



Report Title: Gender-Based Violence Risks and Civil Registration in Humanitarian Contexts

Author: Emma Bell

1. Introduction

The goal of achieving universal legal identity, starting from birth, is captured in the Sustainable Development Goal (SDG) Target 16.9: to provide “by 2030, a legal identity for all, including birth registration”, and is measured by indicator 16.9.1: “proportion of children under age 5 whose births were registered by a civil authority.”¹ Despite these SDG commitments, over 110 low and middle-income countries lack fully functioning civil registration and vital statistics (CRVS) systems. This absence prevents access to a broad range of human rights, including the right to be registered at birth, for identity to be preserved throughout life and to acquire a nationality (Livingston, 2019).

A lack of identity documentation can leave women and girls more vulnerable to gender discrimination, including gender-based violence (GBV). Gender discrimination and exposure to GBV can in turn limit women’s ability to register the birth of their children. **This query explores the links between gender discrimination, GBV and CRVS in humanitarian settings, with a specific focus on birth registration / certification.**

The query accompanies the GBV AoR Helpdesk *Annotated Bibliography on Gender Discrimination and Civil Registration* (Bell, 2020). It draws on the texts in the annotated bibliography that reference humanitarian settings or the experiences of refugee populations. This query also highlights GBV risks raised in literature that does not include a focus on humanitarian settings or the experiences of refugee populations but could be relevant to such contexts.

The query begins by articulating the links between birth registration and gender discrimination more broadly, before outlining the main GBV risks explored in the literature. The penultimate section is on child marriage because this is the main focus of the literature addressing birth registration, gender discrimination and GBV. The final section very briefly outlines international recommendations and actions to address gender discrimination and birth registration.

¹ See <https://sustainabledevelopment.un.org/sdgs>

2. Gender discrimination and CRVS

The main focus of the literature on gender and identity registration is on how gender discrimination² more broadly limits identity registration (see Box 1) and how a lack of identity documentation can exacerbate gender discrimination, rather than how the issue of identity registration links to GBV specifically. Gender disparities in CRVS — disparities that both reflect and contribute to discrimination against women and girls — can be exacerbated in humanitarian settings by factors including poor registration service availability and quality, restrictions on women's mobility and language barriers. A lack of identity documentation, e.g. a birth certificate or other national identity documentation, can have a wide array of negative effects on women and girls (see Box 2).

For example, possession of a secure identity document is linked to the ability to access a range of services, including education, health care and social services, access to finance, and political participation. Identity documentation is also linked to many

important activities throughout a person's lifetime, such as obtaining a job in the formal sector, voting, owning property and opening a bank account, participating in elections, standing for parliament and engaging in local and community level politics (Dahan and Hanmer, 2015; de Medina-Rosales, 2019). All of these negative effects reflect and reinforce gender discrimination against women and girls, in turn making them more vulnerable to GBV, as discussed further below.

A number of the resources identified for the annotated bibliography (Bell, 2020) include examples from the Syrian refugee crisis and make the link between a lack of birth registration (and other identity documentation), gender discrimination and the crisis (Hanmer and Elefante, 2016; Garenne et al, 2016; Albarazi and van Waas, 2016; Manby, 2019; de Medina-Rosales, 2019; NRC and IHRC, 2015; NRC and IHRC, 2016; NRC Lebanon, 2015; Reynolds, Grisgraber and Refugees International, 2015; UNHCR, 2019; UNHCR, 2016; Farahat, 2017).

Box 1 -How gender discrimination limits birth registration

- Legal impediments to birth registration often particularly affect women and children, including local regulations that place primary responsibility for registration on the father or other male relative; stipulations that if the mother is unmarried, the father must acknowledge paternity before the birth can be registered; etc.
- Strong son preference and other gender norms contribute to lower birth registration for girls.
- Lack of access by women and girls to knowledge about the importance of birth registration and the availability of registration services.
- Customary restrictions on women's mobility prevent or discourage them from utilizing registration services.
- Direct and indirect costs of registration can be prohibitive for women, particularly in settings where they have limited financial control or independence, that include costs of travel to registration offices (and the need for multiple visits to complete the registration/certification process); requirement for witnesses at registration; fees for birth registration & certification; penalties for late or delayed registration.
- Registration service availability and quality, particularly services that do not meet the needs of women such as long distances to registration offices; long delays at registration centres; complex forms; language barriers; unsympathetic registration officials; requirements for witnesses at registration, etc. .

(AbouZahr, et al, 2019)

² Researchers such as Petoziello (2019) emphasise intersecting identities and factors such as ethnicity *and* gender that influence discrimination people in humanitarian situations may face in obtaining identity documentation, and the further discrimination they may experience if they lack such documentation.

Box 2 - The impact of not having national identity documentation in Afghanistan

Research conducted by Hall and the Norwegian Refugee Council (2016) in Afghanistan looked at the impact of a lack of identity documentation on women's empowerment. Although women and men are equally likely not to have a birth certificate, women (across all provinces, displacement histories, age and income groups) are significantly less likely than men to possess national identification cards (tazkera). Gender norms discouraging women's independence and/or public participation, alongside the fact that women require permission from a male relative to obtain such documentation, can discourage or prevent women from obtaining identity cards. In the case of Afghanistan, not having this documentation can prevent women from being able to marry, get credit (e.g. official loans), divorce, get a job, access the formal justice system, inherit or obtain property, access health services and education, apply for other documentation such as a passport, access certain types of jobs such as in the NGO and government sectors and, in some cases, access aid from international organisations.

They explore the legal and practical issues related to the conflict in Syria and in refugee-hosting countries (Lebanon, Jordan, Iraq, Turkey and Egypt) that affect the ability of Syrians to register births and obtain other forms of identification. The authors recognise CRVS processes for women and girls are complicated by gender discrimination, and that the lack of identity documentation, including a birth certificate, can directly contribute to further discrimination and to exposure to different forms of GBV (see Box 3). The annotated bibliography also includes information on gender discrimination and identity documentation in a number of other countries.

Box 3 - Humanitarian crisis, gender discrimination and birth registration for Syrian refugees

In research undertaken and published 2014, UNHCR found that as many as 30% of Syrian refugee children did not have a birth certificate. UNHCR alerted the international community to the risk that without any proof of identity or familial relationships these children may become stateless. Gender discrimination in nationality laws and within communities exacerbate these issues. For example, an average of one in four Syrian refugee households are headed by women, with no man present (UNHCR, cited in Albarazi and van Waas, 2016). In these households, women have become the main income providers, and are responsible for ensuring the family remains documented. Yet Syrian children born outside of Syria can only acquire nationality through the father. If children are born out of wedlock, or born to fathers who are absent, unknown, deceased, stateless themselves, or unwilling to complete the relevant administrative process, the risk that children will not be registered increases, in turn increasing their risk of statelessness. Children whose births are not registered by the statutory deadline are also likely to remain undocumented due to the complexity and cost of late registration procedures (Albarazi and van Waas, 2016; UNHCR, 2017). When children or their mothers are not officially registered, research has found that some Syrian women refugees use other people's documents to access hospitals (NRC, 2015). A woman whose child's birth is recorded with false documents cannot subsequently formally register their child without taking risks of being criminally sanctioned for the fraudulent use of identity documents.

3. Gender-based violence and CRVS

Establishing and/or confirming the legal identity of a child through birth registration is vital for a range of actors--such as government, civil society, the private sector, legal advocates and communities--seeking to promote a protective environment for children. (Hanmer and Elefante, 2016). As an official proof of age, a birth certificate is a means to enforce laws designed to protect girls and boys in juvenile justice proceedings. Birth certificates can also help in enforcing laws that prohibit child labour and the conscription of minors into the armed forces (Apland et al., 2015 cited in Hanmer and Elefante, 2016).

Although non-possession of a birth certificate is a problem for both males and females, it is more of a problem for women and girls because of their vulnerability to gender discrimination and GBV. For example, **when unregistered children do not officially “exist” it makes them more difficult to trace and therefore more vulnerable to illegal adoption, forced marriage, trafficking, infanticide and commercial sexual exploitation; all of these disproportionately affect girls and women** (Brolan and Gouda, 2017; Hanmer and Elefante, 2016). **CRVS systems weakened by crises make registration difficult or impossible, and unregistered women and girls may be displaced or separated from their families, exacerbating their susceptibility to statelessness³ and GBV risks** (Brolan and Gouda, 2017; Hanmer and Elefante, 2016).

Much of the literature on GBV risks and birth registration/identity documentation focuses on child marriage, explored in greater detail in the next section. Several examples of links between other types of GBV issues with birth registration and/or obtaining other identify documentation in humanitarian settings include:

- **Registration of children born from rape is problematic for refugee women** who are victims of rape either inside the country of asylum or en route to that country. In Egypt, for example, despite the legal entitlement of refugees to a birth certificate, there are reportedly obstacles confronting rape victims; these include lack of knowledge among officials with regard to the procedures for issuing the correct certificate, partly due to the fact that issuance of birth certificates for children born outside marriage is not common in Egypt (Farahat, 2017). Moreover, social attitudes regarding rape often make officials unwilling to provide this service.
- In a focus-group discussion held in the north of Jordan in March 2016 (NRC and IHRC, 2016), 13 Syrian refugee women all agreed that **a lack of legal documentation exacerbated the risk of intimate partner violence**. Some women attributed increased violence to the frustration men without documentation felt at being unable to work or leave the house (due to fears they would be detained or deported). Women also described facing hurdles obtaining documentation necessary to divorce. As processes to obtain documents often require a husband’s cooperation, women may remain trapped in abusive marriages. This was the case for a 15-year old Syrian girl who tried to leave her abusive husband. Wadley (2018) also describes how refugee women in Myanmar may be forced to stay in abusive relationships in order to secure legal identity for their children.
- **A lack of identity documentation and the protection it can confer can leave women and girls vulnerable to additional family violence and abuse** (see Box 4). The women in the NRC and IHRC focus group reported that it was not uncommon for children to be (sometimes forcibly) separated from their mothers to live with relatives who had better legal status, arguably a form of emotional abuse. In the focus group and a subsequent interview, a young mother and her family described how her lack of documentation led to her daughter’s abduction by relatives, physical violence at the hands of her brother-in-law and to her struggles to seek redress.

³ The international legal definition of a stateless person is “a person who is not considered as a national by any State under the operation of its law”. In simple terms, this means that a stateless person does not have the nationality of any country. (UNHCR website – www.unhcr.org).

- Undocumented women **face exploitation in the informal economy**⁴, as women tend to enter sex-segregated labor markets where they work in isolated settings, increasing the risk of exploitation.⁵ The NRC and IHCR focus group with Syrian refugee women identified exploitative working conditions as a risk associated with lack of documentation, including sexual exploitation and abuse. The women in the focus group said that women without documentation could face more pressure than men to find work in the illegal labor market, as there was a perception that women were less likely to be stopped by the police.
- NRC and IHRC further point out that **the risk of sex trafficking is heightened for women and girls who lack documentation**, as their invisibility to authorities makes them a particular target and crimes perpetrated against them are less likely to attract official attention. Wadley (2018) explored the barriers experienced by women in Myanmar in acquiring, confirming, and retaining citizenship, as well as conferring citizenship to their children. Women and men from marginalized communities explained to interviewers that women in Myanmar are extremely vulnerable the risk of human trafficking, particularly when travelling alone and/or if they are undocumented. If women are trafficked their children may face statelessness.

Box 4 - Precious legal situations and child abduction

In January 2015, a woman encamped in Azraq informally married a man who had left Azraq without bailout (the official process to leave the camp). Neither the woman nor her husband had an asylum-seeker certificate or a new Ministry of the Interior Service Card (MoI card) that enables refugees to move freely beyond the camp. A year later, while the woman was living with her husband's family in Amman, she gave birth to a daughter. To gain admission to the hospital for the birth, she assumed the identity of her sister-in-law: her brother-in-law posed as her husband and presented his family's asylum-seeker certificate and his MoI card. As a result, his name and that of his wife appeared on the child's birth notification. Subsequently, the brother-in-law beat the woman, threw her out of the family's house, added the child to his asylum-seeker certificate, and – for ten days – refused to return the child to her. His family reportedly feared that the child's real father would be deported to Syria and considered it safer for the child to remain under the brother-in-law's name. Eventually, after the woman filed a complaint with the police, the brother-in-law allowed her access to her daughter on the condition that she drop the charges against him. She then took the child to live with her own family. She and her family were very worried that the brother-in-law would try to reclaim the child. They recognized their precarious legal situation and wanted to fix the problem through the courts, but the woman's brother observed, "We have no money to pay the lawyer or the court" (NRC and IHRC, 2016, p 35).

Examples of GBV risks (other than child marriage, covered below) from the literature which do not focus on humanitarian settings and the experience of refugees (although relevant to such contexts) include:

- A data analysis of birth registration in the Asia Pacific region (Knowles, 2016) highlighted the possibility that **a gender gap in birth registration could be explained by high rates of sex-selective abortion of girls** ('missing girls') in countries such as China, India, Pakistan, and Vietnam.
- **In some societies, unwed mothers face social isolation or harassment from their family and community members, both of which increase their risk of exposure to other forms**

⁴ For example, low wages and poor working conditions.

⁵ Evidence cited is from North and Latina America.

of violence and abuse. The stigma attached to having children out of wedlock, fear of retaliatory violence (including honor crimes), and rejection if the status of their children is known can prevent women registering the birth of children born out of wedlock (Fisher, 2015; UNHCR, 2017). For children who are registered at birth, official documentation may mark them as ‘illegitimate,’ or without a named father, exposing them not only to statelessness, but to a lifetime of marginalization and discrimination (Fisher, 2015).

4. A focus on child marriage

The main emphasis of the literature that addresses GBV risks associated with gender discrimination in CRVS focuses on vulnerability to child and forced marriage. Hanmer and Elefante (2016) provide country case studies from Jordan (focused on the experiences of Syrian refugees) and Indonesia that illustrate how girls without birth certificates are vulnerable to early and forced marriage. They cite UNICEF data showing that the percentage of registered Syrian marriages involving girls aged 15–17 in Jordan has risen as the Syria crisis is prolonged—from 12% in 2011 to 25% in 2013 and 31.7% in early 2014. They conclude that **non-registration of marriages and lack of birth certificates among Syrian refugees in host countries contributes to the increased prevalence of child marriage, already exacerbated by displacement, fear, and poverty.**

Other research from the region similarly found that Syrian girls without documentation may be at increased risk of **early marriage in Jordan as families may consider that marriage to a man with secure legal status offers an unmarried girl a better life than remaining with her family (NRC and IHRC, 2016).** According to the United Nations Special Rapporteur on trafficking in persons, “[Syrian] girls are often forcibly married by their parents, who view it as a way of securing their children’s protection and ensuring the family’s livelihood through the bride price” (cited in NRC and IHRC, 2016).

Conversely, birth (and marriage) registration provide important foundations to end child marriage, insofar as a birth certificate offers “undisputable proof of age and is an essential means to enforce minimum age of marriage laws” (Hanmer and Elefante, 2016, p 24). Using data on birth registration in 106 countries that have data on child marriage, Hanmer and Elefante found a correlation between high birth registration rates and low child marriage rates. Research on CRVS from Asia Pacific and Sub-Saharan Africa similarly found a strong negative correlation between lack of birth registration and early marriage, but a positive correlation between birth registration and completed levels schooling, as well as age of first pregnancy. However, the researchers note that in at least some cases, the correlations could be the result of other factors (Knowles and Koowal, 2017).

Early and forced marriage can also lead to a lack of birth registration. **Children born within child marriages are among those least likely to have their births registered, since these marriages are themselves illegal in many countries, so unlikely to have been officially registered (Albarazi and van Waas, 2016; Garenne et al, 2016).** A study of the completeness of birth and death registration in a rural area of South Africa found the main factors associated with birth registration were mother’s young age (much lower completeness among births to adolescent mothers), refugee status, and household wealth (Garenne et al, 2016).

In an assessment of statelessness and related vulnerabilities among Syrian refugees and their children, research from Lebanon, Jordan, Iraq, Turkey and Egypt found that **the lack of a marriage certificate can be an impediment to parents registering the birth of their child.** If

spouses make fraudulent statements to the registry office about the age of a bride this can cause problems with the registration of the birth of their children. Because child marriages are not allowed in Turkey, mothers in such marriages may be discouraged from giving birth in hospital or registering new-borns, out of fear of prosecution. The same is true for women who enter marriages as second wives, which is illegal in some countries in the region. In Jordan, child marriages are very common even though, if caught, the husband and father may be imprisoned and/or fined. All of these factors make parents in child marriages less likely to register their children (Albarazi and van Waas, 2016).

5. Conclusions

The literature on gender discrimination and CRVS gives little attention directly to GBV risks beyond early and forced marriage. The focus of solutions in the literature address gender discrimination in CRVS systems. However, there is a lack of evidence about whether this leads to a reduction in GBV risks.

Recommendations on addressing gender discrimination and CRVS include:

States should ensure that nationality laws treat women and men equally with regard to conferral of nationality to their children and with regard to the acquisition, change and retention of nationality. The attainment of gender equality in nationality laws worldwide would constitute a major step forward in preventing statelessness and a number of countries, with support from UNHCR, have amended their nationality policies-- such as Algeria, Morocco and Senegal (UNHCR's Global Action Plan to End Statelessness 2014 – 2024: Action 3 of the Global Action Plan, 2015).

Recognize intersecting forms of discrimination (such as discrimination on the basis of gender, race, and ethnicity); address indirect discrimination that limits women's ability to obtain identity documents; implement effective measures to ensure women and girls' access to identity documents; and ensure timely birth registration These obligations enshrined in human rights agreements (e.g. the Convention on the Elimination on All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD)), have direct relevance to the ability of women to acquire, change and retain citizenship as well as the ability to confer citizenship to their children and spouses (Wadley, 2018; Petoziello, 2019).

Scale up good practices such as UNHCR and partners' work with governments and refugee communities in Lebanon, Jordan and Iraq to make birth and marriage registration procedures more accessible for women. They have strengthened legal aid and counselling services, engaged communities as agents of change and improved access to good quality maternal health services (UNHCR, 2017).

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