



FOR IMMEDIATE RELEASE

INTERNATIONAL MIGRANTS DAY ON BIRTH REGISTRATION AND DOCUMENTATION OF ALL CHILDREN

December 2022 – In commemoration of International Migrants Day 2022, which is observed yearly on the 18th of December, to mark the anniversary of the 1990 adoption by the United Nations General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and members of their Families. Save the Children South Africa in partnership with The Consortium for Refugees and Migrants in South Africa (CoRMSA), would like to draw attention to the importance of Universal birth registration and documentation of migrants and other vulnerable children in South Africa.

Globally, 35, 5 million children are migrants and they are faced with challenges and barriers that hamper a healthy childhood (UNICEF data 2021). The UN convention as well as the constitution of South Africa elevates the universality of all children's rights. All children have the right to a name and nationality from birth. For migrants and other vulnerable children, this remains a dream as birth registration which translates into a birth certificate as well as other forms of identification are not easily accessible.

International law states the importance of children having their birth registered as soon as they are born. According to the UN Convention on the Rights of the Child, Article 7 states that a child "shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality".

Similarly, The African Charter on the Rights and Welfare of the Child (ACRWC), Article 6 recognizes the right to birth registration for all children and obliges state parties to fulfil this right. South African laws such as the South African constitution, Section 28 of the Constitution state that, "Every child has the right to a name and a nationality from birth." This means that every child born in South Africa is entitled to birth registration regardless of whether or not their parents are South African citizens and whether or not their parents are documented.

Furthermore, The Birth and Death Registration Act of 1992 states that all children born in South Africa must be registered within 30 days of their birth. The Department of Home Affairs (DHA) and the Department of Health (DoH) issued a joint circular dated 25 October 2016 on the proof of birth forms: The circular states that it is the joint responsibility of DHA and DoH officials to ensure that every child born in a health care facility receives proof of birth form, ideally before leaving the facility. Further, the circular states that the proof of birth form is important as it is a requirement for birth registration. Due to the challenges and barriers that exist, there is a growing number of migrant children who are living without any proof of birth or a birth certificate itself. This poses challenges for children, as lack of documentation prevents access to education and access to health care as well as other social services.

"The exclusion of migrant and displaced children in our country is not only unacceptable but also preventable. Every child deserves protection, care, support and access to basic services to thrive." Steve Miller, Save the Children South Africa, CEO.

This International Migrants day, Save the Children South Africa and CoRMSA calls on the Department of Home Affairs (DHA) to fulfil its constitutional and international obligation - of providing all children

with a name and nationality, by granting them access to birth registration which gives them access to a birth certificate. A birth certificate is essential for every child.

The Department's mandate includes developing and implementing a policy framework and laws that enable the state to establish the legal status of every individual in South Africa. Affirming the identity and status of every child at birth is indispensable for the state, which must respect, protect, promote and fulfil their constitutional rights.

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About Save the Children South Africa

Save the Children believes every child deserves a future. In South Africa and around the world, we work every day to give children a healthy start in life, the opportunity to learn and protection from harm. When crisis strikes, and children are most vulnerable, we are always among the first to respond and the last to leave. We ensure children's unique needs are met and their voices are heard. We deliver lasting results for millions of children, including those hardest to reach.

We do whatever it takes for children – every day and in times of crisis – transforming their lives and the future we share.

About The Consortium for Refugees and Migrants in South Africa (CoRMSA)

The Consortium for Refugees and Migrants in South Africa (CoRMSA), is a national network comprising of twenty-six (26) member organisations in good standing. It has over twenty years of experience working on migration and refugee protection engaging in advocacy and lobbying, including policy submissions, coordination and network building, capacity building, community engagement and dialogue, rights awareness and information sharing. Our member organisations include legal practitioners, community-based refugees and migrant-led organisations, advice offices, academic institutions and social service providers amongst others.

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