

UNIVERSAL PERIODIC REVIEW OF SOUTH AFRICA CHILDREN'S RIGHTS: BIRTH REGISTRATION

SDG 10.3

Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies

INTERNATIONAL LAW

Children have the right to a name and shall be registered immediately after birth

Convention on the Rights of the Child;
Covenant on Civil and Political Rights

SUMMARY OF KEY RECOMMENDATIONS FROM PREVIOUS CYCLES

Review and amend all legislation and regulations relevant to birth legislation to ensure their full compliance with the Convention on the Rights of the Child

Ensure birth registration of all children born on South African territory, regardless of immigration status or nationality of parents

RECOMMENDATIONS ACCEPTANCE RATE?

0%

Recommendations noted

LEGAL FRAMEWORK

Births and Deaths Registration Act: all children's births must be registered

Regulations set out further requirements: biological parents' identity document, valid passport or visa or permit, or death certificate

IMPACT OF LACK OF BIRTH REGISTRATION

Inhibits access to education and healthcare

Excludes from social security

Risk of statelessness

ISSUE: REGULATIONS EXCLUDE—

Children whose parents are South African citizens but who do not hold identification

Children whose parents are asylum seekers and/or refugees with expired documentation

Children with fathers who are either South African citizens or refugees or asylum seekers with valid documentation, but whose mothers fall within one of the above categories

Adults who were abandoned or orphaned as children and whose births were not registered

RECOMMENDATIONS

Legislature: amend Births and Deaths Registration Act and Regulations to recognise right to birth registration of all children

Department of Home Affairs: train officials and publish directives with information