



Achieving Universal Access to ID: Gender-based Legal Barriers Against Women and Good Practice Reforms

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About ID4D

The World Bank Group's Identification for Development (ID4D) initiative uses global knowledge and expertise across sectors to help countries realize the transformational potential of digital identification systems to achieve the Sustainable Development Goals. It operates across the World Bank Group with global practices and units working on digital development, social protection, health, financial inclusion, governance, gender, legal, among others.

The mission of ID4D is to enable all people to access services and exercise their rights, by increasing the number of people who have an official form of identification. ID4D makes this happen through its three pillars of work: thought leadership and analytics to generate evidence and fill knowledge gaps; global platforms and convening to amplify good practices, collaborate and raise awareness; and country and regional engagement to provide financial and technical assistance for the implementation of robust, inclusive and responsible digital identification systems that are integrated with civil registration.

The work of ID4D is made possible through support from the World Bank Group, the Bill & Melinda Gates Foundation, the UK Government, the Australian Government and the Omidyar Network.

To find out more about ID4D, visit id4d.worldbank.org. To participate in the conversation on social media, use the hashtag #ID4D.

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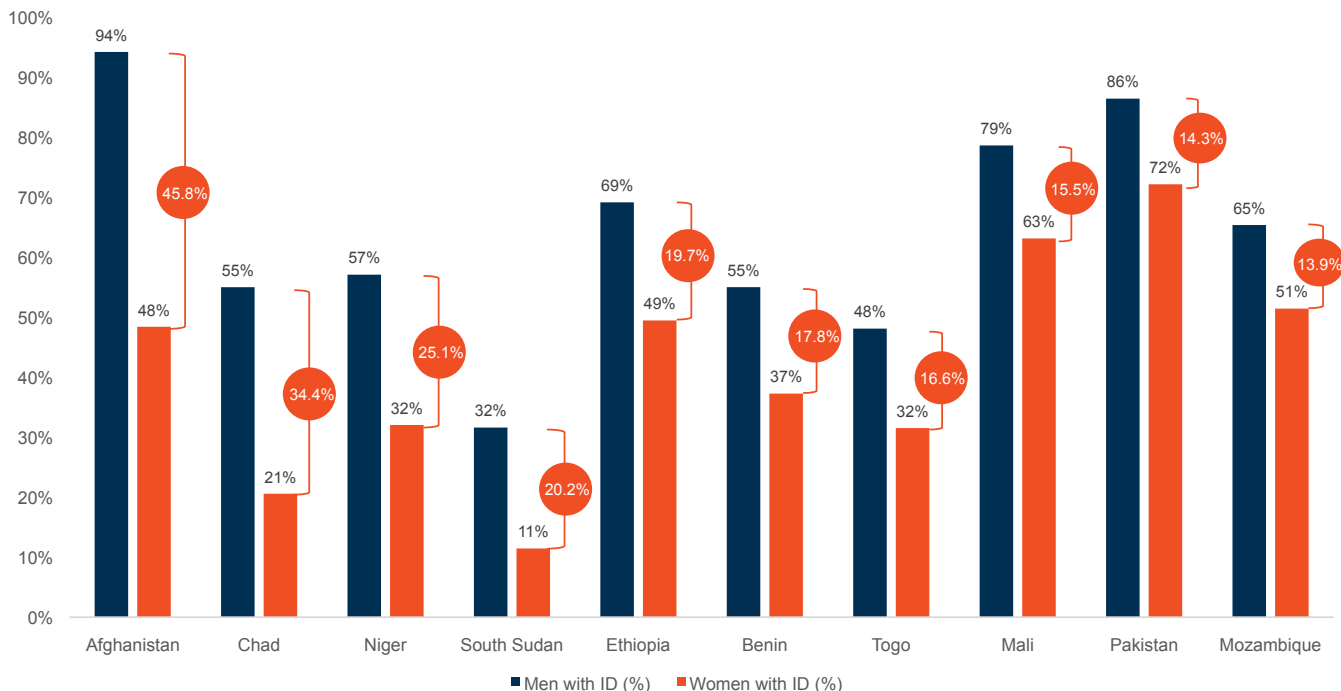
Abbreviations

BISP	Benazir Income Support Program
BRIS	Birth Registration Information System
CCT	Conditional Cash Transfer
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGD	Center for Global Development
CNIC	Computerized National Identity Card
CRC	Committee on the Rights of the Child
CRVS	Civil Registration and Vital Statistics
ICT	Information and Communication Technology
ID4D	Identification for Development
IDP	Internally Displaced Person
NADRA	National Database and Registration Authority
NGO	Nongovernmental Organization
RENAP	National Civil Registry (<i>Registro Nacional de las Personas</i>)
SDG	Sustainable Development Goal
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

I. Introduction

Proof of identity is vital in modern society. Individuals need identity documents to participate in many aspects of civil, political, and economic life. These include obtaining a job in the formal sector, opening a bank account, borrowing from a financial institution, and owning a property or a business in addition to traveling, voting, and gaining access to health and social welfare services. For women and girls, legal identity is a stepping stone to empowerment, agency, and freedom of movement. Hence, it is a vital enabler of Sustainable Development Goal (SDG) 5: Achieve gender equality and empower all women and girls. However, many women and girls do not have access to legal identity. Globally, it is estimated that 1 billion people are unable to prove their identity, and millions more have forms of identification that cannot be reliably verified or authenticated (World Bank 2015). This gap disproportionately affects women and girls, as several low-income countries have a gender gap in access to ID (figure 1).

Figure 1. Top 10 countries with gender gaps in ID



Source: World Bank 2018d.

The importance of legal identity starts at birth, as without birth registration and certification, a child has no recognition before the law.¹ Birth registration is essential for a child's acquisition of a name and nationality and an important foundation for child protection measures (UNICEF 2013). Globally, only 71 percent of children under the age of five are registered at birth, which drops to 56 percent in the poorest wealth quintile of the world (UNICEF 2017a). Obtaining a birth certificate is equally crucial. Birth certificates serve as 'foundational documents', which are necessary to obtain national IDs, passports, social security cards, or driver licenses. Furthermore, a birth certificate constitutes proof of age and is often a means to enforce laws designed to protect children, such as juvenile justice proceedings, child labor laws, minimum age of legal marriage laws, and laws prohibiting conscription of minors into the armed forces. A birth certificate may also be essential to avoid statelessness, as it provides information needed to prove entitlement to a nationality, such as place of birth and parents' information (Apland et al. 2015; Dahan and Hanmer 2015; Hanmer and Elefante 2016; Save the Children 2013; UNICEF 2013; UNHCR 2017).

Box 1. The right to legal identity within the 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development recognizes the role of identification in development. Sustainable Development Goal (SDG 16), “Promote inclusive, just and peaceful societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels” sets a series of targets that will measure progress towards attaining this goal. One such target is: “By 2030 provide legal identity for all, including birth registration” (Target 16.9). Besides constituting an important indicator of inclusiveness in its own right, achievement of this target has also been recognized as an enabler to the realization of other SDGs (Gelb and Dahan 2015).

To support the achievement of this SDG, a group of development partners, United Nations (UN) agencies, multilateral development banks, major nongovernmental organizations (NGOs), and foundations have endorsed a common set of principles on identification for sustainable development that are fundamental to maximizing the benefits of identification for sustainable development. These principles encompass inclusion and the need to ensure universal access and accessibility:

- Ensuring universal coverage for individuals from birth to death free from discrimination
- Removing barriers to access and usage and disparities in the availability of information and technology

Sources: Gelb and Dahan 2015; World Bank 2018e.

This paper explores how gender-based legal differences and nationality laws limit women’s ability to obtain identification for themselves, their children, and, in the case of nationality laws, their spouses too. It brings together data and analysis produced by agencies working on legal barriers that pertain to their mandates—for example, the United Nations Children’s Fund (UNICEF) on birth registration, the United Nations High Commissioner for Refugees (UNHCR) on statelessness, and the evidence produced by the World Bank Group’s Women, Business and the Law and other legal sources. Its aim is to provide a comprehensive overview of the extent of gender-based legal barriers against women to ID and what is known about their impact on women, children, and excluded groups.

Legal barriers to ID for women are often the result of prevailing social norms. They demonstrate deep rooted assumptions about the appropriate role of women in society and entrench women’s inequality with men in this sphere. Legal barriers to nationality are similarly grounded in patriarchal views of the family as well as in historical approaches to nationality as a basis for loyalty to one’s state.² Identifying and addressing the specific barriers that women face to access identity for themselves and their children is therefore both a human rights issue and a development issue. Policy responses to incentivize legal reform in this area are not only needed to reach the development target of ‘legal identity for all’ but are also needed to increase women’s empowerment, financial inclusion, and labor force participation, thus unlocking crucial growth potential (McKinsey Global Institute 2015).

We find that most countries do not explicitly prohibit women from applying for an ID or the associated foundational documentation for themselves or their children. Rather, in many countries, gender-based differences in laws and regulations make it more burdensome for a woman than a man to obtain an ID or the foundational documents needed to get one. This additional burden, when combined with other aspects of gender inequality that put women at a disadvantage (for example, lack of education, constraints to traveling far away from the home, limited access to cash or income, inability to use or access information and communication technology (ICT), and lack of household decision-making power), leads to the gender gap in ID access. This is a particular concern for women and children who may be at risk of statelessness, as will be discussed in detail in section II.d.

Box 2. Definitions: Foundational and functional ID systems

There are two broad categories of ID systems:

- **Foundational identification systems** are created with the objective of providing general legal identification which may serve as the basis for a wide variety of purposes. Common examples include population registries and national ID cards.
- **Functional identification systems** are created in response to a demand for a particular service or transaction such as voter IDs or tax IDs. These do not normally bestow legal identity.

Foundational and functional ID systems may be paper based or digital and may coexist within the same country.

Sources: World Bank 2018f.

This paper is divided into two sections. The first section identifies the current legal and regulatory barriers affecting women's access to IDs, passports, and birth registration and certification. It then turns to the impact of gender-discriminatory nationality laws on the risk of statelessness for women and their children and spouses. The second section explores recent initiatives and strategies that have been adopted to remove gender-based legal differences in access to national IDs, passports, and birth certificates as well as from nationality laws.

Notes

1 Birth registration is the official recording in the civil registry of the occurrence and characteristics of births, in accordance with the legal requirements of a country. A birth certificate is a vital certified record that documents the birth of a child and constitutes proof of registration (UNICEF 2013).

2 The principle of dependent nationality was applied in most states at the beginning of the twentieth century and required that a woman who married a foreigner automatically acquired the nationality of her husband upon marriage, based on the view that nationality would entail loyalty to one state only. This was normally accompanied by the loss of her own nationality. United Nations, Convention on the Nationality of Married Women: Historical Background and Commentary (United Nations doc. E/CN.6/389), Sales No. 62.IV.3, p.2 (1962).

II. Gender-based legal barriers against women to identification

Gender-based legal barriers against women to obtaining identification exist when laws or regulations make access to identification more difficult or burdensome for women. These barriers are more common for married women, who often need to be accompanied by a male guardian, or provide additional information or documentation not required of married men, such as the name of the husband or the family booklet or marriage certificate when applying for identification. The World Bank's Women, Business and the Law provides information on countries that place limitations on women's ability to apply for identification. In 35 countries, a married woman cannot apply for a passport through the same process as married men, and in 11 countries married women cannot apply for an ID in the same way as married men. Only three countries apply the same restrictions to unmarried women (table 1).

Women also face legal barriers when trying to register the birth of their children and obtain birth certificates for them. For example, in some countries, the father is legally responsible for registering the birth of a child; in others, birth registration is contingent on the existence of a marital relationship between parents. We explore these limitations in more detail in the sections below.

Table 1: Gender-based legal differences in access to identification

Countries where unmarried women cannot apply for a national ID card in the same way as men	Afghanistan, Oman, and Saudi Arabia
Countries where married women cannot apply for a national ID card in the same way as married men	Afghanistan; Algeria; Benin; Cameroon; Congo, Rep.; Egypt, Arab Rep.; Mauritius; Namibia; Oman; Pakistan; and Saudi Arabia
Countries where unmarried women cannot apply for a passport in the same way as men	Jordan and Saudi Arabia
Countries where married women cannot apply for a passport in the same way as married men	Algeria; Bahrain; Barbados; Belize; Benin; Botswana; Cameroon; Congo, Rep.; Cyprus; Dominica; Egypt, Arab Rep.; Fiji; Gabon; Guyana; Haiti; Iran, Islamic Rep.; Jordan; Madagascar; Malawi; Mali; Myanmar; Nigeria; Oman; Pakistan; Philippines; Samoa; Saudi Arabia; Seychelles; Solomon Islands; St. Vincent and the Grenadines; Sudan; Trinidad and Tobago; United Arab Emirates; Yemen, Rep.; and Zambia.

Source: World Bank 2018a. World Bank forthcoming.

a) Barriers to obtaining national ID cards

Gender-based legal differences in accessing ID cards most commonly arise when women are required to obtain permission from a male guardian or to provide information or documentation not required of men. Requiring the presence of a male guardian is now uncommon for IDs. A stark exception to this is Saudi Arabia where a woman applying for an ID must be accompanied by a male guardian, typically the husband or father, and needs a male guardian's signature, plus her passport or two women witnesses to prove her identity. These requirements are not mandated for men.³

Although requiring the presence of the male guardian is uncommon outside of Saudi Arabia, other countries still place explicit legal burdens on married women when applying for an ID. For example, in the Arab Republic of Egypt, while the ID card of a married woman must show the name of her husband, a man's ID card only indicates his marital status.⁴ In Algeria,⁵ married women must include the name of their spouse on the national ID application form, while men are not required to do so.

Legal and social norms surrounding name change on marriage affect access to identification, and regulations may limit the choice that married women have regarding their legal identity upon marriage, divorce, or widowhood. When a spouse changes the last name upon marriage, evidence of a marriage contract is needed to obtain new ID documents with the married name. Similarly, on divorce or separation, those persons wanting to revert to their name at birth must produce documentary evidence. Such regulations affect women disproportionately, as large numbers of women change their names to that of their husband, while men almost never assume their wives' names upon marriage (Goldin and Shim 2004; Thwaites 2013). Regulations can reenforce this norm by making it difficult for men to change their name on marriage. For instance, in the United States, in all but eight states, a man who wishes to alter his name on marriage must go through a lengthy and expensive legal process (Anthony 2010). Where women typically change their name on marriage, certificates of marriage and proof of divorce are commonly required for passport applications. Marriage certificates can also be required, although more rarely, for a national ID card, as evidenced in Benin, Cameroon, and Pakistan.⁶ Alternatively, there are few countries which avoid this burden as the default regime is for women to keep their own names upon marriage (Koffler 2015)—for example, Belgium,⁷ France,⁸ Greece,⁹ Italy,¹⁰ and the Canadian province of Quebec.¹¹

Legal reforms have eliminated gender-based legal differences to accessing ID in many places. However, it can take time for new regulations to be implemented and women may remain at a disadvantage compared to men despite legal reform. For example, in Afghanistan, the *tazkera* card is the primary identification document needed to access government services as well as to obtain employment in large parts of the private sector. A 2010 legal amendment eliminated the requirement for women to bring male witnesses to renew their *tazkera* card.¹² However, the application process varies depending on where the application is submitted, and in some regions, women are still asked to bring male witnesses (Samuel Hall and Norwegian Refugee Council 2016).

Even when no gender-based legal or regulatory differences exist, gender inequality can make it more difficult for women to comply with regulations governing access to ID cards compared to men. In Indonesia, surveys found that the cost of travel was a particularly binding constraint for poor rural women (Sumner 2015). In Pakistan, the National Database and Registration Authority (NADRA) successfully designed and implemented a program to register women in areas where a long-standing culture of male chauvinism had prevented their registration in the past (Malik 2014).

Women in already disadvantaged groups can be disproportionately affected, as in the case of internally displaced persons (IDPs) in Afghanistan. Applications for *tazkera* cards have to be submitted in the applicant's place of origin or with central authorities in Kabul. When IDPs wish to apply for a *tazkera* from their current place of residence, they must bring an official letter (Ariza) from the Population Registration Office in Kabul, explaining why they cannot obtain their *tazkera* in their original home. Due to social norms that limit women's mobility in Afghanistan and their interaction with officials in public spaces, travel to

Kabul is more difficult for women than men. As a result, data suggest that few female IDPs hold *tazkera* cards. For example, a 2016 survey fielded in Herat Province showed that only 21 percent of female IDPs surveyed held a *tazkera*, compared with 44 percent of host community women. More men in both groups held *tazkeras*: 87 percent of male IDPs and 94 percent of men in the host community (Samuel Hall and Norwegian Refugee Council 2016). In May 2018, the Government of Afghanistan launched Electronic National Identity Cards, known as *e-tazkera*, and put in place policies to tackle the low levels of *tazkera* card possession among women, including IDP women (Ahmad 2018).

b) Barriers to obtaining passports

Women face many barriers when applying for a passport, regardless of their marital status, although legal differences are more common for married women (see table 1). As with national IDs, requiring the presence of a male guardian is now uncommon. Reforms removing this requirement from passport application procedures were enacted in 2015 in Afghanistan and Iraq, two of the few remaining countries to have such restrictions in place. However, the written permission of a male guardian or husband is still required by several countries for a married woman to be issued a passport, including Bahrain,¹³ Gabon,¹⁴ the Islamic Republic of Iran,¹⁵ and Saudi Arabia.¹⁶ In Gabon, a married woman must present permission from her husband and provide his name, nationality, and identity card when applying for a passport.¹⁷ In the Islamic Republic of Iran, permission to obtain a passport can also be provided by a woman's "father, or another male relative," however, "married women must receive written permission from their husbands before being allowed to leave the country."¹⁸ Further, the social norm that married women should normally be accompanied by their husbands when they travel can be reflected in legal norms. For example, in Yemen, the law explicitly states that "if it is difficult to grant the wife a separate passport, she is added to her husband's passport," after evidence of the continuity of the marital relationship is provided.¹⁹ Similarly, in Sudan, a married woman may be inscribed in her husband's passport rather than obtain her own.²⁰

Where male presence or approval is not required, women are often still required to provide additional documentation or information to obtain a passport—similar to national IDs. In Jordan, married women need to provide a copy of a valid Jordanian family booklet and include the name and nationality of their husband on the application form. Unmarried women need to declare their marital status in the application form, a requirement that does not apply to men.²¹ In Yemen, a personal or family identity card is needed to apply for a passport.²² A married woman who wants to apply for a passport that is separate from her husband's must provide the husband's name, nationality, place, and date of birth.²³ The additional information required is often the spouse's name on the passport application form, which is a requirement for married women (but not for married men) in Algeria,²⁴ Egypt,²⁵ Jordan,²⁶ Mali,²⁷ Myanmar,²⁸ Dominica,²⁹ and St. Vincent and the Grenadines. In Dominica,³⁰ married women are required to provide the full name of their husband or former husband together with the place and date of marriage. In Saudi Arabia, all the following restrictions apply. Women must provide the father or husband's family booklet to apply for a passport, and written consent of the husband or legal guardian is needed, along with proof of marriage or kinship.³¹ More specifically, married women who are applying for a separate passport must provide the name and national identification number of their husband on the application form. This requirement does not apply to married men.³² Unmarried women must provide the name and national identification number of their guardian on the application form. The guardian is also required to sign the form, affirming that the woman is allowed a separate passport.³³ In St. Vincent and the Grenadines, married women must include the place and date of marriage, as well as the husband's name, place and date of birth, and nationality in the application form. If the husband was born abroad, name, place, and date of birth of the husband's parents must be provided. A married man may apply for a joint passport, but married women cannot use the joint passport to travel alone.³⁴

In the past, legal regulations have been used to prevent or limit women from using their passports; however, this is now increasingly rare. In Saudi Arabia, a woman under 45 years requires a male guardian's consent

to travel abroad and a foreign woman married to a Saudi Arabian man needs permission from her husband to travel unless both partners sign a prenuptial agreement permitting the non-Saudi Arabian wife to travel without the husband's permission. Government entities and male family members can 'blacklist' women and minor children, prohibiting their travel.³⁵ Sometimes, patriarchal customs and practices create barriers to women's ability to access and use passports. For example, in the United Arab Emirates, custom allows a husband to prevent his wife, minor children, and adult unmarried daughters from leaving the country, by taking custody of their passports.³⁶

c) Barriers to birth registration and certification

Gender-based legal and regulatory barriers against women to birth registration and certification exist when women are not allowed to register the birth of a child or obtain a birth certificate for their child as easily as a man.³⁷

One legal barrier faced by women is that only the father can register the birth of a child or that he is the first person in a list of people allowed to do so. In Greece, the father is legally obliged to register the child; if he is absent or impeded, this legal obligation falls on the doctor or midwife.³⁸ In Barbados,³⁹ Burundi,⁴⁰ Fiji⁴¹, the Islamic Republic of Iran,⁴² and Namibia,⁴³ a mother can legally register the newborn only when the father is dead, absent, or incapable. In The Gambia, the father is legally required to register children born within a marriage. However, if a child is born out of wedlock, the father is not required to register the birth.⁴⁴ The mother is legally responsible for registering the birth of children born out of wedlock and of children born in wedlock if the father is dead or absent.⁴⁵ The same rules often apply to issuing a birth certificate, for example, in the Islamic Republic of Iran.⁴⁶ Perhaps the most severe restriction arises from laws that stipulate that if the father is unknown, the birth of a child cannot be registered in the civil registry, as is the case in Bhutan (UNICEF 2013).

In other countries, mothers can register the birth of a child but need additional documentation, generally proof of marriage or the husband's or another male family members' authorization. In Bhutan, identification documents of both parents and their marriage certificate are necessary to register the birth of a child.⁴⁷ In Egypt, while the father can always register the birth of a child, the mother may do so only if she provides proof of marriage.⁴⁸ If she cannot prove her marital relationship, she can register the birth of her child only if she provides the testimony of a person who witnessed the birth⁴⁹ (World Bank 2016a). In Greece, while the father is legally obliged to register the birth of a child, the mother needs a special mandate by a notary attorney to do so.⁵⁰ In Kuwait, the original marriage contract is required to register the birth of the firstborn child and the father or paternal grandfather must go in person to collect the certificate from the relevant authority. An authorization letter or special power of attorney is needed when the father is outside the country and a letter from the prison commissioner is needed if the father is imprisoned.⁵¹

Gender-based legal differences create barriers to birth registration of children born out of wedlock if the mother alone cannot register the birth of her child. For example, in the Islamic Republic of Iran, if the parents' marriage is not registered, both parents must appear before the civil registrar to register a child's birth.⁵² In Nicaragua, a single mother can register the birth of her child alone when the father is unknown or does not recognize the child as his, but both parents need to register the birth of a child when living in a consensual union; otherwise, the child will not obtain the father's surname. The father's signature on the birth record is needed for paternal recognition of the child (UNICEF 2013). In Iraq and Jordan, an unmarried parent must obtain a court order to register the child.⁵³

Discriminatory birth registration laws can trigger gender-based social stigma. For example, in Indonesia, before legislative reforms in 2014, children whose parents were unmarried or had a religious marriage, or whose father did not provide a letter of recognition to civil registry staff, were issued a birth certificate with only the mother's name. Indonesians generally believed that a birth certificate with only the mother's name carried a stigma, as it implies that the child was illegitimate and that this was an undesirable registration

outcome (Sumner 2015) (See section III.(b)3.2 for remedial reforms implemented by the Government of Indonesia).

Regulatory barriers exist as well. For instance, in countries with low rates of birth registration, proof of birth from village elders, birth attendants, or witnesses is often used to obtain proof of identity. However, meeting these requirements may be more burdensome for a woman than a man. For example, in Burkina Faso, the voter registration exercise in 2010 required a birth certificate. However, to get a birth certificate, citizens must have two witnesses, such as their mother or a midwife, to vouch for their birth in the country. This regulation is more burdensome for women to comply with as, unlike men, women leave their birth villages when they marry. Going back to the village to find witnesses is costly and challenging for women who may not be able to travel alone or take time away from child care and domestic work. Indeed, this requirement resulted in overwhelmingly low voter registration.⁵⁴

d) Barriers to acquiring nationality

Nationality laws which do not grant women equality with men in conferring nationality on their children can perpetuate a cycle of statelessness which has serious consequences, including the absence of a legal identity and non-enjoyment of civil, political, economic, social, and cultural rights.⁵⁵ Statelessness is an increasing concern for the international community. It is an issue that implementors of ID programs must tackle, in accordance with nationality laws and international commitments, if they are to be inclusive (Gelb and Metz 2017). UNHCR estimates that globally, at least 10 million people are stateless and over one-third of the world's stateless are children (UNHCR 2014).

Several countries prohibit or limit the rights of women to confer nationality on their children or a noncitizen spouse, a right that is almost universal for men (Theodorou 2014)⁵⁶ and assured under Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Just as discriminatory laws govern access to IDs, passports, and birth certificates, discriminatory nationality laws are deeply rooted in patriarchal social norms, with children born in marriage assumed to acquire the nationality of their father and married women that of their husband.⁵⁷ Furthermore, the discriminatory laws and practices outlined in section II.(c) may lead to women and their children being unable to prove nationality, which is often a prerequisite for acquiring a national ID.⁵⁸ The annex provides some background to the history of nationality rights under international law.

Unmarried women cannot convey citizenship on their children in the same way as unmarried men in 18 countries, and married women cannot confer citizenship on their children in the same way as married men in 26 countries (table 2). In Brunei Darussalam,⁵⁹ Kuwait,⁶⁰ Lebanon,⁶¹ and Qatar,⁶² only the father can convey nationality on children. Other countries, including The Bahamas,⁶³ Barbados,⁶⁴ Kiribati,⁶⁵ and Malaysia,⁶⁶ prevent mothers from conveying their nationality on children born abroad. Others, such as Saudi Arabia, prevent women from conveying nationality on children born to an unknown father.

When granting nationality, most countries apply rules that are primarily based on descent from a parent who is a citizen (Govil and Edwards 2014).⁶⁷ Nationality laws based on paternal descent alone can cause statelessness if children cannot acquire the nationality of the father or a nationality based on their place of birth (UNHCR 2018). Such laws tend to render children stateless if (a) the father is stateless; (b) the father is unknown or not married to the mother at the time of the child's birth; (c) the father's country's nationality laws do not permit him to confer nationality in certain circumstances, such as when the child is born abroad; or (d) the father has been unable or is unwilling to fulfil administrative steps to confer his nationality because, for example, he has died, has been forcibly separated from his family, or has abandoned the family.⁶⁸

There are several examples of countries where a woman marrying a stateless person in her country of birth can risk statelessness for herself and her children. Brunei Darussalam,⁶⁹ the Islamic Republic of Iran,⁷⁰

Table 2. Discrimination against women in nationality laws

Economies where an unmarried woman cannot confer citizenship on her children in the same way as an unmarried man	Bahrain; Brunei Darussalam; Iran, Islamic Rep.; Iraq; Jordan; Kuwait; Lebanon; Libya; Malaysia; Mauritania; Nepal; Oman; Qatar; Saudi Arabia; Swaziland; Syrian Arab Republic; United Arab Emirates; and West Bank and Gaza
Economies where a married woman cannot confer citizenship on her children in the same way as a married man	
<ul style="list-style-type: none"> ▪ Laws with additional guarantees to ensure statelessness only arises in a few cases 	Mauritania
<ul style="list-style-type: none"> ▪ Laws with some safeguards against statelessness 	Bahamas, The; Bahrain; Barbados; Burundi; ^a Guinea; Iraq; Jordan; Kiribati; Liberia; ^a Libya; Malaysia; Nepal; Oman; Saudi Arabia; Syrian Arab Republic; Togo; ^a United Arab Emirates; and West Bank and Gaza
<ul style="list-style-type: none"> ▪ Laws with no, or very limited, exceptions 	Brunei Darussalam; Iran, Islamic Rep.; Kuwait; Lebanon; Qatar; Somalia; and Swaziland
Economies where a married woman cannot confer citizenship on a nonnational spouse in the same way as a man	Bahamas, The; Bahrain; Bangladesh; Barbados; Benin; Brunei Darussalam; Burundi ^a ; Cameroon; Central African Republic; Comoros; Congo, Rep.; Egypt, Arab Rep.; Ghana; Guatemala; Guinea; Haiti; Iran, Islamic Rep.; Iraq; Jordan; Kiribati; Kuwait; Lebanon; Lesotho; Libya; Madagascar; Malawi; Malaysia; Mauritania; Morocco; Nepal; Nigeria; Oman; Pakistan; Philippines; Qatar; Saudi Arabia; Sierra Leone; Singapore; Solomon Islands; St. Lucia; St. Vincent and the Grenadines; Sudan; Swaziland; Syrian Arab Republic; Tanzania; Thailand; Togo; Tunisia; United Arab Emirates; and West Bank and Gaza

Sources: World Bank 2018a; UNHCR 2018.

Note: a. In Burundi, Liberia, and Togo, recent constitutions provide for equal nationality rights for men and women, but these countries are yet to reform relevant provisions of their nationality laws.

Kuwait,⁷¹ Lebanon,⁷² Qatar,⁷³ and Somalia⁷⁴ do not allow mothers who are citizens of these countries and married to stateless men to confer their nationality on their children, even if this prohibition would result in their children becoming stateless (UNHCR 2018).

However, in other countries, the nationality laws provide for exceptions that allow women to pass their nationality on to their children when the father is stateless even while discriminating against women on other grounds.⁷⁵ These include, for example, Bahrain,⁷⁶ Guinea,⁷⁷ Jordan,⁷⁸ Libya,⁷⁹ Mauritania,⁸⁰ and the United Arab Emirates.⁸¹ In Iraq, children born abroad to an Iraqi mother may apply for Iraqi citizenship when reaching age of majority at 18 when the father is unknown or stateless.⁸²

In Kuwait,⁸³ Qatar,⁸⁴ and Somalia,⁸⁵ the mother is not allowed to pass her nationality to children born out of marriage or to an unknown father. The law of Kuwait, however, allows children of a Kuwaiti mother and a father who has not recognized them or is unknown to apply for citizenship when reaching age of majority at 21. Citizenship would in these cases be granted by decree upon the recommendation of the Minister of the Interior.⁸⁶ In practice, however, this is an extraordinary measure and rarely occurs (UNHCR 2018).

Nationality laws may also discriminate against women when it comes to women's ability to confer citizenship to their nonnational spouses. The Women Business and the Law database, (World Bank, forthcoming), finds

Box 3. The impact of statelessness resulting from gender discriminatory laws

Nabila, a Syrian mother, worries about her stateless daughter who was unable to acquire her father's nationality before her parents divorced. She despairs,

"Although my daughter has a good degree from Damascus University, without citizenship or identification papers, she cannot accept the many job offers and travel opportunities she receives. She is only 25 years old, but her future is bleak."

In Thailand, the lack of access to scholarship programs and student loans reserved for Thai nationals obstructs stateless children's access to higher education.

"I get pretty good grades," says Patcharee (15), a stateless hill-tribe girl in Thailand. "Maybe I am even at the top of the class. But every time there is a scholarship, it is given to someone who has a national ID card."

Saida in Morocco was unable to pass on her own nationality to her children because she is a woman. Without nationality, her family had no right to residence, and when the children reached maturity, they faced the problem of leaving the country every three months to attain a visa and trying to return. Thankfully, the law was amended in 2007 changing the lives of thousands of children for the better, including Saida's.

Sources: UNHCR 2014; A Special Report Ending Statelessness in 10 years, November 4. (<https://www.unhcr.org/en-us/protection/statelessness/546217229/special-report-ending-statelessness-10-years.html>); UNHCR 2015; "I Am Here, I Belong: The Urgent Need to End Childhood Statelessness." November 3. <https://www.refworld.org/docid/563368b34.html> (accessed February 15, 2019)..

that 51 countries out of the 189 examined do not allow married women to pass their citizenship to their nonnational spouses in the same way as men. For example, in the Central African Republic,⁸⁷ the Republic of Congo,⁸⁸ Guatemala,⁸⁹ Jordan,⁹⁰ Malaysia,⁹¹ Oman,⁹² and The Philippines,⁹³ nationality laws prevent women from passing their nationality to their husbands. Laws can also impose more stringent requirements on men trying to acquire their wives' nationality than on women trying to acquire their husband's nationality as is the case in St. Lucia⁹⁴ and St. Vincent and the Grenadines.⁹⁵ In these countries, the competent minister may refuse the granting of citizenship by marriage to husbands on reasonable grounds. Such laws can prolong situations of statelessness, for example, when women marry stateless men.

Nationality laws also frequently discriminate against women when it comes to the acquisition, loss, and retention of nationality by marriage and naturalization. These laws can contribute to situations of statelessness. Women tend to be more likely than men to assume their foreign spouse's nationality upon marriage and are in some cases legally obliged to do so under the principle of dependent nationality.⁹⁶ For instance, in the Islamic Republic of Iran, every foreign woman who marries an Iranian husband is considered an Iranian national.⁹⁷ In Kuwait, a Kuwaiti woman who marries an alien will lose her Kuwaiti nationality if she acquires her husband's nationality.⁹⁸ Similarly, in Bahrain, if a Bahraini woman marries an alien, she shall lose her Bahraini nationality if she acquires the nationality of her husband.⁹⁹

Women married to foreign nationals risk statelessness if there is a gap in legislation that allows or requires them to renounce their nationality without having acquired the nationality of the spouse or if the legislation does not let them retain their original nationality after losing their husband's nationality.¹⁰⁰ A safeguard against statelessness in the latter case is to allow the woman to keep the husband's nationality or to revert to her original nationality. For instance, in Egypt, if a foreign woman acquires Egyptian nationality upon marriage to an Egyptian, she will not forfeit it with the termination of marriage, unless she has had her foreign nationality restored or gets married to a foreigner and acquires his nationality.¹⁰¹

Foreign spouses also risk being rendered temporarily stateless until they are able to comply with the legal and administrative requirements needed to obtain a new nationality. Although this risk can, in principle, apply to both male and female foreign spouses, the requirements imposed by naturalization procedures such as language tests, proof of economic self-sufficiency, or housing may be more difficult for women to meet, as they may not have the same educational opportunities as men and are more likely to be financially dependent on their spouses.¹⁰²

Refugees and other forcibly displaced people are particularly vulnerable to becoming stateless due to gender-discriminatory nationality laws and barriers to birth registration. Birth registration per se does not confer nationality, which is acquired through a state's nationality law. However, registering a birth establishes a legal record as to where the child was born and the identity of the parents, key information for proving entitlement to nationality (UNHCR 2017). Hence, recently, the UN's CEDAW Committee and the Committee on the Rights of the Child (CRC) have urged state parties to ensure registration of births and issuance of birth certificates to allow access to basic services and avoid statelessness (see box 4).

Syrian refugees have suffered complex identification challenges due to their displacement. In Lebanon and Jordan, they have experienced barriers to birth registration and certification for a variety of reasons including complex and lengthy procedures, difficulty in accessing documentation, problematic physical access, and illiteracy (Norwegian Refugee Council 2017). Syrian women's inability to confer nationality on their children combined with the massive displacement resulting from the ongoing conflict has resulted in a situation where a generation of Syrian children born abroad are at risk of being stateless. Children of Syrian refugees born in other countries cannot acquire the nationality of their mothers under Syrian law.¹⁰³ Syrian mothers can only confer nationality on their children if they are born in Syria and the father does not establish filiation in relation with the child.¹⁰⁴ If the Syrian father is dead or missing, acquisition of the father's nationality depends on the birth being registered, as well as the marriage and the father's death, in accordance with Syrian law. However, many Syrian women refugees, separated from their husbands, lack the necessary documentation to prove their marriage and the paternity of children born abroad (Norwegian Refugee Council 2017). If the child is not able to obtain the father's nationality, he or she will be stateless unless born in a country that provides nationality based on birth in the territory of a state (American Bar Association 2017; UNHCR 2017; Norwegian Refugee Council 2017).

Box 4. Recent UN recommendations concerning statelessness

The CEDAW Committee and the CRC have urged state parties to ensure registration of births and issuance of birth certificates and reform gender-discriminatory laws to allow access to basic services and avoid statelessness. Recent examples include the following:

CEDAW Committee recommendations for actions to avoid statelessness

- Concluding Observations to the Democratic People's Republic of Korea (2017) express concern that while the law allows women who are Korean nationals living in China to transmit their nationality to their children, many choose not to register their children for fear of being forcibly repatriated to the state party's territory. The CEDAW Committee recommends that the state party review its bilateral agreements to ensure that children born to Korean women residing abroad have access to birth registration and nationality without the children or their mothers being forcibly returned to the state party's territory by third states. The CEDAW Committee also recommends taking retroactive measures for women whose children are stateless.
- Concluding Observations to Burkina Faso (2017) express concern that 20 percent of children are not registered at birth, which places them at risk of statelessness. The CEDAW Committee recommends intensifying efforts to ensure timely birth registration and the issuance of birth certificates as a means to facilitate access to basic services and to avoid the risk of statelessness.
- Concluding Observations to Kuwait (2017) express concern about the exclusion of disadvantaged groups of women and girls, including stateless bidun,^a from basic social services, access to justice, decent work, citizenship, and access to birth and marriage certificates and identity documents and their heightened exposure to risks of violence, abuse, and exploitation, including sexual exploitation, forced labor, and trafficking in persons. The CEDAW Committee calls on Kuwait to ensure that birth certificates and other documents are issued to bidun women, men, and children as a means of preventing statelessness.

CRC recommendations in situations of forced displacement

- Concluding Observations to Angola (2018) express concern at how low rates of birth registration represent an obstacle to preschool and school enrollment and are a root cause of child labor, child sexual exploitation, and underage recruitment into the armed forces. The CRC recommends extending the current national mass birth registration campaign to parents, including non-Angolan citizens, refugees, and asylum seekers, as this facilitates birth registration for their children; decentralizing birth registration to benefit rural and marginalized populations, including by establishing mobile birth registration teams; and introducing legal safeguards for children in the state party who would otherwise be stateless.
- Concluding Observations to Lebanon (2017) note how discrimination and practical obstacles precluded some categories of children from being registered, including Palestinian and Syrian refugee children and Dom and Bedouin children. The CRC recommends strengthening efforts to ensure that all births are registered, especially the births of children of refugees and asylum seekers, migrant workers, and historically stateless communities, including by streamlining documentation requirements and other barriers. The CRC also recommended reform of the legal framework on nationality to remove discrimination against women and provide adequate safeguards against statelessness.

Sources: Concluding observations on the seventh periodic report of Burkina Faso, CEDAW/C/BFA/7, November 2017; Concluding observations on the combined second to fourth periodic reports of the Democratic People's Republic of Korea CEDAW/C/PRK/2-4, November 2017; Concluding observations on the fifth periodic report of Kuwait (CEDAW/C/KWT/5) 1 November 2017; Concluding observations on the combined fifth to seventh periodic reports of Angola (CRC/C/AGO/5-7) 15 and 16 May 2018; Concluding observations on the combined fourth and fifth periodic report of Lebanon, CRC/C/LBN/CO/4-5, 2017.

Note: a. Word used to refer to the stateless people of the Arab states in the Persian Gulf.

Notes

- 3 Kingdom of Saudi Arabia, Civil Status System, as amended by Council of Ministers Resolution No. 151 dated 13/5/1434H, Article 67.
- 4 World Bank 2018a; Executive Regulations of the Civil Affairs Law No. 1121 of 1995, Article 33; ID Card Application Form at <http://www.egypt.gov.eg/Services/ServiceDetailsFiles.aspx?ID=4757> (accessed October 9, 2018).
- 5 Algeria, National Identity Card Application Form, available at <http://passeport.interieur.gov.dz/Fr/Telechargement/formulaire.pdf>.
- 6 République du Bénin, Obtenir sa carte d'identité au Bénin at <http://benin.fm/formalite/obtenir-sa-carte-didentite/>; République du Cameroun, Décret No. 2016/375 du 4 Aout 2016, Article 6(a).; Pakistan, The National Database and Registration Authority Ordinance, 2000, Pakistan ID Card Application Procedure, available at <https://id.nadra.gov.pk/supp-documents/> (accessed 10/09/2018).
- 7 Kingdom of Belgium, Foreign Affairs, Foreign Trade and Development Cooperation, Giving a Name, at https://diplomatie.belgium.be/en/services/services_abroad/registry/giving_a_name.
- 8 Une femme mariée peut-elle garder son nom de famille (nom de jeune fille)? Service-Public.fr, at <https://www.service-public.fr/particuliers/vosdroits/F77> (accessed November 2018).
- 9 Law 1329/1983 on the Application of the Constitutional Principle of Equality of the Sexes in the Civil Code and its Introductory Law, in Commercial Legislation, and on the Code of Civil Procedure, as well as to Partial Modernization of Certain Provisions of the Civil Code Regarding Family Law, Article 15 at <https://www.lawspot.gr/nomikes-pliories/nomothesia/n-1329-1983/arthro-15-nomos-1329-1983>.
- 10 Civil Code of Italy, Article 143 bis. Women cannot change their name but have the option of adding their husband's name to theirs. Even in this case, the husband's surname is never added to the national ID card, passport, driver's license, or any other administrative document. See <https://www.notai.it/news/00019834-il-cognome-dei-coniugi-secondo-la-legge-italiana.aspx>.
- 11 Civil Code of Quebec, as amended through 1991, Article 393.
- 12 Registration of Population Records Act, now amended in 2014, Article 6, available at: <http://www.refworld.org/docid/544a4c434.html> (accessed November 19, 2018).
- 13 Kingdom of Bahrain, Law on Passports No. 11 of 1975, Article 13, at <http://www.legalaffairs.gov.bh/Media/LegalPDF/K1175.pdf>.
- 14 Gabon, Ministère des Affaires Etrangères, de la Francophonie et de l'Intégration Régionale, Passeport Application procédures, at <http://www.diplomatie.gouv.ga/services-aux-usagers/passeports>.
- 15 Islamic Republic of Iran, Passport Law, Article 18.
- 16 Kingdom of Saudi Arabia, Ministry of Foreign Affairs, at <http://www.mofa.gov.sa/EServ/SaudiNationalAbroad/FanarPassportServices/Pages/Instructions.aspx?ServiceId=16>.
- 17 Gabon, Ministère des Affaires Etrangères, de la Francophonie et de l'Intégration Régionale, Passeport Application procédures, at <http://www.diplomatie.gouv.ga/services-aux-usagers/passeports>.
- 18 Islamic Republic of Iran, Passport Law, Article 18.
- 19 Decree No. 2 of 1994 Concerning the Executive Regulation of Law No. 7 of 1990 Concerning Passports, Article 3 available at: <http://www.refworld.org/docid/400175d04.html> and Article 6(2); World Bank 2018a.
- 20 World Bank 2018a; passport application form at http://www.sudanembassy.org/forms/New_Passport.pdf.
- 21 World Bank 2018a; Kingdom of Jordan, Civil Status and Passport Department, Passport application procedures at <http://www.cspd.gov.jo/page/asdar-jwaz-sfr-ady-lawl-mrt#> (accessed May 2019); Kingdom of Jordan, Civil Status and Passport Department, Passport application form at <http://cspd.gov.jo/Portal1/Upload/Menu/Image/pass.pdf> (accessed May 2019).
- 22 Decree No. 2 of 1994 Concerning the Executive Regulation of Law No. 7 of 1990 Concerning Passports, Article 3 available at: <http://www.refworld.org/docid/400175d04.html>.
- 23 Yemen Republic, Passport Application Form at http://www.yemenembassy.org/wp-content/uploads/2016/01/Passport_Form.pdf.
- 24 Algeria, Loi n° 14-03 du 24 Rabie Ethani 1435 correspondant au 24 février 2014 relative aux titres et documents de voyage, Article 7; Algeria, Passport application form, available at <http://passeport.interieur.gov.dz/Fr/Telechargement/formulaire.pdf>.
- 25 Passport application form, at <http://www.egypt.gov.eg/Services/ServiceDetailsFiles.aspx?ID=4753> (accessed May 2019).
- 26 World Bank 2018a; Kingdom of Jordan, Civil Status and Passport Department, Passport application procedures at <http://www.cspd.gov.jo/page/asdar-jwaz-sfr-ady-lawl-mrt#> (accessed October 2018); Kingdom of Jordan, Civil Status and Passport Department, Passport application form at <http://cspd.gov.jo/Portal1/Upload/Menu/Image/pass.pdf> (accessed October 2018).
- 27 World Bank 2018a.
- 28 Myanmar, Passport Application Form, available at <http://www.myanmargeneva.org/con-nal/pprenew.pdf>.
- 29 Commonwealth of Dominica, Passport Application Form, available at http://dominica.gov.dm/images/documents/commonwealth_of_dominica_passport_form.pdf; and Passport Application Procedures at <http://www.dominica.gov.dm/services/passports-and-travel-documents-nationals/120-how-do-i-apply-for-a-passport>.

- 30 Commonwealth of Dominica, Passport Application Form, available at http://dominica.gov.dm/images/documents/commonwealth_of_dominica_passport_form.pdf; and Passport Application Procedures at <http://www.dominica.gov.dm/services/passports-and-travel-documents-nationals/120-how-do-i-apply-for-a-passport>.
- 31 Kingdom of Saudi Arabia, Ministry of Foreign Affairs, at <http://www.mofa.gov.sa/EServ/SaudiNationalAbroad/FanarPassportServices/Pages/Instructions.aspx?ServiceId=16>.
- 32 World Bank 2018a; Kingdom of Saudi Arabia Passport application procedure at <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/NewSaudiPassport/Pages/default.aspx>; Kingdom of Saudi Arabia Passport Application Form at <http://www.gdp.gov.sa/sites/pgd/ar-SA/PassportServices/Forms/Pages/default.aspx> (accessed May 2019).
- 33 World Bank 2018a; Kingdom of Saudi Arabia Passport application procedure at <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/NewSaudiPassport/Pages/default.aspx>; Kingdom of Saudi Arabia Passport Application Form at <http://www.gdp.gov.sa/sites/pgd/ar-SA/PassportServices/Forms/Pages/default.aspx> (accessed May 2019).
- 34 St. Vincent and the Grenadines, Passport Application Form, available at http://www.svghighcom.co.uk/site/National_files/passport%20form%20ADULT.pdf.
- 35 United States Department of State, Country Reports on Human Rights Practices for 2017, Saudi Arabia, at <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.
- 36 United States Department of State, Country Reports on Human Rights Practices for 2017, United Arab Emirates, at <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>; United Arab Emirates, Law No. 17 for 1972 Concerning Nationality and Passports, Article 36.
- 37 For a more comprehensive framework of supply and demand factors that could affect birth registration, see World Bank 2016b.
- 38 Women, Business and the Law database, forthcoming; Republic of Greece, Law on Civil Status Acts, No. 344 of 1976, Article 21.
- 39 This applies to both married and unmarried parents. Women, Business and the Law database, forthcoming; Barbados, Vital Statistics and Registration Act, Article 8(1); Birth registration procedures available at <https://www.gov.bb/citizens-citi/how-do-i/registering-a-live-birth/>.
- 40 Women, Business and the Law database, forthcoming; Code of the Persons and the Family, Article 38.
- 41 Women, Business and the Law database, forthcoming; Fiji, Law on Births, Deaths and Marriages Registration No. 7 of 1975, Article 11.
- 42 Women, Business and the Law database, forthcoming; National Organization for Civil Registration, page 28, at <http://www.sabteahval.ir/Upload/Modules/Contents/asset90/engbo.pdf>.
- 43 Women, Business and the Law database, forthcoming; Namibia, Births, Marriages and Deaths Registration Act, 1963, as amended, Article 19.
- 44 Women, Business and the Law database, forthcoming; Birth, Deaths and Marriages Registration Act, 1990, Articles 16–17.
- 45 Women, Business and the Law database, forthcoming; Birth, Deaths and Marriages Registration Act, 1990, Articles 16–17.
- 46 Women, Business and the Law database, forthcoming; Islamic Republic of Iran, Registration of Personal Status Code, Article 16.
- 47 Women, Business and the Law database, forthcoming; Bhutan Ministry of Home and Cultural Affairs, Department of Civil Registration and Census, Birth Registration Form, available at <http://www.mohca.gov.bt/index.php/census-forms/> (accessed January 2019).
- 48 Women, Business and the Law database, forthcoming; Arab Republic of Egypt, Law No. 12 of 1996 Promulgating the Child Law Amended by Law No. 126 of 2008, Article 15.
- 49 Law No. 12 of 1996 Promulgating the Child Law Amended by Law No. 126 of 2008, Article 15. In Egypt, if the parents are forbidden to marry under Islamic Law, their names shall not be recorded on the birth certificate. If the mother is married and the newborn child is born to a father other than her husband, her name is not recorded on the birth certificate. If a non-Muslim father is married, and the child is born to a mother other than his legitimate wife, his name is not recorded on the birth certificate, unless the child was born either before marriage or after annulling the marriage, except for those persons whose religion permits polygamy. Law No. 12 of 1996 Promulgating the Child Law Amended by Law No. 126 of 2008, Article 22.
- 50 Women, Business and the Law database, forthcoming; Republic of Greece, Law on Civil Status Acts, No. 344 of 1976, Article 21(3).
- 51 Women, Business and the Law database, forthcoming; Ministry of Health of Kuwait, Central Register for the Newborn and Deaths Department, Registering a Newborn Baby and Issuing a Birth Certificate, at <https://www.e.gov.kw/sites/kgenglish/Pages/Services/MOH/IssuanceBirthCertificatesForNewborns.aspx> (accessed January 2019); Ministry of Health of Kuwait, Central Register for the Newborn and Deaths Department, Registering a Newborn Baby and Issuing a Birth Certificate, at <https://www.e.gov.kw/sites/kgenglish/Pages/Services/MOH/IssuanceBirthCertificatesForNewborns.aspx>.
- 52 Iran, Islamic Republic, Registration of Personal Status Code, Article 16.

53 World Bank 2018a; Kingdom of Jordan, Civil Status Law No. 9 for 2001, Article 20(a).

54 Burkina Faso Campaign Brings 16,000 Women Closer to Voter Registration, at <https://www.ndi.org/burkina-faso-birth-certificates> (accessed October 2018).

55 Committee on the Elimination of Discrimination against Women, General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, CEDAW/C/GC/32, 14 November 2014, paragraph 53.

56 In this paper, we use the terms nationality and citizenship interchangeably. It is worth noting, however, that the terms slightly differ, as citizenship is a narrower concept. It is a specific legal relationship between a state and a person that gives certain rights and responsibilities. In some Latin American countries, for example, Mexico, a person acquires nationality at birth but receives citizenship when reaching majority at 18. Mexican children, therefore, are nationals but not citizens. “What Is the Difference between Nationality and Citizenship? The Economist Explains.” July 10, 2017.

57 Reservation to the Convention on the Elimination of All Forms of Discrimination Against Women, Sixteenth session New York, 13–31 January 1997, CEDAW/C/1997/4.

58 For example, in India’s Aadhaar program, ‘foundational’ identification is disconnected from all entitlements, including the determination of national status (Gelb and Metz 2017).

59 Brunei Nationality Law, 1966, Articles 3 and 4 (c) and (e).

60 Kuwait Nationality Law of 1959, Articles 2 and 3.

61 Decree No. 15 on Lebanese Nationality of 1925, Article 1.

62 Law No. 38 of 2005 on the Acquisition of Qatari Nationality, Article 1(4).

63 Constitution of the Commonwealth of The Bahamas, 2006, Articles 8 and 9(1).

64 The Constitution of Barbados, 1966, Section 5.

65 Constitution of Kiribati, 1979, Article 25.

66 Constitution of Malaysia, 1957, Second Schedule, Part II.

67 The two modes for the acquisition of nationality at birth are *jus soli*, which provides for the acquisition of nationality based on birth in the territory of a state, and *jus sanguinis*, which provides for the acquisition of nationality from one or both parents based on descent (Fuellerton 2015). The *jus soli* is the predominant rule in the Americas, but rarely adopted elsewhere.

68 Committee on the Elimination of Discrimination against Women, General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, CEDAW/C/GC/32, 14 November 2014, paragraph 61.

69 Brunei Darussalam Nationality Act of 1961, Article 3 and Article 5(6)(B).

70 Islamic Republic of Iran, Civil Code, Article 976.

71 Kuwait Nationality Act of 1959, Article 2.

72 Decree No. 15 on Lebanese Nationality of 1925, Articles 1 and 2.

73 Law No. 38 of 2005 on the Acquisition of Qatari Nationality, Article 1(4).

74 Law No. 28 of 22 December 1962 - Somali Citizenship Act of 22 January 1963, Article 2.

75 Bahrain, Jordan, Libya, and the United Arab Emirates do not allow women to pass their nationality on to their children when the father is a foreign national (Bahraini Citizenship Act, as amended by Decree Law No. 12 of 1989, Article 4; Jordan Nationality Law No. 6 of 1954, Article 3; Law Number 24 for 2010/1378 on the Libyan Nationality, Articles 2, 3, and 11; United Arab Emirates Law No. 17 for 1972 Concerning Nationality and Passports, Article 2). In Guinea, only the father passes his nationality on to children. The mother is allowed to pass her nationality on to children only when the father is a foreigner or stateless (Code Civil de la République de Guinée, Articles 30–32). In Mauritania, mothers can confer nationality on their children only when the father is unknown or stateless. However, in these cases, children can renounce their nationality at majority, even if this would leave them stateless (Loi No. 1961-112 Portant Code de la Nationalité Mauritanienne, Articles 8 and 9).

76 Citizenship Act of Bahrain, 1963, as amended by Law 10 of 1981, Article 4(c).

77 Code Civil de la République de Guinée, Article 31.

78 Kingdom of Jordan, Nationality Law No. 6 of 1954, Article 3.

79 Law Number 24 for 2010/1378 on the Libyan Nationality, Article 3.

80 Loi No. 1961-112 Portant Code de la Nationalité Mauritanienne, Article 8(2).

81 United Arab Emirates, Law No. 17 for 1972 Concerning Nationality and Passports, Article 2.

82 Provided that they reside in Iraq at the time of application. Nationality Law No. 26 of 2006, Articles 3 and 4.

83 Kuwait Nationality Act of 1959, Article 2.

84 Law No. 38 of 2005 on the Acquisition of Qatari Nationality, Article 1(4).

85 Law No. 28 of 22 December 1962 - Somali Citizenship Act of 22 January 1963, Article 2.

86 Kuwait Nationality Act of 1959, Article 3.

- 87 Loi No. 1961.212 Portant Code de la Nationalité Centrafricaine, Article 13.
- 88 Code de la Nationalité Congolaise, No. 35 of 1961, Article 18.
- 89 Decreto No. 1613 Ley de Nacionalidad y sus Reformas Decreto No. 86-96, Article 43.
- 90 Kingdom of Jordan, Nationality Law No. 6 of 1954, Article 8.
- 91 Constitution of Malaysia, 1957, Article 15(1).
- 92 Oman, Nationality Law Article 2.
- 93 Administrative Naturalization Law of 2000, Republic Act No. 9139, Section 12.
- 94 Constitution of Saint Lucia, 1979, Articles 102(1) and (2).
- 95 Constitution of Saint Vincent and the Grenadines, Article 93(1)–(2).
- 96 The principle of dependent nationality was applied in most states at the beginning of the twentieth century and required that a woman who married a foreigner automatically acquired the nationality of her husband upon marriage, based on the view that nationality would entail loyalty to one state only. This was normally accompanied by the loss of her own nationality. United Nations, Convention on the Nationality of Married Women: Historical Background and Commentary (United Nations doc. E/CN.6/389), Sales No. 62.IV.3, p. 2.
- 97 Civil Code of 1928, Article 976(6).
- 98 Decree No. 15 of 1959 on Kuwaiti Nationality Law, Article 10.
- 99 Bahrain Citizenship Act, 1963, as amended in 1989, Article 7.
- 100 Committee on the Elimination of Discrimination against Women, General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, CEDAW/C/GC/32, 14 November 2014, paragraph 54.
- 101 Law No. 26 of 1975 Concerning Egyptian Nationality, Article 8.
- 102 Committee on the Elimination of Discrimination against Women, General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, CEDAW/C/GC/32, 14 November 2014, paragraph 55.
- 103 Syrian Arab Republic, Nationality Law, Legislative Decree 276 of 1969, Article 3.
- 104 However, women tend to be reluctant to declare this for fear they will be stigmatized (UNHCR 2017).

III. Removing gender-based legal barriers against women to identification

There has been growing recognition of the need to reform gender-discriminatory laws and regulations that produce barriers to acquiring legal IDs including birth certificates, national ID cards, and passports. Similarly, efforts have been made in recent years to remove discrimination against women from nationality laws. In some cases, discriminatory aspects of laws regulating access to identity and of nationality laws are due to legacy legislation in former colonies. However, while former colonial powers have largely removed constraints on women's legal capacity to interact with public authorities and reformed nationality laws, many of the former colonies' old codes have not been reviewed since independence (UNHCR 2017; World Bank 2018a).

Where successful reform has been achieved, it was championed at the highest levels of government, social norms were changing towards greater gender equality and civil society actors, including women's groups, were instrumental in bringing about favorable changes in the law. In some cases, international human rights mechanisms, such as General Recommendations and Concluding Observations by the CEDAW Committee, led to reviews and triggered legal reforms. The following section highlights examples of recent good practices.

To start with, a comprehensive strategy to achieve the 'legal identity for all' goal should encompass reforms of marriage registration frameworks, especially when the lack of marriage documentation becomes a barrier to birth registration and certification (Hanmer and Elefante 2016).¹⁰⁵ While there has been increasing attention to birth registration and the need to increase birth registration rates, there has been less attention on the importance of strengthening marriage registries. Nevertheless, marriage registration underpins the ability to claim many rights under the law, and some recent reforms and strategies have encompassed marriage registration. We briefly document this below in section b in the context of the Indonesian reforms to streamline the process for obtaining birth certificates and in section c as one of the initiatives adopted by the Jordanian government to facilitate birth registration of Syrian refugees.

a) Removing barriers to obtaining national ID cards and passports

In recent years, the introduction of digital ID systems has been accompanied by reforms that remove legal differences between men's and women's access to national ID cards. For example, Senegal enacted a new national identity card law in 2016 that introduced smart cards which combined voter and civil IDs using biometric information.¹⁰⁶ The new law also reformed previous regulations imposing additional requirements on married women when applying for ID cards. A married woman is now no longer required to have her husband's name on her ID card. Consequently, a wife no longer must provide supporting documentation to establish her husband's name, and procedures are the same for both men and women (World Bank 2018a). In Iraq, the National Card Act of 2016 has removed all gender differences in the application process for the new Iraqi National Card, an electronic biometric card, which has replaced the Civil Identification Document (which required male consent).¹⁰⁷ Iraq also enacted a new passport law in 2015 that includes electronic passports and mandates the same application process for men and women, removing the requirement for women to bring a male guardian.¹⁰⁸

The use of innovative and secure means of identification, such as biometric IDs, yields specific benefits for women, by simplifying distribution barriers for national IDs and facilitating the delivery of public

and private sector services. A biometric ID is an identity card containing biometric information, such as fingerprints, irises, and facial images, which can be easily and quickly authenticated online. Biometric IDs provide women with a unique identity that is not tied to their spouse or another head of household. When these IDs are part of a digital ID system,¹⁰⁹ they can be used to access digital ID-enabled services, such as opening a bank account, accessing loans, registering for a SIM card, and voting.

When digital ID systems are made available to providers of social programs to support enrollment and authentication, they can become a catalyst for lifting gender-based barriers to enrollment in these social programs. In Pakistan, for example, linking the new biometric computerized national identity card (CNIC) to the enrollment in the Benazir Income Support Program (BISP), a cash transfer program for the poor, caused a surge in CNIC enrollment of women, since cash transfers could be given only to the female head of the eligible household (box 3).

Evidence is emerging that digital ID systems, in addition to closing gaps in ID access, can increase women's agency and open up economic opportunities. In India, the Aadhaar scheme¹¹⁰ has helped narrow the gender gap in mobile money account ownership. Between 2014 and 2017, account ownership in India rose by more than 30 percentage points. In 2014, men were 20 percentage points more likely than women to have a bank account. Owing to a strong government push to increase account ownership through biometric identification cards, the gender gap in account ownership has shrunk to 6 percentage points in 2017.

Box 5. Digital biometric IDs can increase women's agency

Linking the new biometric CNIC to the enrollment in the BISP, a cash transfer program for the poor launched in 2008, was a deliberate move by the government to provide women with legal identification and to promote women's empowerment. Indeed, through point-of-sale and automated-teller machines, the BISP has introduced a biometrically authenticated delivery mechanism matching with their ID database to ensure a verified delivery of cash transfers to the women beneficiaries, rather than through their husbands or brothers, as had previously occurred.

In Pakistan, within four years of the launch of the BISP, there was an overall increase of 72 percent in the issuance of CNICs to the adult population in the country and a 94 percent increase in women enrollment. CNICs have played a crucial role in empowering Pakistani women. Women with CNICs felt a stronger sense of identity than they ever had before. Their families respected them more, which increased their self-confidence in sharing their opinions on household matters. Recipients of the BISP cash transfers said they felt financially empowered for the first time in their lives. Surveys conducted by the Oxford Management Group in 2014, 2015, and 2016 also show that the BISP has had a positive and statistically significant impact on the proportion of women who can access cash in an emergency, on the proportion of women who would always vote in local and national elections, and on the ability of women to travel alone within their communities. Female beneficiaries are also found to play a more active role in decision making within the household, including managing money and controlling how the cash transfer was spent—which was increasingly on nutrition and health.

Sources: Cheema et al. 2014, 2015, 2016; Demirgüç-Kunt et al. 2018; World Bank 2018a, 2018c

b) Removing barriers to birth registration and certification

Over the last 15 years, several countries have revised discriminatory laws and taken other steps to increase birth registration rates and make it easier to obtain birth certificates.

For example, in 2006, acting on the recommendations of the CEDAW Committee,¹¹¹ Nepal amended the discriminatory provisions between women and men. Before these reforms, notice of a birth was given by the head of household and, in his absence, by the eldest male member of the family. Now, women as well as men can be designated head of household, and the eldest male member no longer provides the birth declaration if the head of household is absent.¹¹² In Mozambique, the 2004 reform of the Civil Registration Code allowed either parent to register the birth and obtain a birth certificate.¹¹³ Single mothers are now free to register their children under their maiden name,¹¹⁴ and a woman may choose to register her child as having a father other than her husband.¹¹⁵

Free universal registration is considered the international norm (UNICEF 2013) as fees and fines risk further marginalizing the poor and most frequently excluded, including women. Evidence from Tanzania, Ghana, and Brazil suggests that the removal of registration fees acted simultaneously to eliminate a disincentive and create a positive incentive for registration (World Bank 2016b). Birth registration initiatives often eliminate or substantially reduce these costs. Tanzania and Ghana significantly extended the period of free registration; Brazil mandated that registration be free for everyone (Fagnäs and Odame 2013; Hunter and Sugiyama 2017; UNICEF 2013); and Angola made birth registration and the issuance of birth certificates free for all children under the age of 5 in 2007¹¹⁶ and subsequent legislation in 2013 and 2015 provides free birth registration and free issuance of birth certificates.¹¹⁷ However, in Angola, only the issuance of the first birth certificate, provided upon registration, is free. Birth certificates expire after one year from issuance, and requests for reissuance carry a fee.¹¹⁸ Angola is not the only one: fines and increased fees are still used to incentivize prompt birth registration in several countries. In Belize, if a child is not registered within 42 days of birth, the parents must pay a fine for late registration and can be summoned to register the birth within one year.¹¹⁹ In Kenya, birth registration is free if it is done within six months, and a fee for late registration is imposed after that. Other countries that charge a fee for registering births after the required deadline include Angola, El Salvador, Ghana, Jamaica, Lesotho, Sri Lanka, Tajikistan, and Vietnam (World Bank 2018a).

The link between poverty and low rates of birth registration is well established (UNICEF 2017b), and cash transfers, cash grants, and noncontributory pension programs are proving to be promising methods of promoting birth registration. Zimbabwe and India have recently implemented Conditional Cash Transfer (CCT) programs that mandate birth registration as a condition to receive the cash transfer. The CCT program in Zimbabwe resulted in a 16.4 percent increase in the registration rate of the beneficiaries' children ages 0–4 and in a 15 percent increase in the registration rate of school-age children. The Indian CCT program successfully improved registration of female children by 15 percent. In Brazil, many parents have obtained birth certificates as these were necessary to receive the Bolsa Família CCT. Because of the program, the percentage of unregistered births dropped from 27.1 percent in 1998 to 6.7 percent in 2012 (World Bank 2016b).

To address other aspects of gender inequality that put women at a disadvantage, such as distance to registration facilities and constraints to traveling, many countries are introducing new systems to register births and obtain birth certificates, including web-based applications and the use of mobile technologies. For example, Bangladesh has introduced an online Birth Registration Information System, which allows registering births and obtaining birth certificates through an online application. All records are then stored in an online database, thus reducing delays, errors, and inconsistencies inevitably caused by the former manual registration process (UNICEF 2013).¹²⁰ In Burkina Faso, a mobile system that allows births to be registered remotely is making registration more accessible, especially to rural people. The iCivil system creates a digital birth certificate using a mobile application and a bracelet with a unique code, which midwives attach to the baby's wrist. The code with the baby's details is scanned using the app and sent

to the civil registration authorities, which record the birth. A birth certificate can be collected at any civil registration center in the country by simply presenting the bracelet (UNHCR 2017).¹²¹ Online birth registration has the additional benefit of helping prevent tampering with birth dates to falsify the age of girls at marriage (Human Rights Council 2014). An alternative preventative measure against the altering of birth certificates is to issue the certificate on secure paper. In Guatemala, the National Civil Registry (RENAP) issues birth certificates with security features, including pictures of the child and the parents, on secure paper.¹²²

Streamlining procedures is another effective practice to increase birth registration as it reduces the indirect costs of registration, such as time, lost earnings from entrepreneurship or other work, and travel costs. For example, birth certificates are not always issued immediately upon birth registration and a separate application procedure is required. To overcome the barriers created by the indirect costs associated with making the application, countries such as Morocco and Tanzania have combined birth registration and the issuance of a birth certificate into one process.¹²³ In Tanzania, the application can be done at hospitals and health clinics at the time of immunization and is free of charge for children under the age of 5. Data are transmitted via text message to a centralized system.¹²⁴ In Brazil, maternity hospitals provide for birth registration services, allowing parents to start the registration process even before going home with their new baby.¹²⁵ In Indonesia, a landmark Constitutional Court decision in 2013 removed a requirement that the General Courts must provide a statement to get a birth certificate for a child over the age of 1 (Sumner 2015).¹²⁶

Indonesia provides a good example of combining legal and regulatory reforms to remove gender-based barriers to birth registration. Before the reforms, without proof of marriage, only the name of the mother could be included on the certificate, which implied that the child was illegitimate. For Indonesians, illegitimacy carries stigma, and so, parents who had traditional marriages or did not have marriage certificates for other reasons were reluctant to register their children. The reforms implemented in 2014 have included the removal of administrative fees and provision of legal identity registration services in the villages through integrated and mobile services (Integrated Service Centers) which provide both marriage and birth registration services (Sumner 2015).

c) Removing discrimination against women from nationality laws

Over the last 15 years, several countries have succeeded in removing gender discrimination from nationality laws.¹²⁷ UNHCR reports that successful legal reforms have been achieved through simple legislation, often a one-sentence provision replacing complicated legislation, granting men and women equal rights to confer nationality (UNHCR 2015).

Often, these reforms have been catalyzed by CEDAW recommendations (described in box 4). In Algeria, the old Nationality Code provided that an Algerian mother could confer nationality to a child if the father was stateless, unknown, or a foreigner. After Algeria's first hearing before CEDAW in 1999, the CEDAW Committee recommended that the country reformed its nationality law to comply with Article 9(2).¹²⁸ The CEDAW Committee's recommendations spurred a reform of the Nationality Code in 2005, which repealed the limitations on Algerian mothers' ability to confer nationality on their children, replacing them with a simple provision granting Algerian nationality to all children born in or outside of Algeria to an Algerian mother or father. The new provisions applied with retroactive effect, thus granting nationality to individuals born to Algerian mothers and foreign fathers before the reform. In 2009, Algeria was able to remove its previous reservation to Article 9(2) of CEDAW which requires states that are party to the convention to grant women equal rights with men with respect to the nationality of their children.

Similarly, Morocco's old Nationality Code allowed women to confer nationality on their children only if the father was unknown or stateless. The CEDAW Committee's calls to bring the country's nationality laws into

compliance with Article 9(2),¹²⁹ and the progressive 2004 reform of the *Mudawana*, the Moroccan personal status code, in light of universal human rights principles led to the adoption of a new Nationality Code in 2007. The new code gave Moroccan women the same rights as men to confer nationality on their children, and with retroactive effect.

Other successful reforms include:

- Under the 1969 Kenyan Constitution, mothers and fathers could pass their nationality on to their children, but only fathers could confer nationality on children born abroad. Article 14 of the 2010 Constitution of Kenya addressed this issue by providing that, “A person is a citizen by birth if on the day of the person’s birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen.”
- In Senegal, the 1961 Nationality Code contained complicated provisions distinguishing between children born in and out of wedlock and allowed women to pass their nationality only to children of an unknown or stateless father. In 2012, the Ministry of Justice implemented the government’s pledge to remove gender discrimination from nationality laws and a new 2013 law established that any child born as a direct descendant of a Senegalese national is Senegalese.
- The 2017 reform of the Sierra Leonean nationality law now allows women to confer nationality on their children born abroad, which was previously allowed to men only. Madagascar also reformed its nationality law in 2017 to allow mothers to confer their nationality on children on an equal basis with men. However, the new law still does not allow women to confer their nationality on their nonnational spouses, as men can. It just allows both spouses and children to retain their nationality if a spouse or parent loses theirs.
- The 2018 amendments to the nationality law of Sudan now allow people of South Sudan who lost their nationality after South Sudan independence in 2011 to reinstate their Sudanese citizenship.¹³⁰ Following the declaration of independence of South Sudan, the 1994 Nationality Act had been amended to revoke Sudanese nationality to any person “who has acquired, *de jure* or *de facto*, the nationality of South Sudan.” This applied, for example, to children of Sudanese mothers and South Sudanese fathers. In June 2018, the National Assembly approved the amendments allowing women to confer their nationality on children where the father is from South Sudan. The amendments also remove the inconsistency between the country’s Nationality Act and the 2005 Constitution, which stipulates that, “Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.”¹³¹
- On November 4, 2018, the Iranian government approved an amendment to the Civil Code to allow children born to Iranian mothers and foreign fathers to apply for citizenship. The application can be submitted by the mother on behalf of minor children and by children of such unions as soon as they reach majority at the age of 18.¹³² Before the amendments, only children born of Iranian fathers and foreign mothers were automatically given Iranian citizenship. Fathers only could confer their nationality on their children in all circumstances.¹³³

There has also been some progress in removing the causes of statelessness among the forcibly displaced that arise from discrimination against women in nationality laws. UNHCR has recently reported that the Government of Jordan has adopted a multipronged initiative to prevent the risk of statelessness for Syrian refugee children born in Jordan and Syrian refugees born in Syria who could not be registered before fleeing. These initiatives focus on making birth and marriage registration easier and more accessible to prevent statelessness. First, civil registration offices have been established in Jordan’s two largest refugee camps, Zaatari and Azraq, and mobile registration services have been established in the Emirati Jordanian Camp. Furthermore, registration fees were waived, procedures for late registration simplified, and judicial services were established in the refugee camps to facilitate official marriage registration, as a marriage certificate is required to register the birth of a child under Jordanian law. The Government of Jordan further

instituted two waiver periods during which Syrian refugees could regularize their marriages free of charge. These measures adopted between 2014 and 2016 have produced a 12-fold increase in birth registration among refugees in 2016 (3,642) and 2015 (3,645) compared to 2013 (295) (UNHCR 2017).

When it comes to the identification issues faced by stateless people, additional initiatives could be adopted where there is political will to do so. These could involve, for example, substitute documentation, such as records from local civil or religious leaders, or unlinking identification from nationality (Gelb and Clark 2013). In Pakistan, for example, NADRA has allowed undocumented orphans to get national ID cards despite their unknown parentage and lack of citizenship (Gelb and Clark 2013).¹³⁴ In India, the Aadhaar ID number can be issued to all citizens and residents of India, including foreign nationals,¹³⁵ thus de-linking the concept of nationality from identification for secure authentication by third parties for service delivery.

Notes

105 The UN has on several occasions recommended strengthening civil registration and vital statistics (CRVS) systems, particularly birth and marriage registration systems. See: UN Human Rights Council, Strengthening efforts to prevent and eliminate child, early, and forced marriage resolution, adopted by the Human Rights Council, 1 July 2015, A/HRC/29/L.15; UN Human Rights Council, Preventing and eliminating child, early, and forced marriage: Report of the Office of the United Nations High Commissioner for Human Rights, 2 April 2014, A/HRC/26/22; the CEDAW Committee's General Recommendation on Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/29 (2013); Concluding observations of the Committee on the Elimination of Discrimination against Women A/57/38(SUPP); UN General Assembly, Report of the Committee on the Elimination of Discrimination against Women, 2002, A/57/38(SUPP).

106 Décret No. 2016-1536 Portant Application de la Loi No. 2016-09 Instituant une Carte d'Identité Biométrique CEDEAO, Article 1.

107 Iraq, National Card Act No. 3 of 2016, Chapter IX.

108 World Bank 2018a; Iraq, Passport Law No. 32 of 2015, Articles. 1(10) and 5.

109 An identification system that uses digital technology throughout the identity lifecycle, including for data capture, validation, storage, and transfer; credential management; and identity verification and authentication (World Bank 2018b).

110 Aadhaar is a 12-digit ID number based on biometric and demographic data launched in 2009 by the Unique Identification Authority of India.

111 Concluding Observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/NPL/CO/4-5, Nepal, 2011, paragraph 4; Concluding Observations of the Committee on the Elimination of Discrimination against Women, A/59/38 (Part I), 2004, paragraphs 180-185.

112 Nepal, Law No. 2063 Amending Some Nepal Acts to Maintain Gender Equality, 2006, Article 10.

113 Mozambique, Law No. 12 on the Civil Registration Code (8 December 2004), Article 119(1)(a).

114 Mozambique, Law No. 12 on the Civil Registration Code (8 December 2004), Article 149.

115 Mozambique Family Law, 2004, Article 238(1).

116 Angola: Decreto n° 31/07 de 14 de Maio 2007, Registo nascimento [Angola], 14 May 2007, available at: <https://www.refworld.org/docid/46bad5922.html> [accessed 30 August 2019].

117 Angola, Decreto Executivo n. 309/13, Isencao de emolumentos em processos de registo de Nascimento ate' 31/12/2016 - Decreto Executivo no 309/13, de 23 de Setembro, Article 1.

118 UNICEF, Civil Registration and Vital Statistics Data, Angola, at <https://data.unicef.org/resources/crvs/angola/>; Angola, Decree 80/13 (5 September 2013); Birth Simplification Act, 2015.

119 Belize Registration of Births and Deaths Act, 2003, Chapter 157; Civil Registration in Belize, at <https://unstats.un.org/unsd/demographic/meetings/wshops/Guatemala/2016/docs/Session10-Belize.pdf>.

120 Bangladesh, People's Republic of, Online Birth Registration Information System (BRIS) at http://bris.lgd.gov.bd/pub/?pg=application_form.

121 See https://www.icivil.bf/presentation_en.php.

122 Certificación de inscripción de nacimiento en línea, at <https://aprende.guatemala.com/tramites/documentos-identificacion/certificacion-de-inscripcion-de-nacimiento-en-linea/>.

- 123 Women, Business and the Law database, forthcoming.
- 124 “The Government of Tanzania launches a new national birth registration system set to massively accelerate the number of children under 5 with birth certificates,” at http://www.unicef.org/esaro/5440_13078.html.
- 125 Brazil, 2001 National Programme for the Promotion of Birth Registration. See also, [http://www.unicef.org/protection/Birth_Registration_Working_Paper\(2\).pdf](http://www.unicef.org/protection/Birth_Registration_Working_Paper(2).pdf).
- 126 Constitutional Court of Indonesia, No 18/ PUU-XI/2013.
- 127 For example, reforms allowing women to pass their nationality to children in the same way as men have been adopted in Sri Lanka in 2003; Egypt in 2004; Algeria in 2005; Indonesia and Sierra Leone in 2006; Morocco in 2007; Bangladesh and Zimbabwe in 2009; Kenya, Tunisia, and Yemen in 2010; Senegal in 2013; and Suriname in 2014 (UNHCR Good Practice Paper Action 3).
- 128 Concluding Observations of the Committee on the Elimination of Discrimination Against Women, A/54/38/Rev.1, 1999, paragraphs 83–84.
- 129 Concluding Observations of the Committee on the Elimination of Discrimination Against Women, Morocco, A/52/38/REV.1(SUPP) 1997, paragraph 64; Concluding Comments of the Committee on the Elimination of Discrimination Against Women, Morocco, 2003, A/58/38(SUPP), paragraph 143.
- 130 “Sudan’s Parliament Reinstates Nationality to People of South Sudanese Origin.” Sudan Tribune, June 10, 2018 at <http://www.sudantribune.com/spip.php?article65622>.
- 131 Constitution of Sudan, 2005, Article 7(2).
- 132 “Iran Gives Citizenship to Children with Foreign Fathers, Iranian Mothers.” MEHR News Agency, November 5, 2018, at <https://en.mehrnews.com/news/139338/Iran-gives-citizenship-to-children-with-foreign-fathers-Iranian>.
- 133 Islamic Republic of Iran, Civil Code, Article 976(6).
- 134 “CNICs to Be Issued to Orphans.” Pakistan Today, November 8, 2012 at <https://www.pakistantoday.com.pk/2012/11/08/cnics-to-be-issued-to-orphans/> (accessed May 2019).
- 135 The Aadhaar Act, 2016 states, “Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment” (Article 3(1)). The Act further defines residency as, “An individual who has resided in India for a period or periods amounting in all to 182 days or more in the 12 months immediately preceding the date of application for enrollment” (Article 2(v)).

IV. The forward agenda

Access to all forms of identification is an important stepping stone to women's agency and freedom of movement. However, as this paper has shown, gender-based legal barriers against women significantly hinder access to identification in many countries.

Mobilizing governments, international organizations, and civil society actors to raise awareness about the impact of gender-discriminatory laws can accelerate progress toward addressing barriers that are holding back the achievement of the 'legal identity for all' SDG target, as an enabler to other SDGs, including SDG 5, "Achieve gender equality and empower all women and girls" (Gelb and Dahan 2015). International norms have proved important catalysts for change. UN agencies play an important role, particularly those that work to assist countries in implementing their treaty obligations to protect and promote women's human rights, as demonstrated by the role of the CEDAW Committee in catalyzing reforms to nationality laws in Morocco (2004) and Algeria (2005). Similarly, UNHCR launched the Campaign to End Statelessness in November 2014—the #IBelong Campaign—an important call to action which aims to end statelessness by 2024. The campaign encourages states to take actions to remove gender discrimination in nationality laws. The World Bank's Women, Business and the Law database has also contributed to the momentum for reform by raising awareness about the lasting effects that discrimination against women in the law can have on women's economic inclusion and labor force participation and the costs to the economy overall.

Where ID registration is low, there is potential for investments in new systems to lift barriers, including through reforming gender-discriminatory legislation and employing design features enhancing women's access to ID. The World Bank's ID4D initiative brings global knowledge and expertise to assist countries realize the development prospects of digital identification systems and accelerate progress toward the SDGs. Strengthening civil registration systems is an essential complement to these efforts. Civil registration systems, including birth and marriage registration systems, have the potential to enable the world's poorest to gain access to critical services, from education to health care and banking. To lift barriers faced by women, it is particularly important that the marriage registration system is strengthened.

Moving forward, explicit consideration of gender-based barriers to ID and identification of solutions to lift them will be increasingly necessary to achieve policy goals for poverty reduction set by national governments, development partners (including the private sector), and multilateral institutions. Failure to understand and reform the laws and regulations that produce gender-based legal barriers against women will limit the potential for interventions across a range of sectors—from ICT-based interventions to those which aim to increase economic opportunities, access to government services, financial inclusion, and effectiveness of cash transfers—to deliver results that benefit women and men equally.

Finally, while we have documented existing legal barriers to identification as well as some good practices in eradicating these hurdles, continuous research is required to keep available data current. Collection, analysis, and distribution of sex-disaggregated data on birth registration, different types of IDs, and stateless persons are necessary to effectively design, implement, and monitor development policies and programs.

Annex. Equal rights to a nationality in international law

The international community recognized the importance of the right to a nationality as early as the 1930s. The 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws already recognized that the right of every person to a nationality was in the general interest of the international community. In 1933, the Montevideo Convention on the Nationality of Women called on states to end distinctions based on sex in nationality laws.

Following the forced displacements and mass denationalizations that occurred during World War II, the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, gave formal recognition to the right to a nationality, which led to the inclusion of the right in international and regional treaty law.

The UDHR provides, “Everyone has the right to a nationality; No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” The International Covenant on Civil and Political Rights did not incorporate the right of everyone to nationality as stated in the UDHR but recognized the right of every child to a nationality. Similarly, the right of a child to acquire a nationality is included in the 1989 Convention on the Rights of the Child. Article 7(1) provides, “The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality [...]” Other international and regional legal instruments have guaranteed the right of a child to a nationality, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the African Charter on the Rights and Welfare of the Child.

Among regional instruments, the American Convention on Human Rights recognizes the principle of *jus soli* in the acquisition of nationality. Article 20 provides that:

1. Every person has the right to a nationality;
2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality; and
3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

The more specific issue of discrimination against women in nationality laws was addressed very early by the international community. The 1957 Convention on the Nationality of Married Women provided that each contracting state agrees that neither the celebration nor the dissolution of marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

In 1979, CEDAW expanded on the principle of independent nationality of married women, by providing, in Article 9, that:

1. States parties shall grant women equal rights with men to acquire, change, or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by

the husband during marriage shall automatically change the nationality of the wife, render her stateless, or force upon her the nationality of the husband and

2. States parties shall grant women equal rights with men with respect to the nationality of their children.

Regional instruments have similarly addressed the issues of nondiscrimination in nationality law. The 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa provides, "a woman shall have the right to retain her nationality or to acquire the nationality of her husband." However, the protocol contains a caveat when it comes to the right to confer nationality on children: a woman and a man shall have equal rights with respect to the nationality of their children, except where this is contrary to a provision in national legislation or is contrary to national security interests.

More recently, the UN has responded to the recent refugee crisis and associated risk of statelessness by calling member states to implement reforms that ensure their legislation is consistent with Article 9 of CEDAW. In 2014, the CEDAW Committee had issued its General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, which calls on member states to:

- (a) Review and withdraw their reservations to Article 9 of CEDAW because they are incompatible with the object and purpose of CEDAW and thus impermissible under Article 28 (2);
- (b) Review and reform their nationality laws to ensure equality of women and men with regard to the acquisition, changing, and retention of nationality and to enable women to transmit their nationality to their children and to their foreign spouses and to ensure that any obstacles to practical implementation of such laws are removed, in full compliance with Articles 1 to 3 and 9 of CEDAW;
- (c) Repeal laws stipulating the automatic acquisition of nationality upon marriage or automatic loss of a woman's nationality as a result of changes in the marital status or nationality of her husband;
- (d) Consider permitting dual nationality where women have married foreign men, and for the children born of such unions, especially in situations in which legal regimes providing for dual nationality may lead to statelessness;
- (e) Prevent statelessness through legislative provisions making the loss or renunciation of nationality contingent on possession or acquisition of another nationality, and allow reacquisition of nationality for women left stateless owing to the absence of such safeguards; and
- (f) Promote awareness of recent legal and policy development granting women equal rights with men to acquire, change, or retain their nationality or enabling women to confer their nationality to their children and their foreign spouses.

Sources: Govil and Edwards 2014; 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, Preamble; 1933 Montevideo Convention on the Nationality of Women, Article 1; UDHR 1948, Article 15; International Covenant on Civil and Political Rights 19 December 1966, in force 23 March 1976, Article 24(3); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 18 December 1990, in force 1 July 2003, Article 29; African Charter on the Rights and Welfare of the Child 11 July 1990, in force 29 November 1999, Article 6; Convention on the Nationality of Married Women 29 January 1957, in force 11 August 1958, Article 1; Convention on the Elimination of All Forms of Discrimination against Women 18 December 1979, in force 3 September 1981, Article 9; Committee on the Elimination of Discrimination against Women, General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality, and statelessness of women, CEDAW/C/GC/32, 14 November 2014, paragraph 63(a-f).

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