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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Equality Now, The Equal Rights Trust, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Ending Sex Discrimination in Citizenship and Nationality Laws

On behalf of the Global Campaign for Equal Nationality Rights, which works to end gender discrimination in nationality laws, we commend the Human Rights Council for having reaffirmed in its Resolution 20/4 of July 2012 the right to a nationality as a universal human right and for recognizing that women and children without a nationality are particularly vulnerable to abuse and violation of their human rights. In addition to causing significant and wide-ranging human rights abuses, discriminatory nationality laws are in violation of international law and prevent the realization of seven out of seventeen of the Sustainable Development Goals, which specifically call for “eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.” (Target 10.3) We echo the Human Rights Council’s call to Member States to refrain from enacting or maintaining discriminatory nationality legislation and urge the Human Rights Council and Member States to build on the 2012 Resolution through increased attention to this issue.

We call now upon governments with gender discriminatory legal provisions on nationality to revise them as soon as possible so that:

- women and men can equally confer nationality on their children wherever born and whether born in or out of marriage
- women and men can equally acquire, change or retain their nationality including the ability to confer it on their spouses

Member States that have entered reservations to international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), with respect to nationality provisions should also remove these without delay.

We congratulate those countries that have already made revisions to their laws to remove the discrimination. We call on all countries to ensure the full implementation of gender equal nationality laws and to ensure that reforms are sufficiently publicized so that affected populations are informed and able to benefit from these reforms. We understand other countries are in the process of discussing change, and we encourage swift and comprehensive reform in this area.

We also appreciate the interim measures put in place by some governments to alleviate the hardships caused by discrimination in nationality laws. However, these should only ever be a step towards expeditious removal from the law, or amendment of, all provisions that continue to discriminate against women with respect to nationality. We also welcome Resolution 234 adopted by the African Commission on Human and Peoples’ Rights (the Commission) in 2013 which reaffirmed the equal rights of men and women in respect of nationality and the adoption by the Commission in 2015 of a draft Protocol to the African Charter on Human and Peoples’ Rights on nationality. We call on the African Union to ensure the inclusion of gender equality as a critical component of nationality rights. We hope that governments which have recently amended their legislation will support action by others.

Despite mandates to end gender-based discrimination under international law, today 53 countries continue to maintain nationality laws that discriminate on the basis of gender, including discrimination in the ability to acquire, change and retain their nationality and to confer to non-national spouses. Of these, at least 26 countries deny mothers the right to confer nationality to their children on an equal basis with fathers.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which almost all UN States are party, obligates States “to grant women equal rights with men to acquire, change or retain their nationality” (Article 9.1) and to “grant women equal rights with men with respect to the nationality of their children” (Article 9.2). Gender discriminatory nationality laws are also in contradiction to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

In addition to violating international law, gender discriminatory nationality laws are in contradiction to the numerous commitments by international governments to advance gender equality – from the Beijing Platform for Action to the new Sustainable Development Goals.

Discriminatory nationality laws are causing severe hardship to women, their children and their families. Without citizenship, children and foreign spouses are often subject to a range of restrictions in their job and education possibilities, their freedom of movement and their full participation in society generally. They may not be able to open bank accounts, acquire driver licenses or own or inherit property. With respect to children, if they leave their country of birth, they may not be able to return. Family unity is strained, leaving spouses and children particularly vulnerable and, in some cases, increasing the fear of family violence, among other consequences.

In addition, gender discriminatory nationality laws are also a leading cause of statelessness. These laws exacerbate the vulnerability of displaced women and their families. In the wake of the highest levels of displacement since World War Two, the human rights violations and protection challenges resulting from discriminatory nationality laws threatens to increase exponentially.

As members of the Global Campaign for Equal Nationality Rights, together with our partners from around the world working to address discriminatory denial of nationality, we look forward to sustained attention to the issue by the Human Rights Council and its mechanisms until Member States remove all discrimination with respect to nationality.

The Global Campaign for Equal Nationality Rights coalition members without consultative status, including steering committee members the Institute on Statelessness and Inclusion and Women's Refugee Commission, also share the views expressed in this statement.

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