**25 November 2013**

**Federal Republic of Germany**

**Questionnaire of the Office of the United Nations High Commissioner for Human Rights**

1. Please indicate the current status of the right to birth registration in your country’s legal framework. Please include references and information on legal provisions which explicitly recognize the child’s right to birth registration.

Pursuant to Section 18 of Germany's Civil Status Act the registry office must be notified of the birth of every child. This obligation applies to all children born in Germany, regardless of their parents' and their own nationality. The registry office in whose jurisdiction the child was born is responsible for receiving the notification and registering the birth. This notification obligation laid down in Sections 18 et seqq of the Civil Status Act applies to both live births and stillbirths. While live births must be notified within a week, a stillborn child must be notified to the responsible registry office no later than three working days after the birth. Pursuant to Section 24 (1) (1) of the Civil Status Act the local authority must be notified within one day if an abandoned child is found. As a rule, all data necessary for registration must be provided within this period. One exception applies to the child's first name. Pursuant to Section 22 (1) (1) of the Civil Status Act it must be provided orally or in writing within one month of the child's birth, if it is not provided in the registration process.

The registrar must record the birth in the register of births in line with Sections 21 et seqq of the Civil Status Act. Upon request, German nationals born abroad are also recorded in a German register of births pursuant to Section 36 of the Civil Status Act.

1. Please provide data on birth registration, including by gender, age (under 5 and above) and according to urban and rural areas, if available.

The birth statistics are a comprehensive collection of data based on the notifications by registrars in whose jurisdiction a birth was registered. In 2012, 673 544 births were registered in Germany. The following table provides the number of births broken down by month and sex.

| Year/month | Male | Female | Total |
| --- | --- | --- | --- |
| 2012 | January | 28042 | 26486 | 54528 |
|  | February | 26302 | 24978 | 51280 |
|  | March | 28042 | 26984 | 55026 |
|  | April | 27494 | 25665 | 53159 |
|  | May | 29222 | 27461 | 56683 |
|  | June | 28662 | 26863 | 55525 |
|  | July | 31343 | 30003 | 61346 |
|  | August | 31482 | 30192 | 61674 |
|  | September | 30441 | 29174 | 59615 |
|  | October | 29609 | 28247 | 57856 |
|  | November | 27630 | 25960 | 53590 |
|  | December | 27360 | 25902 | 53262 |

The website of the Federal Statistical Office also provides a list of registered births broken down by federal *Länder* and sex; cf. <https://www-genesis.destatis.de/genesis/online/logon?language=de&sequenz=tabelleErgebnis&selectionname=12612-0101>.

Births in Germany are immediately recorded in the register of births. For this reason there are no statistics on the child's age at the time of registration.

1. Please indicate what authorities are in charge of registering births, deaths and marriages. Does your country have a mechanism in place, mandated with the coordination of all actors engaged in/responsible for civil registration? Please indicate what information is included in birth certificates issued in your country.

The authorities responsible for civil status matters pursuant to legislation of the *Länder* (registry offices) record the civil status of citizens (Section 1 (2) of the Civil Status Act). They maintain registers of marriages, same-sex partnerships, births and deaths in their jurisdiction (Section 3 (1) of the Civil Status Act). In line with Section 2 (1) of the Civil Status Act civil status registrations and authentications are exclusively performed by registrars. Registrars are subject to supervisory control. Furthermore citizens can appeal in court against official acts performed by registrars.

Pursuant to Section 21 (1) of the Civil Status Act the following information is recorded in the register of births.

* 1. The child's first and family name,
* 2. Place and date of birth, including the exact time of birth,
* 3. The child's sex,
* 4. The first and family names of parents and, upon the request of one parent,

membership in a religious community, if it is a corporation under public law.

1. Please provide examples of programmes undertaken by your Government to improve the rates of birth registration and to ensure awareness of the importance of birth registration in the whole territory. Please also specify whether such programmes are carried out in a systematic manner and, if so, with which regularity.

In accordance with Section 70 (1), nos. 1 and 2, and 70 (2) of the Civil Status Act a violation of the notification obligation constitutes an administrative offence punishable with a fine. Furthermore, in line with Section 69 of the Civil Status Act, the registrar may impose a penalty payment on persons or institutions required to have the birth of a child registered. Currently there is no information to indicate that the notification obligation laid down in civil status law is not being met. For this reason the Federal Government has not launched any programme to ensure that births are registered.

1. Do children in your country need to be registered and/ or have proof of identity to access education, health services and other services? Please elaborate.

As for health, the German legal and regulatory framework does not require registration or a secure proof of identity (such as a valid national identity card or passport) for the provision of basic health care. It is, however, a general principle of benefit law, that an applicant must reveal his or her identity when requesting such a benefit. Confirming the identity of an applicant is necessary to establish which benefits agency is locally responsible for the case, whether a previous decision may have already been made and to prevent multiple benefit claims. This principle also applies to health care benefits.

Concerning social services provided by the youth welfare agencies and in particularly with regard to protection measures it is not generally necessary that the child is registered and its identity can be proofed. For example all unaccompanied children and adolescents under the age of 18 entering Germany are placed in the custody of the youth welfare agency and are supported by a legal guardian, even if they do not have any official identity document. The youth services agencies are obliged to take the following measures for anyone placed under their custody:

* temporary placement with a suitable person in a suitable facility or in some other (suitable) residential setting (institution),
* provide care and exercise custody and
* ensure the maintenance of the minor and assistance in case of illness.

The youth welfare agencies are obliged to initiate a legal guardian or custodian appointed by the family court within just a few days after taking custody.

1. Has your government benefitted (or is benefitting) from setting up new and/ or strengthening the functionality of existing, birth registration and civil registration and vital statistics systems? If so, please briefly indicate in which activity/sector/area of work and whether this has been done to address a specific barrier to birth registration and civil registration.

In Germany official civil status registration has been in place since 1876. There is no information to indicate that civil status matters have not been registered.

1. Does your country have a National Strategy in place to improve civil registration systems with technical, financial and human resources allocated? If so, please specify the resources available per year.

Currently not necessary.