

## Birth Registration and Discrimination

Distinguished Members of the Committee,

My name is Bhaskar Mishra, and I work as the global technical lead for CRVS, Legal Identity, and Statelessness at UNICEF HQ. It's my pleasure to share UNICEF's perspective on birth registration and discrimination, and why addressing this issue has become an absolute necessity and a non-negotiable priority.

The nexus between the lack of legal identity and the vulnerability of children in any setting is quite basic and obvious: Without being registered at birth and receiving a birth certificate, a child is deprived of the "right to have rights". Unrecognized children will grow up into unrecognized adults, and the vicious circle of inter-generational "invisibility" or "civil death" with no proof of their legal existence will continue.

With just five years left in the Decade of Action for the 2030 Agenda, we face a stark and urgent reality: over 200 million children under the age of five still lack proof of legal identity- 150 million are unregistered, and 55 million are registered but without a birth certificate. This is not just a statistic; it is a global crisis of invisibility. The discrimination embedded in birth registration systems cannot and should not be overlooked any longer. It demands immediate and decisive redress.

Birth registration is the foundation of legal identity, and yet, for millions—especially women and children—it remains a privilege, not a right. Displacement due to humanitarian emergencies and climate-induced crises only compounds this injustice. Women, often the primary caregivers and frontline responders in such crises, face heightened barriers to registering their children. These barriers are not always overt. Many are subtle, systemic, and deeply discriminatory.

Without delving into the specifics of CEDAW, CRC, and other human rights instruments, I would like to outline the four interconnected aspects of this discrimination, drawing on my 18 years of experience in this field.

### **Normative Discrimination**

In many countries, laws and policies still do not empower mothers to declare the birth of their children. The presence of the father—or at least his name—is often a prerequisite. This becomes a cruel barrier for unwed mothers, single mothers, and survivors of sexual violence. For children born of rape or in conflict zones, this requirement is not just discriminatory—it is retraumatizing. While gender discrimination in nationality has got some traction, this aspect needs equal attention.

Late and delayed registration processes are often complex, punitive, and unaffordable. They exploit the vulnerability of mothers who are already marginalized, perpetuating an intergenerational cycle of invisibility and denial. A mother who cannot register her child today was likely a child who never registered herself. I don't know how many read about the recent news of a poor mother in the Korba district of Chhattisgarh, India, who had to sell her rice to bribe officials to get her son registered.

## **Operational Barriers**

Operational requirements further entrench discrimination. In many countries, a marriage certificate is required to register a child. The citizenship certificate of the father is mandatory, even when the mother is a citizen. In 2023, I led a joint UNICEF, WHO, and UNFPA mission to Nepal, and this turned out to be the biggest bottleneck.

National ID cards are required for both parents; however, in most countries, these are typically issued only at the age of 18. Young mothers—especially adolescents—are thus excluded from registering their children. Without addressing these supply-side challenges, we are not just denying services—we are denying identity. And without identity, there is no access to education, healthcare, or protection. I encountered such instances in the hundreds during my five years of work in Tanzania.

## **Discrimination Through Digitalization**

Digitalization, while promising, has introduced new layers of exclusion. In countries like Kenya, Rwanda, Fiji, and Pakistan, families are charged even for the first copy of a birth certificate. The cost of digitalization is being passed on to the most vulnerable.

In some integrated systems, birth registration is being used to determine or deny nationality, in violation of international principles. For example, in Myanmar and parts of the MENA region, birth registration is conflated with citizenship determination, leaving stateless or marginalized children excluded. Unfortunately, such trends are expanding rapidly to other countries. This is something we must stop.

Worse still, there are cases where birth registration data is used punitively—to identify instances of child marriage or undocumented residence. In doing so, the system becomes a tool of surveillance rather than protection, creating fear and mistrust among women, particularly those from refugee or migrant communities.

## **De Facto Discrimination**

Even where laws are progressive, implementation is often regressive. Local registrars, due to a lack of training or personal bias, misinterpret or selectively apply laws and court directives.

For example:

- In Nepal, despite a Supreme Court ruling allowing mothers to register children without the father's name, local registrars continue to deny such requests. And such instances are in the hundreds.
- In Bangladesh, the requirement for both parents' NIDs has led to widespread exclusion of children born to single mothers or undocumented parents. UINs are issued only to children of citizens.
- In Uganda and Sierra Leone, anecdotal evidence shows registrars demanding fathers' names or ID even when not legally required. In some cases, women are asked intrusive questions or turned away for not conforming to the registrar's personal notions of a "complete family."

- In Jordan, refugee mothers face nearly insurmountable hurdles in registering their children due to nationality and documentation requirements.
- Countries have developed clever strategies to restrict access to birth certificates for babies born to migrant women with temporary or irregular status, aiming to deter their permanent settlement. This situation occurs in Texas, Tel Aviv, Santo Domingo, and beyond.

These are not isolated incidents; they are systemic failures. This gap between policy and practice is one of the most insidious forms of discrimination because it makes legal recourse inaccessible and normalizes exclusion.

**Dear Members,**

Just last week, I attended the 3rd Ministerial Conference on Civil Registration and Vital Statistics in the Asia-Pacific region. Last month, I participated in the ID4Africa Annual General Meeting in Addis Ababa. The message from both forums was unequivocal: universal birth registration cannot be achieved without addressing discrimination in birth registration.

We must act now. We know the solutions. What is needed is a stronger enforcement mechanism to force member states to act.

Because every child has the right to a name, a nationality, and a legal identity from birth—not just in principle, but in practice.

Thank you.