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## Global Forum of Communities Discriminated on Work and Descent (GFoD) Submission to the OHCHR Call for inputs on universal birth registration and the use of digital technologies<sup>1</sup>

### Introduction

Discrimination based on Work and Descent (DWD) affects more than 270 million people worldwide. Communities Discriminated on Work and Descent (CDWD) can be found on all continents: Dalit communities in South Asia and Buraku in Japan, Roma communities in Europe, Haratin, Osu and other communities in West Africa and Quilombola or Palenque communities in Latin America. DWD is a unique type of discrimination that takes the form of social exclusion based on inherited status and ancestral occupation. DWD is often associated with notions of “purity and pollution” and practices of untouchability.<sup>2</sup> Consequently, CDWD are faced with harassment and violence on a daily basis and face extreme forms of discrimination in accessing employment, education, healthcare, housing, water and sanitation and other basic services. CDWD are often bound by bonded labour or modern/ancestral slavery practices. For example, discrimination and poverty hinder access to birth registration and identity documents for Dalits in South Asia. Social exclusion and lack of awareness contribute to low registration rates among Haratins in Africa. For the Quilombola in Brazil, geographic isolation and poverty impede access to administrative services. Discrimination, statelessness, and bureaucratic barriers result in many Roma lacking identity documents. GFoD and partners would like to respond to the call for inputs from the OHCHR to present the situation of communities Discriminated on Work and Descent. This submission focuses on the situation of several CDWD communities in African and Dalits in South Asia.

In **Nepal**, Dalits and other marginalized populations and mothers do not have their own citizenship, people are unaware of citizenship regulations, and Nepal has over 5 million undocumented citizens. The majority of them are Dalit and marginalized people. Birth registration in Nepal cannot be obtained without citizenship and marriage registration. Early child marriage is prohibited, and children born as a result of early child marriage or polygamy do not have simple access to birth registration, despite the fact that there are legal arrangements in place. Migration to urban areas is common in Nepal, but without a migration certificate, people cannot register births at their temporary addresses. Article 39(1) of the Constitution guarantees the Right to Name and Identity of Children as a fundamental right. To improve birth registration rates, the government provides a child grant of Rs 532 to

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<sup>2</sup> For the full definition please see - Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Human Rights Council 11th Session, 18 May 2009, Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent, available at: <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session11/A-HRC-11-CRP3.pdf>

children under five in 25 selected districts and to all Dalit children under five across all 77 districts. This initiative has increased birth registrations.

The Department of National ID and Vital Registration oversees birth registrations, with vital registration officers in each local municipality, rural municipality, and ward. The Home Ministry, along with the National Child Rights Council (NCRC), also plays a role. The Children's Act established Child Rights Committees in each local municipality, and the Local Government Operations Act delegated responsibility for birth registration to local governments. However, since birth registration regulations are federal laws, local governments cannot address the gaps without federal amendments.

Efforts to improve birth registration include: Frequent circulars from the Home Ministry promoting birth registration for children born from void marriages; Judicial activism advocating for identity rights; Implementation of digital birth registration software under the Vital Registration Act 2019; Digital awareness campaigns via social media and mobile phone caller tunes. However, challenges remain. For example, the birth registration software is inflexible, making the process difficult for single mothers if any information is missing. While digital technology provides widespread access to information, it is still insufficient for the poor and excluded due to the digital divide.

The main gaps in **Mali's** universal birth registration legislation include: the absence of state services in certain localities, i.e. almost 50% of the national territory. In Mali, the state has made birth certificates free of charge, but no other measures have been taken to guarantee universal birth registration. Here, most births go undeclared. Some civil society organizations have launched campaigns to register Talibe children, street children and orphans. While there are no specific measures for the use of digital technology in birth registration in Mali, this considerably affects the rate of children with birth certificates, but most people who refuse to register their births do so because the administrative procedure is slow. Human rights remain mixed in Mali, despite the fact that most of the population has a telephone. The digitization of state services is far from being a reality, as corruption and a lack of real will on the part of the authorities hamper any action in this direction.

In **Mauritania**, there is the phenomenon of children born out of wedlock who suffer all kinds of discrimination, marginalization and systematic rejection, first by their own families and then by society as a whole. These children, of whom there are a considerable number in Mauritania's Haratine and black-African communities, have no chance of obtaining their civil status documents, as it is a great shame and dishonor for their parents and families to declare them. Secondly, the child's parents may be arrested, "tried" and convicted of adultery. These children may succeed with great difficulty in life but they will always remain classified at the lowest rung of society carrying a lifelong stigma, especially given their CDWD background. GFoD experts from Mauritania, had the opportunity to meet a family whose father is Mauritanian and whose mother is of Malian origin, with 7 children all born in Mauritania who could not be registered. Similar cases are frequent and numerous. In reality, the Mauritanian state has no desire to provide its citizens with their papers. Those in power do not see it in their interests to increase the number of Haratines, as this is a very serious political issue that threatens the continuity and existence of their power.

In **Niger**, the reforms undertaken from 1985 to 2019 remain insufficient in terms of recording civil status events and securing related documents. The government has drawn up and implemented a Programme d'Appui à la Réforme de l'Etat Civil (PA-REC), which has resulted in the revision of the texts governing the civil registry system. In fact, the rate of birth declarations has risen from 55.18% in 2021 to 60.19% in 2022. Compared with 2021, this indicator has risen by 5 percentage points. As a result, the modernization of Niger's civil registry system remains a necessity today. In response to these challenges, Niger carried out the third reform of its civil status system in 2019 with the adoption of a national policy, law 2019-19 of July 1, 2019, on the civil status regime and its implementing decree. The reform of the civil registry system aims to: (i) improve the spatial coverage of civil registry services; (ii) systematize the declaration and registration of civil status events; (iii) secure civil registry documents; (iv) provide reliable and up-to-date statistical data; (v) computerize the civil registry system; and (vi) introduce secure media for the transcription of civil status events. As such, Niger's 266 communes have been set up as main registration centers, in addition to 1,638 other registration centers, with the mobilization of 632 civil registrars by 2021.

Ensuring universal birth registration in **Kenya**, particularly for marginalized communities like the Waata, faces significant challenges in law, policy, and practice. These include inadequate legislation, discriminatory requirements, limited accessibility to registration centers, and lack of awareness about the process. Practical barriers such as economic constraints, cultural conflicts, and administrative inefficiencies further complicate registration. These gaps result in children lacking legal identity, hindering access to education, healthcare, and protection from exploitation. For marginalized groups like the Waata, geographic isolation, economic hardship, and societal discrimination exacerbate these challenges.

The Government of Kenya is taking various steps to ensure universal birth registration is accessible for everyone, including marginalized communities like the Waata. Key legal frameworks such as the Births and Deaths Registration Act and the Children Act, 2001, mandate registration and emphasize children's rights to a name and nationality. Measures like the Strategic Plan for Civil Registration Services (CRS), mobile registration units, integration with health services, and public awareness campaigns aim to enhance access and awareness. Programs such as the Huduma Kenya Program, the Kenya Rapid Results Initiative (RRI), and digital birth registration streamline the process and increase efficiency. Partnerships with NGOs and international organizations like UNICEF provide additional support. These efforts have led to increased registration rates, improved data collection, and greater community engagement, ensuring that all children can access essential services and enjoy their rights.

The Government of Kenya is harnessing digital technologies to make birth registration more efficient, accessible, and reliable. Key initiatives include the Data Protection Act, 2019, which safeguards personal data essential for secure digital registration. The National Integrated Identity Management System (NIIMS), or Huduma Namba, integrates biometric data with civil records, assigning unique IDs to all individuals, including newborns. The eCitizen Platform provides online access to birth registration and other services, reducing the need for in-person visits. Digital birth registration systems in hospitals

ensure immediate and accurate documentation, while mobile registration units with digital tools reach remote areas to capture and transmit data. Partnerships with organizations like UNICEF support these digital efforts with technical and financial resources. These advancements increase accessibility, improve accuracy, enhance data management, and enable real-time updates. Examples include integrating birth registration with Electronic Health Records (EHR), using SMS notifications for reminders, and employing biometric registration for accurate identification. Overall, these measures are helping Kenya achieve universal birth registration, protecting children's rights and ensuring their access to essential services.

In Kenya, using digital technology to ensure universal birth registration presents both human rights challenges and opportunities, especially for marginalized and vulnerable children. Challenges include concerns over data privacy and security despite the Data Protection Act, 2019, as there is still a risk of data breaches affecting sensitive information. The digital divide also poses a problem, with marginalized and remote areas, such as those inhabited by the Waata, lacking the necessary infrastructure for digital registration. Additionally, digital systems may not address the cultural and language needs of diverse communities, potentially causing exclusion. Economic barriers and limited digital literacy further complicate access, as new costs and lack of experience with technology can hinder engagement with digital registration systems. On the other hand, digital technologies offer significant opportunities, such as improved accessibility through mobile units and online platforms, enhanced efficiency and accuracy in registration processes, and integration with other essential services like health and education databases. Real-time data management allows for timely updates and interventions, while digital platforms enable targeted awareness campaigns. Addressing these challenges while leveraging opportunities requires careful attention to data protection, infrastructure development, cultural sensitivity, economic support, and digital literacy programs to ensure that digital birth registration benefits all children.

In Kenya, various mechanisms aim to bridge the gap between reported birth registrations and actual birth certificates, especially for marginalized and vulnerable children. Mobile registration units are deployed to remote and underserved areas to provide on-the-spot registration services using digital tools. Birth registration is integrated with maternal and child health services at hospitals and clinics, ensuring immediate registration at delivery. The Huduma Kenya Program consolidates government services, including birth registration, to streamline the process. Public awareness campaigns focus on educating marginalized communities about birth registration. Digital registration systems enhance efficiency by documenting births promptly and managing data in real-time. Partnerships with NGOs and international organizations, such as UNICEF, offer technical support and funding. Policy reforms and legal updates work to make registration requirements more inclusive. These efforts collectively help ensure that all children, including those in vulnerable situations, receive their birth certificates and access their rights.

In **Nigeria**, the National Population Commission Act CAP 67 I mandates the National Population Commission (NPC) to establish and maintain machinery for continuous and

universal registration of births and deaths throughout the nation. The registration of births and deaths in Nigeria is paper-based at all of the lowest registration centres. At the regional level, the information is entered into the national database, this constitutes an effort to digitalize birth registration. The functions of the Commission include Censuses and Surveys, Civil Registration and Migration, among others. This mandate of the Commission was further strengthened and recognized under section 24 of the 3rd schedule of the 1999 constitution of the Federal Republic of Nigeria. The Births, Deaths ETC (Compulsory Registration) Act No. 69 of 1992 was promulgated and this prescribed the authority to register vital events of citizens, non-Nigerians and refugees to the National Population Commission. The law also empowered the National Population Commission to establish vital registration systems across the nation. The vital events referred to in the legislation were live births, deaths, stillbirth, marriages and divorce. The law mandates that birth registration is done within 60 days of the birth, and registration of a death within 48 hours. A penalty for late registration is required by law, but not enforced.

The NPC has been implementing since 2011, a mobile-phone based platform called RapidSMS for the monitoring and reporting of birth registration data and real-time updates centre by centre. The system was designed to rapidly identify disparities in registration and facilitate appropriate action.<sup>3</sup>

Last year the government launched the Electronic Civil Registration and Vital Statistics System (e-CRVS), the National Geospatial data repository and the National Coordination committee on CRVS through a collaboration between the National Population Commission, UNICEF and Barnskorte Technologies Limited<sup>4</sup> marks a step in enhancing Civil registration and vital statistics systems, leading to the hoisting of the Birth Registration self-service portal through the National Population Commission.<sup>5</sup>

There is significant internet infrastructure inadequacy and inaccessibility, especially in rural and remote areas. Many communities lack registration centers, and access to the internet to carry out the online registration of births. There is also a low awareness about the importance of birth registration, social exclusion and marginalization associated with the Osu caste system, which leads to reluctance or exclusion in registering births. Inadequate birth registration infrastructure, particularly in rural areas. Insufficient trained personnel to handle birth registration. Limited access to registration centers, especially for marginalized communities. High costs associated with birth registration, making it inaccessible to many. The registration fee was originally ₦200 but was increased to ₦1000 around two years ago.

The Osu community, historically marginalized, may face additional stigma and discrimination, further complicating registration efforts. Due to the prevailing level of

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<sup>3</sup> Obtained from: Snapshot of Civil Registration and vital Statistics systems of Nigeria, Page9 [https://crvssystems.ca/sites/default/files/assets/files/CRVS\\_Nigeria\\_e\\_WEB.pdf](https://crvssystems.ca/sites/default/files/assets/files/CRVS_Nigeria_e_WEB.pdf)

<sup>4</sup> Obtained from:

<https://www.unicef.org/nigeria/press-releases/nigeria-sets-new-standard-civil-registration-launch-innovative-e-crvs-system#:~:text=Abuja%2C%208th%20November%202023%20%2D%20In,National%20Coordination%20Committee%20on%20CRVS>

<sup>5</sup> Obtained from: <https://birthreg-selfservice.nationalpopulation.gov.ng>

poverty within the Osu community, many families are unable to pay the service fees for birth registration. This creates gaps in birth registration in these communities, and significantly affects children. Unregistered children from the Osu communities often face barriers in accessing education, healthcare, and social services, perpetuating cycles of poverty and marginalization. This results in statelessness, leaving children without legal protection or nationality, and unable to exercise their rights as citizens of Nigeria.

Access to digital technology is unevenly distributed between the urban and rural areas. The Osu communities are mostly rural and remote, often lacking the necessary infrastructure, such as reliable internet and electricity. This results in the exclusion of the Osu communities from digital birth registration systems therefore perpetuating their marginalization. These gaps and challenges disproportionately affect rural children especially the communities discriminated on work and descent, children from low-income families, from marginalized ethnic and religious groups, with disabilities, orphaned and vulnerable children especially in security challenged jurisdictions.

## **Recommendations**

1. We urge the UN mechanisms to adhere to key human rights standards and adopt a Declaration for the rights of CDWD,
2. The Global Forum of Communities Discriminated on Work and Descent (GFoD) calls for the design and implementation of programs to increase public education on descent based discriminatory practices and calls on all types of institutions and civil society organizations to implement such learnings. We call for justice and the protection of CDWD rights to be free from discrimination, violence, and exclusion.
3. Take all necessary constitutional, legislative, administrative, budgetary, judicial and educational measures to eliminate DWD and to respect, protect, promote, establish, implement and monitor the human rights of those facing discrimination based on caste and work and descent,
4. Contribute to the full realisation of the human rights of persons discriminated against on the basis of work and descent by considering ways to include this issue in the regular work of the Human Rights Council.
5. Streamline and simplify the administrative processes for birth registration to make it easier for CDWD families to obtain birth certificates.
6. Ensure that laws and policies do not discriminate against CDWD or other marginalized groups in the registration process.
7. Deploy mobile units to reach remote and segregated CDWD, providing on-the-spot registration services.
8. Provide training for local officials and healthcare providers on the importance of non-discriminatory birth registration and how to assist CDWD families in the process.
9. Offer financial assistance or waive fees associated with birth registration to alleviate the economic burden on CDWD families.
10. Provide free or low-cost legal aid to help CDWD families navigate the registration process and address any legal barriers they may encounter and foster partnerships between governments, NGOs, and international organizations to coordinate efforts.



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