantially eroded. Moreover, the inability of the State to identify and monitor children requiring assistance is a major obstacle when planning and implementing humanitarian assistance and development interventions.

Children without birth certificates are at increased risk of under-aged recruitment into armed groups, sexual exploitation, and lack of access to humanitarian relief. These risks increase still more when the child – possibly traumatized and often lacking proper shelter - has been separated from his or her parents or caregivers due to displacement, abduction or trafficking.

Birth registration and certification are equally crucial for internally displaced children who, uprooted by conflict or natural disasters, remain in their own country and may need to be reunited with their families. In Sudan, for example, an initiative has been taken to issue birth certificates to children in internally displaced persons' camps in war-affected areas precisely because these certificates represent a child's legal link to his or her parents.³³ It is reported that Roma displaced from Kosovo have had difficulty accessing humanitarian assistance from the government and the international community since, lacking proof of their identity and nationality, they are unable to register as internally displaced persons.³⁴

Promoting the enjoyment of other rights

It is important to recognize that the registration of a child's birth and the issuance of a birth certificate promote the enjoyment of a range of other human rights beyond those to a name, a family and a nationality. While birth registration is not, in itself, a guarantee of these rights, its absence can put them beyond the reach of those already on the margins of society.

For example, according to human rights law, free primary education should be available to *all* children, irrespective of whether or not they possess a birth certificate. However, in several countries - including Algeria, Cameroon, Lesotho, the Maldives, Sudan and Yemen - a child cannot attend school without that crucial piece of paper.³⁵ In other countries such as India, Myanmar and Thailand, authorities encouraging primary school attendance do not enforce, or have abolished, the legal requirement to produce a birth certificate for school enrolment.³⁶

Education is not the only service potentially denied to unregistered children. An unregistered child may find it difficult to obtain the same degree of social protection from the state as a registered child. Similarly, medical care may be less easily available or cost more than it would to a "citizen", and it is generally more difficult for medical programmes and campaigns, such as immunization, to identify and reach unregistered children.

³³ Communication from UNICEF Country Office, Sudan, June 2001

³⁴ Lindsey Cameron, "The Right to an Identity", *Roma Rights*, no. 3, 2003, see http://lists.errc.org/rr_nr3_2003/noteb5.shtml

³⁵ UNICEF Innocenti Research Centre, *Birth Registration. Right from the start*, Innocenti Digest no. 9, UNICEF, March 2002.

³⁶ *ibid*

In conclusion

Experience from the field indicates that the registration of every child is a practicable possibility, even in challenging circumstances. To give just one striking example, in Afghanistan, between May and October 2003, a total of 775,000 children were successfully registered, representing 97 per cent of the target group of all girls and boys under one year of age. This was achieved using trained volunteers who accompanied polio vaccination teams as they made house-to-house visits to immunize young children.³⁷

Efforts such as this clearly reflect the recognition of birth registration as an investment in children that allows them to realize their potential and to develop as full and productive citizens of every nation. Birth registration is also a crucial measure to secure the recognition of every person before the law, to safeguard the protection of his or her individual rights, and to ensure that any violation of these rights does not go unnoticed. It is a crucial step in establishing an individual's nationality and, beyond this, in contributing to his or her sense of citizenship and, overall, to the coherence of civil society. Moreover, for governments it is a source of credible data covering all sections of a national population that can facilitate realistic development planning to tackle poverty and provide basic services.

In today's world, with massive population movements, organized child trafficking, the global crisis of children orphaned by HIV/AIDS, and the impact of armed conflict on children, birth registration and proof of nationality is more essential than ever.

³⁷ UNICEF. "UNICEF chief applauds Afghan birth registration effort", UNICEF Press Release, 6 October 2003