

Birth registration in Germany

The **purpose of birth registration** is to create, by registering in public records (registers), **authentic public documents which are available as valid documentary evidence to the persons concerned, legitimate third parties or authorities in order to perform their duties**. By a birth certificate can the persons concerned prove their birth, the information contained in the birth certificate, as well as the names given to them.

The certification of the child's birth at the **respective registry office (Standesamt)** is carried out on the basis of **compulsory notification by a hospital or another birth facility**, in which the birth assistance has been provided (e.g. Geburtshaus), or - in case that the child was born outside such a facility – by **compulsory notification by a parent or a person who was present at birth** or who **has knowledge of the birth**, especially by midwives and obstetricians. The information necessary for the notification should be notified to the registry office by parents in their mutual agreement within the framework of the parental care (Sorgerecht). In case of notification by a hospital or another birth facility, the identity documents of parents (identity card, passport or another recognized document) as well as other documents necessary for certification of birth (marriage certificate, birth certificates, declaration of paternity, etc.) have to be sent by such facilities to the registry office. In case of oral notification of the child's birth by its parent, the identity is examined by the registry office.

According to Article 18 of the Personal Status Act (PSA, Personenstandsgesetz), the child's birth has to be notified to the respective registry office **within one week of the child's birth date**. In principle, this obligation applies to all children born in the country regardless the nationality of parents or the child itself. The registry office is obliged to enter the notified birth into a **birth register**. On the basis of birth registration in a birth register, birth certificates can be issued by competent authorities upon request. This right can also be claimed by foreign parents.

According to Article 62 of the PSA, the following data are contained in the birth certificate: **first and family name (surname) of the respective child, first and family names (surnames) of its parents and their place of residence**. The registry office therefore requires submitting of documents proving the identity of parents (Article 25 of the Personal Status Decree (PSD)). In case that providing of such documents causes substantial difficulties or disproportionate costs, presentation of other documents or proving otherwise the correctness of the information should be sufficient (e.g. by questioning of witnesses). For this purpose, the birth registration can be provisionally postponed by the respective registry office. In such a case, birth certification shall be made up in a reasonable time, even if the missing information cannot be determined.

If the registry office does not have adequate evidence of the information on child's parents, an **explanatory supplement** according to Article 35 (1) of the PSD has to be added to the birth certificate ("Identity not proven"). The information required to be contained in the birth certificate is stipulated by Article 59 of the PSA; the explanatory supplement, however, is not included in the requirements. Therefore, as long as the explanatory supplement has been added and is valid, only a certified record may be issued (Article 35 (1) sentence 3 of the PSA), so other authorities or persons, to whom the document is presented, can recognize that the entry is not based on conclusive documents such as certificates or passports. If the

information is proved subsequently by submission of required documents, the entry in the birth register has to be corrected and an addition has to be made that the information has now been proved. Subsequently, birth certificates can be issued, which, however, have no “surplus value” compared to a register record.

The German Institute for Human Rights has published the information sheet "**How to register your newborn child**" intended especially **for refugees**, which is available in hospitals and can also be accessed online. Information on birth registration is available in German, English, Farsi and Arabic.

Examples of best practices – the case of Indonesia

German development cooperation considers birth registration and the strengthening of civil registration and vital statistics (CVRS) systems as key prerequisites for the **protection of human rights**, as well as **evidence-based policymaking** and the effective planning of **public service delivery**. Especially in the context of the **2030 Agenda** targets 16.9 (legal identity) and 17.18 (reliable data) as well as the leading principle to “**Leave No One Behind**”, birth registration is crucial for **reaching the most vulnerable** populations groups and realizing the **fundamental child right** to a legal identity (Convention of the Rights of the Child Art. 7 and 8).

The case of **Indonesia** illustrates a best practice of Germany’s efforts in realizing birth registration for all children. German development cooperation supported the Indonesian government in the **modernization of the Indonesian Population Administration System** for a period of ten years (2003-2013). Together with UNICEF and Plan International, the project successfully advised the Indonesian government on a **fundamental legal and institutional reform** of the administration system. This included the standardization of administration processes, capacity building of government staff and the introduction of new information systems in over 60 districts. With the legal reform on civil data registration and the establishment of modern and customer-friendly registration offices in urban, rural and remote areas, the government was able to introduce real, **structural improvements** for its citizens, especially concerning birth registration. Widespread **information campaigns** and awareness-raising activities on the **importance of birth certificates** lead to a higher demand for civil registration by the Indonesian population. Since the end of the project, a new BMZ-funded program on the strengthening of women’s rights has been able to continue and expand these successful measures. For example, the project conducts **citizen dialogues** on the issue of birth and marriage registration, thus simultaneously addressing the widespread issue of **child marriage** in Indonesia and effectively connecting CVRS and child protection.