

Call for inputs: Human Rights Council resolution 52/8 on promoting human rights and the Sustainable Development Goals through transparent, accountable and efficient public service delivery

Submitted by **Child Identity Protection**



23 October 2023

Child Identity Protection (CHIP)¹ is an association based in Geneva since 2020. It is the only international not-for-profit organisation solely advocating for the protection of children's identity rights in family relations and works with States and other stakeholders to promote universal birth registration and full knowledge of family relations, in line with **Articles 7 and 8 of the United Nations Convention on the Rights of the Child**. In this context, it strives to ensure that there is integrity, transparency and accessibility for every child's identity in **name, nationality and family relations** with expeditious restoration whenever elements are missing.

CHIP welcomes the call for inputs to inform the forthcoming report on the **role of public service delivery in the promotion and protection of human rights and in the achievement of the Sustainable Development Goals**, including in relation to the protection of persons in vulnerable situations, that reflects best practices, challenges and recommendations in assisting national Governments in delivering transparent, accountable and efficient public services.

Given its expertise in **children's rights to identity**, CHIP hereby wishes to share **information, developments, opportunities and challenges relating to the achievement of Sustainable Development Goal 16, Target 16.9**: 'By 2030, provide legal identity for all, including birth registration', and report on the progress made towards **Indicator 16.9.1**: 'Proportion of children under five years of age whose births have been registered with a civil authority, by age', with a particular emphasis on the role and delivery of relevant public services and sectors. The following information will also relate, to some extent, to SDG 4 given the relation between legal identity and access to education through the provision of public services, including efforts to catch up with birth registration through the educational sector, as well as to SDG 5 on gender equality, given the discrimination in birth registration against women in certain circumstances and the role of civil registration authorities and their delivery of services in potentially preventing child marriages when faced with under-age parties.

Question 1 – Main challenges identified in relation to public service delivery, including both institutional and practical barriers:

The provision of a legal identity in line with SDG 16.9 entails ensuring universal birth registration. In order to achieve the latter, there is a need to ensure that Civil Registration and Vital Statistics (CRVS) systems, including birth registration services offered by civil registries or other similar competent bodies across the world, are solid, well-staffed and well-equipped. Despite ongoing efforts by many countries (*see below*), there are still millions of children, whose births have not been registered or who do not have a birth certificate to date. Indeed, UNICEF's 2019 estimates on this issue include 166 million children under the age of five, whose births are not registered,

¹ Child Identity Protection (CHIP) is an association based in Geneva since 2020. CHIP is the only international not for profit organisation solely advocating for the protection of children's identity rights in family relations. It works with States and other stakeholders to promote universal birth registration and full knowledge of family relations, and seeks to support the efforts currently led by the UN Legal Identity Agenda Taskforce and other actors to protect children's identity rights in relation to birth registration and nationality. See: <https://www.child-identity.org/en/>. For any additional information, please contact: Christina Baglietto, christina.baglietto@child-identity.org.

and 237 million children under the age of five, who have no birth certificate in the world;² regional statistics are equally of concern (*see Question 4 below*). This exposes a high number of children to other violations of their rights, *e.g.* lack of access to other public services, absence of protection, risks of trafficking and migration, etc.

The challenges identified in the delivery of the required public services to achieve children's right to identity and SDG 16.9 are varied, may be cumulative and are often related to the more general socio-economic, cultural and political national context. However, it is worth highlighting here some of the most common legal, policy, institutional and practical obstacles contributing to lower levels of birth registration:

- a. *Socio-economic factors, including fees for late registration and the issuance of birth certificates:* Domestic legislation nowadays usually moves towards free birth registration, when undertaken within the appointed timeframes, which vary from one country to another.³ This undoubtedly contributes positively to higher levels of birth registration. However, many countries still maintain fees imposed by legislation and public services for late birth registration as well as for the issuance of birth certificate (the first one may be free but any subsequent acts may be subject to a fee).⁴ The latter undoubtedly has a negative impact on those families, subject to difficult socio-economic conditions or poverty, contrary to the achievement of SDG 1.
- b. *Coverage of civil registration services in access to civil registration:* Whilst most countries continue to establish civil registration offices across their territories, including moves towards the presence of birth registration services within hospitals and other medical facilities,⁵ there are still populations, for whom the economic and geographical factors have an impact on their capacity to register their children early, *e.g.* costs of transport, costs of absence of work, complex operation of civil registration facilities and equipment, etc. It is equally important that CRVS actors share relevant information with the population about the importance of civil registration as well as procedures to promote the achievement of SDG 16.9.
- c. *Impact of COVID-19 on the operation of public services, including CRVS systems:* The number of children without birth registration and/or nationality increased due to the COVID-19 pandemic's varying impact on infrastructure (*e.g.* suspension of recording of vital events such as births, civil registries being closed, shorter working hours),⁶ budget shortages and other delays.⁷ Evidence is emerging that after a slowdown in 2020, these are now on a recovery path from the impact of the COVID-19 pandemic.⁸
- d. *Discrimination:* Birth registration has undoubtedly been impacted by discriminatory provisions included in regulatory and procedural frameworks of many countries.⁹ Indeed, gender discrimination remains a major challenge in many contexts, for example when a marriage certificate is required¹⁰ or when a child of an unknown father cannot be registered.¹¹ Discrimination against ethnic, indigenous and minority groups may also prevent early birth registration and formal creation of the child's identity. For instance, in Latin America and the Caribbean, the provision of civil registration services and 'the registration process in a number of countries lacks sensitivity to indigenous peoples' culture and tradition. The cross-border

² UNICEF (2019). *Birth Registration for Every Child by 2030: Are we on track?*. Available at: <https://data.unicef.org/resources/birth-registration-for-every-child-by-2030/>.

³ See, *e.g.* Bhutan, Chad, India, Mexico.

⁴ See, *e.g.* Cameroon, Chile, Paraguay, Samoa.

⁵ See, *e.g.* Chile, Peru, Togo, Zambia.

⁶ See, *e.g.* Argentina, Samoa. Global CRVS Group, UN Legal Identity Agenda Task Force, Pacific Community (2020). *Impact of the COVID-19 pandemic on Civil registration and vital statistics*. United Nations Statistics Division. Available at: <https://unstats.un.org/unsd/demographic-social/meetings/2020/Webinar-crvs-Covid19/docs/Seminar02.pdf>.

⁷ *Ibid.* See also: AbouZahr, C. et al. (2021). The COVID-19 Pandemic: Effects on Civil Registration of Births and Deaths and on Availability and Utility of Vital Events Data. In *American Journal of Public Health*. Available at: <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2021.306203>; CLARCIEV (). Respuesta de Emergencia de las Oficinas de Registro Civil e Identificación durante la Pandemia del COVID-19. Impacto, buenas prácticas e iniciativas innovadoras implementadas en América Latina y el Caribe. Available at: <https://www.oas.org/es/sap/dgpe/PUICA/docs/Respuesta-emergencia-RC-pandemia-COVID-19.pdf>.

⁸ At least three in every five countries in 2021 have shown improvement in the number of children notified (65 per cent), registered (67 per cent), and certified (75 per cent) from 2020. Source: UNICEF (2022). *Global Annual Results Report 2021*. Available at: <https://www.unicef.org/reports/global-annual-results-2021>.

⁹ UNHCR and UNICEF (2021). Background Note on Sex Discrimination in Birth Registration. Available at: <https://www.refworld.org/docid/60e2d0554.html>.

¹⁰ See, *e.g.* Indonesia.

¹¹ See, *e.g.* Nepal, Qatar.

- 'nature' of indigenous communities adds to these obstacles'.¹² In Europe too, 'the social exclusion of Roma children is often linked to the lack of birth registration and identity documents'.¹³
- e. *Child abandonment and other anonymous birth practices*: Challenges in creating full and accurate information about the child's identity may occur when they are abandoned by their birth parent(s), *i.e.* when the latter leave the child without any identifying information. Whilst many domestic legal instruments now include provisions for the registration of children,¹⁴ whose parents are unknown, there are still State policies and practices that perpetuate the absence of identity amongst abandoned children. This is the case of the operation of so-called 'baby boxes/hatches' and 'safe haven laws', which allow parents to leave their newborn child anonymously in a safe place, hospital, emergency room, police station, etc.¹⁵ Furthermore, this is also the case of countries that allow anonymous births, thereby sealing all information about a child's origins.¹⁶ Some countries are moving towards confidential births instead, as recommended by the Committee on the Rights of the Child,¹⁷ which protect the mother's privacy, but also safeguard the child's access to information about her.¹⁸
 - f. *Migration, emergency and other humanitarian situations*: Children born in contexts of armed conflict, during natural disasters or where widespread migration occurs run a greater risk of not being registered at birth.¹⁹ The lack of mechanisms to preserve information in these situations by State authorities, may result in children never having access to their origins. In emergency situations, where civil registries, may be destroyed, collaboration within the community to preserve vital information is key.²⁰ Furthermore, children born from conflict-related violence may also be at increased risk of non-registration, as the mother is reluctant to register the child of an unknown father or because the regulatory and procedural framework of certain States makes it complex to register the child of a single mother.²¹

¹² UNICEF (2016). *Birth registration in Latin America and the Caribbean: Closing the gaps. 2016 Update*. Available at:

<https://data.unicef.org/resources/birth-registration-latin-america-caribbean-closing-gaps/>.

¹³ Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, OJ C 378, 24 December 2013, pp. 1–7. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H1224\(01\)&rid=8](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H1224(01)&rid=8).

¹⁴ See, *e.g.* Cambodia, Malawi, Peru.

¹⁵ "Baby boxes" exist in several countries, including Austria, Belgium, Czech Republic, Germany, Japan, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Russia, Slovakia, Switzerland and the United States of America. See: Baglietto, C., Bordier, L., Dambach, M. and Jeannin C. (2022). *Preserving "family relations": an essential feature of the child's right to identity*. Geneva, Switzerland: Child Identity Protection. Available at: <https://www.child-identity.org/en/resources/signature-publication.html>.

¹⁶ This is the case of the '*naissances sous X*' in France since 1941, as well as in Austria, Slovakia, Poland. See: Baglietto, C., Bordier, L., Dambach, M. and Jeannin C. (2022). *Ibid*.

¹⁷ See: Committee on the Rights of the Child. Concluding observations on the combined fifth and sixth periodic reports of Switzerland. CRC/C/CHE/CO/5-6. 22 October 2021. Para. 22. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHE%2FCO%2F5-6&Lang=en;

Committee on the Rights of the Child. Concluding observations on the combined third to fifth periodic reports of Slovakia. CRC/C/SVK/CO/3-5. 20 July 2016. Para. 21. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FSVK%2FCO%2F3-5&Lang=en.

¹⁸ See, *e.g.* Germany, Japan, South Korea, Switzerland. For further information on this issue, see: CHIP (2023). Legal opinion on Republic of Korea's Special Act on Confidential childbirth (Bill). Available at: <https://www.child-identity.org/images/files/CHIP-Legal-Opinion-Confidential-Childbirths-EN.pdf>.

¹⁹ In Ukraine, for example, even before the current conflict, only 43% of children born in those territories not under government control since obtained a birth certificate in 2019. See: Babko, A. (2019). Ukraine's most vulnerable children deserve a passport, too. *Atlantic Council*. Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/ukraines-most-vulnerable-children-deserve-a-passport-too/>.

²⁰ UNICEF Cote d'Ivoire has supported authorities to register new births and re-establish vital information during and post conflict in the North (2002-2010). In terms of registering new births, village and community leaders, were given the responsibility to work with families to record vital details. This information would later be transcribed onto the official registries that would be reconstructed through collaboration with the Judges and civil status officers. An operating manual outlining the specific process, including the digitalisation of all information, was created and this prevented the need to rely solely on paper trails. In these emergency contexts, the NGO Plan International notes the necessity of having a decentralised registration system, including teams who go into the field and collaborate with people such as medical personnel, midwives and local officials trained at the local level to register births, as occurred in Burkina Faso after mass flooding. Source: Planta, N., Ridsdel, J., Ward, P. (2014). *Birth registration in emergencies: a review of best practices in humanitarian action*. Plan International. Available at: <https://resourcecentre.savethechildren.net/node/8555/pdf/birth-registration-in-emergencies.pdf>.

²¹ For example: in Iran, even if a single mother can register a child, having sexual relations outside marriage is considered a crime. On discrimination in birth registration, see also: UNHCR and UNICEF (2021). *Supra* 9.

Question 2 – Examples of good practices and approaches taken to overcoming identified challenges to the provision of public services:

In response to the remaining challenges mentioned above, it is worth mentioning some promising initiatives taken at domestic level to remedy the latter and to make progress towards universal birth registration and full achievement of Articles 7 and 8 of the UNCRC as well as SDG 16.9 as well as contribute to SDGs 1, 4 and 5:

- a. Strengthening of CRVS systems, including investment in equipment, capacity and digitalisation: A number of countries are working towards ensuring that their CRVS systems are solid, including capable staff and good equipment.²² Stronger CRVS systems including a move towards digitalisation, which makes procedures easier and more user-friendly, but also allows for better preservation of and access to civil acts and backgrounds documents.²³ It is fundamental that such digital practices, including automated data processing and mandatory identity verification respect the child's right to privacy and be compliant with human rights standards.
- b. Coordination mechanisms at regional, national or sub-national level aimed at increased levels of birth registration: With a view to ensuring greater coordination amongst sectors involved and to addressing jointly the widespread obstacles to early birth registration, several countries have established and are operating intersectoral coordination mechanisms.²⁴ There have also been similar efforts to ensure stronger coordination among countries' civil registry bodies and services, aimed at ensuring the creation and preservation of children's identities beyond national borders,²⁵ as well as the cross-border recognition of civil acts, including birth certificates, as promoted by the International Commission on Civil Status (ICCS)'s Convention No. 34 (*see Question 5 below*).
- c. Linkages and twinning between sectors: Linkages between the CRVS system and other sectors has proven to be a concrete step towards greater access to birth registration in various countries. Indeed, by resorting to other sectors' procedures (school enrolment, access to social security, etc.) or using these as first contact points for birth registration, countries have been able to identify children at risk of non-registration or late registration, and to ensure these situations are promptly addressed and children promptly registered. In particular, there are several promising practices of twinning with the health sector, *e.g.* by establishing civil registration facilities within hospitals,²⁶ by promoting that mothers and children do not leave the hospital without a declaration of birth,²⁷ by resorting to a shared database, etc. Twinning with the educational may also prove a positive initiative as enrolment in schools offers an environment for catch-up birth registration, in line with SDG 4.²⁸
- d. Exemptions of fees and fines: Finally, even in those countries, whose laws, regulations or internal decrees, still impose a fees or fines for late registration, several have opted not to impose them in practice or to apply a waiver on the latter in certain circumstances.²⁹ This is also the case of birth certificates, which are often issued – except for the first one upon registration – on the basis of the payment of a fee. However, several countries and their public services have also chosen to waive this fee in certain

²² See, *e.g.* Get every one in the picture – Civil Registration and Vital Statistics in Asia and the Pacific, <https://getinthepicture.org>; Consejo Latinoamericano y del Caribe de Registro Civil, Identidad y Estadísticas Vitales, <https://clarciev.com>.

²³ See, *e.g.* Cote d'Ivoire (*Supra* 20), Guatemala, Honduras, India.

²⁴ See, *e.g.* Afghanistan, Burkina Faso, Cambodia, Cameroon, Malaysia, Morocco, Mexico.

²⁵ For example, in 2013, Guatemala's RENAP concluded an agreement with CLARCIEV (whose Executive Secretariat is managed by the Organisation of American States (OAS)) and the the civil registries of El Salvador and Honduras. See: Centre of Excellence for CRVS systems (2020). Snapshot of civil registration and vital statistics systems of Guatemala. Available at: https://crvssystem.ca/sites/default/files/assets/files/CRVS_GuatemalaSnapshot_e_Web.pdf; OAS (2013). OEA firma acuerdo con Guatemala, El Salvador y Honduras para promover el registro civil. Available at: https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-050/13.

²⁶ *Supra* 5.

²⁷ See, *e.g.* Colombia, Ghana, Maldives.

²⁸ See, *e.g.* Senegal, where, in 2021, out of a total enrolment of 2,269,617 students in elementary school, 430,083 students still did not have civil status documents, i.e. 18.9%. The Ministry of Education developed a strategy for the detection and registration of pupils without birth certificates in 2020 and UNICEF has supported the development of a protocol for school directors to clarify their role in supporting families to complete the birth registration process, and negotiated elimination of fees for late registration. The protocol includes the establishment of committees responsible for detecting and supporting the regularisation of students without a birth certificate.

²⁹ See, *e.g.* Mexico (based on case-law of the Supreme Court), Cambodia (all birth registration is free since 2017), Lao PDR.

circumstances or for certain uses, in order to ensure greater access to public services.³⁰ Such actions contribute to the achievement of SDG 1 to ensure families living in poverty are not excluded.

Question 3 – Extent and scope of corruption in excluding individuals and groups from accessing civil registration and impact on the delivery of birth registration services:

Unfortunately, the delivery of civil registration services has not been exempt of illicit practices. Such practices have included corruption, fraud, forgery in official documents, etc. Such practices have been reported in contexts of weak regulatory mechanisms and complex socio-economic circumstances, where these have developed over years and may even have become systemic.³¹

Indeed, these practices have been evidenced in countries where substitution of birth mothers has been common,³² where illegal adoptions were widespread³³ and when for-profit care practices may have been a reality.³⁴ Such human rights violations may have a life-long impact, as victims discover the falsification of elements of their identity, face ongoing obstacles to have missing or falsified elements of their identity restored and may experience difficulties to access their origins, if at all.

Hence, corruption and other illicit practices have had implications for the enjoyment of children's rights to identity and family relations and for the achievement of SDG 16.9. The strengthening of relevant public services, in particular civil registration offices and other involved public bodies and staff, is fundamental to address any of these remaining instances of violations of their rights.

Question 4 – Percentage of eligible individuals and households, who do not claim and/or benefit from public services in your country (non-take up) as well as barriers that hinder them from accessing public services to which they are entitled and opportunities to reduce non-take-up:

Even though the current rates of birth registration may vary from one country to another, it is worth mentioning UNICEF's 2019 estimates on this issue: 166 million children under the age of five, whose births were not registered (of which over half are in Africa), and 237 million children under the age of five, who had no birth certificate in the world.³⁵ Indeed, in Africa, the numbers are telling: of all infants (under the age of one) on the continent, around 27 million do not possess a birth certificate, of which 21 are unregistered; and Africa is home to 116 million children under the age of five without a birth certificate. Only with sustained progress and concerted efforts, could the number of unregistered children in 2030 be 58 million less than today.³⁶ In Asia and the Pacific, of all infants in the region, 17 million – one in four – have not been registered and 23 million children have no birth certificate; four out of 10 countries in the region are therefore not on track to achieve universal birth registration, as even with accelerated progress, the total number of unregistered children in the region could still be of three million by 2030.³⁷ Amongst the latter, certain groups of children are undoubtedly over-represented in low birth registration

³⁰ See, e.g. Chile (in cases of claims for social grants), Colombia (vulnerable groups and indigenous communities and/or persons).

³¹ Issues of fraudulent birth certificates have been raised in Guinea, for example. See: Committee on the Rights of the Child. Concluding observations and recommendations. CRC/C/ GIN/CO/3-6. Paras. 21-22. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=GIN&Lang=EN.

³² See, e.g. Guatemala (CICIG (2012). Report on Players Involved in the Illegal Adoption Process in Guatemala since the Entry into Force of the Adoption Law (Decree 77-2007). Available at: https://www.cicig.org/history/uploads/documents/informes/INFOR-TEMA_DOC05_20101201_EN.pdf); Philippines.

³³ *Ibid.*

³⁴ See, e.g. Sri Lanka (Bitter, S., Bangerter, A., Ramsauer, N. (2020). Adoptions of Children from Sri Lanka in Switzerland, 1973-1997: the practices of private adoption agencies and the authorities. Historical analysis carried out on behalf of the Federal Office of Justice, in the context of the Postulate Ruiz 17.418. Summary of the report. Zürcher Hochschule für Angewandte Wissenschaft (ZHAW). Available at: https://digitalcollection.zhaw.ch/bitstream/11475/19562/15/2020_Ramsauer_Adoptionen-Sri-Lanka-Schweiz_Zusammenfassung-EN.pdf.

³⁵ UNICEF (2019). *Supra* 2.

³⁶ UNICEF (2022). A statistical update on birth registration in Africa. Available at: <https://data.unicef.org/resources/a-statistical-update-on-birth-registration-in-africa/>.

³⁷ UNICEF (2021). A statistical profile of birth registration in Asia and the Pacific. Available at: <https://data.unicef.org/resources/a-statistical-profile-of-birth-registration-in-asia-and-the-pacific/>.

rates (*see Question 1 above*).³⁸ This is a high number of children, who are currently invisible in public policies, as potential beneficiaries of public services and programmes (*e.g.* education, health, social security, child protection, etc.), and whose access to and enjoyment of many other rights is hindered due to the fact that they do not have a legal identity or that they cannot prove it. These children may also be at an increased risk of discrimination, exploitation and vulnerability in particular circumstances.

The creation and operation of the United Nations Legal Identity Agenda and its Task Force have played a key role in strengthening advocacy on this issue. Indeed, 'legal identity' has been defined as the 'basic characteristics of an individual's identity, *e.g.* name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorised civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognised identification authority. This system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death'.³⁹ The Task Force – made up of various UN agencies and other relevant bodies⁴⁰ – is an important mechanism that will also contribute to raising awareness as to the barriers that still hinder access to CRVS systems and services, including birth registration and civil registry offices (*see Question 1*), and to disseminate and support those initiatives that promise higher rates of universal birth registration (*see Question 2*).

Question 5 - Challenges and good practices of public services delivery to persons belonging to groups in situations of vulnerability and marginalization including persons living in poverty, women and girls; children and youth; ethnic, national and linguistic minorities; persons with disabilities; indigenous peoples; migrants; and older persons:

In addition to the opportunities and promising practices explored under Question 2, it is worth reiterating here those actions that may address those obstacles to have a particular impact on groups in situations of vulnerability and marginalisation:

- a. *Ethnic, linguistic and national minorities*: While it has been reported that, in some countries, local minorities may not be aware of the importance of birth registration of their children, it is also true that, historically, some countries have not made sufficient efforts to ensure that this importance and the procedures to do so were explained and disseminated in all languages. The competent public services in some countries have therefore undertaken targeted campaigns to make information on civil registration, including birth registration, available to particular groups and to translate the procedures and documents, in order to reach groups that were at particular risk of non-registration.⁴¹ This may also break to cycle of inter-generational non-registration.
- b. *Migrants and children on the move*: Undoubtedly, as mentioned further above, persons and groups subject to internal or cross-border migration are at increased risk of non-registration. In some countries, the legislation is restrictive in terms of civil registration of migrants; in others, the infrastructure of relevant public services on routes of strong migration remains weak. Thus, there have been initiatives in various countries to ensure that public services are available and facilitate the civil registration of migrant populations and others have launched campaigns to support the registration of births of children of migrant parents or on the move.⁴² Furthermore, the International Commission on Civil Status (ICCS) has developed an international instrument, aimed at facilitating the recognition of civil acts between

³⁸ According to UNICEF Australia, in 2019 it has been estimated that 1 in 6 Aboriginal births are not registered. See: UNICEF Australia (2019). Despite significant increase in birth registration, a quarter of the world's children remain 'invisible'. Available at: <https://www.unicef.org.au/media-release/despite-significant-increase-in-birth-registration>. Likewise, in Paraguay, only 70% of children, who speak Guarani at home, have been registered, about 17% lower than those who speak Guarani and Spanish and 24% lower than those who only speak Spanish. See: UNHCR, OAS and CLARCIEV (2020). *Estudio Regional sobre Inscripción Tardía de Nacimientos, Otorgamiento de Documentos de Nacionalidad y Apatridia*. Available at: <http://www.oas.org/es/sap/dgpe/PUICA/docs/Estudio-Regional-sobre-Apatridia.pdf>.

³⁹ United Nations, Department of Economic and Social Affairs, UN Legal Identity Agenda, <https://unstats.un.org/legal-identity-agenda/>.

⁴⁰ *Ibid.*

⁴¹ See, *e.g.* Bolivia (increased age for registration in line with indigenous customs), Mexico (information available in indigenous languages in the states of Chiapas and Guerrero).

⁴² See, *e.g.* Colombia (Venezuelan migrants), Philippines (children of Filipino parents abroad), Guatemala, El Salvador and Honduras (see *Supra* 25).

countries.⁴³ All these opportunities and efforts would, undoubtedly, not only contribute to increased rates of birth registration and therefore achievement of Article 7 of the UNCRC and SDG 16.9, but it would also entail stronger protection of these children against statelessness.

- c. *Birth registration by single mothers*: Likewise, as mentioned further above (see Question 1), a group of children particularly at risk of under-registration are the children of single mothers, as the discrimination against these mothers remains strong in some societies and cultures. Legislation may need to be reformed to ensure that children may be registered, even where the father is unknown or not present, in order to ensure that these children, do not remain without a legal identity. On this basis, public services, and their procedures, should be reviewed to facilitate birth registration in these circumstances. Linked to the latter, countries should review their legislation on abandonment as well as their practice of ‘baby boxes’ and/or ‘safe haven laws’, in order to ensure the physical safety of children born to mothers or parents in difficult situations, whilst also safeguarding their right to an identity and to access their origins.⁴⁴

Question 6 – Digitalisation of public services, including challenges and good practices of transparency, accountability, and efficiency in the delivery of public services:

There are numerous examples of countries, which have undertaken processes of modernisation, including digitalisation, of their CRVS systems. These have certainly made efforts to address the remaining obstacles to universal birth registration, as enshrined in Article 7 of the UNCRC and expected in SDG 16.9. Indeed, digitalisation has meant that civil registration, including birth registration, is available more readily in geographically distant areas, in a wider range of facilities – including hospitals and health facilities, across other sectors (*e.g.* education, social security), and linked to other identity-related procedures, including identity documents, migration-related documents, other databases, etc. The issue of digitalisation will be the object at the heart of a study to be undertaken by the Office of the High Commissioner for Human Rights, following a recent Human Rights Council resolution on this issue.⁴⁵ The study intends to explore ‘the use of digital technologies to achieve universal birth registration, its best practices, challenges and opportunities, and potential mechanisms to close the gap between the number of children whose births are reported as registered and those who actually have a birth certificate’.

The delivery of public services has, in parallel, been subject to more solid legislation and mechanisms of data management and protection. This has had to be balanced against the individual human right to access to personal information and origins. Hence, whilst more transparent and accurate information may now be gathered, promptly recorded and duly preserved, in some situations, accessing this personal information remains a challenge incumbent on public services to resolve. This remains complex for adoptees searching for their origins, for children and adults conceived and born from assisted reproductive technologies and surrogacy, refugee, asylum-seeking and migrant children, amongst others.⁴⁶

Question 7 – Participation of private actors in public service delivery; regulation, monitoring, challenges and good practices:

In terms of compliance with Article 7 of the UNCRC and the achievement of SDG 16.9, the involvement of the private in the delivery of public civil registration services has focused significantly on the provision of support with technological tools aimed at digitalisation of CRVS systems, including birth registration. Several countries have indeed benefited from equipment, capacity-building and direct support offered by private companies specialised in such tools.⁴⁷ In this context, it is worth mentioning that it is fundamental that such digital practices, and the private companies providing this support, respect the children’s human rights.

⁴³ Convention (No.34) on the issue of multilingual and coded certificates and extracts from civil-status records, signed at Strasbourg on 14 March 2014. Available at: <https://www.ciec1.org/convention-34-presentation-en>.

⁴⁴ See: Baglietto, C., Bordier, L., Dambach, M. and Jeannin C. (2022). *Supra* 15. See: UNHCR and UNICEF (2021). *Supra* 9.

⁴⁵ Human Rights Council. Birth registration and the right of everyone to recognition everywhere as a person before the law. A/HRC/52/L.23. 27 March 2023. Para. 11. Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/52/L.23.

⁴⁶ *Supra* 42. See also: Ireland, at CHIP (2022). Legal opinion on Irish Birth Information and Tracing Bill 2022. Available at: <https://www.child-identity.org/en/resources/technical-support/580-legal-opinion-on-irish-birth-information-and-tracing-bill-2022.html>.

⁴⁷ See, *e.g.* Senegal.

Whilst such support may be welcome by countries in order to ‘permanently store and protect civil registration records (...) to prevent the loss or destruction of records (...) through the use of digital and new technologies as a means to facilitate and universalize access to birth registration, to prevent the loss of personal data and to ensure continuity of birth registration (...)’,⁴⁸ there is need to ensure that the involvement of the private sector is duly regulated, insofar as data protection, privacy and human rights protection are concerned. It is not only a matter of ensuring prompt birth registration, but also of protecting all children’s rights.⁴⁹

Gaps in the wider implementation of the right to identity have been observed in specific circumstances, for example when adoptees initiate searches for their origins.⁵⁰ In this respect, it is incumbent upon States to have the legislation, policies and mechanisms in place to ensure the due creation, preservation and restoration of identities, even when receiving the support or delegating part of their responsibilities to private actors.

⁴⁸ *Supra* 45, Para. 5(f).

⁴⁹ See, *e.g.* Digitalisation of Public Data Infrastructure and its problems. *The Yale Tribune*. 31 August 2018. Available at: <https://campuspress-test.yale.edu/tribune/digitalisation-of-public-data-infrastructure-and-its-problems/>.

⁵⁰ CHIP (2023). Briefing Note: Safeguarding search for origins from illicit post-adoption practices. Available at: <http://child-identity.org/images/files/CHIP-BriefingNote-SafeguardingSearch-EN.pdf>.