Birth Registration in Africa: inching forwards or sliding backwards?

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1   Abstract

The responsibility to protect children from violence, abuse, exploitation and neglect begins at birth.

There has been scant progress in increasing birth registration levels since 2000. Low levels of birth registration do not only affect the individual child – the invisibility of the children concerned also distorts development planning and budgeting.[1]

The fact that so many countries have ratified the Convention (on the Rights of the Child) is a major achievement. Yet it may also partly reflect an underlying weakness: namely, governments can endorse the Convention safe in the knowledge that they will never be held to account for failing to act on its principles.[2]

While the global rate of birth registration grew from approximately 58 to 65 per cent between 2000 and 2010, UNICEF estimates that 230 million children under the age of 5 have not been registered.[3] There is significant regional disparity in birth registration rates and the lowest levels of birth registration are found in sub-Saharan Africa (43%). UNICEF data shows that among the 10 countries globally with the lowest birth registration levels, 8 of them were found in the African continent. It seems therefore that little progress has been made in Africa towards realising the child's right to birth registration as set out under Article 7 of the United Nations Convention on the Rights of the Child (CRC).

The stakes for birth registration are, however, being raised: at a time when the global development agenda is moving beyond the Millennium Development Goals towards a new, wider-reaching set of Sustainable Development Goals, it is proposed by the United Nations General Assembly Open Working Group, to include a specific commitment to 'by 2030 provide legal identity for all, including birth registration.[4]

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[1] UNICEF (2014-a), p. 32.
[2] Ibid. p. 71.
[3] UNICEF (2013-a). pp. 6-11.
[4] United Nations (2014-b). p. 22.

Lack of investment in civil registration reform and development, coupled with competing demands on ID management and voter registration may weaken civil registration systems and prevent governments from delivering on birth registration commitments to children enshrined in key human and children's rights instruments which they themselves have ratified. Across the African continent, birth registration performance in general is at risk of decline or even reversal. In many cases discriminatory laws associated with the conferral of legal identity and/or nationality combine with discriminatory birth registration practices to increase the marginalisation of the poorest and most vulnerable sections of African society.

How to turn things around? How to improve birth registration performance in Africa?

This paper shows how improving birth registration in Africa is associated with raising the status and operational effectiveness of civil registration services and through improving coordination between civil registration and vital statistics (CRVS) systems and the work of government in other areas such as health and social protection. This on its own however is not enough and the United Nations High Commissioner for Human Rights, among others, has called for the specific application of human/child rights standards to civil registration operations as a way of better ensuring that governments fulfill their obligation to provide all children with birth registration, nationality and legal identity.

At the same time as calls for a 'rights based approach' to civil registration, there is worrying evidence of an accountability deficit in the commitment of African States Parties to fulfill their obligations and to report progress under the CRC and especially under the African continent-specific African Charter on the Rights and Welfare of the Child (ACRWC). Insofar as the CRC and ACRWC both carry specific obligations with regard to reporting on birth registration completeness and improving birth registration performance, this paper argues that a strengthened focus on African States Parties accountabilities to children should be part of any strategy to improve birth registration rates.

2.   Introduction

2.1   Birth registration context

Birth registration is the continuous, permanent and universal recording within the civil registry of the occurrence and characteristics of birth, in accordance with national legal requirements. It establishes the existence of a person under law, and lays the foundation for safeguarding civil, political, economic, social and cultural rights. As such, it is a fundamental means of protecting the human rights of the individual. As well as providing the individual with legal proof of identity, birth registration also plays a crucial role in the generation of vital statistics. Birth registration is part of national civil registration systems that also record marriages and deaths. Civil registration provides the demographic data that are needed by governments to track the size, differentials and trends of their populations.

When complete and accurate, civil registration facilitates democratic governance. It enables governments to develop policies and plans for basic service delivery and social and economic development that respond to the needs of different sectors of their populations. Through these mechanisms, civil registration facilitates the access of both children and adults to protection under the law, to services and entitlements and to social and economic opportunities, and can improve their ability to exercise their civil rights.

Birth registration in the context of the specific discourse on children's rights, was enshrined under Article 7 of the United Nations Convention on the Rights of the Child (CRC), 1989, and, in Africa, subsequently under Article 6 (Name and Nationality) of the African Charter on the Rights and Welfare of the Child (ACRWC), adopted by the Assembly of the Heads of State and Government of the African Union at 11th July 1990. Article 8 of the CRC refers to the related right of the child to a legal identity and clarifies the obligations of the State to support and protect the child in situations

where that legal identity may be removed or otherwise unknown (e.g. as a consequence of the displacement of the child due to conflict, natural disaster, criminal action against the child or other individual family circumstance).

The impact of the lack of a birth certificate on the individual is becoming increasingly apparent in the modern world, as identification is required to access a growing range of services, entitlements and opportunities. The impact of globalisation, trade liberalisation, economic shocks, war, natural disasters and climate change has led to an acceleration of cross-border population movements worldwide. The situation of the growing number of persons who have no documented identity or who are stateless is serious.[5]

In recent years governments have accorded higher priority to addressing this situation. Internationally, greater attention to identity and security issues has been reflected through initiatives such as the Euro-African Process of Migration and Development (Rabat process) that seeks to engage governments in Europe and Africa to address illegal migration. In recent years attention has been focussed on the potential benefits to children of synergising the directions and operations of Civil Registration and Vital Statistics systems (CRVS) – civil registration being responsible for birth registration in countries - with the work of other 'front line' government departments for example those of health and social protection. As a result and for the first time, governments in the regions in which registration is the lowest are coming together with development partners to improve civil registration systems.

Progress has been made in Africa in the last couple of years under the leadership of the Economic Commission for Africa (ECA), the African Union (AU) and the African Development Bank (AfDB). The Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics (APAI-CRVS), is unique and similar processes are underway in Asia and the Americas. South-South learning is also taking place. The Inter-American Development Bank (IDB) has been advocating for action to strengthen civil registration in Latin America and is sharing experiences with Africa and Asia in a global learning process. Following the ongoing series of ministerial conferences established under the APAI-CRVS, for African Ministers Responsible for Civil Registration, a similar process is now underway in the Asia- Pacific region with a Ministerial meeting called for November 2014. There is a global call for universal birth registration and for urgent improvements to current birth registration performance, where little progress is seen at a global level. Key United Nations organizations working on children' issues, including UNICEF, WHO, UNHCR, UNDP, UNFPA and the Office of the High Commissioner for Human Rights, together with members of the international non-governmental organisation community (INGO), including Plan International, World Vision, Save the Children, the inter-governmental body the International Organisation for Migration and others, are increasingly vocal on evident failures to realise the child's right to birth registration.

At the same time as regional initiatives on CRVS strengthening have been gaining momentum, there has been a global call for 'comprehensive national identity policies to support decision making tools as well as for the protection of all individuals, enabling them to access their civil, legal, social and political rights, as well as the services for which they are eligible.[6]' At the same time national governments and international agencies are urged to 'acknowledge the urgency of universal birth and death registration as a foundation for secure identity and identification systems that will strengthen vital statistics systems and underpin public sector policies and programs.[7]' Most recently, a United Nations proposed target to ensure birth registration for all, along with legal identity, by 2030 has been included as an indicator towards achieving the broader Sustainable Development Goal 16 to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels.[8]'

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[5] UNICEF (2013-a). pp. 7-8.
[6] Seoul Statement. Article 2 (2014)
[7] Seoul Statement. Article 3 (2014)
[8] United Nations (2014-b). p. 22.

It is now increasingly understood that effective performance in birth registration within wider civil registration systems is also an essential element and indicator of good governance. The High-Level Panel for the Post-2015 Development Agenda has earmarked universal birth registration as a target for "governance" — an unprecedented inclusion within the global development agenda.[9]

Recent developments in technology and social policy can help accelerate improvements in birth registration. However, serious institutional and technological challenges exist. Agencies responsible for as yet weak civil registration systems experience under-investment and are increasingly under-pressure as governments, underwritten by donors, push programmes for biometric national Identity cards and/or voter registration. Competing government priorities in this area may divert efforts away from core civil registration systems and threaten the modest improvements in birth registration finally achieved during the 2000s after decades of stagnation.

2.2   Birth registration performance

Progress in terms of improvements in birth registration rates is slow however, and of increasing concern, as evidenced in a recent report to the United Nations General Assembly by the Office of the UN High Commissioner for Human Rights, and in a separate General Comment issued by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).[10][11] Data demonstrates stagnation and, in some cases, even decline in birth registration rates, particularly in Africa where some of the lowest birth registration rates are found. This situation has been of growing concern to the UN Committee on the Rights of the Child, as evidenced in repeated comments made in the Concluding Observations to African State Party Reports under the CRC. Section Four of this paper further examines State Party reports under the CRC.

While the global rate of birth registration grew from approximately 58 to 65 per cent between 2000 and 2010, UNICEF estimates that 230 million children under the age of 5 have not been registered.[12] There is significant regional disparity in birth registration rates and the lowest levels of birth registration are found in sub-Saharan Africa (43%). UNICEF data shows that among the 10 countries globally with the lowest birth registration levels, 8 of them were found in the African continent.

Figure1 Birth Registration Completeness: Comparative view year 2000 and present day

Birth registration across the world, 2000 to date: "Scant progress"
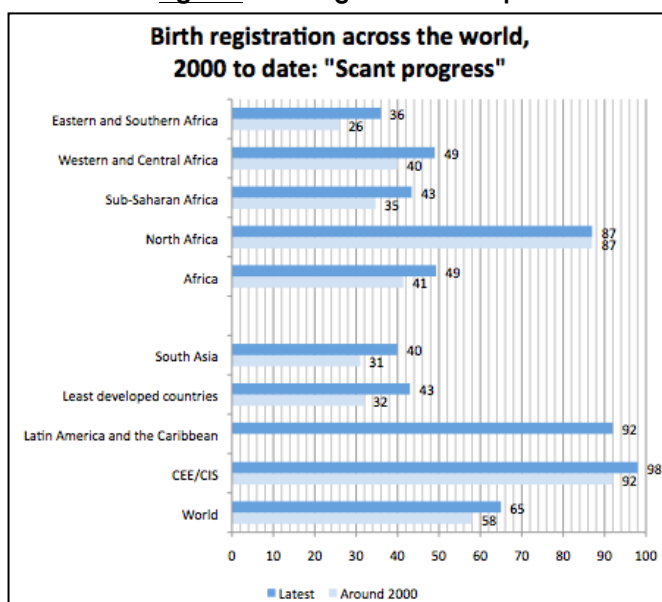
	Around 2000	Latest
World	58	65
CEE/CIS	92	98
Latin America and the Caribbean		92
Least developed countries	32	43
South Asia	31	40
Africa	41	49
North Africa	87	87
Sub-Saharan Africa	35	43
Western and Central Africa	40	49
Eastern and Southern Africa	26	36

In Africa a large number of people do not therefore exist in government records and many remain invisible throughout their lifetime.

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[9] Ibid pp. 19 – 21.
[10] United Nations (2014-a).
[11] African Committee of Experts (2014).
[12] UNICEF (2013-a). pp. 6-11.

This is primarily due to inadequate systems of registration of births and deaths. Gains in birth registration performance – and related improvements to the civil registration systems responsible for birth registration – remain fragile and are increasingly at risk.

In terms of how birth registration performance can and should be improved, and regarding what improvements to the wider CRVS system might comprise, the call of the international human rights and development community – including the United Nations Human Rights Commission, the African Committee of Experts on the Rights and Welfare of the Child, UNICEF, Plan International and others - is for a 'Rights-based' or 'Rights-aligned' CRVS system[13]. This paper intends to clarify in part what a rights-based approach to birth registration within broader CRVS systems might look like in practice.

3   Birth Registration, Children's Rights and the Post-2015 Development Agenda

3.1 Birth Registration and Children's Rights

The right of the child to birth registration, a name and nationality is supported by at least fourteen principal human rights instruments. (see Annex 1 to this paper for specific references).

The right to birth registration and the right of everyone to recognition everywhere as a person before the law is a universal human right, first acknowledged in article 6 of the Universal Declaration of Human Rights and specifically recognized in article 24, paragraph 2 of the International Covenant on Civil and Political Rights, which states that every child shall be registered immediately after birth.

In its general comment No. 17 on the rights of the child,[14] the Human Rights Committee stated that article 24, paragraph 2 should be interpreted as being closely linked to the right to special measures of protection, and that the main purpose of the obligation to register children after birth is to reduce the danger of abduction, sale of or traffic in children, or of other types of treatment that are incompatible with the enjoyment of the rights provided for in the Covenant.

Birth registration in the context of the specific discourse on children's rights – is enshrined under Article 7 of the United Nations Convention on the Rights of the Child (CRC), 1989.

Article 7 CRC

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 of the CRC refers to the related right of the child to a legal identity and clarifies the obligations of the State to support and protect the child in situations where that legal identity may be removed or otherwise unknown (e.g. as a consequence of the displacement of the child due to conflict, natural disaster, criminal action against the child or other individual family circumstance).

Further commitment to birth registration as a children's right was subsequently made under Article 6 (Name and Nationality) of the African Charter on the Rights and Welfare of the Child (ACRWC), adopted by the Assembly of the Heads of State and Government of the African Union at 11th July 1990. The ACRWC currently stands as the only region-specific child rights instrument.

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[13] Plan International with the Human Dignity Foundation and Coram Children's Legal Centre (2014).
[14] United Nations General Assembly. New York (1989).

3.2 Birth registration and State Parties obligations

States Parties carry specific obligations to progress, and to report on, implementation of the CRC, and in Africa also with regard to the ACRWC. Governments of countries that have ratified the Convention are required to report to, and appear before, the Committee on the Rights of the Child periodically to be examined on their progress with regard to the advancement of the implementation of the Convention and the status of child rights in their country. Under the African Charter (ACRWC) States Parties are also additionally required to make periodic reports to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on progress in implementing the specific provisions of the ACRWC.

Both Committees issue subsequent Concluding Observations and may raise issues with individual States Parties. The Committees may also issue General Comments in the wider interests of children regarding the promotion and defense of their Rights. They report back to the General Assembly of the United Nations (regarding CRC) and to the African Union Assembly (regarding ACRWC) on progress made, issues arising and issues of concern.

An issue of accountability?

Both the Office of the UN High Commissioner for Human Rights, as well as the African Committee of Experts on the Rights and Welfare of the Child have raised high level concerns regarding lack of progress in the area of birth registration. Across Africa the 'greatest obstacle' to progress is cited to be 'the lack of functional and universal civil registration systems.'[15] [16]

3.3 Birth registration as a 'foundation right' and the impacts of non-registration on children

In addition to being regarded as a fundamental right in and of itself, birth registration is also seen as a 'foundation' right, meaning that birth registration can both directly and indirectly impact children's enjoyment of their rights with regard to protection, nationality, access to social and health services, and education. Inequality in birth registration rates may compound inequalities in access to basic services,[17] besides heightening discrimination and vulnerability. An effective civil registration system is therefore an important and necessary step in ensuring the protection of children.

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[15] United Nations (2014-a).
[16] African Committee of Experts (2014).
[17] UNICEF (2013-a). p 20.

In the sphere of education the Committee on the Rights of the Child has, on numerous occasions, expressed concern at cases of children without a birth certificate being refused schooling, in violation of their right to education under article 28 of the Convention on the Rights of the Child. In health, in its general comment No. 3, according to the Committee on the Rights of the Child, birth registration is necessary to minimize the impact of HIV/AIDS on the lives and human rights of affected children, and in particular to protect children from abuse and exploitation, especially where they have been separated from their family as a result of the disease.[18]

More widely, failure to register the birth of the child and/or issue of a birth certificate can have additional negative impacts, including as the child grows up and approaches adulthood. These negative impacts include:

(i)   Risks associated with the most hazardous forms of child labour where the age of the individual is not known;
(ii)   The risk that children in conflict with the law may be prosecuted as adults and not be afforded specific protection against violence in the criminal justice and/or penal system (where encoded in law[19]);
(iii)   The risk of early and/or forced marriage.

Non-registration and lack of a birth certificate can have a particular negative impact on marginalised or vulnerable children, including on children living in especially difficult circumstances. For example, birth registration is fundamental to the prevention of statelessness. Not all children without birth registration are stateless; but for those born in certain situations (for example, to parents from different countries, in a migratory setting, to refugee or asylum seeker parents or in border areas), lack of birth registration can result in statelessness.[20] Migrant children without birth registration or a birth certificate are vulnerable to smuggling and trafficking, especially if they are travelling in any way illegally. Similarly children whose births are not registered are particularly vulnerable to exploitation in the area of illegal adoption and the sale of children[21].

Birth registration is of great importance in the reunification and reintegration process for children (and adults) in post-conflict situations. Proof of age may also deter or prevent under-age marriage, child labour and under-age conscription into the Armed Services and provide a legal basis for children to seek redress – as children – should such an abuse of their Rights occur.

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[18] United Nations Committee on the Rights of the Child. General Comment 3 (2003). para.32.
[19] United Nations Committee on the Rights of the Child. General Comment 10 (2007). para 39.
[20] United Nations High Commissioner for Refugees and Plan International (2012). p 5.
[21] A frequent Concluding Observation of the Committee on the Rights of the Child to States Parties reports.

Finally the importance of birth registration is clear during and in the aftermath of emergency situations. In such situations, the separation of children from their parents and communities is common, and non-registration can be a significant barrier to family tracing and reunification. Clearly any barriers to family reunification add to the trauma caused by the emergency event itself.

A more detailed overview of the ways in which non-registration can directly or indirectly prevent children realising their rights is set out at *Annex 2* to this paper.

3.4 Benefits of birth registration to children's rights

Whilst the ethical and normative dimensions of birth registration as a human/children's right are clearly established and continue to serve as primary drivers in the discourse on birth registration, research evidence correlating birth registration practice with the actual conferring (or not) of child rights benefits to individual children is relatively recent and an important and emerging field of research. More work in this area is required in order to further build an evidence base and to better understand the causality of the complex processes involved in the relationship between birth registration, wider service delivery by government, and the realisation of children's rights[22].

There is some evidence that social protection programs benefit from investments in a civil registration. Social transfer programs require beneficiary identity data, and the programs are also an incentive to register.[23] South Africa spends more than 2% of its GDP on social assistance and social protection[24] to provide more than 10 million children with a Child Support Grant, but this grant only goes to children who have a birth certificate. With only 11% of children under three without a birth certificate, South Africa still struggles to reach some "children in rural areas; children whose caregivers do not have identity documents; children living in the care of grandparents and other extended family members; orphaned and abandoned children; and children born in South Africa to foreign national parents."[25]

Registration of a birth also provides proof of age, which can protect against child marriage. The Committee on the Elimination of Discrimination against Women and other treaty bodies require States to register births and marriages as a means to facilitate monitoring of the age of marriage and to support the effective implementation and enforcement of laws on the minimum age of marriage. This is based on the assumption that early marriage can be prevented through verification of age through a birth certificate.

Equity is further challenged by exploitative phenomena like child labour that deprive children the right to education. The International Labour Organization estimates that more than 168 million children are in child labour, of which 85 million are in hazardous work or work that is likely to harm their health, safety or morals, and which should be prohibited for anyone under the age of 18.[26]

In Bangladesh, the government introduced a number of initiatives that improved access to registration that included integration of registration with the Extended Programme of Immunization, involving local government institutions to extend the facilities for registration close to the communities, strengthening routine birth registration systems and introduction of a computerized birth registration system. These efforts in strengthening the "supply side" resulted in an unprecedented increase in birth registration rates in Bangladesh. The country with a population of 61.3 million under the age of 18 showed an increase in the proportion of children under 5 who were registered from 12 % in 2006 to 31 % in 2011.[27] Low rates of birth registration have also been shown to

[22] Pioneering research work in this area can be found in reports available from the website of the Civil Registration Centre for Development, at https://www.crc4d.com/.
[23] UNICEF (2013-a). p. 66.
[24] Barrientos, Armando (2013). pp. 33-34.
[25] Proudlock, Paula and Patricia Martin (2014), pp. 13-14.
[26]International Labour Organisation (2014).
[27]UNICEF (2013-b). p. 31.

specifically reduce the probability of being vaccinated in Costa Rica, leading to negative health implications for children, and increased health system costs to the government.[28]

A recent study[29] focusing on Vietnam, India, Sierra Leone and Kenya, has attempted to identify the extent to which birth registration practice directly or indirectly benefits individual children. The study looked at the relationship between birth registration operations and the implementation of the child's right to protection, to the provision of basic services (heath and education) and to promoting economic security for youth. Despite challenges of analysis, birth registration operations were seen to have both a potential – and in some cases actual – positive enabling impact in the areas of legal identity, access to services and child protection[30].

What is clear from the study is that whilst the correlation between birth registration operations and conferring children's rights is highly context specific, where positive correlations are seen these are underpinned by norms of good governance and rights-based programming.

A conclusion of the paper is that birth registration operations currently have the greatest positive effect in support of children's rights, where birth registration is not considered and carried out in isolation but rather where approaches to birth registration are deliberately conceived and delivered within a wider framework of laws and governance. In calling for a an integrated and holistic approach to child rights programming when planning the delivery of birth registration services, the study proposes that a clear advocacy objective should therefore be for greater investment in effective, comprehensive and rights-based CRVS systems.[31]

3.5 Birth registration and the post-2015 development agenda

'The progress for children's rights must be maintained as negotiations around the new development agenda continue and intensify, and strengthened where gaps remain. There must be a clear and explicit focus on leaving no one behind. Reaching first the poorest and most disadvantaged children must be reflected in all targets, as well as indicators and national implementation frameworks as they are developed.'[32]

In the past ten years birth registration has come to be seen as a cross-sectoral issue, meaning that whilst birth registration as an operational activity is typically managed within civil registration systems located within government public administration structures, *the way civil registration systems are conceptualized and managed and the way birth registration is operated* can have an enabling or disabling effect on the fulfilment of children's rights and with regard to realising State obligations regarding those rights.

Birth registration is necessary for achievement of international development goals such as the MDGs. The first MDG is concerned with the eradication of extreme poverty and hunger. One econometric study on under-registration of births in Bolivia, Brazil, Colombia, Peru and Nicaragua concluded that action to reduce under-registration is central to poverty reduction as "*children and adults without legal identity are often denied access to health, education, housing, nutrition and many other benefits guaranteed by public poverty reduction policies.*"[33] Birth registration is also necessary as one component of an effective civil registration system that is required to provide the vital statistics

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[28] Corbacho, Ana; Steve Brito and René Osorio (2013). p. 3.

[29] Plan International with the Human Dignity Foundation and Coram Children's Legal Centre (2014).

[30] Due to constraints in obtaining certain quantitative data, as well as methodological issues associated with establishing causality based on qualitative data, findings are indicative rather than conclusive and further research has been encouraged by the authors of the study.

[31] Plan International with the Human Dignity Foundation and Coram Children's Legal Centre (2014). pp. 22-23.

[32] UNICEF (2014-b) p. 2.

[33] UNICEF (2013-a) p.19.

that are necessary to accurately measure progress towards the achievement of international development goals.

In its recent General Comment on Article 6 of the African Charter,[34] the African Committee of Experts on the Rights and Welfare of the Child highlighted a general lack of progress in realising the child's right to birth registration, name and nationality, and stressed the importance of States Parties *'adopting a human/children's rights approach to birth registration.'* The Committee sees the adoption of such standards as being in contrast to a status quo across the continent where birth registration is regarded as *'a mere bureaucratic and administrative formality[35].'* In a further call to align civil registration with human rights standards, the report to the UN General Assembly on birth registration made by the Office of the UN High Commissioner for Human Rights considered the impacts to children of continuing high levels of non-registration of births and strongly urges that States Parties ensure CRVS systems are developed not only in a way that is continuous, permanent, compulsory and universal but also in line with human rights standards:

> *'While noting that efforts have been made by States at different levels to ensure birth registration, there is still a long way to go before this right is accessible to all. In developing a permanent and sustainable civil registration and vital statistics system, in accordance with human rights standards, it is fundamental that States … carry out a comprehensive assessment of their existing civil registration and vital statistics system, including by monitoring and measuring its functionality and alignment with human rights standards and principles.'[36]*

The UN Panel on the post 2015 development agenda has also indicated links between birth registration, the effective operation of civil registration systems and good governance. In particular Goal 10 and Target 10 (a) under that Goal explicitly recognises civil registration as an essential pre-requisite for good governance. It should also be noted that in the global thematic consultation on governance and the post-2015 development framework that informed the work of the UN Panel, responsible and effective governance is seen to be not only multi-dimensional and a critical means to achieve development goals, but also important as an end in itself wherein citizens can interact and exercise their rights. Most recently, a United Nations proposed target to ensure birth registration for all, along with legal identity, by 2030 has been included as an indicator towards achieving the broader Sustainable Development Goal 16 to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels.[37]' In terms of how best governments can move towards achieving this target for national identity and birth registration, the First International Identity Management Conference in Seoul, South Korea in September 2014 called for an integrated approach to civil registration and vital statistics aligned with the development of adult identification systems (including national IDs and voter registration). Specifically, the Seoul Statement issued subsequent to the Conference recognises "the centrality to Evidence of Identity of breeder documents such as birth certificates," and "acknowledge[s] the urgency of universal birth and death registration as a foundation for secure identity and identification systems that will strengthen vital statistics systems and underpin public sector policies and programs.'[38]

In terms of how to apply good governance in strategy formation and operational practice within CRVS systems, it should be noted that there is no universally agreed single definition of 'good governance' from which to proceed. This is not however an obstacle to moving forwards: there is a broad consensus between UN member states and between major international development institutions and agencies regarding the *characteristics*, *mechanisms* and *outcomes* of a good governance approach. Increasingly good governance is associated with democracy and civil rights, with participation and transparency, with the rule of law, and with equitable, responsive,

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[34] Op. Cit.
[35] African Committee of experts (2014). Para. 44.
[36] United Nations High Commissioner for Human Rights, (2014).
[37] United Nations (2014-b). p. 22.
[38] Seoul Statement (2014).

efficient and accountable public services. A consensus-based table listing nine key characteristics of good governance has been developed by the United Nations Development Programme (UNDP) pulling together the main elements of good governance common to current discourse (*Annex 3* of this paper refers). The report of the UN High Commissioner for Human Rights also links performance on birth registration – in line with human rights standards – as evidence of good (or less good) governance. Specifically, the Commissioner makes a correlation between good governance and improved effectiveness in managing birth registration. For example, ensuring timely, accountable and complete registration of births within minority groups allows for the capturing of birth demographics data which in turn is a pre-requisite for social inclusion and the delivery of appropriate government services. In addition birth registration plays a key role in fostering democratic processes as it is a vital link in establishing nationality and in a context where electoral roles are often compiled from the civil register.

Interoperability is also seen as key to improving birth registration performance and bringing civil registration operations closer to the requirements of the human/child rights community. Inter-operability, originally a term from information technology, can be understood in this present context as being the '*task of building coherent services for users (children and families) when the individual components are technically different and managed by different organisations.*'[39] With regard to birth registration inter-operability would require the taking of strategic and operational measures to align the mandate of the civil registration system with that of other government services in close and regular contact with children and families. In effect it requires two or more organisations to work together as though they were one organisation. For example evidence shows that close working relationships and coordinated activities between birth registration officers and officers of health and social protection departments can result in improved efficiency and effectiveness in both birth registration and in providing essential services to populations, often the most marginalised populations.[40] The point for good governance here is that whilst improvements on birth registration performance and improvements to civil registration systems are not *sufficient* in and of themselves to demonstrate the working of good governance, they are *necessary* for good governance to take place.

3.6 The need for a common standpoint on standards

At the same time that birth registration has emerged as a cross-sector issue, attention has begun to focus on standards i.e. against what standards and principles should birth registration performance and the effectiveness of civil registration systems be judged? What is emerging is the need for convergence between the technical principles and operational standards governing CRVS mandated under the UN Department of Economic and Social Affairs, Statistics Division and the qualitatively different set of standards insisted upon by the human/child rights community.

The current guiding principles for the work of civil registration and vital statistics insist on ensuring *accuracy, reliability and regularity of function*[41]. The primary focus for standards is one of regulatory compliance and the efficient and effectiveness of the bureaucracy. For example, standards refer to a service that is *compulsory* (with provision for prosecution of citizens under the law); *universal* (must apply to the entire population of the country); *continuous*; *permanent* and *confidential*. '*Full coverage of the population*' is seen as a goal, rather than as a standard.[42] Additional standards are also set regarding organisational structure, technical accuracy in CRVS functions and on issues of legal compliance. However there is no exposition as to standards associated with the nature of the service provided from the client/customers perspective. Similarly, although UNSD Guidelines refer in passing to birth registration as '*a major and critical element of establishing the rights and privileges*

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[39] Arms, William (2002). Preface.
[40] United Nations High Commissioner for Human Rights (2014).
[41] United Nations Statistical Division (2014). Preface.
[42] Ibid, pp. 68-69.

of individuals[43]' there is no subsequent discussion or elabouration regarding what that means and therefore what are the implications for the management and operation of CRVS systems.

One clear signpost for what kinds of new or enhanced standards and strategies should be applied to civil registration systems can be found in the recommendations of the Open Working Group on Sustainable Development Goals (OWG), established in 2012 following the UN Conference on Sustainable Development. In its consideration of the underlying principles or enabling factors needed to ensure the delivery of sustainable development goals for children, the OWG identifies the series of 'critical issues[44]' associated with meeting the targets set for children. These issues can be interpreted in the context of civil registration and improving birth registration performance as follows:

- Equity: specific measures are needed for prioritising actions and addressing the inequities experienced by the poorest and most marginalised children. Many poor families live remote from civil registration facilities and when they do attend those facilities experience discrimination from registration officers.
- Measurement and accountability: effective data gathering should be ensured and data disaggregated to ensure appropriate targets are set – and met – for disadvantaged groups. Failure to properly quantify and establish other demographics associated with minority communities can reinforce their isolation and prevent governments from delivering targeting services to them.
- Meaningful participation of children and young people, boys and girls: improvements to civil registration should be inclusive and people-centred. This has implications for the nature of the relationship between civil registration staff, families and children. The voices of children and young people are important to the monitoring and accountability of civil registration.
- Resourcing: the resourcing of sustainable improvements to the efficiency and effectiveness of civil registration must be underpinned in order to ensure the credibility and accountability of the institution. Targets for improved funding of civil registration should be set and achievement of those targets monitored and reported.

3.7 Standards and Rights

In recent years, UNICEF and the INGO Plan International have indicated the particular importance of developing a rights-based approach to civil registration as a means of ensuring both the right of children to birth registration is realised as well as maximising (through inter-operability) positive links between civil registration and other government services (e.g. health and social protection). UNICEF sees improvements to civil registration systems as furthering equity through ensuring a legal identity for all children and by reaching the most vulnerable children and communities in society. Plan's recent study on links between birth registration and actual (evidenced) realisation of children's rights has called for civil registration systems to be more 'holistic' and better 'integrated' with regard to wider child rights programming and the promotion of children's rights[45].

Initial steps in clarifying what a 'rights-based approach to CRVS' implies have recently been made by the ACERWC and most recently by the Office of the UN High Commissioner for Human Rights:

The ACERWC (General Comment on Article 6, op. cit.) urges that State Parties take a '*human/child rights approach*' to the design and operation of civil registration systems. This same point is also taken up by the UN Human Rights Commissioner (op. cit., report to UN General Assembly, 17th June 2014). Both the AECRWC and UN HRC list the core child rights standards to be applied to civil registration systems, particularly with regard to the operation of birth registration. These standards are:

- Non-discrimination (Art. 3 & 26)
- In the best interests of the child (Art. 4)

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[43] Ibid, Preface.
[44] UNICEF (2014), pp. 5-6.
[45] Plan International with the Human Dignity Foundation and Coram Children's Legal Centre (2014). p.22.

- Respecting the right of the child to life, survival and development (Art. 5)
- Respecting the views of the child (Art. 7)
- Providing information to the child and promoting child participation (Art. 4,7,12)

(Parentheses refer to Articles of the CRC)

On the standard of '*universality*' – already required under the technical mandate of UN Statistics Division - the ACERWC expands the definition further in the direction of realising children's rights, to mean that all children anywhere and anytime without discrimination where a birth occurs on a States territory (including children born to foreigners, asylum seekers, refugees and undocumented migrants) qualify equally for birth registration in the same way as those born as citizens.[46]

In a further elabouration on the implications of applying human rights standards to current civil registration technical standards, the UN High Commissioner for Human Rights points out that for civil registration operations to conform to human rights standards civil registration operations must be:

- Without discrimination of any kind, including on the basis of the child's, or the child's parents', immigration status, social origin, sex, ethnicity, language, disability or birth out of wedlock;
- Completely free of charge
- 'Integrated, inclusive and protective' (e.g. towards marginalized and vulnerable children, and unregistered older children and adults)
- Simple and flexible in operation so that individuals are not denied registration

4 Situation Analysis

> '*Although there was an overall improvement towards child friendliness, a large number of countries performed less well in 2013 than they did in 2008. Countries that showed a sharp fall in ranking included Namibia, Niger, Kenya, Mauritania, Democratic Republic of Congo, Cameroon and Zimbabwe. Some countries, such as Chad, Eritrea, São Tomé and Príncipe, Comoros and Central African Republic, have been unable to improve their performances, remaining in the 'least' child-friendly category in both the 2008 and 2013 rankings.*
>
> *The main reasons for the lower rankings of these countries in 2013 in relation to 2008 were reductions in government spending on sectors that benefit children, and relatively low performances with regard to efficient and effective translation of resources into better child well-being outcomes. Today we have two faces of Africa: the rising and promising Africa, becoming more child-friendly over the years; and the other Africa, where many governments remain unaccountable to their people and to their international obligations.*'[47]

4.1 Introduction

This section provides an overview of the current situation with regard to the realisation of the child's right to birth registration in Africa. The overview is given according to the following dimensions:

1. Quantitative data on birth registration performance
2. A qualitative overview on child rights reporting and related issues of governance

4.2 Registration-by-numbers

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[46] African Committee of Experts (2014). p. 23.
[47] African Child Policy Forum (2013). Executive Summary.

Prior to the year 2000, there had been little improvement in birth registration performance across developing countries. By 2010 although some 65% of the world's children under five years of age were registered some 230 million children were not registered, with significant disparity of performance between regions and between countries within regions. In the case of the African continent, whilst the number of registered children under five years of age has increased from 57 million in the year 2000, to 80 million registered to date, this must be considered against a net increase in the total numbers of unregistered children under five in Africa from 81 million to 83 million during the same time period.
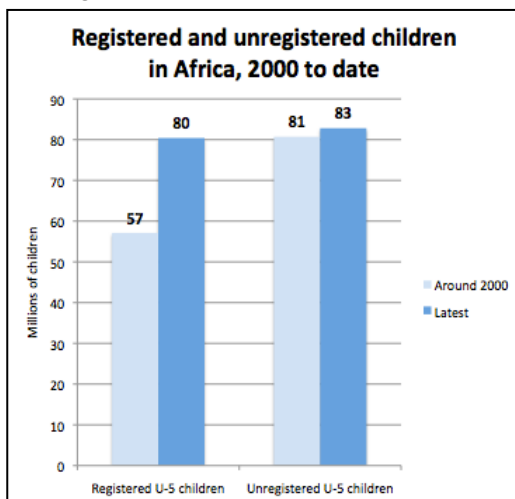

Figure 2
Registered and unregistered children in Africa, 2000 to date[48]

	Around 2000	Latest
Registered U-5 children	57	80
Unregistered U-5 children	81	83
Total children under five	138	163

While the number of registered under-five children has increased from 57m in 2000 to 80m to date, the number of unregistered children in Africa still increased from 81m in 2000 to 83m to date.

During the 2000s birth registration in Africa improved overall from 41% coverage to 49%. This very modest improvement over a ten year period should also be understood in the context that 72% of the gains made are attributable to just three of 54 African States: Nigeria, South Africa and Uganda. When viewed as a whole, more than one in two African countries show stagnating or actual decline in birth registration performance in part or for the whole of the 2000s. At the global level then, of the ten countries with the lowest birth registration rates, eight of them are found in Africa.

Figure 3 Country contributions to birth registration rate improvement in Africa, 2000 to date[49]
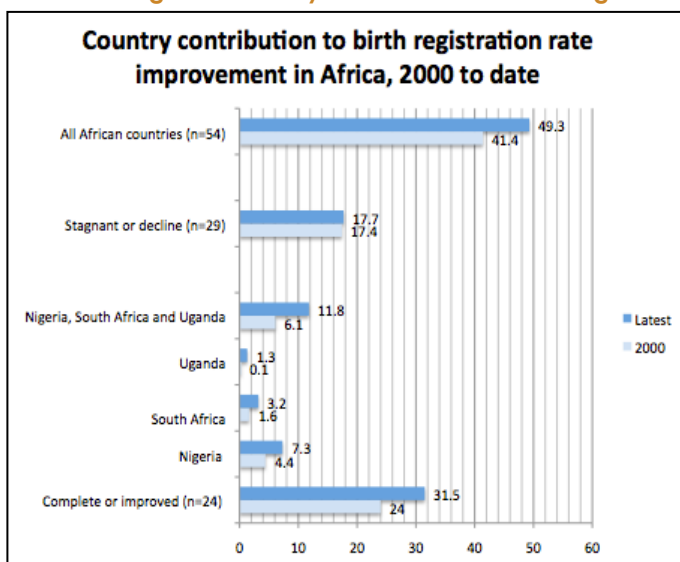
	2000	Latest	
Complete or improved (n=24)	24.0	31.5	
Nigeria	4.4	7.3	
South Africa	1.6	3.2	
Uganda	0.1	1.3	
Nigeria, South Africa and Uganda	6.1	11.8	72%
Stagnant or decline (n=29) ξ)	17.4	17.7	
All African countries (n=54) φ)	41.4	49.3	

ξ) Decline during all part of the period 200o to date
φ) One country no data

1. Nigeria, South Africa and Uganda account for 72% of the improvement of the African birth registration rate (=5.7%)
2) 50 other African countries account for just 28% of the 7.9% (=2.2%) point improvement of the registration rate
3) At present 5 countries still have birth registration rates below 10%: Eritrea, Ethiopia, Liberia, Malawi and Somalia
4) 12 African countries saw their birth registration rate decline since 2000

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[48] Quantitative data in this Section draws on published work by UNICEF, the UN Statistics Division, Multiple-Indicator Cluster Surveys, Demographic Health Surveys and further analysis of UN Statistics Division birth registration data conducted by the Civil Registration Centre for Development (CRC4D).
[49] Ibid.

4.3 Birth registration and governance

> *'The right to birth registration is one of the rights that consistently appears not to be fully implemented by States parties. In its observations and recommendations to the States that have so far submitted at least one report, the Committee has been concerned about the low rate of birth registration.'[50]*
>
> *'As you are aware (there is a) significant backlog, chronic under-resourcing and insufficient compliance by States parties with their reporting obligations.'[51]*

Under the CRC Reporting requirement specific provision is made for reporting against Articles 7 and 8 within Section 15 of the Reporting Format (Section 15 'Civil Rights and Freedom'). Under this Section States Parties are requested to provide *'relevant information, including the relevant principal legislative, judicial, administrative or other measures in force; factors and difficulties encountered and progress achieved in implementing the provisions of the Convention; and implementation priorities and specific goals for the future.'*

With regard to Reporting against the ACRWC, Section V of the Reporting format – titled 'Civil Rights and Freedoms' - also sets a specific requirement for reporting on 'Name, nationality, identity and registration at birth' (Article 6 of the Charter). In engaging with States Parties the AECRWC has a right to follow up on issues – e.g. pertaining to Articles 7 and 8 of the CRC – previously raised in the Reporting process to the CRC Committee. Under Article 43 of the ACRWC it is prescribed that AU Member States must submit their Initial State Party Reports within two years of ratification of the ACRWC and Periodic Reports on the implementation of the ACRWC every three years thereafter. States Parties obligations notwithstanding, in its General Comment (no. 2) regarding Article 6 of the ACRWC, adopted at its 23rd Ordinary Session 7—16 April, 2014, the AECRWC referred to the 'alarming situation' across Africa with regard to realization of the child's rights to birth registration, name and nationality. State Parties are urged by the Committee to make greater efforts to fulfill their obligations in this regard under the Charter.

In terms of the Concluding Observations made to African States Parties by the CRC Committee a number of recurring findings emerge. These findings are summarised below and indicate a range of common issues across Africa combining to impede or undermine progress in the improvement of birth registration coverage:

- Discrimination/Lack of Equity: access to welfare assistance and schooling, including the right to sit school exams, is frequently prohibited without possession of a birth certificate; legislation and/or operational practice denies or inhibits birth registration to refugees, migrant workers, children of unwed mothers, non-school attending children, asylum seekers, and most marginalized children (including street children, abandoned children and children from particular ethnic groups).

- Completeness/Coverage: in addition to the above the Committee repeatedly comments on an urban/rural divide in birth registration provision and lack of coverage to the poorest children and families, thereby increasing their marginalisation.

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[50] African Committee of Experts (2014).
[51] United Nations Committee on the Rights of the Child (2014). .

Birth Registration Performance in Africa: States Parties Reporting[52]

<u>African State Reporting against CRC**[53]**</u>
>Number of States submitted most recent State Party Report in past 5 years: 23
>Number of States submitted most recent State Party Report in past 6-10 years: 20
>Number of States submitted most recent State Party Report more than 10 years ago: 9
> Average delay in Years vs. Report deadline for all countries submitting: 4 – 5 years[54]
> Average time between report submission and CRC Committee Concluding Observations: 2-3 years[55]

<u>African State Reporting against ACRWC[56]</u>
>7 African States have not ratified the ACRWC: Central African Republic, Democratic Republic of Congo, Sahrawi Arab Democratic Republic, Somalia, Sao Tome and Principe, South Sudan and Tunisia
> Number of States who have ratified Charter: 47
> Number of States who have ratified Charter but not submitted any Reports: 23
> Number of States who have ratified Charter, submitted Initial Report but not Periodic Reports: 22
> Number of States who have ratified Charter, submitted Initial and Periodic Reports: 2 (only - Burkina
   Faso and Kenya)

<u>On general reporting</u>
Performance data on birth registration is not always routinely gathered and not reported to the UN statistics division e.g. only 16 of 54 African countries report basic vital statistics to UN, some with a time lag of up to 10 years.[57]

- <u>Cost as deterrent of registration</u>: registration and/or birth certificates are often not free; the inaccessibility of registration locations carries opportunity costs for families travelling to register children; rent-seeking i.e. unofficial charges levied by corrupt officials may also discourage registration; widespread systems of penalties for late registration can deter the registration of older children, including at least one provision in law for imprisonment for late registration (Rwanda).

- <u>Governance and management factors</u>: The Committee is especially concerned that previous recommendations on birth registration have either not been acted on at all or not acted on sufficiently; the lack of harmonization between different laws affecting registration can reinforce discriminatory practice, for example against asylum seekers, migrants, unwed mothers etc; the Committee is concerned at declining States Party performance against an already low base and partly links this to what the Committee sees as a chronic under-investment in civil registration and in wider CRVS structures, systems and training and investment in the broader awareness raising of government officials and the public with regard to birth registration; finally the

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[52] Data and trends in this section gathered during week of 8th September 2014, from (i) United Nations Committee on the Rights of the Child individual State Party Reports, Concluding Observations at www.ohchr.org ; also Reports and other data at website of the African Committee of Experts on the Rights and Welfare of the Child www.acerwc.org .
[53] Somalia is the only African country which has not ratified the CRC. The data shows though that ratification is no guarantee of satisfactory compliance with the Reporting protocol.
[54] The average masks the fact that several African countries submitted their first report ten years late and have subsequently given no updates.
[55] It is not clear from the reporting process what the reasons for the lengthy turnaround time are i.e. the extent to which responsibility rests with States Parties and/or with the CRC Committee.
[56] A full table showing compliance by country with ACRWC reporting requirements is shown at *Annex 4* to this paper.
[57] United Nations Economic and Social Council Statistics Division (2013).

Committee expresses concern at a lack of decentralization in the operational and management structures of civil registration[58].

- Registration in emergencies: the issue of children negatively affected by conflict, natural disasters and socio-economic upheaval is a critically important issue for Africa. Floods, typhoons, and other natural disasters occur with increasing frequency on account of global climate change. These events, in addition to health crises like the current Ebola virus disease crisis in Liberia, Sierra Leone, and Guinea place enormous strain on national governments and the international agencies that come to their assistance. Routine functions are disrupted and all the resources and attention are focused on emergency relief and rehabilitation efforts. One of the impacts of emergencies like Tsunamis or the sudden onset of conflict can be loss of important family and personal documentation. People loose vital possessions like their identity and land documents and face severe difficulties as a consequence. Often children become separated from their families and efforts for reuniting them with their parents are complicated in the absence of any proof of identity. The Committee comments on State Parties lack of progress on recommendations previously made regarding birth registration and serious impacts on children under extreme circumstances (e.g. abducted children and child soldiers in Uganda). The Committee comments that this is a priority issue for children given the increasing numbers of children negatively impacted across Africa by conflict and natural disasters.

- Good practice: progress and improvements cited by the Committee include the establishment of national committees and national plans of action to progress birth registration; the harmonization of laws governing CRVS and the child in general in favour of improving birth registration performance; the removal of costs to families of registration and revision of discriminatory content in some birth registration procedures; the use of technological and other innovations to improve coverage; examples of good practice include:

  ➢ In Mali, a citizen's guide to birth registration has been issued in five languages (French, Bamanankan, Fulfulde, Sonrai and Tamasheq). In order to ensure that those who were illiterate could benefit from the guide, more than 1,000 audio copies and 600 video copies have also been distributed.[59]

  ➢ In 2013, a new birth registration system was tested in the Mbeya region of the United Republic of Tanzania using the transmission of data to a centralized system via text messaging (SMS). The system is not dependent on any handset or operating system, and requires no Internet connectivity; all that is needed is mobile telephone coverage and a server to receive the data. Before the start of the campaign, approximately 10 per cent of children under the age of 5 in the region were registered; three months later, 71 per cent were.[60]

4.4 Civil Registration, national IDs and voter registration

A recurring issue in the Concluding Observations, referred to in the preceding section, is that of under investment in civil registration and concern raised by the Committee that this is setting back gains which may have been made to strengthen birth registration performance. From the perspective of civil society – the clients of civil registration - parents often do not experience or perceive immediate benefits from registration of birth (or death). Costs, direct and indirect, deter many parents to register a vital event. In most parts of Africa vital events are very few when spread over a large area. India has a population density more ten times the average of Africa, for example,

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[58]It may be reasonable in some cases to question the CRC Committee's level of expertise on certain technical aspects of civil registration. For example the comment on decentralisation is in contrast to the specific guidance of UNSD who are the technical agency tasked with setting operational procedures and standards for civil registration.

[59] Plan International (2009). p. 38.

[60] UNICEF (2013-a). p. 92.

and government and population therefore benefit from a proximity that lowers the costs of registration. When population and government are resource-poor it is difficult for government to reach the public and for the public to reach the government. This is especially so for a low-frequency service as civil registration is.

Political priority for civil registration investments and operational budgets is often virtually absent. When the public perceives little benefit and high cost and civil society is weak or unaware there will be little pressure on governments to allocate more resources. Lack of funding may result then from lack of political prioritisation of birth registration, but may also be the consequence of newly emerging and competing considerations. It is note-worthy then, that against the backdrop of generally poor performance in birth registration, two out of three African countries are introducing or upgrading their national ID systems. These countries account for over 80% of the African population and for over 90% of the African economy. At the same time as elections are being held more frequently across Africa, biometric voter registration is also becoming more common. The strategy and management question for African governments is therefore: *can national IDs and voter registration be successful while civil registration is not?*

The amount of civil registration investment required for sustained improvement has recently been estimated in the range of USD 1 to USD 4 per capita.[61] Average cost of elections in developing countries is USD 5 per capita; up to 60% of this cost, or USD 3 per capita, is specifically for voter registration.[62] Election observation missions such as those from the European Union have recommended the use of biometrics for countries like Malawi that as yet has to create a functioning civil registration system.[63] In 2009 the UN Secretary-General Ban Ki Moon warned against this costly trend.[64] National ID costs are hard to come by and the concern is that they may come at the cost of a functioning civil registration system. National IDs are increasingly stated to be a more permanent solution for use as voter ID. However, without a well-functioning civil registration system, elections in Africa will remain very costly. The Kenyan 2013 elections, for example, costing USD 17 per capita, were 12.5 times as expensive as elections held in Germany (USD 1.36).[65] At 'purchasing power parity' the cost is _33 times_ as high.

The relatively low investment costs for well-functioning civil registration systems will pay themselves back in substantial savings in running national ID systems and elections.

For countries with low population density the number of vital events, even while birth- and death rates may be high, usually is very small per km2. Only low-cost and low-tech civil registration can reach the population with a service that satisfies the requirement of continuous (= every workday, rather than through a one-off and expensive campaign mode) registration immediately after the birth or death has occurred. Immediate birth registration is a child right, (Article 7 of the Convention of the Rights of the Child).

5   Critical changes in support of Legal Identity for All

> *'We have a responsibility now to find new ways of tackling the challenges we have not yet overcome, to reach the children we have not yet reached, and to put equity and children's rights at the centre of an agenda of action for all children. Studies show that when we design policies and programmes not around the easiest to reach, but around the hardest to reach, we can achieve more results. There are additional costs in doing so, but our analyses show that these costs are well outweighed by the additional results.'[66]*

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[61] World Bank and World Health Organization (2014).
[62] Lopez-Pintor, Rafael and Jeff Fischer. (2005).
[63] European Union (2014). P.33.
[64] United Nations Secretary General (2009)..
[65] Daily Nation (2012).
[66] UNICEF (2014-a). p. 6.

5.1 Introduction

It is now possible to identify two strategic, specific and necessary goals achievement of which it is argued will support a paradigm shift in favour of realising the right of all children to birth registration in Africa. This may be represented diagrammatically as follows in Figure 4 below:

Figure 4 The LIFA Arrow
Hitting the legal identity for all bulls-eye
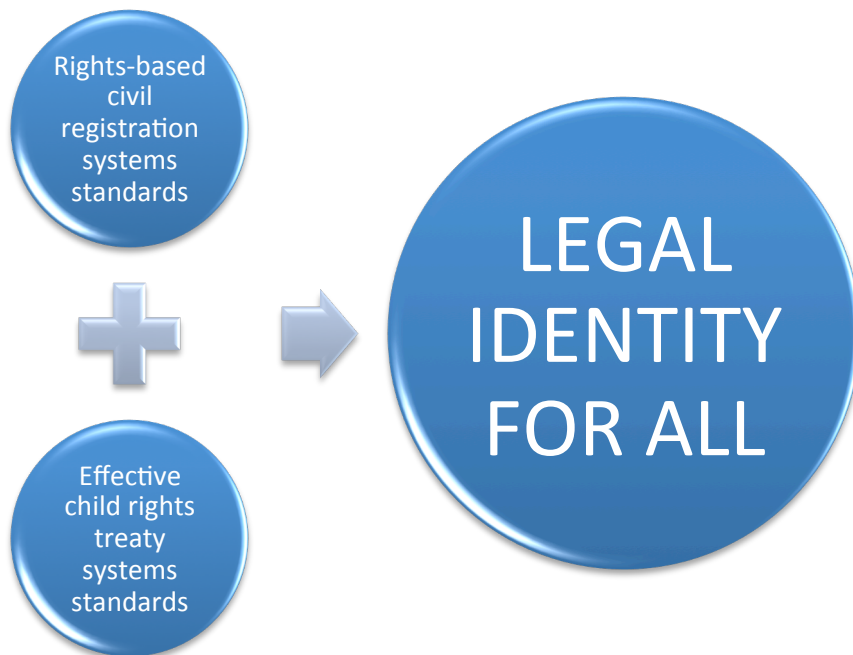
The circles on the left in the above diagram contain the two proposed overarching goals towards achieving Legal Identity for All:

1. *The implementation of rights-based – or human/child rights-aligned – civil registration systems, complimented or supported by:*

2. *The effective functioning of the child rights treaty body system*

These two 'high level' goals should be further developed or sequenced into lower-level intermediate goals or targets which would need to be made as 'smart' as possible in order to track progress and to better identify successes or weaknesses in the implementation process.

5.2 Developing Standards

Actions taken to achieve these goals should be carried out via by processes which reflect and demonstrate a clear commitment to core child rights standards. The commitment to standards is represented by the 'arrow shaft' in Figure 4 and refers to the specific child rights standards set out in the CRC and referred to by the UN High Commissioner for Human Rights, and the African Committee of Experts on the Rights and Welfare of the Child (Section 3.7 of this paper refers) i.e.

- Non-discrimination
- In the best interests of the child
- Respecting the right of the child to life, survival and development
- Respecting the views of the child
- Providing information to the child and promoting child participation

In addition, through application of the standards and in response to the frequently occurring inefficiencies and inequities associated with birth registration practise as identified in the Situation Analysis, civil registration operations must be – or must become:

- Without discrimination of any kind, including on the basis of the child's, or the child's parents', immigration status, social origin, sex, ethnicity, language, disability or birth out of wedlock;
- Completely free of charge
- 'Integrated, inclusive and protective' (e.g. towards marginalized and vulnerable children, and unregistered older children and adults); and
- Simple and flexible in operation so that individuals are not denied registration

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Rights Standards: Recommendations

1. Develop brief, clear and practical guidelines for use at country level on:

    (i)   The implication of specific child rights standards for civil registration;
    (ii)   How these standards can be applied in practice (e.g. in civil registration strategy formulation and operational practice):
    (iii)   Ways to measure effectiveness in applying child rights standards to civil registration

2. Disseminate and support the implementation of these guidelines in countries

3. Report progress on the application of guidelines at country level

4. Share country progress at regional level to support learning and peer to peer strengthening.

The next two paragraphs explore key considerations associated with further development of the two overarching goals of the 'UBR Arrow,' and actions intended to achieve those goals. The exploration is intended to inform or guide future work and as such is not intended to be final or definitive.

Rights-based civil registration

Given the need for ongoing change management within the civil registration service, and for facilitated coordination between the civil registration function, other government departments (viz. interoperability) and 'interested parties' (e.g. UN agencies, the Rights community etc.) it is suggested that ownership may be best achieved through supervised (accountable) but self-managed processes. In this context studies have shown progress in birth registration is best achieved through country/locally specific and contextualized approaches and that this requires adaptive processes derived from clear understanding of local realities[67]

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[67] Ibid.

A critical early step is to assess what is happening, what are the major gaps and priority areas that need attention. Further review and adaptation of the Comprehensive Assessment (CA) modalities already formulated by UNECA and the Core Group (APAI-CRVS) could be a useful entry point for this and such an initiative would also stimulate essential dialogue between the CRVS and Rights /governance communities regarding starting assumptions, definitions, goals, working methods, reporting and timelines. There are some lessons learnt from the experience of the first few countries that have gone through these CAs and these can be built upon and expanded. It is possible that from such initial processes of reflection and exchange additional work streams may be incorporated into APAI-CRVS planning and new dependencies identified between APAI-CRVS governance and those responsible for furthering children's rights in Africa (e.g. ACERWC). One possible development might be the expansion of the country assessment process to include comparative analysis of work underway on national identity management and voter registration and interoperability with civil registration systems.

5.2.1   The role of civil society

While the APAI-CRVS is beginning to make an impact at the regional level on the importance of civil registration, it is necessary that similar recognition is also created at the national and sub-national levels. The comprehensive assessments that are planned in all countries in Africa are a good platform for broadening this awareness. The main learning that comes from the assessments should form the basis for discussions that can take place more widely with civil society, through the media, with CSOs and NGOs and others. Such processes both deepen understanding of the issues involved and also create broader support to the changes that are needed. It is also an essential component of good governance (viz. transparency and accountability) for APAI-CRVS processes to engage as broad-based a representation from wider African society as possible. In this context it is important to note the important role played by civil society – especially through the activism of CSOs – in the development of current 'people friendly' civil registration systems in South Africa.[68] It is proposed that a linked strategy of public awareness and coalition building is developed around a common mandate agreed between CRVS governance and child rights governance.

It is noted that both national/local and international NGOs are active in the CRC, and to some extent the ACRWC, alternative reporting process. It is suggested that by proactively engaging with national/local NGOs as well as international NGOs, the APAI-CRVS process can build additional productive links to civil society which will support the accountability and sustainability of work on civil registration within countries and also increase the involvement of NGOs in alternative reporting on birth registration issues.

5.2.2   Strengthening the legal framework

The comprehensive assessment process offers an opportunity to test the state of the law with respect to the international standards. Each part of the Assessment Tool used for assessing the registration of births, deaths, marriages, divorces, and the status of vital statistics and recording of cause of death has questions that address the legal aspects of these processes. Opinions of all functionaries as well as users and stakeholders with respect to the legal provisions should be taken into account at this time. The content and implications of laws must be tested against the core children's rights standards. Given that APAI-CRVS has also begun country research-based activities regarding provisions of different laws governing birth registration it is proposed that this process can be added to in order to ensure country-specific information is generated regarding inequities and

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[68] Devereux, Stephen (2010). p.14.

discrimination which may result from legislation and/or operational practice. Elimination of exclusion and discrimination must become a priority target.

5.2.3   Strengthening coordination – assigning roles and responsibilities:

Interoperability in civil registration, in the interests of children's rights, is inherently a multi-sectorial undertaking. It is suggested that APAI-CRVS together with ACERWC, supported by relevant UN technical experts, NGOs and others, develop a framework for interoperability with full participation of various other Ministries and agencies like health, social development, education etc. A critical area for interoperability – strategy formulation, priority setting, budgeting and operational activity – is at the interface between civil registration, national Identity management and voter registration. It is essential that the current focus, supported by the international donor community, on ID management and voter registration does not work against the funding of and implementation of much needed improvements to, civil registration.

The development of optimum interoperability is likely to be a slow and iterative process, also driven by the specific context of individual countries. For the identification and promotion of best practice and the development of best practice norms however, such work should reference strategic thinking and guidance at a regional level. An effective mechanism should be established at the country level where such coordination can take place. Such mechanisms should exist at both the working level between the different agencies and at a higher policy and decision making level. Part of the mandate of the higher level body would be to review how the working level coordination mechanisms function. It would be desirable to have a monitoring mechanism to determine what coordination issues came up, how they are resolved and to identify bottlenecks that need resolution.

Governance must be seen to be actively promoting and enabling the development of interoperability i.e. oversee, enable and – where needed - resource effective discussion and coordination between civil registration and other government departments, including at senior decision-making levels. The child rights standards identified in the previous section should also be considered as one mechanism for evaluating the effectiveness of this process towards interoperability.

5.2.4   Create incentives for registration

Creating incentives to increase birth registration is an important factor that should be encouraged and promoted. There are wider lessons learnt in Africa that can be applied specifically to birth registration, for example the use of conditional cash transfers in support of pro-poor social policy change in South Africa.[69] At the same time dis-incentives for registration must be identified and eliminated. Such disincentives include direct costs to families associated with purchasing birth certificates, late registration and also rent-seeking by officials, as well as opportunity costs associated with time spent travelling long distances to registration centres and/or repeated visits necessitated by overly bureaucratic registration procedures.[70]

5.2.5   Sequencing: managing the evolving relationship between civil registration, ID management and voter registration

Civil registration systems are chronically under-funded. Since registration is a core governance function, this would mean ensuring adequate budgetary support from the government. Concluding Observations of the CRC Committee made to African States Parties frequently observe that

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[69] Ibid, pp. 12-14.
[70] United Nations Committee on the Rights of the Child in their Concluding Observations to African States Parties reports frequently comment on the negative impact the cost to families of registration has on registration performance.

promising action plans to improve birth registration performance, backed by more effective, revised laws, are often undercut by failure to adequately fund civil registration services, including infrastructure, systems, human resources and training. The fact that this is happening at the same time as increasing funds – often donor funds – are being channeled towards national ID management and voter registration is a matter of great concern. Attention is called here to very recent developments regarding the emerging international consensus on strategies, operating principles and cost/benefits in ID management and acknowledgement of the need to strengthen civil registration as a foundation or 'backbone' for the sequenced introduction of ID management. It is also noted that the sequencing approach can lower the eventual costs to government and citizens associated with introducing biometric ID and voter registration systems and make such systems more sustainable over time.[71]

How it can be done: South Africa

In South Africa during Apartheid only the indigenous population was obliged to <u>carry</u> an ID (IDs were issued to all) and civil registration was organized by "homeland". Protests led to the deadly Sharpeville incident. The post-Apartheid period became one of inclusion and eradicating segregation. As if a switch were turned the hated ID-obligation was replaced by pride for all of being South-African citizens, equal before the law, and a new rights-based Constitution. "Stand Up and Be Counted", a slogan of the Statistics Bureau, and President Nelson Mandela fostered inclusion. The fragmented registration systems were unified to one national registration and ID system, for which one ministry—the Ministry of Home Affairs was made responsible. The introduction of the Child Support Grant in 1998, which established a strong financial incentive for registration (about USD30/child currently, with a maximum of 6 children and means-tested), and the obligation for children's birth to be registered and their parents or caregivers to be registered and have an ID as well, have led to the march from 30% to over 90% registration of births in an unparalleled short period of 15 years. In addition though, the South African government improved the service delivery infrastructure and other incentives, for example for death registration, which is now complete as well. Perhaps most serendipitously, South Africa's award-winning new national ID is being launched now civil registration is complete, with a judicious start and a phase-in of 8 years. Civil registration and ID make use of the same on-line, home-developed National Population Register ("HANIS"). This is what is making South Africa's approach to national identity management a common sense approach worth emulating all over Africa.

5.2.6   Building capacity – infrastructural and human

It is said that the way to minimize the barriers to registration created by distance and cost is to move information, not people. This is a useful guideline for planning changes in organizational structures and management of civil registration systems.

Most countries are at some stage of computerizing their registration processes. Low cost mobile telephone applications are also an important component in the array of new technological options that can be brought to bear in lowering the cost and increasing the coverage of civil registration. One benefit of the digitization of data is that, with appropriate safeguards, the data can be easily shared, and kept safely and indefinitely. Adoptions of standards to ensure that the data are fully protected and will be continuously accessible even when system upgrades take place are essential in the transition to digital processes. It is also equally important to ensure that laws are revised to make sure that documents generated digitally are recognized for their probative value in court. An essential part of capacity building must include the development of operational norms and standards around the delivery of rights-based registration services at local level; the training of staff; the measurement of staff performance in this regard; reporting on successes and failures in the delivery of rights-based CRVS.

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[71] Seoul Statement (2014).

5.2.7 Address the demand side: what's the vision?

While improving service delivery it is also necessary to look at why there is not adequate demand for registration services. A number of issues ranging from the lack of awareness to a deficit of trust have been mentioned earlier in this connection.

The key management issue here is to design and deliver registration services that understand the incentive structures that often perpetuate low registration levels. Individuals generally make rational choices, based on the information that they have, before registering births. If the perceived disbenefits outweigh the benefits, registration levels will remain low.

At government levels it is beholden on governments as well as regional forums and international agencies, working in coordination, to do more to articulate and disseminate a positive and inspiring common vision of societies which enjoy complete, free birth registration. More needs to be done to articulate the benefits to governments as well as societies of universal birth registration – to articulate the social and economic added value - and that whilst the rights discourse is a necessary and essential element of the vision, other dimensions need to be understood and clearly articulated e.g. economic perspectives, value to planning and programme delivery, security and support for democracy etc. This is especially important given the tenacity required to make civil registration systems work in countries where at least initially supporting state infrastructure may be lacking.

Rights-based Civil Registration: Recommendations

1. Conduct a rights-based analysis of APAI-CRVS strategy, implementation and tool/methods. Develop recommendations as required to further align process with human/child rights standards. Use as springboard for a cascade rights-based analysis of civil registration systems and operations within individual countries. Ensure report-back and learning on process.

2. Adapt or develop tools – e.g. baseline(s) and qualitative research – designed to assess and report on alignment of civil registration activity and operations with specific child rights standards (e.g. non-discrimination; in the best interests of the child etc).

3. Use the analysis proposed at bullet 1. above to identify awareness raising and capacity building needs of stakeholders with regard to child rights, the application of child rights standards in practical work, and ways to measure the successful application of child rights standards. Deliver training for stakeholders and monitor how training is applied by stakeholders.

4. Leadership and Interoperability: identify and agree goals/guiding principles for inter-operability between civil registration and other government departments. Ensure the accountability for effective interoperability sits at a high level of decision-making/political power (i.e. this may not reside within the civil registration service itself). Develop country-specific plans for achieving optimum interoperability. Monitor implementation and outcomes for children. Report these.

5. Legal reforms: use existing APAI-CRVS information gathering mechanisms to expose the detail of discriminatory laws and operational practices and make their elimination (revision) a priority goal. Report progress.

6. Civil Society: invite national and local (in-country) NGOs and CSOs into the civil registration change management process. Encourage these organisations to engage in CRC and ACRWC alternative reporting.

7. Vision: develop and promote a Vision of future societies who have achieved universal birth

registration. Explain why this is not only necessary but also why it is beneficial/desirable. Understand the different incentives of stakeholders i.e. include but go beyond rights based perspectives in presenting the Vision.

5.3 The effective functioning of the Child Rights Treaty Body System

'The Conventions provisions on non-discrimination have done little to redress the marked disparities of opportunity that destroy so much potential. The right of children to survive and develop is undermined by deep, and in many countries rising, inequalities … inequalities that are reinforced by policies that favour those with wealth and power.'[72]

In parallel to – and in support of – different efforts to align civil registration with rights-based approaches to development, it is also imperative to attempt to correct the deficiencies of governance with regard to CRC/ACRWC reporting and on actions under the reporting protocols. Operationally it is necessary to better align work on birth registration going on in parallel under the different mandates of CRVS and children's rights. But it is a point of good governance too: the non-reporting on children's rights and not delivering on commitments made to improve birth registration under children's rights Instruments must be made more widely known and greater accountability for improvement demanded.

In the longer terms it may be best to link issues of States Parties reporting and actions under both the CRC and the ACRWC to guidance now emerging from the UN General Assembly regarding the urgent need to strengthen the effective functioning of the human rights treaty system.[73] Clearly a major responsibility here rests with the African Union Assembly of Heads of State and Government, with individual States Parties and in their relationship with the AECRWC. It is also important to note again the proposed target to ensure birth registration for all, along with legal identity, by 2030 recommended by the United Nations General Assembly Open Working Group on Sustainable Development Goals.[74]' Achieving this sustainable development target will be clearly problematic if the 'situation on the ground' regarding birth registration operations in countries, and in States Parties fulfilment of their obligations under the CRC and the ACRWC does not improve.

In the short term, the current performance of State Parties on CRC/ACRWC reporting is not prominently displayed on the website of the ACERWC. Similarly very few (of the few) State Parties reports submitted against the ACRWC are available on that website. This should be addressed.

Birth Registration Governance: Recommendations

1. Commit to country-specific targets (deadlines) at regional level for 1) Moving towards completeness levels (=complete coverage) in as short a time as possible, for birth- and death registration through sustainable means, and (2) Moving towards accuracy, timeliness and security in as short a time as possible. Explicit linkage must be made to the emerging sustainable development goal target of legal identity and birth registration for all by 2030.

2. Mandatory annual reporting birth and death registration rates to UNSD, copied at same time to APAI-CRVS and CRC and AECRWC. Data and trends – and actions pertaining – must be reported in the CRC (Section 15) and Section (5) ACRWC State States Party Reports.

3. Systematic analysis and report under AECRWC must be carried out, reported and disseminated periodically pulling out trends from CRC and ACRWC State Party reports with

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[72]UNICEF (2014-a). p. 70.
[73] United Nations General Assembly (2014).
[74]United Nations (2014-b). p. 22.

regard to trends on issues (e.g. birth registration) and trends on State Party timeliness of reporting and response to Committee Concluding Observations

  (i)   The monitoring of birth registration performance should be encouraged as a key issue for the parallel reporting process to State Parties reports.
  (ii) ACRWC State Reports not currently shown on ACRWC website nor any analysis of recurring issues and trends. League table of who has sent what reports (or none at all) should be more prominent on the website.
  (iii) Consider the development and sharing of 'scorecards' charting countries progress in this area.

4. AU should ask State Parties to explain why they have not submitted recent reports under the ACRWC and more pressure brought to bear on all State Parties to sign the Charter.

5.4   Research recommendations

To inform work undertaken in support of the two high-level goals identified, and also to add further content to the development of standards which can be applied in daily operational practice - e.g. civil registration operational practice – the following are important areas for ongoing research and learning:

• Research into the effects of birth registration and how it can directly/indirectly facilitate the realisation of children's rights. Identify and document any evidence of rights based approaches to civil registration in current practice. Some evidence of the link between birth registration and conferral of rights has been set out in 3.4 of this paper. The body of evidence needs to be expanded.

• Research into the current practice, including best practice examples, of interoperability between civil registration and other government services i.e. health, social protection and education.

• Research on how civil registration and vital statistics systems are actually used in practice for policy development, project planning, resource allocation and otherwise promoting provision of services (e.g. for children). This would strengthen evidence of the technical assistance needed for countries embarking on CRVS systems strengthening.

• Ongoing research on the identification and analysis of who is being left out of birth registration and why. This is key to targeting priority actions towards marginalised children and communities within national action plans.

6 Conclusion: the Right Systems, for the Right Reasons

'The Convention does not deal in averages or aggregates: the rights it enumerates and elucidates apply to every child in the human family,'[75]

'Birth registration should not be implemented in isolation. Any birth registration initiatives should be integrated with other measures to fulfil children's rights, such as governance, protection, education and health care and should be part of a comprehensive CRVS system.'[76]

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[75] UNICEF (2014-a). p. 52.
[76] Plan International with the Human Dignity Foundation and Coram Children's Legal Centre (2014). p 7.

This paper has looked at progress made towards realising the child's right to birth registration, with particular attention to the situation across the African continent, in the twenty-five years since the United Nations adopted the Convention on the Rights of the Child (CRC) and the twenty-four years since the African Union adopted the African Charter on the Rights and Welfare of the Child.

A review of quantitative data as well as qualitative research has indicated that across Africa as a whole there has been little progress in birth registration performance and in many other cases there is stagnation or even reversal. Birth registration practices, and many of the associated national laws, often perpetuate discrimination against specific sections of society. Those discriminated against, those not able to realise their right to birth registration and attendant rights to Name and Nationality, are often already the poorest and most marginalised sections of society.

Lack of investment in civil registration reform and development, coupled with competing demands on ID management and voter registration may weaken civil registration systems and prevent governments from delivering on birth registration commitments to children enshrined in key human and children's rights instruments which they themselves have ratified.

Beyond the challenges to birth registration presented by lack of investment, under development and competing political priorities, there is a general malaise with regard to States Party reporting, and positive action, under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, both of which carry mandatory reporting on birth registration.

In the context of recent developments in the post-2015 development agenda discourse, especially proposed targets for legal identity and birth registration by 2030, and the linkage of sustainable development outcomes to principles of good governance and human/child rights standards and accountabilities, it is proposed that a renewed focus on *applying these* principles and standards to reform and development of civil registration and also vital statistics systems is urgently required. The application of these principals and standards does not just apply to the practical operations of civil registration, It equally applies to country level and international levels of governance overseeing CRVS development and obligations on children's rights. The fact that these two streams of governance are often treated separately must be corrected and there are obligations on governments and international agencies to both develop and implement effective frameworks for interoperability, as well as articulate more effectively across government and to civil society a positive vision for universal birth registration and the multiple benefits this confers.

At a strategic governance level interoperability must also include the harmonization of currently competing trends towards ID management and voter registration to ensure proper sequencing of these systems and that they are built on low-cost, effective and sustainable civil registers. The example of progress made in South Africa provides insights into how work may be developed in other countries.

This paper makes a series of recommendations towards achieving the goal of a rights-based CRVS and to achieving greater effectiveness in the response of States Parties to the child rights instruments they have ratified. By further defining what human/child rights standards mean in the practical operations of civil registration, and to civil registration governance, it is hoped that further progress will be made to full realisation of the child's right to birth registration.

Annex 1

List of principal Human Rights Instruments by date that support the right of the child to birth registration, a name and nationality

International instruments

1948: Universal Declaration of Human Rights, article 15

1961: Convention on the Reduction of Statelessness, articles 1-4

1965: International Convention on the Elimination of All Forms of Racial

Discrimination, article 5(d)(iii)

1966: International Covenant on Civil and Political Rights, article 24

1979: Convention on the Elimination of All Forms of Discrimination

Against Women, article 9

1989: The Convention on the Rights of the Child, article 7-8

1990: International Convention on the Protection of the Rights of all

Migrant Workers and Members of their Families, article 29.

2006: Convention on the Rights of Persons with Disabilities, article 18

Regional instruments

1969: American Convention on Human Rights, article 20

1990: African Charter on the Rights and Welfare of the Child, article 6

1997: European Convention on Nationality, articles 4 and 6.

2004: Arab Charter on Human Rights, article 29

2005: Covenant on the Rights of the Child in Islam, article 7

2006: Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, article 2

Annex 2

An overview of the way in which non-registration may prevent children from realising their rights.

Right to education: the Committee on the Rights of the Child has, on numerous occasions, expressed concern at cases of children without a birth certificate being refused schooling, in violation of their right to education under article 28 of the Convention on the Rights of the Child. Furthermore, in some countries, while children are permitted to attend primary school without evidence of birth registration, a certificate is required to be able to take the final school examinations and thus to receive relevant academic qualifications or to progress to secondary school.

Right to health: according to the World Health Organization, of the 6.6 million children who died before their fifth birthday in 2012, almost half died of infectious causes, nearly all of which were preventable.[77] These children may be harder to reach for health-care workers and overlooked in public health planning. OHCHR noted a correlation between children who are registered and those who are fully vaccinated, receive vitamin A supplementation, and/or are taken to a health-care professional when they are ill. In its general comment No. 3, according to the Committee on the Rights of the Child, birth registration is necessary to minimize the impact of HIV/AIDS on the lives and human rights of affected children, and in particular to protect children from abuse and exploitation, especially where they have been separated from their family as a result of the disease.

Statelessness, nationality and citizenship: birth registration is fundamental to the prevention of statelessness. Not all children born without birth registration are stateless; but for those born in certain situations (for example, to parents from different countries, in a migratory setting, to refugee or asylum seeker parents or in border areas), lack of birth registration can cause statelessness.[78] While birth registration does not in itself confer citizenship on a child, it is essential to ensure the right of every child to acquire a nationality, as it constitutes an important form of proof of the link between an individual and the State.

Child labour: the International Labour Organization estimates that more than 168 million children are in child labour, of which 85 million are in hazardous work or work that is likely to harm their health, safety or morals[79] While legislation setting legal minimum age for employment is important, it will have little effect if the means to prove the age of the child are not available. As such, birth registration and the accessibility of a birth certificate are prerequisite conditions for the effective prevention and elimination of child labour, including in its worst forms.

Children in conflict with the law: the importance of birth registration was set out by the Committee on the Rights of the Child in its general comment No. 10 (juvenile justice), which clarified that a child without a provable date of birth is extremely vulnerable to all kinds of abuse and injustice in relation to the juvenile justice and penal system.[80] The need to ensure birth registration to secure children's rights and safeguards to prevent and protect children from violence within the juvenile justice system was also established by OHCHR, the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children in their joint report on the prevention of and responses to violence against children within the juvenile justice system.[81]

Early and forced marriage: birth registration can also contribute to the elimination and

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[77] World Health Organisation (2013).
[78] United Nations High Commissioner for Refugees and Plan International (2012). p. 5.
[79] International Labour Organisation (2014).
[80] United Nations Committee on the Rights of the Child. General Comment 10 (2007). para 39.
[81] A/HRC/21/25, para 67.

prevention of the practice of early and forced marriage. The Committee on the Elimination of Discrimination against Women and other treaty bodies require States to register births and marriages as a means to facilitate monitoring of the age of marriage and to support the effective implementation and enforcement of laws on the minimum age of marriage.

Human trafficking: individuals without birth registration or a birth certificate who wish to migrate are especially vulnerable to smuggling and trafficking. An individual without legal identity documents has to travel by illegal means and is more likely to have to rely on illicit intermediaries to facilitate migration.[82] They are therefore at greater risk of trafficking and exploitation. Furthermore, children who have not been registered are particularly vulnerable to child traffickers whether or not they are in a migration situation.

Sale of children: children whose births are not registered are particularly vulnerable to exploitation in the area of illegal adoption and the sale of children. In her recent report to the General Assembly, the Special Rapporteur on the sale of children, child prostitution and child pornography stated that children whose birth had been registered were less likely to be sold or illegally adopted, in part because they had proof of who their parents were.

Armed conflict and emergency situations: despite the prohibition of the involvement of children in armed conflict under the Optional Protocol to the Convention on the Rights of the Child, it is estimated that there are 250,000 child soldiers active in the world today.[83] The importance of birth registration can be seen in both the prevention of recruitment and of early conscription. Where children have been exploited in armed conflict, birth registration is vital to ensure that they have effective access to justice, as successful prosecution requires proof that the individual was indeed a child at the time of recruitment. Furthermore, birth registration is of great importance in the reunification and reintegration process; where children are not registered, it is difficult to re-establish their identity and return them to their homes.[84]

The importance of birth registration is also manifest during and in the aftermath of emergency situations. In such situations, the separation of children from their parents and communities is common, and non-registration can be a significant barrier to family tracing and reunification.

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[82] Plan International (2009), p. 22.
[83] War Child (2014).
[84] Plan International (2009) p. 21.

Annex 3

United Nations Development Programme (UNDP):
Nine characteristics of good governance in action

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1) Participation
All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests.

2) Rule of law
Legal frameworks should be fair and enforced impartially, particularly the laws on human rights

3) Transparency
Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them

4) Responsiveness
Institutions and processes try to serve all stakeholders

5) Consensus orientation
Good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures

6) Equity
All men and women have opportunities to improve or maintain their well-being

7) Effectiveness and efficiency
Processes and institutions produce results that meet needs while making the best use of resources

8) Accountability
Decision- makers in government, the private sector and civil society organisations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organisation and whether the decision is internal or external to an organization

9) Strategic vision
Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded

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Source: Governance for Sustainable Human Development. United Nations Development Programme (UNDP), 1997.

Annex 4

Table showing ratification and reporting on African Charter on the Rights and Welfare of the Child by African Union Member States, as of September 2014

Member State	Date deposit instruments of ratification	Status of Report Submission
Algeria	2003	Initial report submitted
Angola	1999	**Not submitted**
Benin	1997	**Not submitted**
Botswana	2001	**Not submitted**
Burkina Faso	1992	Initial and periodic report submitted
Burundi	2004	**Not submitted**
Cameroon	1999	Initial report submitted
Central African Republic	**NOT RATIFIED**	
Cap Vert	1993	**Not submitted**
Chad	2000	**Not submitted**
Cote d'Ivoire	2007	**Not submitted**
Comoros	2004	**Not submitted**
Congo	2006	Initial Report Submitted
Djibouti	2011	**Not submitted**
Democratic Republic of Congo	**NOT RATIFIED**	
Egypt	2001	Initial report submitted
Equatorial Guinea	2003	**Not submitted**
Eritrea	2000	**Not submitted**
Ethiopia	2002	Initial report submitted
Gabon	2007	Initial report submitted
Gambia	2001	**Not submitted**
Ghana	2005	**Not submitted**
Guinea Bissau	2008	**Not submitted**
Guinea	2000	Initial report submitted
Kenya	2000	Initial and periodic report submitted
Libya	2000	Initial report submitted
Lesotho	1999	Initial report submitted

Source: Website of African Expert Committee on the Rights and Welfare of the Child, www.acerwc.org accessed 12 September 2014

Member State	Date deposit instruments of ratification	Status of Report Submission
Liberia	2008	Initial report submitted
Madagascar	2005	**Not submitted**
Mali	1998	Initial report submitted
Malawi	1999	**Not submitted**
Mozambique	1998	Initial report submitted
Mauritania	2005	**Not submitted**
Mauritius	1992	**Not submitted**
Namibia	2004	**Not submitted**
Nigeria	2003	Initial report submitted
Niger	1997	Initial report submitted
Rwanda	2001	Initial report submitted
South Africa	2000	Initial report submitted
Sahrawi Arab Democratic Rep.	**NOT RATIFIED**	
Senegal	1998	Initial report submitted
Seychelles	1992	**Not submitted**
Somalia	**NOT RATIFIED**	
Sao Tome & Principe	**NOT RATIFIED**	
Sudan	2008	Initial report submitted
South Sudan	**NOT RATIFIED**	
Swaziland	2012	**Not submitted**
Tanzania	2003	Initial report submitted
Togo	1998	Initial report submitted
Tunisia	**NOT RATIFIED**	
Uganda	1994	Initial report submitted
Zambia	2009	**Not submitted**
Zimbabwe	1995	Initial report submitted

Source: Website of African Expert Committee on the Rights and Welfare of the Child, www.acerwc.org accessed 12 September 2014

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