

**OFFICE OF THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD
(ACERWC) SPECIAL RAPPORTEUR ON BIRTH REGISTRATION, NAME AND NATIONALITY IN AFRICA**

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**SECTION27 SUBMISSIONS ON THE DIGITALISATION OF BIRTH REGISTRATION IN AFRICA:
CHALLENGES AND OPPORTUNITIES FOR CHILDREN'S RIGHTS**

A. Introduction

1. SECTION27 (Incorporating the Aids Law Project) welcomes the opportunity to make submissions to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on Digitalisation of Birth Registration in Africa: Challenges and Opportunities for Children's Rights.
2. SECTION27 is a public interest law organisation that works to influence, develop, and use the law to further the right to access basic education and the right to access to healthcare in South Africa through research, advocacy, and litigation.
3. The call for submissions requires comments relating to the digitalisation of birth registration on the continent, focusing on the challenges and opportunities in relation to children's rights. SECTION27's submissions will focus on the importance of digitalisation of births and its impact on the right to basic education and access to healthcare.
4. This submission must be understood through the lens of the best interests of the child principle.¹ The United Nations Convention on the Rights of the Child stipulates that all children have a right to a name, nationality, and to have their birth officially registered.²
5. It is against this backdrop that digitalisation of births must be regulated and implemented to ensure the realisation of a child's right to legal identity that would, in turn, facilitate realisation of the rights to basic education and access to healthcare.
6. Furthermore, in enabling access to education, healthcare, or legal identity, digital birth registration must be implemented in a manner that prioritises and protects the rights and well-being of every child, particularly those in vulnerable and marginalised communities.
7. Having read the call for submissions and the guiding questions, SECTION27's submissions are structured as follows; A) The State of Digitalisation in South Africa; B) Background to the Rights of the Child and the Best Interests of the Child Principle; C) Births Registrations and its Impact on Basic Education – A South African Perspective D) Births Registrations in South Africa in relation to access to Healthcare services – A South African Perspective E) Recommendations and F) Conclusion.

¹ Article 3(1) of the United Nations Convention on the Rights of the Child (CRC), and Article 4 of the African Charter on the Rights and Welfare of the Child (ACRWC), state that in all actions concerning children, the best interests of the child shall be a primary consideration. Section 28(2) of the Constitution of the Republic of South Africa, 1996, similarly provides that a child's best interests are of paramount importance in every matter concerning the child.

² United Nations. (1989). *Convention on the Rights of the Child*. Office of the United Nations High Commissioner for Human Rights (OHCHR). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

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B. The State of Digitalisation in South Africa

8. The Minister of the Department of Home Affairs remarked during the peace and security cluster on 14 May 2025 that his department is working on decentralising Home Affairs services and making them accessible. The project will include 'digital transformation,' which will assist with birth registrations in South African public schools.³
9. In November 2016, Statistics South Africa (Stats SA) launched a collaborative initiative with the Department of Home Affairs to digitalise birth and death registration forms.⁴ Using Stats SA's digital technology, completed registration forms and accompanying documents from the Department of Home Affairs were converted from paper to electronic format. This process aimed to improve data accessibility and enhance secure storage.
10. The primary goal of the project was to preserve all vital records, including birth, marriage, and death records, as well as any amendments, supporting documents submitted by applicants, and other administrative or departmental records. Birth and death registration forms and their amendments, along with supporting documents from the Department of Home Affairs, were scanned and digitised. Each document was assigned a unique barcode and delivered to Stats SA in batches of 200, where they were scanned into indexed digital images. After processing, the physical forms were returned to the Department of Home Affairs for archiving.
11. From 2016 to 2020, Stats SA continued to digitise records annually in collaboration with the Department of Home Affairs, depending on the availability of funding. In July 2023, the Department of Home Affairs launched its large-scale project in collaboration with the Department of Labour. The Minister of Home Affairs elaborated that this is a bigger project than the one with Stats SA. This project aims to digitise birth registration and thus make the process of birth registration more accessible in terms of coverage. However, since the project is still in progress, this means that South Africa is still behind in implementing digital birth registration. There have been no further reports on progress. The factors that have impeded the progress of the implementation are highlighted under our analysis of the challenges that the digitisation of birth registration could raise in South Africa.

C. Birth Registrations and its Impact on Basic Education – A South African Perspective

12. A digital system, if designed and implemented inclusively, can serve as a critical enabler of children's rights, particularly, advancing the right to basic education for learners in marginalised, rural, or migrant communities.
13. One of the key opportunities lies in facilitating collaboration between the Department of Home Affairs and the Department of Basic Education. With appropriate training, educators and school administrators could be equipped to identify unregistered learners and assist in referring them for birth registration to the Department of Home Affairs. This would help to ensure that no child is excluded from school due to the absence of a birth certificate—an issue that continues to affect thousands of undocumented learners, especially in remote and underserved areas.
14. Children are not legally required to present birth certificates as a condition for admission into public schools. This principle was established in the *Centre for Child Law v Minister of Basic Education*,⁵ in which the Eastern Cape High Court affirmed that the right to basic education under Section 29(1)(a) of the Constitution is immediately realisable and applies to all

³ Seokwang "Big changes coming for ID, passport applications and birth registrations- Home Affairs " (2025) The Citizen accessed at <https://www.citizen.co.za/news/south-africa/home-affairs-digital-reform-to-include-birth-registrations-at-public-hospitals/org.za>

⁴ Department of Statistics "Media release: Stats SA Partners with the Department of Home Affairs for the digitisation of births and registration" (2016) accessed at <https://www.statssa.gov.za>

⁵ Centre for Child Law and Others v Minister of Basic Education and 2020 (3) SA 141 (ECG) ("Phakamisa").

individuals within South Africa, irrespective of their nationality or immigration status.⁶ The [Department of Basic Education's Circular 1 of 2020](#) reiterates this legal position, instructing all public schools to comply with the judgment and to admit learners even in the absence of official identification or birth certificates.

15. However, in practice, many schools continue to act contrary to this directive, often turning parents away and insisting on documentation as a precondition for enrolment. Such practices are unlawful and undermine the constitutional right to education. The introduction of inclusive digital birth registration systems could significantly reduce these barriers by providing children, particularly those whose parents may be unaware of the *Phakamisa*⁷ judgment, with the necessary documentation to access not only basic education but also a range of other essential services.
16. In many rural areas, access to Home Affairs offices is hindered by long travel distances and associated costs, which create significant barriers for parents and guardians.⁸ The implementation of a digitalised birth registration system could help overcome these obstacles by enabling registration at schools during the learner admission process. This would allow schools to facilitate the collection of necessary information without requiring families to travel long distances to deliver physical documents. Such an approach would not only increase efficiency but also reduce costs for families and the state.⁹
17. In addition to improving access, digitalisation would assist in addressing systemic issues such as overcrowding in schools. With accurate, real-time data on learner numbers and geographic distribution, provincial education departments (PEDs) would be better positioned to monitor enrolment trends, assess school capacity, and anticipate demand. This would enable data-driven decisions regarding the allocation of resources, the construction of new schools, and the deployment of educators, ultimately ensuring that every child has access to a safe, adequately resourced learning environment.¹⁰
18. From a planning and policy perspective, digital registration offers critical benefits for demographic analysis. A digital system would enable the Department of Basic Education to collect accurate and real-time data on school-age children, thereby improving its capacity to identify under- and over-capacitated schools. This data could inform infrastructure development, teacher deployment, and learner support services, ensuring that no child is turned away due to overcrowding or resource shortages.¹¹
19. Furthermore, digital birth registration enhances legal identity and access to education.¹² Children living in informal settlements, border regions, or migrant communities are often excluded from services due to a lack of documentation. An accessible and interoperable digital system would help ensure that more children are formally registered and able to enrol in

⁶ Id at para 90.

⁷ Id.

⁸ The Reach Alliance *Reaching the Hard to Reach: A Case Study of Birth Registration in South Africa*. Retrieved from <https://reachalliance.org/case-study/reaching-the-hard-to-reach-a-case-study-of-birth-registration-in-south-africa/>

⁹ Department of Planning, Monitoring and Evaluation (DPME). (2018). *Report on the Implementation Evaluation of the Birth Registration Programme*. Retrieved from https://www.dpme.gov.za/keyfocusareas/evaluationsSite/Evaluation%20Reports/GA_DPME_Evaluation%20of%20the%20Birth%20Registration%20programme_FINAL_22.02.2018.pdf

¹⁰ Van Wyk, C. (2015). *Key data sets in education*. *South African Journal of Childhood Education*, 5(2), 147–168. <https://doi.org/10.4102/sajce.v5i2.391>

¹¹ Van Wyk, C. (2015). *Key data sets in education*. *South African Journal of Childhood Education*, 5(2), 147–168. <https://doi.org/10.4102/sajce.v5i2.391>

¹² UNICEF. (2019). *Birth Registration for Every Child by 2030: Are we on track?*. Retrieved from <https://www.unicef.org/media/62981/file/Birth-registration-for-every-child-by-2030.pdf>

school without delay.¹³ It would also reduce discretionary and inconsistent decision-making at the school level, where learners are too often excluded based on administrative interpretations of enrolment policy.

20. Digital birth registration offers an opportunity to improve access to education by ensuring all children, including undocumented and migrant learners, are counted and enrolled. However, without legal reform and an inclusive system design, digital processes may unintentionally reinforce existing barriers. Issues such as mandatory documentation for school admission, limited digital access in rural areas, and outdated regulations continue to exclude vulnerable learners. Successful implementation requires addressing these challenges and aligning digital systems with constitutional obligations.

D. Birth Registrations in relation to Access to Healthcare – A South African Perspective

21. Birth digitalisation has the potential to assist babies and children in accessing healthcare services and related social support services such as nutrition support. Early registration supports timely access to child health services and immunisation programmes.¹⁴ both of which are dependent on timely access to accurate information. Civil registration and the resulting vital statistics constitute a continuous source of monitoring births over time, providing critical demographic and health information that has the potential to form the backbone of the public health surveillance system. Although they are not allowed to, hospitals and clinics may refuse to vaccinate a child who has not been registered and may also make it difficult for them to access healthcare.¹⁵
22. Apart from generating child and maternal mortality statistics, a well-developed registration system can be used to monitor teenage fertility rates, low birth-weight rates and the variations in trends between geographical regions. Timely access to information allows swift interventions necessary to deal with public health crises; evaluation of ongoing programmes to determine the effectiveness of interventions and the design of healthcare service delivery.
23. Digitalisation presents a valuable opportunity to align administrative systems with constitutional and international obligations to uphold children's rights and promote inclusivity. Integrated data systems across education and health can create a more coordinated approach to child well-being.
24. Timely birth registration is essential for children to access healthcare services, such as immunisations. Digitalising the process could increase efficiency, especially in underserved areas. Yet, in-person biometric requirements and weak infrastructure still pose access challenges. Additionally, privacy risks and digital exclusion threaten the safety of vulnerable children. For digital systems to enhance healthcare access meaningfully, they must be secure, inclusive, and supported by adequate resources and legal safeguards.

E. Recommendations

SECTION27 recommends as follows. When adopting digitalisation of registration of births, States should:

25. Invest in safe and innovative technological solutions to facilitate birth registration. Technology offers a way to capture accurate, up-to-date, and lasting records. Mobile communication

¹³ Legal Resources Centre. (2023). *A guide for South Africans, permanent residents, refugees, asylum seekers and foreign nationals*. Retrieved from <https://lrc.org.za/wp-content/uploads/Birth-registration-guide.pdf>

¹⁴ See in general *Government of the Republic of South Africa and Others v Grootboom and Others* (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46; 2000 (11) BCLR 1169.

¹⁵ Legal Resources Centre. (2023). *A guide for South Africans, permanent residents, refugees, asylum seekers and foreign nationals*. Retrieved from <https://lrc.org.za/wp-content/uploads/Birth-registration-guide.pdf>

tools, such as cell phones, can play a crucial role in reaching unregistered children by reducing the need for long-distance travel, particularly for people in remote areas. However, it is critical that all personal data collected, whether through digital or traditional registration systems, is handled with strict confidentiality.¹⁶

26. Expanding Accessibility – Develop mobile-friendly apps or Unstructured Supplementary Service Data-based systems that can allow birth registrations to take place remotely without the need to go to Home Affairs and stand in long queues. Expand on mobile registration units that are registered with the Department of Home Affairs that will go to rural areas and schools that are based in rural areas to assist with birth registrations.
27. Literacy and advocacy – The Department of Home Affairs, the Department of Basic Education and the Department of Health should enhance educational literacy to communities, informing them of the security of systems and the importance of digitalisation. The Department of Home Affairs, the Department of Basic Education and the Department of Health should work collaboratively to ensure that all children are registered. The departments should ensure that migrant parents are encouraged to register their children, affirming their safety against deportation.
28. Enhance Inclusivity - To ensure inclusive birth registration, specific measures must be taken to reach orphans, vulnerable children, foreign nationals, and those in remote areas. These include mobile registration services, simplified documentation requirements, partnerships with local institutions, public awareness campaigns, and training for frontline staff. Legal reforms and strong data protection safeguards are also essential. Together, these efforts aim to eliminate barriers, safeguard children's rights, and ensure no child is excluded from civil registration systems.¹⁷

F. Conclusion

29. The digitalisation of birth registration is central to the realisation of a child's right to legal identity that would allow for the realisation of a child's right to basic education and access to healthcare. However, digitalisation poses threats to identity security and the possible marginalisation of migrant children. These challenges are surmountable and could be addressed through technological enhancement, expanded accessibility to vulnerable and marginalised areas, advocacy, and training.

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¹⁶ United Nations Children's Fund (UNICEF). (2019). *Birth registration for every child by 2030: Are we on track?* UNICEF, New York. Retrieved from <https://data.unicef.org/resources/birth-registration-for-every-child-by-2030/>

¹⁷ United Nations Children's Fund (UNICEF). (2019). *Birth Registration for Every Child by 2030: Are we on track?* UNICEF, New York.