
Extracted from the United Nations

**Handbook on Civil Registration and Vital
Statistics Systems:
Preparation of a Legal Framework**

II. CONTRIBUTIONS OF CIVIL REGISTRATION TO THE NORMAL FUNCTIONING OF SOCIETIES

171. When a civil registration and vital statistics system is operating properly and normally, it constitutes an invaluable source of information. It allows constant and permanent use to be made of data that are collected just once, when vital events and their characteristics are gathered by the registration method, in accordance with United Nations recommendations that are spelled out essentially in Principles and Recommendations for a National Vital Statistics System, 1/ paragraphs 13 to 36, and in the Handbook of Vital Statistics Systems and Methods, vol. I, Legal, Organizational and Technical Aspects, 2/ paragraphs 80 to 112.

172. As stressed earlier, both public and individual interests are served when the people comply promptly with their registration obligations by providing local civil registration offices with immediate and accurate information on the occurrence of vital events and their characteristics. To promote compliance, it is made compulsory to register vital events and fines are set for failure to comply. On the other hand, incentives are offered, like registration free of charge, even if the legal time limits have expired. But the greatest incentive to register comes from stressing the benefits to the individual and the family; to this end, it is vital that the agency administering the civil registration system encourage the people to become aware, voluntarily as far as possible and without coercive measures, of the objectives of the civil registration and vital statistics system, and of the advantages to individuals of registering vital events and legal acts involving their civil status. The primary means of encouragement are public information programmes on registration requirements and procedures and on the importance of registering vital events that occur in order to obtain official means of proving them at any time and for any reason, and to any public and private agency that is required to accept registration certificates as public documents attesting to the information they contain. See the Handbook on Developing Information, Communication and Education for Effective Civil Registration and Vital Statistics Systems (see the Preface).

173. Chapter III of this Handbook reviews the principal advantages that accrue to individuals from civil registration records, seeing that they are intended to protect the rights of individuals in terms of their own identity, family relationships, inheritance rights, citizenship, school enrolment, right to work, social benefits, health benefits, obtaining a driver's licence, etc. Acknowledging that individuals possess and can exercise these rights depends in large measure on whether the underlying vital events have been registered and can thus be documented in any legal or administrative setting. If the people understand the essential legal function that civil registration is called upon by law to perform, this represents the greatest incentive for them to participate actively. Quite apart from this direct interest to the individual, the information collected by the registration method also affords important advantages for the proper functioning of the society to which the individual and the family belong, so that over the medium and long haul they also stand to gain from the preparation and execution of public programmes predicated on the statistical compilation of registration data. The statistical function entrusted to the civil registration system provides complete and reliable information that is of irreplaceable value in the area of public policy and programmes. It has many uses in the area of public health, social services and programmes, family planning, medical research, social and demographic research, mother and child care programmes, genetic studies, control of infectious diseases, studies on causes of mortality, etc. By way of example, and simply by

way of illustration, we review below some of the more important contributions which civil registration makes to the functioning of society.

A. Identity of persons

174. Along with the concept that all human beings have equal rights, which today is recognized both internationally and in most countries' internal legal systems, there is one obvious and unquestionable fact that manifests itself inescapably in every person's interaction in society: the inherent need and highest aspiration to be different from everyone else, to affirm his own individuality, the fact of being himself, distinct and different from all others. The outward manifestation of this need is the corollary need to individualize all persons using the means which the law provides and, by identifying them, to distinguish them from all others. From the moment a human being is born his natural equality - and hence his identical value to that of all other men - is recognized by enactment of law. From the moment the personality of a human being is recognized, one of the immediate and essential manifestations of that personality that arises is the *fundamental right of the person to his identity*, on both sides of the ledger, as it were: individualization to distinguish him from other people, and identification to prove he is still the same person. Individualization singles out to distinguish, identification provides the proof. Every human being needs to be able to affirm his own individuality with the assurance that he can develop his personality to the full. The first time the right to identity was expressly recognized in an international - albeit sectoral - document was in article 8 of the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989: States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

175. In the absence of widespread methods of determining individual personality from intrinsic personal attributes (anthropometric measurements, fingerprinting, genetic profiling), the right to personal identity is traditionally vested, in social life and for legal purposes, in a person's name, in the broad sense that includes name and surname(s), the official record of which is generally created with the entry of birth, where it forms a key data item. Nowadays, even allowing for widely varying practices in different countries in terms of the substantive regulation of names, registration of a person's given name is thus the direct manifestation of that person's right to identity. This constitutes a primary right in that an individual's entire personality development depends on it, since it establishes him as subject to rights and obligations.

176. It follows from the foregoing that the primary contribution of civil registration to the normal functioning of society is that it enables each person - individualized through a registration record referring to specific circumstances - to be provided with an official permanent instrument which allows him at any time to prove his own identity to third parties without fear of being confused with any other person as he exercises his private and public rights and obligations. This correct identification of the person is also of interest to the State for reasons of public order, which is why naming conventions will usually be regulated, as will the scope for subsequent amendments, so as to avoid any changes in identity that might constitute fraud and thereby undermine certainty in legal dealings.

177. The right to personal identity thus stems from the essential data that must be recorded on the entry of birth with respect to the date, time and place of birth, sex of the child, full name of the child and his parents, and nationality and date of birth of the parents. Even though the name is the most important mark of individuality and is internationally recognized as a fundamental right of every human being, all these data items are indispensable for identifying the child by reference to space-time determinants that pinpoint the physical event of the birth, and for referencing it to a particular family unit, even if under the country's domestic law the entry of birth alone may not be sufficient to document the filiation of the child, since it is clear that, in combination with other entries on record - marriage certificate of the child's parents, complementary notation of its recognition, court ruling on filiation, etc. - it does constitute proof for purposes of registration.

178. Because references to the registrant's identity are so vital for purposes of absolute identification, the civil registration law may contain rules on naming, even if the substantive regulations are consigned to the corresponding civil laws, to which the civil registration will need to refer. To avoid undesirable discrimination when registering the data items required to be recorded in the entry of birth, as between children whose filiation appears to be initially determined by their paternal and maternal blood lines and children whose filiation does not appear to be determined by one or both lines, the civil registration law provides for the compulsory imposition on the child of a name and surname(s) in common use, based on a choice made by the person declaring the birth or, failing that, ex officio by the registrar responsible for making the entry of birth. If the names of one or both of the parents is not recorded, the entry must also contain, as compulsory references to identity, commonly used paternal or maternal names for purposes of identifying the person. This expedient allows essential references to identity to be kept intact for all purposes of individualizing persons, since it is they that will appear on any birth certificates issued, including where appropriate those required to obtain an identity card. With respect to the imposition of names on the registrant, the substantive regulations in each country should be observed, even though, for reasons of human dignity and public order, certain broad rules of registration should be established both to forestall any confusion in the identification of persons and to prevent the choice of words that, viewed objectively, might offend the registrant's dignity. In all these cases the registrar will have a duty to oversee the way in which the naming regulations are applied.

179. In terms of the essential coordination between civil registration and the country's identification services, if any, and assuming the civil registration service is operating normally and continuously, it should be borne in mind that, given the acknowledged probatory value of registration records, the corresponding birth certificates of the individuals concerned will afford the obvious means of proving the references to the registrant's identity that will be used as a basis for issuing his official identification documentation. It is accordingly desirable to establish a close link between entries of birth and the issue of identity documents that will make it possible to set up controls to avoid duplication in the issue of identifying documents. To this end, whenever a birth certificate is issued containing essential references to the registrant's identity for the purpose of obtaining an identity document, or if the certificate is issued on an official form exclusively prepared for this purpose that will normally be a partial certificate, or if it is issued on an ordinary form, it should expressly state that it is being issued solely for this purpose. Whenever such a certificate is issued, its issuance should be recorded as a complementary notation on the birth record. Should it ever subsequently be

necessary to issue a second certificate for purposes of obtaining an identity document - because the first one issued has been lost or destroyed - this duplication will be recorded both on the second certificate issued and on the birth record itself.

B. Family organization

180. The starting point is the general principle that the family is the natural and fundamental building block of society and is entitled to the protection of society and the State. Article 10 of the International Covenant on Economic, Social and Cultural Rights echoes this idea, adding that "The widest possible protection and assistance should be accorded to the family, ... , particularly for its establishment and while it is responsible for the care and education of dependent children." The legal formation of families is the responsibility of civil registration and is accomplished not only through the celebration and registration of marriages but also through the registration of all births, irrespective of legitimacy, and through its participation in noting legitimations, recognitions and adoptions. Protection of the family should therefore begin by facilitating its formation through improvements in the institution responsible for this function. An inefficient civil registration system, whether because its procedures are unduly complex, it does not have adequately trained personnel, or it lacks essential resources, is one that unremittingly undermines the organization of the family.

181. Moreover, the family is indispensable because without its support it is virtually impossible for children to be raised in a balanced and comprehensive manner. Human beings are born helpless and remain that way for so long that they would not survive without outside help. Protection is one of their primal needs. Both parents, but especially the mother, provide this help, which seemingly springs from a genetic force that binds the man and the woman together, at least temporarily, thereby assuring the survival of the child and the perpetuation of the species.

182. Without in any way detracting from the need for certain forms of protection for a pregnant woman, to benefit the child she is carrying, a child's problems can be said to begin at birth. It is recognized nowadays that child care should be comprehensive and satisfy three basic needs: (a) physical or material, such as housing, clothing, food and health; (b) emotional or psychological, such as motherly affection, early stimulation, ideally requiring the presence of both parents, and education; and (c) social, that is, socialization within a family setting. It is acknowledged that children born and brought up in well organized families achieve better all-round development and have fewer health and behavioural problems.

C. Monitoring demographic trends

183. Statistics are not as a rule an end in themselves but a necessary tool for studying and understanding many social and economic phenomena. They are meaningful only as a means of interpreting or forecasting different aspects of life. But if their purpose is thought to be achieved by the mere fact of publication, they miss their true target, which is to serve by providing quantitative information.

184. The same applies to vital statistics as a subset of demographic statistics. They have multiple uses and can be grouped by subject into health, economic, social and demographic data. From a programming viewpoint they are equally necessary during planning, execution and evaluation. As far as government planning is concerned, they are used at the local level in direct action programmes; at state or provincial level in oversight programmes and at times also in direct actions; at the national level for planning broad-brush government policies and on occasion for oversight purposes; and, finally, at the international level, for comparison purposes and for planning joint programmes involving two or more countries, or one or more international agencies with one or several countries.

185. Vital statistics are of irreplaceable value in the field of public health since, being dynamic, they are the only source of information as events occur. Some examples are given below for illustration:

(a) Mother and child mortality are reflected in the pertinent rates. Infant mortality rates are recognized as the best indices for measuring the effectiveness of public health programmes. For their part, excessive maternal mortality rates probably suggest the need to study not only causes but also circumstances. For example, plotting maternal deaths by type of attendance at birth might reveal that their incidence is excessive in home births, thereby justifying preventive measures or the expansion of hospital services;

(b) It is generally acknowledged that statistics on mortality are better than those on morbidity, so when the latter are unavailable planning to prevent tuberculosis, cancer, malaria and AIDS, for example, is done on the basis of the mortality rates for these specific causes;

(c) Statistics on deaths due to poisoning have helped, among other things, to ban the use of lead in paints used in making toys and children's furniture;

(d) Communicable diseases, such as typhoid fever and malaria, still pose serious health problems in some parts of the world; vital statistics are helpful in pinpointing their incidence and location and in evaluating the progress of ongoing programmes to combat them;

(e) Other areas, such as social security systems, rely for their actuarial calculations on life tables based on population estimates and mortality rates.

186. In the international sphere, the main users of vital statistics are international agencies, which rightly stress the need for reliable and comparable statistics as a basis for their work. To begin with, they need to know the relative seriousness of the problems they may be able to help solve, in different countries or regions. They also need statistical information to plan technical and financial assistance programmes, to measure their progress, and to evaluate their outcomes.

D. Social welfare

187. Social welfare systems rely on civil registration to accomplish their goal, which is human well-being. However, social assistance looks at the individual as a member of a family and at the family as the environment in which individual well-being is achieved. It has therefore been said that, of all the technical

services that make up a country's public administration, none attaches more importance to the family than social assistance does.

188. It is vital for social welfare agencies to legally recognize the family as an irreplaceable social unit, but also to know the civil status of each of its members, because legal determinations that a person exists and is a member of a family are prerequisites for receiving the benefits provided by social welfare, social insurance and social security services in countries where those benefits are considered to be entitlements rather than acts of charity.

189. It is the function of civil registration to provide the evidence that proves the legal existence of a family and each of its members, their ages and their position within the family. In other words, birth, marriage and death certificates are what make it possible to determine the rights and obligations of each member of a family vis-à-vis the others, and of the family vis-à-vis the society of which it forms part. Without such proof it would be very difficult for a country's social assistance machinery to operate, making the benefits it is supposed to provide to the people illusory.

E. Housing

190. Demographic shifts are taking place all over the world all the time. We refer to two of them that are related to the subject of this Handbook:

(a) Every year in every country a number of families are formed that need tools, services and, in particular, housing. The construction industry is obviously keen to see the number officially quantified so that it knows how many units are needed and can be sold. According to the Economic Commission for Latin America and the Caribbean, new family formation is easily the most dynamic factor for determining the need for new housing and the most useful to track statistically. Evidence is gathered by the civil registration agency, which can report the number of marriages celebrated and registered during the period. Nevertheless, it is essential to point out that de facto families are also formed — many of them stable and with much the same needs as conventional families — that do not make it into the civil register and thereby distort and lessen the value of the information. It is important, therefore, that the civil registration agency have ways and means of encouraging people to go to their local registry offices and take advantage of their services;

(b) The world is becoming urbanized, albeit at different rates in different countries and regions. This means there is a steady drift from rural areas to urban centres. The population of both continues to grow, but more slowly in rural than in urban areas. This drift means a new way of life for the immigrants, with new requirements and needs, one of which is of course housing. But, as they become part of their new life in society they are forced to rely as never before on documentation provided by civil registration.

Notes

1/ United Nations publication, Sales No. E.73.XVII.9.

2/ United Nations publication, Sales No. E.91.XVII.5.

III. HUMAN RIGHTS AND CIVIL REGISTRATION

191. The legal function performed by civil registration - essentially by creating legal instruments of direct interest to individuals through the compulsory registration of vital events and their characteristics - constitutes the primary advantage and incentive for people to register. It has been said that "the best incentives for promoting registration are, of course, the privileges and entitlements that flow from proof of registration". Entries of births, marriages, deaths and divorces are primarily designed to safeguard the rights of individuals as members of society. Individuals use birth, marriage and death certificates in their daily life provided that the registration system in effect establishes the general probative value of registration records and their certificates as official, public documents, so that they can be used as permanent legal documents proving the occurrence of the events registered and certified.

192. Aside from the direct, overarching importance of civil registration to the public authorities - in that the information compiled using the registration method provides essential data for national or regional planning in terms of preparing medical and health programmes, family care and planning programmes, mother and child health services, other social services, public health programmes for controlling infectious diseases, health research programmes, social and demographic studies, etc. - it should be emphasized that the role played by civil registration in proving and in establishing, implementing and realizing many of the human rights embodied in international declarations and conventions is one of its most important contributions to the normal functioning of societies. Accordingly, its description, albeit in summary form, has been separated from the listing in the previous chapter.

193. The human rights on which the comments in the following paragraphs are based are those that form part of:

(a) Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948;

(b) Declaration of the Rights of the Child, proclaimed by the United Nations General Assembly on 20 November 1959;

(c) International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966;

(d) International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966;

(e) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted by the United Nations General Assembly on 7 November 1962;

(f) International Convention on the Elimination of all Forms of Racial Discrimination, adopted by the United Nations General Assembly on 21 December 1965;

(g) Declaration on the Elimination of Discrimination against Women, proclaimed by the United Nations General Assembly on 7 November 1967;

(h) Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979;

(i) Convention on the Reduction of Statelessness, adopted by the United Nations General Assembly on 30 August 1961;

(j) Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989.

194. The fundamental connection between human rights and the registration of vital events was sealed when the International Covenant on Civil and Political Rights proclaimed that "Every child shall be registered immediately after birth and shall have a name"; and when the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages proclaimed that "All marriages shall be registered in an appropriate official register by the competent authority."

195. This connection was later emphasized in the United Nations 1974 World Population Plan of Action, one of whose studies arising out of the recommendations for action, laid the foundation for identifying two groups of human rights:

(a) those that require States to ensure that vital events are registered, and

(b) those that may depend on the vital events having been registered.

196. Since its establishment in 1946, the United Nations Human Rights Commission has been charged with promoting, encouraging and enforcing human rights and fundamental freedoms. And in 1966, the Economic and Social Council instructed the Commission to consider as an important and urgent matter the problem of human rights violations, with a view to preparing measures to put an end to them. Accordingly, the Commission is now in overall charge of the human rights issue, both in its active aspects, which involve promotion, encouragement and enforcement, and in its passive aspects, or violations.

197. It must be agreed that the obligation of the States that have signed the International Covenants on Human Rights to promote their application entails the corollary obligation to amend or repeal any laws or policies that prevent it. No other position would make sense.

198. However, meaningful protection of human rights depends not only on the legislation enacted to give them effect, but also on the administrative procedures designed to implement the laws. The right to register vital events is a case in point. It is common knowledge that very few countries do not have basic laws on registration that make it compulsory to report and register births and deaths, as a minimum. But there is no denying that these measures alone have failed to produce complete records. On the contrary, a review of the situation in the countries that do have such basic legislation reveals that systems covering approximately 70 per cent of the world's population are not operating effectively. It is thus safe to infer that the problem lies in the administrative procedures, which are either non-existent or are inefficient and incomplete; it might be added that the most disadvantaged sectors of the rural population experience difficulties in terms of communications and transportation.

199. This is a serious shortcoming, since it means that the right to register vital events has not been assured in all countries. As a result, a huge number of people are deprived of the right to hold proof of the occurrence of a birth, a death, a marriage or a divorce. This means that the individual concerned is deprived of the rights guaranteed by international conventions, since their attainment depends on the ability to prove identity, age, parentage, nationality and marital status, all of which are characteristics traditionally certified by the documents issued by the civil registration service.

200. Thus, the mere recognition of human rights, both internationally and nationally, is not enough to guarantee their effectiveness, since it is essential to implement the measures needed to establish control mechanisms to guarantee that the rights enunciated in international conventions and in the basic charters of the States actually materialize. The classic international mechanisms are characterized by their "weakness", in that the States resist meaningful supranational oversight. Nevertheless, the States Parties to the international human rights conventions have legally committed themselves - not morally or politically, as in the declarations - to respect and ensure the enforcement of the rights recognized and to take the measures needed to this end. At the present time, apart from the traditional international instruments just referred to, great importance attaches to the Convention on the Rights of the Child adopted by the United Nations on 20 November 1989. The relevance and merit of the Convention on the Rights of the Child lie, on the one hand, in the fact that it exists at all, because it stands as the most important international instrument for the protection of children's rights, and in this connection has been called the "Children's Magna Carta". On the other hand, it is a codification of child-protection rights already proclaimed or recognized in other generic or sectoral international texts, which was compiled as an international instrument that would be binding on its signatory States, which are subject to the mechanisms for overseeing its enforcement, that is, to the Committee on the Rights of the Child referred to in article 43 of the Convention. But, in addition, the 1989 Convention does not confine itself to compiling - this time with binding force for the States Parties - rights already recognized internationally and having greater or lesser force depending on the nature of the international instrument in which they are embodied; it also introduces some novel features which we would regard as substantive for registration purposes and which relate, among other things, to a child's right to preserve its identity, which the States Parties undertake in article 8.1 to respect, assist and protect; and to a child's right to know its parents, as proclaimed in article 7.1. The States Parties are under an obligation to protect and respect those rights, acting at all times in the "interest of the child", as the paramount principle that is to guide the application of the Convention, pursuant to article 3, and observing at all times the principle of non-discrimination enunciated in article 2.

201. The following sections review:

(a) The right to officially register the vital events comprising the two top-priority groups, that is, births, deaths, foetal deaths, marriages and divorces;

(b) Those human rights that may depend on the corresponding vital events having been registered.

A. Right to register vital events

1. Right to register a birth

202. This right was proclaimed in article 24 of the International Covenant on Civil and Political Rights, in recognition of the fact that the entry of birth is legal proof of the occurrence of this event and of the circumstances noted on the entry, which, as will be seen, turns out to be essential for protecting a number of individual human rights. To provide this protection, the Covenant specifies it as a State obligation to ensure that "Every child shall be registered immediately after birth"

203. Entries of birth contain information that, though it varies from country to country, constitutes legal proof of birth and helps to identify the newborn child - its name and those of its parents, date and place of birth, name of informant, and of the physician attending the delivery or, failing that, of the witnesses, and the name and signature of the registrar who made and authorized the entry. All these data items, which were furnished at the time the birth was registered, will be permanently available to the individual concerned, through certificates issued by the civil registry office, whenever he needs to document them to protect his rights or for any other purpose.

204. The commonest uses of entries of birth in the exercise of rights and privileges relate to date of birth, for example when individuals seek official, legal proof of age because the law of the land says they must be of a certain age to qualify for a particular right: enrolling in school, getting a work permit, serving in or being exempted from the armed forces, voting, getting married, entering into a contract, etc. Other rights closely linked to the entry of birth that cannot be recognized or exercised without being able to prove the fact and characteristics of birth relate to parental ties, identification, inheritance rights, birth and maternity allowances, maternity leave, proof of nationality, obtaining a passport, collecting insurance, applying for credit cards, etc.

2. Right to register a death

205. Neither the Universal Declaration of Human Rights nor the related International Covenants make any specific reference to the right to register a death. However, this right can be asserted to exist because it is implicit in article 12(2) (a) of the International Covenant on Economic, Social and Cultural Rights, which stipulates that, for the right to healthy development to be fully effective, the States Parties must adopt, among other things, measures aimed at "reduction of the still-birth rate and of infant mortality, ..." and, as we know, the register of deaths can provide the number of deaths at less than one year, which is the basis for measuring infant mortality. Without this figure, which is arrived at from the register of deaths and the number of live births obtained from the register of births, there would be no way to calculate the infant mortality rate over time and for different population groups. Nor, as a result, would it be possible to document trends in the rates or to plan and evaluate their reduction.

206. The right to register deaths is also implicit in connection with the exercise of other human rights, such as the right to inherit and those arising from social security systems and the collection of insurance. The death will also need to be registered in order to legally document widowhood and the right

to remarry. Moreover, the primary incentive for individuals to register a death has, as noted, been the need to obtain a burial or cremation permit, since in most countries the permit will not be issued without the death being legally documented by means of the relevant death certificate. It can therefore be assumed that the right to officially register a death is also a human right, like that of registering a live birth.

207. The entry of death also includes data items such as the name and characteristics of the deceased, date, place and certification of the death, identity of the witnesses, if any, the informant and the registrar. The occasion of registering a death should always be used to gather information on the cause of death, which is entered in the register itself if it doubles as a statistical report, or otherwise only in the latter.

3. Right to register a foetal death

208. This, as in the case of deaths, is also implicit in article 12(2) (a) of the International Covenant on Economic, Social and Cultural Rights. Reduction of the infant mortality rate is one of the measures that the signatory States must adopt to ensure full attainment of the right to health. It should be borne in mind that the data needed to calculate the infant mortality rate can only be obtained from a register of foetal deaths - or at least of late foetal deaths (with a gestation period of over 28 weeks) - in combination with a register of live deaths.

4. Right to register a marriage

209. This right was not included as such in the International Human Rights Covenants. However, it is implicitly recognized as essential for several of the rights embodied in those covenants.

210. The registration of marriages first came to be legally binding on the States with the approval in 1964 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, article 3 of which states that "All marriages shall be officially registered by the competent authority." The United Nations General Assembly had earlier approved four resolutions recommending the official registration of marriages. The first was resolution 843 (IX) of 1954, entitled "Status of women in private law: customs, ancient laws and practices affecting the human dignity of women", which urged all States to take all appropriate measures in the countries and territories under their jurisdiction with a view to abolishing such customs, ancient laws and practices ...; and establishing a civil or other register in which all marriages and divorces will be recorded;

211. The more recent declarations of the United Nations General Assembly on the subject of the registration of marriages are the Declaration on the Elimination of Discrimination against Women (1967), article 6.3 of which states that "effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory". This wording is echoed in article 16.2 of the Convention on the Elimination of All Forms of Discrimination against Women.

212. Leaving aside differences among countries, registrations of civil marriages contain data items on both spouses, such as name, proof of identity, age,

previous marital status, occupation, date of the marriage, date of registration, whether the marriage was civil or religious with civil standing, domicile or residence of the bride and groom, place of the marriage, particulars of the witnesses, and the name and signature of the registrar. Through copies or certificates the civil registration agency issues proofs of the marriage and its particulars, which will provide the spouses thereafter with the means to safeguard several of their human rights. The primary individual rights associated with legal proof of the marriage are the legitimacy of any children, proof of their biological origins, inheritance rights, application for family benefits, marriage allowances, collection of pensions and insurance, prerequisite for the spouse to acquire nationality, etc.

5. Right to register a divorce

213. Resolution 843 (IX) of 1954 of the United Nations General Assembly on the status of women in private law also urged governments to establish a register of divorces. Furthermore, in its resolution 1068 F of 10 July 1965, the Economic and Social Council recommended that "A divorce or judicial separation shall be granted only by a competent judicial authority and shall be legally recorded"

214. As a general rule, divorce proceedings take place in a court of justice and divorces are granted by a court ruling. If, under the law of the land, such a court is a court of first instance, the ruling normally has to be approved by a higher court (court of appeals) as a sign of the importance attached to the proceeding. After processing, the file is sent back to the court of first instance and from there to the court archives. The decree is legal proof of the divorce and its characteristics, and interested parties can obtain a copy of it at any time for their own purposes. However, unless there is a legal provision requiring the court to forward a copy of the ruling to the pertinent civil register, it cannot be asserted in court or in any other judicial or administrative proceeding, nor, if it has not first been recorded in the civil register, will it be possible to keep statistics on this vital event. For its part, the procedure followed in the civil register will depend on the laws of each country. In some, the decree is entered, as is done with a marriage or a birth, sometimes in a separate register and at others through a complementary notation in the register of marriages. Others with more sophisticated civil registration systems merely take note of the divorce decree by recording its main data items in the margin or on the reverse of the marriage record to which it refers. And if the data for the respective statistics are noted on a statistical report, it is not even necessary to keep a copy of the ruling on file since the interested parties can always refer to it in the court archives where it is kept. It is also possible to combine both systems, in other words, record the divorce separately as an independent entry in the relevant register of divorces and simultaneously make a marginal note on the record of the marriage being dissolved by the divorce decree.

215. The divorce decree always contains sufficient data on the parties, and most of the statistical data required can be extracted from them. The others are requested from the informant, that is, from the person requesting the entry or notation, as the case may be. The principal rights flowing from the registration of a divorce are the right to remarry, based on legal proof that the previous marriage has been dissolved, to collect a family food allowance, to establish custody of minor children subject to parental authority, etc.

B. Human rights that may depend on the registration of vital events

216. There are several human rights emanating from international declarations and covenants that in one way or another involve civil registration, which demonstrates the scope of its contribution to the normal functioning of societies. Some are not very closely related to the purposes of the present Handbook, but all are covered in a fairly cursory manner for completeness's sake and so that those interested in studying them in greater depth can easily do so. Prerequisites in all cases are that interested parties must be able to prove their age, place of birth, nationality, identity, and civil or marital status. Some require proof of only a single characteristic from a single entry, but others require proof of more than one characteristic taken from one or more entries in the civil register. The pages that follow indicate, for each of them, a concept, the provisions of the international declarations, covenants and conventions from which they derive (see para. 193 supra), and the records involved in their attainment.

1. Right to own identity

Concept and origin

217. Nowadays birth records are the pre-eminent means of identifying individuals, since the data items in the record, particularly the name and surnames, are the marks that individualize and evoke the identity of a person, precluding confusion with everyone else. The right to immediate registration was proclaimed in article 24.2 of the International Covenant on Civil and Political Rights: "Every child shall be registered immediately after birth" Article 7 of the Convention on the Rights of the Child reaffirmed this right to registration, in the following terms: "1. The child shall be registered immediately after birth and shall 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." The right to register a birth thus appears closely linked to the attainment of the right to one's own identity, also expressly recognized for the first time in an international instrument in article 8 of the Convention on the Rights of the Child, which includes references to nationality, name and family relations: "1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law and without unlawful interference. 2. 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 speedily his or her identity." Implementation by the States of the United Nations recommendations for regulating registration services provides the assurance that the necessary entries of birth will be recorded, thereby fulfilling the legal purposes entrusted to the civil registration function and providing individuals with preferred means of official, permanent proof of the events that determine their civil status, including first and foremost their own identity. The importance of this right being made effective is brought home clearly by the fact that the effectiveness of all other rights to which a person is entitled depends on whether it was possible at an earlier date to make a foolproof identification of him, which in turn depends on whether his entry of birth includes the necessary references to identity, notably the full name given to the registrant pursuant to domestic law, sex, circumstances of the physical birth event, names and surnames of the parents, and their nationality at the time he was born. Proof of a person's identity in any legal act in which he is

a party - marriage, determination of filiation, execution of legal instruments, judicial or administrative proceedings, etc. - will be based on his prior identification in his entry of birth, which must be accepted as the primary instrument of proof by the State's identification services when they issue the corresponding identity document. The right of every human being to his own identity constitutes a logical priority when it comes to establishing and attributing the relevant rights and obligations.

Register involved

218. Birth.

2. Right of the child to know its parents

Concept and origin

219. According to article 7 of the Convention on the Rights of the Child, a child has the right from birth to a name and, as far as possible, the right to know his or her parents. As in the case of a minor's right to an identity, this represents a novel formulation in international law: the right of the child to know his or her biological parents, as an essential element of his or her biological identity, an unprecedented international posit related to the principle of unrestricted investigation of paternity, which is prevalent in many countries today: "Article 7.1: The child shall be registered immediately after birth and shall have the right from birth ... and, as far as possible, to know and be cared for by his or her parents." From a registration standpoint, this right appears to be linked to the entry of birth, even though it is not recognized as having the same probatory force with respect to filiation. The premise underlying the draft law is that the birth record is delinked from the registrant's filiation. This will ultimately depend on the regulations in force in each country on an issue as complex and sensitive as determining filiation. At all events, either filiation is established at the time the entry of birth is recorded, or both events are delinked in terms of the discrete probatory value of the birth record, which will reliably attest only to the existence and identity of the registrant; the birth record, either in the main body or through complementary notations, will normally provide information on the full names of the parents, as well as data on their dates and places of birth, and their respective nationalities. The registrant must always be given free access to the data on record in his entry of birth and complementary notations, as well as in the documents filed in the relevant civil register as they pertain to the identity of his biological parents. For example, it is presumed that biological maternity can be inferred from the medical certificate of delivery, which has to be filed in the civil registry, and, in the event that the mother's name does not appear on the registration record because it may under the law of the land be held in anonymity, it must be possible to access the original document to verify the data items pertaining to the mother. In cases of adoption, the adoptee upon reaching majority has the right to conduct the necessary research to obtain information on his biological parents and, therefore, even if a new entry of birth was made containing references only to the identity of his adoptive parents, and even if the original record has been cancelled, he must be allowed to obtain a certificate of such cancelled entry, which will presumably contain data items on his true biological filiation, which will thus enable him to realize the right to his own identity.

Register involved

220. Birth.

3. Right to non-discrimination by reason of birth

Concept and origin

221. This right is expressly recognized in article 2 of the Convention on the Rights of the Child and is closely related to the methods for determining maternal and paternal filiation, whether in or out of wedlock. The wording of the precept reproduces almost verbatim all the earlier international declarations on the issue. Universal Declaration of Human Rights: "Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Declaration of the Rights of the Child: "Principle 1. The child shall enjoy all the rights set forth in this Declaration. These rights shall be recognized to all children without exception, distinction or discrimination by reason of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, either of the child or of his or her family." International Covenant on Civil and Political Rights: "Article 2.1: Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 24.1: Every child has the right, without distinction of any kind by reason of race, colour, sex, language, religion, national or social origin, property or birth, to the protective measures which his status as a minor requires, both from his family and from society and the State." Convention for the Protection of Human Rights and Fundamental Freedoms, signed by the Council of Europe at Rome on 4 November 1950: "Article 14: The enjoyment of rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Finally, article 2 of the Convention on the Rights of the Child provides: "1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."

222. Even if one opts for a registration model that segregates filiation from the birth record, the right to non-discrimination on grounds of filiation immediately becomes a civil registration issue to the extent that the entry of birth calls for essential data items, notably the compulsory entry of the full name of the registrant's parents, as well as other identifying references, such as their dates of birth and nationalities. In cases where the filiation is not known to one or both lines, the birth record would not contain identifying

references that relate to the parents, as they have not been legally determined; this would mean that the official documentation on the registrant would immediately reveal that fact that his origin is unknown. The civil registration law contains provisions that allow for these situations so as to avoid discriminations from the moment the birth is officially registered. To this end, without prejudging the registrant's filiation, it provides that the name be designated by the informant or the registrar himself and that, if not decided, surnames in everyday use will be imposed ex officio. For the same purpose of giving the child full identifying references, it also provides that fictitious names for the mother and father must be entered for identification purposes.

Register involved

223. Birth.

4. Right of the child to a name

Concept and origin

224. The rights of the child should cover four major areas - all subordinated to the fundamental principle of his or her "higher interest" - namely survival, growth, protection, and participation. In the case of survival, together with the inherent right to life, the child has the right, as indicated earlier, to a name and a nationality. The child has the right from birth to a name and a nationality. Every child shall be registered immediately after birth and shall have a name.

225. The Declaration of Human Rights and the international Covenants and Conventions have nothing further to say about names. They do not specify what standards or guidelines should be followed in naming a person. However, the common denominator which emerges from all these conventions is the basic notion that the wording of the legislation, whatever form it may take, may not be discriminatory. A minor child may not be discriminated against. However, in many countries there are still legal rules which make it compulsory to use one formula for naming legitimate children and a different one for naming a child born out of wedlock.

226. The right to a name was first proclaimed internationally in principle 3 of the Declaration of the Rights of the Child and subsequently recognized as a right in article 24(2) of the International Covenant on Civil and Political Rights. Articles 7 and 8 of the Convention on the Rights of the Child recognize the right of every child to a name and the obligation of the States Parties to ensure the implementation of that right, among others, in accordance with their national law and their obligations under the relevant international instruments in this field. Also relevant in this connection are articles 1 and 25(2) of the Universal Declaration of Human Rights, in that they prohibit any form of discrimination.

Register involved

227. Birth.

5. Right of the child to a nationality

Concept and origin

228. This appears with similar wording in four international statutes, which can be taken as proof of the importance attached to it. Every person has the right to a nationality. Every child has the right to acquire a nationality. The child has from birth the right to a name and a nationality. The child will be registered immediately after birth and will from birth have the right to a name, to acquire a nationality and, as far as possible, to know and be cared for by his or her parents. Neither the celebration or dissolution of a marriage between a national of a State Party and a foreigner nor a change in the nationality of the husband during the marriage shall automatically affect the nationality of the wife.

229. The principal international instruments in which this right to nationality is recognized are: the Universal Declaration of Human Rights, article 15; the International Covenant on Civil and Political Rights, article 24(3); the Declaration of the Rights of the Child of 1959, principle 3; the United Nations Convention on the Rights of the Child of 1989, article 1; and the Convention on the Reduction of Statelessness, article 1 of which establishes the commitment of all Contracting States to grant their nationality to any person born in their territory who would otherwise be stateless.

Registers involved

230. Birth: to fully appreciate the role this record plays in proving nationality it should be pointed out that it is usually a country's political constitution or founding charter that determines who are nationals and who are aliens and how nationality is acquired and lost. Some follow the principle of *jus soli* and others that of *jus sanguinis*. Under the former, those born in the territory of the country are nationals, even if their parents are aliens; under the latter, the children of a country's nationals are usually also nationals of that country, regardless of where they were born. In the first case, the entry of birth is sufficient to assert a particular nationality, but in the second the interested party must document the nationality of one of his parents, at least by means of a birth certificate and, where appropriate, a marriage certificate.

6. Right to health

Concept and origin

231. Everyone has the right to an adequate standard of living that affords him and his family health and well-being, medical assistance and essential social services. All children will have the right to grow and develop in good health; to this end special care must be provided to them and their mothers, including prenatal care. Everyone is recognized as having the right to the enjoyment of the highest attainable standard of physical and mental health. To this end, it is necessary to take steps to reduce the stillbirth and infant mortality rates, as well as to improve all aspects of environmental and industrial hygiene, to prevent, treat and control epidemic, endemic and occupational diseases, and to create conditions that will provide all with medical assistance and medical services in the event of sickness. It is recognized that every child has the inherent right to life and to the enjoyment of the highest attainable standard

of health and to facilities for the treatment of illness and the rehabilitation of health.

232. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 25(1); the Declaration of the Rights of the Child, principle 4; the International Covenant on Civil and Political Rights, article 12; and the Convention on the Rights of the Child, article 24.

Registers involved

233. Birth; death; foetal death.

7. Right of the family to protection

Concept and origin

234. The family is the natural building-block of society and is entitled to the protection of society and the State. The family, which is the natural and fundamental element of society, should be afforded the broadest possible protection and assistance, particularly for its establishment and while it is responsible for the care and education of dependent children. As is known, the legal constitution of the family - which begins with marriage and is proved by its registration - is the true task of civil registration. The most common forms of family protection are regular additions to income, commonly called family allowances or the Iike; a lump sum paid upon the birth of a child, and a tax reduction based on proof of having one or more dependent children in the family entitled to maintenance, assistance and care until they reach the age of majority or such other age as the law may prescribe if the child is still a student.

235. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 16; the International Covenant on Civil and Political Rights, article 23(1); and the International Covenant on Economic, Social and Cultural Rights, article 10(1).

Registers involved

236. Birth; marriage.

8. Rights of the juvenile delinquent

Concept and origin

237. Right to justice. Special procedure, depending on the age of the minor, designed to promote his rehabilitation. Detention in a separate place from adults. Accused juvenile persons shall be separated from adults and be accorded treatment appropriate to their age and legal status. Sentence of death shall not be imposed on persons below 18 years of age. Minors accused of violating penal laws have the right to be accorded treatment aimed at promoting their sense of dignity and their social rehabilitation. They are also entitled to a series of protective measures set forth in detail in article 40 of the Convention on the Rights of the Child.

238. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 6(5); the International Covenant on Civil and Political Rights, article 10(2)(b); the International Covenant on Civil and Political Rights, article 14(4); and the Convention on the Rights of the Child, article 40.

Register involved

239. Birth. Proof of age is crucial in determining the conditions for the treatment of minors.

9. Right to education

Concept and origin

240. Everyone has the right to education. Primary education shall be compulsory and available free to all. Equality of rights as between boys and girls shall be compulsory.

241. The principal international instruments in which this right is recognized are: the International Covenant on Economic, Social and Cultural Rights, article 13(1) and (2); the Declaration of the Rights of the Child of 1959, principle 7; the Universal Declaration of Human Rights, article 26; and the Convention on the Rights of the Child of 1989, article 28(1)(a).

Register involved

242. Birth: this can provide a list of prospective primary students, without which compulsory schooling would be meaningless; allows the education system to know the size of the male and female infant population for parity purposes.

10. Right to maintenance and protection

Concept and origin

243. Every child has the right to special protection to ensure his or her all-round development. Every child has the right, without discrimination, to protective measures by his or her family, society and the State. Both parents have equal responsibilities to provide protection and maintenance to their minor children. Every child has the right to benefit from social security, including social insurance. Every child has the right to rest and leisure. All have the right to be protected from economic exploitation and hazardous work. All have the right to be protected from the illicit use of narcotics and drugs in general. All have the right to be protected from all forms of sexual exploitation and abuse.

244. The principal international instruments in which this right is recognized are: the Declaration of the Rights of the Child, article 2; the Declaration of the Rights of the Child, article 7; the Declaration of the Rights of the Child, article 9; the International Covenant on Civil and Political Rights, article 24(1); and the Convention on the Rights of the Child of 1989, articles 18, 26, 31, 32, 33, 34.

Registers involved

245. Birth: proof of age; proof of natural filiation or at least of maternal filiation. Marriage: proof of legitimate filiation.

11. Right to marry

Concept and origin

246. In order to marry, men and women must be of a minimum age prescribed by law. This minimum is also used to prohibit minors from marrying. The Universal Declaration of Human Rights refers to the age of puberty as the minimum age, but some national laws have set a higher age limit.

247. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 16(1); the International Covenant on Civil and Political Rights, article 23(2); and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, article 2.

Registers involved

248. Birth: this is essential to prove the minimum age prescribed by law has been attained and offers proof that the intending spouses are not precluded from marrying because they are interrelated. Death: the intending spouses must also prove that their personal status permits them to marry, that is, they have never been married, are widowed or are legally divorced. In the case of widowhood, proof of the previous spouse's death is required. Divorce: intending spouses must always prove they are free to remarry - that is, in monogamous societies - and are not legally married at the time they remarry.

12. Right of minors to protection from marriage

Concept and origin

249. Puberty is a prerequisite for a valid marriage, barring a waiver. National laws should prohibit marriage before puberty.

250. The Universal Declaration of Human Rights, article 16(1); the International Covenant on Civil and Political Rights, article 23(2); and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, article 2.

Registers involved

251. Birth: the ability to prove at least the attainment of puberty is a prerequisite for entering into a valid marriage. Marriage: the marriage record contains the ages of the contracting parties and therefore serves as added proof of age; it also records any dispensation, normally granted for serious reasons in the interest of the parties.

13. Right of protection from forced marriage

Concept and origin

252. Both intending spouses must consent freely and fully to the marriage. The consent of only one party is not sufficient. The Covenants are explicit and categorical on this point.

253. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 16(2); the International Covenant on Economic, Social and Cultural Rights, article 10(1); the International Covenant on Civil and Political Rights, article 23(3); and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, article 1(1).

Register involved

254. Marriage: the presence of the witnesses and the registrar affords proof that the marriage was celebrated with the full consent of both intending spouses.

14. Right to food

Concept and origin

255. This is part of everyone's right to an adequate standard of living for himself and his family, which also includes clothing and housing. The international covenants emphasize the right of the mother and the child to special care and assistance as far as food is concerned.

256. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 25(1); and the International Covenant on Economic, Social and Cultural Rights, article 11(1).

Register involved

257. Birth: listing of newborns for administering supplementary food programmes. If children are not registered, they and their mothers are ineligible for the programme. Death: allows the list of beneficiaries to be kept up to date. In addition, the incidence of certain potentially fatal nutritional diseases reveals the need for specific types of food to be included in the programme.

15. Right to clothing

Concept and origin

258. This is part of everyone's right to an adequate standard of living for himself and his family, which also includes food and housing, and to the continuous improvement of living conditions.

259. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 25(1) and the International Covenant on Economic, Social and Cultural Rights, article 11(1).

Registers involved

260. Birth: proof of number of children to qualify for differential benefits in countries that scale back the cost of clothing and other goods according to income level and age of the children. Marriage: in such countries, preference in qualifying for these benefits is usually given to legally established families.

16. Right to housing

Concept and origin

261. This, like the right to food and clothing, is a corollary of an adequate standard of living. State programmes to provide housing for lower-income groups take different forms, such as subsidies for buying or renting homes, rent allowances, grants, loans, tax concessions, etc. Eligibility is usually determined by a formula in which the number of persons in the household and their relationship to the head of household play an important part.

262. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 25(1); and the International Covenant on Economic, Social and Cultural Rights, article 11(1).

Registers involved

263. Birth: the number of minor children in the family, their ages and relationship to the head of household are commonly determining factors in qualifying. This information can also be used to determine what type and size of house a family qualifies for. Marriage: according to the legislation, the right to housing assistance may depend on proof that the family is legally established, that is, the marriage certificate issued by the civil registration office.

17. Right to work (employment)

Concept and origin

264. Everyone has the right to a job that he freely chooses (or accepts), on equitable terms and rates of pay, and to protection against unemployment. Everyone has the right, without discrimination, to equal pay for equal work; and everyone also has the right to rest, to the enjoyment of free time, reasonable limitation of working hours, and to periodic holidays with pay. The States must establish a minimum age below which work is prohibited by law and violations punished. The States must protect children against any form of labour exploitation and must refrain from recruiting those below 15 years of age into the armed forces.

265. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 23(1), (2) and (3); the Universal Declaration of Human Rights, article 24; the International Covenant on Economic, Social and Cultural Rights, article 6; the International Covenant on Economic, Social and Cultural Rights, article 10(3); the Declaration of the Rights of the Child of 1959, principle 9; the Convention on the Rights of the

Child, article 32(2) (a, b and c); and the Convention on the Rights of the Child, article 38.

Registers involved

266. Birth: the entry of birth provides proof of the minimum (entry) and maximum (retirement) age. The latter allows employment to be terminated without resistance or dispute. Proof of nationality (if the State follows the *jus soli*) when applying for employment, including in the armed forces. Marriage: preference for certain jobs may depend on whether the candidate is single or married. Death: for the same purposes as in the preceding point, and to document widowhood.

18. Right to property

Concept and origin

267. Everyone has the right to property, individually or collectively. He may therefore acquire, administer, enjoy, dispose of and inherit property and goods, including those acquired during the marriage. The States parties to the international declarations and covenants undertake to guarantee men and women equality in the enjoyment of this right. No one can be arbitrarily deprived of his property.

268. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 3; the International Covenant on Economic, Social and Cultural Rights, article 3; the Declaration on the Elimination of Discrimination against Women, article 6(1) (a); and the Convention on the Elimination of All Forms of Racial Discrimination, article 5(d) and (v).

Register involved

269. Birth: proof of having reached the age prescribed by law to enjoy the right to property (capacity). May also help in establishing identity.

19. Right to inherit

Concept and origin

270. States must guarantee the right to inherit "ab intestato" and hence to acquire, administer, enjoy and dispose of inherited goods. The formal establishment of parentage and filiation is of decisive importance for rights of inheritance. Neither the Universal Declaration of Human Rights nor the international covenants on human rights refer specifically to the right to inherit.

271. The principal international instruments in which this right is recognized are: the Declaration of the Rights of the Child of 1959, principle 4; the International Convention on the Elimination of All Forms of Racial Discrimination, article 5(d); the Declaration on the Elimination of Discrimination against Women, article 6(1) (a); and the Convention on the Rights of the Child, article 26.

Registers involved

272. Birth: proof of parentage is derived from the register of births. Death: in the case of intestate successions, the first proof required is of the death of the decedent, that is, the register of deaths, followed by proof of the relationship of the presumptive heir to the decedent, that is, the birth record of the heir. Marriage: the record of the marriage in an official register automatically ensures the inheritance rights of the surviving spouse, whether husband or wife, and also supports the claims of the surviving children.

20. Right to migrate

Concept and origin

273. Everyone has the right to leave any country, including his own, and to return to his country.

274. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 13(2), and the International Covenant on Civil and Political Rights, article 12(2).

Register involved

275. Birth: if one intends to cross national borders, the rights to freedom of movement and residence are restricted by the need for a passport and visa. In countries governed by *jus soli* the birth record accredits nationality; but in those governed by *jus sanguinis*, in addition to the entry of birth containing the names of the parents, the parents are required to document their own nationality, which they transmit to their children by blood, regardless of place of birth. Naturalized persons must submit an authorized copy of the decree or ruling granting them nationality and on that basis may obtain a passport or visa.

21. Right to social security

Concept and origin

276. The States parties to the international declarations and covenants recognize the right of everyone to social security, including social insurance. Everyone has the right to insurance in the event of unemployment, sickness, disability, widowhood, old age or other instances of loss of livelihood due to circumstances beyond their control. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits. Children should also benefit from social security, including social insurance. Mentally or physically disabled children or those afflicted by any social impediment should receive the special treatment, education and care appropriate to their particular case and shall enjoy a full life.

277. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 25(1); the International Covenant on Economic, Social and Cultural Rights, article 9; the International Covenant on Economic, social and Cultural Rights, article 10(2);

the Declaration on the Rights of the Child, principles 4 and 5; and the Convention on the Rights of the Child, article 26.

Registers involved

278. Birth: the register of births, which documents age, nationality and relationship to the head of the household, is used as a basis for applying for many benefits of the social security system. If the benefit is restricted to minors, proof of age is essential, and the same holds for old age pensions and orphan benefits, which are paid, respectively, from and to a specified age. Widows' benefits often depend on the nationality of the wife, on having reached a specified age, or on having a certain number of dependent children. In all these cases, exercise of the right relies on certificates from the civil register. Death: with the death certificate of the head of household, the family unit can claim payment of the pensions or insurance to which the decedent was entitled. Marriage: the marriage certificate provides proof that the surviving spouse is entitled to widowhood benefits.

22. Right of spouses to custody of children

Concept and origin

279. Spouses have equal rights and responsibilities to the marriage, during the marriage and in the event of its dissolution, when arrangements have to be made to ensure the necessary protection for their children. If dissolution is not due to the death of one spouse, protection and custody are normally transferred to the survivor; but if it is due to divorce or judicial separation, protection and custody are decided taking account of the age and sex of the children and the financial situation and personal circumstances of each spouse.

280. The principal international instruments in which this right is recognized is: the International Covenant on Civil and Political Rights, article 23(4).

Registers involved

281. Death: the exercise of the surviving spouse's right to custody of the children depends on proof of the death of the other spouse, which is provided by the register of deaths. Marriage: the marriage certificate protects the surviving spouse from illegal treatment with respect to the custody of the children.

23. Right to elect (vote) and be elected

Concept and origin

282. The will of the people is the basis for the authority of the State. It shall be expressed in periodic, bona fide elections by universal and equal suffrage, and by secret ballot or other equivalent procedure guaranteeing the freedom of the vote. All individuals, without undue distinctions or restrictions, enjoy the right to vote and to be elected and are eligible for government employment in their country.

283. The principal international instruments in which this right is recognized are: the Universal Declaration of Human Rights, article 21(3) and the International Covenant on Civil and Political Rights, article 25(b).

Register involved

284. Birth: a minimum age and a specific nationality are customary requirements for voting and being elected. The register of births furnishes the necessary proofs. If the country has adopted the principle of *jus sanguinis*, it is also necessary to document the nationality of the progenitors of the interested party.