

BIRTH REGISTRATION PLAN BEST FOR KENYA

On October 29, Immigration minister Otiemo Kajwang unveiled his ministry's four-year plan. The ministry wants to issue electronic IDs and make birth certificates a requirement for pupils joining Kenyan schools. Birth certificates will form the basis of citizenship registration. He also declared that his ministry aims at doubling the birth registration from the current below 50 per cent to more than 70 per cent. While the strategy seeks to solve security concerns by improving on documentation, it may be a source of human rights violation.

Without doubt, the directives will face numerous implementation challenges. For starters, more than 60 per cent of Kenyan infants don't have birth certificates. Kajwang was even quoted in the press saying Kenya registers less than 45 per cent of children born in the country and, therefore, they aim at increasing this dismal figure to at least 70 per cent. Birth registration, by comparison, is worse in rural areas than in urban centres. The public apathy to birth registration and government's poor record on the same have an administrative and historical component. Another contributing factor could be the perception in the rural settings that such documents serve no purpose.

Although registration of birth in Kenya started in 1904, the government made it mandatory for all in 1971. Since then the uptake of the process has been slow.

By Adam Hussein Adam

Kajwang's move is laudable. In fact, Kenya should further sell the idea to other East African Community states



For most of the time, it was an exclusive exercise. In 1904, it was a preserve of the white settlers. The colonial government later extended the "privilege" to Kenyan Asians and in 1963 to Africans in Nairobi and Nyeri.

More than half of the districts in Kenya are now under the community-based system of registration. This is the result of a decentralisation process piloted in 1983-1985 and fully implemented in 1990. However, the registration's infrastructure in the country is poor. Some remote districts have administrators without equipment. To a majority of Kenyans, there has not been any incentive to register birth. The government's demand for use of a birth certificate has also been selective. Maybe Kajwang's directive, if approved, may stimulate massive registration. What does it mean or imply?

Compulsory registration responds to several international conventions in addition to Kenya Children's Act 2001. Globally, the move dovetails with Convention on the Rights of Children and Africa's Charter on the Rights and Welfare of Children com-

pels states to recognise children born on their territory through registration. Article 7 of the CRC gives every child the right to be registered at birth by the state. This means that states must make birth registration accessible and available to all children including asylum seekers, refugees and immigrants.

Drawing from the right to a name and nationality contained in Article 7 of the charter, a 2002 General Assembly Resolution reaffirms governments' commitment to ensure birth registration and to invest in educating and protecting children. To achieve these goals, it is necessary for governments to have accurate population data to support planning for children and the caregivers.

Only a handful of African countries, Kenya included, provide in law for children born on their soil to have a right to their nationality if they would otherwise be stateless, despite the provisions of international treaties that require this protection. Thus Kajwang's decision

has every possibility of mitigating such problems in Kenya.

By the continent's standards, Kajwang's move is laudable. In fact, Kenya should show the good example in Africa. The country should further sell the idea to other East African Community member states. Kajwang has mooted the decision at a critical time in the country's history. Kenya is undergoing major reforms and critical national processes. The country has conducted a census; it is writing a new constitution and increasingly working towards a free movement in the EAC. These reforms are linked to citizenship, which starts from birth and affirmed through birth registration.

Birth registration is at the core of every state's relation to its citizens. Children whose births are not registered may not be able to claim the services and protections due to them on a full and equal basis.

During emergencies, birth registration provides a basis for tracing separated and unaccompanied children.

While the minister's declaration potentially formalises the country's relation to its citizens, it is one move with a potential to foster inclusion and equality. Nonetheless, should the directive be poorly managed, it can legalise exclusion and human rights violation.

Adam is the citizenship and statelessness programmes officer of the Open Society Initiative for East Africa

THE STAR 17 NOV 2009