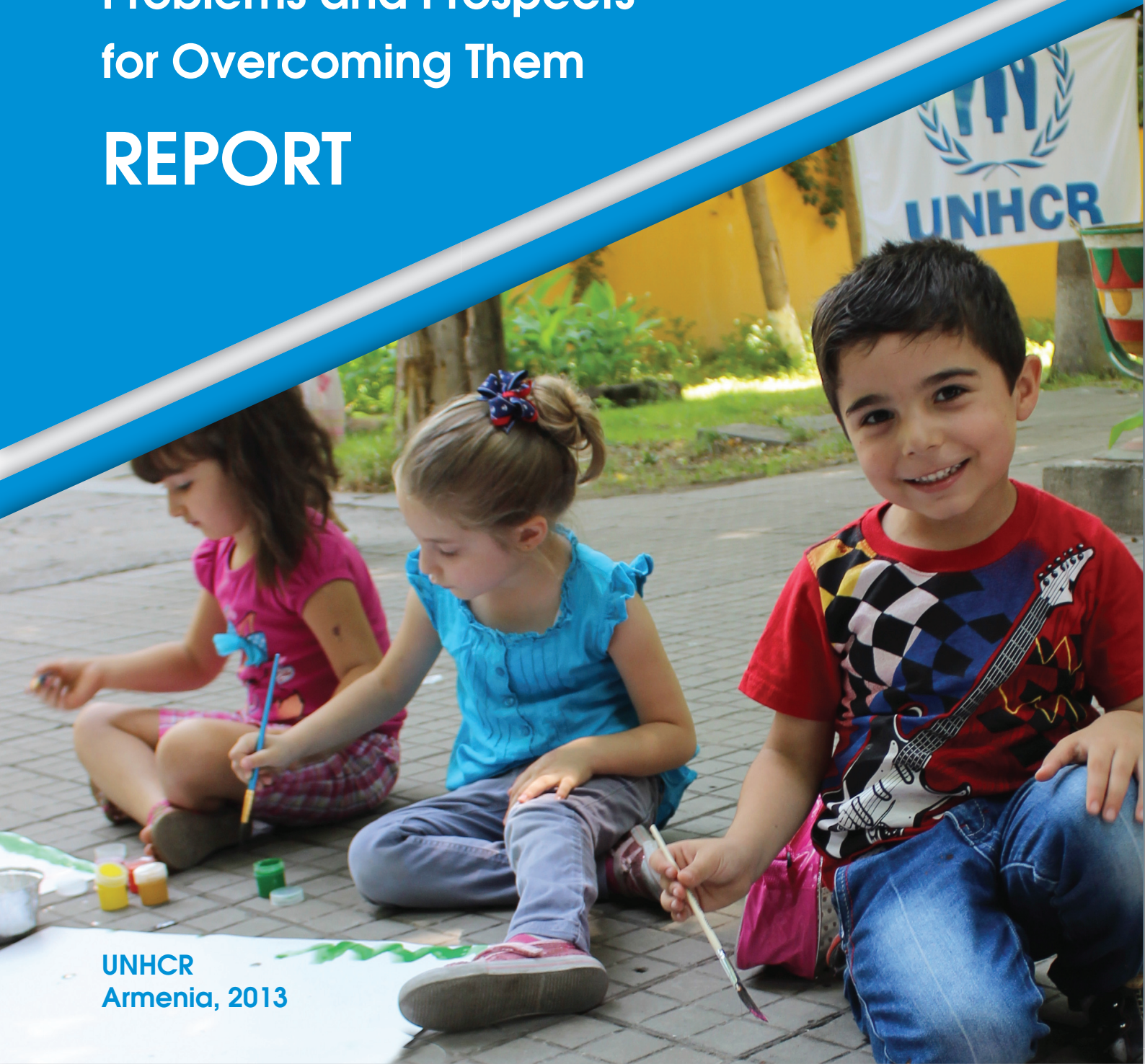




Study of Birth Registration Procedure in the Republic of Armenia: Problems and Prospects for Overcoming Them

REPORT



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LIST OF ABBREVIATIONS

Abbreviation	Explanation
WPC	Without parental care
CRC	Convention on the Rights of the Child
DPFWCR	Department for the Protection of Family, Women's and Children's Rights
CGC	Custody and Guardianship Commission
CGB	Custody and Guardianship Body
NGO	Non-Governmental Organization
UN	United Nations
LSGB	Local Self-Governance Body
CSA	Civil Status Act
RCSA	Registration of Civil Status Acts
ICCPR	International Covenant on Civil and Political Rights

1. Executive Summary

Birth registration is fundamental to the protection of children and to the prevention of statelessness. Every child has the right to be registered at birth, as recognized *inter alia* in the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. According to the legislation of the Republic of Armenia (RA) birth is a civil status act subject to state registration¹, the purpose of which is to protect proprietary and non-proprietary rights of an individual and the interests of a state². For children under 16 years of age birth certificates issued on the basis of birth registration can function as an identity document.³ Lack of birth registration can increase the risk of statelessness, which Armenia has undertaken to reduce and prevent by acceding to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention Relating to the Status of Stateless People.

Failure to document a person's legal existence beginning from birth can prevent the effective enjoyment of a range of human rights, for example, access to health care and education, social protection, acquisition of nationality, etc.

Towards better understanding of one of the factors contributing to statelessness in Armenia, the qualitative study on birth registration procedure in Armenia was conducted, which was aimed at identifying gaps in the RA's birth registration system, revealing the risks of non-registration of birth, and developing recommendations to improve the situation.

The study shows that there are both legislative and practical issues in the birth registration procedure which need to be addressed. According to RA legislation, a child's birth cannot be registered if his/her parents lack valid identity documents. There are no established mechanisms for identifying children whose birth is not registered. RA legislation stipulates obligation on Custody and Guardianship Commissions to find out non-registered children, however, as it is revealed, they do not have the required resources and capacities to carry out this function. Particularly lengthy process of a child's birth registration is recorded in cases when RA citizens' children are born in other countries. In these instances, certain inquiries are made to the relevant bodies of foreign countries, and obtaining responses can take a long period of time.

In order to improve the birth registration procedure more simplified administrative procedures need to be developed, integrating civil registration with other public services. It is necessary to periodically summarize information on children discharged from medical institutions without birth registration and to disseminate it among responsible bodies. An electronic database accessible to maternity hospitals, communities, and police can facilitate identification and prevention of non registration of children's birth. Further recommendations are provided in the report.

¹ Article 3, the RA Law on Civil Status Acts, 8 December 2004

² Article 6, the same source

³ Point 1, the RA Government Decision N 767 on "The Identity Document", 22 December 1999

2. Introduction

Birth registration is of significant importance for the exercise of other rights.

The RA Law on the Rights of the Child states that since his/her birth every child has a right to a name and a citizenship, for which the law guarantees registration of the fact of a child's birth by bodies performing registration of civil status acts, irrespective of the nationality of the child, his/her parents or legal representatives, race, sex, language, faith, social origin, property or other status, education, place of residence, the circumstances of the child birth, health condition or other circumstances.⁴

Through birth registration the state recognizes not only the fact of a person's existence, but also his/her identity: the registration act includes information on the child's name, place and time of birth, nationality, the parents' identity, the child's place of residence, etc.⁵ In the absence of birth registration, the person becomes "legally invisible", and his/her opportunity to benefit from the state's protection and services is significantly limited. In particular, in Armenia birth registration is necessary to receive free medical assistance, education, state benefits, and to make use of other forms of social assistance, to exercise the rights to free movement, marriage, work, voting, property ownership, receipt of a passport and other rights. Under such circumstances, the risks for persons without birth registration to be subjected to violence and other forms of exploitation, including trafficking, increase.

Birth registration plays an important role in respect of prevention of statelessness. This has been stressed by the executive committee of the UN High Commissioner for Refugees' Programme in its conclusions, stating that the lack of civil registration and related documentation makes persons vulnerable in terms of statelessness and risks resulting from it, and that birth registration has an essential role in prevention and reduction of statelessness.⁶

Armenia is a party to a number of UN treaties containing provisions relevant to the issues of nationality and statelessness, including the 1966 International Covenant on Economic, Social and Cultural Rights, the 1966 International Covenant on Civil and Political Rights, the 1989 Convention on the Rights of the Child, the 1966 Convention on the Elimination of All Forms of Racial Discrimination and the 1979 Convention on the Elimination of All Forms of Discrimination against Women.⁷

The question of statelessness was specifically addressed in the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which were both ratified by Armenia in 1992 and entered into force in 1994.

Armenia's obligations with regard to prevention of statelessness are provided for under the 1961 Convention, articles 1 to 4 of which cover the prevention of statelessness at birth. In particular, the Convention requires State Parties to grant their nationality to children who would otherwise be stateless and to have ties with the respective state either through birth on the territory (*jus soli*

⁴ Article 4, 6 the RA Law on the Rights of the Child, 29 May 1996

⁵ Article 22, the RA Law on Civil Status Acts, 8 December 2004

⁶ UN High Commissioner for Refugees (UNHCR), Conclusion on Civil Registration No. 111 (LXIV)-2013, 17 October 2013, available at <http://www.refworld.org/docid/525f8ba64.html>

⁷ UNHCR (2013) *Questions of Nationality and Stateless in Armenia*, page 8

or law of earth) or descent (*jus sanguinis* or the law of blood).⁸ When a state adopts the principle of *jus soli* citizenship is granted to persons born on the territory of a given state, and in case of *jus sanguinis*, children inherit the citizenship of their parents. Often, states apply a certain combination of these principles.⁹

In this respect Article 11 of the RA Citizenship Act sets out the provisions for the acquisition of citizenship at birth by descent, thus employing the principle of *jus sanguinis*. At the same time Article 12 of the same Act provides for the acquisition of RA citizenship of a child born in the territory of Armenia, whose parents are stateless persons. By adopting the principle of *jus soli*, this provision allows to grant nationality to some children born in Armenia who would otherwise be stateless, as per Article 1 of the 1961 Convention, but limiting this right to children born to stateless parents.

As regards to foundlings, Article 2 of the Convention requires States to grant their nationality to a foundling found in the territory of a Contracting State, who, in the absence of proof to the contrary, shall be considered to have been born within that territory of parents possessing the nationality of that State. Pursuant to the requirements of this provision Article 20 of RA Citizenship Act states that a child in the Republic of Armenia, whose parents are unknown, shall be a citizen of the Republic of Armenia, thus ensuring that children whose place of birth and parents are unknown acquire Armenian citizenship.

It is necessary to note that birth registration does not normally grant citizenship *per se*, however, the registration act documents the birth place of the child, as well as the citizenship of the parents, i.e. those bases which allow establishing the legal bond between the child and the state and to lay the foundations for obtaining citizenship in the future.¹⁰ According to RA Citizenship Act documents certifying Armenian citizenship are identification card and passport. As to children under the age of 16, their Armenian citizenship is certified, *inter alia*, by birth certificate¹¹ provided that the grounds for obtaining Armenian citizenship are present. Further, the law on the Passport of an RA Citizen provides that in order to receive a passport, along with other documents, the applicant must present his/her birth certificate.¹² In the light of the aforesaid, birth registration becomes an important prerequisite for proving Armenian citizenship.

Birth registration is important not only from the legal perspective (protection of the rights and interests of an individual child), but also from the point of view of planning national programmes in the areas of healthcare, education, employment, financial and economic development, industry and trade, social security and other fields.

⁸ Page 9, the same source

⁹ Plan International, UNHCR (2012) *Under the Rada and Under Protected: the Urgent Need to Address Stateless Children's Rights*, available at <http://www.unhcr.org/509a6bb79.html>, page 5

¹⁰ UNHCR (2013) *Child Protection Issue Brief: Birth Registration*, available at <http://www.refworld.org/docid/523fe9214.html>, page 2

¹¹ Article 4, the RA Citizenship Act, 6 November 1995.

¹² Article 5.9(2), the RA law on The Passport of an RA Citizen, 30 November 2011

3. Research Goal and Methodology

From August through November of 2013, the Civil Society Institute NGO, with the support of representation of the UN High Commissioner for Refugees in Armenia, carried out a qualitative research to study the process of birth registration in the Republic of Armenia.

The attainment of the research goal implies meeting the following **research objectives**:

- To study legislative and practical problems existing in RA birth registration procedure from the perspective of prevention and reduction of statelessness;
- To study the role of the bodies participating in the process of birth registration;
- To clarify the availability and accessibility of the participating bodies;
- To reveal the risks of non-registration of birth in the Republic of Armenia;
- To identify the problems and procedures for birth registration of children whose parents are not the RA citizens;
- To clarify the problems and procedures for birth registration of foundlings and children without parental care;
- To clarify the problems and procedures for birth registration of children whose parents do not have identity documents;
- To study the stories of those children (and of their families), who do not have birth registration;
- To develop recommendations for revealing, preventing and reducing the cases of non-registration of birth.

Based on the objectives of this study, we will consider the procedure of birth registration only in the cases of live birth, excluding all other cases, i.e. the cases of still birth, the cases of those who died within four weeks of their lives and birth registration of children born through the use of auxiliary reproductive technologies.

The research was conducted in the city of Yerevan and three regions in Armenia:

- **Lori** (1 urban and 1 rural community)
- **Aragatsotn** (1 urban and 1 rural community)
- **Gegharkunik** (1 urban and 1 rural community)

The research covered three communities of Yerevan – **Kentron, Shengavit, and Kanaker-Zeytun**. Table 1 below presents the communities covered as well as the number of persons approached who faced problems with birth registration.

Table 1

Region	Community	Rural / Urban	Number of Approached Children Without Birth Registration	Notes
Lori	Vanadzor	Urban	2	
Lori	Agarak	Rural	1	
Lori	Vardablur	Rural	1	
Lori	Lernapat	Rural	-	
Aragatsotn	Ashtarak	Urban	-	
Aragatsotn	Aparan	Urban	-	
Aragatsotn	Voskevaz	Rural	1	
Aragatsotn	Oshakan	Rural	-	
Aragatsotn	Shenavan	Rural	1	
Gegharkunik	Gavar	Urban	4	Children residing in orphanage
Gegharkunik	Chambarak	Urban	3	
Gegharkunik	Norashen	Rural	1	
Yerevan	Yerevan	Urban	-	

To ensure a comprehensive study of the research objectives, **62 expert interviews** were conducted in the noted nine communities with most informed representatives of the following bodies:

1. Employees of the Department for the Protection of Family, Women's and Children's Rights of the Governors' Offices – 5 experts;
2. Community heads – 4 experts;
3. Members of Custody and Guardianship Bodies – 5 experts;
4. Employees of maternity hospitals – 6 experts;
5. Employees of centers for primary health care (outpatient clinics) – 13 experts;
6. Police officers – 9 experts;
7. Employees of the RCSA agencies – 7 experts;
8. Employees of regional agencies for social services – 4 experts;
9. NGO representatives – 5 experts;
10. Employees of orphanages, child care centers – 4 experts.

In the course of the research interviews were conducted with the following NGOs:

- Aravot NGO, Vanadzor,
- SOS Children's Villages, Yerevan,
- Family and Community NGO, Armavir, city Metsamor,
- Center for Coordination of Syrian Armenians' Issues, Yerevan,
- Children Assistance Fund, Hrazdan,
- Fund for Armenian Relief, Yerevan.

None of the NGOs interviewed specifically deals with the identification of children without birth registration, but all of them assist their beneficiaries having problems with this issue, direct them to the relevant bodies. In this regard, Children's Assistance Fund NGO located in Hrazdan implemented a project, in the scope of which assistance was provided to a number of families in connection with birth registration.

In addition to expert interviews, the method of **case studies** was also used. Overall, eleven case studies were carried out in the selected regions and the city of Yerevan. Stories of children without birth registration and their families were studied.

It is noteworthy that there is no unified and periodically updated database on children that have no birth registration. According to the information provided by the RA Ministry of Territorial Administration, from 2008 to 2012 the number of children without birth registration detected by regional authorities has been steadily decreasing (*see table 2*). As stated by the interviewees, this development is mainly the result of the territorial and local authorities' continuous attention and work in this field.

Table 2

Number of children without birth registration in the regions of Armenia						
N	RA Regions	2008	2009	2010	2011	2012
1	Ararat	84	47	32	25	19
2	Aragatsotn	80	15	16	41	8
3	Armavir	298	145	116	85	29
4	Gegharkunik	5	2	3	2	4
5	Tavush	16	11	4	6	1
6	VayotsDzor	5	3	2	2	1
7	Kotayk	1	2	2	1	1
8	Shirak	11	52	0	0	0
9	Lori	9	9	6	6	6
10	Syunik	0	0	0	0	1
11	Total	509	286	181	168	70

The presented numbers demonstrate that throughout the years the highest rates of non-registration were recorded respectively in Armavir, Ararat and Aragatsotn regions, which the interviewed experts explained by the large concentration of Yezidi population and the specificities of their culture.

The following table introduces the number of births registered by RA RCSA bodies in 2008-2012.

Table 3

Years	Number of Registered births
2008	41185
2009	44413
2010	44825
2011	43340
2012	42480

4. The Right to Birth Registration

Birth registration was first recognized as a human right by the 1948 Universal Declaration of Human Rights.¹³ Later, according to the 1966 International Covenant on Civil and Political Rights and the 1989 UN Convention on the Rights of the Child, the right to birth registration becomes legally binding.

Further elaborating on the ICCPR provisions,¹⁴ article 7 of CRC provides that “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality...”¹⁵ The right to birth registration is closely related to the right of the child to an identity. The state undertakes, in accordance with the procedure envisioned by law, and without unlawful intervention, to respect the child’s right to maintain his/her identity, including citizenship, name and family ties. If the child is unlawfully deprived of some or all elements of his/her identity, the participating states must provide relevant assistance and protection to restore the child’s identity as soon as possible.¹⁶At the same time, article 2 of the CRC states that the rights envisaged by the convention are guaranteed for every child, without any discrimination.

According to UN guidelines, registration of civil status acts, including birth registration, must be mandatory, universal, permanent and continuous ensuring the confidentiality of the personal data.¹⁷ The requirement for mandatory registration implies that the law must spell out the obligation of particular persons or bodies to file a report about a child’s birth.¹⁸

¹³Article 15, Universal Declaration of Human Rights, 10 December 1948

¹⁴ “Every child shall be registered immediately after birth and shall have a right to a name.” Article 24, the International Covenant on Civil and Political Rights, 16 December 1966

¹⁵ Article 7, Convention on the Rights of the Child, 20 November 1989

¹⁶Article 8, the same source

¹⁷ UN (2013) *Principles and Recommendations for a Vital Statistics System: Revision 3*, available at http://unstats.un.org/unsd/demographic/standmeth/principles/unedited_M19Rev3en.pdf, page 60

¹⁸UN Department of Economic and Social Affairs Statistics Division (1998) *Handbook on Civil Registration and Vital Statistics Systems: Preparation of a Legal Framework. Series F, No.71*, New York, United Nations, available at http://unstats.un.org/unsd/publication/SeriesF_71E.pdf, page 17

The RA law on Civil Status Acts stipulates that birth is subject to registration, which obliges the body of RCSA to perform the registration of birth. Although the law does not envision the responsibility of any person or body to file a report about a child's birth, according to the RA law on the rights of the child, the protection of the child's rights and lawful interests is one of the key responsibilities of his/her parents or other legal representatives, which allows to assume that the responsibility of filing a report about a child's birth rests first of all with the child's parents. Only in the case of parents' inaction does the state undertake activities aiming at protection of the child's interests. In this respect, the RA Law on Civil Status Acts provides for the responsibility of the Custody and Guardianship Body to file a report on birth in cases and according to the procedure envisaged by law.¹⁹

In Armenia, the procedure for birth registration is regulated by the RA Law on Civil Status Acts, the Family Code and a number of normative acts. The RCSA bodies shall register all cases of birth of 500 grams or of more weight, irrespective of live birth or still birth.²⁰

5. Birth Registration Procedure in RA

Birth registration is an official recording of the fact of birth by the body performing a state administrative function. It defines the legal identity of a person.²¹ *In the Republic of Armenia, birth registration is carried out by the body on Registration of Civil Status Acts by entering relevant information in the act of birth and, based on that, providing the person with a registration certificate.*²²

Birth registration is performed by the RCSA body based on a written declaration, which should be presented to the RCSA body no later than within one year from the day of the child's birth. The written declaration can be submitted by the parents (one of the parent) of a child or any other interested person. Omission of the term stipulated by law cannot be a basis for rejection of registration.²³ In addition to the RCSA regional bodies, birth registration can be performed by the chamber on ceremonial registration of marriage and birth within the system of RA Ministry of Justice.²⁴

The law stipulates that whenever it is impossible to file a report about the birth of a child of up to one year of age, the report on birth is filed by the community head of the territory where the

¹⁹ Articles 16, 21, the RA Law on Civil Status Acts

²⁰ Point 4, Appendix 3, the RA Government Decision N 949-N on "Improving the Situation with respect to Problems of Classification and Registration of Child Death and Birth", 16 June 2005

²¹ UNICEF Innocenti Research Centre (2007) *Birth Registration and Armed Conflict*, available at [http://www.unicef.org/protection/birth_registration_andarmed_conflict\(1\).pdf](http://www.unicef.org/protection/birth_registration_andarmed_conflict(1).pdf), page 2; see also UNHCR (2013) *Child Protection Issue Brief: Birth Registration*, available at <http://www.refworld.org/docid/523fe9214.html>, page 2

²² Article 6, the RA Law on Civil Status Acts

²³ Point 3, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions Concerning Registration of Civil Status Acts", 6 June 2007

²⁴ Article 4, the RA Law on Civil Status Acts

child resides or an authorized person.²⁵ In addition, community heads are authorized to undertake measures to discover cases of non-registration of births in their communities and to ensure their registration, including submitting written declarations on the birth of a child in cases and according to the procedure stipulated by law.²⁶ It should be noted, however, that there is no legally established procedure for locating such children.

This role of the community head in birth registration was first defined in 2010 through introducing amendments to the RA Law on Local Self-Governance Bodies (LSGBs), which is also reflected in the Charter of the custody and guardianship commissions. However, during the research, some LSGBs noted, *“We have nothing to do with it, we have never dealt with birth registration.”*

The community head informs the Governor’s DPFWCR of the discovered cases of non-registration of births and of the work carried out to have them registered.²⁷ At the same time, the DPFWCRs of the Governors’ Offices assist the communities and other relevant bodies in identifying and organizing the registration of non-registered births through referrals and consultation. According to the interviews, to obtain comprehensive information on children with non-registered birth, the DPFWCRs try to receive information about children without birth registration from communities and schools two times a year. The DPFWCRs also cooperate with the RCSA territorial divisions to learn about the general number of the registered births and about how many of them were late registrations.

Birth registration of a child of one year of age or more is carried out on the basis of a written application by parents (by one of the parents) or the head of the community of the child’s location (by the head of an administrative district in the city of Yerevan) or an authorized person or any other interested person.²⁸ When a child becomes an adult, birth registration is carried out based on his/her application in accordance with the procedure established for the restoration of civil status act records, even if that person never had his or her birth registered before.²⁹ According to the RA Government Decision N 955-N, CSA records are restored by the RCSA bodies in cases when these records **have been lost**.³⁰ A person, who needs to register his/her birth in this order, has to present together with the application a copy of the identity document, a letter from the RCSA body, which had carried out the registration of the lost act, to the effect that the registration is missing from the registry of acts, documents confirming vital information for the restoration of the record, including the military service ID for male applicants, work record,

²⁵Article 16, the same source

²⁶ Article 33, the RA Law on Local Self-Governance, 7 May 2002

²⁷ The RA Government Decision N 164-N on “Recognizing the RA Government’s Decision N 922-N of June 22, 2006 Non-Valid and Endorsing the Charter of the Custody and Guardianship Bodies”, 24 February 2011

²⁸Article 21, the same source

²⁹ Article 21, the same source; *see also* Point 3, Appendix 1, the RA Minister of Justice Decree N 97-N on “Endorsing the Instructions Concerning Registration of Civil Status Acts”

³⁰The RA Government Decision N 995-N on “Defining the Order of Restoration of Registrations of Civil Status Acts”, 23 June 2005

documents on education, documents on marriage, divorce, etc. Taking into consideration such a big volume of required documents and the complexity of the procedure, the birth registration of a person of 18 years of age and more becomes practically impossible in accordance with the aforementioned procedure since the person cannot, in the absence of birth certificate, acquire and present any of the above noted documents.

In case of children without parental care, the declaration of a birth is made by the institution where the child resides (orphanage, child care institutions, etc.) or by the person in whose custody the child has been placed.

The declaration of a birth shall include information about the child's name, patronymic, and last name, the place of birth, the time of birth, sex, and other necessary data.³¹

To carry out the registration, in addition to the declaration it is necessary to present to the RCSA body the following documents:

- A document certifying birth;³²
- Identity documents of parents (one of the parents) and of the applicant (when the latter is not the parent (s));³³
- A document (marriage/divorce certificate, father's death certificate) serving as a basis for entering information about the child's father in his birth record.

Whenever the above listed documents are absent or do not correspond to the requirements of law and other normative acts, the registration of the civil status act is rejected³⁴. In the absence of the document certifying a child's birth, the RCSA body conducts birth registration based on a court's verdict, which has entered into force and certifies the fact of the child's birth.³⁵

In the case of birth registration when the registration term is missed (after one year of age), in addition to the above noted main documents serving as a basis for registration, the applicant has

³¹Article 16, the RA Law on Civil Status Acts

³² The documents certifying birth are envisioned by Article 14 of the RA Law on Civil Status Acts. These grounds are:

- a) A document of a prescribed form on the birth of a child, issued by the medical institution, where the birth took place,
- b) A document of a prescribed form on the birth of a child, issued by the medical institution which provided medical assistance during confinement,
- c) A document of a prescribed form on the birth of a child, provided by a person engaged in medical activities in accordance with the procedure prescribed by RA legislation, when the birth took place outside a medical institution,
- d) A written declaration of prescribed form on the birth of a child made by the person (persons) present during the birth and a certificate on health provided by a medical institution, when the birth took place outside a medical institution and without medical assistance

³³ Identity documents **for RA citizens** are the passport, the military ID, the identity card temporarily provided by the RA police; **for asylum seekers**, it is the ID certificate of the asylum seeker; **for refugees**, it is the refugee travel document; **for foreign citizens and stateless persons**, it is the passport of the foreign state, internationally recognized documents certifying the ID, the RA special passport, the residence permit. (The RA Government Decision N 767 on the "Document Certifying the Identity", 22 December 1999)

³⁴Article 10, the same source.

³⁵Article 14, the same source

to present a medical certificate about the health of the child to confirm the fact that the child is alive, as well as a letter from the place of residence of the child's parent (parents), since when the one year term expires births can be registered only in the child's place of residence, which is his or her parent's (parents') place of permanent residence.³⁶

In exceptional cases when the identity document of one of the parents who are married cannot be presented (the parent's whereabouts are not known, he or she is on a long-term business trip, etc.), the RCSA body cannot reject the birth registration. Information on such a parent is filled on the basis of marriage certificate, and the data on the place of residence is entered on the basis of the applicant's oral statement.³⁷

If the child's parents are not married, the information about the father is filled in:

- On the basis of the registration of the act on fatherhood determination, if during the birth registration also acknowledgement and registration of paternity takes place;
- On the basis of the child's mother's written statement, if fatherhood is not determined. In this case, the child's father's name and patronymic are registered as instructed by mother, and the mother's last name is filled in the registration field envisioned for the father's last name. If the mother wills so, the child's birth registration act may not contain any information on the father.³⁸ That is to say, not filling in information on the father cannot impede birth registration.

In the event when the child's parents or one of them have not reached the marriage age, birth registration is performed in line with general procedure, irrespective of juvenile father's or juvenile mother's agreement.³⁹

Birth registration (including provision of a certificate) is done by the RCSA body on the day of actual receipt of all the necessary documents serving as a basis for registration.⁴⁰ According to the interviews, in practice the child can receive the birth certificate in a day after presenting the documents. When the child is born in a medical institution, the child's birth registration is, as a rule, organized before the discharge of the mother and the child from the medical institution, i.e. during the first three-four days of the child's life.

The legislation does not envision any time limitation for birth registration: the RCSA body is obliged to carry out birth registration, irrespective of when the person applies.

³⁶ Point 3, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions concerning Registration of Civil Status Acts"

³⁷Point 9, the same source

³⁸Article 17, the RA Law on Civil Status Acts

³⁹Point 3, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions concerning Registration of Civil Status Acts"

⁴⁰Article 6, the RA Law on Civil Status Acts

It is important to note that in the Republic of Armenia, birth registration, including provision of the certificate, is free of charge, irrespective of the fact whether it was performed within a year after the birth or beyond that period.⁴¹

Birth registration can be carried out at the territorial RCSA body of the place of residence of the child's parents (one of them). If the child was born in a mode of transportation, birth registration is done at the RCSA body of the place of residence of the child's parents (or one of them) or at any RCSA body located in the territory of the trip route of the vehicle.⁴² After one year of age, birth registration is performed only by the RCSA body of the place of residence of the child⁴³, and birth registration of foundlings is done at the RCSA body of either the place where the child has been found or of the place of his/her residence⁴⁴.

6. Birth Registration in Case of Child Birth in a Medical Institution

One of the most important guarantees of birth registration is the legal requirement that a newborn shall be discharged from a maternity hospital after birth registration at the RCSA body. The fact of registration must be recorded on the medical card of the new-born noting the number of the birth certificate, the place of registration and the time.⁴⁵

In the absence of special instructions, a healthy newborn is released from a maternity hospital within three-four days after birth, during which time, as a rule, birth registration is carried out.⁴⁶

In those cases, when, due to objective reasons, the birth registration cannot be done at the RCSA body, according to the interviews, the discharge from a medical institution is performed within the defined period of time, and the fact of non-registration of birth is recorded in the newborn's medical card⁴⁷. Reasons impeding registration vary, for example when an RA citizen lives in one region, gives birth in another region and expresses a desire to perform registration in the place of residence or when the parents do not have a valid ID allowing them to register their child. In

⁴¹Exemption from duty for birth registration was introduced by RA law on "Making Amendments and Alterations in the RA Law on the State Duty", 8 April 2008

⁴²Article 15, the RA Law on Civil Status Acts

⁴³ Point 3, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions concerning Registration of Civil Status Acts"

⁴⁴ Article 15, the RA Law on Civil Status Acts

⁴⁵Point 7, Chapter VII, the RA Minister of Health Decree N 3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service", 28 December 2012

⁴⁶Point 1, Chapter VII, the same source

⁴⁷ According to RA Minister of Health Decree N 3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service", 28 December 2012, for each live birth the medical institution fills a medical card including information about what happened during the child's presence in the maternity home

practice, when a newborn is discharged from a medical institution without presenting birth certificate, the medical institution requests the mother to provide the certificate after the discharge. In some cases, when for a long period of time the birth certificate is not presented, the maternity hospital itself calls to find out the reasons for non-presentation. According to doctors, ***in 90% of cases birth certificate is presented but that is not mandatory***. Here, it should be noted that medical institutions do not have an obligation to monitor and follow registration of non-registered births after the discharge. The law does not stipulate a requirement that medical institutions send records of non-registration of births to any relevant body either.

In case when the birth took place in a medical institution, the given medical institution provides a medical certificate on the birth, which serves as a basis for the RCSA body to carry out birth registration. The medical certificate contains information on mother's identity, the child's sex, the place of birth, the time of birth, etc.⁴⁸ The certificate is given to the mother upon her presentation of an identity document, or to her husband upon his presentation of an identity document and the marriage certificate with the mother, within three days after the presentation of the documents. In cases when the medical certificate has been lost, has become illegible or not fit for use in some other way, the noted persons can apply to receive a duplicate of the medical certificate, which is provided within three work days after submission of the application.⁴⁹ The law does not define any validity period for a medical certificate on birth provided by a medical institution.⁵⁰

In case of the death of an unmarried mother, the medical certificate on birth is kept at the medical institution, where the person has given birth. In this case, the medical institution organizes birth registration independently.⁵¹

In case of a single mother, in practice, the medical institution makes a relevant declaration to the RCSA body on behalf of the mother to organize the birth registration so that a certificate on birth registration⁵² is provided before the release from the maternity hospital.

When an unwed mother relinquishes the newborn into the full care of the state, refuses to take the child from the maternity house or when her place of residence is unknown, and the fatherhood of the child is not determined, the registration of birth is carried out on the basis of the application by the administration of the medical institution where the birth took place, or the

⁴⁸ The RA Minister of Health Decree N 15-N on "Introducing Changes to the RA Minister of Health Decree N 1278-N of November 14, 2006 and Endorsing Specimen of Medical Certificates on Birth, Perinatal Death and Death", 26 June 2009

⁴⁹The RA Government Decision N 1156-N on "Endorsing the Procedures for Registration and Provision of Medical Certificates on Birth, Perinatal Death and Death", 11 August 2011

⁵⁰ Point 8, Chapter IX, the RA Minister of Health Decree N 3144-A "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service", 28 December 2012

⁵¹The RA Government Decision N 1156-N on "Endorsing the Procedures for Registration and Provision of Medical Certificates on Birth, Perinatal Death and Death", 11 August 2011

⁵² The law does not define the noted procedures; they are applied in practice

administration of a child care institution or the person under whose custody the child is placed. In this case, information about the mother is entered on the basis of the medical certificate on birth, while information about father is not filled.⁵³

In the absence of identity documents of the mother, the medical institution is obliged to carry out the discharge from the hospital only after attaching a photo of the mother to the birth history and having it attested by the latter with her signature.⁵⁴ Very few of the interviewed experts were familiar with this procedure, since very few of them had come across such situations. The obligation to take a picture of the mother is not clearly regulated by law. Some medical institutions noted that this happened at their expense and with the oversight of the employees of the medical institution, ***“Usually, the mother is sent together with a nurse to have her picture taken.”*** Some maternity hospitals said that law-enforcement agencies arranged for taking a picture.

The medical institution should inform about the child delivery of a woman without identity documents to the subdivisions on children's issues of the Governor's Office, and of the city municipality in Yerevan⁵⁵. The law does not provide details about steps to be undertaken by the relevant subdivisions on the basis of the received information.

In the absence of identity documents, the mother (in case of the impossibility, her legal representative), makes a written statement noting the reason for the absence of the document and the fact of her release without the provision of a medical certificate on birth, which is attached to the woman's child delivery history.⁵⁶ In such cases, information about the mother is filled in the medical documents based on her oral statement. The medical institution is obliged to inform the regional police station of the woman's residence according to the procedure envisioned by the Ministerial Decree to have the authenticity of the information confirmed.⁵⁷ One of the medical institutions noted that ***“We do not discharge the mother and the child till we have the consent of the law-enforcement bodies since it is possible that the parent may sell the child, may abandon him/her somewhere; it is easy to do that given that the child has no document”***. This procedural regulation raises concerns, since the mandatory involvement of the police may deter undocumented women from giving birth in medical institutions, which, however, was not established during the interviews. In order to alleviate such a risk, it would be advisable to ask for a mother's permission before applying to the police to establish her identity.

⁵³Point 16, Appendix 1, the RA Minister of Justice Decree N 97-N on “Endorsing the Instructions concerning Registration of Civil Status Acts”

⁵⁴Point 3, Chapter VIII, the same source

⁵⁵ Point 5, Chapter VIII, Decision on “Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service”

⁵⁶Point 4, Chapter VIII, the RA Minister of Health Decree N3144-A on “Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service”

⁵⁷Point 16, Appendix 1, the RA Minister of Justice Decree N 97-N on “Endorsing the Instructions concerning Registration of Civil Status Acts”

Based on the application of a medical institution the police carry out an investigation. The legislation does not define the time period during which the checks on the identity of the mother should be carried out, however, in practice, according to the interviews the clarification of the identity of the child's mother lasts approximately four-five days. If the police investigation results in clarification of the mother's identity, it provides the medical institution with a certificate stating the mother's first name, last name, and patronymic, the number of the identity document, the time, and the place of residence.⁵⁸ Based on the provided information, the medical institution fills out the medical certificate on birth.

The expert interviews demonstrate that in practice, instead of providing a certificate, the police arrange that the woman acquire a temporary identity document, which allows registering the child's birth at the RCSA body.

Point 16 of the RA Minister of Justice Decree N 97-N pertains to other situations when there is an issue with the identity of the mother. Here, the RCSA body performs the registration of the child's birth on the basis of an application by the administration of the medical institution (where the child was born), based on the medical certificate on the birth of the child and on the relevant police certificate on the identity of the mother. In this case, the section on "The Basis of Registration of Information about the Father" in the birth registration act is not filled out. The RCSA body informs the Custody and Guardianship Body (CGB) about the registration of the birth of such a child within three days.⁵⁹ Here, it is not clear which are those "other cases" when the declaration should be made by the medical institution. Based on the documents to be presented and on the obligation to inform the CGB, it is possible to assume that in this case the reference is made to the procedures of birth registration in case of abandoning of a child by the parent in hospital. During the interviews, none of the experts mentioned this procedure.

The Decree N 3144-N of RA Minister of Health defines that in the absence of identity documents of the mother, the medical institution does not provide a medical certificate on birth, required for registering a child's birth.⁶⁰ Thus, the right to have a child's birth registered immediately after birth is violated.⁶¹ In cases when the mother is married to a documented man this provision comes into conflict with RA Government Decision N 1156-N, according to which, the medical certificate can be provided to the husband of the mother upon presentation of relevant documents. So, it turns out that if the woman lacks identity documents, it is still possible to fill out the medical certificate on birth based on the information provided by the police, and if her husband presents the necessary documents, then he can demand and receive from the medical

⁵⁸Point 16, Appendix 1, the same source

⁵⁹The same source

⁶⁰Point 1, Chapter VIII, the RA Minister of Health Decree N3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service"

⁶¹Article 7, Convention on the Rights of the Child, 20 November 1989

institution a medical certificate on birth and can arrange for the child's birth registration at the RCSA body.

If, as a result of the police investigation, information about the mother has not been discovered and confirmed, the medical staff compiles a protocol on the childbirth from an unidentified person with a description of the newborn's individual data (sex, the body mass and the height), which is attached to the newborn's medical card. In this case, the medical institution does not mention the mother's name in the medical certificate on the child's birth, and the RCSA body does not fill out the information about the parents during the registration of the act of birth.⁶² A question arises about how the RCSA body performs birth registration in this case since, on the one hand, the above noted provision envisions the possibility of a birth registration without filling out information about the parent's identity, and on the other hand, the law does not stipulate any procedure for registration of such births, and the RCSA bodies reject the registration of such births without any exception.

After the discharge of the mother, upon presentation of an identity document by the latter or her legal representative, the medical institution provides a medical certificate on the child's birth, irrespective of the date of birth.⁶³

At the time of the newborn's discharge from a medical institution, it is mandatory to fill out the newborn's exchange card, irrespective of birth registration or obtaining medical certificate on birth.⁶⁴ If the mother's identity documents are missing, the exchange card is filled out based on the mother's oral statement, about which a relevant record is made.⁶⁵ The exchange card serves as a basis for registration of the newborn at a primary health care institution (outpatient clinic).⁶⁶ This means that outpatient clinics register both children with birth registration and without it; however, the outpatient clinic is not obliged to carry out an oversight of registration of non-registered births or to inform about it to relevant bodies. According to the interviews, it is primarily the fathers that apply to outpatient clinics for enrolment of their children there, since mothers have not been released from the hospital yet. After having the child registered at an outpatient clinic, the documents (birth certificate, if it is available and a certificate from the outpatient clinic) are presented to the maternity hospital so that the hospital can also be informed that the child has been registered at the outpatient clinic.

⁶²Point 16, the same source

⁶³Point 7, Chapter VIII, the RA Minister of Health Decree N3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service"

⁶⁴The newborn's exchange card transfers the child to an outpatient clinic, through the newborn's parent/relative or an employee of the medical institution, which is recorded in the newborn's medical card. *See* Point 6, Chapter VII, the RA Minister of Health Decree N3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service"

⁶⁵Point 16, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions concerning Registration of Civil Status Acts"

⁶⁶The RA Ministry of Health Decree N3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service"

In this connection, during one of the expert interviews an employee of a medical institution noted that *“If a pregnant woman not registered at an ante-natal clinic has given birth, and the child’s birth has not been registered, an exchange card is, in any case, sent to the outpatient clinic so that the pediatrician can learn that there is a child at that address since the forty post-natal days are monitored by the outpatient clinic. Pediatricians carry out patronage, visit their district without fail when they discover a pregnant woman, inform her about the birth registration procedures, and make referrals.”*

7. Birth Registration in case of Childbirth Outside a Medical Institution

In case of childbirth outside the medical institution without medical assistance but with **immediate hospitalization** after the birth, the medical certificate is provided by the medical institution where hospitalization has taken place.⁶⁷

If the mother is not hospitalized immediately, and she, for example, decides to turn to a medical institution after several weeks, the medical institution cannot provide a medical certificate on birth. In such cases, if there is no person who can testify at the RCSA body about the birth of the child from the given mother, birth registration is performed on the basis of the court order. An employee of the Department for Protection of Family, Women and Children’s Rights (DPFWCR) notes that *“as a rule, when a person gives birth to a child with the purpose of exploiting him/her in the future, such mothers do not give birth in hospitals.”* Here, it seems that the interviewee associates birth at home with a certain stereotype. This is a quite worrisome observation and calls for further research in this field.

In the event of childbirth outside the medical institution, the medical certificate is given by that medical institution, whose **medical personnel provided medical assistance** during the delivery (or by a doctor, who is a private entrepreneur).⁶⁸

According to the interviews, an ambulance service doctor, who later transports the mother and the child to a maternity hospital, may assist in child delivery outside the maternity hospital. In this case, the woman is accepted into a maternity ward, relevant checks are made, after which a birth medical certificate is given on the basis of post-natal hospitalization. *“The certificate does not state unequivocally where the child was born. It includes sections to underline, like at home, at a medical institution, in a transport vehicle, in the street, but specific address is not filled out.”*

If the birth has taken place outside a medical institution and **without medical assistance, when there was no post-natal hospitalization**, RCSA bodies conduct birth registration and fill necessary registration data on the basis of the following documents: certificate on the child’s health and

⁶⁷ Point 3, Appendix 1 of the RA Government Decision N1156-N on “Endorsing Procedures for Registration and Provision of Medical Certificates on Birth, Perinatal Death and Death”.

⁶⁸Point 2, the same source.

aliveness provided by the primary health care institution servicing the child (outpatient clinic) and a written statement on birth of the defined form, which shall include, *inter alia*, information about the time and place of birth.⁶⁹ The written statement is provided by one or two persons who were present at the childbirth. The personal data of the witnesses are filled out on the basis of their identity papers. If the person who has given the statement cannot come to the RCSA body in person, his/her signature under the statement should be notarized.⁷⁰

The law does not define the procedure for issuing a certificate on the child's health and the fact of being alive and the certificate's specimen. As a result of surveys, it became clear that outpatient clinics provide such certificates on the basis of the RCSA body's inquiry, for which it is first necessary to enroll the child at the outpatient clinic. The enrolment of the child without birth registration is carried out on the basis of the exchange card, and in case of home births, on the basis of the parents' identity papers or sufficient grounds for the parent's (the parents') actual place of residence (a letter from the place of residence, testimony given by the patronage nurse about their residing in a given territory) or on the basis of a motion by the Department for Family, Women, and Children or other authorized organization.⁷¹

8. Birth Registration of Children without Parental Care

According to Article 109 of the RA Family Code, the protection of the rights and interests of children without parental care is carried out exclusively by the Custody and Guardianship Bodies (CGB). The child is considered to be without parental care in case of the parents' death, deprivation/limitation of parental rights, incapability of parents, avoiding from educating their children or from protecting their rights and interests (including, refusal to take the child from medical organizations), as well as in other cases of absence of care.⁷²

If the parent (parents) renounces the child right at the maternity hospital, then a special form is filled out at the medical institution. Before solving the problem of the child's placement or care transfer, the child remains at the children's department of the maternity hospital, where he/she is provided with food, clothes, and care.

The responsibility of identifying children without parental care rests with the Custody and Guardianship Bodies, which maintain the registration of such children and based on specific circumstances of deprivation of parental care, select forms of placement of such children.⁷³

⁶⁹ Point 4, Appendix 1, the RA Government Decision N1156-N on "Endorsing Procedures for Registration and Provision of Medical Certificates on Birth, Perinatal Death and Death"

⁷⁰ Article 14, the RA Law on Civil Status Acts

⁷¹ The RA Minister of Health Decree N 3105-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns within the framework of the State-Guaranteed Free Medical Assistance and Service"

⁷² Article 109, the RA Family Code

⁷³ The same source

Community heads⁷⁴ are considered to be custody and guardianship bodies, under whose auspices custody and guardianship commissions operate (CGC).⁷⁵ To identify children without parental care, the custody and guardianship bodies cooperate with different institutions (with preschool educational, general educational, medical or other similar organizations), whose officials, when they have information about such children, are obliged to inform about it to the custody and guardianship body of the place of the child's actual location.⁷⁶ Within three days after receiving information about absence of parental care, the CGB has to send this information to the Governor's Office for registration purposes and to carry out a research of the child's conditions of life. Upon discovering the actual absence of care by the child's parents or relatives, the CGB provides for the protection of the child's rights and interests before resolving the issue of her/his placement.⁷⁷ For their education, children without parental care are subject to be placed in a family (adoption), under custody (guardianship) or in a foster family, and in case of the absence of such a possibility in all types of organizations for children without parental care (educational, medical, social protection or other similar organizations).⁷⁸ In some cases, the process of placing the child in an institution of care lasts up to two months.

As it was already mentioned in chapter 5, community heads are in charge of identifying cases of non-registration of births in their communities and ensuring their registration, through submitting relevant written declaration to RCSA bodies.⁷⁹ Hence, in cases when the birth of a child without parental care is not registered, CGBs are authorized to carry out registration, which is also vital in the light of their obligation to ensure the protection of the rights and interests of a child, in the absence of care by parents or relatives.

In addition to CGBs, birth registration of children without parental care can also be conducted based on the written application of a child care institution or an individual under whose custody the child is placed.⁸⁰ In fact, the interviewed experts stated that in practice the birth of a child without parental care is registered after the issue of placement is already resolved by the aforementioned bodies or individuals, rather than by CGBs.

A number of institutional problems have been identified in the work of the commissions operating under the auspices of the CGB. First of all, the CGCs operate on voluntary basis which may impact on the effectiveness of their work. The CGC members are, as a rule, employees of the DPFWCR of the given LSGB or the Governors' Offices and they have their main jobs. To fully

⁷⁴ In Yerevan, heads of Yerevan administrative districts retain the powers reserved to the custody and guardianship bodies on behalf of the city mayor

⁷⁵ The RA Government Decision N 164-N on "Recognizing the RA Government's Decision N 922-N of June 22, 2006 Non-Valid and Endorsing the Charter of the Custody and Guardianship Bodies", 24 February 2011

⁷⁶ Article 110, the RA Family Code

⁷⁷ The same source

⁷⁸ Article 111, the same source

⁷⁹ Article 33, the RA Law on Local Self-Governance

⁸⁰ Point 16, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions concerning Registration of Civil Status Acts"

perform the functions, the commission members complained that they have to use their non-working hours, evening hours or days off. In some communities, the CGC declared that they do not even have an office and a computer to enter the relevant data. In this respect one of the interviewed experts noted: *“If we really bring the custody commissions into a proper order, we will have protection of children in general and not only in cases of birth registration. Birth registration is a derivative of the real problem. The problem is that we need to have a serious CGB, with serious specialists who are paid, we need to expand the powers of the CGB, to introduce relevant mechanisms for realization of those powers and then only make any demands”*.

According to interviewees, it is also problematic that the CGCs include persons without the necessary professional qualifications and skills. If, in bigger communities, it is possible to involve in the commission specialists, who are well informed on children’s rights and social protection issues, in smaller communities it is almost impossible. As a result, the CGCs include people who lack expertise and are responsible for making decisions in the area of the protection of the child’s rights. *“For example, if a child is found, say, in a garbage can and brought here, I cannot say what needs to be done,”* notes a CGC member.

Under such circumstances, the activities of the community custody and guardianship commissions are significantly constrained, which in turn impacts the quality of a child’s rights protection attended by CGCs.

8.1. Birth Registration of Foundlings

Foundlings are children without parental care, whose parents' identity is unknown.

In case of foundlings, the person who has found a child is obliged to inform about it, within two days, to the police or the CGB of the place where the child was found.⁸¹

Within seven days of finding the child, the police, the CGB, educational and medical, social protection or other similar organizations are obliged to apply for birth registration of the foundling.⁸²

Documents to be presented together with the declaration of a birth are:

- a) A document about discovering the child, provided by the police or CGB and stating the time, place and circumstances of the discovery of the child;
- b) A document certifying the child’s age and sex, provided by a medical organization.⁸³

⁸¹Article 19, the RA Law on Civil Status Acts

⁸²The same source

⁸³The same source

In cases, when it is impossible to clarify the child's time of birth, a commission⁸⁴ is set up to determine the age of the child. The commission determines and publicizes the child's age.⁸⁵ It should be noted that the commission provides a conclusion not only in cases of foundlings, but also in other cases when the child's time of birth is unknown.⁸⁶ Possible applicants to the commission include the parent (parents) of the child, the custody and guardianship body, the police, educational and medical, social protection or other similar organizations.⁸⁷ After considering the application, the commission comes up with a conclusion on the child's age, which serves as a basis for recording the time of the child's birth by the medical organization and for provision of a medical certificate on birth.

Information about the foundling's first name, patronymic, and last name are entered into the birth act record upon instruction by the police or the CGB, and information on the parents is not filled out.⁸⁸

According to the interviews, in case of foundlings, the police apply to the CGB and DPFWCR. In such cases, the police first of all record the fact of finding the child, compile a relevant act and send the child to a medical institution for examination. Within three-six months, a police inspector makes inquiries, looks for witnesses, who attest to the fact that the child has been found. The police make inquiries about the found children also at maternity hospitals. Afterwards, based on the witness testimony a protocol is compiled and recognizing the child as a person left without parental care, the CGB directs the child to a relevant institution (orphanage, medical institution, Fund for Armenian Relief non-profit organization). This institution then carries out the birth registration.

The law does not directly define how to record the child's birthplace in the birth registration act in those cases when the child is found and the medical certificate on birth is missing. Based on other legal regulations, it can be inferred that in these cases, the place of a child's birth is recorded

⁸⁴ The composition and powers of the commission to determine the child's age are defined in Appendix 1, the RA Government Decision No 18-N on "Endorsing the Composition and Powers of the Commission to Determine the Age of the Child and on Introducing a Change in the Republic of Armenia Government Decision N 995-N of June 23, 2005", 20 January 2011

⁸⁵ The criteria for determination of the age are as follows: if, according to a conclusion, the child was born in the first half of the year, without noting the month and the date, April 1 of the given year is noted as the time of the birth in the birth act registration; if the birth is noted to have taken place in the second half of the year, October 1 of the same year is respectively recorded as the time of birth. If the commission conclusion mentions only the child's birth year, without noting the month and the date, July 1 of the given year is recorded as the month and the day of the birth in the birth act registration. If the commission's conclusion mentions the year and the month of the birth, without the date, the 15th of the respective month is recorded as the date of the birth in the birth act registration

⁸⁶ For example when a medical organization lacks information on the time of the birth, this information has been lost, the child has been born outside the medical institution and there are no witnesses; also in case of birth registration of found children or in other cases

⁸⁷ Point 12, Appendix 1 of the RA Government Decision on "Endorsing the Composition and Powers of the Commission to Determine the Age of the Child and on Introducing a Change in the Republic of Armenia Government Decision N 995-N of June 23, 2005"

⁸⁸ Article 19, the RA Law on Civil Status Acts

in the basis of the document provided by the police mentioning, *inter alia*, the location where the child was found.

8.2. The Role of Child Care Institutions in Birth Registration

Birth registration of children without parental care can be conducted based on the application submitted by the administration of a child care institution or an individual under whose custody the child is.⁸⁹

Usually before admitting a child to an institution, issues related to documentation are settled. In this respect, an employee of an orphanage noted, ***“Overall, we have not had any problems with birth registration because the children have been admitted already having their births registered; the documents have been prepared in advance together with personal files and other papers.”***

This statement, however, does not necessarily indicate that birth registration of children without parental care is conducted by CGBs. Rather, according to the interviewed experts, it can be explained by the fact that cases when these children lack birth registration are hardly ever recorded.

If it comes to light that the child’s birth is not registered, the lawyer of the institution deals with the issue of registration. The lawyer organizes the process of birth registration: document collection, data clarification, presentation of an application to the RCSA body, monitoring the process, and participation in court proceedings if necessary.

To receive the documents and information necessary for registration, childcare institutions cooperate with the police, maternity hospital, outpatient clinics, local bodies, the RCSA bodies, the Ministry of Justice and other bodies. The orphanages noted that when they had any problems with children’s documents, they could, as a rule within ten days, address all issues related to documentation through inquiries.

In some cases, to obtain or confirm information, the institutions turn also to the National Archive since it can be time-consuming to obtain a response from the RA Ministry of Justice: the inquiry message should reach the Ministry, be discussed, sent to the territorial RCSA body, and then the response should return to the institution, which lasts about one or one and a half months.

There are situations when the child finds herself/himself in an orphanage or other childcare institution right away, in which case the institution itself presents information on the child to the police. In cooperation with the police, they clarify the availability of documents, data on the identity of the child and his/her parents, etc.

⁸⁹ Point 16, Appendix 1, the RA Minister of Justice Decree N 97-N on “Endorsing the Instructions concerning Registration of Civil Status Acts”

In practice, according to experts, childcare institutions are consistent in addressing birth registration issues. For example, the “Zatik” orphanage, which is a full day temporary child care center where children are placed for a period of six months, tries to address the issues related to birth registration within a period of six months: ***“If the child has appeared in the institution without a birth certificate, we address the issues related to obtaining a birth certificate, and upon leaving our institution the child should already have the document.”***

9. Birth Registration of the RA Citizens’ Children Born in Other Countries

Acts of civil registration, including birth registrations of RA citizens living in foreign countries are performed by the RA Consulates located in a given state.⁹⁰

However, if the child’s birth has not been registered by the RA Consulate in a given state and the RA citizen has returned to Armenia, birth registration is done in the Republic of Armenia at the territorial RCSA body of the place of residence of the child’s parent (one of the parents), on the basis of a medical document on the birth brought from the country of birth.

Instead of providing a separate medical certificate, some counties attach relevant inserts in the parents’ passports, on the basis of which birth registration is carried out in the Republic of Armenia. ***“Once, an insert was missing from the passports of the parents returning from the US, but pictures of the children had been taken and the photos had been attached to the parents’ passport. It was the decision of their country, which was a sufficient basis for us,”*** notes an employee of an RCSA body.

The legislation does not require a notarized translation or consular legalization of the documents given to the RA citizens by foreign states. However, problems might arise in connection with foreign-language documents, ***“Sometimes, they bring a document, which is written in the language of that state, and a transcription problem arises during translation; often one document is translated one way, and the other some other way. Contradictions arise not only in names, but also in the names of the birth place and problems occur during certification.”*** Article 169¹ of the RA Criminal Code defines responsibility for providing false information to the RCSA body.⁹¹ On the other hand, the head of the RCSA body and the employee who performs the registration are accountable for the accuracy and quality of the registration of civil status acts (CSAs).⁹² In this connection, when registering births of children born outside Armenia, in practice RCSA bodies make an inquiry with the country of the child’s birth to obtain and confirm presented data, as well as to clarify whether the birth has already been registered by the authorities of the given

⁹⁰Article 4, the RA Law on Civil Status Acts

⁹¹ The subjective aspect of this crime is characterized only by direct intent, i.e. upon providing the information the person should be aware that it is false

⁹²Article 6, the RA Law on Civil Status Acts

state. Only in the absence of registration in the country of birth does the RCSA body perform birth registration. Often, a response to the inquiry is not received for years. In practice, in such cases, either a repeat inquiry is sent, or the parent is advised to return to that country and to obtain the necessary documents personally, or no step is undertaken, in which case the only possibility remaining for birth registration is through a court order.⁹³ According to interviewees, responses to interstate inquiries can be quite difficult and time consuming to obtain. Throughout the research several cases were identified where children born outside of Armenia, particularly in Russia or Georgia, were not able to have their births registered, since no response to their inquiries was received.⁹⁴ Lack of birth certificate made these children invisible for the authorities and unable to benefit from basic human rights, such as right to education and right to health.

10. Birth Registration of Children of Foreign Citizens, Stateless Persons, Refugees, and Asylum Seekers

No special procedure is defined for birth registration of children born in the RA of foreign citizens, stateless persons, asylum seekers, and refugees. According to article 7 of the RA Law on Civil Status Acts, the documents of foreign citizens and stateless persons, which have been provided by authorized bodies of a foreign state and have been presented for the purpose of birth registration, are subject to consular legalization and notarized translation. Based on international treaties, documents provided by authorized bodies of the CIS countries (with the exception of Azerbaijan), as well as Bulgaria and Lithuania are exempt from the requirement of consular legalization in the Republic of Armenia.⁹⁵

Refugees, stateless persons and asylum seekers in Armenia have rights and responsibilities normally equal to those of foreign citizens who reside in the Republic of Armenia on a legal basis, and the law does not exempt them from the requirement of consular legalization and notarized translation.⁹⁶

If documents presented by foreign citizens, stateless persons, refugees and asylum seekers are not in line with legal requirements (the presented documents are not legalized by apostil or there is no notarized translation), the RCSA body rejects birth registration. This requirement relates to both documents certifying identity and civil status.

⁹³ Although the court, according to the interviewees, has to make an inquiry at relevant bodies of foreign countries as well

⁹⁴ See Appendix 1

⁹⁵ An apostil is not placed on documents sent to and received from the CIS countries (Belarus, Russia, Ukraine, Moldova, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan), which have acceded to the Convention on Legal Relations and Legal Assistance in Civil, Family, and Criminal Matters (the Minsk Convention), as well as on those sent to and received from Bulgaria and Lithuania

⁹⁶ Article 15, the RA Law on Refugees and Asylum, 27 November 2008

Birth is registered according to the child's place of birth.⁹⁷ If both parents of the child are foreign citizens and the child was born in the Republic of Armenia, birth can be registered at the RCSA body located in the actual place of birth. At the same time, parents who are foreign citizens can apply to their embassy and may be able to receive that country's birth certificate from there, except for the refugees and asylum seekers who cannot be expected to approach their embassies.

As far as refugees and asylum seekers are concerned, the interviewees noted that citizens of Lebanon and Syrian Armenians were given the opportunity to apply to the RA Ministry of Health for free medical assistance related to childbirth in ante-natal clinics and in maternity hospitals as it is currently envisaged for RA citizens. In general, the interviewed experts believed, that in case of Syrian Armenians, the birth registration procedure usually runs smoothly, without extra obstacles with documentation.

11. Registration of a Child's Birth in the Absence of Parents Identity Documents

According to Article 2 of the Convention on the Rights of the Child, any right guaranteed by the convention, including the realization of the right to registration immediately after birth should not be dependent upon the status of the child or his/her parents. In this respect, problems connected with registration in Armenia arise in those cases when the child's parents, and particularly the mother, do not have identity documents. Article 17 of the RA Law on Civil Status Acts defines that information on the mother is filled out in the birth registration act on the basis of the medical document about the birth of the child. In its turn, a medical institution fills out the medical document on the birth on the basis of an identity document of the mother and it cannot provide the medical document if she does not present an identity document.⁹⁸

In accordance with Article 10 of the RA Law on Civil Status Acts, in the absence of identity documents, the registering body unequivocally rejects birth registration since the application for registration is not complete and, consequently, does not correspond to the requirements of the law.

In this connection, children born at home are in most unfavorable condition since the maternity hospital registers the fact of the child's birth irrespective of the availability of the mother's identity papers, whereas in case of births at home, the fact of the child's birth is not recorded anywhere at all.

⁹⁷Article 15, the RA Law on Civil Status Acts.

⁹⁸ Point 1, Chapter VIII, the RA Health Minister's Decree N3144-A on "Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns within the framework of the State-Guaranteed Free Medical Assistance and Service"

In contradistinction to the unavailability of mother's documents, the absence of the child's father's documents does not create obstacles to registering the birth since information on the father can be omitted, which does not impede birth registration.⁹⁹ This is problematic, however as the child may acquire nationality at birth from the father but if there is no proof of affiliation on the birth certificate, the child will face difficulties acquiring identity and nationality documents based on the affiliation.

If the parent has lost the identity document or its period of validity has expired, he or she should apply to the Passport Department of the RA Police to have the period of validity extended, to acquire a new document or to acquire a form temporarily replacing the passport. Problems with identity papers arise more frequently in migrating families.

In such situations, when the law does not define identification mechanisms other than presentation of identity documents, children of parents who, for various reasons don't have identity documents, are at risk of not being registered at birth. In this respect, the UN Statistical Commission recommends recording a person's identity on the basis of a sworn statement or other documents.

The handbook on civil registration approved by the UN Statistical Commission which is aimed to serve as a guideline for the UN Member States to improve their civil registration system provides that the registering body shall verify the identity of the person making a declaration of an act or a case subject to registration and record it on the basis of the birth certificate or other official identity documents. However, in the absence of identity documents, declarations by two witnesses shall be sufficient for the identification of the person making the declaration.¹⁰⁰

This recommendation from the UN Statistical Commission has been incorporated into the relevant practice and law in several countries. Below is presented the various experiences of a number of Council of Europe countries:

*Table 4*¹⁰¹

⁹⁹ Article 17, the RA Law on Civil Status Acts

¹⁰⁰ United Nations Department of Economic and Social Affairs Statistics Division (1998) *Handbook on Civil Registration and Vital Statistics Systems: Preparation of a Legal Framework*. Series F, No. 71. New York, United Nations: http://unstats.un.org/unsd/publication/SeriesF/SeriesF_71E.pdf, page 177

¹⁰¹ Commission Internationale De l'Etat Civil (2010) *Persons deprived of civil status and identity documents («undocumented migrants»)*, pages 17-22, <http://ciec1.org/Etudes/Fraude/SansPapiers-ENG-FINAL.pdf>

Luxembourg – the body in charge of the registration of births fills out the information on the child's parents on the basis of their identity documents or any other document that they will be able to present. The registering body cannot refuse birth registration on the basis of the parents' inability to present any identity document. In such cases, entries are made on the basis of the announcements made. When it comes to light that the information is false, the necessary corrections are made in line with relevant procedures.

Germany – In those cases when it is impossible to present parents' (father or mother's) identity documents, the registering body cannot refuse birth registration. In such cases, the registration act is filled in on the basis of the known information noting the reasons for a limited base for registration. At the same time, if the registration act contains a reservation that part of the data or the whole data is not attested by the necessary documents, such a reservation gives limited evidentiary force to the entries on parents in the document.

France – Information on the child's parents is entered on the basis of identity papers, if such documents are not available, on the basis of their declaration. The birth registration carried out under such circumstances does not have diminished probative value and does not contain a note to the effect that the data has been entered solely on the basis of a declaration. If, in the future, it comes to light that the provided information does not correspond to reality, mistakes are corrected in line with relevant procedures.

Belgium – In the absence of parents' identity papers, the registering body makes entries in the registration act on the basis of the statements made. If it comes to light that the provided information does not correspond to reality, the entries can be corrected only through a court order.

Hungary – Entries into the birth registration act are made on the basis of known information, which is, if necessary, filled in on the basis of a statement. If the mother's identity is questioned in the future, the motherhood can be disputed in court.

Turkey - Birth registration is performed on the basis of the provided certificate on birth, which includes notes on the identity of parents. If such a document is missing, the registration is carried out on the basis of the parents' oral statement.

Italy - The registering body cannot refuse to register a birth, if the child's father or mother is unable to present an identity document. In such cases, data are entered on the basis of sworn statements of two witnesses, who guarantee the identity of the father or mother.

12. Factors that Contribute to Non-Registration of a Birth

Within the framework of this research, many of the interviewed experts noted that they did not see any gaps in birth registration procedure, and that everything was very clear. ***“The procedure is defined correctly, parents should be more responsible,”*** says an employee of an RCSA body.

However, **healthcare experts** (maternity hospital, outpatient clinic, antenatal clinic), **NGO representatives, employees of child care institutions** and **DPFWCRs** identified the following aspects bearing most significant risks of non-registration of a child’s birth:

- Citizens have the right to choose their medical institution. As a result, a pregnant woman can be examined in one medical institution, give birth in another one, and register the child in the outpatient clinic of a different district. Consequently, it is possible that none of the medical institutions have full information about the mother and the newborn. One of the interviewee's noted: ***“The pregnant woman herself selects at what medical institution to register and where to give birth. After confinement who knows where she went and where she is now? Did she go to a maternity hospital? Has she registered the birth or not?”*** After the discharge, healthcare institutions are not obliged to monitor birth registrations, and consequently, there is no informational cooperation, mutual contact and accountability mechanism between them, which could help to discover unregistered births and prevent non-registration.
- As a consequence of a free choice of the medical institution, yet another important issue arises: after the childbirth, an outpatient clinic nurse is obliged to visit the child. The distance, the time loss, and transport expenses make nurses’ and doctors’ work difficult. The patronage work conducted by outpatient clinics has become very difficult, both physically and financially. It is not realistic to make outpatient clinic employees cover expenses from their meager salaries for transport or telephone calls to find out and clarify where the pregnant woman has given birth, what problems the mother and the child have, as well as whether the child has a birth certificate. In this respect, one of the interviewed experts stated: ***“I believe that the post-natal patronage work is legally deficient. In this case, either funding should be increased so that we can carry out an oversight, or we should return to the old way when the pregnant woman was registered at the antenatal clinic of the territorial outpatient clinic. It will also allow monitoring the child’s registration. The outpatient clinic therapeutics know the residents of their neighborhood very well: who has left, who has arrived, and who has given birth.”***
- If, during the Soviet years, women who gave birth in a maternity hospital and children were released from the hospital only after their father or relatives would present the birth certificate to the maternity hospital, today, the mother is not kept in a maternity hospital seven to ten days as in the past, and is discharged in three days in case of the impossibility of registration for “objective reasons”, unless there are medical reasons for keeping her in the medical institution. As a result, in many cases the birth of the child is not registered. A representative of a medical institution noted: ***“We have had cases, when they came in two-three years to get a document to register the child. It is very wrong. Why should we deal with such an issue years after?”***

- Many CGCs are not even aware that they have the function of discovering unregistered births: In fact, one of the interviewed CGC representatives stated: ***“Our powers do not include such a thing; the custody body does not reveal such cases.”***
- The analysis of interviews and legislation shows that births that take place at home are especially at risk in terms of increased likelihood of non-registration. While CGBs undertake measures to discover cases of non-registration in their communities and to ensure their registration, the responsible officers need to be adequately capacitated. In rural communities, the phenomenon of non-registration of birth is more frequent.
- Unavailability and inaccessibility of medical institutions in villages contributes to non-registration of births. There is usually one nurse in the communities who may not be able to efficiently identify not-registered children and as a result the child’s birth may not be registered and nobody will know about it. Risks are high in the regions, where there are no consultant gynecologists, obstetricians and the services of home midwives are available. In case of childbirth without a doctor, the responsibility completely rests with the parents, nobody deals with her/his birth until the child gets into the attention of the authorities when trying to receive medical assistance, exercise the right to education or in other situations. According to one of the interviewees: ***“The main reason for non-registration is that, for example, [the parent] has to incur expenses to go from Dsegh to Vanadzor, and then return from Vanadzor.”***
- The absence of parents’ identity documents or their invalidity also puts the child’s birth registration at risk since in such cases the RCSA body cannot perform birth registration. Even if in this situation some other interested person wishes to make a statement instead of the parent (s), he or she will not be able to obtain a medical certificate on the child’s birth from the medical institution, since it can be provided only to the mother of a child or her husband upon presentation of the necessary documents.¹⁰² Expressing his concerns about aforementioned procedural obstacles one of the interviewees said: ***“I would like a procedure to be defined that in such cases no account be taken of the absence of the parents’ identity documents and the child’s birth be registered all the same.”***
- The difficulties with registration in Armenia of births that take place in a foreign country are connected with the fact that responses to inquiries with foreign authorities are not received for quite a long time.
- The expanding migration also increases the risk of births going unregistered. People may give birth in a foreign country, not get the birth registered in a timely manner, or lose documents when crossing the border.
- The fact that a child’s father is not correctly registered if the father does not present a valid ID also poses a risk. If the child acquires the father’s nationality at birth but has no proof of the affiliation, he may not be able to enjoy his nationality rights.

¹⁰² Point 7, the RA Government Decision N 1156-N on “Endorsing the Procedures for Registration and Provision of Medical Certificates on Birth, Perinatal Death and Death”, 11 August 2011

13. Efforts to Promote and Improve Birth Registration

According to the interviewed experts, cases of non-registration of birth were more frequent in the past. Since 2000, the number of such cases has reduced. Different state measures have directly or indirectly helped to increase the level of birth registration.

When asked about the reforms/measures that contributed to birth registration, the interviewees particularly noted the provision of a lump sum allowance for children born in the territory of Armenia, the introduction of certificates on free medical assistance in childbirth, and the order of the Deputy Prime Minister directing schools to conduct registration of children on the basis of birth certificates. The requirement to provide birth certificate for registering children at school can have twofold consequences: on the one hand it can contribute to the identification and registration of unregistered births, while on the other hand, it may result in keeping unregistered children out of school. In practice, the interviewees stated that when there are certain difficulties inhibiting registration of birth, the child is still allowed to attend the school (but not to graduate), provided that the parents (or legal representatives) will undertake the necessary steps to ensure registration.

In order to improve the situation connected with problems of registration of child mortality and birth, **an interagency council** was established in 2005 by the Governmental decree N 949-N, which also provided for a Plan of Action aimed to improve the situation in the fields of concern.

Later, in 2010 **an interagency working group** was established headed by the Deputy Minister for Labor and Social Affairs, aimed to identify the problems related to birth registration of children in Armenia and to child mortality. The goal of the working group was to create and introduce in this sphere real working mechanisms to prevent cases of non-registration, to discover children and adults without birth registration and to provide them with relevant documents. The working group included specialists from different government agencies,¹⁰³ each one of whom made suggestions for changes in normative acts of its respective area, and by its protocol resolution of the session N 34 of September 3, 2010, the RA Government endorsed the timetable¹⁰⁴ on the development of normative acts with the purpose of registering child births and deaths, as well as children without registration in the Republic of Armenia.

Since the last years a number of normative acts were adopted to regulate and clarify certain issues creating risks for non-registration of birth, such as the procedure for discharging the newborn from the medical institution (2012), the conduct of a medical institution in the absence of a mother's identity documents and the procedure for discharging such mothers (2012), the procedures for registration and provision of medical certificates on birth (2011), establishment of the specimen of medical certificates on birth (2009), clarification of the procedure for late or double provision of a medical certificate on birth (2011), establishment of a child's age when the

¹⁰³ The RA Ministry of Justice, the RA Ministry of Labor and Social Issue, the RA Ministry of Health, the RA Ministry of Regional Administration, the RA Police within the system of the RA Government, the RA National Statistical Service

¹⁰⁴ The response N AP/VB-3/8847-13 of 21 November 2013 to the inquiry made to the RA Minister of Labor and Social Issues

time of his/her birth is unknown (2011), registration of a child in a polyclinic¹⁰⁵ in the absence of a birth certificate (2012), etc.

As it was already mentioned, the **provision of a lump sum allowance in connection with the child's birth** has often been voiced among the measures promoting birth registration: parents are interested in having the birth registered since in that case they can receive a lump sum allowance. This promotes an increase in birth registration.

The system of family allowance, which is a financial assistance provided to families with a certain level of social insecurity, also contributes to birth registration since the amount of the benefit increases with the increase in the number of minors in the family.

Working mothers need to have their pregnancy registered to be able to continue their **maternity leave for pregnancy and childbirth**.

Since 2009, the system of "State certificates for childbirth assistance" has been introduced in Armenia. These certificates function as documents confirming the right of the mother to state guaranteed free medical assistance before, during and after childbirth.

To receive the noted certificate, the mother's identity documents need to be in proper condition beforehand. Before January 2013, the pregnant woman, by using that certificate, had the right to give birth in any maternity hospital in Armenia, according to her wish. Starting from the month of January 2013 every pregnant woman must give birth in her region. Those pregnant women who, based on medical indicators, are in the high-risk group of complications related to pregnancy and birth can be referred to medical institutions in other regions on the basis of certificates. The mother who does not belong to the high-risk group and wishes to give birth in Yerevan should pay for the services at the medical institution. The free childbirth assistance has promoted births in maternity hospitals, and as a result, cases of births at home have reduced.

The medical organization¹⁰⁶, which carries out antenatal monitoring of pregnant women, provides consultations to them about the necessity of formulating medical documents related to the childbirth and discharge of the newborn.

Birth registration is also necessary **for enrolment at kindergartens and schools**. In this respect, with the purpose of improving the public register, as well as excluding cases of non-registration of births, a modification was introduced by the Decree of RA Minister of Education and Science N 1640-N of 2010. The amendment envisioned that, in addition to the other documents that need to be presented for the child's admission into school, a letter on being registered at the public register needs to be presented. As a result, from January 1 through May 31, 2011, 40.6452 children were registered at the public register, 289 of which, according to the information provided by the RA Ministry of Justice, did not previously have their birth registered at Civil Registration Agency.¹⁰⁷

¹⁰⁵ Note: In order to receive free medical services as prescribed by RA legislation, the child should be registered as a beneficiary in a polyclinic

¹⁰⁶ Antenatal clinic, maternity home, rural outpatient clinic, village health center, etc.

¹⁰⁷ RA Ministry of Territorial Administration "Reference on the results of actualizing yearly priority issues and events of 2011", available at <http://www.mta.gov.am/files/docs/260.zip>

As a factor promoting birth registration, **the RCSA bodies** have noted the fact that at present **they employ only persons with higher education and relevant qualifications (legal)**, which facilitates the work since they are knowledgeable and able to effectively perform the envisioned functions.

The fact that **discovery of non-registered births has been secured as a CGB function** is also an important step. However, mechanisms to identify children whose birth is not registered are not developed. In addition, the CGBs work for free, which may impact the effectiveness of their work.

According to the procedure of admitting, transferring and expelling children from secondary educational institutions, the presentation of a birth certificate is mandatory for being admitted in the first grade.¹⁰⁸ This regulation allows for early identification of cases of non-registration, making schools more attentive to the problem of birth registration.

The NGO activities studied during the research allowed to reach the following conclusions. NGOs dealing with children's issues have more information on families and children that have problems related to birth registration than state institutions do. The main reason is that the state structures do not have effective mechanisms for discovering cases of non-registration of births. However, the NGOs, which work with most vulnerable, insecure societal groups with low educational level, make home visits and provide social services, discover very different cases: As it was stated by one of the interviewed NGO representatives ***"We have not been approached on issues related to child registration, we have discovered [those cases] ourselves."***

By utilizing the available resources and through consistent work of social workers with families, NGOs manage to assist in birth registration in practical terms. However, in those cases when birth registration should be performed on the basis of a court order, both NGOs and CGBs usually avoid, making that commitment because of the absence of the necessary resources.

Despite the aforementioned steps taken to improve the system of birth registration, there are still a number of gaps which need to be addressed. In order to provide a better understanding of the challenges in the field of birth registration for Armenia, *table 5* presented below provides a short summary of general principles which should be observed while developing national legislations on birth registration. In addition, the table also describes relevant Armenian legislation and practice and based on the identified discrepancies, articulates recommendations aimed at improving the existing situation.

Table 5

¹⁰⁸ RA Minister of Education and Science Decree N 1640-N on "Confirming the Order of Admitting, Transferring and Expelling Students from Secondary Educational Institutions in the Republic of Armenia and Recognizing Invalid the Decrees of the RA Minister of Education and Science N 619-N of August 25, 2003 and N1350-N of August 2010" , 24 November 2010

GENERAL PRINCIPLES	ARMENIAN LEGISLATION AND PRACTICE	RECOMMENDATIONS
<p>Universal birth registration</p> <p>States must ensure registration of all children immediately after birth.¹⁰⁹ This implies that even the birth of children on the territory of parents who are not nationals of the country will be undertaken.¹¹⁰</p>	<p>RA legislation ensures that (1) all children born to Armenian nationals (national), irrespective of the fact whether the birth took place on the territory of Armenia or abroad, are subject to registration in territorial civil registration units or in RA consulates abroad correspondingly.¹¹¹ The law also provides that (2) irrespective of parents' nationalities or residence status a child's birth can be registered in the territorial civil registration unit servicing the area where the birth took place.¹¹²</p> <p>The law, in the absence of parents' and particularly mother's identity documents, makes it impossible to register a child's birth.</p>	<ul style="list-style-type: none"> It is necessary to legislatively define procedures for recording data on the identity of parents in the absence of their identity documents, for example, to define that in the event of absence of identity documents a sworn statement of two witnesses confirming the identity of a person making a declaration on birth registration is sufficient to record the data.
<p>Birth on ships, airplane, train</p> <p>Birth on a ship or in an aircraft shall be deemed to have taken place in the territory of the State whose flag the ship flies or in the territory of the State in which the aircraft is registered.¹¹³</p>	<p>It is noted that the principle reflected in the 1961 Convention relates to the acquisition of nationality of children born on a ship or an aircraft. In Armenia, in relation to the registration of birth of a child on an aircraft or a train, the captain (train's head), with the participation of two witnesses and a doctor or a</p>	

¹⁰⁹ Article 24 of ICCPR; Article 7 of CRC; GA resolution 65/197 of 21 December 2010; UN Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503ccdba52.html>

¹¹⁰ This can be deduced from paragraphs 107-108 of the *UN Handbook on Civil Registration and Vital Statistics Systems: Preparation of a Legal Framework*, ST/ESA/STAT/SER.F/71, available at http://unstats.un.org/unsd/publication/SeriesF/SeriesF_71E.pdf

¹¹¹ Articles 3, 4, the RA Law on Civil Status Acts

¹¹² Article 15, the RA Law on Civil Status Acts

¹¹³ Article 3, 1961 Convention on the Reduction of Statelessness

<p>Non-discrimination</p> <p>States have an obligation to undertake birth registration without discrimination of any kind, including based on the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The principles of non-discrimination and of universal birth registration imply that children born to refugees, asylum seekers and stateless persons on a State's territory must also have their births registered.¹¹⁵</p>	<p>medical practitioner (if there is a doctor or a medical practitioner on the aircraft or the train) can prepare an act about the birth of a child, which is presented to the RCSA body conducting registration¹¹⁴.</p>	<ul style="list-style-type: none"> • The Armenian legislation should ensure the birth of a child with undocumented parents is registered.
<p>The principle of non-discrimination is enshrined in the RA law on the Rights of a Child,¹¹⁶ which provides for a child's right to have his/her birth registered, irrespective of the nationality of the child, his/her parents or legal representatives, race, sex, language, faith, social origin, property or other status, education, place of residence, the circumstances of the child birth, health condition or other circumstances.</p> <p>The law does not contain provisions specifically mentioning non-discriminating against refugees and asylum seekers, who in this respect have rights and obligations equal to those of stateless persons and foreign citizens legally residing on the territory of Armenia¹¹⁷.</p> <p>The Armenian law however does not allow for the registration of birth of children whose parents do not have valid identity documents. This results in the discrimination between children born to parents with identity documents and children born to undocumented parents.</p>		

¹¹⁴Point 8, Appendix 1, the RA Minister of Justice Decree N 97-N on "Endorsing the Instructions Concerning Registration of Civil Status Acts", 6 June 2007

¹¹⁵ Articles 2, 7, 1989 Convention on the Rights of the Child

¹¹⁶Article 4, 6, the RA Law on the Rights of the Child, 29 May 1996

¹¹⁷Article 15, the RA Law on Refugees and Asylum

Checklist for Birth Registration Legislation	Armenian legislation and relevant practice	Recommendations
<p>Compulsory registration</p> <p>Birth registration should be compulsory by law.¹¹⁸</p>	<p>The law in Armenia does not stipulate the compulsory nature of birth registration which implies the responsibility of certain individuals or bodies to make a declaration about the birth of a child with the relevant civil registration unit. However, article 14 of the RA law on the Rights of a Child provides that the protection of a child's rights and interests in general is the parents' primary obligation. Hence, the responsibility for making a relevant declaration on the birth of a child should lie with parents. .</p> <p>The law puts an obligation on community heads, who are also CGB members, to identify children whose birth is unregistered and to organize the registration. However, mechanisms for the identification of such children are not provided by law. Additionally, CGC members are not well aware about this responsibility. They operate on a voluntary basis, which may impact the effectiveness of their work. Also, CGC members often lack necessary professional qualifications and skills.</p>	<ul style="list-style-type: none"> • Introduce clear mechanisms to identify children whose births not registered by CGBs and CGCs. This can be done by introducing a referral mechanism between relevant bodies similar to the referral mechanism of children without parental care or by developing a database, which will ensure cooperation between relevant bodies and will create an opportunity to effectively oversee registration of births. • It is necessary to periodically summarize information on children discharged from medical institutions without birth registration and to disseminate it among responsible bodies. It is also recommended to provide by law that medical institutions inform about these cases all bodies and, first of all, the CGBs so that they can process these cases and carry out relevant oversight. • Birth registration can also be promoted if outpatient clinics, upon learning about an unregistered birth, provide the information to other responsible bodies (CGB, DPFWCR, police, etc). • It is necessary to engage in CGCs specialists knowledgeable about the area of protection of children's rights or to train the other members,

¹¹⁸ UNICEF(2013) A Passport to Protection: A Guide to Birth Registration Programming, page 23

		<p>as well as to ensure that the members of CGCs receive remuneration.</p> <ul style="list-style-type: none"> • It is necessary to raise the awareness of the members of the CGBs and CGCs of their function to identify unregistered children, as well as encourage the creation of standard operating procedures.
<p>Removal of physical, administrative and other barriers</p> <p>Birth registration procedures should be accessible, simple, expeditious and effective.¹¹⁹</p>	<p>In Armenia the birth registration procedure is expeditious, since registration is carried on the same day when all necessary documents are presented.</p> <p>There is a nationwide coverage with territorial civil registration units around the country which shall promote accessibility of birth registration procedures. RA law provides for the possibility of registering a child's birth in the territorial civil registration unit of the area where the birth took place or of the parents' (parent's) permanent residence.¹²⁰ Difficulties may arise for residents of remote rural communities, who have to cross long distances to reach civil registration units serving their region. Travel may increase the costs and make it less likely for parents to register the birth of their child.</p> <p>When a birth takes place in a medical institution responsibility to ensure birth registration is extended</p>	<ul style="list-style-type: none"> • Put in place measures to ensure that rural or remote locations are reached, such as through, for example, mobile registration. • To organize a compulsory registration of births of children in medical institutions. This can be done: <ul style="list-style-type: none"> - by an authorized representative of the administrative staff of maternity hospitals; - by an RCSCA employee, who will visit the medical institution and will perform birth registration, or - by the RCSCA Division operating at the medical institution, which will record acts of birth and death. • The RA should envisage ways to register the

¹¹⁹UN Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503cdba52.html>

¹²⁰Articles 15, the RA Law on Civil Status Acts

<p>Free birth registration, including free or low-fee late birth registration</p> <p>Free registration, including late registration of birth, contributes to greater accessibility of birth</p>	<p>to health care institutions as well. In particular, these institutions are obliged not to discharge the mother and the child unless the birth has been registered in a civil registration unit, except for situations of objective impossibility of making a declaration. Situations amounting to objective impossibility are not clearly defined by law, leaving space for discretion, which generates risks for non-registration.</p> <p>Another source of concern relates to undocumented mothers, who cannot objectively register the birth of their child. After the discharge from maternity hospital, the medical institution does not have to supervise whether she registered the child's birth, or not. Hence, unless the child is identified by CGB/CGC, no institution bears the responsibility to supervise registration of a child's birth.</p> <p>The effectiveness, accessibility and expeditiousness of birth registration are affected in cases when it is necessary to make inquiries with authorities of other countries. The responses to such inquiries may not arrive for years, which seriously impede birth registration.</p>	<p>child, even in the absence of identity documents of the mother. It is suggested to define procedures in law for recording data on the identity of parents in the absence of identity documents, for example, to define that in the event of absence of identity documents a sworn statement of two witnesses confirming the identity of a person who makes a declaration on birth registration is sufficient to record the data.</p> <ul style="list-style-type: none"> • It is necessary to define specific period for receipt of responses to inquiries made to foreign countries, providing that non-receipt of a response within this period cannot impede birth registration. 	<p>N/A</p> <p>In 2008 a legislative amendment was made in RA law on the State Duty which exempted birth registration, including issuance of birth certificate, from state fee,</p>
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<p>registration procedures.¹²¹</p> <p>States are to ensure free birth registration, including free or low-fee late birth registration.¹²²</p> <p>States are encouraged to consider free birth and death registration in accordance with national laws and regulations; in particular facilitating late registration and the waiving of late registration fees and penalties.¹²³</p>	<p>making it free of charge.</p> <p>Late registrations are exempt from fees as well. There is no penalty for late registration.</p>	
<p>Awareness raising measures and incentives</p> <p>Birth registration serves both public and individual interests. However, the greatest incentive to register a birth comes from stressing benefits to the individual's interests which should be made obvious through various awareness raising campaigns. (...) The primary means of encouragement are public information programmes on registration requirements and procedures and on the importance of registering vital events that occur.¹²⁴</p> <p>The law may provide for the role of different agencies and public awareness campaigns in raising</p>	<p>Awareness raising campaigns are not often organized in Armenia. According to the decree of the RA Minister of Health, the medical organizations carrying out ante-natal monitoring of pregnant women shall provide consultations to them about the necessity of formulating medical documents related to the childbirth and discharge of the newborn from the maternity hospital.¹²⁷ Nevertheless, it should be noted that the doctors providing consultation sometimes are not sufficiently knowledgeable about procedural issues in connection with birth registration and acquisition</p>	<ul style="list-style-type: none"> • Taking into consideration that while receiving consultations in ante-natal clinics, pregnant women often are not provided with full and accurate information about the birth registration procedures and are not properly guided, it is advisable to open a social worker position at medical institutions who will assume the role of information and guidance providers. Healthcare workers can also disseminate information through leaflets or brochures. • DPFWCRs should carry out regular awareness

¹²¹ UN Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503cda52.html>

¹²² The same source

¹²³ UNHCR, *Conclusion on civil registration*, 17 October 2013, No.111(LXIV)-2013, available at: <http://www.refworld.org/docid/525f8ba64.html>

¹²⁴ Please refer for more details to paragraph 172, *UN Handbook on Civil Registration and Vital Statistics Systems; Preparation of a Legal Framework*, ST/ESA/STAT/SER.F/71

<p><i>awareness and highlighting the importance of birth registration. Different incentives to encourage birth registration may be provided for by the law.¹²⁵</i></p> <p><i>States are to continuously raise awareness at the national and local levels of birth registration, including by engagement in public campaigns that raise awareness of the importance of birth registration for effective access to services and the enjoyment of all rights.¹²⁶</i></p>	<p><i>of necessary documents for registering a birth.</i></p> <p><i>Different incentives are in place to encourage birth registration. In particular, the provision of a lump sum allowance in connection with the child's birth, provision of free of charge medical assistance before, during and after the childbirth, free birth registration.</i></p>	<p><i>campaigns or community outreach activities to raise awareness about the necessity of birth registration, as well as inform about the registration procedure.</i></p>
<p>Strong governmental institutions</p> <p><i>States are to establish or strengthen existing governmental institutions responsible for birth registration and the preservation and security of such records and to ensure they have sufficient resources to fulfill their mandate.¹²⁸</i></p>	<p><i>In Armenia birth registration is a part of a broader civil registration system: the Civil Registration Agency is a division operating under the RA Ministry of Justice, which, in accordance with legislation, carries out civil registration and acts on behalf of the RA.</i></p> <p><i>The agency's formation, reformation and termination are regulated by appropriate governmental decrees.</i></p> <p><i>The purposes, objectives, functions and system of civil</i></p>	<ul style="list-style-type: none"> <i>Establish a unified electronic database, which will be accessible by maternity hospitals, the RCSA bodies, communities, police and will record medical documents on child birth and information about parents (contact information, passport data, etc.), as well as registered and non-registered cases of birth.</i>

¹²⁷ Point 9, Chapter VIII, the RA Minister of Health Decree N 3144-A on “Endorsing the Standards of Organization of Care of and Medical Assistance to Newborns Within the Framework of the State-Guaranteed Free Medical Assistance and Service”, 28 December 2012

¹²⁵ University of Queensland (2010), *Strengthening practice and Systems in Civil Registration and Vital Statistics*, Module 3, page 40

¹²⁶ Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503cdba52.html>

¹²⁸ UN Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503cdba52.html>

	<p>registration are provided by legislation.</p> <p>The rights and responsibilities of bodies performing civil registration as well as the manner of registration are regulated by RA law on Civil Status Acts and a number of other normative acts.</p>	
<p>Confidentiality of data</p> <p>States are 'to establish or strengthen existing governmental institutions responsible for birth registration and the preservation and security of such records'.¹²⁹</p>	<p>Armenian legislation ensures confidentiality of registration data providing that information which became known to the head or an employee of a civil registration unit in connection with registration is not subject to promulgation, except for cases stipulated by law.¹³⁰</p>	<p>N/A</p>
<p>Amendments</p> <p>The law should provide for the possibility to make amendments to birth registration data when it was incorrectly recorded. It is preferable that such procedures not be unduly rigorous.¹³¹</p>	<p>The Armenian law on Civil Registration Acts provides for the possibility to make amendments to the registration acts if they were incorrectly recorded. The procedure is somewhat complicated since in order to make an amendment it is necessary to obtain permission from the RA Ministry of Justice.¹³²</p>	<ul style="list-style-type: none"> • To consider simplification of the procedure on making amendments to the incorrectly recorded registration acts.

¹²⁹Human Rights Council, *Birth registration and the right of everyone to recognition everywhere as a person before the law*, 3 April 2012, A/HRC/RES/19/9, available at: <http://www.refworld.org/docid/503cdba52.html>

¹³⁰Articles 11, the RA Law on Civil Status Acts

¹³¹ Paragraph 166 of the *UN Handbook on Civil Registration and Vital Statistics Systems; Preparation of a Legal Framework*, ST/ESA/STAT/SER.F/71

¹³² Article 69, the RA Law on Civil Status Acts

<p>Statistical function</p> <p><i>The law may expressly recognize the statistical function of birth registration. Data collected at the point of birth registration may assist the state in planning national projects, particularly in the spheres of healthcare and education.</i>¹³³</p>	<p><i>The statistical function of civil registration is not expressly stipulated by law in Armenia, however RA Government decree N 492-Ն envisions the obligation of territorial civil registration units to periodically (once a month) provide corresponding territorial subdivisions of RA National Statistical Service with copies of certain registration acts.</i></p> <p><i>Additionally, territorial civil registration units cooperate with the RA Ministry of Labor and Social Affairs, by periodically providing information on the number of births and deaths registered.</i></p>	<ul style="list-style-type: none"> <i>Expressly recognize the statistical function of civil registration in the law, including birth registration.</i>
<p>Definitions</p> <p><i>The following terms should preferably be defined by national laws on birth registration: 'live birth' and 'fetal death'.¹³⁴</i></p>	<p><i>The definitions of 'live birth' and 'fetal death' are enshrined in Governmental decree N 949-Ն of 2005 and are in line with the international definitions.¹³⁵</i></p>	<p>N/A</p>
<p>Summary of UN recommended list of items to include at the time of birth registration</p>	<p><i>Items to be included in the birth registration act in</i></p>	<p>N/A</p>

¹³³ See further the preface and paragraphs 78-81 of the *UN Handbook on Civil Registration and Vital Statistics Systems; Preparation of a Legal Framework*, ST/ESA/STAT/SER.F/71

¹³⁴ Please refer for more details to paragraphs 46, 64, as well as page 163 of the *UN Handbook on Civil Registration and Vital Statistics Systems; Preparation of a Legal Framework*, ST/ESA/STAT/SER.F/71

¹³⁵ Please refer for more details to Appendix 3, the RA Government Decision N 949-N on “Improving the Situation with respect to Problems of Classification and Registration of Child Death and Birth”, 16 June 2005

<p>The recommended items include: identity of registrant, place and date of birth, attendant at birth, date of registration, legitimacy status, sex, weight at birth, age of the mother, date (or duration) of marriage, number of children born alive to the mother, place of usual residence of the mother.¹³⁶</p>	<p>Armenia correspond with international standards, including, <i>inter alia</i>, information on a child's name, sex, place and time of birth, the number of children born alive to the mother, information about the document certifying the fact of a child's birth, the parents' identity, citizenship, education, employment status, place of residence, identity of the person making the declaration, the place and time of registration, the place of a child's residence, and other necessary information¹³⁷.</p>	
<p>Key provisions of an organic law</p> <p>Key provisions that should feature in any law on a civil registration system include: definition of the system's objectives; the compulsory nature of registration; the penalty for failure to comply with the compulsory nature of registration; the functions of the civil registration system; the administrative system in which the civil registration system participates; a provision related to funding.¹³⁸</p> <p>States are encouraged to make civil registration accessible through, <i>inter alia</i>, adopting simplified administrative procedures and, where appropriate, integrating civil registration with other public</p>	<p>Among the key provisions to be present in national legislation dealing with birth registration Armenian legislation fails to provide for the compulsory nature of birth registration and the penalty for the failure to comply with this requirement. Nevertheless, currently the penalties are considered to have a rather discouraging effect, resulting in double discrimination against families which were not capable to register a child's birth on time.¹⁴⁰ In this respect, a recently adopted EXCOM Conclusion on Civil Registration calls for making civil registration accessible through, <i>inter alia</i>, waiving late registration fees and penalties.¹⁴¹ The procedure in Armenia for providing a</p>	<ul style="list-style-type: none"> • It is necessary to stipulate a clear procedure for the issuance of a medical certificate on health and aliveness as well as develop the specimen of such certificate. • Adopt simplified administrative procedures, and consider integration of civil registration with other public services, including those related to childbirth, maternal-infant care, social services, or other. • Establish a legal procedure for registering births of persons of 18 years of age and more, which will allow eliminating the existing

¹³⁶ See further paragraph 165 UN Handbook on Civil Registration and Vital Statistics Systems; Preparation of a Legal Framework, ST/ESA/STAT/SER.F/71

¹³⁷ Articles 22, the RA Law on Civil Status Acts

¹³⁸ For more details please see paragraph 321 of UN Handbook on Civil Registration and Vital Statistics Systems; Preparation of a Legal Framework, ST/ESA/STAT/SER.F/71

<p><i>services including those relating to childbirth, maternal-infant care, immunization and education</i>¹³⁹</p>	<p><i>medical certificate on health and aliveness (necessary in the cases of home births and late registrations) is not stipulated by law.</i></p> <p><i>It was noted during the interviews, that parents usually refrain from submitting an application with the court for ensuring registration of a child's birth, since they consider it to be quite lengthy and burdensome. In addition, parents often lack appropriate knowledge and skills to refer to court proceedings. There is no separate legal procedure regulating birth registration of persons of 18 years of age or more. As a result, in these cases registration is carried out in accordance with the procedure for restoration of registrations of civil status acts. Considering the complexity of this procedure and the high number of documents to be presented, registration of births under this procedure becomes practically impossible.</i></p>	<p><i>documentation and procedural obstacles.</i></p> <ul style="list-style-type: none"> <i>Make legislative amendments to provide for legal support in cases of late birth registration,</i>
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¹⁴⁰ UNICEF (2005) *The 'Rights' Start to Life: A Statistical Analysis of Birth Registration*, page 2

¹⁴¹ The same source

¹³⁹ UNHCR, Conclusion on Civil Registration, 17 October, 2013, No. 111 (LXIV)-2013, available at: <http://www.refworld.org/docid/525f8ba64.html>

CONSOLIDATED RECOMMENDATIONS TO LEGISLATORS, POLICY MAKERS AND STATE DESIGNATED BODIES

- **Organize compulsory registration of births of children in medical institutions.** This can be done:
 - by an authorized representative of the administrative staff of maternity hospitals;
 - by an RCSA employee, who will visit the medical institution and will perform birth registration, or
 - by the RCSA Division operating at the medical institution, which will record acts of birth and death.
- Establish a procedure allowing the undocumented parents to register the birth of their child: define procedures in law for recording data on the identity of parents in the absence of identity documents, for example, to define that in the event of absence of identity documents a sworn statement of two witnesses confirming the identity of a person who makes a declaration on birth registration is sufficient to record the data.
- DPFWCR should conduct regular awareness raising campaigns and community outreach activities. It is necessary to introduce clear **mechanisms** for the identification of children whose birth is not registered by the CGBs and CGCs. This can be done by introducing referral mechanisms between relevant bodies similar to the mechanism for the identification of children without parental care or by developing a database which will ensure cooperation between relevant bodies and will create an opportunity to effectively oversee registration of births.
- Establish a **unified electronic database**, which will be accessible by maternity hospitals, the RCSA bodies, communities, police and will record medical documents on child birth and information about parents (contact information, passport data, etc.), as well as registered and non-registered cases of birth.
- **Periodically summarize information on children discharged from medical institutions without birth registration and to disseminate it among responsible bodies.** To provide by law that medical institutions inform about these cases to the CGBs so that they can process these cases and carry out relevant oversight.
- Birth registration can also be promoted if **outpatient clinics**, upon learning about the absence of birth registration, **provide the information to other responsible bodies as well** (CGB, DPFWCR, etc.)
- Engage CGC specialists knowledgeable about the area of children's rights or to train the current specialists, as well as to ensure that the members of CGCs receive adequate remuneration.
- Raise **the awareness of CGBs and CGCs** of their responsibility to identify children whose birth is not registered, as well as to encourage the creation of standard operating procedures to do so.

- Put in place measures to ensure that rural or remote locations are reached, such as through mobile registration.
- Define a specific period for receipt of responses to inquiries made to foreign countries, providing that non-receipt of a response within that period cannot impede birth registration.
- Make legislative amendments to provide for legal support in cases of late birth registration, which usually takes a lengthy court procedure.
- Taking into consideration that while receiving consultations in ante-natal clinics, pregnant women often are not provided with full and accurate information about the birth registration procedures and are not properly guided, it is advisable to open a social worker position at medical institutions who will assume the role of information and guidance providers. Healthcare workers can also disseminate information through leaflets or brochures.
- Adopt simplified administrative procedures, and consider integration of civil registration with other public services, including those related to childbirth, maternal-infant care, social services, or other.
- Consider the option of inclusion of relevant non-governmental organizations or International Organizations into the inter-agency working group headed by MLSI (either on ad-hoc or permanent basis).
- Establish a legal procedure for registering births of persons of 18 years of age and more.

APPENDIX 1

Study of Families of Children without Birth Registration

To conduct a comprehensive study of the birth registration process, we collected information about children without birth registration and their families that live in different communities of the Republic of Armenia, which enabled us to understand the reasons for non-registration of births, both at the institutional level (macro level) and at the given family level (micro level). With this purpose, the interviewers, with the support of DPFWCR and NGOs active in the field, found such children and families, visited them, and talked to family members.

Below are presented concise stories on the collected cases.

CASE 1

The birth took place at home without post-natal hospitalization. The child does not have a medical certificate on birth. The child's mother explains home birth and the absence of registration at the RCSA body by the fact that there is a sick family member, whom she could not leave alone and go to the hospital or to the RCSA territorial division. At present, the mother does not take any steps to have the birth registered and is waiting for her husband's return from abroad.

CASE 2

The child lives with his "stepmother" and is in her custody. The child does not have a birth certificate. Through the mediation of the village municipality, the child goes to school and makes use of the services of the outpatient clinic. The village municipality provides the family with humanitarian assistance. "The stepmother" notes that she has never been worried about registration of the child's birth, that she is waiting for the village municipality to take some steps, and that she cannot imagine what steps are required from her. There is a medical certificate on birth, which is kept by the father of the child. They do not know the exact place of the father's residence, he has promised to bring the medical certificate, but has not brought it yet.

CASE 3

The child was born outside a hospital and is presently living with her father. The father learned about the necessity of birth registration when the time came to enroll the child at school. He applied to the RCSA body, where it is necessary to present the parents' identity documents and marriage certificate. The mother has brought a copy of her passport so that the necessary documents can be submitted to the RCSA body and have the child's birth registered an adult family member of the child.

CASE 4

The birth of the child in this case was not registered since the marriage of the child's parents is not registered.

CASE 5

The members of the family (the mother and four children) have mental health problems. One of the daughters has had a child, who has been transferred to an orphanage, and the orphanage has arranged for the child's birth registration. The other sister has a child that was also born at home and does not have a birth registration certificate. Due to mental problems in the family, the community residents avoid having any contact with them. The child protection agency was not aware of the situation.

CASE 6

The child is being taken care of at the Vanadzor orphanage. The child's mother does not have identity documents and the child's birth has not been registered yet. The mother is currently in the Russian Federation and is trying to get her documents in order.

CASE 7

The birth of a child at the maternity hospital is not registered since there are discrepancies between the maternity hospital's records and the documents of the child's mother. The documents of the maternity hospital contain erroneous data on the mother, however, the obstetrician does not agree to make corrections saying that time has passed and he/she is no longer sure which data is correct.

CASE 8

The child was born at home in Georgia. She does not have a medical document on birth, which would make it possible to have the birth registered at the RCSA body. Understanding the need for the child's birth registration, the mother has applied to bodies of different instances: the village municipality, the Governor's Office, the RCSA body, in Stepanavan and with civil registration authorities in Georgia. The Stepanavan RCSA body replied that they could not do anything and demanded from Georgia's civil registration body a document stating that the child is not registered there. In the spring of 2013, the mother went to Georgia, applied to the registering body there requesting that a document be provided confirming that the child is not registered there, but they did not provide her with any document saying that she is not their citizen, has no Georgian registration and they are not authorized to give any document. The child goes to school, where he/she has been admitted with great difficulty, through the village head's mediation.

CASE 9

The child was born in a hospital in Russia, where he was given a medical document on birth. After returning to Armenia, the child's mother submitted the medical document to an outpatient clinic where they were lost. For this reason, it became impossible to have the birth registered at the RCSA body. The mother has applied to different bodies: the town municipality, the Governor's Office, the Ombudsman office, however, without any result. The town municipality sent an inquiry to the Kursk maternity hospital requesting that the documents or their copies be sent. There has been no response for two years now. The mother does not want to apply to the court since *"again an inquiry will need to be made, which is connected with additional expenses. If they deal with such issues, the payment will be beyond my capacity, I cannot pay such a sum."* In the mother's opinion, *"There is no solution to the problem, the only possibility is that next year my son's army commission time is approaching, it is natural that they will then bring the passport and give it to him, they know his place. At that time I will not allow them to take him."* Because of the lack of a birth certificate, the child was admitted only to the school for children with mental and physical disabilities, which he finished without a certificate. Now he wants to continue his education, but he cannot due to the absence of documents.

CASE 10

The child was born in a hospital in Georgia, where they provided a medical certificate on birth of the child. When he was two months old, the child was brought to Armenia. To register the child's birth with the RCSA body, it was necessary to make an inquiry with Georgian authorities for the purpose of ruling out that the child was registered there. About three years ago, the mother, on behalf of the RCSA body, sent an inquiry message to Georgia. The Governor's Office too has made an inquiry and they are waiting for a response.

The family has not applied to the court since it is connected with expenses. The custody body too does not intend to apply to the court; instead, it advises the mother to go to Georgia to register the birth. However, the latter cannot afford to go to Georgia. Due to the absence of a birth certificate, the child attended a school for children with mental and physical disabilities and graduated without a school-leaving certificate. The family struggled a lot to have the child transferred to a "regular" school, but they could not. The mother notes, *"I have not applied anywhere for a year. I do not hope to have the problem solved in a lawful way. If it has not been done for sixteen years at the time when the medical document serving a basis for registration is available, it will be done only when he is called up for military service. However, I am not going to allow him to go and serve in the army. He has not received any assistance from the state for 16 years. Who should he serve for now?"*

CASE 11

The child was born in the Netherlands, where he was given a document stating the place of birth, the day of birth and mother's first and last names. However, the document has neither number nor series. The mother considered that to be a birth certificate. The mother had the document translated from Dutch into Armenian and applied to the RCSA body for birth registration, however, the RCSA body refused to do so justifying itself by saying that a court order was needed. The child's mother cannot afford to apply to court and make an inquiry.

Resolved Cases

CASE 12

The child was born and raised in Russia. Later the child moved to Armenia and settled with his/her grandmother. The child's birth was not registered in the Russian Federation, and the RA RCSA body told that the parents that their presence was necessary in order to register the birth. At the time, the parents were in the Russian Federation. Later, they managed to arrange for birth registration in the Russian Federation through the Embassy of Armenia there. The birth was registered there and the documents were sent to Armenia.

CASE 13

The birth of the child was registered in 2013. The child was born at home in Armenia and is living with his/her grandmother and grandfather. For ten years, the child's grandmother had failed to arrange for the child's birth registration since she lacked information on the procedure of birth registration. The Fund for Children's Support visited the family and provided legal consultations. The family had applied to court three times before they could finally receive the child's birth certificate. The main complication was that before arranging for birth registration, the child should have been recognized as left without parental care, for which the parents had to be found to confirm the renunciation of the child in a notarized way. Only after that, the grandparents could be recognized as custodians of the child and could apply for the child's birth registration.

CASE 14

The child was born in Russia, after which the family moved to Armenia. The child had a medical card, which contained inaccurate information, in particular, only the mother's name was mentioned in the card, but not correctly, and the father's name was not recorded.

The RA RCSA bodies informed the family that in order to register the birth, an inquiry should be made to Russia because they might have received a monetary allocation from Russia and want to receive money from Armenia too. One of the employees of the Ministry of Justice prompted that in order to receive a response to the inquiry quickly, the woman could write a letter and send it with somebody to Russia, and there they could receive the response in person, and bring it back and present it to the RCSA body. They received the response to the inquiry that way. The entire process took three months.

CASE 15

The youngest child in the family did not have a birth certificate for two months after birth. However, without any difficulty and with assistance from the outpatient clinic, the birth of the child was registered. The parents argue that they “did not have the time” to have the birth registered.

CASE 16

A woman who was admitted to a maternity hospital, instead of identity documents, held a forged certificate of her death. The maternity hospital doctors and its administrator had, with their means, a picture of the mother taken, attached the photo to the medical certificate attesting that she was the mother of the child and discharged her with that document. The mother was recognized alive by the court, was given a passport and was able to register the child's birth.

CASE 17

A mother died in hospital a week after giving birth. The child remained without registration. The woman's marriage was not registered. Afterwards, fatherhood was recognized and the child's birth was registered. The way fatherhood was recognized is unknown.

APPENDIX 2

EXPERT INTERVIEW QUESTIONNAIRE

Information about interviewee

1. The interviewee's workplace _____
2. The position of the interviewee _____
3. Professional experience of the interviewee in that organization _____
4. Education of the interviewee _____
5. Profession of the interviewee _____
6. Age of the interviewee _____
7. Sex of the interviewee _____
8. Region _____
9. Community _____

Main questions

10. What is the **role** of your organization in birth registration procedure. Please describe the procedure in detail _____
 - 1) Who can apply for birth registration (people, bodies)? _____
 - 2) Who usually applies? _____
 - 3) What documents are necessary for a child's birth to be registered? _____
 - 4) Which body provides each of these documents? _____
 - 5) How long does the 1) procedure 2) collection of documents and 3) provision of the letters last? _____
 - 6) Are there any deadlines provided for by law for the provision, presentation of the documents and registration of birth? _____
11. What gaps do you see in that procedure (legal, practical)? _____
12. What would you **change** in that procedure and how (deadlines, required and provided documents, responsible bodies)? _____

13. How is it possible to **reveal** unregistered births? What are the mechanisms operating today? What mechanisms may be implemented/incorporated? _____
14. Whether the 1)maternity hospital2) polyclinic or any other institution possesses information about children without birth registration. Who it must inform and what **steps** need to be taken? _____
15. Whether the bodies of civil registration are **accessible**(both physically and administratively) to RA citizens and foreign citizens/refugees/asylum seekers/stateless people _____
16. What would contribute to the **prevention** of non-registration of births? _____
17. Do you cooperate on a regular basis with other organizations in the field of child registration? Do you have a mechanism of referral and follow-up? _____
18. When/if you encountered difficulties with a case, have you sought assistance/information/data with another organization (NGO, State agency...)? Did you receive such assistance? _____

Specific questions

19. In which cases a child may be **released from maternity hospital without birth registration**? _____
20. What issues may arise in connection with birth registration, if the birth took place in the **maternity hospital/hospital**? What procedures are envisioned for those cases? What are the risks? _____
21. What issues may arise in connection with birth registration, if the **birth took place outside of a medical institution with the assistance of a doctor**? What procedures are envisioned for those cases? What are the risks? _____
22. What issues may arise in connection with birth registration, if the **birth took place outside of a medical institution without the help of a doctor**? What procedures are envisioned for those cases? What are the risks? _____
23. What issues may arise in connection with birth registration, if the **mother/parents are foreign citizens (refugees, asylum seekers, stateless), don't have RA citizenship**? What procedures are envisioned for those cases? What are the risks? _____
24. If **RA citizen gave birth abroad**, what is the procedure for birth registration, how the medical documents necessary for registration are acquired? _____
25. What issues may arise in connection with birth registration, **if the mother/parents don't have identification document**? What procedures are envisioned for those cases? What are the risks? _____

26. What procedures are envisioned for those people, the **validity of whose identification documents has elapsed**? _____
27. How and by whom are the parents supposed to be **informed** about birth registration procedure? _____
28. How are **pregnant women having no identification documents** being registered, examined and supervised in women consultations? _____
29. What is the registration procedure **for found children** (which body must manage that, who must be informed)? _____
30. What is the registration procedure for **children without parental care** (*mother died, parents abandoned the child, there are no relatives*)? _____
31. When a child is released from the maternity hospital, without medical certificate on birth, the **mother's photo must be attached to the birth history**? Who takes the photo: maternity hospital, or the mother herself? _____
32. Where, how and for how long does the medical documents serving basis for the child's birth registration are **maintained** (hospital, archive, territorial administration, etc.)? _____
33. What are the **social services** that a child **may not enjoy** due to non registration of birth (polyclinic, kindergarten, school, hospital, social benefit, scholarship, etc.)? _____
34. What **reforms** were conducted in connection to birth registration since 2009? How would you evaluate their efficiency? Explain your answer _____
35. Were there cases when your organization **initiated and organized birth registration**? If yes, tell about those cases in detail. _____
36. What **complicated, problematic** cases have you encountered during the last 5 years of your professional experience (*discuss cases with Yezdies, Sirian Armenians, refugees, religious groups, birth given by RA citizens abroad*)? Describe in detail. If possible, provide contact information _____

Thank You

APPENDIX 3

Survey of families having children without birth registration

Case-study guideline

For conducting a thorough analysis of birth registration procedure it is necessary to collect comprehensive information about children without birth registration and their families from different communities in the Republic of Armenia. In particular, it is necessary to understand causes and preconditions for non-registration in both institutional and family levels. For this purpose, we need to find families with children without birth registration, visit them and talk to the members of the family.

Complete information need to be obtained with regard to the following questions:

Information about the family

1. First name, last name, patronymic (of the child and of the parent who has identification documents if any) _____
2. Region _____
3. Community _____
4. Address _____
5. Phone number _____
6. Number of family members _____
7. Number of children/juveniles _____
8. Number of children without birth registration _____
9. Number of adults without identification documents/or valid identification documents _____
10. Number of foreign citizens/refugees/asylum seekers/stateless people _____
11. Number of pensioners _____
12. Number of adults with disability _____
13. Number of children with disability _____
14. Nationality of family members _____
15. Religion of family members _____
16. Whether the family is registered in family benefit system _____
17. Whether the family receives family benefit _____
18. Whether the parents of the child without birth registration have their marriage/divorce/fatherhood recognition registered _____

19. Fill the following information about all members of the family
(add lines if necessary)

#	Link between the family member and the child without birth registration	sex	age	Educational status	Employment status	Citizenship (ask for passport)
1.	Child without birth registration					
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

20. Why doesn't the child have his/her birth registered at civil registry? _____

21. Where was the child born (*country, hospital, at home*)? _____

22. If the child was born at home, then why? _____

23. Whether the mother was registered for women's prenatal consultation. _____

24. If not, then why? _____

25. If yes, whether the medical institution conducting prenatal supervision over the pregnant woman provided consultation on the necessity of medical documents for the release of the newborn. _____

26. Whether any other person informed about the necessity of birth registration. Specify who and how? _____

27. Do you have **medical certificate of birth**? _____

28. Where did you apply for having the child's birth registered? _____

29. Did you apply to the bodies of civil registration? If yes, then tell about it in detail (When did you apply (before 1 year old, after 1 year old, before being released from the hospital),

- what documents were requested, what was the treatment, why you couldn't register the birth). _____
30. Have you ever applied to regional authorities (**local governmental bodies**)? If yes, then tell about it in detail. _____
31. Have you ever applied to **rural/ urban municipality**? If yes, then tell about it in detail. _____
32. Have you ever applied to the **maternity hospital**? If yes, then tell about it in detail _____
33. Have you ever applied to **policlinic**? If yes, then tell about it in detail. _____
34. Have you ever applied to the **police**? If yes, then tell about it in detail. _____
35. Have you ever applied to a **non-governmental organization**? If yes, then tell about it in detail. _____
36. Has your unregistered child been prevented from accessing to one or several social services due to his/her status? _____
37. What legal and practical obstacles have you encountered during the birth registration procedure? _____
38. What would you change in that procedure and how (deadlines, requested and provided documents, responsible bodies, accessibility of information, accessibility of respective bodies, etc.)? _____
39. Do you know other children without birth registration? Please tell about those families. If possible, _____ provide _____ contact information. _____

Thank You

Contact information of other family/ies (if any)

First name, last name, patronymic _____

Address _____

Phone number _____