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Formalizing safety nets and the requirements to obtain them

An increased role for identity documents in the Global South

Wendy Hunter*

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Abstract: Having a birth certificate is a stepping stone to acquiring an array of rights and benefits, including other documents necessary to navigate in and outside of one's home country. Despite its importance, many children in the developing world never obtain a birth certificate. Whether one does so or not often depends on ethnicity, race, gender, and age. This working paper examines some of the crucial causes and consequences of not acquiring this key document. It also underscores what governments can do, if political will exists, to facilitate the process of birth registration and certification among citizens.

Keywords: birth registration, cash transfers, pensions

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1 Introduction

Birth registration is the official recording of a birth by the state, followed ideally by birth certification, which serves as proof of this recognition. A birth certificate is a crucial building block of forming a legal identity. Vast numbers of poor people in developing countries have no official record of their existence because their births were never registered. As recently as 2012, only 51 per cent of the world's population had a registered birth. The stock of old people who cannot legally verify their existence and age is considerable. More troubling is the fact that one of every three new births in the world still goes unregistered in a timely fashion. As recently as 2012, approximately 230 million children under the age of five were not accounted for in civil registries. Roughly 70 million children were registered but never received a birth certificate (Dunning et al. 2014: 1-2). Improvements have occurred in some regions, most notably Latin America, while stagnation has characterized others, such as South Asia and Sub-Saharan Africa, where respectively one-half and two-thirds of all children remain unregistered. International organizations, led by UNICEF and Plan International, together with domestic advocates in countries across the globe, have championed universal birth registration as essential to individual empowerment and the realization of rights, including the ability to gain access to social services and benefits.

This paper assesses the claim that the ability to prove one's identity and age through legal documentation (specifically, by virtue of being able to show a birth certificate) is vital for social inclusion and legal empowerment. Although a solid positive relationship exists between the lack of proof of legal identity and patterns of exclusion from services and other opportunities, the more pointed and difficult question of causation needs to be addressed. Indeed, correlation does not necessarily imply causation. What is the independent empowering role of legal identity documents for poor citizens in the developing world? Put simply, if the people who lack the requisite documents were to acquire them, would this translate readily into enjoying more social benefits, protections, and opportunities than would otherwise be available to them? If more births became registered, would we expect exclusion and marginality to decline? In a nutshell, this paper answers this question with a qualified 'yes'. With an increasing number of government programmes available to poor people around the globe, combined with the growing (and increasingly realistic) expectation that beneficiaries present official identity documentation to enrol in them, birth certification is becoming a necessary (albeit far from sufficient) component of social inclusion and legal empowerment.

Whereas a dominant theme in the literature is that the possession of a birth certificate is the key to social inclusion (e.g. Brito et al. 2013), another line of research questions this claim by identifying three assumptions that undergird it (Vandenabeele 2011: 314; Ladner et al. 2014: 59). This more sceptical position identifies and questions the following assumptions:

- that state services, opportunities, benefits, and protections actually exist
- that their access is strictly dependent on the possession of a birth certificate and that alternatives are not accepted
- that there are no other more fundamental economic, political, or social obstacles to accessing benefits and services

Where these conditions hold true, the sceptics concede, legal identity documents in general and birth certificates in particular can make a significant difference to people's welfare and wellbeing. Yet in general, they contend, these conditions do not describe the realities of many countries in the developing world.

This paper addresses the three lines of objection in turn, focusing on the first two, which are far more central to the literature that stresses the importance of birth registration than is the third. To preview my main arguments: turning to the first assumption that state services and protections actually exist, recent decades have witnessed a growth and increasing formalization of social safety nets in the Global South, making many more programmes available that link citizens to the state. Cash transfers to reduce childhood poverty and non-contributory pensions to diminish vulnerability among elders figure prominently among these new programmes.¹ Available even to those who live in conditions of extreme deprivation, they have unfolded alongside the weakening of more traditional informal safety nets based on large extended families and local communities, which were insufficient but often did provide for minimal assistance.

Turning to the second assumption (that access to such programmes depends on showing a birth certificate instead of less formal alternatives), good management of the new social programmes demands official verification of the age and identity of beneficiaries. Identification is necessary for systems to target the right people—those eligible according to age and income (the poor) in the case of non-universal programmes—and to prevent duplication and fraud. Consistent with the official nature of the new benefits, the grounds for proving one's identity have become more formal as well. Whereas testimony of parentage and age by village elders, family members, and local officials used to be commonplace (and is still accepted in some contexts, at least as a stop-gap measure), more official ways of proving one's identity are increasingly expected. Large-scale urbanization and migration are among the reasons that more traditional methods are no longer as viable as they once were in many parts of the developing world (Garcia and Moore 2012: 12). Moreover, it is increasingly recognized that informal methods of identification that call upon the assistance of local officials cannot ensure the equal treatment of individuals. The particularism entailed by such methods is giving way to more universalist aspirations based on civil registration, which compared to informal methods of identification has the added advantage of providing the vital statistics necessary to support development outcomes that go well beyond the management of the specific social programme for which people are applying.

To briefly address (and dispense with) the third assumption noted above, although possession of a birth certificate may be increasingly necessary to establish the age and identity criteria demanded by the new social programmes emerging in the Global South, clearly it is not sufficient for people to experience full social inclusion and legal empowerment. To my knowledge, no one actually claims that birth certification is the only or even the main obstacle to inclusion and empowerment. Obviously, the benefits of birth registration depend on a wider package of reforms being in place or unfolding. Development is an integrated and complex package, of which legal identification is but one component. The hope, as informed by ample experiences of the development community, is that one step leads to the next. Initial contact with the state through key social programmes may well lead people to take additional measures to enhance their wellbeing and that of their families.

Before proceeding, it is important to establish the parameters of the present analysis. I confine its scope in several ways. It is mainly interested in people who are citizens of a country—either by birthplace (*jus soli*) or blood (*jus sanguinis*)—but who cannot prove they are because they lack identity documents. (A birth certificate records a person's place of birth and the identity of the parents, the two legal principles on which states grant citizenship rights.) Such people are thus 'effectively stateless', distinct from those who have an irregular immigration status (the *de facto*

¹ Many countries have also extended basic preventative health care to their populations. Yet because many of these programmes are administered on the local level, they are more difficult to count. Moreover, they do not tend to demand documentation to the extent that cash transfers for children and pensions for elders do.

stateless) or no nationality at all (the *de jure* or legally stateless).² It will only briefly touch on the problem of legal statelessness, primarily with reference to Dominicans of Haitian descent. The analysis also focuses primarily on whether and to what extent a birth certificate affects people's ability to gain access to social services and protections (health, education, and welfare provisioning), not on the ability to travel internationally and gain protections outside of one's home country. The present analysis also does not take up the issue of legal protection when one is accused of a crime. Proof of age, as determined by a birth certificate, is generally required for a young person to be treated as a minor rather than an adult in the criminal justice system. Finally, while recognizing that documentation can serve the purposes of surveillance, control, and the suppression of rights, the present article focuses on the inclusion aspects of the story, specifically, on how social programmes link individuals with the state and the role of identity documents in consolidating that link.

2 Who the undocumented are

Before embarking on the analysis, it is also crucial to note that in most countries that have yet to achieve universal identification, the undocumented remain concentrated among certain groups within the population. Undocumented children tend to be from certain (generally minority) ethnic groups, live in rural locations, come from poor households, and have uneducated mothers (UNICEF 2013: 22–24). In this connection, it is worth remembering that in many countries civil registries began under colonial administrations that did not consider registration a right of indigenous populations (HelpAge International 2011: 2).

Drawing on examples primarily from one region, Latin America, it is clear that countries with large indigenous populations (e.g. Bolivia, Guatemala, Ecuador, and Paraguay) and significant Afro-descendent populations (e.g. Ecuador and Haiti) tend to have comparatively high rates of undocumented people (Plan International 2010). Significant inequities exist across and within countries in a region where on average 8 per cent of children between the ages of 0 and 4 years did not have a registered birth in 2014. For instance, unregistered births in 2013 ranged from 24 per cent of the population of children under 5 years of age in Bolivia and Paraguay, and 20 per cent in Haiti, to virtually 0 per cent in (more homogeneously European) Argentina, Costa Rica, and Uruguay (UNICEF 2016: 18). Further illustrating the point, within Paraguay, only 70 per cent of children who come from families that speak Guaraní at home are registered, which is 17 percentage points below those who speak both Guaraní and Spanish and 24 percentage points below those who come from exclusively Spanish speaking families (UNICEF 2016: 18). In Guatemala, whereas roughly 10 per cent of the entire population lacks documents, approximately 40 per cent of the indigenous population lacks them (Harbitz and Tamargo 2009: Table 2).³

There are various reasons why people from indigenous and Afro-descendent populations figure prominently among those who lack identity documents in Latin America. Understanding them requires some background information. The three basic documents required for a legal identity in most Latin American and Caribbean countries are a certificate of live birth, a birth certificate, and a national identity card. Without the first two forms of ID, it is difficult to obtain the third (Harbitz and Tamargo 2009: 18). Of the undocumented, some people never obtained identity papers in the first place, others lost their original documents and never replaced them (a situation

² See Bhabha (2011: 13).

³ Given the high percentage of babies who were not born in a clinic or hospital and therefore the imprecise numbers on how many live births took place in a given year, it is difficult to know with certainty how many people went unregistered.

made worse if the state's registration books are not in order), and some did register but their names were spelled erroneously, creating a mismatch with subsequent papers. In short, there is a cumulative effect over the course of a lifetime of not getting one's documents lined up in early childhood.

One factor that contributes to indigenous children having documentation rates inferior to those of their non-indigenous counterparts (at least in Latin America) is the greater likelihood that they will be poor and live in rural locations. For various reasons, including a higher occurrence of non-hospital deliveries and a shortage of civil registries, birth registration tends to be lower for rural children in nearly all developing countries. Another problem is that the parents of indigenous children tend to be comparatively poor and uneducated, typically rendering them less informed about the value of birth registration as well as less able to scale the logistical obstacles to obtain it. High illiteracy rates among mothers are particularly harmful. Given also that many people of indigenous and African origins historically worked outside of the formal economy and did not receive institutionalized social services, they had fewer concrete incentives to register (Hunter and Brill 2016: 15). Furthermore, because most civil registrars have not been familiar with indigenous languages in their countries, they have frequently (and inconsistently) misspelled indigenous names, leading to a mismatch between individuals and their various documents.⁴ Also, until recently in many Latin American countries, children faced difficulty in having their births registered if their parents lacked identification, a situation that perpetuated social exclusion among indigenous populations (Harbitz and Tamargo 2009: 16, 30). Finally, reports of insensitivity and discrimination on the part of registrars toward non-whites abound (e.g. Georgetown Law Human Rights Institute 2014: 21, 34). Such treatment no doubt contributes to the persistence of lower levels of birth registration among them.

Latin America is not the only region where certain ethnic groups display lower rates of birth registration than national averages. In the Central African Republic, for instance, birth registration stands at 49 per cent among the Sara and rises to 77 per cent among the Zande/Nzakara (UNICEF 2013: 22). In Viet Nam, where birth registration (the national average) is close to universal, children who belong to minority groups have about an 85 per cent rate of registration compared to the 97 per cent that exists among the majority ethnic group, the Kinh (UNICEF 2013: 22). In Turkey, similar gaps exist between children who come from Kurdish speaking households vs. Turkish speaking households, and in Laos, between those who come from the Khamu, Hmong, and other ethnic groups vs. the dominant Lao group (UNICEF 2013: 25).

As a group, older people also figure prominently among those who lack identity documents in countries where they are technically citizens (but have difficulty proving it). Besides facing several of the obstacles mentioned above (poverty, low levels of education, and rural residence), some elders were born before civil registries were even formed in their countries (HelpAge International 2011: 3). And others fortunate enough to have registered as children lost their documents some time during their lives, often marred by displacement and other adversities. In parts of Asia, such as Nepal, identity documents among seniors are known to be in short supply (Samson 2012: 231). A similar situation exists in Thailand, especially among ethnic Muslims and people from hill tribes (HelpAge International 2011: 3). Evidence from Africa repeats this

⁴ Steps are being taken in several Latin American countries to make the rules and procedures by which the civil registry operates more 'user friendly' to people who do not know the official language of the country and whose names do not correspond with it. For example starting in 2014, Peru's civil registry (RENIEC) has implemented a bilingual system, which has facilitated the registration of 700,000 people whose primary language (and names) corresponds with one of four indigenous languages.

theme. A survey in Mozambique, for example, showed that about 42 per cent of older people had no identity documents (a rate far higher than for younger cohorts). In Tanzania, an even more extreme African case, of the 16 per cent of people who have birth certificates approximately 70 per cent of them are under the age of five (HelpAge International 2011: 2).

Among older individuals, women tend to have lower rates of documentation. Most elderly women have spent their entire lives outside of spheres that encourage and/or demand documentation, such as military service and formal sector work activities. That they tend to be less likely to receive land titles further diminishes the incentive for them to get registered. Lower levels of literacy also work against documentation. In the Andean countries of Latin America, for instance, older (especially indigenous) women who reside in rural areas experience some of the most striking levels of discrimination. Many have had trouble receiving the social benefits to which they are otherwise entitled and have also been excluded from voting (HelpAge International 2007: 1, 7-10). Evidence from Mozambique and Tanzania also suggests that elderly women are especially vulnerable to challenges that stem from the lack of official identity documents (HelpAge International 2011: 4).

If lacking official documentation poses difficulties for people who are technically citizens of a country, people who are stateless are generally in an even worse situation. A notable case of statelessness in Latin America and the Caribbean concerns the plight of Dominicans of Haitian descent who seek to remain in the Dominican Republic and live as full citizens. Relations between the Dominican Republic and Haiti, although never good, have taken a turn for the worse in recent years. Since September 2013, many children and youth of Haitian ancestry born in the Dominican Republic have been rendered stateless by legal changes that seek to rewrite the past in a country that subscribes to the *jus soli* principle of citizenship. Withholding birth certificates and identity cards is justified on the grounds that the parents of these people (born in the Dominican Republic) entered the country illegally from Haiti. (The legal debate hinged on what it meant to be ‘in transit’ as a foreigner. All migrant workers were retroactively deemed to have been ‘in transit’ when they had children, thereby invalidating their births as worthy of a Dominican birth certificate.) When this 2013 decision met with fierce domestic and international criticism, the government softened the law to create an ‘A’ and a ‘B’ group. Group A, which included all those born before 2007 who were previously registered as citizens, had their birth certificates validated. Group B was given a time frame in which to seek naturalization but the process is so complicated and expensive that few people have been able to surmount the obstacles. The date for doing so has already expired, leaving many in limbo. According to the IACHR (Inter-American Commission for Human Rights), by mid-2015, only 8,755 of an estimated 110,000–145,000 from group B had registered (Comisión Interamericana de Derechos Humanos 2015: 255). In the meantime, despite international human rights commitments and domestic provisions in the Dominican constitution underscoring a universal right to gain access to education, it appears that many Dominican children of Haitian descent (especially in group B) are being excluded from the provisions that their peers enjoy (Georgetown Law Human Rights Institute 2014: 24-40).

If this group of Dominicans of Haitian descent lives in legal limbo, lacks official papers, and therefore risks being denied services in the only country they know, there are other people in the world with an even more precarious existence and claim to resources and services. The Rohingya of Myanmar, for example, lack citizenship altogether and are not even recognized as one of Myanmar’s official ethnic groups. It is safe to say that the exclusion of the roughly 1.3 million Muslim Rohingya is a problem that even Aung San Suu Kyi has shied away from. The denial of citizenship to the Rohingya by Myanmar (or by Malaysia, where many have left) hurts them in

these countries but also affects their rights negatively once they leave. Needless to say, receiving a decent education or health services is but a dream for most Rohingya children.⁵ Such a situation is infinitely more complicated than that treated as the main focus of this article, in which people are technically citizens of a country but cannot prove it due to lack of official documentation.

3 From informality to increasing formality in social protection

Informality in the economy and in social provisioning has characterized the situation in many developing countries. Because informality disconnects the state and citizens (Perry et al. 2007: 217), it has diminished the relevance of identity documents historically. Typically, the informal sector of the economy is substantial and provides a livelihood for millions of people. Labourers in the informal sector range from agricultural workers and street vendors to workers employed in small, unregistered businesses or larger firms that offer their employees no contracts or benefits. In Latin America, roughly half of the labour force is informal. In Africa and Asia, informal employment accounts for over two-thirds of the work force (Leisering and Barrientos 2013: S63). Even in a major middle-income country like Brazil, informality accounted for roughly half of the labour market as recently as the decade between 2000 and 2010 (Melo 2016: 294). The lack of taxation, monitoring, and regulation in the informal economy lessens a role for identity documentation. Given that most women who work in developing countries have less education than their male counterparts and are more likely to labour in an unofficial capacity (many of them as domestic servants, streets vendors, and agricultural workers), they are especially likely to lack the documentation (beginning with a birth certificate) necessary to obtain formal working papers.

Historically in many countries, the link between formal employment and the receipt of services like health and retirement pensions has been through the contributions paid by employers and to some extent by employees themselves. Those privileged enough to be part of the formal sector received the benefits of a ‘truncated welfare state’ if one existed at all (Huber and Stephens 2012: chapter four). Unable to secure workplace contributions, informal labour lived with little official social protection. In other words, a status of informality in the labour market translated into informality in social protection, with the state providing minimal benefits on a routine, systematic, and widespread basis. Communities and families took care of children and elders, most of whom lacked anything resembling an old age pension. Charitable organizations sometimes stepped in, providing food and other ‘in-kind’ goods in emergency situations. And in the ‘moral economy’ of social protection (Scott 1976) benefits that were given through landlords and/or local governments generally came with political strings attached. Loyalty and votes were traded for keeping one’s head above water. Lacking a unified governmental mandate, strategy, and structure, social protection was provided on an ad hoc, piece-meal basis.

In Latin America, apart from a few exceptional cases (e.g. Argentina, Uruguay, and Chile), first ladies ran charity organizations, the Catholic church assisted intermittently, and state and local governments engaged in activities characterized by ‘handouts’ whose timing often bore a suspicious relationship to elections. Throughout Asia, families were expected to assume care-taking responsibilities from ‘cradle to grave’ with little support from the state. Historically, many African countries had no official social protection strategy whatsoever (Garcia and Moore 2012: 12, 32). According to one source, ‘even more so than the Latin American countries, in Africa and Asia social citizenship has been the privilege of a minority’ (Böger 2013: 17). Identity documents

⁵ See Human Rights Watch (n.d. 2015).

lacked currency in all of these situations. Especially if they were costly and difficult to obtain (as was frequently the case), and governments left it up to individuals to navigate their way through civil registration offices, many people with little education and financial means simply did not acquire basic documentation.

The picture described above—in which vast numbers of people are excluded from state services—has begun to change in significant ways. Even without a massive formalization of labour markets,⁶ countries across the developing world are adopting social policies that formalize and systematize welfare provisioning in a manner that calls for, incentivizes, and in the best of cases facilitates documentation among the population. The spread in social assistance across southern countries has been attributed to factors ranging from diffusion effects to democratization to the economic crises of the 1990s.⁷ The goal here, however, is not to assess the causes of the surge in social protection but instead to explain its consequences for documentation. Essentially, it has meant that there are indeed services and benefits to obtain even for the poorest citizens, and their existence makes acquiring identity documents more worthwhile than ever.

Prominent among the types of policies being adopted by governments across the world are cash transfers to reduce poverty among children and induce them to attend school and receive preventative health care, and non-contributory pensions to keep elders and the disabled from falling into destitution. In the last fifteen or so years large-scale social assistance programmes of this kind have unfolded on an order not seen before in the developing world. Although such policies in developed countries are sometimes dismissed as ‘residual’ to the core social insurance policies of welfare states,⁸ they represent a significant advance in the developing world. Many people who previously lacked any systematic connection to the state can now rely on some social protection, although effective access often hinges on whether a person belongs to a societal segment that enjoys a high level of documentation. Some global actors, such as the International Labour Organization, even see such transfers as an economic floor for citizens (Deacon 2013). For national governments, administering such programmes well depends on having a high quality ‘inventory of the population’ (Scott 1998).

Cash transfers to families involve direct payments, often with the mother as the designated recipient.⁹ Unlike distributing a product (e.g. food) or service (e.g. electricity) transferring cash expresses governments’ faith that families will use the money judiciously. Specifically, the hope is that the resources will be used to further the wellbeing of the children. Family grants can be conditional or unconditional. The former (conditional cash transfers or CCTs) make continued receipt of the funds contingent upon fulfilling conditions intended to make child beneficiaries less poor in the long run, such as attending school and receiving preventative health care. The latter (unconditional cash transfers or UCTs) carry no behavioural demands. Because CCTs depend on having a network of education and health services in place and require coordination

⁶ Informality declines, albeit slowly, with development. Millions of people still work in an informal capacity across the globe. Even in some exceptional cases where formal sector jobs have become available to large numbers of people who were previously informal labourers (e.g. Brazil in the first decade of the 21st century), informal workers still comprise a huge portion of the labour market.

⁷ For examples of analyses that focus on each respective factor, see Böger (2013) on diffusion, Huber and Stephens (2012) on democratization, and Carnes and Mares (2014) on the economic crisis or deindustrialization. See also Layton and Smith (2015), which argues that in Latin America incumbent executives of all political stripes benefit from implementing social assistance programmes.

⁸ The term ‘social insurance’ generally refers to the situation whereby employees and/or employers make contributions to finance the plan, which is sometimes complemented by state subsidies.

⁹ A good general source on CCTs is Fiszbein and Schady (2009).

by multiple government agencies, they are more likely to be found in middle-income than in very poor countries. The other distinction in family grants concerns whether they are means-tested or universal. Countries with more developed bureaucracies are better able to implement a means-tested programme. A universal programme makes more sense if most people are poor and the country lacks bureaucratic capacity. One recognized advantage of cash transfers is that they are more regular, stable, and systematic than most in-kind programmes (Garcia and Moore 2012:2). On the whole, CCTs are judged to be more efficient and effective in reducing poverty than their in-kind counterparts (Asian Development Bank 2012). If well-designed and implemented, cash transfer programmes can bypass local political authorities and are not as likely as more informal systems to exclude people for particularistic reasons. They can even build a sense of personal autonomy and citizenship rights (Sugiyama and Hunter 2013: 43, 59; Hunter and Sugiyama 2014: 836, 838-40).

Cash transfers to families started in Latin America in the late 1990s. They spread quickly within the region (Sugiyama 2011), ushering in what one author has called ‘the quiet transformation’ in policies to reduce poverty (De la O: 2015). The largest and best known programmes in Latin America are *Oportunidades* in Mexico and the *Bolsa Família* in Brazil. Making their way to other regions, CCTs unfolded in various countries of East Asia, South Asia, Sub-Saharan Africa, and the Middle East and North Africa Region (MENA) (Brooks 2015: 554).¹⁰ Outside of Latin America, there are well-known examples of childhood cash transfer programmes (sometimes called child allowances) in South Africa, Indonesia, India, Kenya, and Uganda (Arnold et al. 2011: 11). Such programmes also exist in Bangladesh, Cambodia, Mongolia, Pakistan, and the Philippines.¹¹ By 2011, cash transfer programmes (which mean slightly different things in different countries), were estimated to cover between 750 million and one billion people in the developing world (Arnold et al. 2011: 10). More countries are interested in implementing them or improving the ones they have. In 2012 alone, more than 120 delegations visited Brasília to learn about the *Bolsa Família*, well known for its accurate targeting, clean functioning, and efficient use of resources (World Bank 2013).

A second type of social assistance scheme, non-contributory pensions (NCPs), has emerged around the developing world since the late 1990s and is under consideration by many governments where they have not yet been implemented (Leisering and Barrientos 2013: S51). Non-contributory pensions provide defined benefits, are financed out of the public budget, and direct resources to poor elders and disabled people. With regular payouts to senior citizens, they are widely acknowledged to be one of the most effective ways to keep people from falling into destitution. Their potential for redistribution far exceeds that of the contributory schemes that are financed by payroll taxes of employers and employees. Even in countries where they are technically universal and not means-tested (e.g. Bolivia),¹² their primary target is low-income people who have worked in the informal sector, cannot prove their work history, and have not contributed to a traditional insurance or pension plan. In other words, NCPs—sometimes referred to as guaranteed minimum pensions, social pensions, or welfare pensions—are not tied to a person’s employment history. Because women generally live longer than men and tend to spend their working years in the informal labour market or in care-taking roles at home, they are more likely to experience vulnerability in old age and be reliant on non-contributory insurance

¹⁰ See Figure 1 in Brooks (2015: 553) on the expansion of social assistance in developing countries in that same time period. See also Garcia and Moore (2012: 353) on the presence of conditional and unconditional transfers per country in Africa.

¹¹ See Osorio (2014: 261–263) for a listing of all the childhood cash transfer programmes in the world.

¹² Fifteen countries have universal age pensions. For a list of them, see Pension Watch (n.d.a).

schemes. Like cash transfers to families with children, NCPs link people to the state who once had little or no connection to it through social policy. In their absence, some of these people languished on the sidelines or were relegated to utter marginality. Unlike cash transfers to alleviate childhood poverty, which are designed to supplement household resources, non-contributory pensions are intended to guarantee a minimum income. In fact, in practice, they are the sole income security available to many households of elders.

Non-contributory pensions are now found on several continents. In Latin America, they exist in Argentina, Bolivia, Brazil, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Mexico, and Uruguay (Carnes and Mares 2014: 5).¹³ Many governments in Asia have also adopted old age allowances even though it remains the continent with the lowest incidence of elders who live alone and apart from family members. Old people in rural areas and those belonging to ethnic minorities are especially at risk in many Asian countries. The mass migration of young people to urban areas and changing notions of inter-generational family obligations have weakened informal support systems across the continent. Against this background, governments have become more inclined to strengthen the safety net for seniors. In one analyst's view, 'some of the most prominent and innovative social pension schemes are in Asia' (Babajanian 2012: 281). Bangladesh, India, and Vietnam target their programmes specifically to elders in poverty. Thailand and Nepal have programmes that are age dependent (60 years of age and above in the former and 70 years and above in the latter) but not contingent upon income. Old age allowances also exist in the Philippines, Sri Lanka, Kyrgyzstan, and China (Barrientos 2012: 7–8). Non-contributory pensions have also begun to appear in Africa, where vast numbers of people work in the informal sector and very few contribute to a pension. In most African countries, fewer than one in ten older people can rely on an established contributory pension plan (Pension Watch n.d.b). Furthermore, given the extent of conflict on the continent, together with the prevalence of HIV and AIDs, many elders can rely less and less on the informal safety nets that used to keep them afloat. Many cannot depend on their adult children to care for them and sometimes even find themselves caring for their grandchildren. At least eight countries have developed some kind of a social pension, four of them clustering in southern Africa (South Africa, Lesotho, Namibia, and Botswana). Several others are in the process of piloting them (World Bank 2012). All in all, by the end of 2011, over 65 developing countries had adopted a social pension scheme to extend protection outside of the contributory system (Böger 2013: 21). This number is likely to grow as demographic trends show that the world is getting older (HelpAge International 2014: 1-2).

What is the consequence for documentation of the rise of social assistance programmes? Well-run cash transfer programmes for children, whether targeted (means-tested) or universal, restrict eligibility to children of certain ages. Many began with a focus on young children, and later came to include adolescents. The specific benefit levels of grants often vary by how many children are in the family. To make sure of the children's ages and to be able to link them with the parent entrusted to receive the grant, governments need to know the birth dates and parentage of prospective child beneficiaries. Similarly, directing old age pensions to the eligible population (whether universal or means-tested) depends on knowing how old people are. In light of the poor quality of civil registration systems in many developing countries (especially going several decades back), many seniors lack formal proof of their age and identity. Besides lacking documentation, some people are not even sure of how old they are. As mentioned earlier, older women tend to suffer from this problem more than men as many have lived their entire lives excluded from activities that require legal identities. Their exclusion may have begun with the

¹³ They do not exist in Guatemala, Nicaragua, Panama, Paraguay, or Venezuela.

absence of formal schooling and continued in the realm of work. Clearly, the earlier birth registration takes place, the easier it is to avoid doubts about issues like a person's age, location of birth, and parentage. Lack of clarity about these basic features makes it difficult for governments to successfully target scarce resources to age-eligible people (HelpAge International 2011; Babajanian 2012: 114).

Notably, even before the appearance and spread of child allowances and social pensions for elders, there were some services and benefits available on a more local scale whose operation surely benefitted from being able to keep track of users. Consider, for example, the logistical issues concerning immunizations, one of the most essential and cost-effective ways to decrease childhood mortality and keep entire societies healthy. Vaccination schedules are based on the age of the child given that the body's immune response is best triggered at certain times. The lack of a birth certificate makes it difficult for health workers to be sure of a child's age. Where legal identity is exceedingly scarce and record keeping poor, it can even be difficult to ascertain a child's immunization history at all, risking a situation of under-or over-vaccinating. In another example, one related to education, given that cognitive readiness bears a significant relationship to a child's age and that classrooms of children at similar development levels are generally easier to teach, it is ideal to have children enter school at the appropriate time and to observe age-grade congruence for many years. The sheer scale of childhood transfers and social pensions—especially for national level programmes in countries with millions of potential recipients in a single system—demands an inventory of the population that goes well beyond the level of knowledge about individuals required by systems that can operate relatively successfully on a local level.

To sum up before moving on, this section has sought to refute the first point of scepticism regarding the value of legal identity documents in developing countries (that there are few services available that would make them worthwhile). Even with the persistence of large informal economies, many countries around the world have moved toward formalizing social safety nets designed to keep citizens from falling into destitution. Serving this purpose at the beginning of the life cycle are childhood cash transfers, conditional and unconditional. At the other end of the cycle are non-contributory pensions. The dramatic spread of both policy innovations has revealed the prevalence of under-documentation among poor populations, increased the value of having a legal identity, and led many practitioners to insist on better civil registration in order to yield the identity documents central to the clean and efficient operation of such programmes.

4 How critical are birth certificates to gain access to social services?

While it stands to reason that people who possess identity documents are more likely to experience social inclusion and that those without them are more likely to remain marginal and excluded, is the relationship causal or simply correlational? Are people without birth certificates and other legal forms of identification regularly denied benefits and services specifically because they cannot prove their age and identity? Or is the dynamic subtler or causally more distant? In other words, if the same individuals were to enter the civil registry and receive the associated documents, would their access to benefits and services improve measurably? There are few systematic studies that probe the status of the relationship between documentation and access to state services. Any well-constructed study would have to account for issues of endogeneity, that is, the fact that those without legal identity are likely to suffer from other challenges that impair their ability to navigate the state. Social marginality is no doubt common to not being registered and not having benefits. To maximize causal attribution, an ideal research design would compare groups with and without identity documents while controlling for analytically relevant socio-

economic and cultural background factors. Yet even controlling for the usual risk factors, attribution can be difficult. For example, a study carried out in Indonesia found that:

Overall, among the poorest 30% of households 36% of women aged 19–29 with a birth certificate completed 12 years of education compared with only 10 per cent of those without. The relationship between schooling and birth registration shows a similar pattern for men. (Sumner 2015: 9)

What needs to be determined, however, is whether the education system actively excluded the undocumented, whether the undocumented excluded themselves, or whether the families who had procured a birth certificate for their children were more ‘on the ball’ (despite their poverty) in broader ways that led their children to receive more education. Identifying the precise mechanism by which or even point at which services are not accessed would be helpful in this regard. The dynamics of exclusion can range from potential beneficiaries of programmes not even applying for them (in anticipation of feeling stigmatized or experiencing insurmountable obstacles) to state bureaucrats actively and directly denying services to the undocumented. As discussed below, other less direct mechanisms of exclusion exist as well.

Few studies on the subject have employed research designs conducive to rigorous analysis. Nonetheless, there is some evidence from different regions, presented below, that birth registration matters; a number of circumstances render it difficult for prospective users or beneficiaries to access state services due to an inability to prove their age and identity. Clearly, documents help low-income people to advance further. The examples presented below reveal a number of different processes and dynamics at work. Moreover, many states are becoming less acceptant of alternative forms of age and identity verification. Although there are ample instances where birth certificates are either not required or exceptions are made, the trend is clearly moving toward states demanding formal proof of age and identity, combined with instituting measures to facilitate people’s ability to gain official documentation. The more bureaucratized and computerized social provisioning becomes, and the more state authorities seek to cut down on fraud and corruption, the less room there is to make for exceptions to documentation.

Many countries that manage major national programmes are developing ‘single registries’ or unified databases of low-income households. Brazil, Mexico, Indonesia, South Africa, and Kenya all have single registries. Governments of more countries are developing them. A tool to manage various social assistance programmes in an integrated fashion, single registries identify beneficiaries for social assistance programmes and keep stock of who is receiving what by household. Family composition, the educational and occupational characteristics of members, their access to public services, and their regular monthly incomes and expenses are inputted. Civil documentation for each member of the family is a crucial requirement; one must have a registered birth to enter. Notably, Brazil’s impressive single registry (the *Cadastro único*) bears the motto *Conhecer para Incluir* (Get to know in order to include). The country’s CCT (Bolsa Família) and its main non-contributory pension, the *Benefício de Prestação Continuada* (BPC) rely on information from the computerized registry. Thus, an indirect means by which applicants to the Bolsa Família or BPC are denied enrolment is non-appearance in the *Cadastro*, which itself depends on having civil registry information. Given the highly bureaucratized nature of the registry and the associated social programmes, it is impossible to enrol in them without the requisite birth certificates. Inclusion in the registry is the gateway to various pathways of social protection.

School systems constitute another context for inclusion or exclusion based on documents. Entry into the educational system is a critical point at which children are asked to prove their age and

identity. Many countries officially require a birth certificate to enrol students. This is certainly the case throughout Latin America. In some instances, especially where spaces are in short supply, school officials do hold parents to the official rules. A major household survey conducted in Brazil in 2001 indicated that the lack of documentation accounted for roughly 8 per cent of children between 7 and 9 years old who were not enrolled in school (Duryea et al. 2006: 13). Similarly, in Indonesia, researchers discovered examples of exclusion for the same reason. Given the scarcity of resources and the excessive number of children for the places available, schools tended to ‘default’ to the formal requirements (Sumner 2015: 8). Those without documentation were the last to be accepted, if at all, especially when it came to anything beyond the core classes (e.g. extra-curricular activities).

In many other cases exceptions seem to be made on the front end (entry into the school system). Unlike the strictly managed programmes that require a person to be in the single registry, bureaucratic discretion allows for this. Yet discretion cuts both ways; it can work for or against the individual. A study carried out in Indonesia showed that even if some schools continued to accept students who presented alternate forms of identity, such as a Family Card (despite district regulations that a birth certificate is a prerequisite for student enrolment at all levels of education) they did so on a highly irregular basis (Sumner 2015). In many countries, children are allowed to enrol in school yet school officials encourage their parents to get them documented later. In the best of cases, civil registers have begun to go to schools in order to facilitate the registration process. This is the case in Bolivia, for instance, where children are generally allowed to enrol without documentation but by the school year’s end must have a birth certificate in order to receive the cash transfer, *Bono Juancito Pinto* (Hunter and Brill 2016: 28).

Even where flexibility is shown at the point of entry, lack of documentation can catch up with a person and limit his or her educational attainment. A well carried-out study by researchers from the Inter-American Development Bank sheds light on how the lack of birth registration diminishes educational attainment in the Dominican Republic (Corbacho et al. 2012). Controlling for potential endogeneity and the usual socio-economic determinants of education, the authors find that even if children without birth certificates are allowed to enter the school system,¹⁴ the absence of a legal identity becomes a critical obstacle to graduating from primary school and translates into fewer years of educational attainment overall. This is largely because certificates of completion (after the eighth grade) and the passage of national exams require a formal proof of name. A similar situation exists in Kenya, where in 2009 the government introduced a measure that made showing a birth certificate a mandatory requirement to register for national exams and thereby obtain school qualification certificates (Apland et al. 2014: 42–44). Given that the birth registration rate in Kenya is only about 60 per cent, full enforcement of this policy would have quite an exclusionary result. In practice, the policy seems to be implemented inconsistently (Apland et al. 2014: 43), which itself entails a level of arbitrariness. The rule no doubt motivates some students to try to obtain a birth certificate just before taking their school exams. Late registration is better than no registration but is suboptimal.

Examples from the area of public health further reveal the complications that can ensue from not having a registered birth. As with education, often the problem is not so much a denial of services at the place of provisioning but more indirect obstacles. A study based on data from the Dominican Republic offers some insights in this regard. Conducted by researchers from the Inter-American Development Bank, this study controlled for the standard socio-economic risk factors associated with non-immunization and found that the lack of birth registration reduced

¹⁴ In 2006, the Dominican Republic dropped the official requirement that children needed to show a birth certificate to enter primary school.

the probability of completing the required childhood immunizations (Corbacho et al. 2013). Specifically, it determined that by 59 months of age children without birth certificates were behind by one vaccine (of nine) compared to those with them. The vaccines likely to be missing were one against polio and another (a combined vaccine) against diphtheria, pertussis, and tetanus. The probable cause of undocumented children receiving fewer vaccinations is that they cannot be registered in the Dominican social security system, which guarantees access to public vaccination facilities or reimburses charges incurred in private health facilities. A similar situation was reported for Vietnam, where unusually for South East Asia, a birth certificate plays a vital role in facilitating access to health services (Apland 2014: 54). The link to health services is indirect: a birth certificate is required to obtain a health insurance card, which guarantees free health care to all children under the age of six years and reduces the cost of health care for other vulnerable groups. As in the Dominican Republic, one can still receive the services without a health insurance card but they must be paid for privately. The reality in both contexts is that fewer people will obtain the service if they need to pay for it themselves.

Even without being denied health services or having to pay for them, there are additional instances in which children without birth registration are far less likely than their documented counterparts to receive the full sequence of vaccinations. Insufficient immunization not only leaves individual children more vulnerable but also puts others at risk and costs governments more money in after-the-fact treatment. Apland et al. (2014: 53) document this situation in two Indian states, as well as in Kenya and Sierra Leone. One idea they venture for this result is that even if they are poor, people with birth certificates generally have more contact with the state, which provides them with more information about services. Presumably, having documents also gives them more confidence to seek out help. Additional research clearly needs to be conducted in order to sort out the causal role of birth certificates in influencing the likelihood that people receive vital public health services.

In Bolivia, deficient birth certification looms large among women who have not participated in a bold and innovative maternal-child health programme, the *Bono Juana Azurduy*, which pays low-income pregnant women to receive pre-natal care and give birth in an institutional setting with the assistance of a skilled attendant. Another condition for receiving the cash payments is that the children in the family should be separated in age by at least two years, subject to proof by registration and certification of their births. The mothers themselves need to show a national identity card (*carnet de identidad*). In a major study that was released recently (Vidal et al. 2015: 95-96), the lack of identity documents was the single most cited reason that rural women gave (43.6 per cent) and the second that urban women mentioned (25.2 per cent) for not securing enrolment in the programme.¹⁵ Additional research needs to be conducted to determine whether (and to what extent) the respondents tried to apply for the programme and were turned away, or were deterred from the outset given their undocumented status.

Finally, cross-national research reveals a tendency on the part of the poor to assume that documents are necessary even in situations where they are not (Apland et al. 2014: 47–51). This assumption can lead people to exclude themselves from benefits that could enhance their wellbeing. Feelings of ‘belonging’ or ‘not belonging’ may be relevant in this regard. Indeed, there is a symbolic divide (for lack of a better term) between the documented and undocumented in many countries of the Global South, where full documentation is associated with urban life and people of culture (‘modernity’) and its absence is associated with rural life and benightedness (‘tradition’). In this connection, Apland et al. (2014) write:

¹⁵ Among the urban women, documents were a close second to lack of time and other bureaucratic hassles, which were given as the main reason for non-enrolment (28.9 per cent).

Many people have the idea that birth certificates are important for city life, ‘modern’ activities and opportunities that are associated with greater levels of official status and even prestige. These associations may reinforce social, cultural, and economic barriers for marginalized ‘rural’/‘traditional’ groups that have been historically excluded from accessing services. (Apland et al. 2014: 50)¹⁶

Documenting the undocumented can only help to overcome such an entrenched symbolic divide.

In short, there is variation in how consistently governments demand birth certificates to give citizens access to social programmes. Inconsistency exists across countries as well as social programmes and services. Programmes that are linked up to highly bureaucratized and computerized single registries are exceedingly difficult to acquire in the absence of documentation. More flexibility is typically shown in other realms. In some contexts people are allowed to enter public systems (e.g. schools) but not permitted to exit with certificates or degrees without showing proper legal identification. Notably, discrimination against the undocumented often takes place not at the place of service provision per se but by exclusion from the public financing that affords the benefits of full citizenship. Finally, there are subtler dynamics in play. Groups of people who share the same socio-economic risk factors have different propensities to avail themselves of social programmes depending on their documentary status. Among the documented, there is something about having greater contact with the state that exerts ‘positive feedback’ or reinforcing tendencies (Pierson 1993). Those with contact early on in the life cycle (due to birth registration) seem to interpret their interactions with the government in ways that lead them to seek out more programmes. The cumulative effect of these interactions situates them better for life. Finally, even for programmes that do not require birth certificates, undocumented people more than occasionally think that the requirement exists and engage in ‘self-exclusion’ as a result. In this case, if the possession of documents can foster self-esteem and feelings of ‘belonging’, committed efforts to promote their acquisition will prove more than worthwhile.

5 Accepting alternatives to birth certificates

The literature is filled with examples of alternatives to legal documents that stand in for age, parentage, and even location of birth. Children who can reach their arm over their heads and touch their opposite ear have been judged to be ready for school in some contexts. Interviewing committees of village elders about the age and economic need of fellow seniors is another example of how necessary information can be obtained, as is having local officials vouch for the eligibility of community members. Other instances of alternatives that have been used to verify or at least estimate the ages of old people include baptismal records, vaccination records, and interviews in which people are asked how old they were when their younger siblings (whose age is known) were born or how old they were during well-known historic or anthropological events in their country. Authorities have even crosschecked the facts by asking people to state their current age as well as the year of their birth (HelpAge International 2011: 8–9).

Clearly, use of such alternatives to assess eligibility and include people in social programmes is preferable to excluding them for lack of legal documentation, a deep concern of many activists and practitioners (e.g. Ladner et al. 2014: 59). These voices maintain that requiring birth

¹⁶ See Apland et al. (2014: 36). See Hunter and Sugiyama (2014) on the importance of ‘belonging’ for engagement in activities that can further wellbeing.

registration to gain access to services poses a risk of exclusion and is thus difficult to justify from a rights-based perspective. Being unregistered is especially understandable in cases where civil registries were not even formed or included only elite members of society when the current generation of seniors was born. Amnesty is advised for such situations and it has been given in a number of countries across the globe. Yet the door is closing on some periods of amnesty, and people are increasingly expected to gain late registration.

Alternative methods to civil registration cannot and should not persist in the modern age. For one, village networks that provided testimony about people in the past are increasingly unravelling as older people die and young people leave for cities. Likewise, in many contexts religious authorities are less in touch with local communities than previously. Moreover, reliance on such informal sources of authority—particularly on local officials and politicians—subjects people (many of whom are already vulnerable) to further arbitrariness. Finally, bumping the analysis up to the level of the collective, civil registration is crucial for the vital statistics it generates. Major health, education, and welfare systems are better managed (and hence can do more for society) when good civil registries are in place. Thus, rather than backing down on requiring birth registration and other formal documents, governments should persist in requiring them but do far more to facilitate their supply—even among older people—if moving to biometric forms of identification is not immediately realistic. The literature has discussed methods of doing so, including installing civil registries where services are provided, beginning in clinics where babies are born (Hunter and Brill 2016: 20). A second net to catch stragglers could be cast at the time of schooling. These seemingly obvious measures have only begun to be implemented recently in many countries. Decreasing the costs of registration, eliminating or easing paternity requirements, allowing children to be documented even if their parents are not, and simplifying the process overall are others.

Although historically birth registration and legal forms of identity were mainly important in urban areas among upper income populations (Ladner et al. 2014: 59), official proof of identity is becoming increasingly solicited with globalization, urbanization, and the formalization of welfare. Many people seem to recognize (and basically accept) that birth certificates are becoming part and parcel of modern life. Even in rural areas in low-income countries, legal proof of identity is required to do something as seemingly straightforward as buying a cellular telephone, a convenience that many poor people now have (Apland 2014: 36–38). It is also necessary to open a bank account, which increasing numbers of low-income people are doing globally. Showing legal proof of age is also necessary to acquire a driver's licence in most countries. With modernization, all indications are that legal identity will take on even greater significance for larger numbers of people (Ladner et al. 2014: 61). As undocumented elders die, the stock of the world's population that is unregistered will no doubt shrink over time. As more programmes are introduced that rest on being able to show official identity documents, the advisable response is not to deny people basic services in the hopes of incentivizing documentation but rather to help people obtain documentation in order to receive services. The fact that some low-income countries, including Cambodia, Vietnam, and Bolivia, have made considerable progress in overseeing late as well as timely birth registration suggests that this is not only desirable but also possible.

6 Conclusion

When children are born they must be welcomed into the state as well as their families and communities (UNICEF 2007: 51). This recognition explains why universal legal identity through birth registration is one target that has consistently remained as a Millennium Development Goal after many rounds of negotiations (Dunning et al. 2014: 1). With the 'passing of traditional

society' and growth of 'modernizing styles of life' (Lerner 1958) the state assumes a far greater role in everything from economic development to social protection. Given the anonymity that comes with modernization and mass society, people must acquire the legal documents that connect them to the state. Although this paper has shown that the relationship between documents and empowerment is complex, and that documents are still not always essential to enrol in education, health, and social welfare systems, increasingly they are. Rather than resisting this trend by easing the requirements, going with the tide of history and facilitating documentation is the way to go.

An indigent person with a registered birth is far better off than one without. This is because a birth certificate makes early contact with the state more likely. Initial traction can be crucial in helping an individual scale other ladders of socio-economic mobility and experience a 'virtuous cycle' of personal development. Children who receive early attention and assistance are more likely to advance into subsequent positions where they receive more of the same. The cumulative effect of these experiences builds their knowledge, skills, and general health but also their self-esteem, confidence, and sense of belonging, all of which help them navigate the modern world. In this light, making sure that the initial step is taken is crucial.

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