Equal Citizens, Thriving Families, Stronger Societies:
Realizing Gender-Equal Nationality Rights in the Middle East-North Africa Region
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Cover photo credit: Women’s Refugee Commission
Today there are 25 countries globally that deny women the right to confer nationality on their children on an equal basis with men. Roughly 50 countries have gender discriminatory provisions in their nationality laws, which discriminate against women in terms of their ability to retain their nationality or to confer nationality on spouses. While gender discriminatory nationality laws can be found in regions across the globe, the highest concentration is in the Middle East and North Africa (MENA) region. Just under half of the countries that deny mothers the equal ability to confer nationality on children – 12 of the 25 – are in MENA, and 19 out of the 53 countries maintaining other gender discriminatory provisions are in the region.

However, MENA is also the region that has witnessed the greatest number of reforms advancing gender equal nationality rights since 2000. In just thirteen years, five countries in the region – Algeria (2005), Egypt (2004), Morocco (2007), Tunisia (2010), Yemen (2010) – have enacted reforms enshrining the equal ability of citizens to confer nationality on their children. In the case of Algeria and Tunisia, reforms upheld the right of women to confer nationality on their spouses. In 2006, Iraq enacted reforms upholding citizens equal ability to confer nationality on children born inside the state territory. Other countries in the region have enacted partial reforms to expand women’s nationality rights, as well as policies to lessen the harm caused to affected families. Importantly, many regional governments have expressed their commitment to addressing gender discrimination in their nationality laws.

Historically the norm in countries across the globe, nationality laws that deny women equal rights with men are overwhelmingly the legacy of colonial rule, with newly independent states having modelled their nationality laws on those of the former colonial powers. Today, most countries across the world have enacted reforms to guarantee equal nationality rights for all citizens. When these reforms were enacted in Algeria, Egypt, Iraq, Morocco, Tunisia, and Yemen, policy makers not only recognized the need to uphold women and men as equal citizens, but also recognized the immense harm discriminatory nationality laws caused to women citizens, their families, and to the country as whole.

Prior to reform, citizens’ families suffered serious hardships and rights violations. Children lacked equal access to education and healthcare. As adults, affected persons lacked access to employment in many sectors, and were often forced into informal labor, exploited by employers, or suffered unemployment. Mothers were inhibited from passing their inheritance and family property to their children. In some instances, children were left with no nationality at all – with no ability to travel abroad, and no ability to thrive in their homeland. Family members struggled to secure residency permits and parents lived in fear that children would be deported. For many, their status even meant they could not marry or have children. For others, it meant that their children were also doomed to a life without legal status. All because half of the country’s citizens were not treated as full citizens in the nationality law.

However, after years of struggle by affected families, civil society, and leaders within government, Algeria, Egypt, Iraq, Morocco, Tunisia and Yemen are now benefitting from reforms that advanced gender equal nationality rights. Because of these reforms, families are more secure and families’ unity is protected. Children can access university and pursue their professional dreams. No citizen must choose between a life without children, or watching their child face a life of hardship as a stateless person. However, the benefits of gender equal nationality laws are extending beyond citizens and their families, and are strengthening these nations as a whole. The reforms are supporting sustainable development, by enabling the families of women citizens to contribute to the prosperity of the country. By eliminating gender discriminatory provisions in the nationality law, these countries have also eradicated a root cause of exclusion and marginalization, thereby enhancing national stability and security. Importantly, these laws are enabling countries to live up to the mandates enshrined in their Constitutions and in their international treaties to uphold the equal rights of citizens, women and men, without discrimination.

The impact of nationality law reforms in Algeria, Egypt, Iraq, Morocco, Tunisia, and Yemen illustrates the many benefits reaped by societies when gender discriminatory provisions are reformed to uphold equality. The experience of these countries also demonstrates that such reforms can be made in countries across the region with the political will.

With the region facing instability and high levels of displacement, the size of the population suffering from gender discrimination in nationality laws is on the rise, and threatens to create a new generation of stateless children. It is critical that regional governments take action without delay to end gender discrimination in nationality laws. As illustrated in the pages that follow, those countries that ensure the equal nationality rights of their citizens will benefit for generations to come.

This publication provides a brief overview of reforms enacted in Algeria, Egypt, Morocco, Tunisia and Yemen to enshrine the equal right of citizens of these countries to confer nationality on their children. Iraq is also profiled, though gaps remain regarding women’s ability to confer nationality on children born abroad. The second half of the publication summarizes the significant benefits to citizens, their families, and society when gender equal nationality rights are upheld.
ALGERIA

Following Algeria's independence from France in 1962, the country’s Nationality Code was enacted in 1963. Like most former colonies, the law was based on the nationality law of the former colonial power, and retained discrimination embedded in the French Nationality Code. Algerian men could confer their nationality on children in all circumstances, and also retained the right to confer nationality on foreign spouses. The law denied women citizens the right to confer nationality by descent, unless their child’s father was unknown or stateless. Based on the principle of jus soli, or birth in the state territory, children born in Algeria to Algerian mothers and foreign fathers who were themselves born in Algeria acquired nationality at birth. Children born abroad of Algerian women and foreign fathers could apply to acquire nationality before reaching majority, if they resided in Algeria and obtained the approval of the Minister of Justice.

In the decades prior to the establishment of equal nationality rights for women and men, activists emphasized the Nationality Law’s incompatibility with the Constitution, which mandated the equality of all citizens without discrimination on the basis of sex. They also highlighted the serious negative impacts of the law on the families of Algerian women, especially children. In addition to other hardships and rights violations, these children suffered from their inability to access social services, educational opportunities, and employment in a number of sectors, including the civil service, a major sector for employment in the country. Many children, who could not access their father’s nationality for a variety of reasons, were rendered stateless, resulting in even greater violations of their fundamental rights, including freedom of movement.

Though Algeria became a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1996, it entered a reservation to Article 9(2), which calls on all States Party to ensure the equal right of women and men to confer nationality on children. In Algeria’s first review by the CEDAW Committee in 1999, the Committee recommended that the country reform its nationality law, to bring it in line with the Convention.

Then, in 2003, a major movement was launched, named 20 ans barakat, with the goal of bringing the country’s laws in line with the Constitutional mandate for equality. Realizing equal nationality rights for women was a key component of the campaign.

Through the combination of mounting civil society calls for reform, engagement by international human rights bodies including CEDAW, and the championing of this issue by leaders within government, parliament passed a new nationality law, which was signed by the President in February 2005 and guarantees the equal ability of citizens, regardless of gender, to confer nationality on their children. Since 2005, Algeria’s citizens and the country at large have benefitted from the Nationality Code’s embrace of equality and inclusion.

“Our Constitution gives the same rights to women and men. Before reform the Nationality Code was in violation with the Constitution.

When the reform was adopted, I met with affected persons, and they told me it has changed their lives. Now they could travel with an Algerian passport, they had the right to scholarship, you don’t have to justify why you’re living here for residency permits. It was very important to grow up belonging in the country, accessing the same rights.

It is not only important for the welfare of the family, but for society. It is important to uphold fairness vis a vis your citizens. We used to think that changes will undermine society. But, these reforms did not make the country weaker, it made us stronger. Children who belong to the country – they serve this country. It is better that they are integrated, that they feel that they belong to this country, that the mother feels the country considers her children as belonging. It creates a more peaceful, stable country.

With all the movement of people today, such reforms are especially positive.

It is a positive reform, without a cost. It demonstrates progress on women's rights. It is very important for the people affected, particularly children, it solved the problem for people in need, it gave them hope.”

Leila Zerrougui, Former Justice in the Supreme Court of Algeria, former Ministry of Justice legal advisor, and former Special Representative of the Secretary General for Children in Conflict
Prior to Egypt’s 2004 reform of the Nationality Law, women lacked the equal right to confer nationality on their children. According to the 1975 Law No. 26, women married to foreigners could not confer their nationality on children, though the child of an Egyptian woman and a stateless father or a father whose nationality was unknown could acquire citizenship.

These provisions contradicted Egypt’s 1971 Constitution, which stated that all citizens are equal and have equal public rights and duties without discrimination (Article 40), and which enshrined women’s equal status with men in political, social, cultural and economic life (Article 11).

Though Egypt ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981, it placed a reservation on Article 9(2), which calls for the equal ability of women and men to confer nationality on children.

By 2004, there were an estimated 298,000 families whose children were denied Egyptian nationality because Egyptian women lacked the right to confer nationality on their children. These children faced significant hardships, including denied access to education, social services, and the threat of deportation if residency permits could not be secured. Due to their vulnerable status, the adult children of Egyptian women and foreign fathers faced incredible difficulty in securing employment in Egypt, with many attempting to seek work abroad. Affected families also faced psychological distress, with children who spent their entire lives in Egypt treated as foreigners.

In the wake of the 1995 Fourth World Conference on Women in Beijing, there were increasing calls for reform of the Nationality Code. Women’s organizations highlighted the incompatibility of the law with the Constitution’s mandate for equality and the country’s commitments under CEDAW to eliminate all laws that discriminated on the basis of gender. Those calling for reform engaged a range of government institutions, and worked with affected mothers to share testimonials regarding the impact of the discrimination on their family.

As calls for reform increased, the President announced in 2003 that steps would be taken to address discrimination in the law. A committee with representation from all relevant ministries was then formed by the Minister of Justice to consider this issue. Based on their investigations, the Committee endorsed women’s right to confer nationality on children, which was then enshrined in Law 154 of 2004. In 2008, Egypt also withdrew its reservation to CEDAW Article 9(2).

In May 2011, the government announced that the children of Egyptian women and Palestinian fathers would have the same access to Egyptian nationality as other children of Egyptian citizens, thereby affirming the right of all Egyptian women to confer nationality on their children.

“This is a victory for human rights and especially for women’s rights because it gives them equality.”

Nahed Shehada, Egyptian Center for Women’s Rights

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6 As detailed in pages 15-26
Iraq has made substantial gains in advancing women’s nationality rights. Though gaps remain, today Iraqi women and men have the equal right to confer nationality on children born inside the country.

Prior to the 2006 reform, Iraq’s nationality law, Law No. 46 of 1963, denied women the ability to confer nationality on children, unless the child’s father was unknown or stateless and an application was submitted before the child reached majority. The law enshrined the right of Iraqi men to confer nationality on children in all instances, and provided terms for male citizens to confer nationality on foreign spouses. In the decades to follow, important steps were taken to advance gender equality: in 1970 the country’s Interim Constitution recognized all citizens as equal before the law; and in 1986 Iraq became one of the first countries to accede to CEDAW, though it retained a reservation on Article 9 regarding nationality, in addition to other articles.

Following decades of calls for reform by affected families, women’s rights organization, and international human rights bodies, women’s nationality rights were significantly expanded in the 2005 Constitution, which states that the child of an Iraqi father or mother has the right to Iraqi nationality (Article 18). However, while Iraqi men can confer nationality on children in all circumstances, the country’s nationality law (No. 26) of 2006 does not extend this right to Iraqi women whose children are born abroad. For those born outside Iraq, only children of an Iraqi woman and an unknown or stateless father may petition the Ministry of Interior to obtain Iraqi nationality, if done within a year of reaching majority and upon meeting residency requirements. The 2006 Law also expands women’s ability to confer nationality on non-national spouses, though with a more stringent process than is required of Iraqi men seeking to confer nationality on non-national spouses. As a recognition of its commitment to uphold equal nationality rights for women and men, the government withdrew its reservation to CEDAW Article 9 in 2009.

Article 5 of Morocco’s 1996 Constitution states, “all Moroccan citizens shall be equal before the law.” In 2007 this mandate for equally was realized in regards to the legal right of Moroccan women to confer nationality on their children.

Though the country ratified CEDAW in 1993, it did so with a reservation to Article 9(2), due to discrimination against women in the Nationality Code. At the time, the Code only permitted Moroccan women to confer nationality on their children if the father was unknown or stateless. During the country’s CEDAW reviews in 1997 and 2003, the Committee called on the government to bring its Nationality Code in line with its CEDAW obligations.

Like in countries with similar provisions, the law caused affected families to suffer a wide range of hardships. Many affected families especially noted the serious negative impact the law had on their access to healthcare and families’ ability to reside together in Morocco.

For years prior to the reform, affected families and women’s rights groups advocated for an end to this discrimination, with the reform campaign linked with broader calls for reform to advance women’s equality, including the reform of the Moroccan Family Code, Mudawana.

As civil society mobilization for women’s rights grew, the new King also expressed his support for gender equality in a 1999 speech. Due to the King’s leadership, a Commission, Oulema, was established.

“[Morocco’s reforms] clarified my children’s status, and meant they no longer felt like foreigners in their home country – but more secure and sure of themselves.”

Foreign father whose children obtained his wife’s Moroccan nationality following reforms.

3 As detailed in pages 15-26.
formed consisting of religious, legal, and social experts to provide recommendations regarding the reform of the Mudawana in line with the country’s human rights commitments and Islamic values. The Commission and the King endorsed a new Family Code that enshrined gender equality, which was unanimously passed by the parliament in 2004 – a development that bolstered calls for reform of the Nationality Code.

Around this time, many of the country’s political parties began using quotas for women’s representation. While women’s political representation increased, civil society successfully heightened awareness of the serious negative impact of the Nationality Code on Moroccan women and their families through testimonies by affected persons, media engagement, and public rallies.

Then in 2005, the King publicly called for the reform of the Nationality Code to uphold gender equality. Following public and parliamentary debate, in 2007 the parliament unanimously passed the bill to amend the Nationality Code, which enshrined women’s ability to confer nationality on children on an equal basis with men. Importantly, the new law took effect retroactively, meaning that children of Moroccan women who had suffered from their lack of citizenship could benefit from the reform.

Article 6 of the Moroccan code of nationality now reads:

“A child born of a Moroccan father, or a child born of a Moroccan mother, is a Moroccan citizen.”

Today, regardless of their place of birth, the child of a Moroccan father or mother has the right to Moroccan citizenship. The inclusion of the children of all Moroccan citizens in this essential civil contract continues to strengthen the development and security of the nation, while supporting the wellbeing of Moroccan families.

TUNISIA

According to Tunisia’s Nationality Code of 1963, Tunisian men would automatically confer their nationality on children without condition. Under the Code, Tunisian women lacked this right, and could only confer nationality on their children at birth if the child was born in the State territory or if the father was unknown, stateless, or his nationality unknown.

The inability of women to confer nationality on an equal basis with men caused many families to suffer significant hardships, with children being denied the rights and services enjoyed by citizens. As the number of Tunisian women married to foreign nationals and living abroad grew, so did the number of families impacted by the discriminatory Nationality Code. It was especially challenging for Tunisian women who were the primary custodian of children who did not share their nationality.

In order to address the harm caused by the law, the Code went through several rounds of revisions. In 1993, the Nationality Code was amended to permit the child of a Tunisian woman and foreign father to acquire nationality in the year prior to reaching maturity, through the submission of a written request by the child’s father and mother. Then in 2002, this provision was further amended to permit such children to acquire nationality through a statement by the mother alone, if the father was deceased, had abandoned the family, or was considered incapacitated.

Despite these provisions, important gaps in the law remained. The amendments did not aid in cases where the father refused to submit a statement for the child to acquire Tunisian nationality, a common occurrence in instances of parental dispute or divorce. In cases of divorce when the family lived abroad, the child’s inability to obtain Tunisian citizenship made it difficult for mothers serving as the child’s custodian to return to Tunisia.

As the national movement for women’s equal nationality rights grew, international human rights bodies continued to emphasize the need for reform in order to realize the state’s commitments under international law.  

4 As detailed in pages 15-26.
Finally, in 2010 the Code was again amended, this time to uphold the equal right of all citizens—regardless of gender—to confer nationality on their children at birth. The revised provision simply states:

“Any child born to a Tunisian father or mother is a Tunisian national.”

The draft law was presented as the embodiment of Tunisia’s Constitutional commitment to uphold women and men as equal citizens, with the ability to confer nationality recognized as a core component of citizenship. The reform was also upheld as a positive step to bring Tunisia’s legislation in line with its commitments under international law, and coincided with the lifting of the country’s reservation to Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women.

Yemen

Yemen’s Nationality Law (No. 6 of 1991) went through several revisions between 2003 and 2010, with the most recent reform enshrining Yemeni women’s right to confer nationality on their children, on an equal basis with men.

Following the unification of the People’s Democratic Republic of Yemen (South Yemen) and the Yemen Arab Republic (North Yemen) 1990, Yemen’s Constitution was adopted in 1991, and upheld all citizens as “equal before the law,” and “equal in right and duties.” Unification also resulted Yemen accepting South Yemen’s treaty obligations. This made Yemen a state party to CEDAW, which was ratified by South Yemen in 1984, with only one reservation pertaining to the settlement of disputes related the Convention.

Despite the Constitutional mandate for equality and the country’s CEDAW obligations to uphold equal nationality rights for women and men, Law Number 6 of 1990 on Yemeni Nationality denied women the right to confer nationality on children and spouses, and only permitted children of Yemeni women to acquire nationality if paternity was not legally established and the child was born in the state territory. The Law upheld the right of Yemeni men to confer nationality on their children without condition, and provided a path to citizenship for their non-national wives.

In 2003, the Nationality Law was reformed to include Article 10, which allowed Yemeni women to confer citizenship on their children if they were divorced, widowed, or abandoned by their non-Yemeni husbands. Though a vital reform for the families concerned, this reform excluded a large portion of families, who continued to suffer because of the law’s discrimination against women. To address some of the gaps left by previous reforms, the law was again amended in 2008, this time codifying women’s ability to confer nationality on her children if the father was unknown or had no nationality. However, many affected Yemeni women and their families could not benefit from this reform.
Given the contradictions between the Nationality Law and the country’s CEDAW Commitments, in each of the country’s three CEDAW reviews (1993, 2002, 2008) the Committee called on the government to enact amendments to uphold equality for women and men. In its CEDAW 2008 review, while noting that year’s amendment to the Nationality Law, the government indicated that it was considering additional reforms, noting that the Women’s National Committee was calling for further action to enshrine women’s equal ability to confer nationality on children. This call was echoed in a joint submission to the CEDAW Committee by a group of Yemeni civil society organizations.

In 2010 the government embraced the growing calls for reform, and passed a new amendment that enshrined the equal rights of Yemeni women and men to confer nationality on their children, without condition.

“Throughout history, women and their role and status in society have always been - and still are - a yardstick of social progress.”

Yemen state party report to CEDAW, 1989

THE BENEFITS OF REFORMS ADVANCING GENDER EQUAL NATIONALITY RIGHTS

Family Life and Family Unity

Reforms enshrining the equal ability of citizens – men and women – to confer nationality on their children resulted in significant benefits for family unity and citizens’ right to family life.

Prior to reform, women struggled to secure residency permits for their own children, including those born and raised in the mother’s country. In addition to the financial burden of residency permits, families often lived in fear of deportation. Women and their children were especially vulnerable in instances of divorce or the death of the father. In such circumstances, if the family lived abroad, it could be challenging for the mother to return to her home country with a child who did not hold her nationality.

Many children, who lacked the legal right to their mother’s nationality and who could not acquire their father’s nationality for a variety of reasons, were rendered stateless. Such children had no ability to travel abroad, and were therefore unable to visit family living outside their nation of birth. Though some stateless daughters accessed nationality through marriage, this was not the case for sons, given women’s inability to confer nationality on spouses in these countries (a right now enshrined through reforms in Algeria and Tunisia).

The inability of women’s children to secure citizenship often had a tragic effect on the adult child’s ability to marry and form a family. Many affected persons reported they could not marry because they lacked the proper documentation for a marriage certificate, and because their lack...
of citizenship resulted in unemployment, which prevented them from providing for a family. Those without identity or marriage certificates faced further obstacles when attempting to register the birth of their child, and often passed their stateless status to their children, from generation to generation. Knowing that any future children would face a life of statelessness and hardship, some affected persons denied themselves the family that they so desired. The economic burden experienced by those lacking citizenship not only hindered their ability to raise a family, but also made it difficult to care for elderly parents.

When all citizens, regardless of gender, have the equal right to confer nationality, citizens’ families no longer live in fear of deportation, and can enjoy the social, psychological, and economic benefits of citizenship. Children of women citizens and non-national fathers can plan a future, a life, and a family, without fearing that marriage is not possible, or that their children will also be excluded from citizenship. By strengthening family life and family unity, reforms enshrining equal nationality rights for women and men strengthen society as a whole.

“Before nationality [reform], the risk of deportation was the devil in our house, scaring us. It used to threaten all children of Egyptian women married to non-nationals. The only option we could look at was opening a business for them [the children] with our own money, or otherwise for them it would be deportation or detention. All of these options were really difficult.”

Azza, an Egyptian national who had seven children, managed to get nationality for her children thanks to the reform of the law.

“My daughter, after the age of 18, she could no longer be residing in Morocco on my permit....She would have had to go abroad every three months, leave the territory and come back, in order to live in Morocco, or acquire a work permit. And that is not always possible. If they were not given this possibility, my children would have gone abroad and would never have returned. By forcing them to leave every three months, one day they would have had enough and would have left. That’s what I was afraid of, that they would leave and never come back to their country, that would have hurt me.”

Saida, a Moroccan national married to a Sudanese man, talks about the fear she used to have of her daughter growing up without the ability to obtain Moroccan nationality. Now everything has changed and her children have Moroccan nationality.
EDUCATION

Regional reforms enshrining the equal ability of women and men to confer nationality on their children has resulted in greater access to education, benefitting children throughout their lives and enabling them to better contribute to the development of their society.

Prior to the reform of nationality laws, children of women citizens and foreign fathers could not access university scholarships reserved for citizens, and could even be denied access to free public education or the ability to attend university. For many, despite notable academic achievements, this meant they could not fulfill dreams of becoming a doctor, scientist, or a professional in numerous other fields requiring a degree.

Now, these children can benefit from all of the educational opportunities available to citizens, allowing them to more fully contribute to their societies as adults and realize their dreams.

“It was the time for me to go and register Mira in school with her cousin.... The woman in the school said, ‘your child has no documents and isn’t even Moroccan.’ I thought she was just being not nice but then when telling people I realized Mira really wasn’t Moroccan. I went home that night really sad....like really heavy and really sad.... Mira couldn’t get into school because she had no birth certificate, imagine what may happen because she has no nationality. I sat and worried about that all summer, and started to ask stories about others to my friends. I don’t have wasta (the use of connections with powerful people) I am a poor woman! Her father even worse. She can’t be ok in her own country.

[...]

How I feel now? Now I can worry about normal things that mothers worry about. Will she find a good man? Will she be successful? Will she study hard? I don’t have to just think and worry all the time that she isn’t Moroccan, and what that will mean. For that part I can rest. We can all rest.”

Yusra, a Moroccan woman married to a Cameroonian man, living in Morocco.
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HEALTHCARE

Ensuring women’s equal ability to confer nationality has had significant implications for their families’ access to healthcare. Prior to reforms, the children of women citizens with foreign fathers could not access the health services reserved for citizens. Because of women’s inability to equally confer nationality, families faced an increased financial burden to pay for healthcare. For the most disadvantaged families, this could mean going without needed medicines and procedures, due to the prohibitively expensive cost of private healthcare. Due to their vulnerable status and the associated hardships, many affected persons suffered from psychological distress, anxiety, and depression.

Upholding women and men’s equal right to confer nationality not only advances the health of their families, but supports the health of the nation, through preventive care and the treatment of communicable diseases.

EMPLOYMENT AND ECONOMIC OPPORTUNITY

Reforms advancing gender equal nationality rights had a dramatic impact on the ability of the children of women citizens and non-national fathers to secure employment and financial security. Lacking citizenship in their homeland, affected persons were incapable of being employed in a number of sectors, including in the civil service, one of the largest sectors for employment in many countries, and in professions requiring membership in professional syndicates reserved for citizens. Because of their vulnerable status, when affected persons could get work, it was not uncommon for them to be underpaid and exploited by employers. As previously described, the lack of educational opportunities for those without citizenship meant that many who excelled academically were incapable of pursuing their professional dreams.

With children treated as foreigners in their homeland, families faced an increased financial burden, due to their children’s lack of access to social services. Affected persons were often unable to hold a bank account or take out a loan, and restrictions on land ownership by foreigners meant that children could even be denied an inheritance of family land and other property. Due to their vulnerable status, it was not uncommon for affected persons to be forced to pay bribes simply to obtain the rights and services automatically granted to citizens, which not only caused financial hardships for the individual, but also contributed to corruption.

Today, due to reforms guaranteeing the right of all citizens to confer nationality on their children, the children of women citizens and non-national fathers have the opportunity to pursue their

“...They can’t work if they don’t have enough capital to finance a private project. They can’t work in administrations, become architects, engineers or doctors.”
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“I was born to a Lebanese father and an Algerian mother. My mother died while I was still a baby and my custody was entrusted to my maternal grandmother, so I grew up in Algeria without my biological parents, but surrounded by my grandparents, aunts and cousins. I did not realize that under the law, my family was Algerian but not me. My status as a foreigner was only revealed to me after my baccalaureate when I wanted to enroll in the university. I was told I had to provide a certificate of residence, which is required of foreigners residing in Algeria, in order to register. The procedure was quite normal for foreigners but it made me feel terrible.

Although the authorities provided me with the necessary documents to enroll in the university, it was very hard for me to accept this reality. I was only able to study with the support of my grandparents, because, as a foreigner, I was not entitled to a scholarship. I could not travel and I lived with the constant fear of not being able to find work when I finished my studies.

This was my state of mind when the reform of the nationality code came about – a reform that totally transformed my life. As soon as the law was adopted and promulgated in the official newspaper, I was Algerian. I did not have to go to the police station to renew my residence certificate. My worries faded and I could think about my future with serenity. I remember that the first thing I did was apply for my passport.

When I graduated, I was able to apply for different administrative posts and I ended up being a civil servant, which obviously would have been impossible without the reform. The fact that I had papers and employment allowed me to go to Lebanon and get back in touch with my father and my family from my father’s side. The paradox is: I was able to have the nationality of my mother and this has transformed my life. But, since I am also Lebanese, I would like to pass this part of my identity to my daughters. However, this is not yet possible because women can not pass on their Lebanese nationality to their children.”

Testimony of a the daughter of an Algerian woman and Lebanese man, who now holds Algerian nationality.

IDENTITY AND SOCIAL INCLUSION

Prior to reforms, families consistently expressed feelings of exclusion and psychological distress caused by children’s inability to acquire their mother’s nationality. Treated as foreigners in their homeland, affected children often felt hopeless, with no chance of bettering their lives in the future. Mothers suffered from feelings of guilt, shame, and depression because of their inability to confer this status, which was so critical to their children’s wellbeing.

“A child has the right to belong to a country. Citizenship is...a continuous state of allegiance and a source of duty as well as of rights whereby individuals belong to an organized political community.”

Nadia Ait Zai, Founder, Centre d’Information et de Documentation sur les Droits de l’Enfant et de la Femme

Today, the children of women citizens are treated as full members of the national family, which benefits from their contributions as citizens. Whereas, prior to reforms, affected persons were often forced to turn to the informal sector and lacked identity and civil documents, they now contribute to the formal economy, and participate in civil registration systems, enhancing national stability and sustainable development.

Born to an Algerian mother and Congolese father, the world-renowned football goalie Rais M’bolhi could only represent his country, Algeria, because of reforms upholding his right to citizenship through his mother.

“Before this law I didn’t have the Moroccan Nationality. I felt like I was different from others. But now I can do anything I want, like all the other children.”

Halima, the daughter of a Moroccan woman and foreign father.
EQUAL NATIONALITY RIGHTS FOR EQUAL CITIZENS, WOMEN AND MEN

Reflecting biases and gender stereotypes that were ubiquitous during the colonial period, gender discrimination in nationality laws has its root in an understanding of women’s citizenship status as inferior and women’s legal identity as derivative, based on the nationality of the father or spouse. In addition to the harm caused to affected families, these laws in fact violate the rights of all women citizens. In practice, these laws deny women the equal right to choose their spouse, due to the greater hardships faced by couples with non-national husbands. They also undermine women’s equal status in the family, by implicitly endorsing male identity as the primary determinate of a family’s identity and access to rights.

Gender equal nationality laws are critical to the establishment of women’s equal status under the law and the realization of women’s human rights. Reforms advancing women’s nationality rights have strongly illustrated countries’ commitments to gender equality and the empowerment of women.

“Laws and practices that treat women differently from men in terms of nationality constitute ipso facto discrimination against women.”

Emna Aouij, Member of the UN Working Group on Discrimination Against Women, former CEDAW Committee member, former Judge and Ambassador of Tunisia

NATIONAL STABILITY AND DEVELOPMENT

Reforms that advanced gender-equal nationality laws in the Middle East-North Africa region are now supporting greater national stability, economic development, and prosperity by allowing more people to contribute to their country’s economy and development.

At least nine of the seventeen Sustainable Development Goals (SDGs) are directly enhanced and promoted by equal nationality rights for women and men. In addition, gender-equal nationality laws allow all members of society to fully contribute to a country’s development.

SDGs 5 (Gender Equality), 10 (Reduced Inequalities) and 16 (Peace, Justice and Strong Institutions) recognize that eliminating gender discrimination and other structural problems are essential to achieve sustainable development. These SDGs can be achieved through reforms to realize gender-equal nationality rights.

SDGs 1 (No poverty), 2 (Zero Hunger), 3 (Good Health and Well-Being), 4 (Quality Education), 8 (Decent Work and Economic Growth), and 11 (Sustainable Cities and Communities) are directly enhanced by equal nationality rights, which allow both men and women to acquire, retain, change, or confer their nationality. To achieve these goals, the full participation of every member of society is essential. Allowing children to acquire their mother’s nationality, and men to acquire their spouse’s nationality would include them in accessing an abundance of opportunities in work, education, housing, and healthcare, eliminating the emotional weight of those who struggle to obtain such rights, also preventing detrimental effects on their health and well-being.

“Prior to the reform of the Nationality Code, [women married to non-nationals] and their families were in great distress, especially those residing in Morocco…

A qualitative survey by the l’Association démocratique des femmes du Maroc (ADFM) revealed that the majority of women interviewed were unaware of the problems arising from their marriage to a non-national. Difficulties were discovered at the birth of the first child or upon divorce, abandonment, or the death of their spouse. [These] children were not carried on their mother’s passport and had to obtain visas, issued for a period of 3 months. The regulations governing the stay of foreigners [in the country] applied to children even if they were born in Morocco…If the father’s residency visa was canceled for any reason, the children had no other choice than to leave with the father, who was the legal guardian of the children.

This reform made it possible to register children’s births, thus guaranteeing all the civil rights that flow from it, including a Moroccan passport and national identity card. It has also extended the many economic and social rights attached to citizenship, with positive impacts that were even more important for poor and single-parent families.”

Rbea Naciri, Member of the National Human Rights Council of Morocco

“Equal Citizenship, Thriving Families, Stronger Societies:
Realizing Gender-Equal Nationality Rights in the Middle East-North Africa Region

EQUAL NATIONALITY RIGHTS FOR
EQUAL CITIZENS, WOMEN AND MEN

Reflecting biases and gender stereotypes that were ubiquitous during the colonial period, gender discrimination in nationality laws has its root in an understanding of women’s citizenship status as inferior and women’s legal identity as derivative, based on the nationality of the father or spouse. In addition to the harm caused to affected families, these laws in fact violate the rights of all women citizens. In practice, these laws deny women the equal right to choose their spouse, due to the greater hardships faced by couples with non-national husbands. They also undermine women’s equal status in the family, by implicitly endorsing male identity as the primary determinate of a family’s identity and access to rights.

Gender equal nationality laws are critical to the establishment of women’s equal status under the law and the realization of women’s human rights. Reforms advancing women’s nationality rights have strongly illustrated countries’ commitments to gender equality and the empowerment of women.

“Laws and practices that treat women differently from men in terms of nationality constitute ipso facto discrimination against women.”

Emna Aouij, Member of the UN Working Group on Discrimination Against Women, former CEDAW Committee member, former Judge and Ambassador of Tunisia

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INTERNATIONAL COMMITMENTS

The right to nationality and to non-discrimination on the basis of sex are rights enshrined in several core international human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination on All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC), as well as the Universal Declaration of Human Rights. CEDAW’s Article 9 is devoted to the establishment of gender-equal nationality rights, while the CRC establishes the child’s right to acquire a nationality, and for the rights enshrined in the Convention to be implemented without discrimination based on the sex of the child’s parent.

When Algeria, Egypt, Morocco, Iraq, Tunisia, and Yemen enacted reforms advancing gender-equal nationality rights, all recognized that such reforms were a positive step towards realizing each country’s sovereign commitment to uphold these international conventions – a fact illustrated in their engagement with each treaty body.

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Hasna Ben Slimane, Judge, State’s delegate to the Administrative Tribunal in Tunisia

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 executes its mission through its coalition of national, regional and international organizations, activists, and UN partners, including Steering Committee Members Equal Rights Trust, Equality Now, Institute on Statelessness and Inclusion, Office of the United Nations High Commissioner for Refugees, Women’s Learning Partnership, and Women’s Refugee Commission.
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