Gender Discrimination, Violence against Women and Girls, and Statelessness

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The dissertation offers an intersectional feminist analysis of patterns of exclusion from birth registration which generate a risk of statelessness for children of migrants and refugees, as well as other multiply marginalized peoples around the world. Drawing on the Institute on Statelessness and Inclusion's database, the author compiled a Global Inventory of Exclusionary Birth Registration Practices, which have been denounced before UN human rights mechanisms since 2010. These include the Human Rights Committee; Committee on the Elimination of Discrimination against Women (CEDAW); Committee on the Elimination of Racial Discrimination (CERD); Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW); Committee on the Rights of the Child (CRC); Committee on the Rights of Persons with Disabilities (CRPD); and the Human Rights Council (HRC).

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I. Gender Discrimination, Birth Registration, and Statelessness

Exclusion from birth registration and citizenship on the basis of both gender and race has been acknowledged, but mostly as separate causal factors of statelessness. An intersectional approach is needed to identify the patterns of exclusion which lead to child statelessness.

Regarding *gender discrimination*, the prevailing approach focuses on reforming gender discriminatory nationality laws, as can be seen in the Global Campaign on Equal Nationality Rights,[1] the UNHCR #IBelong Campaign to End Statelessness (UNHCR 2022), and a recent World Bank report (2019). As I argue in "(Re)producing Statelessness via Indirect Gender Discrimination (Petrozziello 2019b), gender discrimination also takes indirect forms, as recognized in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The CEDAW committee refers to this as "indirect discrimination, cultural practices and poverty [which] often make it impossible for mothers, especially unmarried mothers, to register their children on an equal basis as fathers" (UN CEDAW 2014, Art. 56). The Commission on the Status of Women (CSW) has also noted the vital importance of birth registration as a matter of gender equality and human rights:

> The Commission notes the vital importance of birth registration for the realization of all human rights, including the right to social security, as well as access to social protection systems, and expresses concern at the low levels of birth registration among some indigenous women and girls, women and girls with disabilities, migrant women and girls and women and girls in rural areas, and expresses further concern that all persons without birth registration may be more vulnerable to marginalization, exclusion, discrimination, violence, statelessness, exploitation and abuse (UN CSW 2019, Art. 25).

Only recently have development practitioners begun to recognize the practical impediments to birth registration which constitute *indirect* forms of gender discrimination. In 2021 the joint UNHCR-UNICEF Coalition on Every Child's Right to a Nationality published a background note on *Sex Discrimination in Birth Registration*, which recognized both legal barriers to birth registration—such as only men being permitted to confer nationality on their children or not allowing the registration of children born out of wedlock—and cultural and practical barriers impeding women from registering the birth of their children (UNHCR and UNICEF 2021). The latter include obstacles for registering children born to same-sex couples who have used assisted reproductive technologies (ART), whose family forms have yet to be recognized in civil registration laws.

Efforts to eradicate *racial and ethnic discrimination* retain a similar focus on legal reform, as well as ensuring universal birth registration for people belonging to minority groups. The UNHCR #IBelong Campaign has made known that the majority of the world's stateless populations belong

[1] See the Global Campaign on Equal Nationality Rights website: https://equalnationalityrights.org/

to minority groups (UNHCR 2017).[2] The causal relationship runs in both directions: discrimination on the basis of race, ethnicity, religion, or language can cause statelessness and conversely, statelessness can lead to further discrimination in practice and law (Kingston 2017). This vicious cycle perpetuates exclusion from generation to generation, as can be seen in the Dominican case (Petrozziello 2019b; Belton 2017).

This research broadens current understanding of the relationship between gender discrimination and statelessness by demonstrating how different iterations and intersections of gendered power relations block access to birth certificates. Gender discriminatory nationality laws (GDNL) remain an important obstacle in at least 25 countries, mostly in Sub-Saharan Africa, MENA, and some Asian countries.[3] This legalized gender discrimination "shows up" at the site of birth registration when registrars refuse to issue a birth certificate to mothers who are unmarried, married to a foreigner, or unable to prove the marriage. The CEDAW committee has begun to understand the importance of birth registration for exercising women's equal nationality rights. In an interview for this project CEDAW vice-chairperson Nahla Haidar explained this position as follows:

> Registration in a way becomes for me, now, the more I understand its impact, the entry point to nationality and not nationality, the entry point to rights. I would say that birth registration is the entry point to everything.[4]

The problematic practice is not only non-issuance of proof of birth, but also the registration of the child as a foreigner and granting only temporary residency. The government of Lebanon, for example, decided that rather than reform its GDNL, it would begin issuing migration permits for the children born in Lebanon to Lebanese mothers and foreign fathers.[5] This illustrates a key mechanism of social bordering: some states deploy their migration apparatus to effectively 'Other' those deemed not to belong, producing newborn as non-citizen. While a temporary residency status affords the child some rights protection, it does not guarantee that she will be able to access another citizenship. A child registered in such a way could be made a permanently temporary citizen of nowhere.

The institution of marriage is central to states' governance of gendered and sexual boundaries of belonging through birth registration. Even when GDNL have been reformed, gendered boundaries of belonging are enacted through gender unequal administrative

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[2] See also the UNHCR #IBelong Campaign to End Statelessness website https://www.unhcr.org/ibelong/stateless-minorities/

[3] See the Global Campaign for Equal Nationality Rights webpage for a current list: https://equalnationalityrights.org/countries/global-overview

[4] Key informant interview with Nahla Haidar, Vice-Chairperson of the CEDAW Committee, 14 December 2021.

[5] On 31 May 2010, the Government of Lebanon issued Decree No. 4186, which stipulated that a renewable courtesy residence permit should be granted to the foreign husband of any Lebanese woman one year after their marriage and to the children of any Lebanese woman married to a foreign husband, whether they were adults or minors and regardless of whether they were employed (Human Rights Committee 2016: para. 41). This is an example of how some states deploy their migration apparatus to effectively 'Other' those deemed not to belong. Despite being born to a Lebanese mother, the patriarchal nationality law, inherited from colonial times, classifies the child as foreign and belonging elsewhere (presumably the father's country of origin).

procedures, marital status discrimination, and cumbersome administrative procedures for paternal recognition. Marital status discrimination means that no birth certificate will be issued for children born to unmarried sole parents (e.g., in Algeria, Lebanon, Oman), children born from rape, children born to sex workers in border regions where father is "unknown" (e.g., Caprivi Strip, Namibia), children born to parents married by custom but not in law, or children born to interfaith parents whose marriage a state refuses to recognize (e.g., Syria). It means that children born to undocumented migrants, asylum seekers or refugees, including those who lost their marriage certificate or are unable to obtain a copy from abroad (e.g., women asylum seekers from Afghanistan, Iran, and Turkey in Europe), will remain unregistered. Or they will face the difficult choice of whether to expose their child to a lifetime of stigma by having the child's birth recorded under a sole parent. The problem is not only the non-issuance of birth certificates but the way in which births are recorded. Discriminatory naming practices, which essentially mark a child as illegitimate, perpetuate harmful social stigma. Marital status is central to all of these, and used to operationalize patriarchal control over the bodies registered and recognized as belonging (or not) to the body politic.

Heteronormative ideas about sexuality and marriage also structure notions of belonging which, in turn, play out through bureaucracies for registering birth. Same-sex parents with mixed nationalities and/or who cross borders to have their children can face difficulties obtaining birth certificates, having both parents listed on the certificate, and/or using the certificate in the parents' country of origin for purposes of nationality determination. This is because legislation recognizing same-sex partnerships or marriages and legal parentage between children and the non-biological parent(s) varies across jurisdictions. Where same-sex marriage has not been legalized, some registrars refuse to transcribe birth certificates and recognize the nationality of children born to same-sex parents abroad (e.g., Poland). Even when marriage equality exists (e.g., Ireland), administrative procedures are not necessarily in place to recognize the parental filiation of the non-biological or non-gestational parent, especially for children born abroad (Sieverding 2019). As similar cases arise across jurisdictions—as seen in the case of children born outside the UK to same-sex British parents (Kelly 2022)—Europe faces the challenge of harmonizing laws and practices to ensure equal access to birth registration and confirmation of citizenship (European Commission 2022). Sexuality need not enact social boundaries of belonging, much less a risk of statelessness for the babies born into rainbow families abroad.

LGBTQ+ parents, single mothers, and their children are not the only ones experiencing heteropatriarchal harm. Unmarried heterosexual fathers, too, can have a hard time when determinations of national belonging are made along patrilineal lines, but they cannot exercise their right to register a birth and confer nationality on their child. It could be that many fathers of children born out of wedlock would wish to shirk their paternal responsibility, and that administrative procedures are designed to allow for that. Proving paternity for children born to unmarried citizen fathers and foreign mothers, in many countries, is certainly cumbersome (e.g., Malta, Slovenia, Germany, South Korea). But this means that fathers who *do* wish to exercise their paternal rights have a hard time doing so—as seen in the Naki case (Constitutional Court

of South Africa 2021). Where the father's details are not recorded on the birth certificate, the child faces obstacles to establishing filiation and claiming citizenship through the paternal bloodline. More precisely, when a union between a national who is male and a foreign female has not been formalized by the state where the birth took place, that state often does not recognize the potential claim to nationality through the paternal line.

In *Bordering*, Yuval-Davis et al (2019) wrote that power structures, such as heteropatriarchy, shape ideas about belonging which, in turn, shape policies and practices governing borders and citizenship. My research builds upon this insight by examining the links between patriarchal institutions of (heterosexual) marriage and state systems for civil registration, citizenship recognition, and migration governance, as discrete but related forms of sovereign control over the citizenry. Foreign women giving birth within the territory can be read as "not ours," and the mother's non-status transferred to her child regardless of whether the father is a card-carrying citizen, as seen among children of mixed couples in the Dominican Republic (Petrozziello 2019a). Similarly, children born to same-sex parents find sexual boundaries of belonging blocking their ability to establish legal parenthood and protect their child's right to a nationality via jus sanguinis. Heteropatriarchal power operating through birth registration bordering practices can place babies who lack a proven parental link, outside the social boundaries of belonging and (too often) stateless.

Just as gender/patriarchal dynamics pervade the production of statelessness (Brennan 2019), so too are birth registration bordering practices enacted in ways which uphold racial, ethnic, and religious boundaries of belonging. Like border officers, civil registrars are granted plenary (discretionary) power to control membership boundaries because they are seen to be guardians of national sovereignty. When an applicant is perceived to possess a 'foreign' name, accent, or appearance, they may be denied a birth certificate for their baby or issued one with arbitrary annotation or transliteration of their name. The bordering practice of *administrative earmarking* is an informal means through which registrars separate out those deemed not to belong. This could be seen in the example of Colombia, where for a time civil registrars were making annotations of "Not valid for purposes of nationality" on the birth records of children born to Venezuelans, even though the country has a jus soli birthright citizenship regime. In the Dominican Republic, rights defenders found some civil registrars were making the annotation "H.H." (for *hijo de haitiano*, or child of a Haitian) on birth records before more formal procedures for their administrative segregation were put in place. As well, those belonging to faiths other than the dominant or officially recognized ones may find a blank space in lieu of baby's first name. In Greece, children of non-Greek Orthodox families, especially Muslim Romani, have received incomplete birth certificates with the annotation AKO for "Awaiting baptism."[6] This kind of

[6] The CRC has expressed concern about *religious discrimination enacted through administrative birth registration practices in Greece*: "The Committee is also concerned that some children are registered only with their parents' last name, and *the line for the first name remains blank with an abbreviation "AKO" (awaiting baptism),* exposing them to stigmatization and discrimination (CRC 2012b: para. 32, emphasis added). In a country where 90% of the population are Greek Orthodox Christians, many civil registrars will not complete the entry in the register until baptismal naming has occurred. While the majority of Greek Romani people do identify as Greek Orthodox, some are practicing Muslims who will not be engaging in Christian baptismal rites.

bordering practice can be a way for civil registrars to render a "problem population" visible to authorities. Once visible, other policy measures can target racial and ethnic minority groups, whether for purposes of inclusion, as Colombia eventually did for children of Venezuelans, or for purposes of exclusion, as in the DR.

Though all of the social bordering practices mentioned so far are intersectional in some way, my Global Inventory of Exclusionary Birth Registration Practices identified some particular intersections of the social boundaries of belonging which are worth highlighting here. Children of "mixed couples"—whose parents are of different nationalities or status categories—may find their mother's non-status becomes determinant in decision-making over whether and how their birth can be recorded. Women belonging to religious or ethnic minority groups face similar administrative blockage. When adolescent mothers must be accompanied by a legal representative or present a national ID when they are not yet of age themselves, sex and age discrimination multiply and compound. In contexts of mobility, social identities which would otherwise trigger social protection benefits—like being born with a disability—become a liability for ethnic minority groups. Children with disabilities born to stateless Bidoon (an Arab minority group) in Kuwait and the UAE face difficulties registering their children, as do persons with disabilities who are internally displaced, migrants, refugees, stateless and/or belong to minority groups in Iraq. Non-registration not only perpetuates their statelessness; it renders them ineligible for state services, and enjoyment of their human right to social protection.

Intersectional feminist scholars refer to the multiplicative effects of these intersecting forms of discrimination as "multiple jeopardy" (King 1988). The patterns of exclusion from birth registration confirm the relevance of paying attention to discrimination on the basis of ability, race, ethnicity, gender, religion, class, citizenship, migratory status, sexual orientation and/or gender identity. The findings on the particular intersections at which these combine and multiply elucidate how social bordering in the birth registration process produces a risk of intergenerational statelessness and rightlessness for the humans they bring into the world.

Country Examples:

Algeria

In Algeria, the "20 ans, barakat!" (20 years is enough!) movement launched a campaign in 2003 to bring Algeria's laws in line with its Constitutional mandate for gender equality. By 2005 Algeria had passed a new gender equal Nationality Code. However, important implementation challenges remain. *Marital status discrimination comes into play for those born out of wedlock or whose parents cannot obtain a copy of the marriage certificate*. In 2012 the CRC expressed concern that in practice "Registration officers and family judges often refuse to register children born out of wedlock although no legal restriction exists concerning the registration of those children" (CRC 2012: para. 37(a)). The committee went on to acknowledge that sometimes mothers must seek a court judgment in order to pass on their nationality to their children. Even when the child is

registered, official documentation may mark them as 'illegitimate' exposing them to a lifetime of stigma and marginalization (Fisher 2015). The CRC and the UN Special Rapporteur on Violence against Women (SRVAW) have both called attention to the discriminatory way in which children born outside of marriage are registered (with two surnames instead of the mother's family name). The SRVAW recognized that this practice exposes girls to "intersecting layers of discrimination based on their legal status and sex" (Ertür 2008: para. 40). Such practices may lead mothers to prefer non-registration over branding their child as illegitimate. In the 2017 UPR cycle, the CRC urged Algeria to ensure that children born to an Algerian mother married to a foreign national can automatically acquire their mother's nationality as prescribed in the Nationality Code (Human Rights Council 2017a: para. 61).

Cyprus

In Cyprus*, gender discriminatory migration governance makes it difficult for migrant women to maintain a regular status and register a child*. Officially, every woman who gives birth in Cyprus is entitled to obtain a birth certificate for baby, regardless of her migration status. In practice, however, some authorities refuse to issue one when the parent(s) (particularly the mother) are unable to verify their identity or produce a hospital birth notification (Cyprus Dialogue Forum 2017:3). In 2018 the CEDAW committee noted that migrant women who are members of Cypriot or EU citizen families are entitled to a temporary residence permit, but that obtaining one requires a declaration from their husbands assuming responsibility for the living expenses. This is gender discriminatory and could heighten the risk of gender-based violence because it creates a relationship of dependency. A joint NGO submission to CEDAW explained that this is highly problematic, because men who are Cypriot/EU citizens often take advantage of this prerequisite to keep migrant women in an inferior position. Some migrant women have lost their legal resident status because their husbands refused or informed the authorities "they do not want them anymore" (Cyprus Dialogue Forum 2017:4). As discussed above, birth registration for children born to mixed status couples often depends on the mother's migration status. Recognizing this relationship, the CEDAW committee expressed concern that "migrant women, in particular those in an irregular situation, are reluctant to approach the relevant authorities, which may increase the risk of statelessness for their children" (CEDAW/C/CYP/CO/8, para. 32).

Egypt

In **Egypt** the law theoretically permits other forms of proof of relationship, but in practice civil registration officials require a marriage certificate—even in the case of children born of rape (Manby 2019:19). A legal researcher with the Egyptian Foundation for Refugee Rights found that discriminatory social attitudes lead *civil registration officials to focus on the nature of the relationship that produced the child rather than upholding the child's rights* (Farahat 2017). Only with legal assistance can this form of social bordering be overcome.

Sexual violence and paternal irresponsibility are but two of the ways in which patriarchy creates a risk of non-registration and statelessness for children in Egypt. A civil society submission

to the CEDAW committee raised the issue of birth registration for children born to parents with unregistered or unofficial marriages, including secret Urfi marriages: "Since the law requires official registration of the marriage to issue birth certificates for children, several men would refuse to register the child or the marriage leaving women seeking judiciary interventions to prove the paternity of the child" (Center for Egyptian Women's Legal Assistance 2021: para. 40). Urfi marriages are said to be gaining popularity among Egyptian youth, given the high cost of marriage and the criminalization of sex before marriage.[7] While getting married without an official contract may seem an expedient solution for youth in this situation, the outcome for any children resulting from their union may be non-registration and statelessness.

Iraq

As elsewhere in the Middle East, in Iraq *marital status discrimination also affects children born to women who are unmarried or in situations of rape or forced marriage*. In 2019 the CEDAW committee noted that mothers can only confer nationality on children "if the marriage has been duly registered, which discriminates against children born out of wedlock, children of Iraqi women who are married to a foreign national and children born of forced marriages to combatants or informal marriages, and renders them stateless" (CEDAW 2019: para. 27). That same year the CERD expressed concern about the requirement to provide paternity documents, which could generate statelessness for children born from rape or to an undocumented or deceased father (CERD 2019: para. 35).

II. Relationship between Violence against Women and Girls and Statelessness

There is a bidirectional relationship between VAW and statelessness, wherein VAW can be both a cause and consequence of this condition. Stateless girls and women may be more vulnerable to trafficking, forced marriage, etc. Conversely, when they bear children as a product of child marriage,[8] rape, or trafficking, there are many obstacles to obtaining a birth certificate for the child. For stateless Roma women in North Macedonia, GBV can be both a causal factor and lived consequence of statelessness (CEDAW) 2018d: para. 31a). For refugee women in Egypt, Syria, Iraq, and Turkey who have borne children of rape, negation of a birth certificate adds insult to injury. Where registration is available for children born "out of wedlock"—which is how children of rape are institutionally understood—harmful registration practices can set the child up for a lifetime of social stigma, as seen in the example of children born to Yezidi genocide survivors in Iraq (McGee 2020). Survivors of sexual violence may prefer non-registration over a lifetime of stigma for themselves and the child whose existence was not her choice.

[7] See, for example: https://www.islamawareness.net/Marriage/Urfi/urfi3.html

[8] For a discussion of statelessness and child marriage as intersectional phenomena, see Menz (2016).

Country Examples:

Iraq

Non-registration or harmful birth registration has added insult to injury for children born from rape in Iraq. In 2019 the CEDAW committee expressed concern that "children whose fathers are ISIL members or who are born following sexual violence committed by ISIL members have limited access to birth registration, which puts them at risk of statelessness" (CEDAW/C/IRQ/CO/7: page 9). Institutionalized rape and forced marriage were part of a pre-meditated genocidal campaign through which ISIL attacked the Yezidi-majority area of Sinjar in a region of Iraq contested between the central government and the Kurdistan regional government (McGee 2020). Yezidi men were forced to convert to Islam or executed, while Yezidi women and girls were sold into captivity at slave markets. The children born from rape and forced marriages between ISIL members and Yezidi women either remained unregistered, or were registered in a harmful way. Statelessness scholar Thomas McGee explains how the birth registration for these children born to Yezidi survivors evolved over time:

> With the passing of time, the initial solutions to find 'creative' ways to register the children born to the survivors of captivity as Yezidis became no longer tenable. At the same time, the 'humanitarian' appetite to flexibly manoeuvre the legal system had lessened as the host community in the Kurdistan region suffered from fatigue due to protracted displacement and its economic impacts. Meanwhile, the central government remains resolute in implementation of its laws that consider any child of undetermined paternity as a Muslim Iraqi (McGee 2020:92).

McGee understands the registration of Yezidi women's children as Muslim to be a "victim-insensitive remedy" and a "continuation of the genocide against the Yezidis by targeting their communal identity and 'forcibly transferring children of the group to another group'" (McGee 2020:88). This is because Iraqi law, lacking legal provisions to explain the status of such children, treats them as foundlings or as being *majhoul al-nasb* (of 'undetermined paternal lineage')—and instructs the authorities to register them as Iraqi Muslims. Since many in the Yezidi community oppose having children with Muslims, registering the child with the same religion as the perpetrator could bring additional harm, such as family rejection, stigma, abandonment or ostracism (Yassen 2021:15-16; McGee 2020). When the way a birth is registered can bring harm to the child or mother, the mother may prefer her child remain unregistered as her own form of protecting the child. This challenges the narrative of birth registration being a universal social good, and complicates policy prescriptions for achieving it.

Syria (and displaced Syrians in Turkey)

Gender-based violence and harmful practices, such as child marriage, decrease the chances that children receive birth certificates. In the case of children born from rape, the mother must request

a police report to initiate an investigation into the circumstances of the child's conception—a humiliating practice tantamount to revictimization. In 2014 the CEDAW committee expressed its concern to **Syria** about:

> the adverse impact of **statelessness** on women and girls and their children, including children born as a consequence of rape, *jihad al- nikah* (marriages in the name of jihad) as well as child and/or forced marriages, due to their exclusion from services which are restricted to nationals and at the heightened risks of abuse for women and girls in displacement contexts (CEDAW/C/SYR/CO/2, para. 37(a)).

Apparently, child, early, and forced marriage has been a significant phenomenon among displaced Syrian families living in host countries, such as **Turkey** (Yüksel-Kaptanoğlu and Dayan 2020). Zahra Albarazi writes that "children born within child marriages are among those least likely to have their births registered, since in host countries these marriages are illegal and so would not have been officially registered" (Albarazi 2021:7). Sometimes, Syrian girls and young women are married off as a second or third wife to men in countries where polygamy is illegal, so the father will block registration of the child to avoid being discovered. According to one key informant, this is a relatively common practice in Turkey[9]:

> Turkey prohibits second, third or fourth marriage, I think it is the only country in the region. But what that has meant is that a lot of men get married to a woman, a second wife, but given that it's illegal, they keep it secret and don't register efficiently. In the first wave [of displacement from Syria], a lot of women ended up in this situation, and therefore, children are never registered. In Turkey, they do allow women to register the child, even if the father is unknown, etc. But the father will often prevent that from happening because they're worried the first wife is going to find out. It becomes very problematic. Often the father or husband will freak out and disallow the child to be registered, because that would be proof that there is this product of the second marriage. There are many cases. Actually, I can name at least 20 women that I know myself, who have gone through that.

All of these forms of gender discrimination, violence, and patriarchal control have exponentially increased the risks of statelessness among the generation born during the Syrian conflict. Described as a 'ticking timebomb' by UN representatives, the situation is likely to represent a major challenge for decades to come (Albarazi 2021:7).

[9] For an intersectional analysis of the marginalization of Syrian female refugees in Turkey, see Yamaner (2021).

III. Recommendations

Inclusive birth registration is put forth as a strategy for breaking intergenerational cycles of statelessness, with all of the exclusion, poverty, informality, and irregularity that such a condition entails.

For States:

- **Design birth registration systems for social inclusion.** Every person should have equal and independent access to a birth certificate and civil documentation for themselves and their children, regardless of their sex, gender, sexuality, marital status, race, ethnicity, religion, age, or migration status. As governments around the world work to strengthen civil registration systems, it is important to recognize and address the obstacles documented here through social inclusion by design.[10] Strengthening governmental capacity to conduct intersectionality-based policy analysis is a fundamental first step. Then governments can use this capacity to contend proactively with historic legacies of exclusion through, *inter alia*, inequality assessments of birth registration access, targeted outreach, flexible measures (extension or elimination of deadlines, acceptance of alternative forms of proof of ID), and development of standard operating procedures for diverse applicant profiles. Inequality assessments should take stock of all UN human rights mechanism recommendations on birth registration to a given country, and proactively engage governments and other stakeholders, in addressing them as part of system design. Participatory mechanisms, such as multistakeholder working groups, can be created so civil society groups who work with those who have been historically excluded can help identify solutions for their social inclusion.
- **Create firewalls to block information sharing between public service providers and immigration enforcement.** This aligns with guidance offered by the CRC and CMW committees in a 2017 Joint General Comment: "Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status" (CMW/C/GC/4-CRC/C/GC/23, para. 21).
- **Strengthen consular civil registration services**, such that people outside their country of birth can obtain birth certificates for themselves and their children, marriage certificates, national IDs, and passports. This will increase migrant parents' ability to meet

[10] The *Principles on Identification for Sustainable Development* state that "Inclusion by design" involves "working with communities to proactively identify legal, procedural, social, and economic barriers faced by particular groups, risks and impacts specific to these groups, and adopting appropriate technologies and mitigation measures to ensure that new or updated identification systems do not reinforce or deepen existing inequalities" (World Bank 2021:13).

documentary requirements for regularizing status and registering births, and help to break intergenerational cycles of non-registration and statelessness.

- **Establish statelessness determination procedures and legal/administrative safeguards within the birth registration process.** Such procedural checks would investigate whether a child would otherwise be stateless and, if so, ensure that they automatically acquire citizenship at birth, in compliance with international law.

For international organizations:

- **Take into account the particular local histories and "messy politics"** when developing registration systems; avoid one-size-fits-all development solutions. The guiding ethical principle should be to do no harm. Universal goals notwithstanding, context matters for development of systems and the purposes to which they are put.
- **Promote inclusivity and non-discrimination not only in principle, but as integral to project implementation**. Civil society organizations and marginalized groups must be consulted in CRVS program design and have ongoing channels for communication and participation during roll-out and implementation. Where efforts are underway to strengthen CRVS systems, funders should make disbursements conditional on actual non-discrimination and block additional funding until any reported concerns are addressed. Implementing organizations should monitor funded programs closely for discrimination, and promote multi-stakeholder working groups to address any reported concerns.
- **Reinstate the human rights-based approach within all birth registration campaigns by ensuring the issuance of a birth certificate is followed by confirmation of citizenship**. Avoid technical solutions which allow states to shirk obligations to fulfil the right to a nationality. While alternative registers and ad hoc biometric ID documents may provide some protection and access to services, they are not a replacement for the durable status of citizenship, with all of the protections that affords.
- **Adopt an intersectional approach to efforts to prevent and address non-registration and statelessness.** Intersectionality sharpens our understanding of the ways in which people's experiences of exclusion differ. Such insights are crucial for those working to develop and advocate for policy solutions, which necessarily must go beyond legal remedies. Asking questions about lived experiences seems to lend itself to more practical humanitarian intervention and protection, whereas asking questions about causes remits us to questions of social justice and fundamental rights.
- **Broaden understanding of what constitutes gender discrimination in relation to nationality rights.** While reforming nationality laws remains the primary focus of campaigns for women's equal nationality rights, it is important to recognize that the site

where this rights violation shows up—and where statelessness is (re)produced—is birth registration. Furthermore, other forms of gender discrimination and violence, such as marital status discrimination, sexual violence, and child marriage, also affect girls' and women's ability to register the birth of their children. Feminist development assistance that seeks to address gender inequalities should ask about and address women's independent access to identity documentation and birth registration for their children.

- **Assess impact of "good practices" for increasing demand for birth registration on migrants and multiply marginalized population groups.** Linking birth registration to enrolment for social welfare entitlements, and integrating birth registration with maternal and child health service delivery have been hailed as good practices, yet may have the unintended consequence of excluding the undocumented and uninsured. Facilitating access to social protection for all, regardless of status, should remain a guiding principle.

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