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Newsletter on progress towards the Millennium Development Goals from a child rights perspective

>> The right to an identity: birth registration in Latin America and the Caribbean



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The right to an identity: birth registration in Latin America and the Caribbean

A disturbing token of child and adolescent vulnerability in Latin America and the Caribbean is that so many are deprived of any legal identity by failure to report their birth. This bars them from exercising basic citizen rights and can hinder their access to productive employment, social benefits and the justice system and deny them recognition as full citizens and the right to well-being, capacity development and political participation.

The disadvantages that exclusion and discrimination entail for those lacking civil and legal registration are brought into sharp focus in the lead article of this issue of Challenges, whose main theme is “The right to an identity: birth registration in Latin America and the Caribbean.” The article explains the consequences of this situation and what remains to be done between now and 2015 to achieve universal registration—a distant but critical goal.

This issue also contains information on the year’s meetings and conferences on birth registration in the region. The Executive Secretary of the MERCOSUR Human Rights Public Policy Institute reports on what is being done in this subregion to secure Inter-American Court of Human Rights protection for migrant children, stressing the right to an identity. Last, there is a summary of the achievements of the Universal Civil Identity Program in the Americas (PUICA) and some basic data on the serious lags in child birth registration in the region.

THE EDITORIAL COMMITTEE

02 editorial

The right to an identity: birth registration in Latin America and the Caribbean

03 agenda

Recent events
Key documents

the voice of children and adolescents

My name is, and I am from...

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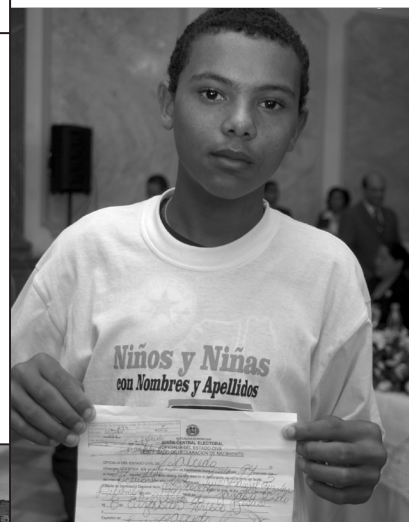


04 analysis and research

A rights-based approach to birth registration in Latin America and the Caribbean

10 viewpoints

Víctor Abramovich: MERCOSUR and the rights of children and adolescents



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11 learning from experience

Universal Civil Identity Program in the Americas (PUICA)

12 did you know...?

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Recent events

>> Second Regional Conference for Latin America and the Caribbean on the Right to Identity and Birth Registration

This conference was held on 21 September 2011 in Panama City, in order to move forward towards eradicating birth under-registration in the region by 2015. It was organized by the United Nations Children's Fund (UNICEF), the Inter-American Development Bank (IDB), Plan International and the Organization of American States (OAS) in collaboration with the Electoral Tribunal of Panama and the Government of Korea.

>> First Regional Conference on Child and Adolescent Indicators

The conference was held in Mexico City on 6 and 7 September 2011, to foster reflection and discussion and assess the possibility of obtaining useful information to help identify gaps in the fulfilment of child and adolescent rights.

>> International Spain-OAS Right to Identity and Civil Registry Meeting

This meeting of civil registry institutions was held on 18 and 19 June 2011 in Madrid, to share experiences and new procedures, improve processes and thus achieve the universalization of civil registry and the right to identity.

Key documents



>> UNICEF, 2011

Abramovich, Víctor, Pablo Ceriani Cernadas and Alejandro Morlachetti (2011), "The rights of children, youth and women in the context of migration," New York, April.

http://www.unicef.org/socialpolicy/files/The_Rights_of_Children_Youth_and_Women_in_the_Context_of_Migration_FINAL.pdf



>> Government of Paraguay, 2011

"Situación actual de la primera infancia y perspectivas de la atención integral en el Paraguay," Asuncion, June.

<http://reeducacioninicial.blogspot.com/2011/06/situacion-actual-de-la-primeria-infancia.html>



>> UNICEF-Plan International, 2009

"Sistematización de las experiencias sobre derecho a la identidad y registro de nacimiento de niños y niñas indígenas en Bolivia, Ecuador, Guatemala y Panamá," Panama, March.

[http://www.unicef.org/lac/Sistematizacion2col_21agost\(2\).pdf](http://www.unicef.org/lac/Sistematizacion2col_21agost(2).pdf)



>> UNICEF-Plan International, 2009

"Count Every Child - The Right to Birth Registration," England.

<http://plan-international.org/birthregistration/files/count-every-child-2009>

My name is, and I am from ...



Luisa and Sara, and we're Chileans.



Agustín and Clara, and we're Uruguayans.



Fernando and Martín, and we're Mexicans.



Esteban and Maura, and we're Bolivians.



Sofía, and I'm Costa Rican.

A rights-based approach to birth registration in Latin America and the Caribbean

Nadine Perrault and Begoña Arellano, UNICEF Regional Office for Latin America and the Caribbean

The United Nations Children’s Fund (UNICEF) estimates that some 10% of all children under the age of five in Latin America and the Caribbean were not registered when they were born (UNICEF, 2011). This would mean that almost 1.3 million births go unregistered every year, leaving a total of 6.5 million children without birth certificates—a number equal to the combined population of Uruguay and Panama.

All countries need demographic statistics in order to measure birth and mortality trends and plan appropriately. Children whose births are not registered are, in many ways, statistically invisible; this will affect many aspects of their lives.

Great strides have been made in recent years, however. The proportion of under-fives registered in Latin America and the Caribbean went from 82% in 2006 to 90% in 2010, approaching the regional goal of complete coverage by 2015 (UNICEF, 2006).

Several regional and national factors have contributed to this success. The most important is the countries’ commitment to achieve universal, free and timely registration of all children in the region by 2015. There is more active participation and closer collaboration among actors that have not always been involved in this issue. A key development is that indigenous and Afro-descendant leaders have joined forces with other actors more traditionally committed to the issue, such as civil registrars, civil society and government officials. This has led to a more comprehensive approach to the right to identity and

birth registration, shifting from a focus on the more technical aspects (modernization of civil registries, to name one) to one that encompasses crucial topics like social inclusion.

Greater commitment on the part of other government and civil society institutions has helped increase national budget allocations for tackling this issue. A regional assessment of progress and remaining challenges in birth registration currently being prepared at UNICEF-TACRO estimates that civil registries have invested more than US\$ 2 billion for this purpose since 2007. This trend is promising, but major challenges remain.

Universal, timely, and free registration

It is clear that the right to a name, a nationality, an identity and a legal existence is critical for social integration and for people to be able to exercise their social, economic, civil and cultural rights. Registration and the possession of a birth certificate should therefore be universal, free and timely.

Universal registration provides coverage for all children in a country’s territory, regardless of ethnic origin, gender, economic position, geographic origin or migration status, or their parents’ nationality. Achieving universal registration requires putting an end to discrimination against children of migrants, stateless persons and single mothers, among other groups. And it calls for innovative action targeting the most excluded groups, promoting, for example, culturally appropriate services for indigenous peoples.





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Birth registration is more likely to be universal and timely if it is free. This means that States should not create obstacles for low-income persons by charging official or extra-official fees for birth registration services, whether timely or late. All sanctions and fines should be eliminated, as should unnecessary delays and parent requirements entailing non-monetary costs. Timely registration should take place immediately following birth, but it must be compatible with an equitable and culturally sensitive approach. Most countries in the region have deadlines for registration; registration after more than 30 days is considered late and involves more—and expensive—red tape. There should be no difference between the requirements for registering a child on time and those for doing so after the deadline. Most deadlines leave no leeway for cultural determinants; for example, some indigenous peoples have a tradition of not naming a child until a certain time has passed since its birth.

The countries' efforts to integrate registration services with health services have yielded positive outcomes. But not all children are born within the health system, and some indigenous peoples believe that hospitals and health centres are not proper places for giving birth.

Review of strategies and the equity-based approach

According to *The State of the World's Children 2011* (UNICEF, 2011), under-registration fell by a negligible 1% in 2010. This should be a warning sign that failure to reduce under-registration by 3% a year starting in 2011 could jeopardize the goal of full birth registration coverage in Latin America and the Caribbean by 2015.

Low birth registration rates seem to affect certain groups of children more than others. Non-fulfillment of this right does the most harm to children in the poorest, most marginalized population segments: indigenous peoples, Afro-descendants, migrant children and the children of migrants and poor families living in rural, remote or border areas. The fact that they account for a large proportion of unregistered children in almost all of the countries exposes a very serious inequity.

Why does under-registration affect certain groups of children more than others? What is keeping them from being registered? The answer is complicated. Despite progressive legislative reforms and progress in the region, there still are countries with policies and administrative regulations that pose



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insurmountable obstacles for the majority of disadvantaged groups and systematically keep them from registering their children. The economic factor is a major barrier, but it is not the only one.

It is not just a matter of birth registration fees. There are other barriers that are even harder to overcome. The main one usually has to do with requirements that the parents must meet. For example, the mother might be required to go with the father when registering the child, or the parents might have to submit their own birth certificates or proof that they reside in a certain city or country. Other obstacles concern the quality of services for low-income persons, which always carry stricter requirements and are time-consuming.

Migrant parents in irregular situations frequently fail to register their children even when the children are legally entitled to be registered and become nationals of the destination country at birth. These parents are not unaware of how important registration is, but as undocumented migrants they fear being identified, punished by migration authorities and forced to leave the country where they are living. Violations of the human rights of migrants are therefore seldom reported and can lead to infringement of their

rights as stateless persons or persons without a nationality, as frequently happens in many of the countries of the region, especially in the Caribbean.

The lack of accessible, nearby, suitable and welcoming civil registry offices can be another barrier for these groups. Efforts to modernize and decentralize civil registries, and even legal reforms themselves, have sometimes overlooked how children in the most excluded groups of society can be adversely impacted by, for example, not allowing indigenous families to register their children with traditional names or in their own language. Measures of this sort exacerbate discrimination against these groups compared with those in a better social and economic position. If civil registries are not sensitive to the cultures of indigenous peoples, their collective rights and way of life will continue to be an obstacle for their civil identity.

Achieving universal birth registration requires an approach based on equity and equal rights, eliminating all the barriers remaining in the States of the region. It is not only a matter of economic barriers. There are also legislative, geographic, administrative, social and cultural ones that perpetuate discrimination and deny 10% of all children under the age of five the full exercise of their rights.



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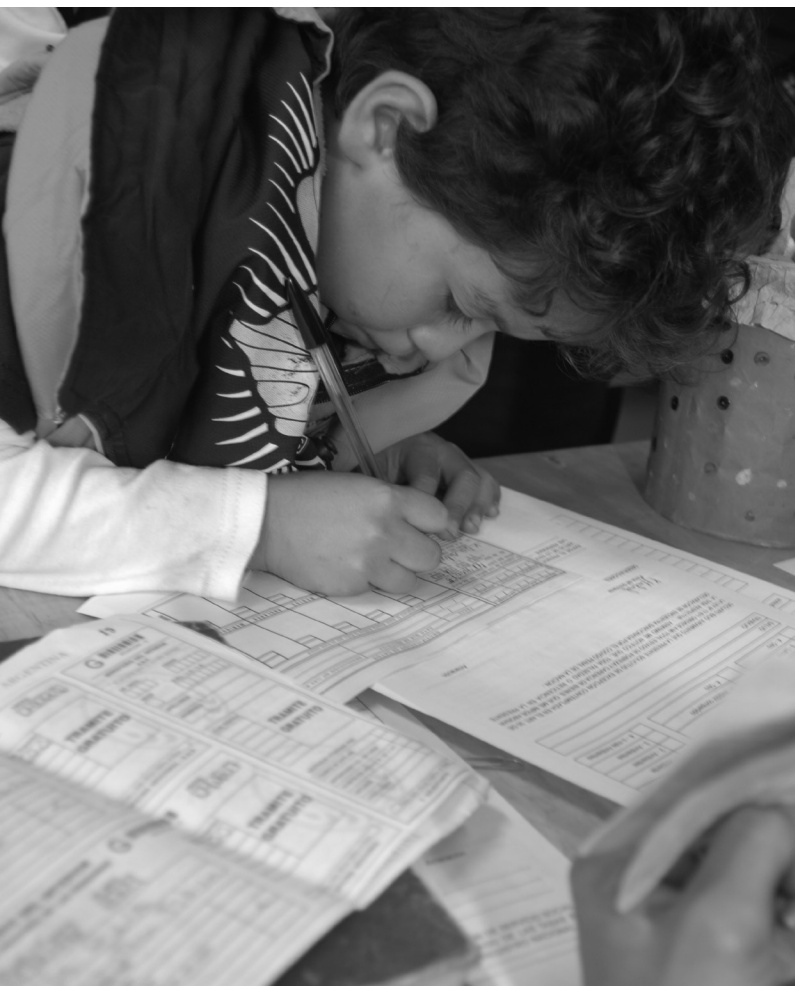
Registration, rights and access to social benefits

The right to an identity and universal registration should be a priority. In most countries of Latin America and the Caribbean, a boy or girl without a birth certificate cannot exercise his or her human rights and is therefore unlikely to develop to full potential. Unfortunately, a birth certificate is still one of the main requirements for access to school, health and other social services. In many cases, social protection initiatives in the form of conditional cash transfers have helped increase birth registration by making it a condition. But in many other cases the initiatives have become a factor of exclusion by making registration a prerequisite for receiving services. Not having a birth certificate thus continues to be a serious factor for exclusion for many children.

Access to school is a clear example of this. The countries of the region are making an enormous effort to expand coverage and prevent school dropouts, with emphasis on eliminating enrolment fees, improving learning, training teachers and supporting children's progression through school. But the lack of birth registration is seldom regarded as a major cause of failure to enrol in secondary school and

is, surprisingly, overlooked when formulating strategies. In many countries, unregistered children have access to primary school but do not receive a certification of completion and so cannot go on to secondary school. Often there is inconsistency between the administrative requirements established by law and those established by the schools. So although the majority of countries have legislation guaranteeing universal access to education, in practice they continue to deny access to those who lack birth registration; this is a serious violation of children's rights and could account for at least 10% of the secondary school attrition rate.

The foregoing illustrates some, but not all, of the discrimination that a child without a birth certificate will suffer throughout life and that will restrict his or her potential for developing and exercising his or her rights. In many cases the child will have access to emergency health services only, will not be able to vote, will not have a formal job, may not own property, cannot inherit, will not be entitled to social programmes, and, of course, will be much less protected against abuses like human trafficking and sexual and labour exploitation. Such a child's life will thus be much more difficult than for those who have birth certificates.



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within the countries. Evidence also shows that unregistered children and adolescents are essentially the same ones that face the greatest difficulties in achieving these goals, since they are the ones most exposed to child mortality, chronic malnutrition, school dropout risk, child labour and diseases due to lack of vaccination. These children need social services with an equity- and equal-rights-based approach.

Conclusions

Identification, registration and documentation are the foundation for the development and governance of States. The new, equity-based approach proposed for the region must therefore include the rights-based pursuit of these goals and focus on the most excluded children. This involves addressing all of the components of the right to an identity: name, established parentage and nationality. Birth registration is impossible without a name, a family and a nationality.

The process of identification, registration and documentation must respect and reaffirm the individual and collective identity of the person. In other words, it must be designed or reformed in consultation with the stakeholders; in the case of indigenous peoples, Afro-descendants and other especially affected groups, this must be done with their full participation and agreement.

In order to achieve the regional goal of universal, free and timely registration, the region's States, with support from civil society and international development cooperation, must tear down more than economic barriers. They also must eliminate all discrimination that limits inscription in the registries. Coordination between civil registries and social programmes must be ensured in order to achieve full inclusion and avoid obstacles to the provision of services. This calls for urgent inter-institutional coordination involving all social actors and spurring them to greater commitment to a rights-based approach.

It is clear that the Millennium Development Goals, like the other international commitments regarding children (including birth registration) can be achieved only with a greater emphasis on the equity- and equal-rights based approach.

In September 2010, world and regional leaders met to review progress towards the Millennium Development Goals. The summit concluded with the adoption of a global work plan for reaching these goals by 2015. This milestone offers a good occasion for considering whether birth registration should be included among the core development goals and whether the Millennium Development Goals can be reached without the achievement of universal, free and timely birth registration.

Just as in the case of birth registration, the data indicate that the rising national averages mask wide gaps between States, regions, provinces or municipalities and socio-economic groups

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MERCOSUR and child and adolescent rights

Víctor Abramovich

Executive Secretary of the MERCOSUR
Human Rights Public Policy Institute

In recent years MERCOSUR has taken important steps to create a space for discussion on the design of public policies for human rights. In 2005 the Meeting of MERCOSUR High-Level Authorities in Human Rights and Chancelleries (Argentina, Brazil, Paraguay and Uruguay) and Associated States (Bolivarian Republic of Venezuela, Colombia, Chile, Ecuador, Peru and the Plurinational State of Bolivia), or RAADDHH, the acronym in Spanish, began its actions to ensure the full effectiveness of democratic institutions and the respect, promotion and protection of human rights and fundamental freedoms. The MERCOSUR Human Rights Public Policy Institute was created in 2009; its primary functions in these countries are technical cooperation, applied research and coordination of public policies for human rights.

What is being done to guarantee children's rights?

Respect for and fulfilment of the rights of children and adolescents is a fundamental axis of work in the field of human rights. It has been spurred by the promotion and strengthening of common standards for protecting rights throughout MERCOSUR on the part of several agencies, the main one of which is the Niñ@sur Standing Commission.

To this end, in 2011 a request for an advisory opinion on the protection of migrant children's rights was submitted to the Inter-American Court of Human Rights. This will help to establish common positions regarding procedures in cases of rights violations such as the lack of documentation or barriers to registering the birth of migrant children, adequate measures for protecting rights that should be adopted for

proceedings in migration matters involving children or their families, procedural and substantive legal guarantees for such proceedings, respect for the fundamental principles of human rights in migration matters and the status of children who might be seekers of asylum or refuge (the principle of non-refoulement, refugee protection and the right to family unity, among others).

This is an unprecedented experience, since it is the first time that a request for an advisory opinion has been brought before the Inter-American System of Human Rights by four States with a shared position on a topic that is central to the effectiveness of human rights on this continent.

How is the right to an identity addressed in migration proceedings?

Arriving at common legal standards is a major step that should be accompanied by concrete actions for protecting the rights of migrant children region-wide. Compliance with children's right to an identity is essential for the effective exercise of other rights and requires that States design and implement appropriate mechanisms for birth registration, documentation and identification. In view of the agreements reached in the area of promoting and protecting the rights of the child, MERCOSUR can be a relevant actor in advancing regional policies for guaranteeing the right to an identity in the context of a broader discussion of equal opportunities for the effective exercise of the fundamental rights of all children and adolescents in the region, regardless of their country of origin or destination.

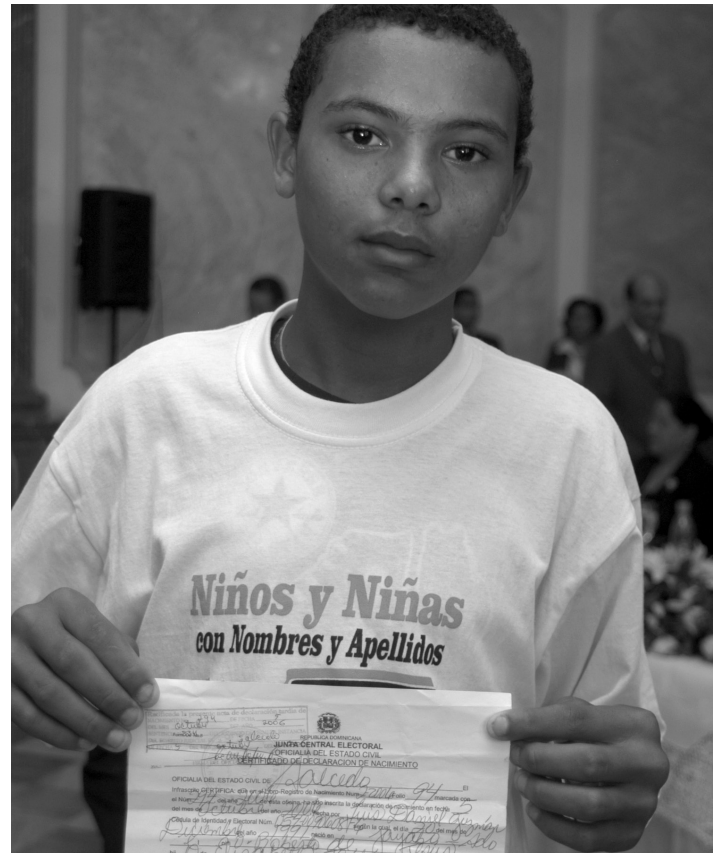
Universal Civil Identity Program in the Americas (PUICA)

In 2008 the General Assembly of the Organization of American States (OAS) approved the Inter-American Program for Universal Civil Registry and Right to Identity (AG/RES. 2362 (XXXVIII-O/08)). This programme recommends that the General Secretariat of the OAS support the member States that so request as they work to achieve civil registry universalization and accessibility and to meet the goal of universal birth registration by 2015.

Against this backdrop, the Universal Civil Identity Program in the Americas is charged with supporting the member States of the OAS in the eradication of under-registration in order to guarantee the recognition of the right to civil identity for all persons in the region.

PUICA is grounded in several international human rights instruments that recognize the right of every person to be registered and to have an identity. Some examples are “Everyone has the right to recognition everywhere as a person before the law” and “Everyone has the right to a nationality” (Universal Declaration of Human Rights of 1948, Articles 6 and 15); “The child shall be registered immediately after birth and shall have the right from birth to a name (and) the right to acquire a nationality;” “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations” (Convention on the Rights of the Child of 1989, Articles 7 and 8).

PUICA provides technical assistance for strengthening and modernizing national civil registry institutions, facilitating social inclusion and furthering democratic governance. It supports registration and awareness campaigns, implements technologies and information systems and fosters the exchange of good practices and successful actions for replication. PUICA operates in several countries in Latin America and the



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Caribbean, through projects centred on three specific areas: (i) modernization of civil registries; (ii) recovery of destroyed records and regularization of the status of persons affected by armed conflict; and (iii) registration campaigns in indigenous communities.

PUICA beneficiary countries include El Salvador, Guatemala, Haiti, Peru and the Plurinational State of Bolivia. On 2 August 2011, the OAS and Panama signed a cooperation agreement to carry out the “Project of implementation of the biometric verification system in health facilities and the Institute of Legal Medicine and Forensic Science.” Under this agreement the OAS will work with Panamanian authorities in their efforts to provide the right to identity to newborn children to be registered automatically to ensure the right parentage of children and to decrease fraudulent actions. The agreement will be implemented through actions that will include installing biometric equipment, developing databases, training medical personnel and conducting awareness and dissemination campaigns.

...that at least 2 million out of a total of 11 million births every year go unregistered in Latin America and the Caribbean?

Source: United Nations Children's Fund (UNICEF), "América Latina unida para reconocer el derecho de los niños a una identidad" [online], Paraguay, 29 August, http://www.unicef.org/spanish/protection/paraguay_40755.html, 2007.

...that Chile and Cuba may be able to achieve universal birth registration very shortly?

Source: United Nations Children's Fund (UNICEF), "Registro de nacimiento universal para el 2010" [online] http://www.unicef.org/lac/flash/DW/registro_nacimiento.htm.

...that in 2010, 30% of all children in Haiti, 24% in Brazil and 19% in Nicaragua were not registered?

Source: United Nations Children's Fund (UNICEF), "Registro de nacimiento universal para el 2010" [online] http://www.unicef.org/lac/flash/DW/registro_nacimiento.htm.

...that in 2007 the Dominican Republic added more than 266,000 children to the registry of civil status, along with 269,000 adults through a late registration process?

Source: Brígida Sabino Pozo, "El registro de nacimiento en la República Dominicana" [online], 28 September, http://www.clarciev.org/documents/Presentations/republica_dominicana/ponencia_registro_civil_granada.pdf, 2010.

...that more than 20% of the children under five in Jamaica did not have birth registrations in 2005, while in Belize less than 10% were in this situation in 2006?

Source: Economic Commission for Latin America and the Caribbean (ECLAC), on the basis of special tabulations of the Multiple Indicator Cluster Surveys (MICS).

- 1 Child poverty in Latin America
- 2 Child malnutrition in Latin America and the Caribbean
- 3 The right to education: an unfinished task for Latin America and the Caribbean
- 4 Teenage motherhood in Latin America and the Caribbean: trends, problems and challenges
- 5 The right of children and adolescents to a healthy environment: a diagnosis from Latin America and the Caribbean
- 6 Reduction of infant mortality in Latin America and the Caribbean: uneven progress requiring a variety of responses
- 7 Children and HIV/AIDS in Latin America and the Caribbean
- 8 The invisible face of child labour in Latin America and the Caribbean
- 9 Child abuse: a painful reality behind closed doors
- 10 Child poverty: a priority challenge
- 11 Children and international migration in Latin America and the Caribbean
- 12 Childcare and parental leave

13 The right to an identity: birth registration in Latin America and the Caribbean

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