



Economic and Social Council

Distr.: General
7 December 2015
English
Original: French

Commission on the Status of Women

Sixtieth session

14-24 March 2016

**Follow-up to the Fourth World Conference on Women and
to the twenty-third special session of the General Assembly entitled
“Women 2000: gender equality, development and peace for
the twenty-first century”**

Statement submitted by Regards de femmes, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

The NGO Regards de femmes works, in France and elsewhere in the world, in partnership with a large number of associations defending the rights of women such as the Association des juristes sénégalaises, the Association solidarité féminine Maroc, and the Organisation nationale pour l'enfant, la femme et la famille-Côte d'Ivoire, to ensure that all spaces, both public and private, enable women and girls to enjoy safety, equality, recognition and respect for their dignity.

In these spaces of autonomy and freedom, women can study, receive care, be judged, work and develop together with men and together with other women.

In order to achieve effective equality of rights, duties and dignity between men and women, including women with disabilities, Regards de femmes and its partners are motivated by the international conventions which States have signed and under which they are accountable to their population.

Together with its partners, Regards de femmes is working to promote women's right to register the birth of their children, so that each child has civil status.

The Millennium Development Goals could not be achieved because one child out of three in the world (60 million children a year, according to UNICEF) is not registered at birth. This denial of a fundamental right, too often overlooked, stems from the fact that women find it difficult to register their children or are actually forbidden to do so.

The right to civil status is the primary right, since it confers entitlement to all the other rights and is recognized by:

- The Universal Declaration of Human Rights (1948), which states that everyone has the right to recognition everywhere as a person before the law (article 6), that men and women are entitled to equal rights as to marriage, during marriage and at its dissolution (article 16) and that all children, whether born in or out of wedlock, shall enjoy the same social protection (article 25);
- The United Nations International Covenant on Civil and Political Rights (1966), which states that the registration of births is a legally binding obligation of States (article 24 – “Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality”);
- The Convention on the Elimination of all Forms of Discrimination against Women (1976), which requires States to ensure the equal rights of men and women, regardless of marital status, in the exercise of all economic, social, cultural, civil and political rights (article 1) and to grant women equal rights with men with respect to the nationality of their children (article 9);
- The United Nations Convention on the Rights of the Child (1989), which states that a child must be registered immediately after birth and has the right from birth to a name and the right to acquire a nationality. States parties must ensure the implementation of those rights in accordance with their national law
 - The African Charter on the Rights and Welfare of the Child (1990), which emphasizes the importance and the responsibility of the State as regards the registration of births;

- The European Commission and UNICEF have stated that the first right of the child (the most important one, linked to enjoyment of the others) is the right to a name and identity (July 2012);
- The 2030 agenda for Sustainable Development asks States “By 2030, [to] provide legal identity for all, including birth registration” (Goal 16.9).

Lack of civil status is an absolute mechanism of social exclusion

The difficulties experienced by people resulting in non-registration at birth have serious repercussions, because their children will not be legally recognized and will not have access to appropriate programmes and services to which they are entitled.

A birth certificate allows a person to prove his or her identity and age. It is essential in order to benefit from the protection of minors, for civil status formalities (marriage, inheritance, divorce, death) and administrative procedures (enrolment at education establishments, inclusion on electoral rolls, access to health care, job applications, opening of a bank account, issue of a passport, etc.).

Without legal recognition, there can be no census or monitoring of persons. How can there be any planning and on what statistical basis?

In the absence of personal civil status documents showing the age of the child, how can there be effective prevention of early marriage, trafficking in girls and women and all forms of exploitation and violence?

A girl who has no legal civil existence can be kidnapped, forced into slavery or early marriage or made to disappear with impunity. International law is powerless to prevent child labour and human trafficking if there are no indisputable and forgery-proof civil status documents.

Girls with no civil status are as if dead. Their rights are flouted. Without identity, they are invisible to development programmes but are desirable for all human trafficking, sexual exploitation, organ sale, etc. It is essential to make these invisible girls visible so that they can have access to many programmes of activity targeting the various traditional, patriarchal, financial and geographical obstacles, so that they can become safe and emancipated.

In some countries, registration is discouraged by patriarchal laws on the nationality of children, and sexist discrimination preventing registration by the mothers, who themselves did not have access to schooling and health care. Mothers and children generally belong to ethnic minorities and live in rural areas. Violence, exclusion and poverty are thus perpetuated.

In some countries, if the father is away for work reasons or if he refuses to recognize the child, it will be impossible to register the child’s birth.

The problem is worse for single mothers or when rape has occurred.

In societies where preference is given to children of the male sex, boys are registered more than girls. This makes it possible later to conceal female infanticides.

The registration of orphans or of children separated by war or kidnapped by traffickers poses serious problems.

Lastly, war and internal conflicts have the effect of disrupting civil registration and birth registration, including in refugee camps. Statelessness is a matter of concern to UNHCR but also to governments in conflict zones, because of the enrolment of undocumented children in terrorist groups.

Where there are children with no civil status, their mothers are not able to register the birth of their children. As an association and an NGO defending the rights of women, we considered it essential to tackle this issue and to propose solutions, so that development cannot leave anyone behind and so that each child has a civil status and can access education and health programmes and be protected against all form of violence and trafficking.

We ask that:

- Every woman, regardless of marital status, should be able to exercise her right to register her children;
- Every State should have a public civil registration service that is free of charge and compulsory, open to all individuals living in its territory, regardless of gender, marital status, ethnic origin, political opinion, economic situation, language and place of residence;
- There should be no charge for registering births and issuing a birth certificate or any civil status document, formalities including late registrations should be simplified and facilitated by all modern means of communication, as specified in laws confirming their organization for each State;

And we declare that:

- Universal birth registration is necessary for children and for their countries.
 - It gives children a legally confirmed existence and identity and is the sign that they belong to a family and to a nation where they have a place and a right to participate.
 - It ensures that, throughout their lives, individuals have the right to take part in the social, cultural, economic and political life of their countries.
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