

***Ending Gender-Based Violence
Requires Equal Citizenship
The Impact of Gender Discrimination in
Nationality Laws on Gender-Based Violence***



Gender-based violence (GBV) is strongly rooted in inequality and discrimination against women in social, political, civil, and economic life. While changes to social norms and practices to uphold women's equality are needed, **legal equality is essential to addressing GBV.**

In one out of four countries globally, discriminatory nationality laws require reform to uphold women's equality and effectively combat GBV.

As of 2020, [25 countries](#)¹ maintain nationality laws that deny women equal rights with men to pass their citizenship to their children. Approximately [50 countries](#) have gender-discriminatory provisions in their nationality laws, with almost all of these laws denying women the right to confer nationality on a noncitizen spouse on an equal basis with men, and some stripping women of citizenship acquired through marriage if that marriage dissolves.

Gender discrimination in nationality laws results in [wide-ranging human rights violations](#), is a primary root cause of statelessness, and contributes to multiple forms of GBV:

- Women face greater **obstacles to extracting themselves from an abusive relationship** when their or their children's citizenship is dependent upon the abusive spouse.
- Girls without nationality in their country of residence are at an **increased risk of child marriage**, as some families seek legal status for girls through marriage.
- Those without nationality because of these discriminatory laws often **work in the informal sector** and therefore do not have access to the legal protections established for those with formal employment. Such women workers not only face lower wages and job insecurity, but also a **compromised ability to report assault and harassment by employers**.
- Without access to formal employment, women and girls who lack nationality in their country of residence are at an **increased risk of human trafficking**.
- **Stateless persons who experience GBV often lack access to justice systems** because of their vulnerable legal status and the threat of arbitrary and indefinite detention of stateless persons when attempting to report abuse.
- Where gender-discriminatory nationality laws give the state discretion regarding the conferral of nationality on women and/or their family members, there are frequent reports of **extortion and abuse by state authorities**.
- Those without nationality in their country of residence are often denied access to higher education. By **inhibiting women and girls' access to education**, gender-discriminatory nationality laws further impede women's empowerment and increase vulnerability to GBV.
- By denying women equal rights with men to confer nationality on their children and spouses and/or to acquire, change, or retain their own nationality — a form of **structural violence against women** — **the state also exacerbates GBV risks** by rendering affected persons stateless or without nationality in their country of residence.
- **At their core, gender-discriminatory nationality laws are drivers of GBV because they perpetuate women's unequal status in society and within the family.**

¹ **Nationality laws deny women equal rights with men to confer nationality on their children:** Bahamas, Bahrain, Barbados, Brunei, Burundi, Eswatini, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Togo, United Arab Emirates. **Nationality law retains other gender-discriminatory provision(s):** Bahamas, Bahrain, Bangladesh, Barbados, Benin, Brunei, Burundi, Cameroon, Central African Republic, Comoros, Congo (Republic of), Egypt, Eswatini, Guatemala, Guinea, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Monaco, Morocco, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Sudan, Syrian Arab Republic, Tanzania, Thailand, Togo, United Arab Emirates, Yemen.



Tea Shop. [Photo](#) by Juha Uitto/[CC BY-NC 2.0](#)

Gender discrimination must be eliminated from nationality laws in order to address the root causes of gender-based violence:

Gender-equal nationality laws uphold women and men's equal right to:

- Acquire, change, and retain their own nationality
- Confer nationality on their children
- Confer nationality on their spouse

Gender-equal nationality laws are essential to upholding women and men's equal citizenship.

In addition to substantive equality, other considerations should inform nationality law provisions in order to address drivers of and contributors to GBV:

- **Persons who acquire nationality on the basis of marriage to a citizen should have the right to retain that nationality if the marriage dissolves.²**

Rationale: When one's citizenship status, or that of one's children, is dependent upon their marital status, victims of domestic violence face greater obstacles in extracting themselves from the abusive marriage.

- **Non-national spouses should enjoy the right to residency, employment, and property in the country and should have a facilitated route to the timely acquisition of citizenship.**

Rationale: The right to formal employment, residency, and property can support economic empowerment, which is often cited as critical to GBV survivors' ability to leave abusive relationships.

² Unless in rare circumstances whereby the marriage was determined by a court to be fraudulent.

- **Citizens should have the equal right to marry the spouse of their choice, regardless of race, religion, ethnicity, and nationality or stateless status.**

Rationale: The right to freedom to marry requires that women have the same rights as men to choose a spouse, regardless of either parties' race, religion, ethnicity, nationality, or other characteristics.

Restricting women's right to freely choose a spouse is a form of GBV.

Birth Registration, Civil Documents, and Legal Identity:

- **Women and men must have the equal and independent right to access civil documents, including birth certificates for themselves and their children, regardless of marital or citizenship status.**

Rationale: Persons lacking documentation of legal identity may be vulnerable to abuse or exploitation including GBV.



The Future of Syria.

Photo by UNHCR/[CC BY-NC 2.0](#)

Provisions in GBV Law to Address Nationality-Related Concerns:

- **Non-citizen GBV victims who are residing in their spouse's country should retain permanent residency and a facilitated route to citizenship in the event of divorce.**

Rationale: GBV victims should not fear that reporting abuse or extracting themselves from an abusive marriage would impact their legal status in the country. Non-citizen women residing in their spouse's country may fear reporting abuse or seeking divorce if they could face removal from the country, especially when they have children being raised in their spouse's country.

- **Child protection provisions of GBV laws should ensure that identity documents are issued to children confirming their nationality, in particular if they do not already have documented nationality of the parent with whom they wish to reside, or to whom custody is awarded by a court.**

Rationale: Children may be vulnerable to abuse or exploitation in cases where they have not acquired nationality from one parent or cannot obtain documents confirming that nationality because of lack of access to birth registration, or other barriers.

- **GBV laws should mandate the review of all laws to eliminate gender discrimination, including nationality laws:**

Rationale: Gender discrimination in law is a driver and root cause of GBV.

To effectively combat GBV, all laws must uphold women and men's equal citizenship and equality in the family.



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