

## **UNHCR and CRTD.A Regional Dialogue on Gender Equality, Nationality and Statelessness**

### **Overview and Key Findings**

UNHCR and the Collective for Research and Training on Development – Action (CRTD-A), a women’s rights NGO in Lebanon, co-convened a Regional Dialogue on Gender Equality and Statelessness in Beirut from 17-19 October 2011. The objectives of this meeting were to hear testimonies of how families from countries in the MENA region have been affected by gender-discriminatory laws that deny mothers the right to pass their nationality on to their children, in some instances resulting in statelessness; analyze these experiences from the complementary perspectives of gender equality and prevention of statelessness; and share regional good practices and forward-looking strategies for achieving reform to gender discriminatory nationality laws in countries throughout the region.

#### *Dialogue with Affected Women and Families*

On 17 and 18 October, representatives of eight families from five countries testified to the struggles they faced due to statelessness arising from gender-discriminatory nationality laws. Women from Syria, Jordan, Yemen, and Lebanon recounted their personal experiences of how they had married foreign men and how their children became stateless because they were unable to acquire the citizenship of their fathers and because the mothers were barred by discriminatory nationality laws from passing their citizenship to their children. In all of their cases, their children were not able to acquire the citizenship of their foreign fathers because these men did not take steps to register the children with their foreign consulates in the countries in which they were living before their marriages dissolved, either through death of the father or separation from the mother. Although left as the sole custodians of their children, these mothers have been unable to pass their citizenship to their children, resulting in their children’s statelessness.

Two men explained how the fact that their forefathers did not register their families in Lebanon combined with their inability to acquire Lebanese citizenship from their mothers due to the gender-discriminatory nationality law has rendered them stateless. In contrast, one woman from Morocco shared how her family has benefited from recent law reform that has allowed her children to acquire Moroccan citizenship and overcome prior instability in their family life. This woman married a foreign refugee living in Morocco and because of their inter-marriage and her previous inability to pass Moroccan citizenship to her spouse or children had faced difficulties in maintaining a stable family presence in Morocco. Testimonies of several participants can be found at in Annex A.

The following common themes and findings emerged from the two-day dialogue with the women and families:

- The dialogue revealed a shared experience of gender discrimination leading to statelessness through the operation of nationality legislation, which prevents women from passing their nationality to their children and because of the lack of any effective legal safeguard against statelessness.

- The participants did not become aware of the existence of gender discrimination in the nationality laws of their respective countries until they had their first child *and*, in many cases, until the point that their non-national husband left the family or died.
- The negative impacts of statelessness resulting from this gender discrimination are numerous, severe and continuing and have a knock-on effect for both the women and their children. The most commonly raised impacts included:
  - exclusion from educational opportunities available to nationals;
  - limited access to healthcare, social security and other benefits available to nationals, leading to risk-taking behavior and a sense of instability and marginalization;
  - curtailed employment opportunities; and
  - psycho-social effects of anger, resentment, frustration and depression.
- Most of the women who participated had taken steps to either rectify the root cause of the impacts suffered (i.e. by trying to find ways to pass on their own nationality to their children through seeking audiences with and lobbying decision-makers and collaborating with civil society groups). All went to great efforts to ameliorate the impacts of the resulting statelessness on their children (i.e. by taking multiple jobs) and identified a continuing need for psychosocial support for themselves and their children until their predicament was resolved.

#### *Roundtable with MENA women's equality advocates*

On 19 October, following the dialogue with affected women and families, representatives of non-governmental organizations from Algeria, Egypt, Jordan, Lebanon, Morocco, Syria, and Yemen,<sup>1</sup> participated in a roundtable discussion. Over the last decade, women's rights organizations in the Middle East and North Africa have engaged in advocacy campaigns to reform discriminatory nationality laws. Participants in the roundtable exchanged views on efforts to achieve law reform to overcome discrimination in nationality laws in their respective countries, sharing examples of good practices where reforms were achieved, as well as strategies for overcoming barriers to law reform in other countries.

Campaigns to grant women equal rights as men in nationality matters in countries represented at the roundtable, have led to successful reform in **Egypt** (2004), **Algeria** (2005), **and Morocco** (2007)<sup>2</sup>. Several particularly effective good practices emerged from the Moroccan campaign. There, a network of 'listening centers' was created where women's organizations recorded how the discriminatory law impacted widespread families throughout the country. These testimonials were used in the campaign which achieved wide media coverage. These organizations capitalized on momentum gained when Morocco's Family Code was reformed in 2002 to also press for changes to gender discriminatory nationality legislation.

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<sup>1</sup> Organisation Marocaine des Droits de l' Homme, Association Democratique des Femmes de Maroc, the Syrian Women's League, Sisters Arab Forum (Yemen), Forum for Women in Development, (Egypt), Sister is Global Development (Jordan), Centre d'Informatique et de Documentation sur les Droits de l'Enfant et de las Femme (Algeria), the Jordanian Women's Union. Participants from OHCHR and the Jordanian Government also attended some of the sessions.

<sup>2</sup> Although not represented at the roundtable, campaigns also led to reforms in Iraq (2006) and Tunisia (2002 and 2010)

Campaigns to reform discriminatory nationality laws in **Jordan, Lebanon, Syria, and Yemen** are yet to achieve their desired results. Each of these countries presents particular political barriers, such as the Palestinian question in Jordan, the sectarian balance in Lebanon, political reform efforts and tensions on the role of religion in society in Syria and Yemen. Representatives from Yemen spoke about the importance of broadening solidarity networks and engaging with a wider range of stakeholders, including religious leaders, men's associations and prominent figures in politics and royalty. Syrian groups forged links with members of State media. These strategies however, were the subject of much debate as participants felt that these networking strategies were both country and context-specific.

To date, NGOs have approached advocacy to reform nationality laws from the perspectives of gender equality, women's empowerment and development. This roundtable was the first opportunity for UNHCR to explain its statelessness mandate to a cross-section of women's rights advocates in the region and discuss how statelessness concerns can be incorporated into their law reform campaigns.

Roundtable participants identified three key areas where more work could be undertaken to contribute to ongoing campaigns to resolve the issue of gender discrimination in nationality laws and statelessness in the MENA region:

- **Statelessness awareness-raising** – There is a need for UNHCR, and other actors working on issues of nationality and statelessness, to raise greater awareness of statelessness in the MENA region. Until this meeting, almost none of the NGO representatives had heard of the statelessness conventions or knew of UNHCR's mandate responsibility for statelessness. Furthermore, none had yet incorporated statelessness arguments into their reform campaigns.
- **Collaboration with UNHCR** - Roundtable participants expressed enthusiasm and a need for greater engagement and cooperation between UNHCR country offices in the region with civil society and women's groups on the issue of statelessness and its links to gender discrimination. Country-specific roundtables, such as this one, to bring together affected women, civil society actors and UNHCR were recommended as a positive way to build capacity and develop comprehensive and effective national campaigns to end gender discrimination and reduce and prevent statelessness.
- **Improved data and research** – Participants expressed the need for more accurate statistics of the number of stateless persons as a result of gender discriminatory nationality laws in order to strengthen and broaden their own advocacy efforts. Where numbers are available, they are based on estimates rather than as a result of any actual mapping of populations. Research on the nationality campaign conducted by CRTD-A and its partner organizations in the region should be collated and disseminated and should include detailed studies on a country-by-country basis to examine the specific gender discrimination issues, steps taken to address these issues and action still to be taken.

## ANNEX

### Testimonies

#### **N (Jordan)**

N is Jordanian and met her Egyptian husband when he came to work in Amman. They were married in 1985 and over the next 12 years had 6 children. Because neither were educated they did not realise that the Jordanian law prevented her from passing on her nationality to her children and it never occurred to them to register their children under their father's nationality with the Egyptian consulate.

It was only when N's husband passed away in 1997 and N had to take full responsibility for providing for her family that the issue of the nationality of her children arose. Not having benefited from an education herself, her children's schooling was of paramount importance to N. However, she quickly found that in order for her non-national children to attend school, it would cost more than 12 times the amount than it would cost if they were Jordanian citizens. To ensure her children had the same opportunities as their Jordanian friends she took multiple jobs, often neglecting the raising of her children in the process.

The same discrimination extended to every part of their lives; as a family comprised of just one national, they were only entitled to one fourth of social security entitlements available to other poor families where the children were also recognised as nationals. Her children were not entitled to national health insurance and this forced her to take risks she would not have contemplated otherwise, waiting till her children fell seriously ill before paying for expensive private medical care. Even though her son excelled in his tertiary nursing course, he has continually been denied employment because he is unable to provide prospective employers with documents attesting to his nationality.

N fears for the day that she dies or is unable to work as she does not know how her children will survive. She says her children blame her for the difficulties they face, and she feels that her efforts to ensure that they received a good education have failed because they still cannot get jobs. She says: "It is not my mistake that I married a foreigner. I did not disobey my parents or the State in marrying my husband. Because of that, we all now live as though we were dead."

#### **Zarouk (Morocco)**

Zarouk shared her story of how her children, though not her husband, have benefited from reform to gender discriminatory nationality laws in Morocco. Zarouk met her Iraqi husband in Syria. Together they travelled to Iraq where she became pregnant with her first child nine years ago. She travelled back to Rabat to be near her parents when she gave birth. It was when she took her new-born son to be registered, that she was told by the Moroccan authorities that she was not entitled to pass on her nationality to her son. However, when she went to the Iraqi embassy, she was told that her son was able to be registered with his father's nationality.

Zarouk returned with her son to Iraq but when the war broke out, she and her husband were forced to flee back to Morocco. Because Zarouk was also unable to transmit her nationality to her husband, he was required to purchase and annually renew an expensive work permit, just to remain with his family. Once, when he delayed renewing

his work permit, he was deported to Iraq and it was difficult for him to convince the Moroccan authorities to issue him with another work permit. In 2007, Zarouk gave birth to her daughter.

By this time the law had changed and she was able confer Moroccan nationality upon her daughter. When she went to register her daughter, the Moroccan authorities told her that she was also retroactively able to confer her nationality on her son. Now both her children are Moroccan. Zarouk has now hired a private lawyer to help her transmit her nationality to her husband. She sees this as the most important goal for her family and fears that without Moroccan nationality, her husband could be deported again. For her, being able to transmit her nationality to her husband is the only way for them to lead a stable family life.

### **Bahyryeh (Yemen)**

Bahyryeh, who married a Jordanian citizen (of Palestinian origin), says she was ‘in a deep sleep about the Yemeni nationality law’ before she separated from her husband in 1994. Following her separation from her husband, she became aware that as a woman she was not able to confer her nationality upon her children and became fearful that she would have no grounds to prevent her husband from claiming that the children were Jordanian and taking them from her.

The impacts of not being able to confer her nationality on her children became acutely apparent when she had to travel to Jordan for medical treatment – without identity documents or passports her children were unable to travel with their mother. They suffered other impacts too, in terms of education, healthcare and social security, as without Yemeni nationality her children were not entitled to these services. It was only by going through the humiliation of asking for the help of family, friends and political contacts that she was able to obtain similar entitlements given to children born to Yemeni men.

In 1998 she obtained a divorce. Through her sister, who was a member of the Yemeni Women’s League, she became involved in women’s associations and lobbied parliamentary members to reform Yemen’s gender discriminatory nationality law. In 2003, the Government of Yemen passed a decree which partially remedied the problems in the Nationality Law. The Decree permitted women who were either widowed, divorced or whose husbands were declared mentally unfit, to pass on their Yemeni nationality to their children. Although there has been some reform, Bahyryeh still feels angry that a woman cannot pass on her Yemeni nationality to her children when she is married to a foreigner, in the same way as a Yemeni man. She asks “why are the children of a Yemeni woman considered as though they were the fruit of another tree?”

### **T (Jordan)**

T is a Jordanian citizen. She has four daughters from a marriage to a Palestinian man. Her eldest daughter (19) was born in the United States. With U.S. citizenship, this daughter is able to obtain an official Jordanian residence permit and official identity documents.

T’s other three daughters (18, 14, and 4) are stateless. Upon her marriage, T received a marriage certificate with a stamp indicating that she is not able to pass her citizenship on to her children. But T only realized the consequences of this when her second

daughter turned 12 and sought to enrol in public school, which denied her enrolment because she did not have Jordanian citizenship. T has also struggled to provide for her daughters who do not have any citizenship. She has paid high fees to send her daughters to private schools and provide them with private health care.

T divorced her husband five years ago. Her ex-husband took her daughters' temporary identification cards, the only documents her daughters had with photo identification. T is now left with absolutely no proof that she is the mother of her daughters.

T has gone to great lengths to regularize the status of her daughters. After her divorce, she obtained a family book, but remains unable to list her daughters therein because she cannot prove that she is the mother of her daughters and cannot pass her citizenship to them. T has worked with women's rights organizations and lawyers, and has sought private audiences before the Royal Diwan, the Ministry of Education, and the courts.

Three years ago, King Abdullah II passed a decree stating that children of Jordanian mothers should receive equal treatment as children of Jordanian men. This measure does not address the fundamental problem of the gender-discriminatory Jordanian nationality law. Nevertheless, the King's decree is having a positive impact on T's family. Her daughters can now attend public school without having to obtain a humanitarian authorization for them to do so.

T lives in fear for her daughters. While her 19 year-old U.S. citizen daughter was able to obtain a driver's license, her 18-year old stateless daughter cannot. Her stateless daughters cannot travel outside of Jordan and cannot even move freely within Jordan. T must accompany her daughters to travel by bus to other parts of Jordan in order to explain to police at checkpoints why her daughters do not have any identification documents. T is grateful that she has been able to provide her daughters with education. But without identification documents and citizenship, she worries about whether they will be able to get jobs.

### **Nabila (Syria)**

Nabila, a Syrian citizen, has one daughter from a Malian man she had married in Syria. Nabila and her husband agreed to divorce several years into their marriage on condition that Nabila would be able to keep and raise her daughter. Nabila has not seen her husband since then.

Nabila realized there were problems with her daughter's citizenship status when her daughter started to go to school. Nabila then learned she could not pass Syrian citizenship on to her daughter and that her daughter did not have any proof of Malian citizenship through her father. At that time, Nabila knew the primary school director and managed to enrol her daughter there for her studies.

When Nabila's daughter finished the 8<sup>th</sup> Grade, Nabila was again able to enrol her daughter in secondary school through her personal contacts with the Ministry of the Interior. Her daughter successfully passed the baccalaureate exam. Further problems arose, however, when Nabila's daughter sought to attend Damascus University. At first, Nabila's personal connections did not work. The university officials insisted that Nabila obtain proof that her daughter is a Malian citizen in order to enrol her as a foreign student.

At that time, Nabila made great efforts to obtain some form of proof that her daughter was Malian. Although she regretted that she was unable to pass her Syrian citizenship to her daughter, Nabila thought that obtaining proof of Malian citizenship would be better than her daughter's current status of not having a citizenship at all. Mali does not have a consular presence in Syria, so Nabila contacted the closest Malian Embassy in Cairo. Nabila put together a file of her daughter's history, including birth certificate and school degrees. She also contacted the African Students Department at Damascus University to obtain statements from individuals who knew Nabila's ex-husband that confirmed that Nabila's Malian ex-husband is the father of her daughter. The Malian Embassy in Cairo contacted Nabila to say that they were not in a position to say whether her daughter would be entitled to Malian citizenship. Rather they suggested that Nabila's daughter travel to Mali to discuss her case with the Ministry of Foreign Affairs there. Nabila's daughter was without any personal documentation and therefore not able to travel outside of Syria; without any guarantees that her travel to Mali would be successful, there was no further avenue that Nabila could pursue to obtain Malian citizenship for her daughter.

Nabila's daughter was able to study French Literature at Damascus University as a result of Nabila's personal contacts. Despite completing the university curriculum, she cannot obtain her university degree. Nabila's daughter is extremely bright and multitalented. She has received a number of job offers at home and abroad. Without citizenship and identification papers, however, Nabila's daughter, at 25, has reached the stage that she can go no further. Not only is she unable to obtain work but her marriage prospects are also bleak as a result of her statelessness.

#### **UmAli (mother), Zeynab (daughter) (Lebanon)**

UmAli, a Lebanese citizen, married an Egyptian man who was working in the Bekaa valley in Lebanon. They had seven children before UmAli's husband died when her children were young. UmAli's ex-husband had initiated procedures to register their children with the Egyptian Embassy in Lebanon. When UmAli followed up with the Egyptian Embassy after her husband's death, she learned that her husband's brother in Egypt sent a letter ordering that her children be sent to Egypt for him to take custody of them. Refusing to leave her home country and give up custody of her children, UmAli stopped pursuing contacts with the Egyptian authorities, resigning herself to struggle to support her family through her individual means in Lebanon. Her children have birth certificates and "maktoum al kayd" identity cards (cards that specify that the individuals are not registered and do not have Lebanese citizenship).

UmAli's oldest daughter married a Lebanese man. While this daughter is listed on her husband's family's civil record, she is unable to acquire Lebanese citizenship through her husband. According to Lebanese practice, an individual must have at least one nationality in order to be granted another one.

One of UmAli's sons married a Lebanese woman and has two children. His family also continues to face problems as his Lebanese wife can neither transfer her citizenship to her husband nor confer her citizenship on their children. This son owns a car, but it is registered in UmAli's name. UmAli also signs all official documents for her children, even those who are adults.

UmAli sent two of her daughters to an Evangelical Christian orphanage where they could be educated. Her daughter Zeynab was particularly bright and rose to the top of

her class. In fact, Zeynab won a scholarship to travel to Canada for a summer school program, but could not go because she did not have a nationality. Zeynab attended a private technical college and has specialized in marketing and sales. She now works for a cosmetics retailer, but because she does not have a nationality and no identity papers, she is paid informally in cash and earns almost half of what she would earn if she were Lebanese.

“Sometimes I hate myself. I feel like I am not a human being. I can’t handle it. My friends can live a natural life. I can’t. My dream to own a car, I can’t have it. Even if I have the money to buy it, it would never be registered in my own name. I dream of getting married, but one man has turned me down because I don’t have a citizenship. I feel like a prisoner. Lebanese papers are worth more than gold, you can pay millions but still not get them. It’s hard for me to see Lebanese girls who have nationality and their papers, especially when they’re not taking advantage of their status as they could – studying, working, fulfilling the dreams I wish I could achieve, but can’t.”

### **Sleiman (Lebanon)**

Sleiman was born in Lebanon, but does not have Lebanese citizenship. Sleiman’s father and paternal ancestors never registered their family with civil registrars in Lebanon. His father, however, married his mother, a Lebanese citizen. Ever since his birth, Sleiman has not been able to register and obtain legal identification documents as the authorities have said he is not entitled to Lebanese citizenship. He first encountered problems when he reached school age and realized that he needed Lebanese identification papers to go to school. At that time, they were able to receive permission from the mukhtar (mayor) to go to school. But then the Lebanese Civil War broke out. Sleiman did not pursue schooling any further and entered his family business. His father always worked in iron manufacturing and Sleiman now owns and manages one of the top 10 iron companies in Lebanon.

When the Lebanese government adopted the 1994 Naturalization Decree, Sleiman and other members of his family applied to naturalize to acquire Lebanese citizenship. Sleiman’s father and brothers were successful in obtaining Lebanese citizenship, but Sleiman and his sister were not. Sleiman hired a lawyer to understand why his naturalization application was unsuccessful. He has an open legal request at the Ministry of Justice. He regularly approaches community, political and religious figures to ask for their help in resolving his situation. But all of these efforts have thus far been in vain. He says “I am now nearly 50 years old and am fed up of begging.” In 2005-2006, Sleiman obtained a laissez-passer identification document, which he uses to travel around Lebanon. But this document does not offer him any rights of citizenship.

At first, Sleiman did not want to marry because of his lack of citizenship and his fear that citizenship problems would persist in his family. But when he applied for naturalization pursuant to the 1994 Decree and thought his situation would be resolved, he married a woman who is a Lebanese citizen. They have two children who are both now stateless as they do not have any citizenship through Sleiman and cannot obtain Lebanese citizenship through their mother due to the discriminatory citizenship law. “Now my son is 14 years old. I can pay for him to go to private university. But if he is an engineer, if he is a Doctor, he won’t be able to practice his profession because he has no citizenship. Lebanon is not thinking about the future of its children.” Sleiman’s wife is also exasperated that her children cannot acquire Lebanese citizenship and despairs at

the bribes she has to pay just so her children have the same opportunities as other children with nationality.

Technically, Sleiman is not authorized to work in Lebanon. Although Sleiman owns and runs a successful iron company, the company, along with all of his other possessions, are registered in his wife's name. Sleiman cannot have a bank account benefit from the social services that he can offer to his company's employees. Sleiman has been a successful rally car driver in Lebanon, but was never able to represent Lebanon in international as he could not travel. Because of his sporting achievements, a cedar tree has been planted and named after him, even though he cannot acquire Lebanese citizenship.