



# General Assembly

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## Human Rights Council

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### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

**Albania,\* Australia, Austria, Belgium,\* Bulgaria, Chile, Colombia,\* Croatia,\* Czechia, Estonia,\* Finland,\* France,\* Germany, Hungary,\* Iceland,\* Indonesia, Ireland,\* Italy, Latvia,\* Luxembourg,\* Malaysia,\* Maldives,\* Marshall Islands, Mexico, Montenegro,\* Norway,\* Paraguay,\* Peru, Philippines, Portugal,\* Romania,\* Slovakia, Spain, Sweden,\* Thailand,\* Turkey,\* Ukraine and Uruguay: draft resolution**

### 43/... Birth registration and the right of everyone to recognition everywhere as a person before the law

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming* the human right of everyone to be recognized everywhere as a person before the law, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, and recalling the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Reduction of Statelessness and other relevant international instruments,

*Recalling* the obligation of States to register all children, without discrimination of any kind, immediately after birth, which is an important element of the protection and realization of all human rights, as provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other relevant international instruments to which they are party,

*Recalling also* the resolutions adopted by the General Assembly and the Human Rights Council in which they called upon States to ensure the registration of all children immediately after birth, and without discrimination of any kind, the most recent being Assembly resolution 74/133 of 18 December 2019 and Council resolution 34/15 of 24 March 2017,

\* State not a member of the Human Rights Council.



*Recognizing* that birth registration and the right to recognition everywhere as a person before the law is closely linked to the realization of all other human rights, and therefore underlining the importance of a human rights-based approach to birth registration, based on international human rights obligations and commitments operationally directed at respecting, promoting, protecting and fulfilling human rights, and at preventing human rights violations,

*Welcoming* the commitment of States to leave no one behind, and recalling that the provision of legal identity for all, including birth registration, is included as the standalone target 16.9 in the 2030 Agenda for Sustainable Development under Sustainable Development Goal 16, and taking note with interest of the report entitled “Birth Registration for Every Child by 2030: Are we on track?”, published by the United Nations Children’s Fund in 2019on,

*Recognizing* that the full implementation of this target will have both a direct and an indirect impact on the achievement of other targets and goals, inter alia social protection, protection in emergencies, access to financial and economic resources, the elimination of all forms of discrimination and violence against women and children everywhere, and access to quality education,

*Welcoming* the continuing efforts of the Committee on the Rights of the Child and other treaty-based bodies towards universal birth registration, such as through recommendations widely addressed to States in this regard,

*Recognizing* the importance of birth registration, including late birth registration and the provision of documents of proof of birth, as a means of providing an official record of the existence of a person and the recognition of that individual as a person before the law, and as a critical means of preventing statelessness,

*Expressing concern* that unregistered individuals may have limited or no access to services and the enjoyment of all the rights to which they are entitled, including the rights to a name and to acquire a nationality, and rights relating to health, education, property and inheritance, social welfare, work and political participation, and taking into consideration that registering a person’s birth is a vital step towards respect for and the protection and fulfilment of all their human rights, and that persons without birth registration are more vulnerable to poverty, marginalization, exclusion, discrimination, violence, statelessness, abduction, sale, exploitation and abuse, including when they take the form of child labour, human trafficking, child, early and forced marriage, other harmful practices, illegal adoption and child recruitment,

*Bearing in mind* that certain groups, such as nomadic and border populations, minorities, refugees, internally displaced persons, migrants, abandoned, orphaned, unaccompanied or separated children, indigenous peoples and persons with disabilities are at particular risk of statelessness, because their situation makes it difficult for them to register births or to obtain related documents, thereby hindering the full realization of their human rights,

*Recognizing* that armed conflict and emergencies can be a cause and a consequence of statelessness, rendering women and girls particularly vulnerable to various forms of abuse in both the private and public domains, and that statelessness can arise when women’s experience of conflict intersects with discrimination with regard to nationality rights, such as laws that require women to change nationality upon marriage or its dissolution or that deny them the ability to pass on their nationality,

*Being fully aware* of the fact that non-registration of children at birth may represent a major impediment to the enjoyment of civil, political, social, economic and cultural rights,

*Recognizing* that free birth registration and free or low-fee late birth registration are part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve internationally agreed development goals,

*Recognizing also* that non-governmental organizations, professional associations, the media, the private sector and other members of civil society, including those involved in public-private partnerships, can also contribute to the improvement and promotion of

community awareness of birth registration in a manner that reflects national priorities and strategies,

1. *Expresses deep concern* at the fact that, according to the United Nations Children's Fund, nearly 237 million children still do not have a birth certificate despite ongoing efforts to increase the global rate of birth registration;

2. *Reminds* States of their obligation to register all births without discrimination of any kind, and also reminds States that birth registration should take place immediately after birth, in the country where children are born, including the children of migrants, non-nationals, asylum seekers, refugees and stateless persons, in accordance with international human rights law and national law, and that late birth registration should be limited to those cases that would otherwise result in a lack of registration;

3. *Reaffirms* that the provision of legal identity for all, including birth registration by 2030, can contribute to prevent, inter alia, poverty, marginalization, exclusion, discrimination, violence, statelessness, illegal adoption, abduction, sale, exploitation and abuse, including when it takes the form of child labour, human trafficking, child, early and forced marriage and other harmful practices, and child recruitment, and can also assist in the reunification of families separated by conflict, disaster or humanitarian crisis;

4. *Welcomes* the report of the United Nations High Commissioner for Human Rights on best practices and specific measures to ensure access to birth registration, particularly for those children most at risk,<sup>1</sup> in which the High Commissioner addressed the situation of children marginalized and living in situations of conflict, poverty, emergency or vulnerability, including girls, children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons;

5. *Calls upon* States:

(a) To identify and reform laws or policies that discriminate against women and children and compromise access to birth registration and the realization of their right to recognition everywhere as a person before the law;

(b) To identify and remove physical, administrative, procedural, practical and any other barriers that discriminate or impede access to birth registration, in order to ensure that birth registration procedures are universal, accessible, simple, expeditious, effective and provided at minimal or no cost, to remove documentation requirements that are difficult or impossible to fulfil, and to pay due attention to, inter alia, those barriers relating to gender, indigeneity, culture, religion, poverty, social or economic status, disability, women's equal nationality rights, age, adoption processes, nationality, statelessness, displacement, illiteracy, detention contexts, armed conflict and humanitarian situations, and to persons in vulnerable situations;

(c) To establish or strengthen existing institutions at all levels responsible for birth registration, including through the development of comprehensive civil registration systems and the preservation and security of such records, to ensure adequate training for registration officers, to allocate sufficient and adequate human, technical and financial resources to fulfil their mandate, and to increase the accessibility of birth registration facilities within its territory and, in accordance with relevant international and national laws, abroad, either by increasing the number or through other means, such as mobile birth registration officials in rural areas, promoting community awareness and working to address the barriers faced by persons who may be in vulnerable situations, such as women and girls, persons with disabilities, indigenous children, children belonging to minorities, children of migrants, asylum seekers, refugees and stateless persons, in their access to birth registration;

(d) To implement targeted programmes to reach children living in the most remote and excluded circumstances, including by integrating the provision of birth registration with the delivery of other essential services, particularly health services, and utilizing mobile

<sup>1</sup> A/HRC/39/30.

registration units, technology and other innovative solutions to advance decentralized registration procedures;

(e) To take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records, inter alia, due to emergency or armed conflict situations, including through the use of digital and new technologies as a means to facilitate and universalize access to birth registration, to prevent the loss of children's personal data and to ensure continuity of birth registration during and after situations of conflict and humanitarian crisis, and also to strengthen civil registration and vital statistics, which are key for the collection of disaggregated data for monitoring the Sustainable Development Goals;

(f) To ensure that only the minimum information necessary to uphold an individual's rights is recorded on birth certificates, such as the child's name, gender, date and place of birth, and, when available, the parents' names, citizenship and addresses;

(g) To assess potential risks to privacy and to take steps to protect individuals from discrimination and harm when determining the information included in a birth certificate, particularly details concerning origin, gender, race, ethnicity, social origin, language, religion and parents' marital status, and to protect personal information obtained through birth registration or other civil registration processes that may be used to discriminate against an individual;

(h) To raise awareness of birth registration continuously at the national, regional and local levels, including by engagement in collaboration with all relevant actors, such as national human rights institutions, the public and private sectors and civil society organizations, in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of human rights;

(i) To ensure that lack of birth registration or documents of proof of birth does not constitute an obstacle to access to and the enjoyment of relevant national services and programmes, in accordance with national and international human rights law;

(j) To ensure individual documentation, including in post-conflict and other migration flows, of internally displaced women, refugee and asylum-seeking women and separated and unaccompanied girls and other marginalized groups, and also to ensure the timely and equal registration of all births, marriages, divorces and deaths;

(k) To make every effort to tackle the differences found in the prevalence of birth registration between boys and girls;

(l) To strengthen global partnerships and to provide the cooperation and assistance necessary to enhance technical capacity-building with a view to attaining Sustainable Development Goal target 16.9 by 2030;

6. *Encourages* States to ensure that registration documents are accessible, comprehensible and available in minority and local languages, whenever possible;

7. *Invites* States and other relevant stakeholders to work towards ensuring universal birth registration through, inter alia, cooperation, innovation, the exchange of good practices and technical assistance, including through the universal periodic review and other relevant mechanisms of the Human Rights Council;

8. *Encourages* States to request technical assistance, if required, from relevant United Nations bodies, agencies, funds and programmes and other relevant stakeholders in order to fulfil their obligation to undertake birth registration as a means of respecting the right of everyone to be recognized everywhere as a person before the law;

9. *Invites* States and other actors to consider endorsing the Principles on Identification for Sustainable Development, which aim to strengthen identification systems and to foster cooperation around the implementation of the Sustainable Development Goals;

10. *Invites* relevant United Nations agencies, funds and programmes and other relevant stakeholders to cooperate with States in providing technical assistance, upon request, and calls upon them to ensure that persons with no birth registration are not discriminated against in any of their programmes;

11. *Requests* the High Commissioner to identify and actively pursue opportunities to collaborate with the United Nations Statistics Division and other relevant United Nations agencies, funds and programmes, as well as other relevant stakeholders, in order to strengthen existing policies and programmes aimed at universal birth registration and vital statistics development, and to ensure that they are based on international standards, taking into account best practices, and are implemented in accordance with relevant international human rights obligations;

12. *Decides* to consider this issue in accordance with its programme of work, at its fifty-second session.

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