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Innocenti Research Centre



Innocenti Insight  
**BIRTH REGISTRATION  
AND ARMED CONFLICT**

For every child  
Health, Education, Equality, Protection  
ADVANCE HUMANITY

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# BIRTH REGISTRATION AND ARMED CONFLICT

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The UNICEF Innocenti Research Centre in Florence, Italy, was established in 1988 to strengthen the research capability of the United Nations Children's Fund (UNICEF) and to support its advocacy for children worldwide. The Centre (formally known as the International Child Development Centre) helps to identify and research current and future areas of UNICEF's work. Its prime objectives are to improve international understanding of issues relating to children's rights and to help facilitate the full implementation of the United Nations Convention on the Rights of the Child in both industrialized and developing countries.

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## Acronyms

CONADEPI: National Commission for the Advancement of Indigenous Peoples (Mexico)

CRC: Convention on the Rights of the Child

DHS: Demographic and health surveys

ECHO: European Community Humanitarian Office

ICCPR: International Covenant on Civil and Political Rights

ICRC: International Committee of the Red Cross

IDP: Internally displaced person

IFRC: International Federation of Red Cross and Red Crescent Societies

IOM: International Organization for Migration

LTTE: Liberation Tigers of Tamil Eelam (Sri Lanka)

MICS: Multiple indicator cluster survey

NGO: Non-governmental organization

oPt: occupied Palestinian territory

UNFPA: United Nations Population Fund

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNITA: União Nacional para a Independência Total de Angola

UNMIK: United Nations Mission in Kosovo

UNRWA: United Nations Relief and Works Agency for Palestine Refugees

UNTAET: United Nations Transitional Administration in East Timor

UPDF: Uganda People's Defence Forces

URNG: Unidad Revolucionaria Nacional Guatemalteca

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# FOREWORD

The obligation to protect and assist children in times of war is a basic principle of human rights and humanitarian law. Establishing a legal identity is an essential first step in safeguarding children's right to protection and assistance.

Children's right to be registered at birth and their right to a name and identity are formally recognized by the Convention on the Rights of the Child. Birth registration is instrumental in safeguarding other human rights because it provides the official 'proof' of a child's existence. This documentation is crucial, especially during times of armed conflict or civil unrest. The 'invisibility' of non-registered children increases their vulnerability and the risk that violations of their rights will go unnoticed. Providing children with birth registration during and after conflict is, therefore, a matter of urgent priority.

The urgency and importance of birth registration during emergencies was tragically demonstrated following the powerful tsunami that slammed into the coasts of India, Indonesia, Sri Lanka, Thailand, the Maldives, Malaysia, Myanmar, the Seychelles and Somalia in December 2004, killing thousands of people and leaving hundreds of thousands of children and their families homeless. The most immediate task was to identify and register unaccompanied and separated children and trace their family members, working closely with hospitals, communities, police and local authorities. Reuniting children with family and extended family members in emergency situations is the best way to provide children with safety, security and care, and birth certificates and other documents of identification are essential to reunification efforts.

While tracing efforts were underway, a well-intentioned outpouring of support from around the world included expressed interest in adopting children affected by the emergency. However, in the course of regis-

tration and tracing it was determined that, in fact, very few children who survived the tsunami lost their parents, and most of those children were taken in locally by extended family and friends. Another risk was traffickers who sought, in the aftermath of the disaster, to move unaccompanied children to international destinations – for adoption, but also for child labour and sexual exploitation. It was therefore a top priority to identify children and register them as quickly as possible.

The vulnerability of unregistered children in emergencies was highlighted by Graça Machel in her seminal study, *The Impact of War on Children* (1996). In addition, the United Nations General Assembly Special Session on Children, in May 2002, recognized universal birth registration as a priority and held governments worldwide accountable to achieve that goal. In 2002, the Innocenti Digest No.9, *Birth Registration: Right from the start*, explored key issues related to birth registration and gave visibility to the importance of birth registration in emergencies.

Moreover, the development of the European Network of research institutions and experts on children in armed conflict (EuroChicoNet), promoted by the UNICEF Innocenti Research Centre, and its subsequent review of critical knowledge gaps, identified birth registration as a priority area for research.<sup>1</sup> This study has drawn on the expertise of Network partners throughout the process.

While demonstrating the challenges in achieving universal birth registration during conflict, the innovative strategies documented in this publication show that registration of children is possible and critical for the protection of children's rights, even when resources are scarce and civil strife prevails. These country-specific examples constitute a source of information that may be useful for adaptation in other country contexts.



In addition to documenting programme response, this research describes the impacts of non-registration on children and underlines the importance of birth registration in establishing children's social, cultural and national identity, sowing the seeds for full citizenship and participation in a stable post-conflict society.

The research was conducted in three complementary phases:

- Review of existing literature, enabling the identification of key problems and actors undertaking relevant activities;
- Collection of primary data from actors in the field through a survey disseminated to UNICEF regional and country offices, to partners in the United Nations system and non-governmental organizations (NGOs), gathering and analysing information on initiatives to promote birth registration in conflict situations;

- An expert consultation convened at the Innocenti Research Centre (Florence, July 2003), bringing together practitioners, experts and policy makers to review and analyse preliminary research findings.

The purpose of the study is to enhance collaboration and motivate actors at national and international levels – governments, UN agencies, NGO partners and communities – to take positive action on behalf of, and together with, children. The final chapter recommends steps forward in the effort to improve birth registration during emergency situations.

In collaboration with governments, UN agencies and civil society partners, UNICEF's efforts to secure the right to birth registration for all children are an essential step in providing care and protection and safeguarding the rights of children most vulnerable to the impacts of war.

*Marta Santos Pais  
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## Note

- 1 The European Network for a Research Agenda on Children in Armed Conflict (EuroChiCoNet) was established based on the partnership between UNICEF Innocenti Research Centre and Istituto degli Innocenti. The EuroChiCoNet website houses a database of research activities accessible at: [www.childreninarmedconflict.org](http://www.childreninarmedconflict.org).

# Part One:

THE ISSUE



# 1

## BIRTH REGISTRATION DURING AND AFTER CONFLICT

**Box 1.1 - Articles 7 and 8 of the Convention on the Rights of the Child** outline the obligations of States parties in making birth registration available to all children:

### 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.

### 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.

### 1.1 Building a protective environment

The right of every child to an identity is a fundamental human right. Birth registration is a State's official recognition of a child's existence, enabling the right to a name, nationality and family relations. It is a passport to citizenship and participation in society, and the foundation for the realization of many other human rights integral to a child's development and well-being. Birth registration is a crucial first step in building a culture of protection.

Without birth registration, children's access to basic social services such as education and health care may be at risk. Its importance continues throughout the life of an individual, for activities ranging from employment and marriage to obtaining a passport, voting and opening a bank account. Moreover, registration provides a measure of protection against violence, abuse, neglect, exploitation and discrimination. It is critical that, as part of the registration process, a birth certificate is issued to the child's parents or guardian, providing evidence of a government's legal recognition of the child's existence.

Unless a child's birth is documented it is hard to verify the child's age to ensure school enrolment. Birth registration helps prevent under-age recruitment and child labour and aids the fight against trafficking and sale of children. It is also the tool for a State to record and update information on children within its territory for effective planning and policy-making, for implementing and monitoring interventions, and to allocate budgets to support communities and families in their child-rearing responsibilities.

According to recent estimates, 36 per cent of all births are not registered, leaving more than 48 million children each year without legal identity.<sup>2</sup> These figures indicate progress since 2002, when the UNICEF Innocenti Research Centre reported in the publication *Birth Registration: Right from the start* that 40 per cent of births were unregistered. The publication focused attention on the importance of birth registration to help children get a good start in life. It explored the challenges to universal registration and the implications of failed registration systems for children and States, also mentioning specific obstacles encountered in conflict and post-conflict situations. It highlighted successful initiatives already in place and recommended actions to achieve the registration of every child, including a recommendation that the act of registering a child and the first copy of the birth certificate be free of charge.

The purpose of the present study is to examine more thoroughly the challenges encountered in birth registration during emergencies.

The majority of countries with less than 40 per cent of children registered are war-affected or heavily indebted poor countries, or both. It is no coincidence that unregistered children are likely to be the ones most at risk when conflict occurs. In fact, the root causes of armed conflict mirror the challenges to birth registration. They affect communities that are very often marginalized, poverty stricken or excluded from social safety nets and that may be exposed to violence directed against their families and communities. Children from indigenous groups and ethnic or cultural minorities and children orphaned by HIV/AIDS, who are already at high risk of non-registration, become increasingly vulnerable during armed conflict. These children are caught in a turbulent cycle of exclusion, exploitation and abuse.

During armed conflict, the challenges to universal birth registration are aggravated or severely increased. Birth records may be destroyed and fighting may prevent access to the civil registry. In some cases, hostilities can result in a collapse of the State registration system. Other factors threatening registration include displacement within or across state boundaries, lack of resources and ethnic, religious or other discrimination. Conflict also exacerbates existing obstacles to registration, such as legal barriers, lack of financial and human resources, penalties for late registration and distance from registration centres.

In the midst of armed conflict, humanitarian workers are confronted with the urgent need to deliver assistance for daily survival. But failure to register children can result in lack of access to life-saving assistance, safe water, food, shelter and health care, and also may result in further marginalization and ineligibility for school enrolment.

The absence of birth records can pose difficulties in identifying children separated from their parents or caregivers when fleeing the war. Displaced or separated children without documentation may be unable to provide basic information to help trace and reunite them with their families. In addition, children with no legal status are at greater risk of

neglect, exploitation and under-age recruitment into fighting forces.

In transitional and post-conflict situations the lack of registration poses immense challenges to reintegration. Moreover, the inability or unwillingness of a State to identify unregistered children can be an obstacle in planning and implementing humanitarian action and reconstruction efforts. The consequences have immediate life-threatening impacts, but can also create lifelong barriers.

This study reviews the challenges to birth registration encountered during armed conflict and identifies the factors that may prevent registration in war-torn localities. It recommends actions that can be taken to improve birth registration during emergencies. In some cases, temporary measures can be put in place to sustain registration until the civil registry can be reinstated. In other cases, the emergency may present an opportunity to restructure the birth registration system to function more effectively. While recognizing the fundamental importance of registration, it is important to consider the possible misuse of birth records, for example to identify persons perceived as a threat or to target groups of the population identified with political enemies.

The study concludes with recommendations for national and local government officials, UN agencies, civil society, traditional and community leaders, non-state entities and the humanitarian community to take action for improved birth registration in the midst of crisis.

## 1.2 Birth registration: Definition

Birth registration is defined as the official record of a child's birth by the administration of the State. It establishes a child's legal identity. As indicated in the Innocenti Digest, *Birth Registration: Right from the start*, a fully functional civil registration system should be "compulsory, universal, permanent and continuous, and should ensure the confidentiality of personal data."<sup>3</sup>

During conflict the structures that support a functional civil registration system may be threatened or destroyed. In emergency situations, if States lack the capacity to register births within the framework of a civil registration system, all feasible alternative measures to register children need to be explored. Informal measures can be adopted with the cooperation of local officials or community or traditional leaders and the support of UN and NGO actors. Later those temporary alternative mechanisms can be assimilated into the state civil registration system.

During crisis, there may be political sensitivities concerning the right to birth registration and its potential link to the child's identity and nationality. Registration of a child's birth is often the first step in acquiring nationality. In some countries, children acquire nationality through *jus soli*, which determines nationality by a child's birth within the territory of the State. In other countries, children acquire nationality through *jus sanguinis*, which determines

### Box 1.2 - Definition of birth registration\*

Birth registration is the official recording of a child's birth by some administrative level of the State and coordinated by a particular branch of government. It is a permanent and official record of a child's existence. Ideally, birth registration is part of an effective civil registration system that acknowledges the person's existence before the law, establishes family ties and tracks the major events of an individual's life, from live birth to marriage and death. A fully functional civil registration system should be compulsory, universal, permanent and continuous and should ensure the confidentiality of personal data. It should collect, transmit and store data in an effective way and guarantee their quality and integrity. It should have two main objectives: legal and statistical. 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 certificate is issued automatically after birth, 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.

*\*Birth Registration: Right from the start*

nationality by the official nationality of the child's parents, and sometimes exclusively by the nationality of the father. In still other countries, a combination of both principles prevails.

Various complications can arise. For example, if a child is born in a country that confers nationality according to *jus sanguinis* and the parents are citizens of another State that grants nationality according to *jus soli*, or their citizenship is in dispute, the child may remain stateless. In some cases, if the father of the child is not identified, the child may be denied citizenship.

During armed conflict the difficulties are more complex and may be rooted in the nature of the conflict. For example, in displaced communities or communities experiencing ethnic, racial or religious discrimination, children may be excluded from systems of birth registration for political purposes, to marginalize an entire population. In some cases, registration may even become a weapon for targeted attack. Those children may, in turn, be denied their right to health care and education, as well as to freedom from violence, abuse and exploitation. Birth registration must under no condition be used to exclude or place at risk communities on the basis of ethnic, racial or religious identification, or be turned into a political obstacle to prevent access to basic social services and legal protection.

Despite the challenges encountered, emergency and conflict can also provide opportunities to establish birth registration for all children, laying the foundation for a national system and highlighting the need to reform ineffective or inequitable registration

systems. The reform of birth registration systems can thus serve as an entry point to catalyse structural change within the civil registry, enabling a stronger political commitment at local and national levels towards the realization of human rights and a more just society.

## 1.3 Setting the legal framework: Birth registration and human rights

The Convention on the Rights of the Child (CRC) recognizes the right of the child to be registered at birth. Key provisions in the CRC were addressed by *Birth Registration: Right from the start* (2002).<sup>4</sup> Provisions of other international human rights instruments are also relevant, such as article 24 of the International Covenant on Civil and Political Rights (ICCPR), according to which "every child shall be registered immediately after birth and shall have a name".<sup>5</sup> At the regional level, the African Charter on the Rights and Welfare of the Child, article 6, recognizes that, "every child shall have the rights from his birth to a name ..... shall be registered immediately after birth... has the right to acquire a nationality".<sup>6</sup>

Violation of a child's right to be registered compromises the enjoyment of other rights and, during armed conflict, the likelihood that lack of birth registration will result in serious abuses of human rights is most acute. It is imperative to recognize that a child's right to birth registration is equally valid and applicable in times of war as in times of peace. The notion that war can lead to the suspension of human rights law has been refuted by the Committee on the Rights of the Child. In its review of the application of the Convention, the Committee has stressed that all of its provisions, including those concerning birth registration, apply at all times, particularly during war, when children are most at risk.

The Human Rights Committee, which monitors implementation of the ICCPR, reflected a similar approach in its General Comment No. 31 of 2004, recognizing that "the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be specially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive."

While it is possible, in times of emergency, for States to derogate or deviate from some provisions of the ICCPR, the powers of derogation are limited and subject to stringent conditions. In contrast to the ICCPR, the CRC has no derogation clause.

During armed conflict a number of particular issues arise with regard to the application of human rights law. The State assumes a leading responsibility in safeguarding the human rights of the population under its jurisdiction, including in the context of occupation (for example Geneva Convention IV, article 50, which calls on the Occupying Power to take all

necessary steps to facilitate the identification of children and the registration of their parentage, and prohibits any change in their personal status). In some instances, non-state entities have voluntarily assumed human rights obligations, as happened in southern Sudan in 1995 when the Sudan People's Liberation Army committed to uphold the CRC. In some cases a non-state entity might also commit to human rights obligations in the context of peace negotiations, as in Bosnia and Herzegovina and in Sierra Leone.

International standards have a special significance in times of armed conflict. One of these, the Guiding Principles on Internal Displacement<sup>6</sup>, directly addresses the issue of birth registration. Principle 20 of the Guiding Principles refers specifically to the human rights of internally displaced persons (IDPs), stating:

“every human being has the right to recognition everywhere as a person before the law... the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents... women and men have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own rights.”

The Guiding Principles are largely reflective of international law and have been prepared under the auspices of the United Nations Commission on Human Rights and endorsed for implementation by the UN Inter-Agency Standing Committee, which brings together UN and NGO humanitarian agencies, funds and organizations.

Birth registration may be critical in implementing the 1951 Refugee Convention<sup>7</sup> and refugee law in general. For example, the destruction of birth records or abuse of birth registration data could constitute an element of persecution, causing a person to flee his or her country. Proof of age may also be important in determining whether an applicant is considered for refugee status in a host country and has implications in determining assistance and protection provided to a refugee.

In the case of international criminal justice, the destruction or abuse of birth records could constitute an element of international crimes, such as war crimes or crimes against humanity. The existence or destruction of personal records might also have direct relevance to perpetration of the crime of under-age recruitment into fighting forces. Proof of age is relevant both in determining whether certain crimes have been committed and how they will be dealt with in the justice system. For instance, the

International Criminal Court is precluded from prosecuting children. In the case of the Special Court for Sierra Leone, the Court has jurisdiction to prosecute anyone over age 15 but decided not to seek the prosecution of children under 18. In all such judicial processes, if a witness can show proof of age below 18, he or she will benefit from special witness protection for children.

Finally, international human rights, humanitarian and criminal law provide the foundation for an approach anchored on the safeguard of human rights by humanitarian and development organizations. In this context, the child's right to be registered and to preserve his or her identity should be envisaged as a clear priority for humanitarian assistance in conflict-affected countries.

## 1.4 Scale of the problem

The exact number of children who are missing from national registries is unknown. These children remain 'invisible', and their existence can only be estimated, based on available statistics. Data on birth registration are provided primarily by household surveys, specifically, the Multiple Indicator Cluster Surveys (MICS) and Demographic and Health Surveys (DHS). The end-decade MICS were conducted in 66 developing countries by national government ministries, with technical and financial support from UNICEF and other UN agencies, in order to monitor progress in the achievement of goals for children, including data on birth registration.<sup>8</sup> DHS are nationally representative household surveys that measure the health and nutrition status of women and children, including data on birth registration in 14 developing countries.

According to data provided by household surveys and vital registration data, more than one third – an estimated 36 per cent – of all births are not registered. As a result, 48 million children each year are without legal proof of existence.<sup>9</sup> In countries affected by armed conflict the problems are multiplied because state mechanisms that are linked to registration – national birth registration programmes, national census, population-based household surveys and small-scale surveys – are likely to be threatened, destroyed or suspended. In some cases, political, social, ethnic or religious exclusion related to the conflict may leave an entire population without access to registration facilities.

A number of countries affected by armed conflict have conducted MICS, and some of these identify significant trends within the war-affected population. For example, in Angola, 29 per cent of children under five years old had been registered at the time of the last MICS, in 2001. But challenges faced by children in rural areas were far greater, with only 19.4 per cent of children registered.

Although the successful completion of MICS in countries affected by armed conflict demonstrates encouraging achievements in data collection, the result may fall short of expectations because conflict poses particular challenges in collecting accurate and reliable data. First, the available data may only offer

snapshots of the situation. With the outbreak of armed conflict, surveys on a national scale may be conducted at infrequent intervals or may be suspended, disrupting the consistency and sustainability of data collection. Lack of access to unstable regions can also prevent data collection. In addition, surveys have a limited ability to capture dynamic and constant changes, such as mass population move-

ments, and without more comprehensive information the analysis may be incomplete or even misleading. Second, the qualitative information is often insufficient to explain the quantitative data on gender and geographical disparities in birth registration and to analyse the causal links to armed conflict. For these reasons, the available data present only a partial picture of the true scale of the problem.

## Notes

- 2 UNICEF, Strategic Information Section, Division of Policy and Planning, *The 'Rights' Start to Life: A statistical analysis of birth registration*, UNICEF, New York, 2004, p. 7.
- 3 UNICEF Innocenti Research Centre, *Birth Registration: Right from the start*, UNICEF Innocenti Research Centre, Florence, Italy, 2002, p.2.
- 4 They include articles 7 and 8, as well as 1-4, 9-10, 21, 32, 35 and 38.
- 5 Ibid, p. 3.
- 6 United Nations Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement*, E/CN.4/1998/53/Add.2, dated 11 February 1998.
- 7 Office of the High Commissioner for Human Rights, *Convention relating to the Status of Refugees*, adopted 28 July 1951 and entered into force 22 April 1954.
- 8 The MICS surveys, conducted in preparation for the 2002 United Nations Special Session on Children, provide information on child survival, health, nutrition, education, family environment, birth registration, child labour and other protection issues.
- 9 UNICEF, Strategic Information Section, Division of Policy and Planning, *The 'Rights' Start to Life: A statistical analysis of birth registration*, UNICEF, New York, 2004, p. 7.





# 2

## CHALLENGES

### 2.1 Before armed conflict

In unstable situations, when a State is weakened by political insecurity or hampered by limited resources or a heavy national debt, there may be no formal system for birth registration in place. This often stems from structural problems existing prior to conflict, but may also affect the nature of the conflict itself.

In Timor-Leste under Indonesian rule, for example, the formal system of birth registration at times carried a negative connotation because of its association with the ruling authority. Registration through baptism was more widely practised among the local population and, as a consequence, families in Timor-Leste have continued to prefer baptism as a way of registering the name and identity of children (see text box 4.4).

In post-colonial countries the formal system of birth registration – both administrative and legal mechanisms – often carries the legacy of colonialism. This may be reflected, for example, in overcentralized, outdated structures, or systematic discrimination against specific population groups. In Mozambique, the birth registration system inherited from Portuguese colonial rule was associated with taxation and a registration fee, which were disincentives for families to register their children.

Where formal mechanisms are in place but not adequately supported, conflict may exacerbate existing problems. For instance, in Ethiopia and Sudan, no formal or informal system was established prior to conflict, and when war broke out there was a general failure to address birth registration.

### 2.2 Breakdown of birth registration systems

When war results in the collapse of the state system and the failure of its functions and institutions, civil registration systems also fail, and birth records may be destroyed. Prolonged armed conflict may permanently paralyse the civil registration system and leave an institutional vacuum. In Afghanistan, even though national legislation requires registration of children at birth, 23 years of conflict decimated both the administrative mechanisms and the social institutions that support them.

Armed conflict can exacerbate existing rural-urban disparity in registration levels, disproportionately affecting rural children. In Colombia, rural residents are often unable to reach registration centres, either because of the expense or the difficulty and danger of travel. Lacking birth certificates, their children are consequently more vulnerable to under-age recruitment by non-state armed groups. In addition, public registrars in Colombia have been threatened by parties to conflict, and in some cases civil registry officials have been the victims of targeted killings.<sup>11</sup>

The effectiveness of registration systems may fluctuate during the period of conflict. In Cambodia, recording of civil status decreased by 10 per cent between 1970 and 1975 and was suspended under the control of the Khmer Rouge between 1975 and 1979.<sup>12</sup> Even when the national system is not closed down, birth registration services may be partially suspended in territories affected by armed conflict, such as in northern and eastern Sri Lanka, where

### Box 2.1 - Ethiopia: No official registration system

Ethiopia has no national system to register children. Although the Ethiopian Civil Code requires a child to be registered within 90 days after birth, the legal framework neither specifies the responsibilities of the central government nor identifies relevant administrative structures to undertake registration. The absence of national, municipal and local civil registration mechanisms hinders the collection of accurate and reliable demographic data.

The country has 14 million people affected by drought, and 6 million have abandoned their homes in search of food and other humanitarian relief and assistance. But the lack of reliable data has created difficulties for food distribution agencies such as the Disaster Prevention and Preparedness Commission. Projections and planning for humanitarian relief have been based on population statistics from the last census, in 1994. This is one of the reasons why some nomadic groups have received less food than needed for daily survival.

The mass displacement has also eroded community memories and damaged family structures and kinship ties. In some cases, the traditional methods of family counting and tracing – the knowledge of who was born, who has died and who belongs to whom – have been lost. Without a formal birth registration system to replace these traditional methods, neither the State nor the community officially recognize the children, which compromises their protection.

In addition, without birth registration, children are more vulnerable to exploitation and abuse. Although national law prohibits marriage below age 18, there is no official record of a child's age. The breakdown of social norms and traditions has led to an increase in early marriage, sexual violence and exploitation. Boys unable to prove their age have been targeted for recruitment and used as soldiers in militias, particularly in Amhara and Tigray. Despite anecdotal evidence of child soldiering in Eritrea and Ethiopia, without birth records there is no actual proof of under-age recruitment.

Birth registration in Ethiopia is also closely linked to issues of nationality, and political sensitivities have provoked a heated debate. In the aftermath of the war between Ethiopia and Eritrea (1998 to 2000), public opinion is divided between those who support the principle of *jus solis*, which bases nationality on the country of birth regardless of the parents' nationality, and *jus sanguinis*, which bases nationality on the parents' nationality. In Ethiopia, issues of nationality, identity and inheritance have also been affected by the proposed demarcation process with Eritrea. This process is on course to cede to Eritrea a key town traditionally held by Ethiopia, thereby making rights to identity and inheritance difficult to establish without birth registration systems in place.<sup>10</sup>

Steps are being taken to address the lack of systematic birth registration in Ethiopia, including preparations to conduct a new nationwide census. In addition, plans are under way to initiate pilot birth registration campaigns in Amhara and Tigray.

divisional, district and local registration centres have not functioned normally during periods of full-scale fighting (see text box 4.2). Approximately 10 per cent of Guatemala's civil registries were destroyed during the country's conflict (1960-1996).<sup>13</sup>

## 2.3 Intergenerational and sociocultural issues

Cumbersome administrative requirements and procedures may hinder or discourage birth registration. In Peru, public registrars in areas previously affected by armed conflict often require parents to present their identity documents as evidence that they have had no association with rebel groups. But citizens can encounter numerous obstacles in trying to acquire registration documents. Some registration centres have been destroyed; some are distant from people's homes; and acquiring a birth certificate may require extensive travel and paperwork. These obstacles prolong the process and discourage parents from pursuing registration in the first place.<sup>14</sup>

The requirement that parents present their own

identity documents when registering their children can contribute to an intergenerational cycle of non-registration, particularly when family documents have been lost or destroyed during conflict. In post-conflict Mozambique, low levels of registration among children have been mainly attributed to the parents' loss of identity documents during the civil war. In Sri Lanka, legislative reform enacted in 2003 has helped facilitate registration of Tamil children. But the new law still requires Tamils of recent Indian origin to produce eight documents verifying family identity and status in order to register their children (see text box 4.4). In Serbia and Montenegro, internally displaced Roma face difficulties obtaining birth certificates for their children because the parents do not have identity documents or proof of an official address.<sup>15</sup>

Traditional or cultural practices can also create obstacles. The recognition of a child's identity within a community is often linked to deeply rooted traditions, which in some cases may be inconsistent with civil registration and the establishment of a legal identity. For example, in the Philippines, the birth registration rate is low among the Muslim population because national legislation has not taken into

account cultural naming practices, whereby children adopt the first name of the father as their surname. Civil unrest in the southern Philippines further exacerbates the low levels of registration among Muslims by limiting people's ability to travel to registration centres.

## 2.4 Gender discrimination

In countries where citizenship is determined exclusively by the father's nationality, single women or women living apart from their husbands face numerous legal and administrative barriers when attempting to register their children. In Nepal, for example, the Birth Registration Act lacks a provision for registering children born outside of marriage. In addition, refugee children and children orphaned or born of rape are not eligible for registration. These difficulties have been aggravated by insecurity and unrest due to the Maoist insurgency, especially in rural areas.

Legal requirements sometimes discriminate

against children whose fathers have died or who live outside the country. During the armed conflict in Kosovo, women who took refuge in The Former Yugoslav Republic of Macedonia could not register their babies in the absence of their husbands.<sup>16</sup> These barriers are often compounded by social and economic constraints. If travelling to the nearest civil registry involves a two-day journey over bad roads, it is unlikely that a mother struggling to care for her children will attempt it. If there is a potential threat of encountering armed groups or the risk of conflict-related sexual assault, the immediate problems involved in registering a birth will overrule the long-term advantages.

Women may also face difficulties in passing on citizenship to their children in cases where the father is stateless, even when the child is born in the mother's country of citizenship. If the woman is unable to extend citizenship to her spouse, then she may face a situation in which the conditions of statelessness are imposed on her and, in turn, on their children and the entire family.

### Box 2.2 - Birth registration: A first step towards safe passage across borders

For purposes of movement across international borders, a passport and often a visa are essential. Birth registration is the first step in acquiring those legal documents.

Many reasons make it necessary for a child to move from one country to another, for example, to reunite with family members or to seek asylum during times of conflict or political oppression. Although birth registration does not guarantee access to a passport or visa, a child without a legal identity will be unable to obtain travel documents. The family may then resort to illegal means, using smugglers or attempting themselves to smuggle the child across a border. Once the child enters the illegal realm, legal protections are gone and the risk of exploitation increases dramatically. A child with no legal identity or proof of age and family relations is much more susceptible to being trafficked.

Efforts have been made to protect children who are the victims of traffickers, but it is usually the children – not the traffickers – who are caught at the border, thereby coming into conflict with the law. The laws that seek to stop and prevent trafficking often criminalize the victims who have been trafficked. Victims may be travelling under false documents or may conceal themselves in the attempt to enter a country illegally. Children in these situations are at risk of being detained and may face criminal charges.

Unaccompanied child refugees or children who seek asylum, lacking identity documents, are especially vulnerable. Children may be afraid to tell officials where they are from or may not give correct information. Even when a child gives a name and birthplace, in the absence of a birth registration system there is no official record of the child's existence, causing difficulty in tracing family members. Children may be caught in a situation where they are unable to stay in the country where they have been detained but are also unable to go home. In Sweden, it is reported that approximately 70 per cent of asylum seekers entering the country do not possess any identity document, complicating the investigation of individual cases and the provision of appropriate protection, especially in the case of children.<sup>19</sup>

In the Balkan region, trafficking for sexual exploitation has increased significantly in the aftermath of conflict. Local police and NGOs have estimated that 30 per cent of females trafficked for commercial sexual exploitation are under 18.<sup>20</sup> Many have false documents that identify them as adults. Others do not have any documentation, and without proof of age they are often mistaken for adults. According to information gathered by the International Organization for Migration (IOM), local police and NGOs, approximately 70 per cent of the girls and women trafficked in the Balkans are without valid identity documents.<sup>21</sup> In all probability, they are reluctant or afraid to seek help. On the one hand, they are dependent on traffickers, and on the other hand, they are at risk of prosecution by police and border officials.

In Kosovo, the police department of the United Nations Mission in Kosovo (UNMIK) has established and trained a Trafficking and Prostitution Investigation Unit to help address this problem. Previously girls and women who refused to identify themselves to the police as victims of trafficking – out of fear or because they had no home to return to – were charged with prostitution, illegal border crossing, illegal residency or possession of illegal documents, or a combination of these crimes. Now they are given access to the IOM repatriation programme and the opportunity to talk with the Victim's Assistance Unit of the Department of Justice.<sup>22</sup>

Gender inequality may also exist in the registration process itself, resulting in a lower rate of registration for girls. In patriarchal systems greater importance is often given to the registration of boys. In Guatemala, for example, girls are less likely to be registered than boys, and as a result many refugee women and girls of Guatemalan origin were found to be unregistered when they attempted to repatriate during the post-conflict period.<sup>17</sup>

During the wars in Bosnia and in Timor-Leste thousands of children were born to women as a result of rape. Women targeted for sexual violence, including forced impregnation in Bosnia, were often afraid to register their children because they faced social stigma. Many of the children were abandoned. In some cases, orphanages in Bosnia and Herzegovina have registered abandoned children as “NN,” or “no name.”<sup>18</sup>

## 2.5 Destruction or loss of birth records

If a mechanism for safe storage of archives is not in place, vital information on births recorded in civil administration systems may be lost or destroyed during conflict. In Guatemala, archives stored in civil registry offices in Quiche and Huhuetanango were deliberately destroyed by fire during the war. In Timor-Leste, during the violence following the United Nations-sponsored referendum on independence in 1999, most of the official records and databases were burned.<sup>23</sup> Similarly, in Bosnia and Herzegovina, birth records stored in civil registries were intentionally destroyed so that people could not identify themselves and claim their rights and properties.

The identification documents of families and entire communities may be revoked or forcibly seized and purposely destroyed during conflict. In Cambodia, all documents relevant to civil status were destroyed by the Khmer Rouge in the 1970s.<sup>24</sup> Reports from Uganda say that in 2002, government forces burned some recruits’ identity cards and birth certificates to destroy evidence of under-age recruitment.<sup>25</sup>

Problems related to the loss or destruction of birth records may be compounded by other factors, including natural disasters. For example, in post-conflict Mozambique, efforts to recover identity documents and birth registration files lost during the war were set back when the registry offices were destroyed by flooding in 2000.

## 2.6 Improper use of birth records

In times of conflict and oppression, information recorded during birth registration may be abused or manipulated, compromising children’s human rights and risking children’s security. Not only is the child’s right to birth registration violated, but registration itself is used as a tool of discrimination and destruction. A notorious example is the case of Rwanda where, during the genocide, birth certificates were used to identify the ethnic origins of children and to commit targeted atrocities.<sup>26</sup>

In many communities the fear of under-age recruitment has created reluctance to register children. For example, in Eritrea birth registration was used to identify children for forced conscription. In other cases the fear of discrimination or violence may discourage registration. In Kosovo, before the war, Albanian families did not register children for fear of being associated with Serbian state authorities.<sup>27</sup>

In Indonesia, where the rate of birth registration is generally low, the use or manipulation of information by the State can be an additional disincentive for families registering children. After martial law was declared in Aceh in 2003, the military authority issued a regulation that all persons 17 years and older should be re-registered. The stated aim was to replace identity cards that had been taken by the Free Aceh Movement but the process also constituted a way to identify separatists.<sup>28</sup> All applicants were subject to an interview by the military authority and issued new identity documents called *Kartu Tanda Penduduk Merah Putih* (meaning red and white identity card, signifying the colours of the Indonesian flag), indicating their loyalty to the State.

A State may refuse to register certain groups within its territory in order to withhold political recognition. In 2001, NGOs in Bangladesh reported that approximately 100 Rohingya refugee children in camps along the border with Myanmar were not registered.<sup>29</sup> The non-registration of these children resulted from exclusion by both the host country and the country of origin. The Government of Bangladesh refused to register the children based on the legal status of the fathers, many of whom were designated as illegal immigrants, and to prevent the children from obtaining birth certificates, which could make them eligible for nationality in the future. The Government of Myanmar refused to register the children unless they were born to two registered refugees, and thus ineligible for repatriation. Consultations and follow-up activities were undertaken with the involvement of the Government of Bangladesh, UNHCR and NGOs, but the problem has not been resolved and the children remain without legal identity.

In the occupied Palestinian territory, Palestinians have been motivated to register their children in order to establish legal identity. Identity cards issued on the basis of birth registration designate whether the child was born in Gaza, the West Bank or Jerusalem. The identity cards establish categories of the population subject to additional controls, which often leads to discrimination. For example, distinct identity cards were issued to all Palestinian residents in East Jerusalem. But if Jerusalem Palestinians leave the city or go away to work or study, their identity cards may be revoked, which cancels their right to return, as well as their property rights, access to social welfare and other benefits.<sup>30</sup>

Registration cards are also used to strictly monitor the movement of Palestinian refugees living in Lebanon. Half of all Palestinian refugees in Lebanon live in one of five refugee camps in southern Lebanon, and these residents are required to pro-

duce their registration card at an army checkpoint upon entering or exiting the camp. Unregistered Palestinian refugees and their children are therefore unable to travel, either inside or outside the country. In addition, unregistered children are denied other civil and social rights. They cannot enrol in school or benefit from government health and social services or those provided by the United Nations Relief and Works Agency for Palestine Refugees (UNRWA).<sup>31</sup>

## 2.7 False registration

False or illegal registration may lead to or encourage the circumstances of conflict. In the most extreme cases, birth registration and other identity papers have been used to identify persons or groups targeted for political killings by armed groups or death squads. A family may then choose false registration to conceal their identity during flight within a country or across borders. Families threatened by rebel groups or paramilitaries in Colombia have falsified their identity to escape torture and death. In post-conflict Guatemala, many altered their personal information and registered themselves illegally, fearful of government security forces.<sup>32</sup>

In Peru in the 1980s and early 1990s, people who fled areas under the control of the Shining Path rebel group falsified their identification, as did many who were attempting to hide their identity from Government security forces. The 2003 report of Peru's

Truth and Reconciliation Commission determined that over 69,000 people died during the two-decade civil war, about half at the hands of the rebels, while a third of the victims were targeted by the State.

False registration may be forced on children. In Timor-Leste, among the children who fled with their families to West Timor in September 1999, several hundred remain separated. Some of these children were reportedly placed in boarding schools in West Timor under a false identity and have been prevented from reuniting with their families. In war-affected countries children may also be illegally sold and trafficked for international adoption. This has reportedly been the case in Afghanistan, Guatemala and countries of Eastern Europe.

## 2.8 Insufficient resources and political will

During emergencies, when basic survival is threatened, birth registration is likely to become a secondary concern. States in post-conflict transition may not have policies that ensure political commitment to prioritize birth registration or a legal framework that makes it mandatory to register children. Even when legal or administrative structures to restore birth registration are in place, the lack of capacity at the national level may thwart or postpone establishment of a functional civil registry.

### Notes

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# 3

## IMPLICATIONS OF NON-REGISTRATION DURING CONFLICT

### 3.1 Refugee and internally displaced children

In the chaos of displacement, when families are forced to flee their homes often with little or no warning, identity documents may be lost or destroyed. Families who leave their homes and possessions expecting to return in a short while may find themselves stranded and forced to flee the country without identification or proof of citizenship.

Unregistered, displaced children are particularly vulnerable to various forms of discrimination and abuse. In Kyrgyzstan, for example, the documentation certifying refugee status is only issued to the head of household and not to individual family members.<sup>33</sup> Therefore asylum-seeking children do not possess their own documents and cannot verify their identity or status. These children have been reportedly harassed and subjected to arbitrary detention by the militia. Similarly, in Guinea, many unregistered refugee children have been arbitrarily detained by law enforcement officers; unable to prove their identity or their age, many have been incarcerated as adults.<sup>34</sup> They are without access to legal assistance and are likely to remain in detention unless identified by Guinean social workers during routine prison visits.

The lack of birth registration or other identity documents can also hamper access to social services for displaced children, both inside and outside refugee camps. For example, internally displaced Roma children in the former Yugoslavia were not eligible for humanitarian assistance unless they could show an

internally displaced persons card, and these cards were only available upon presentation of a birth certificate.<sup>35</sup> Often identity documents issued to children in camps are not valid to access services outside the camp. In the United Republic of Tanzania, refugee children from Burundi and the Democratic Republic of the Congo were issued identity documentation upon entry into refugee camps, but only primary schooling was available inside the camps and the documentation did not allow children to enrol in secondary education in the host community.<sup>36</sup> In Guinea, many refugees have fled to towns and villages where the children, without legal status, face difficulties obtaining education and health care. Such circumstances can increase the number of children living and working on the street, particularly in cities and urban centres.

When children become separated from their families or caregivers during armed conflict, they may face complex challenges that put them and their identity at risk. In the absence of parents or caregivers, children may be placed in institutions or foster care, forcibly evacuated or relocated, or even adopted across international borders. The first priority must be to protect unaccompanied and separated children and to trace their families for reunification at the earliest opportunity. When family members cannot be identified, extended family and community care should be arranged and, in all situations, the best interests of the child must be given primary consideration.

Lack of proper identification may delay family tracing and reunification. Every effort is made to reg-



ister children when they arrive in camps, but in the absence of a birth certificate or any other identity document, difficulties arise. During the 1994 genocide in Rwanda, an estimated 4 million refugees and internally displaced persons fled throughout the Great Lakes Region. The different registration forms used in refugee camps in the Democratic Republic of the Congo, Rwanda and the United Republic of Tanzania complicated the search for separated family members. Nevertheless, at the height of the reunification process, over 1,000 children and family members were reunited each month, thanks largely to efforts on the part of the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), UNHCR, UNICEF and partner NGOs – 150 humanitarian organizations in all.<sup>37</sup>

In 2003, UNHCR embarked on a global survey, the Questionnaire on Statelessness. This initiative was undertaken within the context of the Agenda for Protection endorsed by UNHCR and adopted by the United Nations General Assembly in 2002. The Questionnaire, based on consultations with governments, international organizations, NGOs and other experts, set out a Programme of Action to improve protection for refugees, asylum-seekers and stateless persons and to identify key measures in helping to reduce statelessness.

A final report on the Questionnaire on Statelessness was released in March 2004. States were invited to identify particular challenges they face, as well as approaches they recommend, to assist in reducing statelessness and tackling problems of refugee registration, identity and citizenship. Responses were received from approximately 40 per cent of States queried, leading to a comprehensive set of recommendations. Overall, the Questionnaire demonstrated that statelessness is a concern to the vast majority of countries. In particular, the report found that lack of birth registration is one important root cause of statelessness. A key recommendation of the report calls for “States and concerned organizations to redouble efforts to promote effective registration of all births.” Another recommendation called on States to “ensure the right to an identity for all children.”<sup>38</sup>

The Questionnaire was the first global survey conducted on the issue of statelessness. But the actual magnitude of the problem remains unknown, as many States do not have mechanisms in place to identify cases of statelessness. A key finding of the Questionnaire is that more work needs to be done to raise awareness and promote recognition and dialogue to improve protection and to avoid and reduce statelessness.<sup>39</sup>

### 3.2 Protracted displacement

Failure to register may also result during protracted displacement where, after generations, displaced persons are still not granted citizenship or asylum by the host country and at the same time are unable to return home. For example, Afghan nationals and

family members living in the Islamic Republic of Iran and Pakistan, as well as those repatriating to Afghanistan, face immense challenges in obtaining identity documents, given the many years of displacement – including marriages and births – abroad.<sup>43</sup> In addition, many Afghan migrant workers who were living temporarily in neighbouring countries for economic reasons were trapped by the outbreak of war in 2001. Children in these families are likely to fall between registration systems, often lacking legal status in both their country of origin and their country of residence.

Children born to Palestinian refugees outside the occupied Palestinian territory are able to register as refugees with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), but they cannot obtain the identity card that would allow them to return to the occupied Palestinian territory, or even obtain a visa to visit their homeland.

### 3.3 Recruitment of children into fighting forces

Without documents to prove their age, children are more vulnerable to under-age recruitment. When children are unable to document their age through birth registration, recruitment may be justified on the basis of physical appearance or oral confirmation of age by the recruits themselves. For example, in Nepal, it has been reported that the government army uses oral confirmation of age.<sup>44</sup> Even more serious is the under-age recruitment by Maoist rebel forces, which has been widespread in rural areas.<sup>45</sup> In Paraguay, under-age recruitment into armed forces and national police has taken place on the basis of false documentation.<sup>46</sup> In Afghanistan in 1999, there were reports of forced under-age recruitment by Taliban forces. The Taliban denied the reports, citing an earlier decree that banned any male from fighting who had yet to grow a beard. But without a birth registration system, the age of recruits could not be verified.<sup>47</sup> In the absence of identity documents, forced recruitment may take place, and commanders may later claim that enlistment was voluntary.

The Government of Myanmar, in its plan of action to prevent under-age recruitment (adopted in 2004), noted the need to strengthen birth registration as a way to prevent children from being recruited into the military. In support of this effort, UNICEF has undertaken a rapid qualitative study to assess the situation and determine the gaps in the current birth registration system. The findings of the study will be used as a basis for improving birth registration throughout the country, and as a strategy to help prevent under-age recruitment.<sup>48</sup>

When unregistered children are recruited many difficulties arise in quantifying, tracing, demobilizing and reintegrating them. In Liberia, for example, when the disarmament, demobilization and reintegration programme was initiated in 2004, the estimated number of child soldiers to be included ranged from 8,000 to 20,000, with no clear estimate of the number of girls involved.<sup>49</sup> The absence of a functioning birth

### Box 3.1 - Colombia: Registering internally displaced children

Colombia has suffered the effects of civil war and political violence for more than 50 years, resulting in an estimated 2 to 2.9 million people driven from their homes.<sup>40</sup> Displaced families that have been forced to flee by paramilitary or rebel groups often fear reprisal by armed groups if they report to authorities, leading them to seek refuge in urban centres and attempt to remain undetected by officials. As a result they are likely to travel without identification or established legal status, and their children go unregistered.

Statistics on birth registration in Colombia vary considerably. Demographic and Health Surveys estimate that 9 per cent of children in Colombia are unregistered. But according to the National Administrative Department of Statistics (Departamento Administrativo Nacional de Estadística), one quarter of the population – 26.4 per cent – is unregistered. And in those areas most affected by conflict, such as Atlántico, Caldas, Cesar, La Guajira, Magdalena and Vichada, the number of unregistered children is much higher. In Colombia, children who do not have registration or identity documents are excluded from social services. They cannot attend school and are not eligible for health care. Many of these children may end up living and working on the street, where they face the daily threat of violence.

Birth registration is also very low among Colombia's indigenous populations. Often the people are unaware of the importance of birth registration, or if they live far from registry offices, they may be unable to afford the travel costs. In some cases indigenous communities are also living in areas of conflict.

In an effort to address the challenges of low birth registration in war-affected and indigenous communities, UNICEF has entered into an agreement with the National Registrar's Office. In 2003, efforts focused on raising awareness and improving access to birth registration in 39 municipalities and 10 departments. The result was birth registration for an additional 50,000 children. As part of the awareness-raising campaign, booklets, posters, radio announcements and a television video have been developed and distributed to registrar offices and municipal notary publics throughout the country.

A pilot campaign to achieve 100 per cent birth registration was also held in the municipality of Bello, in the department of Antioquia. The population of Bello is 400,000, including an estimated 4,000 persons displaced by armed conflict. In collaboration with the Secretariats of Health and Education and local authorities, birth registration was initiated in schools, and a house-to-house campaign was organized in poor and marginalized neighbourhoods. Training and logistical support, including computer equipment, was provided. A computer software company joined the campaign and speeded the registration process by establishing an online connection with the National Registrar's Office.

In addition to outreach among the local and indigenous populations, the nationwide birth registration campaign has focused on awareness-raising and training of mayors and registrars about the importance of birth registration. Another strategy has been to enlist the cooperation of maternity wards across the country. More than 110 health facilities are currently participating. In the municipality of Buenaventura, UNICEF, in collaboration with IOM and UNHCR, has engaged the cooperation of the health-care community, registering more than 30,000 rural and indigenous children, including children displaced by the conflict.

The next steps are to expand the partnership with health and education officials in municipalities across the country, providing access to birth registration so that the children most at risk can begin life with a legal identity and a way to obtain education and health care.<sup>41</sup>

#### **A Child's Testimony**

One boy from the Putumayo region of Colombia told how birth registration changed his life. At the age of 11, he began to work in a cocoa-processing laboratory to help support his mother and two younger sisters. He was burned by sulphur in the laboratory, and when he was taken to the hospital they turned him away because he had no birth certificate. With the help of authorities he was later registered and began to receive medical treatment. He now attends school with his two sisters and continues to work part time, selling ice cream after school.

*I never thought birth registration was so important... After becoming registered, my life changed as they say in TV commercials, and the truth is that they are right since, for example, my scar that you remember I had on my hand, the doctors of the hospital have done many treatments and see, you cannot notice it any more...*

*I think that registration makes people respect you more. One day a man came to me to propose a rare business and asked me if it was easy for me to pass as an Ecuadorian from another region. With this question what he was trying to discover was if J\_J\_ existed legally, meaning was I registered. And I answered, "No, sir, I am Colombian and here I will show you with my birth certificate."<sup>42</sup>*

registration system severely limits the capacity to trace and identify children who may have been recruited.

Children who have been abducted may be held in captivity for many years or may be re-recruited by other armed groups, complicating efforts to trace them and reunite them with their families and communities. In northern Uganda, some children abducted by the Lord's Resistance Army who escaped captivity were reportedly asked to join government forces of the Uganda People's Defence Forces when passing through their detachments on their way back to civilian life.<sup>50</sup> Without official evidence of their existence, unregistered children are also invisible in society, and their abuse and exploitation will most probably go unnoticed. In addition, accountability for violations against children depends on accurate information about children's identity, age and status. Birth registration provides a basis for accountability.

### 3.4 Challenges in re-establishing identity

Without a system of registration to provide the basis for tracing identity, in extreme cases, children's identity may be lost or forgotten. For example, during the decade-long war in Sierra Leone (1991-2002), thousands of children were abducted and forced to fight. Often these children were given combat names, and when they were demobilized after years of combat and captivity, some could not remember their birth names. Children who were abducted as babies or at a very young age had no memories of family life. Many of these children have expressed interest in knowing their original name and identity. However, there was no documentation of their birth or means of tracing their family ties and community linkages. The identity of some children was never re-established.

Another case concerned a group of children who had been abducted from the Democratic Republic of the Congo and held in a military training camp in western Uganda. When they were released, many did not possess identity documents or information linking them to their families and communities.

### 3.5 Demobilization and reintegration of former child soldiers

In order to enter the demobilization process as child soldiers and receive support for family reunification and reintegration, former combatants need to establish their status as children. In Sierra Leone, children, unlike adults, did not have to produce weapons before registering for demobilization. Once accepted into the demobilization programme, they were transferred to an interim care centre, where they were supervised by a Child Protection Agency and received skills training or education. Younger children could be easily identified as below 18, but 16- and 17-

year-olds are not so easily distinguished. In the absence of identity documents to verify their age, some adults attempted to register themselves as children to claim entitlements to assistance, while some children were overlooked in the process. Other children attempted to register as adults to obtain financial benefits. The lack of birth registration or identity documents compounded these difficulties.

In Angola, following the peace agreement between the government forces and União Nacional para a Independência Total de Angola (UNITA), birth registration was part of the Child Protection Strategy, which was used to help identify and trace family members of former child soldiers. The government also adopted a policy, in conformity with military law, to prevent recruitment below 18 years of age.

### 3.6 Children in conflict with the law

Children are often confronted with legal systems that fall far short of international standards on juvenile justice. International human rights standards, including the Convention on the Rights of the Child, recognize that depriving children of their liberty should be a measure of last resort and only for the shortest period of time. In particular, children involved with the justice system are to be treated "in a manner which takes into account the needs of persons of his or her age" and, when deprived of liberty, "shall be separated from adults unless it is considered in the child's best interest not to do so" (article 37). This is intended to ensure respect for the rights of the child, to prevent their abuse and to aid their reintegration into productive society as quickly as possible. But children without birth certificates cannot legally prove their age and, particularly in the case of adolescents, are likely to be treated as adults and held in detention centres with adults.

Children who engage in wartime violence are themselves victims, forced or coerced to participate in hostilities. In such cases, children can face charges for crimes allegedly committed during armed conflict and may not have access to basic legal protection, procedures and assistance. In Rwanda, for example, approximately 1,000 children under 18 were charged with crimes of genocide, and many were deprived of liberty along with adults.<sup>51</sup> Problems in determining the age of children delayed their transfer from detention to re-education centres. Similarly, during the conflict in Kosovo, children who could not prove their age and identity were more likely to face arbitrary arrest and detention.<sup>52</sup>

### 3.7 The unique challenges facing girls

Unregistered girls, like boys, are more vulnerable to under-age recruitment by armed groups for use as fighters, spies, cooks and porters and for sexual purposes. While sexual crimes are committed against boys, it is girls who are most often targeted. In north-

ern Uganda, girls abducted by the Lord's Resistance Army have suffered rape, sexual slavery and early pregnancy, as well as HIV/AIDS infection.

Disarmament as a military exercise has consistently failed to address female combatants. In Sierra Leone, thousands of girls were abducted, sexually abused and forced to accompany armed groups. Many of these girls were included as part of the command structure in armed groups and took part in the fighting. However, they were not officially recognized as soldiers, and very few were included in the formal demobilization process. Birth registration can help raise the visibility of girls and, by establishing their official identity, enhance the capacity to help and protect them.

In Sudan, girls have been targeted for abduction and sold into slavery, as well as being subjected to early marriage.<sup>53</sup> In the Kakuma refugee camp in Kenya, Sudanese refugee girls were not officially registered on their arrival, and many were later sold by foster families as property in exchange for bride price. Orphaned and unaccompanied refugee girls are particularly vulnerable to such abuses.<sup>54</sup> In Sudan, early marriage has increased during the armed conflict because, in the absence of male family members, marriage can provide a modicum of social advantage for young women seeking protection from sexual abuse.<sup>55</sup>

### 3.8 Risks and challenges for minority and indigenous children

Minority and indigenous communities often have low levels of birth registration. The unregistered children of ethnic, cultural or religious minorities and indigenous groups are, in turn, more vulnerable to discrimination and exploitation because they lack an official identity. The situation creates a vicious cycle in which marginalization causes non-registration and the lack of birth registration further marginalizes children.

In situations of armed conflict the official 'invisi-

bility' of indigenous and minority children can have disastrous consequences. During Guatemala's armed conflict, for example, rural indigenous children were targeted as fodder for war. Adolescent boys from Mayan communities were forced to serve as armed members of civil patrols. Up to a million boys and men were forced to patrol their own communities and take part in massacres. The rape of Mayan girls and women, especially girls between the ages 12 and 15, was a widespread tactic to inspire terror among the Mayan population.<sup>56</sup>

In the state of Chiapas, Mexico, it is estimated that almost 100,000 children, primarily in indigenous rural areas, are not registered at birth. Children and women, particularly indigenous children, have become victims of conflict and violence related to religious confrontations and land ownership. To locate and identify the children and families requiring registration, national and local authorities, in collaboration with UNICEF and civil society organizations, have embarked on a civil registration project with a special focus on rural areas. The National Commission for the Advancement of Indigenous Peoples (CONADEPI), which has provided legal and social services to the indigenous population for many years, is among the partners.

In Central Africa, the indigenous Pygmy population faces neglect, discrimination and violence. At the Permanent Forum on Indigenous Issues at the United Nations in 2003, representatives of the Batwa Pygmies in the Democratic Republic of the Congo reported that their children are not eligible for birth registration and have little or no access to health care. During armed conflict, the Pygmy communities face even greater risks. In war-torn districts of the country, their people have reportedly been raped and massacred. One delegate to the Forum reporting on the situation explained: "They [Pygmies] are killed by one armed faction or the other simply for not having an identity card."<sup>57</sup> In the neighbouring Republic of Congo, following a human rights seminar for indigenous people held in July 2003, representatives of the Pygmy population requested a nationwide census that would count and register them as citizens.<sup>58</sup>

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# **Part Two:**

## **ACTIONS AND IMPACTS**



# 4

## ESTABLISHING AND RE-ESTABLISHING BIRTH REGISTRATION SYSTEMS

Emergencies can sometimes catalyse the overhaul of a defunct registration system or provide an opportunity for an entirely new system to be put in place. But those measures require stable and reliable government and may not be possible until some time after a peace agreement has been formalized and implemented. The importance of registration in protecting children's rights cannot wait. It is therefore a matter of urgency to take temporary steps to provide birth registration, even in the midst of conflict.

### 4.1 Birth registration in peace agreements

The negotiation of peace agreements constitutes an important opportunity to include explicit reference to establishing or re-establishing a civil registration system. This charges transitional authorities and post-conflict governmental administrations with the task and holds them accountable for the implementation process. It is a critical step to strengthen citizenship and a sense of national identity. It provides an opportunity to recognize equal rights and address the concerns of vulnerable groups, and can also outline a framework for partnerships in promoting birth registration. In Guatemala, for example, the peace agreement included a clause ensuring proper identity documentation for displaced persons, which led to a documentation campaign involving 28 governmental agencies, international organizations and NGOs (see text box 4.1).

Birth registration after conflict can also be pro-

moted by conducting a population census. The State's accurate count of the population is not only crucial for planning post-conflict interventions but also helps ensure the inclusion of specific groups in the process of post-conflict reconstruction and reconciliation. In Afghanistan, the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions called on the transitional and elected authorities to request the United Nations to conduct a census, initiating the establishment of a civil registry, including birth registration.

### 4.2 Legal reform

National law institutionalizes registration procedures, identifying responsible authorities and defining the roles of relevant actors. It is often necessary to reform laws in order to ensure that the civil registry system is simple, accessible and non-discriminatory. This is particularly important in post-conflict situations where discrimination based on ethnic, religious or cultural differences has been institutionalized in the legal system and must be dismantled.

In Indonesia, a new birth registration law has been submitted to Parliament for adoption to replace previous legislation in effect since colonial times. The new law does away with discriminatory procedures based on ethnicity, race and religion. It is intended to complement the child protection law signed in November 2002, which requires local governments to issue free birth certificates for all children.<sup>61</sup>



#### Box 4.1 - Guatemala: Registration during the peace process

Following Guatemala's civil war, the peace agreement explicitly called for the revitalization of civil registration mechanisms, including birth registration. The Agreement on the Resettlement of the Population Groups Uprooted by the Armed Conflict, signed by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in 1994, emphasized the importance of providing identity documentation for displaced persons:

The lack of personal documentation for the majority of the uprooted population increases their vulnerability and limits their access to basic services and the enjoyment of their civil and political rights.... Decree No. 70-91, a provisional act concerning replacement and registration of birth certificates in civil registries destroyed by violence, shall be revised so as to establish a system adapted to the needs of all the affected population groups, with streamlined, free-of-charge registration procedures. For such purposes, the views of the affected sectors shall be taken into account.... The necessary administrative rules to streamline formalities to ensure that children of uprooted persons born outside the country are registered as native Guatemalans, in compliance with article 144 of the Constitution of the Republic, shall be promulgated. ...

Moreover, the Agreement on the Identity and Rights of Indigenous Peoples, signed in 1995, states: "The Government reaffirms the full right to register indigenous names, surnames and place names." This Agreement officially recognizes the unique identity of indigenous peoples and their traditional and cultural practices of naming.

Within the context of these peace agreements, a coalition initiated a documentation campaign that aimed to solve problems related to identity documentation. The coalition included 28 governmental agencies as well as international organizations and NGOs, and the campaign adopted two key strategies that helped improve birth registration. First was the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict. It entered into force in October 1997 for a three-year period and required the Ministry of the Interior to prepare regulations for the registration of births, marriages and deaths among members of uprooted population groups and to demobilize members of URNG.<sup>59</sup> Although this initiative was unable to resolve all the problems encountered by displaced communities, it achieved a major success in providing identity documents and thereby granting access to public assistance and services.

The second strategy was the establishment of local networks, which enabled public registrars to work directly with communities. This contributed to a cost-effective and efficient registration process and ensured accessibility for women and girls who were unable to travel to registration centres. Another helpful measure was the government's recognition and facilitation of birth registration for children of Guatemalan origin born as refugees, opening the way for their speedy and safe repatriation.<sup>60</sup>

In the Philippines, the NGO Plan International has initiated an Unregistered Children's Project in collaboration with public authorities, NGOs and other experts.<sup>62</sup> The project targets communities with low levels of registration, seeking to address legal barriers and advocate for registration. This local approach has led to practical results for Muslim and indigenous communities. A meeting to assess the compatibility of civil registration law with cultural practices took place with representation of high-level officials from government agencies, the Juri-Consul of the Muslims, the Commissioner of Indigenous Peoples and academics and experts, together with tribal leaders. Initially people feared that civil registration would result in conversion to Christianity, but once the benefits were understood, members of the national and local legislative body, including the Legislative Assembly of the Autonomous Region in Muslim Mindanao, helped identify funding sources to support registration. The initiative has provided a public forum to resolve community concerns and build consensus for more effective registration policies.

### 4.3 Birth registration in decentralization processes

Post-conflict reform of civil registration takes place within the broader framework of political reform and often involves decentralization. Designating increased authority and responsibility to local government can greatly improve both the efficiency and the cost-effectiveness of maintaining a civil registry. In some cases birth registration authority has been extended to include other community actors, such as religious, traditional or community leaders. Investing authority in local institutions helps to build public confidence in birth registration, particularly in post-conflict situations when trust in government institutions may be badly shaken.

The central government plays a key role in coordinating and maintaining a safe and secure civil registry and providing resources to sustain local offices. The local and central governments are both essential to the process. They play complementary roles in advancing birth registration so that government ministries have access to national data for planning and providing public services.

In post-conflict Cambodia, the Sub-Decree on the

#### **Box 4.2 - Sri Lanka: Birth registration and legal reform**

In October 2003, the Sri Lankan Parliament passed legislation enabling Tamils of Indian origin in Sri Lanka to register with the government, obtain identity cards and acquire citizenship. This new law is a turning point in addressing the long-standing problem of birth registration and citizenship. Sri Lanka has no exact statistics on the number of stateless persons, but at the time of the last comprehensive registration in 1964, the estimated number was 300,000 persons, mostly Tamils.

Birth registration in Sri Lanka is complicated by a history of colonization. When the country gained independence in 1948, the post-colonial government, dominated by the Buddhist Sinhalese majority, passed the 1948 and 1949 Sri Lankan Citizenship Acts, which established nationality based on birth records. In order to acquire citizenship a person had to produce documents proving a father or grandfather had been born in Sri Lanka.

The Tamils in Sri Lanka are divided into two distinct communities. The Tamil population in the north and east of the country has been living in Sri Lanka for the past 2,000 years and so were able to produce documentation to secure citizenship. But the Tamils who were brought to then-Ceylon in the 19<sup>th</sup> century to work on tea and coffee plantations – Tamils of recent Indian origin, or so-called ‘up-country Tamils’ – could not prove that they had resided in Sri Lanka for a sufficient length of time. Without birth certification they were unable to gain citizenship.

For decades, attempts were made to reform the Sri Lankan Citizenship Act and resolve the citizenship question for Tamils of recent Indian origin. Although some stateless Tamils were granted citizenship, none of the efforts managed to comprehensively resolve the citizenship question. Meanwhile the Tamil population was becoming increasingly marginalized. When civil war broke out between the Sri Lankan Tamils and the Sinhalese majority government in 1983, the question of Tamil citizenship was a point of contention.

In 1988, seeking to remove any pretext for Indian involvement in the civil war, the Government of Sri Lanka passed more comprehensive legislation that granted citizenship to most Tamils of recent Indian origin. But by that time nearly 500,000 Tamils had been repatriated to India, where they struggled to survive under harsh conditions. And the complexities of registration prevented many Tamils in Sri Lanka from applying for citizenship for themselves and their children.

The most recent legislative reform, passed in October 2003, streamlines the process of registration and the acquisition of citizenship for Tamils of recent Indian origin. The new law accommodates those who were excluded from Sri Lankan citizenship because they had previously applied for an Indian passport, as well as those who have lived all their lives in the country without birth registration or any identification document. It also reduces the number of documents required for citizenship from eleven documents to eight, including birth certificates of the mother, father and eldest and youngest siblings; the parents’ marriage certificate; horoscope; and letters of support from the local government administrator and from the medical services.

In an effort to put the new legislation into practice, UNHCR, together with the Ceylon Workers Congress, initiated a campaign in December 2003 that registered more than 190,000 persons. This registration provides eligibility for a birth certificate as well as a Sri Lankan identity card and citizenship. It also confers the right to vote, own property, open a bank account and travel outside the country. The new legislation was a decisive step to end the generations of legal exclusion of Tamils of recent Indian origin.

But Tamils in the northern and eastern regions of the country face additional challenges. In these regions the armed conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan Government has left some communities stranded, without access to birth registration or social services. Very often the divisional, district and local registration centres do not function, and many families have lost identity papers when forced from their homes due to fighting.

In some cases, the LTTE has pressured school administrators not to return birth certificates presented for enrolment, making these children more vulnerable to forced recruitment. The loss of documentation also restricts their ability to travel, because a birth certificate or identity card is required to pass through the many checkpoints maintained by the Sri Lankan army.

Some progress was made when the government and the LTTE agreed to a ceasefire in February 2002, and the sudden return of displaced persons to their communities triggered a surge in registration. Officials worked long hours to accommodate the demand, particularly to register children.

Another effort, led by UNHCR in collaboration with the Legal Aid Foundation and the Sri Lanka Human Rights Commission, has been under way since 2001. This initiative sends mobile registration units to villages in the northern and eastern regions, where staff work directly with the villagers to help in replacing lost or missing documentation. The paperwork continues to discourage families from applying for birth registration and citizenship, but at the mobile registration points the number of required documents is reduced to three, as local administrators are on hand to verify the children’s ages.

Internally displaced persons and other families earning less than 2,500 Rs (\$US25) per month can also use the services of the Legal Aid Foundation to obtain the necessary documents free of charge. In some areas, child rights promotion officers have assisted families in registering children who never obtained a birth certificate or who lost their birth documentation during the war.<sup>63</sup>

Civil Status came into effect in August 2002, defining the roles and mandates of relevant actors to undertake civil registration activities. The government designated the Office of Civil Registration to manage the overall process, while the Department of General Administration, under the supervision of the Ministry of the Interior, became the focal point for establishing a monitoring and evaluation system at the national and local levels. Locally, the Councils of Communes, or *Sangkats*, were granted authority to act as registrars or civil registration officials. The Sangkat Councils, elected in 2002, have expressed the need for training and assistance in re-establishing the legal and administrative framework for registration.

The United Nations Transitional Administration in East Timor (UNTAET) Regulation No 2001/3 set out a legal framework on birth registration. The Regulation gave responsibility for maintaining registration to the Central Civil Registry. It also established a decentralized system of district-level civil registry offices where parents could apply for their children's birth certificates.<sup>64</sup> However, many challenges remain in gaining public trust and support for a civil registry (see text box 4.11).

When travel to local registration centres is difficult or risky, outreach efforts can further decentralize the registration process. Designated 'community reporters' or 'notifiers', such as midwives, birth attendants and traditional leaders, report births to the local registry and explain the benefits of registration to families. This system can extend coverage into conflict-affected areas where access is limited. It also builds technical capacity among community reporters and within local registries. In Colombia, registry offices are establishing a system to allow community reporters and notifiers to communicate electronically with the capital, improving accuracy and coverage of national statistics.<sup>65</sup>

## 4.4 Integration of birth registration with delivery of social services

Integrating birth registration with other social services can improve the protection of numerous children's rights. Combining birth registration with education and health services increases cost-effectiveness, and the linkage of birth registration with tangible benefits such as immunization or school enrolment makes the advantages of registration more visible. Inter-sectoral coordination also enables data sharing for effective planning, implementation, monitoring and evaluation of public services.

In Timor-Leste, an initiative is under way to link birth registration and maternal and child health. Nurses and midwives use a Mother and Child Health Handbook, produced and distributed by the Ministry of Health, to monitor prenatal care and post-natal growth, and the handbook now includes birth registration forms. Health personnel and civil registry staff are being trained to use the form to record births and issue birth certificates.

### Box 4.3 - Afghanistan: Teaming registration and immunization

In early 2003, Afghanistan's new Ministry of the Interior set a goal to register all children under one year of age. At that time, the latest Multiple Indicator Cluster Surveys (MICS) estimated that only 2 per cent of children under five were registered in the south-east region and 18 per cent in the eastern region. In order to achieve the goal of universal registration, a countrywide birth registration campaign was launched.

A key strategy in the campaign was a House-to-House Registration Project that combines birth registration and National Immunization Days, involving collaboration between the Ministries of the Interior and Health and UNICEF. The house-to-house approach helps reach families where women may be reluctant or unable, for cultural reasons, to travel. A volunteer trained in birth registration accompanies each polio vaccination team on household visits, during which they simultaneously immunize and register children.

The project has met with success, registering 820,000 girls and boys under one year old in 2003 and a total of 2 million children under five by mid-October 2004.<sup>67</sup> These achievements resulted from the coordinated efforts of trained staff and more than 54,000 volunteers. The strategy has also helped build skills among Ministry of the Interior staff and in communities by partnering with school officials, religious leaders, women's groups and neighbourhood committees to increase outreach.

The joint National Polio Immunization Days and House-to-House Registration Project has proved cost-effective, reducing by one third the expense of a separate birth registration campaign. The registration process is also computerized, linking to other information sources such as national census and immunization data, which allows the new government to plan future health and education services.

To build a more sustainable and cost-effective birth registration system, efforts are under way to engage village elders and religious leaders who perform religious rituals when a child is born. An estimated 40,000 to 50,000 village elders, together with 1,300 staff from the Ministry of the Interior, will be trained in birth registration. An additional 75,000 religious leaders will be trained as advocates for women's and children's rights, including the right to birth registration.

Social services can help identify cases of non-registration. When a polio immunization campaign was conducted in Kosovo in 1996, 60,000 children were found to be unregistered.<sup>68</sup> Linking registration to social services also raises awareness and builds capacity among professionals in other sectors, such as health workers and teachers.

#### Box 4.4 - Timor-Leste: Developing a civil registry in a new nation

In August 1999, a United Nations-sponsored referendum on independence was held in Timor-Leste, and the people voted overwhelmingly in favour of self-governance and an end to Indonesian rule. The referendum sparked a rampage of violence and terror by armed militia against civilians. Nearly two thirds of the population was forced to flee across the border into West Timor, and homes, health clinics and schools were razed.

The United Nations Transitional Administration in East Timor was established in October 1999 to administer the territory until a new government could be elected. UNTAET took on the responsibilities of peacekeeping and interim governance. Because most of the civil registry records, including birth records, had been destroyed during the violence, the documentation of the entire population of East Timor had to be restored.

The task was urgent. A massive campaign was needed to restore the civil registry so that voting could take place. In early 2000, work began on a new registration system with the support of UNTAET experts, and in December 2000 the Central Civil Registry was established under the Ministry of Internal Affairs within the East Timor Transitional Authority.

Under the first independent government, established in May 2002, the function of civil registration was placed under the Ministry of Justice. The procedures for birth registration established by UNTAET remained in effect, explicitly stating that the birth of a baby "shall be reported to the Central Civil Registry by the mother, father or another family member within four weeks of said birth."<sup>69</sup> On the basis of the UNTAET regulation, district-level civil registry offices were opened. More recently, a Civil Registration Code has been drafted by the Ministry of Justice to help decentralize registration to the sub-district and village levels and promote birth registration as a national priority.<sup>70</sup>

But the new government has faced numerous challenges, complicated by a history of oppression. Timor-Leste was colonized by Portugal in the 16<sup>th</sup> century, and in 1975, Indonesia seized and occupied the territory. Before independence, few utilized the state-run registration service because it was associated with oppressive authority. Instead the predominantly Catholic communities viewed the Church as the trusted institution, and baptism was used to formalize identity, effectively creating a parallel system of birth registration. As a result of this long-standing tradition, recognition of the importance of official birth registration is low. Baseline figures from January to May 2003 show that only 1,540 people were officially registered, and just two of them were infants. The situation persists because in many areas a baptism certificate has been the preferred method of establishing name and identity and is sometimes required for school enrolment.

In addition, transportation is difficult because of the mountainous terrain and poor roads. Families living in remote villages may be far from the registry office, and during the rainy season travel can be treacherous, leaving some areas entirely isolated. For all these reasons, awareness-raising is still needed to encourage registration of children.

Another challenge is the lack of human resources. Efforts have been made to staff the 13 district offices, but there is little support at sub-district or village level. And even within the districts, the ability to carry out effective civil registration is hampered by lack of equipment and irregular power supplies.

Despite the many challenges, significant progress has been made. In October 2002, the Ministry of Justice and UNICEF Timor-Leste signed an agreement identifying birth registration as a priority, and in 2003 two pilot birth registration projects began in Manatuto and Bobonaro Districts. A 'training of trainers' was conducted to teach civil registry staff and volunteers who formed mobile registration teams. The mobile birth registration campaign registered approximately 17,000 children – the majority under five years of age.

Based on experiences and lessons learned from the pilot project in Manatuto and Bobonaro Districts, the mobile birth registration campaign has been expanded to include an additional eight districts, combined with awareness-raising campaigns.<sup>71</sup> The mobile teams have been successful in decentralizing the birth registration process and greatly increasing the numbers of children registered, but more collaboration is needed with schools, health centres and religious officials to promote registration in villages and ensure that results are sustained.

## 4.5 Ensuring safe storage of records

Protective measures must be taken to safeguard registry archives and prevent the loss or destruction of records due to instability, armed conflict or natural disasters. Costa Rica provides an important example, having duplicated birth records onto microfilm, which is safely stored in a neighbouring country. In Amman, UNRWA is establishing a centralized and

secure computer database for all records of Palestinian refugee families. In post-conflict Afghanistan, paper copies of birth records are maintained by families and community representatives, while computerized records are centrally stored. In Timor-Leste, birth records and related documents are kept at the Central Civil Registry in Dili, while copies are kept at district offices. If an emergency arises, even if documents are destroyed or lost, the civil registry will be preserved.

## 4.6 Mobile registration systems

Mobile registration systems have been promoted in a number of conflict-affected areas. In Colombia, a mobile registration programme was developed as a collaborative effort between UNICEF and government agencies with the support of the European Community Humanitarian Office (ECHO). The programme, known as 'Registration Brigades', issues or replaces identity documents among displaced communities. Another effort has focused on communities living along the Colombian-Ecuadorian border, aiming to resolve the difficulties in registration caused by temporary cross-border displacement. Between August and September 1998, numerous frontier registration sites were established enabling individuals with Colombian or Ecuadorian citizenship to register their children on either side of the border.<sup>68</sup>

In Sri Lanka, mobile registration units register internally displaced children in the northern and eastern regions of the country (see text box 4.2). Children receive identity documents, which allow them to enrol in school and give them access to other social services. Mobile registration is also being used in Angola and Timor-Leste.

## 4.7 Commitment of government partners

The commitment of government agencies and officials is essential in establishing an effective civil registration system. When the ceasefire in Sri Lanka in 2002 triggered a sudden return of displaced persons to their communities, demand for birth registration

### Box 4.5 - West and Central Africa: A regional registration campaign

In sub-Saharan Africa, more than half of all births are unregistered. In some cases, impoverished families cannot afford registration fees or the cost of travel to a registration site. There is also a lack of awareness, particularly in rural areas, of the potential benefits. Parents who have not experienced or witnessed the advantages of registration themselves are less likely to register their children.

Birth registration in West and Central Africa is further complicated by armed conflict. Displacement throughout the region has left thousands of unregistered refugee children who have no legal identity and often no access to formal schooling, health care or other social services.

In Côte d'Ivoire, for example, the armed conflict is rooted in ethnicity, and the citizenship of ethnic groups from the north has been challenged on the basis of birth documentation. New regulations have withheld national identity cards unless a birth certificate is produced to verify citizenship, and the process of verification is lengthy and complicated.

A West and Central Africa regional campaign to improve birth registration was launched to celebrate the Day of the African Child in June 2003. Partners included 24 national governments and international organizations, including UNICEF, UNFPA, Plan International and other NGOs, and local and national media. With a theme of "For every child, a national identity", the campaign called on governments to make birth registration for all children compulsory, free and accessible.

The campaign is intended to promote the realization of children's rights. For example, in most cases, birth registration is needed to enrol in school and sit for exams, to access health care, to obtain citizenship and a passport, and to vote. Verification of age and proof of birth also helps prevent exploitation and can prevent early marriage for girls. Community and religious leaders have played a key role in the success of the campaign, encouraging local ownership and action.

The results have been significant. In the Democratic Republic of the Congo, there has been a leap in birth registration since the beginning of the campaign, from 5 to 25 per cent in urban centres. Côte d'Ivoire has focused on displaced children in areas most affected by the conflict. The birth registration campaign in Sierra Leone, involving both government officials and media, included a two-day free registration event in Freetown and in 14 districts throughout the country, involving 500 registrars. More recently, Sierra Leone carried out birth registration campaigns in three districts, registering 180,000 children.<sup>73</sup>

In February 2004, the first West and Central Africa Birth Registration Conference was held in Dakar, Senegal, to assess progress achieved and recommend follow-up action. Child delegates from 14 countries participated, as did Children's Parliaments from Côte d'Ivoire, Senegal and Sierra Leone. The children prepared and presented a report stating: "The right to identify is the most fundamental right for us, children. But we notice that this very important right, the one of the nationality and valuing citizenship does not make enough progress in our countries."

The children also prepared an agenda for action, recommending training for registry officials, birth registration in hospitals and computerized registration throughout the region. They made a commitment to support birth registration in their schools and communities, calling for a 'life passport' for all: "We believe in a frank collaboration between children's associations, NGOs, governments and international institutions for the deliverance of a life passport for each child and each citizen."<sup>74</sup>

increased sharply. The commitment of the Registrar General's office and the motivation of the registrars allowed for speedy registration, keeping pace with the demand despite insufficient facilities (see text box 4.2).

In Afghanistan, the commitment of the Ministries of the Interior and Health has proved invaluable in the success of the birth registration campaign, encompassing flexibility and teamwork. Despite competing priorities that include security, police training and reform of the justice system, the government's commitment to achieve countrywide birth registration has succeeded in prioritizing the campaign and has placed children's right to birth registration on the agenda of the new government.

## 4.8 Role of regional organizations

Regional initiatives can strengthen cooperation among countries and raise the profile of birth registration on the regional political agenda. In West and Central Africa, birth registration initiatives and campaigns were facilitated in individual countries through the participation of governments in a regional campaign, with the support of UNICEF, Plan International, the United Nations Population Fund (UNFPA), NGOs, civil society and the media (see text box 4.5). More recently, in 2005, UNICEF and Plan International expanded their collaboration, convening a Regional Interagency Consultation on Birth Registration in East Africa, attended by 21 countries.

In 2003, the African Union made birth registration the theme for the Day of the African Child, celebrated yearly on 16 June. Activities took place across Africa to raise awareness on the importance of birth registration and promote innovative campaigns. Because a number of countries in the region are affected by armed conflict, some activities specifically focused on children suffering from its effects. For example, Guinea planned registration activities on that day for refugee children, and Sierra Leone held a special session of the Truth and Reconciliation Commission to emphasize the importance of birth registration for children during post-conflict transition.

Birth registration has also been promoted by regional organizations in the Americas. The second Ibero-American Conference of Ministers and High-level Officials on Child and Adolescent Affairs, in 2000, issued a Declaration calling for universal birth registration and for "the legislative, administrative and other measures" necessary to achieve that goal. Later that year, the tenth Ibero-American Summit of Heads of State and Government called for the fulfilment of children's right to birth registration. In 2001,

the Plan of Action for the third Summit of the Americas included a recommendation to promote civil registration for all children. In follow up to these declarations, the Inter-American Children's Institute has proposed a regional strategy to promote, strengthen and improve birth registration through partnerships with governments and civil society.<sup>72</sup>

## 4.9 The Committee on the Rights of the Child

As part of its review of State Party Reports, the Committee on the Rights of the Child has provided recommendations to improve birth registration in some countries afflicted by conflict. Among other things, the Committee established the importance of birth registration for all children, including those displaced within national borders and cross-border refugees. After reviewing Burundi's State Party Report, the Committee urged the Government to make every effort to ensure the registration of all children born, taking into account the particular situation of internally displaced persons, including those who have been regrouped, and refugees.<sup>75</sup>

The Committee advised Tajikistan to "undertake effective public education campaigns to inform asylum-seekers, especially those who have newly arrived, about asylum procedures and the importance for children to have documentation; provide practical assistance in obtaining birth certificates for every child and adequate procedures for the replacement of lost identity and travel documents; and establish a system for refugee and asylum-seeking children to have their own documentation."<sup>76</sup>

In reviewing Peru's initial report (September 1993), the Committee's Concluding Observations noted that several registration centres in zones affected by armed conflict were destroyed in the early 1990s. Thousands of children were subsequently unregistered, and because they were unable to prove their identity, many came under suspicion of involvement in terrorist activities. The Committee recommended that specific measures be undertaken to provide identity documents for undocumented children fleeing zones affected by internal violence.<sup>77</sup>

The Committee also expressed concern regarding Myanmar's Citizenship Act, which establishes three categories of citizenship, leading to discrimination of children based on their identity. The Myanmar national identity card was also noted by the Committee because it gives information about children's religious and ethnic origin. The Committee recommended abolishment of such categorizing of citizens to avoid stigmatizing children.<sup>78</sup>

## Notes

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# 5

## INFORMAL AND TEMPORARY MECHANISMS

### 5.1 Building on informal and temporary mechanisms

When the formal system of registration does not exist, breaks down or is inaccessible due to conflict, alternative measures can be used to maintain birth records. Informal, traditional or community-based recording of births may continue to function even in the presence of conflict. These alternative measures generally involve community members, which reinforces ownership of the system and helps build local skills. When developed in accordance with the community's traditional practices, such a system can reinforce and strengthen community ties, promote social cohesion in the midst of conflict and civil strife, and lay the groundwork for a more formal birth registration mechanism.

Though informal systems have clear benefits in specific situations, they should not replace the formal and permanent registration system but should be considered as temporary and provisional steps leading towards a comprehensive civil registry. Informal mechanisms can complement and enhance the development of a formal system, but an official registry is essential to conduct national affairs and maintain state responsibility for children.

In Ethiopia, in the absence of a formal registration mechanism, certificates issued at the time of baptism or acceptance into a Muslim community provide evidence of birth. In outlying districts of Sierra Leone, local chiefdoms maintain records of children born, and this informal system continued even at the height of the country's conflict (1991-2002).

In Uganda, emergency measures to revitalize the Birth and Death Registration system are being expanded and gradually incorporated into the national birth registration strategy. The Arua District was affected by internal and cross-border conflicts, including turmoil between the government army and rebel groups, the conflict in southern Sudan and civil unrest in the Democratic Republic of the Congo, which triggered a massive influx of refugees. Despite the instability, a pilot programme to revitalize birth registration was initiated in 2000 and was later expanded into all 36 sub-counties, including displacement camps. By May 2004, more than 185,000 children were registered.

Likewise in Lira, one of the emergency-affected districts in northern Uganda, a revitalization of the Birth and Death Registration system was launched in 2003. A year later, the campaign was expanded to register children in displacement camps. After only a few months, more than 33,000 internally displaced children were registered, about one third of the total number targeted. Efforts are also being made to revitalize registration in the northern districts of Gulu and Kitgum, where the impacts of armed conflict have been most severe. These emergency measures are linked to the national strategy, building towards a comprehensive birth registration system.<sup>79</sup>

These and other country experiences have demonstrated that birth registration is feasible even at the height of conflict. It is important to recognize the potential and to contest the assumption that armed conflict forces suspension of birth registration activities. If local actors are discouraged from finding



innovative solutions and registration is postponed until after the war, it will be far more difficult to achieve.

## 5.2 Coordination of multiple systems

In some conflict-affected communities, humanitarian organizations have set up temporary systems that support the formal birth registration system. In Colombia, three complementary systems record information on displaced persons: The Red de Solidaridad Social is a national agency that coordinates all public, private and community organizations working with displaced populations and records information such as household characteristics and services provided to them. Conferencia Episcopal Colombiana collects information on displaced persons through religious organizations, including the Roman Catholic Church and affiliated NGOs. Information is recorded throughout the period of displacement, including children's education prior

to displacement, school attendance during displacement and possibilities of repatriation. Although the system is confidential, the ICRC has also established a method of recording information in communities it assists, including information on children. While coordination of the three systems presents challenges, there is potential for sharing information and combining efforts.<sup>80</sup>

During the Kosovo conflict, birth and other registry documents in the Mitrovica Region, a predominantly Serb area, were transferred from the province of Kosovo to central and southern Serbia.<sup>81</sup> In 2003, the records were transferred back to Kosovo and are maintained as a parallel registration system for ethnic Serbian communities. In 2000, Municipal Registration Offices were set up in the province of Kosovo to coordinate birth documentation from health professionals and institutions in the Albanian, Ashkali and Roma communities. Some Roma communities considered 'collaborators' by ethnic Albanians face security problems, and their children are usually registered in the Serbian system.<sup>82</sup>

### Box 5.1 - Angola: Registering children in the midst of conflict

In the mid-1990s, after three decades of civil war between Angolan government forces and UNITA, the country faced a dire situation, with massive population displacement, breakdown of services and widespread poverty. More than 70 per cent of children were unregistered. In 1996, a decision was taken to initiate birth registration among displaced and war-torn communities. Between 1997 and 1998, more than 650,000 children were registered through a campaign initiated by the Ministry of Justice, in collaboration with UNICEF.

The campaign was halted when full-scale fighting broke out in 1998, but birth registration activities resumed in 2001 with the adoption of a National Strategy for Birth Registration, targeting 3 million children. An Inter-ministerial Commission was established in coordination with the Ministry of Justice to develop policies and strategies. The Commission, supported by UNICEF, achieved a number of results:

- A policy supporting free birth registration for all children
- Roman Catholic and Methodist churches' help in registering children
- Creation of a framework to promote participation by NGOs and civil society in the registration campaign
- Removal of bureaucratic obstacles, for example, replacing the signature of the National Director on the *cédula* (birth certificate) with stamped approval; delegating tasks previously carried out by supervisors to *brigadistas* (community birth registration activists); and distributing pre-registration forms to help families prepare documents in advance.
- Simplification of procedures, including registration by parents without the presence of the child, self-registration for children over 14 years of age and NGO assistance in filling out pre-registration forms.

The National Campaign for Birth Registration reached out to community groups and churches, encouraging Roman Catholic and Methodist churches to take part. More than 300 trained *brigadistas* registered children in 35 church-based sites around Luanda, and mobile teams organized outreach to remote communities in accessible areas. A public education and social mobilization strategy was developed to support the campaign, disseminating key messages through all forms of mass media, including posters, radio and television, as well as public forums and theatre performances.

After the peace agreement in April 2002, a child protection strategy was put into action for war-affected children in resettlement and quartering areas, where UNITA soldiers and their dependents were gathered. Birth registration was a key component of the strategy, helping support the family tracing and reunification effort. Approximately 160,000 children in the quartering areas were registered and received birth certificates.

The National Campaign for Birth Registration gained momentum, focusing on areas in transition, refugee reception points and transit centres for demobilized soldiers, with mobile teams undertaking outreach. At the same time, efforts were initiated to bolster birth registration services in municipalities, linked with the return and resettlement of communities. Between August 2002 and December 2003, about 3.8 million children were registered.

### Box 5.2 - Occupied Palestinian Territory: Establishing a birth registration database

More than 4 million Palestinian refugees are registered with the United Nations Relief and Works Agency for Palestine Refugees. Approximately 40 per cent of the total refugee population – 1.6 million – live in the occupied Palestinian territory (oPt). Another 40 per cent live in Jordan, and Lebanon and the Syrian Arab Republic each host about 10 per cent.

While most Palestinian refugees are registered with host authorities in their country of residence, UNRWA also maintains voluntary birth registration records for all children born to Palestinian refugees. As the UNRWA system is based on paternal lineage, descendants of female refugees married to non-refugees are unable to register. Efforts are underway to enable the registration of these children as part of a strategy to promote gender equality. UNRWA estimates that up to 340,000 persons could potentially benefit, but expects that a significantly lower number will actually register.<sup>83</sup>

UNRWA birth registration certifies a person's refugee status and eligibility for UNRWA services, which include health care, education, food rations and transport allowances. However, some communities have been excluded from this system. Palestinian refugees in Lebanon, for example, are not eligible for registration with the host government. A 1998 survey, commissioned by UNICEF and conducted by the Palestinian Central Bureau of Statistics, revealed that approximately 38,000 Palestinians living in Lebanon are unregistered. UNRWA counts approximately 16,000 of them as unregistered Palestinian refugees. But the remaining 22,000 trace their exile to the 1967 war and so are not included as official refugees even within the UNRWA definition. Their existence is not recognized by any birth registration system.<sup>84</sup>

The UNRWA documentation system for Palestinian refugees has been pieced together over generations and now includes more than 16 million refugee records dating back more than 50 years. UNRWA is currently working to resolve the problem of multiple and inconsistent reporting systems by developing a comprehensive Refugee Registration Information System, which will be fully operational in 2008. It will centralize, integrate and systematically update registration information. This streamlined approach will better preserve information and allow more accurate programme planning and response.<sup>85</sup>

But that is only part of the story. Underlying the difficulties in birth registration is the complexity of the social, political, cultural and economic context that is part of everyday life for Palestinians. In oPt, the registration of Palestinian children takes place within a larger framework that monitors the movement of people. Each birth certificate issued has a unique identity card number assigned to it. When a child reaches the age of 16, a corresponding identity card with the same number is issued by the Palestinian Ministry of the Interior, which people must carry at all times. When crossing a border or checkpoint – the occupied territory has over 100 checkpoints – Palestinians are required to show their identity card. Without it, no entry or exit is possible.

At the same time, the registration system preserves Palestinians' family histories – births, deaths, marriages and land titles. Without these documents Palestinian families would have no official record of their existence. The perception of registration as a means of establishing an official identity is therefore a motivating factor, resulting in a high level of registration of Palestinian children. Ultimately the registration system will serve as the basis for a national archive, to record the past and future of a Palestinian State.

## 5.3 Role of local communities

Communities play a key role in identifying registration problems. In post-conflict Mozambique, participatory research conducted by a local NGO, Wona Sanana, revealed that birth registration was generally low due to difficulty in travelling to registration centres, registration fees and bureaucratic complications. Communities participating in the research also reported that lack of registration is an obstacle to children's enrolment in school and access to health care.

Based on these findings, Wona Sanana developed an initiative promoting birth registration. Discussions were held with government officials at all levels to advocate for legislative reform and adoption of procedures to streamline the registration process. Procedural improvements included exemption of fees, decentralization, community participation, outreach services and prompt issuance of birth certificates. As a result, registration rates increased to 90 per cent on average at project sites, and community

leaders and volunteers began to participate as registration focal points and registrars. Some of the volunteers were later hired as official registrars.

## 5.4 Role of non-state entities

The international community frequently deals with non-state entities during conflict to enable delivery of life-saving assistance and to protect children's and women's rights. Many non-state entities are armed and actively engaged in conflict. In some cases, host governments or the international community may not recognize them as legitimate representative bodies, and they may pose serious security risks to international and national organizations and actors. It is therefore essential that all engagement with such groups, and assistance provided on the basis of such negotiations, safeguards the principles of humanity, neutrality and impartiality.

### Box 5.3 - Guinea: Promoting registration among displaced children

The massive influx of refugees into Guinea fleeing the armed conflicts in Liberia and Sierra Leone in the 1990s created an urgent need to reinforce child protection and assistance. This, in turn, triggered a need for information provided by birth registration.

In 2002, within the framework of a national birth registration campaign, UNICEF Guinea launched a project to register every child born in the refugee camps. This initiative also focused on registering Guinean children in surrounding villages, thus achieving comprehensive coverage of both local and refugee populations and preventing further stigmatization of displaced communities. Within a year the project succeeded in establishing a free birth registration system in refugee camps, providing services free of charge and issuing an official Guinean birth certificate to every child. This has enabled the integration of refugee children in Guinea while also facilitating children's repatriation. Parents registering their children in this initiative have commented that birth registration significantly improved their children's sense of identity and provided a strong sense of belonging to their community. The project has since been expanded to include refugees from Côte d'Ivoire.<sup>86</sup>

The initiative has also improved registration of Guinean children. Advantages include a significant reduction in registration fees, free birth certificates and a training programme for civil registrars that raises awareness of the need for registration. An additional benefit has been collaboration between health centres in the camps and health professionals in neighbouring villages, which has encouraged regular antenatal visits and early childhood care. Overall, more than 20,000 children have been registered since the programme began, including school-based registration, with a particular focus on girls. Local management of the campaign has contributed to its success, and birth registration has also been used as an entry point to address other child protection issues.

Tensions between the refugee and host communities have also eased, because previous assistance favoured the refugee population and ignored the needs of local host communities. By providing the two communities with equal assistance, the initiative has forged and strengthened ties.

In the southern Philippines, birth registration efforts have continued despite periodic interruptions due to military operations between armed groups and the government. In one case, Plan International engaged with non-state entities to secure permission for mobile registration units to enter high-security areas. Civil registrars have been escorted by armed groups into areas under their control.<sup>87</sup>

The negotiation of a temporary ceasefire can

enable access to areas controlled by non-state actors to promote birth registration in the context of other humanitarian assistance. Negotiations to secure access may also create opportunities to advocate for further adherence to international human rights standards and for the enhanced protection of children's rights. International law and human rights conventions, together with organizational policy guidance, provide the framework for all such engagement.

### Box 5.4 - Angola: Reconciling a dual system

In Angola, civil war broke out immediately following independence from Portugal in 1975 and continued until 2002. During the war, UNITA, which fought against the government of the ruling Popular Movement for the Liberation of Angola, controlled large territories of the country, especially in the central highlands and the south-east. UNITA operated schools and health posts in these areas and maintained a birth registration system.

UNITA's birth registration system was similar to the government's and was operated by UNITA training officers, usually former government employees. Registration was free and was used mainly to provide access to schools. However, individual birth certificates were not issued because, in the event of capture by government forces, they would have identified the holder as associated with 'the enemy'. Instead, information was transferred to birth registration ledgers and kept at the central UNITA registry office. When UNITA was defeated, some of the information was lost or destroyed.

Following the peace agreement in 2002, information that was recovered from the UNITA birth registration system proved helpful in facilitating official government registration for children formerly under UNITA control. In communities of internally displaced people and former UNITA quartering areas, many children and their caregivers had documentation of vital information because they had participated in the UNITA registration system. The information was also useful in efforts to trace family members and reunify children who had been separated from their families.<sup>88</sup>

## Notes

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# CONCLUSIONS

The right to be registered at birth is a fundamental human right for all children. The primary objective of birth registration is to provide children with a legal identity and enhance the safeguard of their rights in all circumstances. During and after conflict, when state, community and social structures break down, birth registration has particular importance. A child's legal identity, proof of age and family relations contribute to the creation of a protective environment and facilitate access to humanitarian assistance, including schooling and health care.

Numerous problems arise during emergencies, with situations of insecurity and limited or malfunctioning social and administrative services. When communities are forced to flee war zones, identity documents may be lost or destroyed and children may be separated from their families. As a result, children may be especially vulnerable to abduction by armed groups and to economic exploitation. Conflict may also complicate existing obstacles to birth registration. Problems of access, ineffective bureaucracy or previously existing exclusion of particular groups because of ethnic, religious or gender discrimination may be intensified.

Children who have no legal documentation are more vulnerable to conflict-related violence, abuse and exploitation. Unregistered children may also face obstacles in obtaining humanitarian assistance and support for reintegration, or even exclusion. Delays in tracing and reunifying families caused by lack of identification may subsequently expose children to further violence or harm. Girls are especially vulnerable. In all instances, the risks for war-affected children who are without birth registration or other legal documentation are urgent and may be life-threatening. In addition, non-registration can prevent

people from exercising their individual rights and their citizenship throughout their lives.

This study has focused on two broad areas of action to improve birth registration in conflict and post-conflict situations: (1) establishing and re-establishing formal birth registration systems and (2) taking advantage of informal and temporary measures, building on interim steps by national and international actors to increase birth registration. While stopgap measures and other informal and temporary mechanisms can help provide continuity and maintain records during emergencies, the establishment or re-establishment of a formal birth registration system and civil registry is necessary to achieve both universal coverage and maximum protection for children.

Peace processes and agreements establishing transitional authority constitute a unique opportunity to lay the foundation for state policies on birth registration. Strengthening the rule of law and undertaking legal reform during post-conflict transition are also imperative in removing barriers to universal registration and ensuring that the process is simple, accessible, free of charge and non-discriminatory. Decentralization is often part of legal reform and can enhance birth registration by delegating increased authority to local government. But decentralization should complement the central government's role in coordinating and safeguarding data at the national level.

Combining birth registration with the provision of other social services, including immunization and school enrolment, can greatly increase access to registration in rural communities or where access is risky or obstructed. These strategies increase visibility for birth registration, improve cost-effectiveness and promote integrated policies in support of children.

Informal and temporary birth registration measures can offer feasible and flexible solutions to meet challenges that arise during emergencies. Efforts involving local leaders, health care workers, teachers and parents can help maintain birth records, even in the midst of conflict. Mobile registration systems have proved successful in reaching displaced children in zones affected by conflict and outlying communities. Local religious and community organizations and traditional leaders are particularly important in identifying registration problems and promoting solutions that build on cultural practices and enhance local ownership.

While informal mechanisms can be very effective in filling gaps and maintaining registration coverage, they also present potential shortcomings. For example, informal structures do not attempt universal coverage and may exclude particular groups of children. The use and coordination of data may also

be ineffective or pose risks. Informal mechanisms are best used when the formal registration system is non-existent, inefficient or inaccessible. In such cases, informal measures should lead to a formal and official state system of birth registration for all children.

International and regional actors assist States in raising awareness and prioritizing birth registration. The Committee on the Rights of the Child monitors state action aimed at the realization of children's rights and provides advice and recommendations to States on implementing the right to birth registration. Global surveys can help identify key problems and enable collaboration and broad partnerships to implement solutions. Regional initiatives can promote shared experience, multiply resources and raise the profile of birth registration, encouraging cooperation between countries and within the international community.

# RECOMMENDATIONS

Governments, child rights organizations, civil society partners, families and communities all play an important role in registering children at birth. The following recommendations are intended to help build awareness and support and to assist States in fulfilling their obligations to make birth registration available and accessible to all children.

## **For governments affected by armed conflict:**

- Establish or re-establish a formal and official birth registration system that enables permanent and continuous recording of all births. The act of registration and the first copy of the birth certificate – providing evidence of registration – should be free of charge for all children.
- Support temporary, informal measures for birth registration that complement formal birth registration activities when the official system is inaccessible or has ceased to function.
- Reform national legislation to create a legal framework for simple, accessible and non-discriminatory birth registration for all children. Specific reform measures might include: reducing the number of required documents without compromising accuracy and veracity; permitting women to register their children without the presence of the father; accommodating cultural child-naming practices; and facilitating access for rural, indigenous and minority communities.
- Include in peace agreements activities relevant to birth registration – such as establishing a civil registration administration, conducting a population census and household surveys, and issuing or re-issuing identity documentation – to ensure commitment of the transitional or national authority and partners.
- Facilitate birth registration for all displaced and refugee children, enabling repatriation and the acquisition of nationality.
- Promote birth registration within a broader political framework through decentralization, delegating increased authority to local governmental offices in order to build the capacity of local institutions and enable outreach to areas where access is difficult. Engage community-based social and cultural institutions such as churches and traditional leaders in birth registration activities.
- Provide adequate budgets for sustainable and effective birth registration, with equitable regional allocation.
- While engaging and empowering local actors, strengthen the role of the central government to coordinate and supervise efforts and to regularly monitor birth registration activities.
- Raise awareness about the importance of birth registration among public officials, child rights advocates, law enforcement personnel and military, police and border control officers, and provide training for local registrars and community actors.
- Raise awareness of the need for birth registration among families and communities through registration campaigns, engaging local media, government officials, community leaders, health professionals, teachers and educators, families and children.
- Develop and maintain safe and confidential storage of birth records and the civil registrar database to prevent destruction, loss or misuse of personal information, including during armed conflict and civil strife.
- Link birth registration activities to delivery of social services in order to build efficient, comprehensive and cost-effective coverage. Specific points of inter-



vention can include immunization campaigns, maternal and child health monitoring, pregnancy monitoring, food distribution and school enrolment.

- During conflict, negotiate temporary ceasefires to facilitate access to conflict-affected populations for purposes of birth registration, including in the presence of broad programmes of humanitarian assistance.
- Protect and secure the personal safety of registrars and other civil registry staff.

**For the Committee on the Rights of the Child:**

Monitor the situation of birth registration in States directly and indirectly affected by armed conflict, in the context of the mandate to monitor State Party Reports and in thematic discussions on child rights. Provide context-specific recommendations to encourage policy makers to take strong and effective action.

**For regional/governmental and human rights organizations:**

- Prioritize birth registration at the regional level to build political commitment and regional cooperation.
- Collaborate with regional human rights mechanisms to investigate and report the situation of birth registration in countries affected by conflict.
- Link birth registration to significant regional events to promote local involvement and raise awareness.

**For civil society organizations:**

- Advocate for policy and law reform to streamline birth registration procedures and create access for all families and children.
- Engage families in efforts to promote birth registration, even during emergencies, and ensure wide dissemination of information on the location of civil registry offices, procedures for registration and measures to be taken in cases of late registration.
- Provide administrative assistance to families registering their children.

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