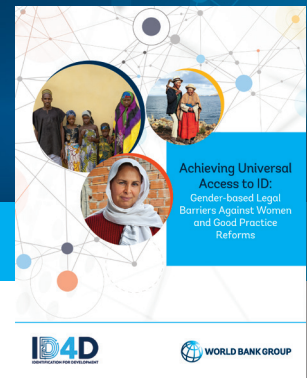


# ADDRESSING THE GENDER GAP IN ID ACCESS

## RESEARCH SUMMARY

[id4d.worldbank.org](http://id4d.worldbank.org)



Access to all forms of identification is an important stepping stone to women's agency and freedom of movement. Gender-based legal differences in accessing ID cards, applying for a passport, or registering the birth of children, most commonly arise when women are required to obtain permission from a male guardian or to provide information or documentation not required of men.

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.

Refugees face added obstacles to obtaining proof of identity needed to claim legal rights and access all kinds of services in host communities as documents are often lost as a result of their displacement, and they struggle to obtain new ones.<sup>1</sup> The number of people fleeing war, persecution, and conflict exceeded 70 million in 2019. In Lebanon and Jordan, Syrian refugees have faced complex and lengthy procedures to register and certify births. Many Syrian women refugees, who are often separated from their husbands, lack necessary documentation to prove their marriage and the paternity of their children, which can make a child stateless.

The World Bank's *Women, Business and the Law*<sup>2</sup> 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.<sup>3</sup>

<b>Countries where unmarried women cannot apply for a national ID card in the same way as men</b>	Afghanistan; Oman; and Saudi Arabia
<b>Countries where married women cannot apply for a national ID card in the same way as married men</b>	Afghanistan; Algeria; Benin; Cameroon; Congo, Rep.; Egypt, Arab Rep.; Mauritius; Namibia; Oman; Pakistan; and Saudi Arabia
<b>Countries where unmarried women cannot apply for a passport in the same way as men</b>	Jordan; and Saudi Arabia
<b>Countries where married women cannot apply for a passport in the same way as married men</b>	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.

<sup>1</sup> <https://blogs.worldbank.org/dev4peace/refugee-women-face-complex-barriers-proving-identity>.

<sup>2</sup> <https://wbl.worldbank.org>.

<sup>3</sup> Based on data from *Women, Business and the Law* 2018, <https://wbl.worldbank.org/en/reports>.

Gender-based legal differences in nationality laws also limit women's ability to obtain ID for themselves, their children and their spouses. Several countries prohibit women from conferring nationality on their children or non-citizen spouses, a right that is almost universal for men. This can perpetuate a cycle of statelessness which has profound consequences, including the lack of civil, political, economic, social and cultural rights.

Refugees are particularly vulnerable to becoming stateless due to gender-discriminatory nationality laws and barriers to birth registration. They face added obstacles to obtaining proof of identity needed to claim legal rights and access services in host communities as documents are often lost as a result of their displacement, and they struggle to obtain new ones. In Lebanon and Jordan, Syrian refugees have faced complex and lengthy procedures to register and certify births. Many Syrian women refugees, who are often separated from their husbands, lack necessary documentation to prove their marriage and the paternity of their children, which can make a child stateless .

## REMOVING GENDER-BASED LEGAL BARRIERS

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. Consequently, 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.

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 Committee on the Elimination of Discrimination against Women (CEDAW),<sup>4</sup> led to reviews and triggered legal reforms.

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. While there has been increasing attention on 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. Some examples of good practices regarding removal of legal barriers to women obtaining ID are given below:

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. 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.

- 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, Nepal amended the discriminatory provisions between women and men. 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.
- Several countries have removed gender discrimination from nationality laws in recent years (for example, Algeria, Morocco, Sierra Leone, and Iran). 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.

<sup>4</sup> <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>.