



November 2013

World Vision International Submission to OHCHR Report on Birth Registration

This submission has been compiled with information provided by World Vision staff from 10 countries.

Overview

Based on World Vision's experience, **the following barriers are common in many contexts:**

- Government capacity is weak in terms of implementation of birth registration laws, particularly in rural areas, and there are often insufficient numbers of trained staff.
- The legal system can be difficult to navigate and slow. Birth registration cases are often delayed or even thrown out of court. Children perceived as having "questionable" origin often have their applications rejected.
- Costs can be prohibitive and can include fees for the release of children's information from hospitals and clinics, as well as the cost and time to travel to the closest city to register a child.

In terms of best practices, World Vision has learned that successful birth registration programmes, with sustainable impact, requires three key components: i) partnerships between government and non-governmental organizations, ii) awareness raising with children, youth and their families, and iii) community participation. Depending on the context, other best practices have included:

- Enhancing the capacity of local authorities to make birth registration more accessible by training more registrars and creating mobile registries
- Establishing counselling and referral centres to facilitate birth registration, including correcting birth registration, by providing linkages to government registration offices, ensure follow-up in often cumbersome processes, and provide access to legal counselling when necessary
- Partnering with churches, midwives and health promoters, who can promote the registration of newborns
- Involving the ministries responsible for education and individual schools to verify and correct school registration lists with government birth registration lists
- Developing multimedia vehicles to promote awareness of the importance of birth registrations, particularly among children and youth who need such documents in order to attend school or receive health care
- Making birth registration a prominent issue in national policy making including advocating for free birth registration services.

ALBANIA

Examples of good practices undertaken to improve the rates of birth registration

1. As a result of a series of civil society meetings and roundtables in 2010, the Ministry of Interior (in the capacity of the principal duty-bearer) issued a bill allowing NGOs and institutions to report cases of children not registered to the national coordinator for anti-child trafficking. The latter was responsible to pass along the information to the national office of the Registrar so that child information would be put in the database.
2. The major actor in Albania that advocates for law improvement on birth registration is a national NGO called TLAS (Tirana Legal Aid Service). One of their focal areas is to refer cases of children not registered to the office of the Registrar. The following is an excerpt for their recent annual report of 2012.

“The situation of birth registration for Roma and Egyptian children has improved in the recent years due to some changes in the legislation that simplified the procedures and to TLAS (Free Legal Aid) help. The number of births registered, with the help of TLAS during 2012 was 307 cases, out of which more than 50% are Roma children cases. It still remains a challenge as the birth registration process and ID card cost is 1000 ALL and a majority of poverty stricken families are not willing or able to pay the fees.”
3. Recommended best practices:
 - a. Exempt poor and vulnerable families from payment of Birth Registration and ID fees.
 - b. Find ways to provide free assistance and legal services for families unable to go through the required steps of the registration process.
 - c. Incentivize child protection workers to prioritize the identification of the unregistered children.

DOMINICAN REPUBLIC

Main barriers to access universal birth registration

1. For decades, Haitian descendants have struggled to gain consistent access to citizenship rights in the Dominican Republic. In 2010, the Constitution was amended to refuse citizenship to children born to “transient” parents. This has for the most part applied to families who live and work in the sugar cane industry despite the fact that they may have lived in the Dominican Republic for decades. Most recently on September 23, 2013, the Constitutional Court authorized the Dominican government to review birth records back to 1929 of children born to “transient” parents, effectively stripping over 240,000 people of secure citizenship through ruling 168/13. The U.N. Refugee Agency expressed concern, stating that, "Should this process indeed be carried out without the necessary safeguards, three generations of Dominicans of Haitian descent could become stateless." For example a child that is born on Dominican national territory with parents of Haitian descent does not automatically receive an identification card and will probably never receive one because of the country laws.
2. World Vision has worked in the Dominican Republic since 1989, serving the most marginalized communities and vulnerable children and youth, many of whom are Dominican citizens of Haitian descent. Many of these children and youth are negatively impacted by the ruling; they have effectively been made stateless, violating a key international human right and making them undocumented immigrants in the country of their birth.

INDONESIA

Main barriers to access universal birth registration

1. The Republic of Indonesia's current regulations governing birth registration are:
 - a. Law No. 23 Year 2006 concerning Population Administration, which came into force in 29 December 2006.
 - b. Central Government Decree (Peraturan Pemerintah) No. 37 Year 2007, concerning the Implementation of Law No. 23 Year 2006, came into force in 28 June 2007.
 - c. Presidential Decree (Peraturan Presiden) No. 25 Year 2008, concerning Terms and Procedure of Population Registration and Civil Registration, came into force in 4 April 2008.
 - d. Decree of Minister of Internal Affairs (Peraturan Menteri Dalam Negeri) No. 19 Year 2010 concerning Form and Book Used for Population Registration and Civil Registration, came into force 9 February 2010.
2. Law No. 23/2006 concerning Population Administration merged 2 systems; civil registration and population registration into a single system, namely the Population Administration. Furthermore, birth registration and other civil registrations are sub-ordinated into, and are part of Population Administration. Law No. 23/2006 obliges Indonesia's residents to actively submit/report birth events. In principle, there's no obligation for Government of Indonesia (Gol), under the new law to register birth events, unless an individual submits a report and asks for the Gol to record the birth event. Consequently, Indonesia's residents have the obligation under the new law to actively report and ask to government of Indonesia to record birth events, while Gol acts passively and waits for the resident's report.
3. The main national policy concerning birth registration is the National Strategic Plan, "2011 All Children are registered", issued by Internal Affairs Ministry. Coming into force in 1 August 2008 through the Letter of Minister of Internal Affairs No. 474.1/2218/SJ, the National Strategic Plan, has as its main goal "to register all Indonesia children, particularly children below 5 years old." However, there are 2 main problems with the law :
 - a. In 2008, there were only 10% of all district/municipalities in Indonesia, which have local regulation (Peraturan Daerah) as legal basis for birth registration services and only 60% district/municipal which stipulated in their local regulations that birth registration should be free.
 - b. There are many separate regulations found in different sectors; education, health, religion, immigration, manpower, social, judicial, industry, trade, land, bank and others, all of which should be synchronized with the new law and regulated by the Population Administration.
4. There are 2 institutional problems:
 - a. Until 2007, among 457 districts/municipalities, there were 50 nomenclature variations of institutions with different mandates and functions dealing with the birth registration process. While according to Government Decree No. 37 Year 2007, concerning Implementation of Law No. 23/2006 and Law No. 41/2007 concerning Local Government Organization, there should only be 1 nomenclature, Dispendukcapil in district/municipality level that has the mandate and function for birth registration.
 - b. There is also concern that local government will not prioritise the establishment of Dispendukcapil.

5. There are 2 main problems related to the process of birth registration:
 - a. Birth Registration services are concentrated in towns and district centres which are far from rural villages and transport costs are often prohibitively expensive.
 - b. Community members find it hard to complete all documents and procedures for birth registration. It is most difficult for people living in remote area with no access of transportation and public services.
6. There are 5 problems related to human resources:
 - a. Many of the staff are poorly qualified.
 - b. There is a lack of training for civil servants.
 - c. There are too few civil servants working on birth registration.
 - d. There are relatively few incentives and the career prospects are unattractive for civil servants who work for civil registration.
 - e. Staff are doing business as usual even though the law and regulation have changed.
7. There are 2 data management problems:
 - a. The new computerized software for population data and information requires new skills on information technology to process the population data and present it for development purposes.
 - b. Data collection on birth events doesn't use the official registration method, so data on population are not yet updated regularly and only few district/municipal have data and information centers. Consequently, population data produced from birth registration, could not be processed and presented as birth vital statistics.
8. Problems identified from community participation include the following:
 - a. There is a low level of community participation in birth registration as seen by the fact that only 42% of children under 5 had a birth certificate in 2006.
 - b. Low figure of birth certificate ownership is due to: (1) low level of awareness amongst community members about the importance of birth registration due to the lack of promotion campaigns. (2) High cost for transportation and third party service to process birth certificate is too expensive for community. (3) Low utility of birth certificate in the public service system.

Examples of good practices undertaken to improve the rates of birth registration

In Indonesia context, there should be steps taken and accountability to ensure birth registration issues are followed up by national and local government. Civil society must continuously monitor the laws, policies and practices to hold national and local government accountable for birth registration.

KENYA

Main barriers to access universal birth registration

1. Parents do not report births due to the lack of direct benefits.
2. Non-committed registration assistants e.g. chiefs, assistant chiefs etc. – The registration of births is not their core duty, they are not directly supervised by the Civil Registration Department, there are no incentives for them to register births and deaths, there is a lack of facilitation for their functions, and lack of proper training.
3. There are very few service delivery points. Some Civil Registration Offices are inaccessible due to the long distances parents must travel.

4. Inadequate numbers of staff in the Civil Registration Department, many of whom have few qualifications.
5. The data are collected manually and the quality and accuracy of data tends to be unreliable and incomplete.
6. Cultural and religious practices that inhibit the registration of foetal deaths as well as births.

Examples of good practices undertaken to improve the rates of birth registration

1. Create awareness about the role of Maternal Child Health clinics to register home births at the time of immunization, for children below 6 months
2. Use of the vernacular radio stations to advocate for birth registration
3. Child to child support to pass information about birth registration
4. Supporting mobile registration for late births
5. Participate in and support annual national Civil Registration and Vital Statistics forums which brings together all stakeholders working on Civil Registration
6. A Technical Working Group on CRVS has been established which has produce a strategic plan to achieve 100% coverage by 2017
7. Exploit the Kenya Jubilee manifesto that requires registration at birth, and mobilizes the president and ministers as champions.

LEBANON

Main barriers to access universal birth registration

1. The number of Lebanese unregistered Children is not available as there are no statistics about the number of stateless people residing in Lebanon without citizenship.
2. Within the current Lebanese system, only the father is entitled to provide Lebanese citizenship and to register the newly born child after receiving the proper documentation from the doctor/midwife and then from the mayor. Then, the father has to take these documents and register the child in the Personal Affairs Unit under the Ministry of Interior and municipalities. If the father doesn't register the child before they reach one year of age, he needs to file a law suit which for many children and youths has taken years.
3. A problem is that neither the child nor the mother can file a request for the registration until the child is over 18 years old and then he/she can file a lawsuit for nationality which is a very complicated process, especially that the right of the child of nationality is not questioned provided the fathers are Lebanese.
4. There is no legal obligation for fathers to register their children, nor penalties if they do not. The registration process is further complicated when the child is born out of marriage or when the marriage papers are not legal and in such instances the decision regarding the law suit can take years to resolve.
5. There is a lack of awareness about the procedure of registration including the possible actions that can be taken to ensure registration after the age of one. There is also a lack of awareness of the consequences of not registering ones children.

Examples of good practices undertaken to improve the rates of birth registration

1. World Vision Lebanon (WVL) identified unregistered children as one of the most vulnerable groups of children, when it conducted a vulnerability mapping in 2011. As a result WVL prioritized the issue

and collaborated with a coalition of 20 Local NGOs to address the issue of Lebanese unregistered children.

2. A national committee was formed with members from the coalition of 20 NGOs, representatives of various concerned ministries and governmental bodies, Beirut Bar Association, concerned syndicates, judges and WV. This committee has raised awareness about the extent of the problem, the situation of the children and youth affected and the consequences for society as a whole. The committee's activities have included:
 - a. A TV programme showing the violations of the rights of these children/youth to basic child rights was screened on all local TV channels in Lebanon
 - b. Training was provided for lawyers who are working in law suits of Lebanese unregistered children and families.
 - c. Following these activities, a guide for the registration of Lebanese children was prepared, and a study of all existing laws that relate to this problem was initiated. The guide and legal study analysis will be launched in a national conference that will be held on November 6, 2013 under the patronage of the president of the Beirut Bar association and in the presence of Ministers, judges, high government representatives as well as local and international NGOs.

LESOTHO

Examples of good practices undertaken to improve the rates of birth registration

Staff from World Vision Lesotho facilitated a meeting in Sekameng area in Mafeteng District that brought faith leaders with the backing of chiefs, together with community members and officers from the Departments of Home Affairs and Social Welfare to discuss child protection issues. They decided to collaborate on a campaign on birth registration because in 2009 only 45% of births were registered and in some cases children had been denied access to social grants and sponsorship in the absence of birth certificates. The meeting agreed a plan of action that included actions for both inside and outside of the local churches. The local church leaders agreed to:

1. Give awareness-raising sermons on birth registration in their respective churches at least once a month for three months.
2. Facilitate the registration of names of children in need of birth certificates during such dedicated Sundays/days.
3. Submit the list of names to the community representative for their onward submission to Department of Home Affairs.
4. Not dedicate or baptize children who would not produce a birth certificate.

In support of these actions the National Identity Office of Ministry of Home Affairs facilitated a one-day sensitisation workshop for Maseru-based Heads of Churches who committed to supporting the initiative in Sekameng as well as in their own congregations in Maseru. The local group has become very instrumental in organizing birth registration campaigns which have contributed significantly to the improved understanding of birth registration.

MALAWI

Main barriers to access universal birth registration

1. The lack of awareness among community members i.e. parents, traditional leaders and others about the importance of birth registration is a barrier for many people not to register their children. This includes not understanding the link between birth registration and the protection of children.
2. For countries like Malawi - parents/guardians need to go and register their children with their original home village headman which requires transport for parents/guardians living outside their villages/districts. This coupled with the number of children and family members that need to be registered is a barrier for most parents living in towns far from their home villages.
3. There is currently no demand for birth registration in the country - for instance - children can sit for exams without any proof of age identification, access health services, register to vote, apply for passports and driving licenses without showing their birth certificate. All this makes parents and guardians reluctant to register their family members.
4. Malawi is implementing birth registration in phases - Phase I requires parents/families to register with their village headmen. The second phase will allow them to get the birth certificates for their children and national identity cards for all adults in a family. This is deemed expensive especially given the lack of demand mentioned above.
5. Although Malawi has established the National Registration Bureau to implement a national registration and identification system following the adoption of a law on registration - the National Registration Act (2010), there has been slow progress made in facilitating or addressing delayed registration of all children living in Malawi. There is need for adequate funding for the Bureau which has a good structure –
 - a. 156 positions (27 Posts at Headquarters & 129 Posts in District Councils in line with Decentralization Policy).
 - b. 28 District Commissioners acting as District Registrars (in line with Section 5 of the NR Act).
 - c. Below the District Councils, the NRIS use the traditional structure system involving Paramount Chiefs, Senior Chiefs, TAs, STAs, Group Village Headmen and Village Headmen in the national registration process.

Limited funding is a barrier for the Bureau to effectively implement activities. This includes funding for capacity (institutional and human resources). Due to limited funding the NRB cannot facilitate a process of speedy registration that should allow issuance of certificates/identity cards at the same time.

Examples of good practices undertaken to improve the rates of birth registration

There are several partners supporting National Registration Bureau initiatives in different ways including:

1. UNICEF is facilitating birth registration in hospitals where newly-born are given birth reports to facilitate the registration process. Started as a pilot this is now extending to more districts.
2. World Vision Malawi (WVM) is focusing on delayed birth registration i.e. older children not hospital birth registration – WVM is raising awareness about the importance of birth registration in communities where they are lagging behind, and includes capacity building for implementing structures including village headmen and others. Activities have included: producing IEC materials

e.g. including posters, brochures, stickers on the importance of birth registration, Bill boards have been hang in strategic places with similar messages. In addition, a workshop was organized to orient the media on the importance of birth registration). Jingles will be run on one national radio broadcaster and TV calling for Malawians to register their children (to run for 1 year).

3. VV Malawi is also supporting the Bureau in data management for data gathered through the village registers for the phase I process and has therefore purchased 28 desk tops and UPSs for the 28 districts as well as a server for central management.

PERU

Main barriers to access universal birth registration

1. The lack of identification papers creates challenges for efficient planning of public resources and execution of policies and programs oriented to achieve welfare, social inclusion and holistic development of the most needed.
2. In Peru, the documentation process begins with an identification paper called the “Live-born Infant Certificate”, which is issued by the Health Ministry through hospitals and public and private Clinics. This certificate is a requirement for registration and to obtain birth certificate which in turn is a requirement for obtaining the National Identification Document (DNI).
3. Over the last five years there has been a rapid improvement in the access of Peruvians to key documents which is currently a topic of national interest and a priority in public agenda involving different sectors of national, local and regional government.
4. Despite this favorable situation, there are still administrative, legal and geographic barriers , which restrict certain sections of the population from obtaining birth certificates and other identification documents.
5. There are 38,864 girls and 30,535 boys without birth certificates that represent 25% of the total population of the country without birth certificates.

a. Administrative Barriers

- Frequently staff that work for the identification system (civil recorders and health staff) are removed or transferred therefore the staff working in the identification system do not always have professional profile that is required by Law N° 26497. As a result, approximately 30% of Birth Certificates are wrongly registered and include inaccurate information. This problem is more frequent in rural areas and areas far from the capital city.
- The education level of civil recorders has an impact on their knowledge, comprehension and application of each norm, directive, procedural guide or handbook for birth registration. The low education level of recorders is associated with the most remote and poorest areas.
- In remote areas (native communities and rural communities) registration materials do not arrive on time, owing to inadequate distribution systems.
- Some health facilities impose charges for obtaining original and duplicate copies of Live-born Infant Certificates. In addition, some civil registration offices impose charges to work on the birth registration within normal or periods as well as high-turnaround periods and for issuing a copy of the certificate or doing the paper work to obtain the DNI for the very first time, even when these services are supposed to be free.
- When some births take place at home rather than in a health facility, but there is one health facility in the area, the health staff do not always provide the live-born infant certificate prior

verification as they are supposed to. Also some health facilities do not have copies of the Live-born Infant Certificate forms.

- Live-born infant certificate delivery is free, however, it is conditional on attending the first or second post-delivery control which takes place one or two weeks after the birth.
- Birth certificates are supposed to be issued within 60 days from the day of birth. After that period the birth certificate is supposed to be issued for free; but there is evidence that many municipalities charge fees. Also, some birth registration municipalities require additional documents not required by law such as vaccines card, address certificate, notarized DNI copy of parents which creates additional costs.

b. Legal Barriers

The legal language used in birth registration guides, directives and handbooks, is often incomprehensible for civil recorders from the poorest and most remote areas. Consequently these documents are not easy to read or interpret for its correct application to parents who do not have DNI and cannot register their children birth.

c. Economic Barriers

- In the most remote and poorest areas the costs of registration are higher due to geographic and administrative factors such as high cost of transporting staff to the processing offices, traveling time, unpaid work hours, lodging and feeding. These direct and indirect costs limit access to DNI.
- For the families living far from the registration offices, the long distances means high transportation costs that often they cannot afford.

d. Geographic Barriers

- For those people living in the mountains and jungle of Peru, access to registration centres is difficult due to their remoteness and lack of good roads.

Examples of good practices undertaken to improve the rates of birth registration

1. In June 2010, the Peruvian Government issued Emergency Decree (D:U) N° 044-2010 which provided financial support for identifying minors in the country through the provision of free Identification National Documents (DNI). This has been undertaken by the Civil Status and Identification National Register – RENIEC, with funds from the Strategic Budget Program: “Population access to identification”, with a total budget authorized for 2010 of S/. 95.800.000.
2. In 2011, RENIEC launched the “Peru National Plan against Non-documentation 2011-2015”¹, after a consultation process with civil society. This Plan had a 5-year budget of US\$76’701,718.
3. World Vision Peru developed a partnership with RENIEC, municipalities and other institutions issuing birth certificates and DNI. RENIEC agreed to work with Andean communities and World Vision Peru agreed to be responsible for raising awareness in communities about the importance of having birth certificate and DNI.
4. Throughout this process the programme identified those children and adolescents that had errors, omissions or corrections in their birth certificates, which were preventing them from obtaining their DNI. RENIEC had its lawyers write-up papers that families should present in the Municipalities for the mistakes to be corrected.
5. The community also contributed by providing spaces where RENIEC staff could work and removed the need for people to travel long distances and hence all the costs of transportation, food and accommodation.

¹ The Plan was originally approved as “National Care Plan of Non-Documentation Problem 2011-2015” in January 2011. Then, is updated and changes its denomination in November 2011.

6. Community volunteer networks also contributed to this campaign, preparing lists of children and adolescents that did not have identification documents. They also explained to the families about all requirements they needed to present in order to obtain identification documents for their children.
7. World Vision Peru staff coordinated with RENIEC and communities agreeing dates when they should go to each community to work on the registration or delivery of identification document.

ZAMBIA

Main barriers to access universal birth registration

1. Bureaucracy around birth registration is cumbersome and inefficient. Applying for birth registration in Zambia involves multiple complex steps that are time- and resource-intensive. Furthermore, a penalty is assessed for those who fail to register a birth within one year. These processes and costs are regarded by community members as a major hindrance.
2. District-level and national registration department officials themselves need support to understand the birth registration as stipulated in Zambian law to ensure that the information they convey to beneficiary communities is accurate.
3. Particular attention is needed to assist in registration of children with non-traditional guardianship and/or who live in remote areas. Births can occur in many situations which require a multitude of mandatory forms and affidavits e.g. out of wedlock, to foreign parents, and newborns who have been abandoned or orphaned. Filling in multiple affidavits discourages rural community members, most of whom are unable to write their own name, from registering their children at birth.
4. Geography is another barrier to registration. The centralized nature of the preliminary registration, coupled with the fact that only the Registrar General in the capital city can sign off and issue a birth certificate, is a serious obstacle for the rural poor to begin the registration process.
5. Parents and guardians do not fully understand the value of obtaining formal birth documentation. Parents and guardians often overlook the issue of birth registration, making it difficult for their children to access national legal documents and privileges in the future. Parents generally perceive birth certificates to be of limited value and undoubtedly are further deterred from registering their children at birth due to the complexities involved in the process. Those who do make an initial effort often give up when faced with unfriendly or unhelpful customer service in government offices.
6. Cultural barriers such as fear of disclosure of personal data and delayed naming ceremonies.

Examples of good practices undertaken to improve the rates of birth registration

1. Decentralize issuance of birth registration. Individuals should be able to access birth registration documentation at the point of birth. Though the government, with assistance from UNICEF and other cooperating partners, has made strides to this end, the effort should be stepped up to reach the more remote areas of the country where many births go unregistered.
2. Waive birth notice fees at the local municipalities. Municipal councils should have the discretion to offer a waiver in the case of late registration among poor people who live in remote areas. This will remove a key disincentive for the rural poor to access a birth notice.
3. Translate laws relevant to birth registration into Zambia's seven commonly used languages. This will empower the public to understand the law and support them in registering their children at birth.

ZIMBABWE

Main barriers to access universal birth registration

1. The main barriers are largely caused by the fact that birth registration is centralized at District centres which can be far from communities.
2. Orphans require close family members to be able to obtain the birth certificates and if there is disharmony in the family they may be unable to process the certificates.
3. Some families do not have the children's birth cards which are a prerequisite for birth registration and they are thus unable to process the birth certificates.

Examples of good practices undertaken to improve the rates of birth registration

1. World Vision Zimbabwe has facilitated advocacy meetings to encourage communities to have children registered
2. Local Child Protection Committees are helpful in encouraging community members to have their children registered.
3. Partnering with the Government at local level has included pooling resources and having mobile registration units to help decentralize birth registration to remote communities.

For further information please contact:

Dr. Stuart Kean
Senior Policy Adviser - Vulnerable Children and HIV & AIDS
World Vision International, World Vision House, Opal Drive,
Milton Keynes,
MK15 0ZR, United Kingdom
Email: stuart_kean@wvi.org