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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,\*\* Andorra,\*\* Argentina, Australia,\*\* Austria,\*\* Belgium, Brazil,\*\* Bulgaria,\*\* Chile, Costa Rica, Croatia,\*\* Denmark,\*\* Ecuador,\*\* Estonia,\*\* Finland, France, Germany, Guatemala,\*\* Iceland,\*\* Ireland,\*\* Latvia,\*\* Lithuania, Luxembourg, Mexico, Montenegro, North Macedonia,\*\* Norway,\*\* Peru,\*\* Portugal,\*\* Romania, Slovakia,\*\* Spain,\*\* Sweden,\*\* Türkiye\*\* and Ukraine: draft resolution**

### 52/... 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 and regional instruments to which they are party,

*Reaffirming* that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, and survival and development, provide the framework for all actions concerning children, including birth registration, as well as the right of children to preserve their identity, as enshrined in articles 7 and 8 of the Convention,

\* Reissued for technical reasons on 3 April 2023.

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



*Recalling* 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 76/147 of 16 December 2021 and Council resolution 43/5 of 19 June 2020, and recalling also relevant reports of the United Nations High Commissioner for Human Rights<sup>1</sup> and the Office of the High Commissioner,<sup>2</sup>

*Recognizing* that birth registration and the right to recognition everywhere as a person before the law are 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 and abuses,

*Welcoming* the commitment of States to leave no one behind, 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, supplemented by target 17.19 in the 2030 Agenda under Goal 17 and objective 4 of the Global Compact for Safe, Orderly and Regular Migration, 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 2019,

*Recognizing* that the full implementation of target 16.9 will have both a direct and an indirect impact on the achievement of other Sustainable Development Goals, targets and priorities, 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, gender equality and access to inclusive and equitable quality education,

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

*Taking note also* of the continuing efforts of States to accept and implement recommendations towards ensuring universal birth registration received in the context of the universal periodic review,

*Recognizing* the importance of birth registration, including late and delayed 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* about the gap between the number of children whose births are reported as registered and those who actually have a birth certificate, and the numerous social, cultural, economic, political and structural obstacles to overcoming this situation,

*Expressing concern also* that unregistered children and registered children who do not have a birth certificate may have limited or no access to services and the enjoyment of all the rights to which they are entitled, including the right of children to preserve their identity, including nationality, name and family relations, and rights relating to health, education, property and inheritance, social welfare, work and political participation, and taking into consideration that registering a child’s birth is a vital step towards respect for and the protection and fulfilment of all human rights and that persons, especially children, without birth registration are more vulnerable to poverty, marginalization, exclusion, discrimination, violence, statelessness, illegal adoption, abduction, sale, exploitation and abuse, including when they take the form of child labour, child recruitment and use, sexual and gender-based violence, human trafficking, child, early and forced marriage and other harmful practices,

*Bearing in mind* that persons, especially children in vulnerable situations, including, inter alia, children living in conflict and post-conflict situations, poverty or emergency

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<sup>1</sup> A/HRC/33/22 and A/HRC/39/30.

<sup>2</sup> A/HRC/27/22.

situations, children belonging to minorities, children with disabilities, in particular girls with disabilities, Indigenous children, migrant children, in particular separated or unaccompanied children, and children of migrants, asylum-seekers, refugees and stateless persons, may face additional barriers to accessing birth registration or obtaining related documents, thereby increasing their risk of statelessness and hindering the full realization of human rights, including a risk of being deprived of some or all of the elements of their identity and of not knowing their origins,

*Recognizing* that armed conflict and emergencies may put civil registration records at risk of loss, destruction or falsification, which may heighten the risk of statelessness,

*Expressing concern* that gender-based discrimination with respect to nationality laws and civil registration requirements is a major obstacle to birth registration and may lead to statelessness, in particular in situations of emergency and armed conflict and when laws, inter alia, require women to change nationality upon marriage or its dissolution, deny women the ability to pass on their nationality or prevent single mothers from registering the birth of their children,

*Being fully aware* of the fact that the non-registration of children at birth may represent a major impediment to the enjoyment of all human rights,

*Recognizing* that free birth registration and the free or low-fee issuance of birth certificates 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 the internationally agreed Sustainable 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 and is in line with international human rights law,

1. *Expresses deep concern* at the fact that, according to the United Nations Children's Fund, the births of 166 million children under the age of 5 worldwide have never been officially registered, despite ongoing efforts to increase the global rate of birth registration;

2. *Also expresses deep concern* at the fact that, according to the United Nations Children's Fund, about 70 million children under the age of 5 who are registered worldwide do not have proof of registration in the form of a birth certificate;

3. *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 single mothers, 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, and that all efforts should be made to register all children as early as possible but not later than one year after their birth to include them in vital statistics;

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

5. *Calls upon* States:

(a) To identify and reform laws and policies in order to enable immediate birth registration for all and to prevent all forms of discrimination against women and children in accessing birth registration and the realization of their right to recognition everywhere as a

person before the law, and identify and reform laws and policies that prevent women from passing on their nationality to their children;

(b) To identify and remove physical, administrative, procedural, financial, practical and any other barriers that discriminate or impede access to birth registration and the issuance of birth certificates, in order to ensure that birth registration procedures are universal, accessible, simple, expeditious, effective and provided at minimal or no cost, and to remove documentation requirements that are difficult or impossible to fulfil, in particular for 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 their territory and, in accordance with relevant international and national laws, abroad, either by increasing the number of service delivery points, including through leveraging opportunities provided by the health sector, or by other means, such as mobile birth registration officials in rural and remote areas, promoting community awareness and working to address the barriers faced by persons, especially children in vulnerable situations, in their access to birth registration;

(d) To strengthen interoperability and linkages with other sectors, in particular the health, educational and social protection sectors, while respecting the right to privacy, in order to ensure prompt birth registration in health facilities and to facilitate catch-up mechanisms for older children or adults, so that all persons may have access to a legal identity;

(e) 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, in particular health services, and utilizing mobile registration units, technology and other innovative solutions to advance decentralized registration procedures;

(f) To take all appropriate measures to permanently store and protect civil registration records and to prevent the loss or destruction of records due to, inter alia, 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 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;

(g) To ensure that the birth registration process is aimed at collecting the necessary information available on an individual, including family relations, and to provide persons, including adoptees, with as much information as possible regarding their origins, when requested by them, according to national laws and while respecting the right to privacy;

(h) 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, whenever possible, the child's family relations, including the parents' names, citizenship and addresses;

(i) To assess potential risks to the right to privacy and to take steps to protect individuals from discrimination, violence and harm when determining the information included in a birth certificate, in particular details concerning origin, gender, disability, 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;

(j) To raise awareness of birth registration continuously at the national, regional and local levels, including by engaging 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 all human rights;

(k) 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;

(l) To ensure individual documentation, including in post-conflict and other migration flows, of internally displaced women, refugee and asylum-seeking women, stateless women, separated or unaccompanied girls, and other women and girls in vulnerable situations, and also to ensure the timely and equal registration of all births and other vital events;

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

6. *Encourages* States to ensure that registration documents are accessible, comprehensible and available for persons with disabilities and in minority and Indigenous 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, in particular the United Nations Legal Identity Agenda, 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* 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;

10. *Invites* the United Nations High Commissioner for Human Rights 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;

11. *Requests* the High Commissioner to prepare, in consultation with States, United Nations agencies, funds and programmes, civil society and other relevant stakeholders, a comprehensive study on 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, and to submit the report to the Human Rights Council at its fifty-eighth session;

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