



STATELESSNESS & HUMAN RIGHTS

The Convention on the Elimination of All Forms of Discrimination Against Women

“The Convention requires full protection of women’s equality in nationality matters. Nationality is the legal bond between a person and a State and is critical to ensuring full participation in society. Nationality is also essential to guaranteeing the exercise and enjoyment of other rights, including the right to enter and reside permanently in the territory of a State and to return to that State from abroad. Article 9 of the Convention is therefore essential to the enjoyment of the full range of human rights by women. While human rights are to be enjoyed by everyone, regardless of nationality status, in practice nationality is frequently a prerequisite for the enjoyment of basic human rights. Without nationality, girls and women are subject to compounded discrimination as women and as non-nationals or stateless persons.”

CEDAW Committee General Recommendation no. 32, 2014

Cover photo © Forum for Women, Law and Development
Sleep protest for equal nationality rights in Nepal, 2014

This booklet was written by Deirdre Brennan, Laura van Waas and Ileen Verbeek. It draws on research conducted for the Institute on Statelessness and Inclusion by Veronica Perozo Alberti and Janneke van Casteren in 2016, as part of their Joint Research Training within the LLM Research Master in Law at Tilburg University. The finalisation of the booklet was made possible by financial support from Open Society Justice Initiative. Design and layout by Shantanu Majumder.

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KEY MESSAGES

- At the start of 2018, 25 countries deny mothers equal rights as fathers to confer nationality on their children, and over 50 countries deny women equal rights to acquire, retain or change their own nationality, or to confer it on their spouses.
- Gender discriminatory nationality laws can cause statelessness. Stateless people often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; the ability to acquire a driving license; basic banking, mobile phone and other services.
- CEDAW Article 9 protects women's equal nationality rights. This article has been recognised by the CEDAW Committee as among those articles which are central to the object and purpose of the convention. Indeed, where a state fails to meet its obligations under Article 9, this impacts on the fulfilment of numerous other rights laid down in CEDAW.
- In addition to CEDAW, women's equal nationality rights are protected by other international conventions and actively promoted by other human rights bodies such as the Committee on the Rights of the Child (CRC) and within the Universal Periodic Review (UPR).
- The Sustainable Development Goals aspire to "leave no one behind" and to reach the furthest behind first. This means that special attention must be paid to addressing structures that engender exclusion, disadvantage and impoverishment. Many of the SDGs are negatively impacted by restrictions on women's nationality rights - itself a form of systemic discrimination.
- To date, in total, 100 recommendations relevant to gender discrimination in nationality laws have been made by the CEDAW Committee, 47 by the CRC Committee and 141 were issued to states over the course of the first and second UPR Cycles.
- In the past 14 years, 15 countries have amended their nationality laws to remove elements of gender discrimination. Making this change in gender unequal laws is critical, not just to ensure gender equality, but to protect children, families and social cohesion.

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Amal is a Lebanese national. She gave birth to her daughter Rana in 2005. Amal’s husband, Rana’s father, is stateless and because Lebanese law does not permit women to pass on her citizenship to their children, Amal’s daughter is stateless even though she was born in Lebanon to a mother who is a Lebanese national.

INTRODUCTION

International law protects the equal rights of women and men to acquire, retain or change their nationality and to confer it on their children. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular, prohibits gender discriminatory nationality laws in its Article 9. However, 25 countries deny mothers equal rights as fathers to confer nationality on their children, and over 50 countries deny women equal rights to acquire, retain or change their own nationality, or to confer it on their spouses.

Discriminatory nationality laws undermine the woman's and the child's right to acquire a nationality and are one of the root causes of statelessness.

This booklet draws on a comprehensive analysis of all Concluding Observations and recommendations made by the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) to explore and contextualise the obligations contained in CEDAW Article 9. It sets out why women's nationality rights are of such fundamental importance, both as an issue of gender equality, but also to protect and fulfil a range of other civil and political rights and in the implementation of the Sustainable Development Agenda. It looks at the Committee's interpretation and treatment of Article 9, the recommendations it has made in this regard, and how they relate to, and are complemented by, the work of other human rights mechanisms. Finally, it provides an insight into the mechanics of the CEDAW Committee process, offering key information and helpful tips for engagement by civil society actors.

If you are working in the field of women's rights, to promote enjoyment of the right to a nationality or to combat statelessness – or if you are simply interested in how nationality and statelessness issues relate to CEDAW – this booklet is for you. It is part of our **statelessness essentials** booklet series, which includes introductory booklets on statelessness and how it relates to human rights, development and other issues. To learn more about this series and other available or forthcoming titles, please visit our website:

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“I have 86 women in my [single mothers] network and the biggest problem in their lives is not being able to pass on their citizenship”

Sharmila Thapa, founder of the Samida Women Development Forum, a network set-up to support single mothers in Nepal

GENDER DISCRIMINATORY NATIONALITY LAW: THE GLOBAL PICTURE

Most of us hold the same nationality as one or both of our parents and have done so since we were born. This is because, with the exception of the Americas region, the main way in which children acquire a nationality is by the transmission of this status from parent to child - a system known as jus sanguinis (law of the blood). However, in 25 countries, the law provides different rules for fathers and mothers,² preventing women from passing their nationality to their children on an equal basis with men. Moreover, in over fifty countries, women do not enjoy the same rights as men in the ability to acquire, retain and change their nationality, or to confer it to their spouse.³

Historically it was the norm, rather than the exception, to treat women differently to men in terms of nationality rights. The perception was that family unity would be protected by ensuring that all members of a family held one and the same nationality and patriarchal norms led to the favouring of the father's nationality.⁴ In the colonial era, for instance, both British and French nationality codes contained this discrimination, causing the rule to be exported to colonies across the globe.

However, this historical legacy is gradually being corrected. **In the past 14 years, 15 countries have amended their nationality law to remove elements of gender discrimination.**

Thanks to the progressive reform of laws the world over, today just 13% of states still do not allow women to pass their nationality to their children on the same terms as men.



**In 25 countries, women cannot pass on their nationality to their children on the same terms as men
this can lead to statelessness among children**

The 25 countries...

Bahamas	Iran	Lebanon	Nepal	Sudan
Bahrain	Iraq	Liberia	Oman	Swaziland
Barbados	Jordan	Libya	Qatar	Syria
Brunei	Kiribati	Malaysia	Saudi Arabia	Togo
Burundi	Kuwait	Mauritania	Somalia	United Arab Emirates

Making this change to nationality laws is critical, not just to ensure gender equality, but to protect children, families and social cohesion. Gender discriminatory nationality laws lead to situations in which children, mothers and fathers cannot always live with each other in the same country due to residency restrictions. Affected children are at risk of statelessness if the father is unwilling or unable to pass on his nationality. Children who are not granted their mother's citizenship but were born and reside in their mother's country face significant restrictions of their socio-economic and political rights. Mothers prevented from passing on their nationality have reported suffering from severe mental health issues, with insomnia, depression, guilt and anxiety commonly reported as emotional effects of this discriminatory law.⁵

Women may face other barriers to exercising their equal nationality rights, even where the nationality law is gender neutral. Birth registration, for instance, is crucial to preventing statelessness, yet many states' civil registration laws limit mothers' ability to register their children's births or make it difficult to register children born out of wedlock. In countries with entrenched patriarchal attitudes, even if the law allows women to register a child's birth, local authorities may insist on the child's father being present in order to register the birth. In countries where 'adultery' is a criminal offence, parents may abandon their child to avoid criminal penalties. If a parent chooses to register their child they may still be separated from their child if there is a criminal conviction. Choosing not to register the birth to avoid prosecution and ensure they are not separated from their child, may leave the child at risk of statelessness.

A stateless person is someone who is “not considered as a national by any state under the operation of its law” (1954 Statelessness Convention). Stateless people often struggle to enjoy quality education and health care; safe, secure and dignified work; inheritance and ownership of property; the ability to acquire a driving license; basic banking, mobile phone and other services.

EQUAL NATIONALITY RIGHTS: THE HUMAN RIGHTS & DEVELOPMENT IMPERATIVE

The right to a nationality is a universal human right, recognised under the Universal Declaration of Human Rights (UDHR). Discrimination in nationality laws, on the basis of sex, is a cross-cutting human rights issue, and is prohibited under different international laws and several regional human rights treaties.

The International Covenant on Civil and Political Rights (ICCPR) obliges states to ensure each child's right to a nationality (Article 24) and prohibits discrimination on any ground, including sex (Article 26). When women are unable to confer their nationality to their children on an equal basis as men, children may be left without a nationality, in conflict with the Convention.

The Convention on the Rights of the Child (CRC), the most widely ratified human rights treaty in the world, requires states to ensure every child's right to acquire a nationality. Article 7 is to be read with the Guiding Principles of the Convention, in particular Article 2 (non-discrimination), such that children have the right to acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Preventing a child from obtaining a nationality on discriminatory grounds amounts to arbitrary deprivation of nationality. Furthermore, it is unlikely to ever be in the child's best interests to not be able to obtain his or her mother's nationality.

I am stateless because my mother could not pass her nationality to me

5 GENDER EQUALITY

CEDAW (Art 9) prohibits gender discrimination in nationality law.

“The right to a nationality is a universal human right and no one may be arbitrarily denied or deprived of a nationality, including on discriminatory grounds such as sex. The Human Rights Council urges all States to refrain from enacting or maintaining discriminatory nationality legislation, with a view to avoid statelessness, in particular among women and children [and] Calls upon all States to ensure that all persons, in particular women and children, regardless of their nationality status, enjoy their human rights and fundamental freedoms”.

Human Rights Council, 2012
Resolution 20/4, The right to a nationality: Women and Children

Equal Rights for Equal Development

The Sustainable Development Goals (SDGs), adopted by the UN in 2015, are a universal call to action to end poverty and to promote prosperity, while protecting the planet. There are 17 SDGs, which all governments have committed to implement, with 169 targets aimed at stimulating action across the globe from 2015 until 2030.

The SDGs aspire to “leave no one behind” and to reach the furthest behind first. This means that special attention must be paid to those groups most in need and addressing structures that engender exclusion, disadvantage and impoverishment. Many of the SDGs are negatively impacted by restrictions on women’s nationality rights – itself a form of systemic discrimination.

Goal 5 is a specific pledge to end all forms of discrimination against all women and girls everywhere, recognising that society, sustainability and the economy are stunted without the full eradication of gender-based discrimination and exclusion. Gender equality will not be achieved until all states enact nationality law reforms to enshrine equal nationality rights for women and men.

To meet targets under **Goal 10** (Reduced Inequalities), it is crucial that children can receive their nationality from either parent, equally. **Goal 16** (Peace, Justice and Strong Institutions) includes a target of providing a legal identity for all – a goal to which nationality is key. For all births to be registered, women must enjoy the equal right to pass on their nationality, and discriminatory attitudes and practices which prevent women from registering births must be eradicated.

The achievement of **Goal 1** (Poverty), **Goal 2** (Hunger), **Goal 3** (Health), **Goal 4** (Education), **Goal 8** (Employment) and **Goal 11** (Housing) will be hindered as long as gender discrimination denies some citizens the right to acquire, retain, change or confer their nationality. Access to services such as healthcare, education or the right to own property are often out of reach for those affected by these laws. Children who cannot receive their mother’s nationality also rarely avail of opportunities for formal employment and are therefore stuck in a cycle of poverty.



ARTICLE 9: CENTRAL TO THE OBJECT AND PURPOSE OF CEDAW

CEDAW was adopted in 1981 to address global issues of gender inequality and discrimination against women. As of late 2017, it had 189 state parties. In addition to the general prohibition of all forms of discrimination against women housed in Article 1 CEDAW, Article 9 explicitly protects women's equal nationality rights. **The CEDAW Committee recognises Article 9 to be among those which are “central to the object and purpose of the Convention”**. Indeed, where a state fails to protect women's nationality rights, this impacts on the fulfilment of numerous other rights laid down in CEDAW, including:

Article 9 CEDAW

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

Article 2:

to repeal all discriminatory provisions in their laws.

Article 3:

to ensure the full development and advancement of women in order to guarantee them the enjoyment of human rights. When a person is unable to acquire their mother's nationality they may be unable to access education, work, own property or travel internationally. These amongst other rights, are elaborated on in CEDAW Articles 7, 10, 11, 12, 13, 15 and 16.

Article 5:

to eliminate prejudices and practices based on the idea of women's inferiority, and to ensure recognition of the common responsibility of men and women in the upbringing and development of their children. Nationality laws that prohibit a woman conferring nationality to her children are remnants of colonial systems of inequality that viewed women's status as inferior to men. Gender-equal nationality laws recognise the role of both a mother and father in a child's life.

Article 6:

to suppress all forms of trafficking in women. Women and girls, rendered stateless by discriminatory nationality laws, are vulnerable to labour exploitation and at increased risk to trafficking.

THE ROLE OF THE CEDAW COMMITTEE

The CEDAW Committee is the body of independent experts which monitors states party's compliance with CEDAW. It consists of 23 experts on women's rights from around the world and meets three times a year in Geneva. To fulfil its mandate, the Committee drafts "General Recommendations" on the scope of the obligations set out in the Convention; reviews state parties' implementation of their obligations, by issuing "Concluding Observations" outlining concerns and recommendations; and considers individual complaints in which a violation is alleged (under CEDAW's "Optional Protocol").

Two of the General Recommendations published by the CEDAW Committee have addressed women's equal nationality rights. The first, General Recommendation No. 21 Equality in Marriage and Family Relations (1994) called upon states to ensure a woman's right to a nationality as a critical measure for her full participation in society, recommending that states enact and enforce legislation to comply with Article 9. In 2014, the CEDAW Committee reiterated its views on the critical importance of nationality rights in General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. This document lays out a series of more detailed recommendations, which include:

- **Reform nationality laws to ensure equality of women and men with regard to acquisition, changing, retention and conferral of nationality to their children and foreign spouses.**
- **Employ safeguards so that no woman or child is left stateless.**
- **Collaborate with UNHCR on its work on the identification, prevention, reduction and protection of stateless persons.**
- **Raise awareness among the population on the equal rights of women and men with regard to transmission of nationality.**
- **Accede to the 1954 and the 1961 Statelessness Conventions.**
- **Withdraw reservations to article 9.**
- **Address indirect discrimination in nationality laws that may be more onerous for women to meet in practice than for men.**

CEDAW COMMITTEE RECOMMENDATIONS TO STATES ON EQUAL NATIONALITY RIGHTS



2000

With the turn of the millennium, the Committee's Concluding Observations became more detailed and direct. Before 2000, the Committee had made only eleven recommendations on the issue. Since then, the frequency with which the issue is raised has increased and the Committee has repeated its concerns to countries that have not reformed their laws between reviews.



ACCESSION TO UN STATELESSNESS CONVENTIONS

The Committee has recognised that gender discriminatory nationality laws are a cause of statelessness.

It has made 30 recommendations to states to accede to the UN Statelessness Conventions.

30

31

REGISTRATION OF BIRTHS

Birth registration has been central to the Committee's recommendations on 31 instances.

Five of such recommendations explicitly mentioned statelessness as a related issue to be addressed.

OTHER ISSUES RELATING TO STATELESSNESS

The Committee asked states to protect people rendered stateless due to gender discrimination in nationality laws, and ensure their rights (e.g. access to education) on 40 occasions.

40

Recommendation
to Liberia in 2015

The Committee recommends that the State party repeal discriminatory provisions from its Aliens and Nationality Act of 1973 [...] and ensure that children born to Liberian women married to non-Liberian men are not rendered stateless and have equal access to education, healthcare and other basic services as other children.

ENGAGEMENT BY OTHER UN HUMAN RIGHTS BODIES ON THIS ISSUE

The right to a nationality, without distinction of any kind, is protected by several human rights treaties. Collectively, hundreds of recommendations relevant to ensuring gender equality in nationality laws have been made by the Committee on the Rights of the Child, the Human Rights Committee and under the Universal Periodic Review.



18 of the 25 (72%) countries that don't allow women to pass their nationality to their children on equal terms with men have received recommendations from the CRC Committee on this issue.

The Committee urges the State party to review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction, in particular for those children who would otherwise be stateless.
2017 CRC recommendation to Qatar

CRC
 Committee on the Rights of the Child

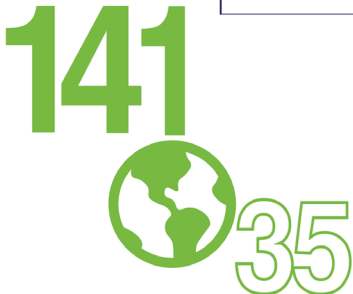
Between 1993 and 2017, the **CRC Committee** issued **47** recommendations relating specifically to issues of gender discrimination in nationality laws.

These were addressed to **29** different countries, some receiving recommendations on multiple occasions.



19 of the 25 (76%) countries retaining gender discrimination in the transmission of nationality from parent to child received recommendations during the 1st and 2nd UPR cycles on this issue.

UPR
 Universal Periodic Review

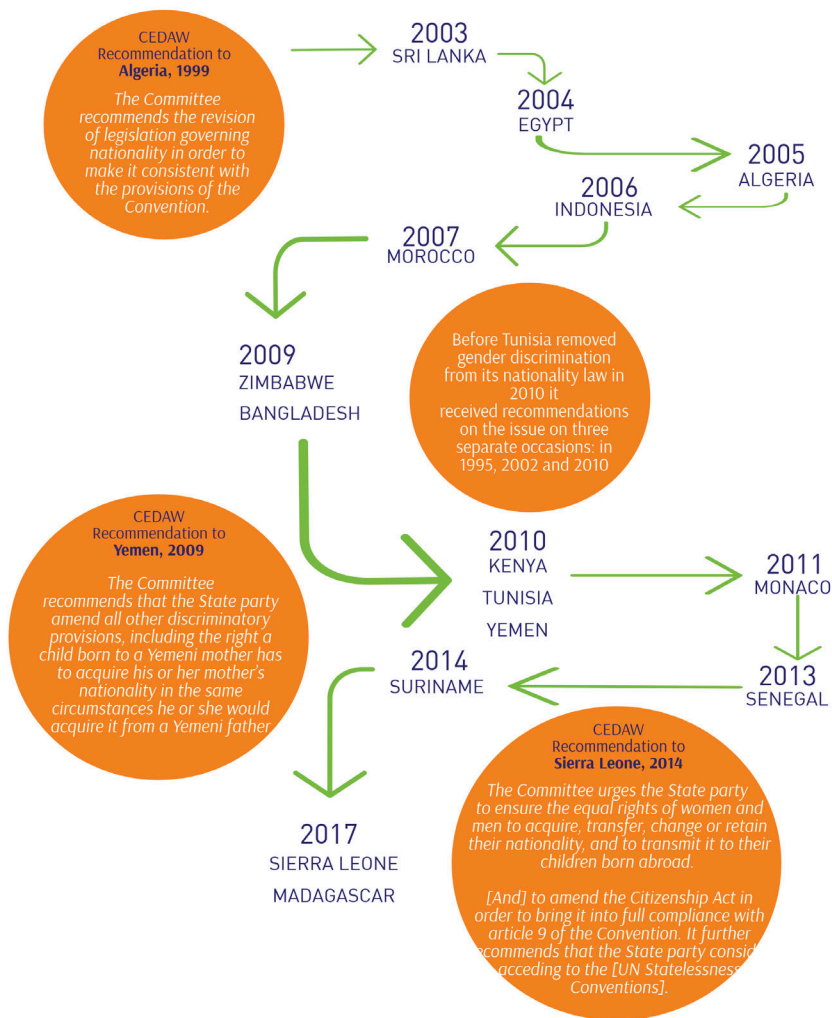


Under the first two cycles of the **UPR**, **141** recommendations were made that related to gender discrimination in nationality law.

The recommendations were addressed to **35** different countries, with most countries receiving multiple recommendations.

THE IMPACT OF INTERNATIONAL ENGAGEMENT ON LAW REFORM

In the past 14 years, 15 countries reformed their nationality laws to ensure the equal rights of women to confer their nationality to their children. The CEDAW Committee played an important role in promoting this law reform: prior to reform, it issued recommendations to twelve of these fifteen countries. The timeline below gives an impression of the progress achieved to date.



NOT “JUST” A WOMEN’S ISSUE

CEDAW Article 9 Protects Equality among Citizens

Eradicating gender discrimination from nationality laws is consistent with the notion that women and men are equal. Citizens who cannot pass on their nationality to their spouse or children, or who can lose their nationality if their marriage ends or their spouse changes nationality, are unequal citizens, whose citizenship is seen as affixed and inferior to that of men. Unequal citizens are more likely to endure social discrimination and uncertainty related to citizenship undermines equal participation in social, economic and political life.

CEDAW Article 9 Protects Children

When a woman is legally prevented from passing her nationality to her children they are reliant on the father for acquiring a nationality. If the father is unable to confer his nationality, has no nationality to confer, is unknown, unavailable or unwilling to do so; the child can become stateless. Stateless children face many barriers to accessing their other rights including access to education and healthcare, freedom of movement and freedom from discrimination.

CEDAW Article 9 Protects Families

When gender discrimination is written into nationality law, families are often torn apart, because children may hold a different nationality to their mother, or no nationality at all. Additionally, women may be left with little choice but to remain with abusive spouses in order to ensure their children have access to a nationality.

CEDAW Article 9 Protects Societies

Boys and girls who are rendered stateless under gender discriminatory nationality laws, grow into stateless men and women, perpetuating a cycle of intergenerational statelessness. Statelessness can have a strong negative impact on societies, particularly if stateless persons do not enjoy equal access to basic human rights e.g. to formal employment, to vote, and to own or inherit property. The full and complete development of a society requires women’s and men’s equal protection - and consequently participation - under the law.

“I ask mothers to imagine how it feels to know that the child they gave birth to is not registered in their name. Imagine that you always have a sense of insecurity, that somebody could challenge you and take the child away. You try to do everything for your children, and yet somehow you know you are not able to give them everything that other

Syrian citizen, mother of two stateless children, Hamid and Sima⁷

“I always felt the same as my friends until the day when I had to fill in my form for the School Leaving Certificate’s board exam. I had to attach my birth registration certificate and for that my father’s identity was required. Every friend’s form was accepted but not mine. My family went through a traumatic phase during that time”

Stateless child of a Nepali citizen mother ⁸



Women, Peace and Security

The Security Council has explicitly recognised the link between gender discriminatory nationality laws and the exacerbated vulnerability of women experiencing conflict, in the context of its work following the adoption in the year 2000 of landmark resolution 1325 on Women, Peace and Security. In 2013, Security Council Resolution 2122 included the following language: “Expressing concern at women’s exacerbated vulnerability in armed conflict and post-conflict situations particularly in relation to forced displacement, as a result of unequal citizenship rights, gender-biased application of asylum laws, and obstacles to registering and accessing identity documents which occur in many situations”. This issue also received attention in the 2015 Report of the Secretary-General on Women, Peace and Security, which noted the severe impact of the problem.

Indeed, in the context of displacement, when fathers are more easily separated from their families, discriminatory nationality laws increase the risk that children born to refugee women will be left unable to establish their nationality or are rendered stateless. With conflict-induced displacement affecting so many people in the world today, forced migration from countries with gender-discriminatory nationality laws is threatening to create a new generation of stateless children.

CASE STUDY: MADAGASCAR

In 2017, the Madagascan Nationality Code was amended to allow women to confer their nationality to their children on equal terms with men. Women's rights activists, affected persons and international organisations had worked for many years to pave the way for this reform. As a party to CEDAW, the CRC, and the ICCPR, amongst others, Madagascar received numerous recommendations to amend its nationality law, dating back to the early 1990s.

These pushes by various human rights mechanisms came alongside a concerted national movement against the discrimination in the law. Civil society in the country mobilised a significant advocacy campaign to encourage reform: working with artists, the affected population and journalists; lobbying parliamentarians; and bringing in international experts to offer technical support.⁹

The Global Campaign for Equal Nationality Rights

The Global Campaign for Equal Nationality Rights mobilizes international action to achieve reform of nationality laws that discriminate on the basis of gender, so that men and women have equal nationality rights. The Campaign works through its coalition of national, regional and international organisations, activists, and UN partners, identifying potential entry points for promoting change and developing advocacy strategies. It also provides technical assistance and implements capacity building activities, sharing good practices and lessons learned among civil society groups and governments leaders.

“One mark of successful reform campaigns is the ability to share the stories of affected individuals, especially the negative impact of gender discriminatory nationality laws on the lives of children. This plays an important role in securing public support and action by policy makers. Whenever possible, it is especially impactful to facilitate opportunities for affected women and children to personally share the serious, negative impact of the law on their lives” – Catherine Harrington, Campaign Manager.



Demonstration of a letter signed by 30 parliamentarians, committing to reform the Madagascan nationality law following a GCENR national workshop. © Global Campaign for Equal nationality Rights



www.equalnationalityrights.org

MADAGASCAR

Road to Reform



1991
The Human Rights Committee

...asked Madagascar “what further progress had been achieved, if any, since the submission of the report, in enacting legislation to ensure an equal share of responsibilities, duties and rights between spouses... Further information was also requested on procedures governing filiation and the granting of Malagasy nationality, particularly in the case of children born of unknown parents”

2008
Committee on the Elimination of Discrimination Against Women

...urges Madagascar “to amend the Nationality Code so as to bring it in line with article 9 of the Convention”

2012
The Committee on the Rights of the Child

...recommended that Madagascar “urgently finalize the reform of the legislation on nationality of children and ensures that no discrimination exists against children born of a Malagasy mother and a father of foreign nationality or children born out of wedlock. The Committee also urges the State party to ensure that children born in Madagascar do not risk being stateless”.

2014
The Universal Periodic Review

...had Madagascar receive three recommendations to amend its nationality law. For instance, the United States recommended it “Reform its nationality law to ensure that all citizens have equal right to confer nationality to their children and the children born to citizen mothers are no longer at risk of statelessness.”

2015
The Human Rights Committee

...recommended Madagascar to “Amend its nationality law to enable Malagasy women to transmit their nationality to their foreign or stateless spouse and to their children on an equal basis with men, in accordance with article 9 of the Convention [and] Ensure the retroactive application of the law to ensure that all the persons presently stateless due to the discriminatory law are granted nationality”.

“Our main desire from citizenship is to be able to travel. Also we really want to go on pilgrimage. I cannot go to hajj and do the pilgrimage because I cannot get a passport. It is a very serious and sad thought for both of us that we may never be able to go to Mecca”

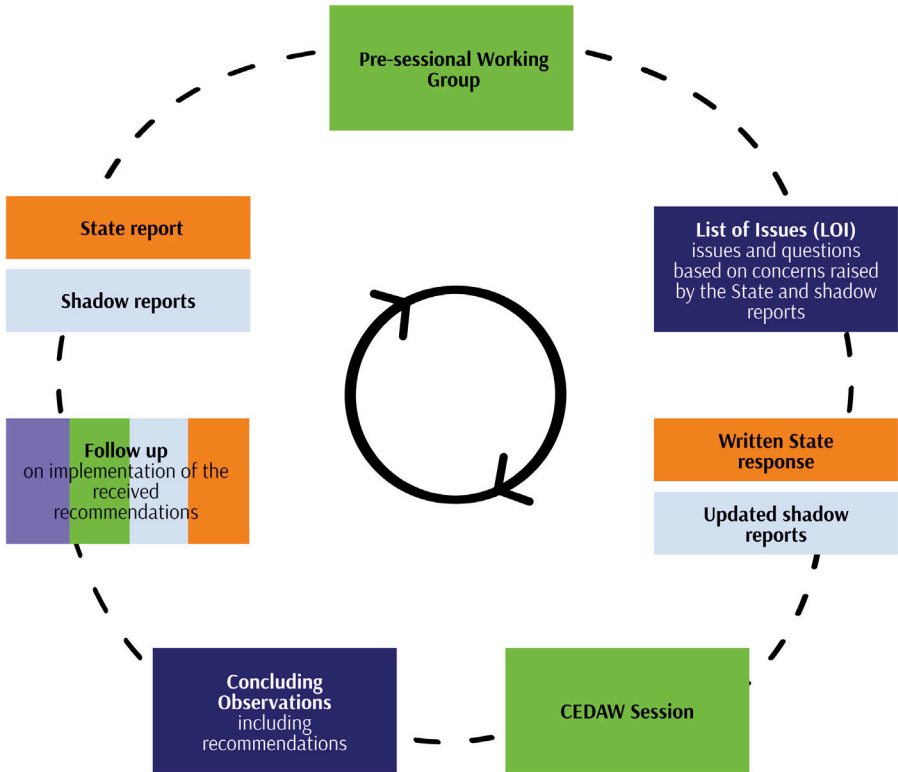
Affected person
The Equal Rights Trust,
My Children's Future, 2015



TIPS FOR CEDAW ADVOCACY AND NEXT STEPS

Every four years, states parties to CEDAW must submit a report on their progress towards implementation of the Convention to the CEDAW Committee. When reviewing these reports, the Committee also takes into consideration information provided in shadow reports submitted by national and international NGOs, as well as other civil society and UN actors, to help them prioritise the issues in need of attention. After an initial consideration of these submissions at the Pre-sessional Working Group and further input by the state and civil society, the state party and Committee meet for a constructive dialogue during the CEDAW Session proper.

The Committee then articulates its concerns and recommendations in its “Concluding Observations”. These recommendations can help to reinforce civil society advocacy on issues of concern - such as a gender discriminatory nationality law - and to build momentum for change. The below diagram illustrates how the reporting cycle works.



Advocacy tips

Expert contributions and advocacy by civil society actors can make a real difference to the content of the recommendations issued by the CEDAW Committee. Here are some key tips on what content to include in a shadow submission:

Research and collate previous CEDAW Committee recommendations to the state, if any, relating to Article 9 and women's equal nationality rights, indicating the extent of implementation of these earlier recommendations.

Research and collate previous recommendations to the state on the issue under other human rights mechanisms, such as the CRC or UPR, as well as any regional human rights bodies.

Highlight how the protection of other CEDAW articles is affected as a result of the gender discriminatory nationality law - i.e. what other rights are impacted.

Present a case study about and/or quotes from persons affected by the law.

Highlight the Committee's General Recommendations relevant to the issue.

Suggest language for the specific recommendations you would like the Committee to issue to the state.

The NGO Experience

Lebanon is one of the 25 countries discriminating against women in their ability to confer nationality on their children. The country is a state party to a number of the core human rights instruments, including CEDAW. Frontiers Rights (FR), a Lebanese NGO, systematically uses the UN human rights mechanisms to raise awareness on human rights issues in Lebanon. FR believes that the UN mechanisms are a means to push for reform of the law. FR has raised the issue of discriminatory nationality laws and statelessness in shadow report to, among others, the CEDAW Committee and the UPR. Their efforts were rewarded with two UPR recommendations in 2010 and three in 2015, asking Lebanon to amend its nationality laws to remove discrimination against women regarding the right to pass nationality on to her family. Although Lebanon rejected all five recommendations, the work of FR and other civil society actors to highlight these issues before international bodies has obliged the state to pay greater attention to the matter.

"FR's unpublished survey on stateless persons in Lebanon in 2012 showed that 73% of stateless persons in Lebanon are born to Lebanese mothers, and 52% of the stateless males surveyed are married to Lebanese women. These results highlight the significant impact a legal reform aiming at removing gender discrimination from the nationality law might have in reducing statelessness in the country" - Bernadette Habib, Frontiers Rights, Lebanon¹⁰

FURTHER READING

Below are key resources on statelessness, gender discriminatory nationality laws and human rights. All of these resources are available online.

- Website of the Global Campaign for Equal Nationality Rights: www.equalnationalityrights.org.
- Global Campaign for Equal Nationality Rights and UNHCR, CEDAW Quick Reference Guide, 2017.
- Equality Now, *The state we're in: Ending sexism in nationality laws*, 2016
- UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness*, 2017.
- Equal Rights Trust, *My Children's Future: Ending Discrimination in Nationality Laws*, 2015.
- Women's Refugee Commission, *Our motherland, our country: Gender Discrimination and Statelessness in the Middle East and North Africa*, 2013.
- Institute on Statelessness and Inclusion, *The World's Stateless: Children*, 2017 (multiple essays, including by Catherine Harrington, Betsy Fisher, Peggy Brett, Bernadette Habib and Subin Mulmi).

ENDNOTES

- ¹ Conversation with Deirdre Brennan, Institute on Statelessness and Inclusion, March 2017.
- ² See for full details: Equality Now, *The State We're In: Ending Sexism in Nationality Laws*, 2016. Note that Madagascar and Sierra Leone reformed their law since the publication of that global survey.
- ³ Ibid. These countries are: Bahamas, Bahrain, Bangladesh, Barbados, Benin, Brunei, Burundi, Cameroon, Central African Republic, Comoros, Congo (Republic of), Egypt, Guatemala, Guinea, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Monaco, Morocco, Nauru, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saint Vincent & Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Swaziland, Syrian Arab Republic, Tanzania, Thailand, Togo, Tunisia, United Arab Emirates, and Yemen.
- ⁴ Z. Albarazi & L. Van Waas, 'Towards the abolition of gender discrimination in nationality laws' (2014) 46 FMR.
- ⁵ Equal Rights Trust, 'My Children's Future: Ending Discrimination in Nationality Laws', 2016.
- ⁶ The CEDAW Committee has noted this on a number of occasions in Concluding Recommendations for State Parties under review, including in CEDAW/C/ARE/CO/1, para 16.
- ⁷ T. McGee, Axin – an interview, in ISI, *World's Stateless: Children*, 2017.
- ⁸ A. de Chickera, Interview with a child in Nepal who is stateless due to gender discrimination in the nationality law, in Institute on Statelessness and Inclusion, *World's Stateless: Children*, 2017.
- ⁹ Global Campaign for Equal Nationality Rights, *Madagascar Reforms Its Nationality Law, Guaranteeing Mothers' Independent Right to Confer Nationality On Children* (2017).
- ¹⁰ B. Habib, Using the UN system to advocate for nationality law reform in Lebanon, in Institute on Statelessness and Inclusion, *World's Stateless: Children*, 2017.

GLOSSARY OF ABBREVIATIONS

1954 Convention	1954 Convention relating to the Status of Stateless Persons
1961 Convention	1961 Convention on the Reduction of Statelessness
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW Committee	Committee on the Elimination of Discrimination Against Women
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OHCHR	Office of the UN High Commissioner for Human Rights
Pre-sessional Working Group	Meeting prior to CEDAW Committee meeting where civil society can present information
UN	United Nations
UNHCR	Office of the UN High Commissioner for Refugees
UPR	Universal Periodic Review



STATELESSNESS & HUMAN RIGHTS The Universal Periodic Review



statelessness
essentials

This booklet is one of several in the Institute's statelessness essentials series which are dedicated to Statelessness & Human Rights. Other booklets look, for instance, at the role in addressing statelessness of the **Convention on the Rights of the Child (CRC)** and the **Universal Periodic Review (UPR)**.

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International law protects the equal rights of women and men to acquire, retain or change their nationality and to confer it on their children. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular, prohibits gender discriminatory nationality laws. However, 25 countries deny mothers equal rights as fathers to confer nationality on their children, and over 50 countries deny women equal rights to acquire, retain or change their own nationality, or to confer it on their spouses. These discriminatory nationality laws undermine the woman's and the child's right to acquire a nationality and are one of the root causes of statelessness.

This booklet sets out why women's nationality rights are of such fundamental importance, both as an issue of gender equality, but also to protect and fulfil a range of other civil and political rights and in the implementation of the Sustainable Development Agenda. It looks at the CEDAW Committee's efforts to promote women's equal nationality rights and how these are complemented by the work of other human rights mechanisms. It also provides an insight into the mechanics of the CEDAW Committee process, offering key information and helpful tips for engagement by civil society actors.

If you are working in the field of women's rights, to promote enjoyment of the right to a nationality or to combat statelessness - or if you are simply interested in how nationality and statelessness issues relate to CEDAW - this booklet is for you.

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