

## Birth registration as an antecedent to nationality right: An assessment of the paradigm shift on the right of the child in Cameroon

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### Abstract

Birth Registration (BR) is the process by which a child's birth is recorded in a civil register by the applicable government authority, as seen in Cameroon's case. It is one of the most significant events in a child's life, as it establishes the child's existence under the law and provides the foundation for several other rights of the child. Thus, BR provides the child's first legal recognition, leading the child to obtain a birth certificate. Indeed, a child's birth record typically includes the name of the child, his or her parents, attending healthcare professional or birth attendant, and the date and place of birth. On the provision of this information, the birth record is signed by the local registrar and filed with the relevant government agency for the region. The birth record may also include the name, address, and nationality of each parent. In fact, this additional information, along with the child's place of birth, can help establish the child's nationality. Despite these, it is worth noting that the registration of a new-born child is typically facilitated by the local hospital where the child is born or the community healthcare worker present at the birth. Besides, suppose the delivery does not occur in a hospital or presided over by a community health worker. In that case, the parents are obliged to take the child to the local government office for registration as soon as possible after birth. Cogently, the paper avers that BR guarantees the child access to adequate healthcare, education, or be free from abuse or exploitation. At the same time, its absence leaves the child at significant risk of a range of human rights violations. These issues are assessed in the case of Cameroon.

**Keywords:** birth registration, antecedent, nationality right, child, Cameroon

### Introduction

Explicitly, the United Nations Convention on the Rights of the Child (CRC), a widely ratified international human rights treaty, recognises Birth Registration (BR) as a fundamental human right. Thus, after setting forth the most fundamental right to life of the child in Article 6, the CRC recognises the right to BR in Article 7, which provides the initial foundation for the fulfilment of other rights of the child. In this sense, Article 7 states that each child "shall be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality". Therefore, the CRC requires each child to be registered immediately after birth so that there is no delay in officially recognising the existence of the child and granting the child access to the privileges and protections afforded to each member of the society. In addition to the CRC, Article 24(2) of the International Covenant on Civil and Political Rights (ICCPR) also provides that "every child shall be registered immediately after birth and shall have a name" and that each child "has the right to acquire a nationality". In essence, this right to BR is essential not only as an individual right but also because it enables each child to assert a broad range of other human rights like civil and political rights, economic, social, and cultural rights.

Correspondingly, the fulfilment of the right to be registered at birth is closely linked to the realisation of other socio-economic rights. In this sense, the right to health and education can be at great risk where BR is not systematically carried out, thus, jeopardising the protection of children. In fact, BR is considered the continuous, permanent, and universal recording within the civil registry of the occurrence and characteristics of birth, according to

the national legal requirements. It establishes a person's existence under the law and lays the foundation for safeguarding civil, political, economic, social, and cultural rights<sup>[1]</sup>. As such, it is the fundamental means of protecting the human rights of the individual. Concretely, on the procedural level, BR involves three interrelated processes. Firstly, there must be a declaration of the occurrence of the birth to civil registrars. Secondly, once notified, civil registrars officially record the birth. As the BR often include the individual's name, date and place of birth, as well as where possible, the name, age or date of birth, place of usual residence and nationality of both parents. Thirdly, the State issues a birth certificate, which is a personal document attesting BR and the most visible evidence of the State's legal recognition of the child. Besides, whether this procedure is followed automatically after the BR or requires another application depends on the country. But what is vital is that the document needs to be accessible easily and provided free of charge.

Cogently, it is observed that while the global rate of BR grew from approximately 58 to 65 per cent between 2000 and 2010, the United Nations Children's Fund (UNICEF) estimates that about 230 million children under the age of five have not yet been registered<sup>[2]</sup>. In this regard, it is accentuated that non-registration is a particularly serious problem in developing countries, especially in sub-Saharan Africa, like Cameroon and Asia. Besides, even in industrialised countries with high overall rates of BR, pockets of marginalised and disadvantaged groups who are not registered are often encountered. Moreover, the registration system's quality is of paramount importance and needs to be accurate, efficient, and permanent. In this light,

BR needs to be part of a more comprehensive civil registration system that includes the free and universal recording of the occurrence and characteristics of critical events – births, deaths, adoptions, marriages and divorces – and other civil status events pertaining to the population<sup>[3]</sup>. Therefore, it is observed that since these records are the main source of vital statistics, the complete coverage, accuracy, and timeliness of civil registration is essential, as is the confidentiality of personal data handled by the system. In this perspective, it is noteworthy that because the two systems are interrelated, they need to be developed holistically. In this regard, the paper assesses BR's implications and impact on the rights of the child and the corresponding civil registration system as a whole. From this, it uses the qualitative method to gather an in-depth understanding of human behaviour and the reason that governs such behaviours concerning BR, as expressed in viable legal instruments. Likewise, it peruses the general implications of the rights embodied to BR, focusing on the appreciation and challenges in Cameroon. The paper is presented in two parts, with the first part focusing on the conceptual framework and precepts of BR. In contrast, the second part dwells on the impact of BR on nationality in Cameroon, and thus, wraps up with a conclusion and possible recommendations.

### **1. Conceptual Framework and Precepts of Birth Registration**

Expressly, the right to BR and everyone's right to recognition everywhere as a person before the law is a universal human right. These are first acknowledged in Article 6 of the Universal Declaration of Human Rights (UDHR) and recognised explicitly in Article 24(2) of the ICCPR, which states that every child shall be registered immediately after birth. In this regard, in its general comment No. 17 on the child's rights<sup>[4]</sup>, the Human Rights Committee states that article 24(2) should be interpreted as being closely linked to the right to special measures of protection and that the main purpose of the obligation to register children after birth is to reduce the danger of abduction, sale of or traffic in children, or of other types of treatment that are incompatible with the enjoyment of the rights provided for in the Covenant. Correspondingly, the CRC reinforces the fundamental importance of the right to BR in its Article 7, which states that the child should be registered immediately after birth and have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. Equally, it provides that State parties should ensure the implementation of the rights according to their national law and obligations under the relevant international instruments, especially where the child would otherwise be stateless.

Besides, it is worth highlighting that all rights under the CRC, including Article 7, must be in full conformity with the general principles of the CRC, with respect to non-discrimination, the best interests of the child, the right to life, survival and development and the right of the child to express his or her views. In the context of BR, non-discrimination implies that States must ensure that access to registration is not undermined by discrimination of any kind, including on the basis of the child's – or the child's parent's or legal guardian's – race, colour, sex, language, religion, political or other opinions, national, ethnic or social

origin, property, disability, birth or another status. In this sense, it is worth noting that all children need to have access to BR in the country where they are born, including non-nationals, asylum seekers, refugees and stateless children<sup>[5]</sup>. From these, it is observed that BR's importance in a child's life and the impact of non-registration on the enjoyment of the rights of the child are acknowledged regularly by the Committee on the Rights of the Child<sup>[6]</sup>.

Aptly, as described by the Committee on the Rights of the Child in its general comment No. 7, it is observed that children who are not registered may be denied basic rights, such as health, education, and social welfare. In this regard, it is very appreciable for States to take all necessary measures at their disposal, to ensure that all children are registered at birth, by putting in place a universal, well-managed registration system accessible to all and free of charge. In a similar manner, the Committee added that an effective system must be flexible and responsive to families' circumstances. It reminded States of the importance of facilitating late registration of birth and ensuring that children who have not been registered have equal access to health care, protection, education, and other social services. Thus, in its general comment No. 13, the Committee adopted a progressive view, clearly indicating that the lack of BR can be a form of neglect and negligent treatment when those responsible for the child's care have the means, knowledge, and access to services to do so. Likewise, most recent international human rights instruments contain provisions relating to BR, like Article 29 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and Article 18 of the Convention on the Rights of Persons with Disabilities. Explicitly, it is observed that the right to BR is not restricted to human rights law. But it is intrinsically connected to issues arising in both international refugee law and international humanitarian law<sup>[7]</sup>. In this regard, the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR) has consistently raised the issue of BR of refugees, asylum seekers and stateless persons in its 'Conclusions on International Protection', nine of which include specific recommendations on BR and the right to identity. Indeed, in October 2013, the Executive Committee adopted a 'Conclusion on International Protection' that specifically focused on civil registration. In this 'Conclusion', the Executive Committee encouraged States to ensure that every child is registered immediately after birth without discrimination of any kind. It is a milestone document that sets up the framework of action to protect the rights of refugees, asylum seekers, and stateless persons. Equally, the UNHCR has furthermore made BR a global strategic priority. In fact, the 'Framework for the Protection of Children' issued by the UNHCR in 2012 includes specific objectives ensuring girls and boys to obtain legal documentation like birth certificates, in a non-discriminatory manner<sup>[8]</sup>. Meanwhile, at the intergovernmental level, it is observed that both the UN General Assembly (UNGA) and the Human Rights Council have been particularly influential in highlighting the importance of universal BR. As the UNGA often includes issues of BR and the preservation of identity in at least one resolution every year since 2001. In which it consistently urges States to intensify their efforts to ensure the implementation of the right of the child to BR as recognized

by law. At the same time, the Human Rights Council has also addressed BR's issue in thematic resolutions, including migration, the rights of the child, arbitrary deprivation of nationality, and the fight against sexual violence against children.

Congruently, it is noteworthy that the right to BR is not only a right of the child but of all human beings. This is because BR, and more especially a birth certificate, is a life-long passport for the recognition of rights, which may be necessary to vote, marry or secure formal employment. In some countries, it may be needed to obtain a driver's licence, open a bank account, have access to social security or a pension, get insurance or a line of credit, and, significantly, to be able to register one's children. It is also vitally important for securing inheritance and property rights, particularly for women and within families. A recent country-specific study suggests that further research is needed to evaluate the link between access to services and BR fully<sup>[9]</sup>. Indeed, it is worth reiterating that the right to BR is closely linked to the realisation of many other rights, and has profound consequences for children's enjoyment of their rights with regard to protection, nationality, access to social and health services, and education. In particular, inequality in BR rates may compound disparities in access to essential services<sup>[10]</sup>, besides heightening discrimination and vulnerability. Thus, an effective civil registration and statistics system has enormous implications. It is an important first step to ensuring the protection of the children's civil, political, economic, social, and cultural rights.

### **1. Implications of BR for Children's Civil and Political Rights**

#### **a. The issues of name, nationality, citizenship, and statelessness**

Most importantly, BR is fundamental to securing the child's rights to a name, identity, and nationality as enshrined in both the CRC and the ICCPR. Indeed, BR officially records a child's birth, providing the first legal recognition of the child, which is generally required to obtain a birth certificate. As a birth record or birth certificate typically includes such details as the child's birthplace and information on the child's parents, it can help establish the child's nationality and the child's right to know his or her parents. In contrast, if the child's birth is not registered and neither his or her nationality nor citizenship is established, the child is vulnerable to being left stateless. Having set forth the right to a name and nationality in Article 7, the CRC reinforces its importance in Article 8, by mandating that States Parties respect "the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference". It also requires that "where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing his or her identity speedily".

Nonetheless, the CRC and the ICCPR are not the only human rights instruments that acknowledge the fundamental importance of BR and the child's right to a name and nationality. As Article 15 of the Universal Declaration of Human Rights (UDHR) - which though a non-binding declaration is regarded by many as customary international law, affirms that "everyone has the right to a nationality". In addition, the right to BR and the right to a name and

nationality are also set forth in the Convention on the Reduction of Statelessness, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Indeed, it is observed that this proliferation of international declarations and treaties reflects the consensus that a child's rights to a name and nationality, which can be secured in large part through BR, are fundamental rights upon that many others are predicated.

Explicitly, it is noteworthy that BR is fundamental to the prevention of statelessness. This is because not all children born without BR are stateless. But for those born in certain situations, for example, to parents from different countries, in a migratory setting, to refugee or asylum seeker parents or in border areas, lack of BR can cause statelessness<sup>[11]</sup>. Contrariwise, although BR does not in itself confer citizenship on a child, it is essential to ensure the right of every child to acquire a nationality, as it constitutes a vital form of proof of the link between an individual and the State. It documents where a child was born and who the child's parents are, thus providing significant evidence of whether a child can acquire citizenship based on place of birth (*jus soli*) or of descent (*jus sanguinis*)<sup>[12]</sup>.

#### **b. The issues of child exploitation, human trafficking, and sale of children**

Indeed, BR offers benefits beyond securing the child's right to a name and nationality. Although BR does not provide guarantees, it can assist in efforts to combat various forms of exploitation of children. Therefore, it is worth noting that the falsification of a child's age and identity is harder to detect among unregistered children. In this light, the illicit trafficking of children, whether for inter-country adoption, child labour, or child prostitution, often thrives in areas where BR rates are low. Thus, BR plays an essential role in a government's efforts to protect children from all forms of exploitation, including child labour as enshrined in Article 32, sexual exploitation in Article 34, the sale or trafficking of children in Article 35, and any other form of exploitation of children in Article 36 of the CRC. Indeed, Article 38 of the CRC and its Optional Protocol on the involvement of children in armed conflicts outlined the prohibitions on the involvement of children in armed conflicts, the enforcement of which again relies on the ability to establish the age of the child. Besides, the right to be free from all forms of exploitation is outlined in Article 8 of the ICCPR, prohibiting 'slavery and the slave-trade in all their forms'.

Likewise, it is observed that individuals without BR or a birth certificate who wish to migrate are especially vulnerable to smuggling and trafficking. Indeed, an individual without legal identity documents has to travel by illegal means and is more likely to rely on illicit intermediaries to facilitate migration. In this regard, they are often at higher risk of trafficking and exploitation. Moreover, children who have not been registered are particularly vulnerable to child traffickers whether or not they are in a migration situation. In fact, the legal invisibility of unregistered children makes it more likely that their disappearance and exploitation usually go unnoticed by authorities. This is particularly the case where the trafficking occurs across international borders, whereby there is no proof of the child's existence, so national authorities may be unwilling or unable to pursue the matter. In a similar manner, it is observed that children without BR

are particularly vulnerable to exploitation in the area of illegal adoption and the sale of children. Indeed, in certain countries, the illegal procurement, buying, and selling of children for inter-country adoption are possible through the falsification of documents and the production of false birth certificates. In this sense, it is realised that children whose births are not registered are particularly targeted. Since the children whose births had been registered were less likely to be sold or illegally adopted, partly because they had proof of who their parents were.

### **c. The issues of the juvenile justice system, armed conflict, and emergencies**

Aptly, BR is particularly important for children in conflict with the law. In this regard, Article 40 of the CRC provides children with special protection, including protection against prosecution as an adult. In contrast, Article 37(c) includes the right not to be detained with adults. However, it is worth noting that neither of these rights can be adequately safeguarded without proof of age. Similarly, the impact of BR also extends to the juvenile justice system, as access to certain protections is contingent on the child's ability to prove his or her age or nationality. In this light, Article 37 of the CRC establishes guidelines for juvenile justice and requires countries to treat any child deprived of his or her liberty "in a manner which takes into account the needs of persons of his or her age". From this, it is observed that being able to prove that a child is a juvenile affords the child the additional protections required under international law and national laws, while in custody and may ensure that the child is not prosecuted as an adult. Indeed, the importance of BR was set out by the Committee on the Rights of the Child in its general comment No. 10 (juvenile justice), which clarified that a child without a provable date of birth is extremely vulnerable to all kinds of abuse and injustice in relation to the juvenile justice and penal system. Besides, the need to ensure BR to secure children's rights and safeguards to prevent and protect them from violence within the juvenile justice system was also established by OHCHR, the UN Office on Drugs and Crime, and the Special Representative of the Secretary-General on Violence against Children in their joint report on the prevention of and responses to violence against children within the juvenile justice system.

Correspondingly, despite the prohibition of the involvement of children in armed conflict under the Optional Protocol to the CRC, it is estimated that there are 250,000 child soldiers active in the world today. In this respect, it is observed that the importance of BR can be seen in both the prevention of recruitment and early conscription. This is enshrined in Article 3(3)(d) of the Optional Protocol, which requires voluntary recruits to provide reliable proof of age prior to acceptance. Equally, the children's rights must be protected after they have been rescued from this form of exploitation. Where children have been exploited in armed conflict, birth registration is vital to ensure that they have effective access to justice, as successful prosecution requires proof that the individual was indeed a child at the time of recruitment.

Furthermore, BR is of great importance in the reunification and reintegration process; where children are not registered, it is difficult to re-establish their identity and return them to their homes. Indeed, the importance of BR is also manifest during and in the aftermath of emergencies. In such circumstances, the separation of children from their parents and communities is common, and non-registration can be a

significant barrier to family tracing and reunification. Reuniting children with family members in emergencies is the best way to provide children with safety, security, and care; without a birth certificate or other form of identification; however, this process can be exceedingly difficult, especially for young children. In addition, the impact of BR extends beyond the adolescent years. As the birth certificate may also be required to vote, obtain a passport, be a candidate for office, or otherwise participate in the civic and political affairs of one's country, and equally enjoy economic, social and cultural rights.

## **2. Implications of BR on Children's Economic, Social, and Cultural Rights**

### **a. The issues on healthcare and education**

Explicitly, as enshrined in Article 24 of the CRC, State parties are to recognise the right of the child to the enjoyment of the highest attainable standard of health, thus, ensuring its effective implementation. This is corroborated with Article 12 of the ICESCR, which requires that State parties take necessary steps for the 'healthy development of the child'. Despite these, it is observed that each year more than ten million children die before they reach the age of five, with most of the deaths preventable. Besides, the issue of ineffective BR systems plays a role in this crisis, as unregistered children are harder to reach for community healthcare workers and are often overlooked entirely in public health planning. In this sense, the children may not gain access to immunization programs and other important healthcare programs. Indeed, it is worth noting that even where a child's family can provide access to community health centres, a birth certificate may be required to obtain free or subsidized immunizations, which illustrate the significance of early BR. Thus, according to the World Health Organization, of the 6.6 million children who died before their fifth birthday in 2012, almost half died of infectious causes, nearly all of which were preventable<sup>[13]</sup>. Moreover, it is observed that in some countries, they may not have access to immunization or other healthcare programmes. From this, the OHCHR notes correlations between registered, fully vaccinated children and taken to a healthcare professional when they are ill<sup>[14]</sup>. Nonetheless, the Committee on the Rights of the Child emphasized the critical implications of proof of identity for children affected by HIV/AIDS, including in safeguarding their rights to inheritance, education, health, and other social services. Equally, the Committee avers that BR is necessary to minimize the impact of HIV/AIDS on the lives and human rights of affected children, especially protecting them from abuse and exploitation, where they are separated from their family as a result of the disease<sup>[15]</sup>.

Correspondingly, BR has a fundamental impact on the right to education for children. As Article 28 of the CRC and Article 13 of the ICESCR provide that BR is vital in ensuring each child's right to education. In this sense, the Committee on the Rights of the Child has, on several occasions, expressed concern at cases of children without a birth certificate being refused schooling, in violation of their right to education under the CRC and ICESCR. For instance, birth certificates are required for enrolling in schools in certain countries like Cameroon, Lesotho, Sudan, and Yemen. Moreover, in some countries, children are permitted to attend primary school without evidence of BR. However, a birth certificate is required to take the final

school examinations, receive relevant academic qualifications, progress to secondary school, apply for educational scholarships, and have access to educational scholarships, free books, and uniforms. It is observed that while some States have argued that the requirement for BR to attend school reinforces both education and demand for registration, the relationship between these services is ambiguous and often leads to a negative impact if BR is not universally accessible. More importantly, under the CRC and ICESCR, States are obliged to ensure compulsory and free primary education. Likewise, the Committee on Economic, Social, and Cultural Rights defined 'compulsory' as meaning that no one, including the State, is entitled to treat as optional the decision of whether a child should have access to primary education<sup>[16]</sup>. However, since this type of economic obstacle has a more significant impact in more impoverished regions, which also generally have lower BR rates. Since both treaties also prohibit discrimination based on birth, it is observed that making BR a prerequisite for enrolment into or completion of primary education would not comply with the right to education as guaranteed by the two treaties.

#### **b. The issues on child labour, freedom from economic and social exploitation**

Cogently, it is noted that beyond providing healthcare and education to children, BR also plays a vital role in the protection of children from child labour. Indeed, Article 10 of the ICESCR mandates States to take additional steps to protect children from economic and social exploitation. Equally, since BR plays a crucial role in combating other violations of economic and social rights, among them child labour, Article 32 of the CRC requires States to take the necessary measures to eliminate harmful child labour practices. Likewise, Article 7 of the ICESCR recognizes the 'right of everyone to the enjoyment of just and favourable conditions of work' including fair wages, "safe and healthy working conditions", and "reasonable limitation of working hours". Nonetheless, Article 10 of the ICESCR, specifically addresses the issue of children, by stating that "Children and young persons should be protected from economic and social exploitation". Thus, any employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development is punishable by law. Equally, States need to set appropriate age limits below that the paid employment of child labour is prohibited and punishable by law.

In addition to these obligations under international law, most countries have enacted child labour laws, yet child labourers' exploitation persists. In this light, the International Labour Organization estimates that more than 168 million children are in child labour, of which 85 million are in hazardous work or work that is likely to harm their health, safety, or morals, and which should be prohibited for anyone under the age of 18<sup>[17]</sup>. From this, it is observed that while legislation setting legal minimum age for employment is important, it is realised that it will have little effect if the means to prove the child's age are not available. As such, it is commended that BR and the accessibility of a birth certificate should be the prerequisites for the effective prevention and elimination of child labour. Indeed, in some countries, it is noteworthy that a birth certificate is required to obtain a social security number necessary for working in the formal sector. Thus, it is realised that without BR or access to a birth certificate, often marginalized those

unregistered to the informal sector, where there are less scrutiny and a higher risk of exploitation and hazardous work. In contrast, in some other States, employers exploit the lack of BR to hire children as cheap labourers because they know that they will have little recourse before the law. Concretely, it is worth noting that BR can also contribute to the elimination and prevention of the practice of early and forced marriage. In this regard, the Committee on the Elimination of Discrimination against Women and other treaty bodies mandate States to register births and marriages to facilitate the monitoring of the age of marriage and support the effective implementation and enforcement of laws on the minimum age of marriage<sup>[18]</sup>.

In a nutshell, it is noteworthy that BR and the ability to assert one's nationality may also prove crucial in terms of securing additional economic and social rights during adulthood. Since providing official identity documents is a necessary step in obtaining employment. As later in life, proof of nationality is also essential to receive social security, a right outlined in Article 9 of the ICESCR, stating that "States Parties ... recognise the right of everyone to social security, including social insurance". All these can be realised when there is a viable civil registration system to enhance public governance and the rights of the child.

### **3. Implications of Birth Registration on Governance**

Vehemently, it is worth stressing that to protect the rights of all individuals, BR must be part of a comprehensive civil registration system that is continuous, permanent, compulsory, and universal<sup>[19]</sup>. In this light, civil records must be kept in a form that cannot easily be destroyed. Equally, the retrieval of the files should be possible for persons at any stage of their life. Thus, the security of the civil registration and vital statistics system and the birth certificate issued as proof of registration is also crucial. Indeed, the birth certificate is often a 'breeder' document for other forms of identification, including identity papers, passports, driver's licences, and voter registration cards. Besides, it is worth noting that unlike these documents, it is not tied to the individual by a photograph or biometric data. In this sense, it is observed that there is the increasing use of fraudulent birth certificates to obtain genuine identification documents under a false name or age, thus, posing a threat to national and international security<sup>[20]</sup>. Indeed, it is observed that while BR within such a system is a fundamental human right, its impact often goes beyond the individual to have vital significance for the State, and a profound effect on governance at the national and international levels in improving services and ensuring accountability. In this sense, it is realised that the demographic information provided by a comprehensive civil registration system, including BR, is crucial for government planning and decision-making, as well as for the monitoring of programmes for children, families and the wider community. Equally, accurate information gives the State the ability to track, counter, and prevent abuse against individuals and plan service provision for children and their caregivers, and evaluate the impact of policies.

In this regard, *Mariana Muzzi* avers that this aspect is particularly important for minority groups, as BR provides a more accurate measurement of child health and health statistics in high-risk populations<sup>[21]</sup>. Likewise, UNICEF corroborates that when a lack of birth and death registration is concentrated among population groups at high risk like

minority groups, indigenous populations, and families living in slums, child mortality may be systematically underestimated<sup>[22]</sup>; thus, BR needs to be universal<sup>[23]</sup>. In a similar manner, BR can also serve as the backbone of an electronic administration system, which can improve monitoring, planning, and service delivery across a wide range of governmental services<sup>[24]</sup>. Therefore, its importance for the State cannot be underestimated, as the advantages will trickle down to individuals. In addition, it is observed that BR plays a crucial role in fostering democratic processes. It is a vital link in establishing nationality, thus, conferring on the individual the rights and responsibilities of citizenship. In this sense, it is noted that the provision of a free and universal legal identity through BR was highlighted as a crucial element of ensuring good governance and effective institutions have been well articulated. Since providing citizens with a legal identity is one of the most fundamental institutional responsibilities of a Government, it readily requires universal BR<sup>[25]</sup>. Equally, given that electoral roles are often compiled from the civil register, the transparency and credibility of voting and electoral fraud prevention depend on accurate data on births and deaths<sup>[26]</sup>. From this, it is worth noting that BR goes beyond the right to vote, as it extends to the possibility of standing for electoral office and taking an active role in political life. This is highly appreciated by assessing the impact and challenges of BR in Cameroon.

### 1. Paradigm Shift of Birth Registration in Cameroon

Comprehensively, it is worth reiterating that BR is the most fundamental right of the child, which is the precursor to the right to nationality as enshrined in Article 7 of the CRC. In this sense, this paper assesses BR's scope and challenges as an antecedent to the right of every child to acquire a nationality, thus avoiding childhood statelessness in Cameroon; due to discrimination, poor implementation of the law, and challenges related to BR. This is examined in line with the discussion above on the general precepts. From this, it is observed that Cameroon has made tremendous efforts in legislative reform on the provisions of civil registration for the BR and the establishment of the National Civil Status Bureau (BUNEC)<sup>[27]</sup>. This can be appreciated by the increased number of the Civil Status Centres, mobile court hearings for the establishment of birth certificates in remote and isolated communities, and a special interest in identifying unregistered children. Equally, efforts have also been made to ensure BR among refugee children, resulting in the establishment of about 6,000 birth certificates for them through supplementary judgements between 2010 and 2013<sup>[28]</sup>. Besides, it is noteworthy that although these are welcoming developments, more efforts still need to be done to ensure that all children, including those in remote and isolated communities, have access to BR. Since the fact that the Government of Cameroon (GoC) is encouraging supplementary judgments for children whose birth certificates have not been established within the legal time limit is a positive development. But, unfortunately, there is just a little information on such decisions and how it affects the availability of the procedures for other unregistered children.

Despite these, the World Health Organisation (WHO) estimates that 2000 children are born in refugee camps each year – averaging 55 per week<sup>[29]</sup>. Similarly, according to UNICEF, there are also an estimated 190,591 internally

displaced persons (IDPs) in Cameroon, of which as many as 116,200<sup>[30]</sup>. In this light, it should be noted that although refugees and IDPs are not necessarily stateless, there is often a lack of information on BR and documentation rates among them, thus, prompting the need to extend the protection of children of both groups against statelessness. From these, it is observed that the BR rates in Cameroon are low, since the national average for BR is 61.4%, although, with an increase to 80.5% for urban areas, it drops to 47.6% for rural areas<sup>[31]</sup>. In a similar manner, the lack of general information on Cameroon's population is also a matter of concern. This is because Cameroon has held only three population censuses since Independence, in 1976, 1987, and 2005. Though a fourth census is due, with efforts made since 2011, the reform of BUNEC, which aims in the long-term, to improve data collection, notably on BR. Although this is yet to effectively address the problem of poor statistics and data collection in the country. In this sense, the paper proceeds by exploring and assessing Cameroon's legal framework, which is discriminatory and inadequate on various fronts. Of great concern is the discriminatory treatment of extra-marital children under the Cameroonian nationality code, as well as the discriminatory denial of access to nationality to disabled children. Equally, there are also the concerns of the age of majority, which is inconsistent with international standards, and discrimination against children of foreign parents and adopted children, as do concerns around the implementation of the law.

### 1. Impact of Legal Instruments on BR as Precursor of Nationality Right in Cameroon

#### a. The international legal initiatives

Succinctly, it is observed that as a party to the CRC, with no reservations in place, Cameroon is obliged to ensure that every child's right to acquire nationality in accordance with Article 7 of the CRC. Equally, the CRC's Guiding Principles of non-discrimination adds that the child's best interests, the child's right to participate, and the right to life, survival, and development of the child. Despite this, it is noteworthy that Cameroon is also a party to the CEDAW, CERD, and ICCPR, all of which entrenches the right to a nationality and prohibit discrimination in relation to accessing to nationality. However, it is observed that even though Cameroon has signed the CRPD that prohibits discrimination on the grounds of disability concerning the right to a nationality, it has not yet ratified it. Indeed, it is worthwhile noting that all of the principles contained within the aforementioned treaties in relation to the right to a nationality, are enshrined in the CRC. Therefore, it is worth reiterating that the CRC prohibits denial of the child's right to a nationality as a result of discrimination against the child or his or her parents or guardians on all prohibited grounds, including gender, race, and disability. Contrariwise, it is observed that Cameroon is not a party to the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Stateless. Even though it has signed the 1951 Convention Relating to the Status of Refugees and acceded to its 1967 Protocol. From this, it is noted that Cameroon has made some substantial commitments in protecting the child's rights to BR. Still, more efforts and commitments need to be done in line with international standards by signing and ratifying all the treaties that relate to the protection of the rights of the child to BR and nationality. Despite the commitments mentioned earlier, it is observed that Cameroon needs to do more to

match international standards, like ratifying the CRPD, acceding to the 1954 and 1961 Statelessness Conventions.

### **b. The regional legal structure**

Explicitly, it is worth stressing that Cameroon has also made tremendous commitments at the regional level. This through adopting and ratifying several instruments directly or indirectly protects the right to nationality of vulnerable groups like children, women, refugees, IDPs, migrants, and indigenous peoples, or prevent them from becoming stateless. These include: the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa ratified in 1985, the 1981 African Charter on Human and People's Rights ratified in 1989, the 1990 African Charter on the Rights and Welfare of the Child ratified in 1997, the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ratified in 2012, the 2009 AU Convention for the Protection and Assistance of IDPs in Africa, and the 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

### **c. The national legal framework**

Concretely, it is observed that nationality and citizenship issues are enshrined in Article 26(2) of the Constitution<sup>[32]</sup>, which grants power to Parliament to adopt relevant legislation on this issue. By stating that, "The following shall be reserved to the Legislative Power: (a) the fundamental rights, guarantees, and obligations of the citizen: (...) (b) The status of persons and property ownership system: Nationality, the status of persons, matrimonial system, succession, and gifts..." In this sense, Cameroon's Nationality Code, which governs access and loss of Cameroonian nationality, is very instrumental<sup>[33]</sup>. As the Code reinforces the principle of the superiority of international instruments duly ratified by Cameroon over national laws, by stating in Article 3 that "Provisions regarding nationality contained in international treaties or agreements duly ratified and published shall have effect in Cameroon even though contrary to the provisions of Cameroon internal legislation". Nonetheless, it is observed that considering that the Code was adopted in 1968, these provisions have been given constitutional value as per Article 45 of the 1996 Constitution (as amended), which states that "Duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement". Likewise, it is worth noting that the Nationality Code was consolidated by the 'Text of application'<sup>[34]</sup> that establishes the rules of procedure under the Code. From which, the procedures for the acquisition of nationality, conditions for the examination of applications for naturalisation and restoration, and mechanisms to prove nationality before the courts, are well addressed. In addition, it is paramount to note that Cameroon has incorporated the key principles of international protection of refugees into its 2005 Refugee Law<sup>[35]</sup>, including the refugee definition contained in the 1951 Convention Relating to the Status of Refugees, as well as the one contained in the OAU Convention like the principles of '*non-refoulement*', '*non-expulsion*', and the exemption from sanctions for illegal entry. From these, it is worth noting that the legislative provisions on refugee rights explicitly require that refugees should be treated equally with nationals in accessing work, education, housing, social assistance, property, justice,

naturalisation, and freedom of movement. In this sense, it is commended that Cameroon needs to give effect in practice to Article 45 of its Constitution, and Article 3 of its Nationality Code, which affirm the supremacy of international treaties ratified by Cameroon. This can be done by amending the provisions of its Nationality Code that contravene its obligations under the CRC and other international treaties, to give full effect to the treaties.

## **2. Effects of Concerns of the Cameroonian Nationality Law**

### **a. The issues of discriminations against extra marital children and disability**

Meanwhile, it is noteworthy that Cameroon's nationality law distinguishes between 'legitimate' and 'illegitimate' children, discriminating against the latter in terms of their access to Cameroonian nationality. As provided in Article 6 of the law stating that "Cameroonian nationality attaches to (a) a legitimate child born of Cameroonian parents; (b) an illegitimate child whose parents are both Cameroonians". From this, it is observed that while extra-marital children are not denied access to nationality, additional conditions must still be fulfilled by them to acquire a nationality. With Article 7 further elaborating that "Cameroon nationality attaches to: (a) A legitimate child born of a Cameroonian father or a Cameroonian mother; (b) An illegitimate child born of parents of whom one is Cameroonian when his affiliation to that one is first established, though the other be foreign; but the subject in either case to the minor's right to renounce Cameroon nationality within six months before his majority, either if he was born out of Cameroon or if, according to the national law of the foreign parent, he can avail himself of that nationality". Despite this, it is observed that this additional condition that must be met by extra-marital children is both discriminatory and contrary to the best interests of the child. This is because it is envisaged that such conditions can undermine the child's right to a nationality, where it is not possible to fulfil them. In addition, it is observed that there is also an issue on discrimination on the grounds of disability applying in Cameroon, contrary to the CRC and CRPD, as provided in Article 25(e) stating that "Cameroon nationality may not be conferred on a person (...) who is not of sound body and mind".

### **b. The issues of children of foreign parents, adopted and statelessness children**

Conversely, it is observed that Cameroonian law also differentiates children born to foreign parents, who must satisfy an additional residence requirement to obtain Cameroonian nationality by 'Declaration'. This is elaborated in Article 20 stating that "Any person born in Cameroon of foreign parents may claim Cameroon nationality within six months before attaining his majority by a declaration in the manner prescribed by Articles 36 and following of this law, provided that on such date he has had his domicile or residence in Cameroon for at least five years". Similarly, it is worth noting that adopted children need to satisfy a residence requirement, although no length of residence is indicated, as enshrined in Article 21 stating that "The adopted child of a Cameroonian may declare within six months before attaining his majority and in the manner prescribed by Articles 36 and following of this law, that he claims Cameroon nationality provided that at the time of his declaration he has his domicile or residence in

Cameroon". Nonetheless, concerning the 'Renunciation' of nationality as alluded in Article 7, it is also observed that Cameroonian nationality law has a double *Jus Soli* basis. That is, suppose both the child and their foreign parent were born in the country, they would have access to Cameroonian nationality, which they can renounce. This greatly places the children of stateless parents, or parents who cannot pass on their nationality, who were not themselves born in Cameroon, at risk. As Article 11 establishes that, "Cameroon nationality attaches, subject to the right to renounce it within six months before majority, to: (a) A legitimate child born of foreign parents, if both he and his father or mother were born in Cameroon; (b) An illegitimate child born of foreign parents, if both he and the parent to whom his affiliation is first established were born in Cameroon". However, it can be argued that Article 15, which sets out that "the affiliation of an illegitimate child has no effect on his nationality unless established in the course his minority", serves as a safeguard against statelessness, but only in a limited sense. Despite this, more comprehensive safeguards are included in Article 9, which provides that a child born in Cameroon of unknown parents, shall be deemed never to have been a Cameroonian, but only if his affiliation is established with regard to a foreign parent and if in accordance with the national of his foreign parent, he has the nationality of the latter. That is, if the parents remain unknown, or are found to be Cameroonian, the child should be recognised as Cameroonian. This is underscored by Article 12, which states that the acquisition of nationality by birth extends automatically to any person born in Cameroon, who is unable to claim any other nationality of origin. Nonetheless, it is observed there is still concern over the implementation of Articles 9 and 12, particularly concerning the issue of the poor BR as earlier highlighted.

### c. The issues of deprivation of nationality and age of majority

In addition, it is worth noting that by allowing for the deprivation of nationality of a person as provided in Article 25(d), which states that, "who is not of good character and morals, or has suffered conviction of an offence against ordinary law, not expunged by rehabilitation or amnesty". In this sense, it is observed that the law fails to protect the children of such persons, who may not be able to access nationality through their affiliation. In a similar manner, it is noted that Cameroon lacks a standard age of majority, which complies with international law. Since as per the Cameroonian law, the age of majority varies for legal majority, electoral majority, legal age of marriage, and penal majority. Despite these, it is noteworthy that Cameroon accepts the definition of the child as "any human person aged less than 18 years", as enshrined in Article 2 of the African Charter on the Right and Welfare of the Child of July 1990, as duly ratified by Cameroon. In this regard, several civil society organisations in Cameroon have strongly advocated for the State to harmonise the varied approaches of defining 'childhood' on multiple occasions. In contrast, it should be noted that concerning the right to a nationality, Article 4 of the Nationality Code determines the age of majority to be 21 years, with Article 25(a) of the Code establishing that "Cameroon nationality may not be conferred on a person (...) who has not attained the full age of twenty-one years".

Meanwhile, despite the enormous commitments by

Cameroon, it is observed that there are still issues of equality, as the discrimination between extra-marital children and children born within wedlock is still contained in the Nationality Code. In this sense, Cameroon needs to amend the Code to be in line with international standards. Equally, there is also the issue of lack of commitment to safeguard against statelessness in the Nationality Code, to protect against childhood statelessness, and children from statelessness in the event of their parents being deprived of their nationality. Thus, Cameroon needs to amend the Code with respect to the Articles dealing with discrimination against children of foreign parents and adopted children, to protect such children from statelessness. Besides, the Code's provisions dealing with discrimination against disabled children in relation to their right to acquire a nationality need to be amended in line with the duly ratified treaties. Of essence is the issue of the age of majority enshrined in the Code as 21. Still, different in other legal instruments, making the issues uncertain as to who has attained majority age in Cameroon. In this regard, Cameroon needs to harmonise by amending all its legal instruments to be in uniform concerning the majority age.

## 3. Mechanisms of Birth Registration in Cameroon

### a. The scope of the national legislation on civil status registration

Historically, it is noteworthy that a civil registry first appeared in Cameroon under the German colonial authorities in the 20<sup>th</sup> Century, principally in urban areas for the attention of European populations. Subsequently, with the advent of World War I, Cameroon was divided into British and French Protectorates. From which, the British Protectorate administering the Western part established a civil registration by an Ordinance of 25<sup>th</sup> of October 1917. In contrast, the Eastern part under the French mandate, only set up a civil registry in 1930, while by a By-law of 16<sup>th</sup> of March 1935, it organised the indigenous civil status registration, which was limited to the registration of births and regulation of marriage. Cogently, it is observed that after Cameroon gained Independence on the 1<sup>st</sup> January 1960, the Cameroonian authorities subsequently unified the two systems of civil status registration in 1968<sup>[36]</sup>. Despite this, it is worth noting that until 2011, the main instruments regulating civil registration were the 1981 Ordinance organising civil registry<sup>[37]</sup> and the 1987 Decree for the creation and functioning of special civic registry centres<sup>[38]</sup>. Nevertheless, in 2011, a new law<sup>[39]</sup> was adopted to amend and supplement certain provisions of the 1981 Ordinance. Subsequently, additional By-laws have been adopted at the ministerial levels, to ensure the unification of procedures and registration of civil status registry centres and numbering of civil status documents. From this, it is worth noting that the 2011 law has brought harmony in Cameroon's civil status registration process, notably with respect to the question of who can register births. Besides, it abolished the special civil status registries that existed under the previous law, even though it can be created by ordinance at the discretion of the Ministry in charge of territorial administration. In fact, it is observed that under Article 7(1) of the 2011 law, the authority to register births has been given to the following categories of public servants: Government delegates (now city mayors) to city councils and their assistants, mayors and their assistants, heads of diplomatic or consular missions and diplomats deputising



for them.

#### **b. The procedure for registration of births**

Concretely, this section examines the normal and abnormal procedures of BR as provided in the 2011 law. The '*normal registration process*' as enshrined in Article 31(1) of the current law states that, "where a child is born in a hospital or medical institution, the head of the hospital or, failing that, the physician or any person who attended the mother, shall be bound to declare the birth of the child within thirty (30) days of the delivery". In addition, Article 31(2) provides that where the birth is not declared within the time-limit by the persons referred to in Article 31(1) above, the parents of the child shall have a further period of sixty (60) days within which to make the declaration to the civil status registrar of the place of birth.

In contrast, the '*abnormal registration process*' comes into play when nothing is done beyond the aforementioned normal time limits, with Article 32 stating that "births declared beyond the time-limit referred to in the preceding Articles may be registered at the instance of the competent State Counsel to whom the matter is referred who shall move the court within six (6) months of the birth". In this sense, it is observed that beyond the six (6) months, the civil status registrar may register the birth only by virtue of a judgement by the competent court. In a similar manner, Article 33 provides that "where a birth is not declared within six (6) months, it may be registered by the civil status registrar only by virtue of a judgement of the competent court and in accordance with the conditions laid down in Articles 23 and 24 above". From these, it is noteworthy that the 2011 law, although extended the time limit for the declaration of births, also provides for sanctions for failure to register births in Article 83(1), as read with the penalties outlined in section 151 of the Penal Code. Meanwhile as discussed above, it is worth noting that Article 34(1) of the 2011 law amends and specifies the following information to be contained on a birth certificate: Name of the main or secondary civil status registry and civil status registry of attachment; name, gender, date, and place of birth of the child; name, age, nationality, occupation, domicile or place of residence of the mother and father; name and signature of the civil status registrar and his/her secretary; and date on which the birth certificate is drawn up.

#### **c. The role of the national office for civil status**

Explicitly, it is observed that in a further effort to preserve and secure civil status registration in Cameroon, a 2013 Presidential Decree created the National Office for Civil Status (BUNEC) <sup>[40]</sup>. Indeed, the BUNEC is a Public Administration Organ (EPA) with financial autonomy, with the role to ensure greater efficiency and reliability of information and statistics relating to civil status registration in Cameroon. Besides, other Presidential Decrees of 28 September 2015, appointed the President of the Board, Director-General of BUNEC and his Deputy <sup>[41]</sup>. Besides, it is worth stressing that the principal mission of BUNEC is to ensure the supervision, monitoring, regulation, and evaluation of the national civil status in Cameroon. It does this by seeking to prevent fraud on civil status registration. In this sense, it is responsible for collecting, archiving, and centralising data and documents relating to civil status, aiming to constitute a national civil status database. Equally, it exercises the administrative and technical control of the organising and functioning of civil status registration centres. Thus, to carry out its function properly, it is

requested to propose and implement, upon government consent, the roadmap for the digitalisation of the national civil status registration system. Nonetheless, despite the enormous effort of putting in place a viable civil status registry as per the 2011 laws to enhance progress towards implementing Cameroon's obligations, there are still some problems.

From this perspective, it is observed that the 2011 law on BR did not address the issue of costs pertaining to civil status registration for the poor and vulnerable families, thus, failing to address one of the main causes of the failure to register children from these families. Similarly, it is realised that the law focuses on child birth in hospitals and does not provide for the registration of children delivered outside hospitals, which is still prevalent in most rural areas and some urban localities, due to the absence of sanitary institutions. Indeed, the lack of specific provisions on this area is particularly problematic because of the significant difference in BR rates between rural and urban areas, with the latest figures from UNICEF putting the rural birth registration rate at just 47.6% (compared to 80.5% in urban areas) <sup>[42]</sup>. Meanwhile, it is observed that the 2011 amended law does not clarify the process of recognition of the child by the father, although Article 34(1) requires information on the nationality of the mother and father to be included in the registration record. Even though Article 41(2) states, "Recognition and legitimation, except adoptive legitimation, shall be based on blood relationship. Once the relationship has been established, no one may raise objection on the recognition". It is worth stressing that the law does not clarify the procedure for establishing the said '*blood relationship*', leaving it solely in the discretion of the mother. Although the establishment of BUNEC is a positive move towards collecting data on BR; it is observed that statistics and data on BR are not systematically available, making it difficult to track progress in this area. Indeed, humanitarian agencies often collect the available data, which only provides approximate figures for BR rates. From this, it is realised that even though the figures are not always up to date, they can indicate the BR's level and the groups or areas where BR is particularly low, especially when considered alongside other indicators of BR.

Altogether, despite the new legislation, in practice, difficulties persist with regards BR for vulnerable groups. In this light, it is observed that the lack of BR among indigenous groups, in particular, is acute. Equally, the African Committee on the Rights and Welfare of the Child expressed concern about this subject in 2012, when it identified among the shortcomings in Cameroon's report "the non-domestication of the Charter, especially regarding the low registration of children at birth observed among certain ethnic groups" <sup>[43]</sup>. Although, the GoC responded to the concerns to the indigenous populations by stressing that steps have been taken to facilitate access to citizenship <sup>[44]</sup>, however, much still need to be done in that perspective.

#### **Conclusion and Recommendations**

Explicitly, it is noted that the universal implementation of the right to BR is fundamental for protecting the universal human rights of children, as enshrined principally in the UDHR, ICCPR, ICESCR, CRC, and other viable treaties. This is because BR establishes the legal existence of an individual, with its absence having lifelong consequences. Besides, BR is essential for compiling vital statistics that are

needed to develop policies and implement services. The demographic data provided by this act greatly help keep track of the population and provide information that can identify areas of improvement. Likewise, it is particularly important in child mortality, maternal health, and gender equality. In this light, it is noted that one of the most basic institutional responsibilities of any Government is to provide a person with a legal identity that is central to good governance. In this sense, a functioning civil registration and vital statistics systems are significant for the development agenda. Indeed, it is noted that even though the GoC has ratified the crucial treaties and made tremendous efforts at various levels to ensure BR, it is realised that there is still a long way to go before the right is accessible to all. Thus, in line with the recommendation of OHCHR, Cameroon needs to develop a permanent and sustainable civil registration, and vital statistics system, in accordance with human rights standards to:

- Ensure that BR is accessible to all without discrimination of any kind, including the child's, or the child's parents', immigration status, social origin, sex, ethnicity, language, disability, or birth wedlock. This is essential for children and families living in an irregular migration situation, for refugees and asylum seekers, as well as for children belonging to marginalized groups;
- Improve access to registration for individuals living in rural areas, including by taking advantage of the most recent advances in information technology and innovative technical solutions to improve BR and civil registration and vital statistics systems. Besides, it should adopt simplified administrative procedures that allow flexibility in BR requirements to ensure that individuals are not denied registration. Equally, it should review its laws and administrative regulations that impose a fee on BR or impose penalties for late or delayed registration. This is to ensure that registration should be completely free of charge, while measures should be taken to ensure that older children and unregistered adults are registered, in an integrated, inclusive and protective approach;
- Carry out a comprehensive assessment of its existing civil registration and vital statistics system, including monitoring and measuring its functionality and alignment with human rights standards and principles. This needs to be done to develop a coherent strategy to achieve universal BR that details budgetary responsibilities and allocates sufficient human and financial resources to the civil registration and vital statistics system. Equally, staff need to be adequately trained to apply a child-sensitive and rights-based approach, which takes account of specific vulnerabilities of children, and complies fully with the obligations of States under the CRC and other international and regional human rights instruments;
- Ensure that responsibilities and accountabilities between key stakeholders working on BR, as well as civil registration and vital statistics, have aligned mandates and work in a coordinated manner. In this light, actions need to be taken to remove existing obstacles to the effective administration of civil registration and vital statistics systems around which donors and development partners can align their support. Besides, strategies aimed at improving such systems need to be innovative and consider the use of

technology, where appropriate. Moreover, the GoC needs to ensure that practitioners engage and partner with relevant stakeholders, including technology providers, to seek solutions that meet the needs of national civil registration and vital statistics systems following international human rights standards. Equally, it should participate in regional government initiatives to improve the operation of the civil registry;

- Consider the interoperability between BR and existing services and structures, such as health and education, to allow registration as close as possible. In this sense, it needs to mobilize communities, in collaboration with other stakeholders, to raise awareness of the importance of BR, particularly among marginalized groups. In this regard, the help of respected community members, such as religious leaders, village elders, and locally elected councillors, should be considered, allowing communities to find their solutions, thus, making the process more sustainable in the long term. Thus, the authorities need to draw on pre-existing community structures and leadership to provide a sense of ownership to the community and ensure that awareness of the benefits of BR is raised.

Specifically, it is noteworthy that despite the commendations above, the following unique recommendations can urge the GoC to enhance the protection of the right of every child to be registered, as a precursor to acquiring a nationality. In this sense, the GoC needs to ensure that its Constitution, national laws, regulations, and policies should be in line with its obligations under international law to guarantee the right of the child to BR, acquisition of nationality, and prevent childhood statelessness. Equally, the GoC needs to prevent discrimination against children who are particularly vulnerable to statelessness due to their circumstances or discriminatory legal provisions, in particular children whose births have not been registered, extra-marital children, disabled children, children born to foreign parents, adopted children and children whose parents have been deprived of their nationality. Moreover, the GoC needs to undertake, as soon as possible, a full population census to improve the available data on the population as a whole. Similarly, the GoC has to take all necessary steps to break down the barriers to accessing BR, by ensuring that the births of all children born in Cameroon are registered immediately, ensuring non-discriminatory, comprehensive and consistent implementation of regulations relevant to BR, in particular of children born in rural areas, among indigenous populations and for children not born in hospitals, including by providing for free BR for those unable to pay the current costs and raising awareness about the importance of BR. In this respect, the GoC needs to fully implement the safeguards against statelessness in its Nationality Code to ensure that any child born in Cameroon who would otherwise be stateless may acquire Cameroonian nationality, whatever the place of birth of his or her parents. Equally, the GoC should ensure the full implementation of Article 3 of the Nationality Code and Article 45 of the Constitution, according to which the provisions of international treaties ratified by Cameroon take primacy over national laws. Nonetheless, the GoC should duly ratify the CRPD and accede to the 1954 and 1961 Statelessness Conventions.

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