

Submission: Child Identity Protection (CHIP)¹ welcomes the opportunity to provide input for the UN High Commissioner for Human Rights’ (OHCHR) report on *the rights of the child and violations of the human rights of children in armed conflicts* (HRC res. [55/29](#)), which is being coordinated by the Child and Youth Rights section within the OHCHR. This submission is based on CHIP’s work including the Legal Atlas on birth registration currently being developed in collaboration with UNICEF (UNICEF/CHIP Legal Atlas),² work with UNICEF WCARO³ and Cameroon⁴ as well as public sources.

Introduction: Birth registration serves interrelated purposes for the fulfilment of children’s rights in the CRC. Firstly, the child’s right to be registered immediately after birth is embedded in international standards as a **stand-alone right** (e.g. Art. 24(2) ICCPR and Art. 7 CRC). Birth registration provides a legal identity, which has minimum conditions as defined by ECOSOC in 2019.⁵

Secondly, it is also often a prerequisite to the achievement of other **identity rights** including right to nationality (e.g. it establishes facts in relation to *jus soli* and *jus sanguinis*), name (i.e. recorded at birth) and family relations (i.e. recording of mother, father, siblings etc.) (see Diagram 1).

Thirdly, birth registration acts as a gateway to **other CRC rights**. For example, without a birth certificate, children may not be able to go to school and/or sit exams to progress in their schooling;⁶ may be excluded from social protection subsidies; may not have origins information, which can impact both physical and mental health, as well as may be prevented from accessing justice (Diagram 2).⁷

Fourthly, birth registration can **protect from harms** as it provides proof of age, limiting certain activities deemed unsuitable for children. Without this proof, children are at greater risk of exploitation, trafficking, recruitment as child soldiers, child marriage and extreme forms of child labour. In juvenile justice matters, children receive different treatment according to their age and maturity (Diagram 2).

In light of the above, CHIP supports all efforts that contribute to the preservation of the child’s right to identity including birth registration, name, nationality and family relations. For birth registration, these efforts require an enabling environment to ensure that the supply of civil registration and vital statistic (CRVS)

Diagram 1 : Child’s right to identity (Art.7-8 CRC)

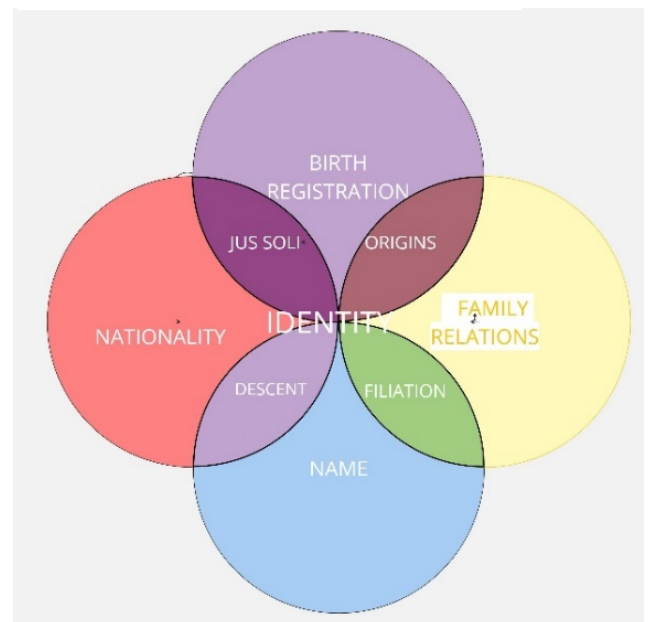
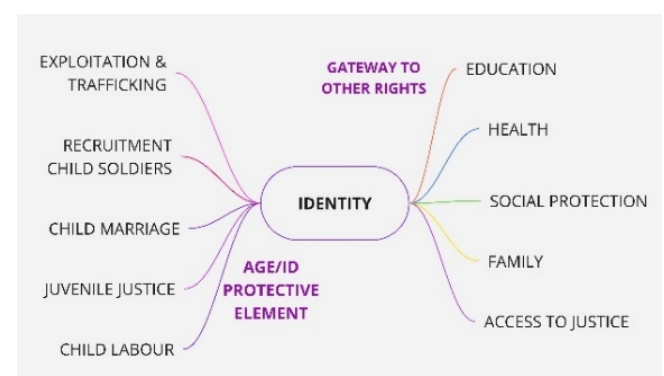


Diagram 2 : Birth registration as an enabler for other rights



¹ www.child-identity.org. This submission was prepared by Mia Dambach with input from colleagues at CHIP and other international based organisations.

² <https://www.child-identity.org/research-on-behalf-of-unicef-to-develop-a-legal-atlas-on-childs-right-to-identity/>

³ <https://www.child-identity.org/unicef-west-and-central-africa-regional-office-enters-into-formal-partnership-with-chip-to-improve-birth-registration/>

⁴ <https://www.child-identity.org/birth-registration-work-in-collaboration-with-unicef-cameroon-wcaro/>

⁵ E/CN.3/2020/15 <https://unstats.un.org/unsd/statcom/51st-session/documents/2020-15-CRVS-E.pdf>

⁶ See 2024 CHIP submission for OHCHR study on ensuring quality education for peace and tolerance for every child <https://www.child-identity.org/improving-birth-registration-to-access-early-education/>

⁷ See meeting summary from Expert Meeting with CRC Committee on the Rights of the Child <https://www.child-identity.org/expert-meeting-with-crc-committee-on-childs-right-to-identity-and-access-to-remedies/> and varied submissions made by the WG on identity rights and CHIP <https://www.child-identity.org/expert-meeting-with-crc-committee-on-childs-right-to-identity-and-access-to-remedies/>

services is adequate and that there is sufficient demand. These issues have been addressed in CHIP's 2024 submission to OHCHR for its upcoming report on birth registration and digital technologies, including multiple references to existing secondary literature.⁸ The challenges to accessing identity rights and consequences for access to justice have also been addressed by the Identity rights working group (IDWG) on numerous occasions.⁹

Importance of civil registration in emergency contexts

Given the benefits of birth registration, it is crucial that systems continue to operate in emergency contexts. Civil registration-based vital statistics are crucial during emergency situations as they provide the means to account for members of the population. Disaggregated statistics by age, gender and geography are critical in helping governments to determine the needs of the population and to accurately respond to such needs. Registration services should therefore continue especially during emergency times - newborns and new mothers-being the most vulnerable should be known and protected. It is also crucial that deaths and causes of death are recorded. This latter aspect is closely linked to access to justice and effective remedies, which may be relevant for certain cases.

Challenges for accessing the right to identity in emergency contexts

Despite the importance of birth registration, UNICEF notes that

*"emergencies infringe on many individual basic rights, including access to a name and a nationality. In almost all emergencies, including armed conflicts, natural disasters and humanmade hazards, vital event registration systems become dysfunctional and, in extreme cases, they collapse entirely, archives may be destroyed, and documents are lost. Civil registration and vital statistics systems are also affected by large-scale epidemics and pandemics due to restrictions on movement and the disruption of service delivery. In addition, where movement and migration occur, access to civil registration services may be hampered by laws and policies that exclude certain groups (...) Restoring registration activities and registries and clearing backlogs is a complex and costly exercise requiring specific legal and policy provisions."*¹⁰

A number of examples of such challenges are unpacked in the IDWG's 2024 submission to the CRC as noted below.¹¹

- Many children face discrimination owing to their ethnic, indigenous, religious, cultural, language, parent's affiliation, gender, socio-economic status etc.
- Stateless children often face significant barriers due to their nationality, displacement and residence status of their parents. These children face additional challenges including administrative to access the justice system in order to acquire an identity and obtain reparations (e.g. victims of armed conflict).
- Forcibly displaced children face specific circumstances and challenges in accessing birth registration including discriminatory laws and policies, weak or centralised civil registry system, physical and financial inaccessibility, loss of prerequisite documents, requirements for legal residency status or other supporting documents, or unavoidable delays due to displacement, requiring flexible and responsive solutions.¹²
- Discriminatory laws and policies, combined with numerous other factors, hinder the right to access justice for children born of conflict-related sexual violence by restricting access to legal and civil documentation.¹³ The lack of legal identity should not be a barrier to accessing justice and reparations in these situations.

⁸ See CHIP submission <https://www.child-identity.org/expert-meeting-on-birth-registration-and-digital-technologies/>

⁹ See Meeting Summary of Expert meeting for GC27 <https://www.child-identity.org/wp-content/uploads/2024/05/CRC-Expert-Consultation-summary-notes-11-June-2024.Final.pdf>, CHIP submission to GC27 <https://www.child-identity.org/wp-content/uploads/2024/05/Right-to-identity-and-access-to-justice-CHIP-submission-June-2024-ENG.pdf>. See also Webinar on Child's Right to Identity in Emergency Settings <https://www.child-identity.org/22-november-2022-virtual-symposium-childs-right-to-identity-in-emergency-settings/>

¹⁰ <https://www.unicef.org/wca/media/8976/file/CRVS%20Humanitarian%20final.pdf>

¹¹ WG submission to GC27 https://www.child-identity.org/wp-content/uploads/2024/05/IDRWG_Submission_Access-to-justice-6-August-2024-EN.pdf

¹² UN High Commissioner for Refugees (UNHCR), *Child protection Issue Brief : Birth Registration*, August 2013, <https://www.refworld.org/policy/opguidance/unhcr/2013/en/94148> [accessed 23 July 2024], UN High Commissioner for Refugees (UNHCR), *Birth Registration - UNHCR Global Field Survey on Policies and Practices*, 2016, <https://www.refworld.org/reference/themreport/unhcr/2016/en/115462> [accessed 23 July 2024]

¹³ Global Survivors Fund paper <https://www.child-identity.org/children-born-of-conflict-related-sexual-violence-and-rights-to-identity/>

- In conflict situations, the crime of genocide includes “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” The Rome Statutes have a specific crime covering children encompassing the forcible transfer of children from their group to another group. Regrettably this has occurred with the forced removal of indigenous children, children from ethnic groups and/or removals during armed conflict. All efforts including through Transitional Justice (truth seeking,¹⁴ justice,¹⁵ reparation including guarantees of non-recurrence) should be explored.

In addition to examples noted by the IDWG, UNICEF notes that “in recent years, state institutions have increasingly become the target of non-state armed groups, which have been seen attacking civil registration centres –the main entities representing the state in many rural areas –as a way to prevent any official recording of future vital events and to systematically destroy old records and archives. In this way, parties to an armed conflict not only expose the local population to serious risks, including the risk of statelessness, but they can also manipulate the ways in which legal identity is recorded to institute demographic change.”¹⁶

Promising practices and recommendations

UNICEF WCARO has provided operational guidelines to adapt CRVS systems to conflicts¹⁷ and the expert meeting with the CRC Committee has also provided some recommendations including:¹⁸

- **Shock and disaster-resistant and responsive Civil Registration and Vital Statistic (CRVS) systems**

- Systems have the capacity to convert temporary documents (e.g. handwritten birth certificates) to documents that can be recognised at a later stage;
- Implementation of temporary and emergency measures (e.g. extended birth registration, simplified procedures, decreased evidentiary requirements, flexibility regarding presence of parents required for registration process);
- Simplified registration procedures for children born in non-government-controlled areas;
- Promotion of mobile registration units in conflict or emergencies situations, including rural areas;
- Robust back-ups of data in copy or a server to preserve records during times of conflict or crisis;
- Digitalisation of CRVS systems is a key strategy for ensuring operational continuity of registration services in emergency situations;
- See also [UNLIA Guidelines-COVID19 and CR_9April_final.pdf](#).
- UNHCR’s handbook to be used in the context of status determination have provided that “in addition, best interests procedures involve the referral of children to multisectoral services, based on the specific needs of the child and their family. Key services or opportunities include: (...) Birth registration for children and other civil registration services that may have an impact on the protection of children (note birth registration is normally part of child protection systems.”¹⁹ It also prioritise the development and identity needs of the child as the basis of the BIP.

“When it comes to reaching to the last mile, we need to have different strategies. What might have worked for improving birth registration coverage from 50 to 80/85% might not work. Unless we focus and unless we have strategies that are very effective, it’s going to be difficult. When we talk about the last mile, most of them are vulnerable and marginalised. This includes refugees, IDPs who are at risk of statelessness, populations living in remote areas and/or in poverty. So we need to have a strategy to cater to their requirements. We need to know exactly who they are, where they are, and how we can reach out to them. So there has to be a bouquet of options, to reach to those populations.”

Bhaskar Mishra, UNICEF CRVS and Legal Identity Specialist (Upcoming [Experts CHIP in video](#) in 2025)

- **Cooperation including between international, regional and national stakeholders**

- Enhanced integration between government and UN systems with easily retrievable data and cloud services, where registration leads at a minimum to access to services;

¹⁴ UNICEF (2011) Children and Truth Commissions <https://shop.un.org/books/children-truth-commissions-5177>

¹⁵ Cécile Aptel (2023) <https://www.routledge.com/Atrocity-Crimes-Children-and-International-Criminal-Courts-Killing-Childhood/Aptel/p/book/9781032420554>

¹⁶ <https://www.unicef.org/wca/media/8976/file/CRVS%20Humanitarian%20final.pdf>

¹⁷ <https://www.unicef.org/wca/media/8976/file/CRVS%20Humanitarian%20final.pdf>

¹⁸ See Meeting Summary of Expert meeting for GC27 https://www.child-identity.org/wp-content/uploads/2024/05/CRC-Expert-Consultation-summary-notes-11-June-2024.Final_.pdf

¹⁹ UNHCR (2021) Best Interest Procedure Guidelines <https://www.refworld.org/policy/opguidance/unhcr/2021/en/122648>

- Promoting the ratification of International Commission on Civil Status Convention No.34 which facilitates the issuance of multilingual and coded extracts/certificates from civil-status records;
- Promoting the development of bilateral and multilateral agreements on the acceptance of alternative documents between countries during conflict or crisis periods;
- Increased ratification and implementation of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children;
- Engagement of special procedures for whose mandate the issue of children's identity in humanitarian situations is relevant, such as the Special Rapporteur on Transitional Justice;
- Engaging the use of international committees of inquiry to complement the work of the CRC Committee that has the requisite capacity to deal with individual legal identity complaints arising from warzones;
- Addressing the specific situations of children on the move and born in transit and giving visibility to the risk of statelessness;
- Family reunification should be prioritised where children are separated from their families.²⁰

Recommendation: States should ensure that CRVS systems are shock and disaster-resistant, adapted to the specific needs of all children and their families. Cooperation including between international, regional and national stakeholders should be encouraged through memorandum of understandings, as well as ratification of relevant international standards such 1996 Hague Convention and ICCS Convention No.34. Family reunification should be prioritised where children are separated from their families, preserving the child's right to family identity.

²⁰ Human Rights Council Rights of the child: realizing the rights of the child and family reunification. A/HRC/RES/49/20. 8 April 2022. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHR- C%2FRES%2F49%2F20&Language=E&DeviceType=Desktop&LangRequested=False>