

# Birth Registration, Legal Identity, and the Post-2015 Agenda

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## Abstract

As the post-2015 process to determine the successor set of goals to the Millennium Development Goals (MDGs) moves into its final year, much of the UN inter-governmental negotiations will turn to strengthening and quantifying individual targets. Governments, civil society leaders, academics, and policymakers from around the world have put forth hundreds of potential targets for the post-2015 development agenda. Universal legal identity through birth registration is one target that has consistently remained after many rounds of negotiations. However the target, as it has been put forth, conflates legal identity and birth registration: two distinct, though related, undertakings with different

implementation strategies and different feasible targets. This policy note clarifies these two processes and offers measurable, achievable target language for each component to ensure that this important issue remains in the post-2015 agenda in an impactful way.

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As the post-2015 process to determine the successor set of goals to the Millennium Development Goals (MDGs) moves into its final year, much of the UN inter-governmental negotiations will turn to strengthening and quantifying individual targets. Governments, civil society leaders, academics, and policymakers from around the world have put forth hundreds of potential targets for the post-2015 development agenda. Universal legal identity through birth registration is one target that has consistently remained after many rounds of negotiations.<sup>1</sup>

However the target, as it has been put forth, conflates legal identity and birth registration: two distinct, though related, undertakings with different implementation strategies and different feasible targets. This policy note clarifies these two processes and offers measurable, achievable target language for each component to ensure that this important issue remains in the post-2015 agenda in an impactful way.

Since the beginning of the post-2015 process, the target has been expressed in numerous ways. In 2012, the UN High Level Panel included identity as a target in its “accountable institutions” goal, calling for the post-2015 agenda to “provide free and universal legal identity, such as birth registrations.”<sup>2</sup> Most recently, the Open Working Group included an identity target in its Outcome Document of Proposed Sustainable Development Goals: “by 2030 provide legal identity for all including birth registration.”<sup>3</sup> While the inclusion of identity is critical, neither of these target conceptualizations offers an appropriate avenue for action or measurement.

With pressure clearly building for an identification target in the post-2015 agenda, a closer look shows that such a potential target must include two distinct pieces. The goal of legal identity for all is not the same as ensuring that all new births are registered. A complete legal identity target must take into account those who have previously been left out of the system, including the roughly 750 million children still under the age of 16 whose births have not been registered, as well as the new births that will fail to be registered until total coverage is

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<sup>1</sup> UNICEF defines birth registration as “the continuous, permanent and universal recording, within the civil registry, of the occurrence and characteristics of births in accordance with the legal requirements of a country.” For data purposes, a child who has her/his birth registered before the age of five is counted as registered.

<sup>2</sup> United Nations, [\*A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development: The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda\*](#) (United Nations), 2013.

<sup>3</sup> [Open Working Group Outcome Document: Sustainable Development Knowledge Platform](#),

achieved. What constitutes acceptable legal identity can differ across countries and uses. Some countries have comprehensive national identity programs while others, including for example, the United States, do not. While there is not one model, the goal of universal legal identity would require states to ensure that all have free or low-cost access to widely accepted and robust identity credentials.

In terms of new births, registration comprises two essential elements. First, the details of a child's birth and other relevant information are entered into official government records. Second, a "birth certificate" is issued to the child's parents or guardians, including the date and place of birth, and other information such as parents' names and nationality.<sup>4</sup>

According to recent estimates, as of 2012, the world has failed to account for the births of 230 million children under the age of five.<sup>5</sup> Moreover, an additional 70 million registered children have not received a birth certificate. These children lack a key building block for legal identity, potentially precluding them from economic and social opportunities later in life such as participating in the modern economy, accessing public services, or registering to vote. Within a supportive governance context, birth registration can also help to protect children from abuse and exploitation. Birth registration is increasingly viewed as central to effective and capable governance.

How should identity and birth registration targets be expressed? While 100 percent coverage is a good aspirational aim, it is less useful as a yardstick to measure and monitor improvements in the face of widely varying levels and progress across countries. This policy note uses data on birth registration progress across regions, as well noting some country experiences, to suggest an achievable minimum target on the birth registration component of a legal identity target. In the absence of comparable data on legal identity, it also offers thoughts on the question of those left behind and proposes language on an appropriate legal identity target for inclusion in the post-2015 agenda.

## **Why Should Universal Legal Identity and Birth Registration Be Post-2015 Targets?**

Inclusion of birth registration and legal identity in the post-2015 agenda has the potential to support three core objectives. The first is the realization of basic human rights, as reflected in the Universal Declaration of Human Rights and the Convention on the Rights of the

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<sup>4</sup> UNICEF, *A Passport to Protection: A Guide to Birth Registration Programming*, December 2013, p. 11.

<sup>5</sup> UNICEF, *Every Child's Birth Right: Inequities and Trends in Birth Registration*, December 2013, p. 6.

Child. With the nation-state still the key interlocutor for human rights, national processes such as birth registration are central to the human rights agenda even though they confer legal, rather than human, rights.<sup>6</sup> A second, and related, objective is inclusive development and access to services; it is no accident that those lacking birth registration and legal identity are typically the most vulnerable people in the poorest countries. Research has also pointed to the association between birth registration and a variety of development-related indicators, such as age-appropriate education and immunizations, which in turn advance education and health goals.<sup>7</sup>

A third concern is the need to improve data on vital statistics including births, deaths, and the incidence of disease.<sup>8</sup> As a result, any birth registration target also needs to recognize the importance of registration as an entry point to a well-functioning system of civil registration and vital statistics (CRVS). More complete birth registration and legal identity will not eradicate poverty, but it is seen as a foundational step towards leaving no one behind in the post-2015 development agenda. Building up these systems will also support calls for a ‘Data Revolution’ to ensure that sufficient metrics are available to guide and monitor the post-2015 agenda.<sup>9</sup>

The post-2015 agenda has already been two years in the making. There has been no opposition to legal identity and birth registration inclusion (unlike the case of some other targets) and an emphasis on them has been maintained since the start of the post-2015 process (Box 1). However, multiple reports and meetings have done little to clarify how an identity target might best be formulated.

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<sup>6</sup> While birth registration and legal identity are central to the concept of national inclusion, they can also serve to exclude those not legally entitled to particular rights even when these are widely accepted as human rights. Nationality is an example.

<sup>7</sup> The causal relationship between registration and some of these indicators is, however, a complex and context-specific one: see “[Birth Registration and Children’s Rights: A Complex Story](#)”, Plan International 2014. Also, “[Age in Grade Congruence and Progression in Basic Education in Bangladesh](#)”, Altaf Hossain 2010.

<sup>8</sup> See “[Every Woman Every Child: From Commitments to Action](#)”, First report of the Independent Expert Review Group on Information and Accountability for Women’s and Children’s Health, WHO 2012. Also, Plan International 2014, *op. cit.* p.41.

<sup>9</sup> Data for African Development Working Group, Center for Global Development, and African Population and Health Research Center, [Delivering on the Data Revolution in Sub-Saharan Africa](#), 2014.

## How Have Birth Registration and Legal Identity Fared through the Post-2015 Process?

World leaders met in Rio de Janeiro in June 2012 to establish the need for new goals and targets, “grounded in respect for universal human rights,” to continue the work of the Millennium Development Goals.<sup>10</sup> The nascent post-2015 agenda was tasked with putting sustainable development at its core by melding social, economic, and environmental development issues. Following Rio, UN Secretary-General Ban Ki-Moon established a High Level Panel to offer its recommendations on potential goals and targets. In its report, the Panel included legal identity as the first target in its goal to “Ensure Good Governance and Effective Institutions.” The target called for “*provid[ing] free and universal legal identity, such as birth registrations.*” The framing of birth registration as the product of effective institutions offers a useful starting point as it essentially points to universal birth registration as a basic public good.

Similarly, other external reports that tackle sustainable development goals embrace the idea of birth registration and legal identity, but with little distinction between the two and the processes to achieve them. The Sustainable Development Solutions Network, which issued its recommendations in June 2013, includes birth registration under its goal to “achieve gender equality, social inclusion and human rights for all,” simply stating that “ensuring registration at birth has also proven successful in enhancing equal opportunities and legal rights.”<sup>11</sup>

The Open Working Group (OWG) on Sustainable Development, established in January 2013, has since taken up the post-2015 baton and has prepared a proposal on its own set of sustainable development goals and targets.<sup>12</sup> In its eighth meeting, legal identity through birth registration was put forth as an important target in the promotion of equality, including social equity, gender equality, and women’s empowerment.<sup>13</sup> Like the High Level Panel, the OWG frames the need for legal identity within the context of rule of law and effective institutions.<sup>14</sup> Through the OWG, countries have offered their individual positions on the potential inclusion of legal identity and birth registration in the post-2015 agenda. Country statements from the ninth session of the OWG, which concluded in March 2014, provide an indication of how they see universal birth registration and legal identity in the context of a sustainable development agenda. The European Union emphasizes birth registration and legal identity as “*key aspects of the rule of law*” and as prerequisites to accessing health or education services.<sup>15</sup> Australia similarly emphasizes the importance of universal legal identity, although it does not mention the importance of this at birth, as an area for consideration

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<sup>10</sup> United Nations High Level Panel Report 2013, *op. cit.*

<sup>11</sup> Sustainable Development Solutions Network, [Sustainable Development Solutions Network | An Action Agenda for Sustainable Development](#), June 2013.

<sup>12</sup> [United Nations Sustainable Development Open Working Group](#).

<sup>13</sup> UN TST Issues Brief: [Conflict Prevention, Post-Conflict Peacebuilding and the Promotion of Durable Peace, Rule of Law and Governance](#).

<sup>14</sup> UN TST Issues Brief: [Gender Equality and Women’s Empowerment](#).

<sup>15</sup> Ioannis Vrailas, “[Meeting of the General Assembly Open Working Group on Sustainable Development Goals: Statement on Behalf of the European Union and Its Member States](#),” March 2014.

under a goal on accountable and effective institutions. This is much like the EU's position on birth registration as a reflection of the rule of law within a country.<sup>16</sup>

A number of countries such as India, China (on behalf of the group of 77), Indonesia, Nepal, Bangladesh and Ethiopia, do not include birth registration or legal identity in their country statements. This is surprising considering that some, including India and Indonesia, have made exceptional efforts to provide legal identity through programs like Aadhaar and the e-KTP, respectively. Some of these programs are being extended to younger individuals as noted below. These countries have much to gain from birth registration, including progress towards the achievement of other development goals. According to UNICEF, Bangladesh has only 31 percent of births registered, India only has 41 percent, and Ethiopia has only 7 percent. Indonesia appears to perform better, with 67 percent registered, but an in-depth study suggests that this estimate is far too optimistic.<sup>17</sup>

## **Towards Global Targets on Birth Registration and Legal Identity**

Assessing whether a potential target is feasible requires some examination of past trends in registration in different settings, as well as analysis of the kinds of policy and support that have enabled faster than average improvements in coverage.

UNICEF's regional estimates of birth registration coverage over the period 2000-2010 give a broad picture of coverage levels and progress.<sup>18</sup> Figure 1 shows the percentage of unregistered births by region in 2000 and 2010, and projects coverage levels to 2020 assuming that the rate of progress in reducing unregistered births remains unchanged. In 2000, 42 percent of the world's children under the age of five were unregistered; by 2010, this number had only dropped to 35 percent. With constant progress, 23 percent of the world's children would still be unregistered in 2020, a far cry from the provision of universal identity and registration.

Aggregate world coverage masks a sharp contrast between high-performing and low-performing regions. From an initially stronger position, Latin America and the Caribbean (LAC) and Central and Eastern Europe (CEE/CIS) have made major progress compared to regions such as Sub-Saharan Africa or South Asia. The percentage of unregistered births

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<sup>16</sup> "Meeting of the General Assembly Open Working Group on Sustainable Development Goals: Statement on Behalf of Australia, the Netherlands and the United Kingdom," March 4, 2014.

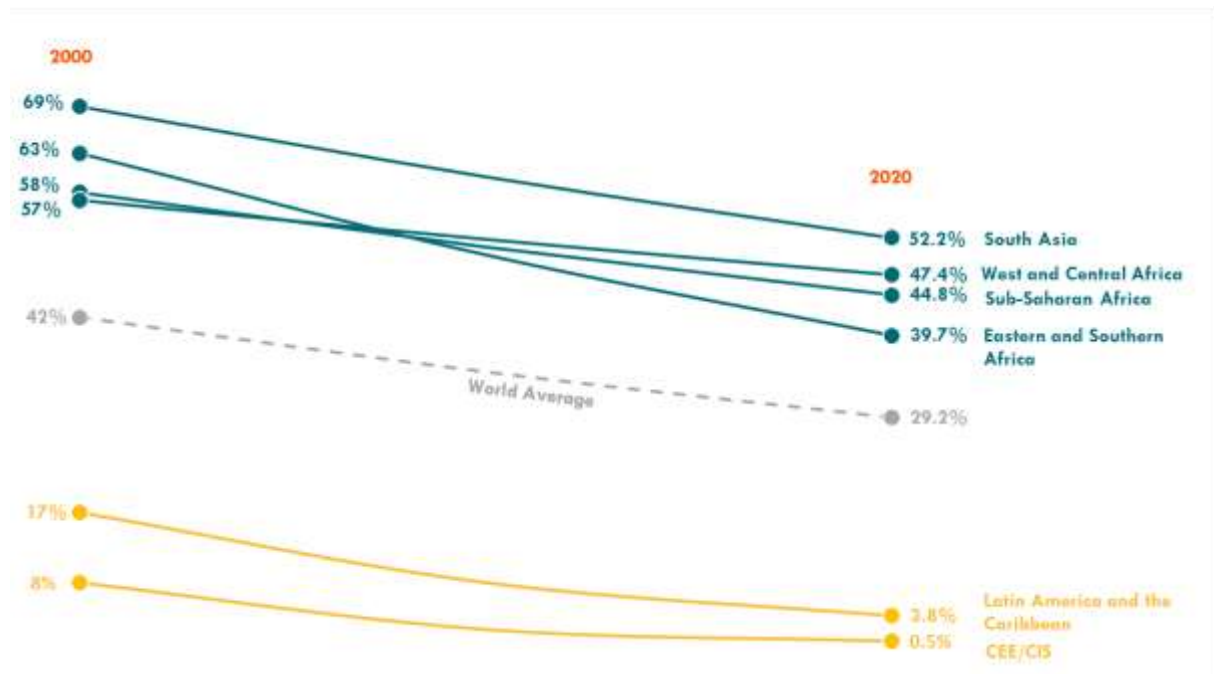
<sup>17</sup> Cate Sumner and Santi Kusumaningrum, *Indonesia's Missing Millions: AIPJ Baseline Study on Legal Identity*, 2014.

<sup>18</sup> These regional estimates are from UNICEF's 2013 Report "Every Child's Right." UNICEF's methodology for the estimates has to allow for the fact that only 119 countries have trend data. Regional estimates are given when these countries include at least half of the regional population. Middle East and North Africa and East Asia and the Pacific did not meet this threshold. The estimates cannot be compared with country-level figures presented elsewhere on UNICEF's data website or reports, since they are based on the subset of countries with available trend data.

halved in LAC; projecting this gain again to 2020 suggests that this region would be close to achieving universal birth registration with only around 3.8 percent of its children left unregistered. Nevertheless, going the last mile can be difficult and costly, as countries need to cover excluded and marginalized groups that often have limited engagement with public institutions. Similarly, CEE/CIS recorded only 8 percent unregistered births in 2000; this dropped to 2 percent by 2010 and would lead to almost universal registration by 2020. In contrast, in 2000, South Asia had the lowest birth registration rate with 69 percent unregistered; by 2010 this had only fallen modestly to 60 percent. If current trends persist, about 52 percent of births would still be unregistered by 2020. Similarly, extrapolating progress for West and Central Africa still leaves some 47 percent of births unregistered by 2020.

**Figure 1: Universal birth registration is unlikely for all regions by 2020 given progress in decreasing rates of unregistered children since 2000**

(Chart represents rate of unregistered children since 2000, projected to 2020)



Sources: Authors' calculations using UNICEF 2013 Data.

**Figure 2: Countries with Birth Registration Rates in the Bottom Decile**

Country	Birth Registration Rate (%)
Somalia	3
Liberia	3.6
Ethiopia	6.6
Zambia	14
Chad	15.7
United Republic of Tanzania	16.3
Yemen	17
Guinea-Bissau	24.1
Pakistan	26.5
Democratic Republic of the Congo	27.8
Uganda	29.9
Bangladesh	31
Niger	31.8
South Sudan	35.4
Angola	36

Source: UNICEF

Demographic trends sharpen the divergence in performance at country level. Some thirteen countries have registration rates of below one-third, with all but three in Africa. Countries like Niger, Mali, Uganda, Zambia, and Burkina Faso – where population is increasing at almost 3 percent per annum – face a much greater challenge than countries that have experienced a demographic transition. While total fertility rates are still at 7.6 percent in Niger and 6.0 percent in the Democratic Republic of Congo, they have fallen to below replacement in Brazil (1.8 percent) and Romania (1.5 percent).<sup>19</sup> Closing the registration gap will be easier in regions where fertility is falling, like LAC and CEE/CIS, than in West and Central Africa where fertility rates remain high. Similarly, as seen in Figure 3, countries such as Chad, Zambia, and Somalia with low birth registration rates and high fertility rates face a greater challenge compared to India, Bangladesh, and Pakistan, which have comparable birth registration rates but much lower fertility.

<sup>19</sup> The World Bank, “[World Development Indicators](#).”



Nevertheless, some poor countries like Mali, Senegal, and Burkina Faso with high fertility rates also start off with quite high registration rates. These countries have closed the registration gap relatively rapidly, using a combination of incentives, new technologies, streamlined processes enabled by legal and institutional reforms, and donor assistance. South Africa's improvement from 24 percent registration in the first year of life in 1991 to 95 percent in 2012 was incentivized by introducing generous child support grants and requiring birth certificates to access them. Cellphone-based systems are helping to register births at lower cost in West Africa. Registration also tends to be higher when births are attended by skilled personnel, and donor support has helped the percentage of such cases to be higher in West Africa than in South Asia.

Several lower middle income countries have birth registration rates of over 90 percent. In the case of Vietnam, UNICEF notes that legal reforms in 2000-2005 resulted in the Law of Child Protection, Care and Education. Combined with free and simplified birth registration services, this law led to increased registration rates. In contrast, birth registration in Indonesia is more complex, requiring certification of the parents' marriage by religious courts and substantial costs to parents in terms of time and, in some cases, money.<sup>20</sup> In the case of Uruguay, a baby is registered and assigned a unique identifier in the civil registry linked to its mother even before leaving the hospital. Incentives, technology, foreign assistance, and reforms will all be critical in boosting rates of birth registration.

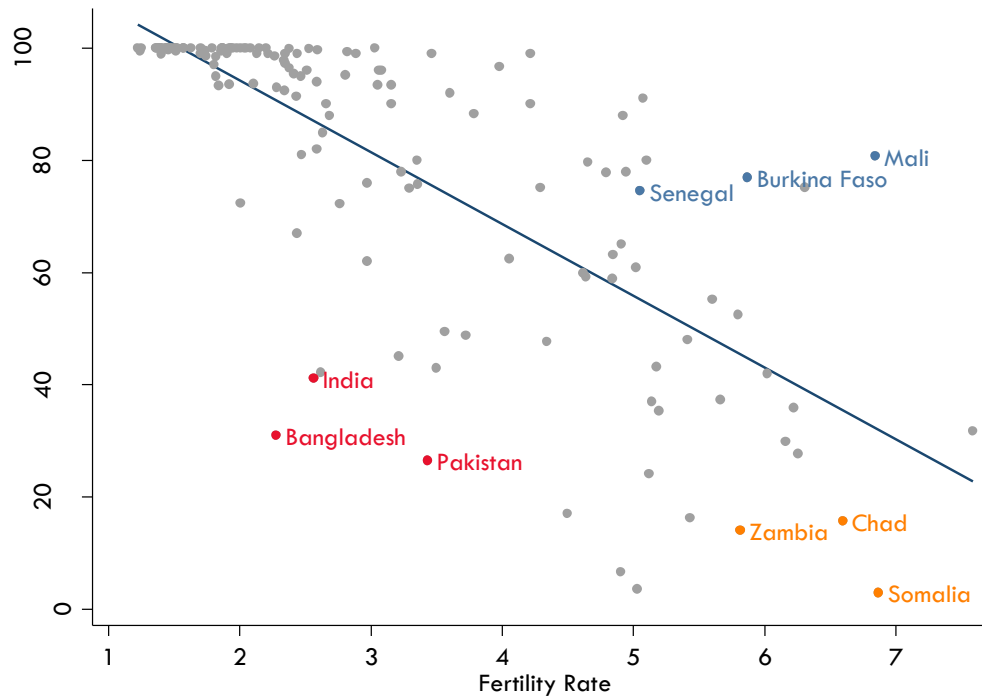
Donors can support registration through helping to build capacity or directly by providing modest payments to encourage registration efforts on a per head basis. Donors can also help support programs that create incentives for registration, such as child and maternal health and vaccinations, although these early interventions should be used to encourage rather than compel registration.<sup>21</sup>

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<sup>20</sup> "Indonesia's Missing Millions," AIPJ Baseline Study on Legal Identity. DFAT, 2014.

<sup>21</sup> For a discussion on this point, see Plan International 2014 *op. cit.*

**Figure 3: Countries with low birth registration rate and high fertility rate face uphill battle**



Source: Birth Registration: UNICEF 2013, Fertility rate: World Bank World Development Indicators (2010 value).

Birth registration should also be pursued as part of a state’s civil registration and vital statistics program. CRVS systems provide data for national and sub-national analyses of vital statistics. They also provide legal certification for key vital events, which in turn support the process of establishing legal identity, the production of national identification documents, and the integrity of population databases and electoral rolls.<sup>22</sup> While CRVS systems in many countries are underfunded and badly in need of upgrades (and in some countries have been destroyed by conflict), a singular pursuit of birth registration outside of efforts to create a functional CRVS system does not address foundational identity issues and may result in difficulty to resolve identity conflicts should there be issues of multiple identity, forgery, or

<sup>22</sup>World Bank and World Health Organization, *Global Civil Registration and Vital Statistics: Scaling up Investment Plan 2015-2024*, May 28, 2014, p.2.

destroyed or missing records. As a result, support to birth registration should ideally be an integral part of efforts to strengthen CRVS.

## **Framing the New Target**

How then to frame birth registration and legal identity targets that take into account the very different starting points of countries? Should they be country-level targets or simply a global target? For birth registration, 100 percent is the right aspirational goal, but one that is certainly out of the reach of some countries. Ideally, country-specific experience could be used to set performance targets, drawing on the experience of more successful, yet comparable cases. For example, a target could be set to at least match the gains shown to be possible by the top 20 percent of comparable countries. However, UNICEF has not made country-level progress data available. Their regional estimates do suggest two categories of countries. For those in LAC and CEE/CIS with birth registration levels of 90 percent or more in 2010 and low demographic momentum, universal registration is an appropriate aim for 2030, or even earlier.

For countries in South Asia and Sub-Saharan Africa with low registration rates, it would be more reasonable to set a target in terms of strongly accelerated progress. For example, consider a target to, at minimum, halve the percentage of unregistered births by 2030. This would be a substantial challenge for countries with very low registration rates, though relatively easier for those with initial registration rates over 50 percent. Such a goal would yield overall regional targets of approximately 72 percent for South Asia and 76 percent for Sub-Saharan Africa.<sup>23</sup> Though short of 100 percent, these targets would represent a more than doubling of past progress in closing the gap. A post-2015 birth registration target could then be framed as follows:

***By 2030, all countries at least halve the percentage of unregistered births for children younger than 5 and reduce the average age of birth registration.***

A general identity target will also need to consider those children, as well as adults, who have fallen through the cracks in the system. There is no comparable data on the coverage and progress of registration across countries, and different criteria for acceptable legal identification. Some countries, like Peru or Pakistan, have ubiquitous national identification

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<sup>23</sup> These numbers assume that the distribution of births remains constant across countries.

programs while others, including for example, the United States, do not.<sup>24</sup> Countries also vary in terms of the age at which citizens (or residents) are expected or required to apply for full identity documentation. A typical age is in the range 15-18, but there are many opportunities to provide official identity much earlier. This may require retroactive recognition of birth in ways that work for individual country contexts.

While there will always be isolated groups with little need for formal identity, the demand for formal identification increases as individuals move towards adulthood and increase engagement with the state and the modern economy. Experiences of a number of countries show that identification can be rolled out rapidly, even to large populations. National identification programs can help to accelerate the registration of children, including the many left unregistered in previous years and those who will slip through the birth registration net in the years to come. India's massive Aadhaar program has expanded rapidly to enroll some 600 million people. While it is not a birth registration program (the Supreme Court has ruled that Aadhaar is a voluntary program and it serves all residents, not just citizens), children over 1 year old can be presented for an Aadhaar number by their parents to any of its more than 30,000 enrolment stations and linked to the parents' Aadhaar.<sup>25</sup> With some 71 million unregistered Indian children in the age range 0-5 and about three times this number in the range 0-15, such a centralized identification program can help to complement the often decentralized birth registration processes and reverse-engineer an identity for many children. National-level identification programs should be closely connected to birth registration and vital statistics, but this is not yet the case in all countries.

A general identity target could be framed in quite aggressive terms:

***By 2030, ensure that all individuals have well-defined and recognized legal identity by the time they become adult (15-18).***

Achieving this target would also require issuing identity to stateless people, who the UNHCR estimates number at least 10 million.

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<sup>24</sup> Standardized tools to assess the coverage and quality of identification systems are being developed in the context of improving service delivery; for example see [World Bank Inter Agency Social Protection Assessment Tools](#).

<sup>25</sup> Biometric information is the cornerstone of the Unique Identification program, but it is not collected until the age of 5 and is finalized at 15.

## **The Importance of Monitoring**

As a complement to these targets and to ensure appropriate means of implementation, all countries should publicly provide legal identity and birth registration data to a central point, such as UNICEF in the case of birth registration, and make them publicly available so that progress might be monitored. In doing so, this identity target would support the Data Revolution necessary for successful implementation and monitoring of a post-2015 agenda. Such identity and registration data would also allow donors the opportunity to target their support in countries of most need, including through performance-based funding to encourage legal identity systems and birth registration.