



EQUAL NATIONALITY RIGHTS FOR SUSTAINABLE DEVELOPMENT

Guide on the links between ending gender discrimination in nationality laws and advancing the Sustainable Development Goals



Global
Campaign
for **Equal
Nationality
Rights**



**Institute on
Statelessness and
Inclusion**



#sayaJUGAAnakMalaysia campaign © Family Frontiers

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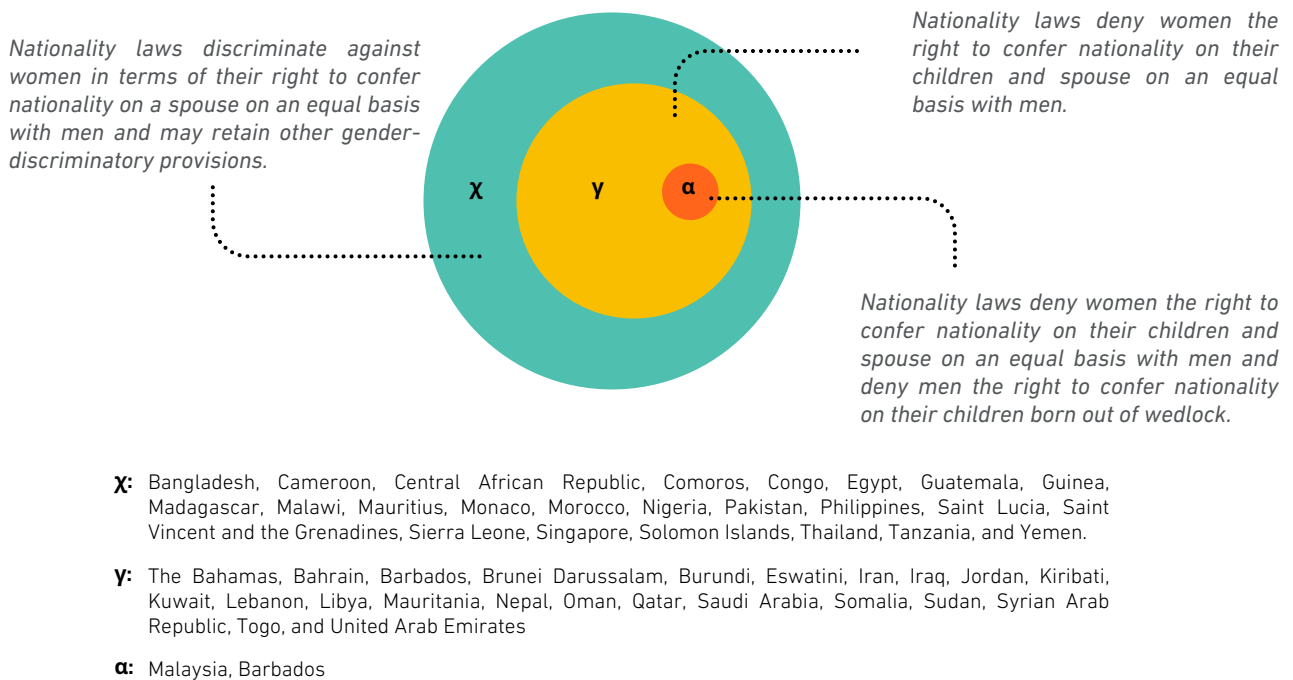
"Gender equality is more than a goal itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance."

— *Kofi Annan, former UN Secretary General*

INTRODUCTION

OVER 40 COUNTRIES HAVE GENDER-DISCRIMINATORY NATIONALITY LAWS

Globally, over forty countries have gender discriminatory nationality laws (2024 statistics). Among those, all have nationality laws that deny women the right to confer nationality on a noncitizen spouses on an equal basis with men, while some also deny women's equal right to acquire, change and retain her nationality. In twenty-four countries, women are denied the right to confer nationality on their children on an equal basis with men.



Research has proven the strong link between gender equality, prosperity and security. Where gender discriminatory nationality laws persist, negative stereotypes that fail to view women as equal, independent citizens are perpetuated; personal and national development are stunted; wide-ranging human rights are violated. Affected persons face obstacles in accessing education, healthcare, social services, and formal employment. Without proper documentation, they also face challenges accessing justice, protection, and enjoying freedom of movement. Affected women can be trapped in abusive marriages; while affected children can experience mental health issues such as anxiety, depression and insomnia.

The Sustainable Development Goals (SDGs) are an expression of a universal commitment by states to upholding the equality and dignity of all human beings. The Goals recognize the strong nexus between development and the realization of women's rights. Social cohesion, sustainable development and economic growth will not be achievable without the eradication of gender discrimination in nationality laws and all gender-based discrimination and exclusion.

THE 17 SUSTAINABLE DEVELOPMENT GOALS



SDG KEY FEATURES

WIDE-RANGING

There are 17 SDGs, addressing a broad range of issues, including poverty, health, education, gender inequality, justice and environmental issues. Each SDG has a specific set of “targets” associated with that goal, established to clarify action needed and to monitor progress.

INTERCONNECTED

The SDGs recognise the interconnectedness of different development challenges and opportunities.

UNIVERSAL

The SDGs make it clear that development is not only a concern for developing countries, but are universal goals to be achieved by all UN Member States.

HUMAN RIGHTS

The SDGs are rooted in human rights norms and recognise that sustainable development cannot be achieved unless everyone’s human rights are respected and fulfilled.

NO ONE LEFT BEHIND

A core focus of the 2030 development agenda is that *No One Must Be Left Behind* and the furthest behind must be reached first. This means paying special attention to groups most in need and addressing systems and structures that engender exclusion, marginalisation and impoverishment.

حقوق وولادى

مبنى

وولادى

IMPLICATIONS OF GENDER DISCRIMINATORY NATIONALITY LAWS

PERPETUATION OF NEGATIVE STEREOTYPES

- Gender discriminatory nationality laws are largely the **remnants of colonialism**. At independence, many countries modelled their nationality laws on those of their former colonial rulers.
- Nationality laws that discriminate against women were founded on and persist today because of **gender stereotypes**.
- Women are prevented from passing on their nationality on an equal basis with men because of **patriarchal ideals** that children “belong” to their father and wives “belong” to their husband.
- These discriminatory beliefs **fail to view women as equal, independent citizens**, and link women’s citizenship to her marital status and the citizenship of her husband.

Case Study: Iraq

Iraq is a committed adoptee of the Sustainable Development Goals and, in particular, to advancing women’s equality and empowerment.

In Iraq, women cannot confer their nationality on children born outside the country, on an equal basis with men. However, the 2005 Constitution made positive progress towards gender equality by establishing that nationality can be acquired by descent by children born inside Iraq with an Iraqi mother or father.

Nawal explains what this change in law will mean for her children:

‘I am an Iraqi national, married to Nasir, an Iranian national. I am currently taking all the necessary legal procedures to enable my children to obtain Iraqi citizenship and enjoy the same rights as their peers, including their right to documentation, a passport, and the right to vote. All these privileges were not available under the previous law, where Iraqi women were prohibited from passing their nationality to their children.’

STUNTING OF PERSONAL AND NATIONAL DEVELOPMENT

Case Study: Nepal

Under Nepal's 2006 Citizenship Act women are denied the right to independently confer nationality on children by descent, unlike Nepali men. Women also lack the right to confer nationality on foreign spouses, a right reserved for men.

Nepali law does include some safeguards against statelessness, which if implemented, would allow single mothers to pass on their nationality to their children. However, due to pervasive patriarchal attitudes, these safeguards are often not implemented. In fact, despite legal provisions to the contrary, authorities frequently refuse to register the births of children, unless the father is also present.

Siwani, a 20-year-old woman, and her younger brother were born in Nepal to Nepalese parents. Their father, who was violent and abusive to their mother, abandoned them when Siwani was a young child.

They have never been able to find any marital or birth documentation. When Siwani's mother tried to apply for citizenship for Siwani she was told by the officer, "You should have thought about it before sleeping with your partner."

*"Until today I don't have any identity. [Identity is] my nationality. Actually, my identity will be a thing I will achieve, but **in the absence of the nationality I am not able to achieve anything**," Siwani said.*



ISTANA KEHAKIMAN

TEMPAT LARANGAN PROTE
DILARANG MASUK NO AI
JIKA TILDA TO UN
KEBENARAN P
PERSEKITARAN TEMPAT LARANGAN (NO.10)

DILAHIRKAN DARI RAH
IBU WARGANEGARA
NAMUN DINAFIKAN
STATUS ANAK MALYSIA



#sayaJUGAanak
Malaysia

SayaJUGA anak Malaysia
Man
Doku

You deny
my child citizenship
because he was
not born on
Malaysian soil.
But he was born
from the
his
an
her.

BORN TO A
MALAYSIAN MOTHER
BUT NOT MALAYSIAN?
NEGARA #sayaJUGAanakMalaysia

MALAYSIA

**ADAKAH IBU & BAPA MEMPUNYAI TARAF
KERAKYATAN MALAYSIA YANG BERBEZA?
#sayaJUGAanakMalaysia**

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VIOLATION OF WIDE-RANGING HUMAN RIGHTS

CHALLENGES WITH ACCESSING JUSTICE, PROTECTION, AND ENJOYING FREEDOM OF MOVEMENT

- One of the most extreme consequences of gender discrimination in nationality laws is statelessness. A stateless person is “not considered as a national by any state under the operation of its law”. While everyone has a right to a nationality, there are over 15 million stateless people worldwide, who have been denied this right.
- Children denied nationality because of gender discriminatory nationality laws can also be denied documentation such as birth and marriage certificates, and drivers licenses.

IMPACT RELATED TO MARRIAGE

- Those rendered stateless may be unable to marry due to their vulnerable status in the country.
- Women can be trapped in abusive marriages, as the only pathway for their children to have a nationality is through their spouse.
- When women cannot transfer nationality to their spouse, the foreign husband may be forced to live away from their children due to challenges in acquiring residency and work permits.



AFFECTED PERSONS EXPERIENCE MENTAL HEALTH ISSUES SUCH AS ANXIETY, DEPRESSION, AND INSOMNIA

- Children who cannot obtain their parent's nationality can experience social isolation and marginalisation. Unlike their peers, many cannot dream about a future in university and know they will be excluded from many professions.
- Citizens who cannot pass their nationality due to gender discrimination often feel guilt or shame, incorrectly believing that their children's suffering is their fault. Their children who lack nationality are often unable to inherit family property.

DISCRIMINATION AND EXCLUSION IN ALL AREAS OF LIFE

- Affected persons typically face obstacles in accessing education, healthcare, social services, and formal employment. They are denied the opportunity to reach their full potential.
- Those who can secure informal work are often exposed to exploitation and abuse by their employers. They can also become victims of trafficking and abuse.



ACHIEVING THE SUSTAINABLE DEVELOPMENT GOALS

ENDING GENDER DISCRIMINATION IN NATIONALITY LAWS IS NECESSARY TO ACHIEVE

SDG 5, TARGET 5.1

End all forms of discrimination against women and girls everywhere

Gender equality will not be achieved until gender-discriminatory nationality laws, policies, and implementation have been eradicated. Removing sex-based discrimination from the law recognises that men and women are equal and should be treated as such.

SDG 10, TARGET 10.3

Ensure equal opportunity and reduce inequalities of outcome... by eliminating discriminatory laws, policies and practices and promoting appropriate legislation ... and action ...

When women cannot pass on their nationality to their children, the inequalities experienced by those children are passed down to the next generation, and the next. Lack of opportunity, education and the ability to work is inherited and entrenched further into the societies in which those families and their children reside.

SDG 16, TARGET 16.9

By 2030, provide legal identity for all, including birth registration

For all births to be registered, women must be granted the right to pass on their nationality, and discriminatory attitudes and practices, which prevent women from registering births, must be eradicated.

In many countries, birth registration is the first step to complete in order to establish citizenship. In countries where women are denied the equal right to pass on their nationality to their children, registering the birth of a child is sometimes impossible without the physical presence of the father, or proof of his nationality.



ENDING GENDER DISCRIMINATION IN NATIONALITY LAWS WILL HELP ACHIEVE



GOAL 1

End poverty in all its forms everywhere

Without a nationality it is harder to gain formal employment, leaving affected persons in vulnerable and unstable situations. Statelessness is an intergenerational issue, trapping generations of stateless families in poverty.

GOAL 2

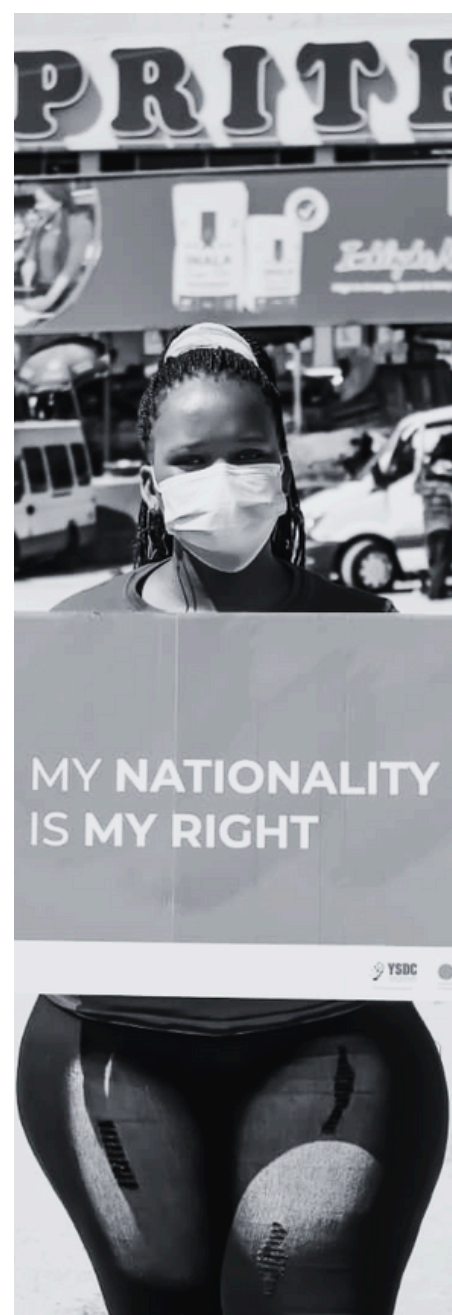
End hunger, achieve food security and improve nutrition

Life without citizenship means living without access to banking institutions or formal employment, and often without the right to own and cultivate your own land. Such people often live hand-to-mouth. The capacity to prioritise nutritious and sufficient food can be a luxury for stateless families.

GOAL 3

Ensure healthy lives and promote wellbeing for all at all ages

Access to free healthcare is limited to nationals only in many states where gender discriminatory laws exist. Due to costly private healthcare and economic hardships faced by affected persons, many are unable to obtain treatment for illnesses such as poor mental health, depression, anxiety and isolation.



GOAL 4

Ensure inclusive and equitable quality education for all

Children who cannot obtain nationality may be required to provide documentation that they lack or be forced to pay higher fees to access education. They may even be denied education outright. Access to student loans or free higher education is mostly impossible for children denied nationality.

GOAL 8

Promote economic growth, full employment and decent work for all

Those lacking nationality are often unable to access formal employment, in particular professions or jobs in civil service. Those who access informal employment are at a heightened risk of exploitation in the workplace, and often have limited access justice and protection under the law.

GOAL 11

Make cities and human settlements inclusive, safe, resilient and sustainable

Without access to formal employment, bank loans or the ability to inherit property, affected persons will face significant difficulties in acquiring or affording housing.



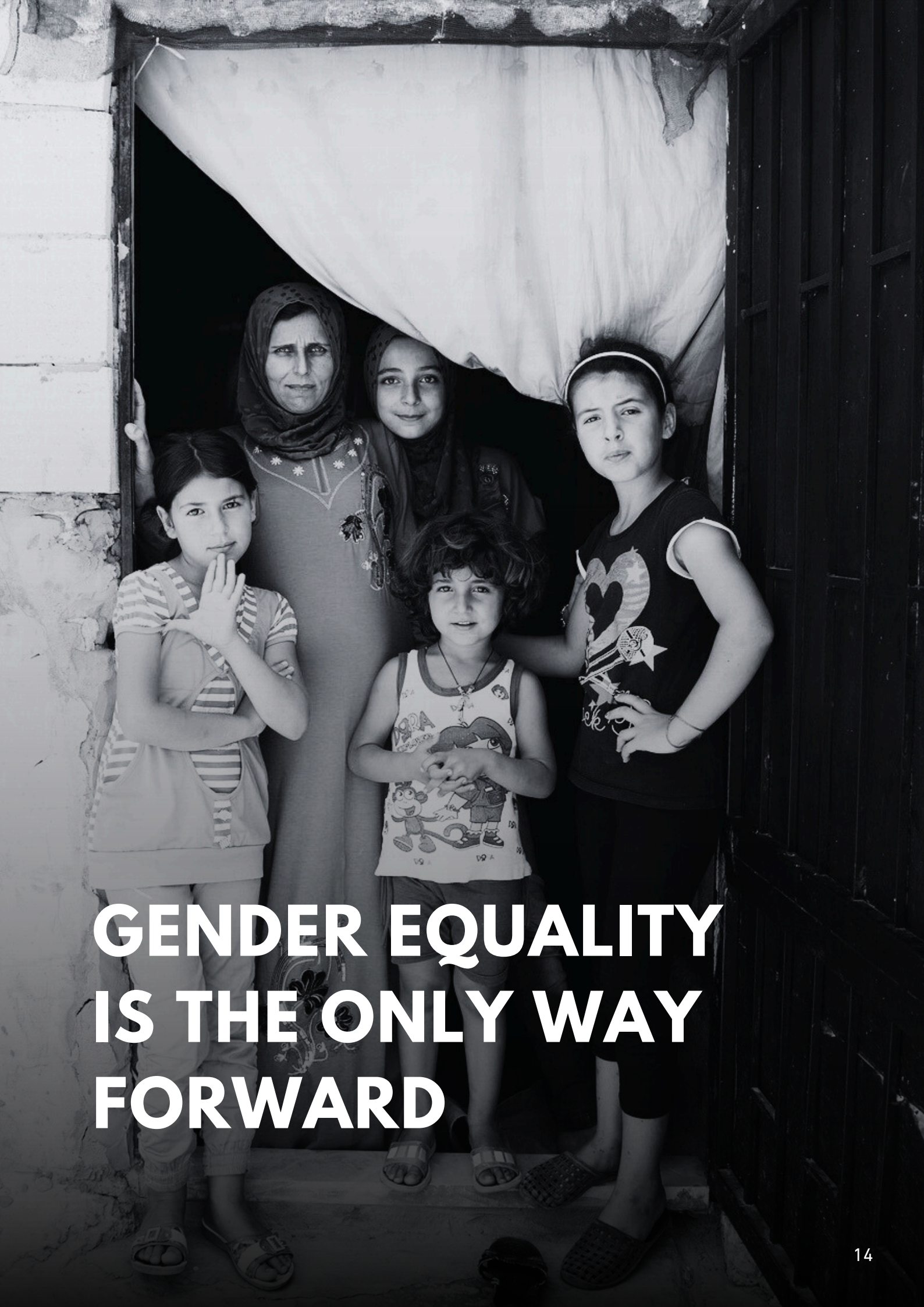
REALITY CHECK

In countries with strongly entrenched patriarchal attitudes, even where the law provides for single mothers to register the births of their children, local authorities may insist on the child's father being present to register the birth.

In countries where 'adultery' is a criminal offence, mothers who have children out of wedlock are confronted with an impossible choice:

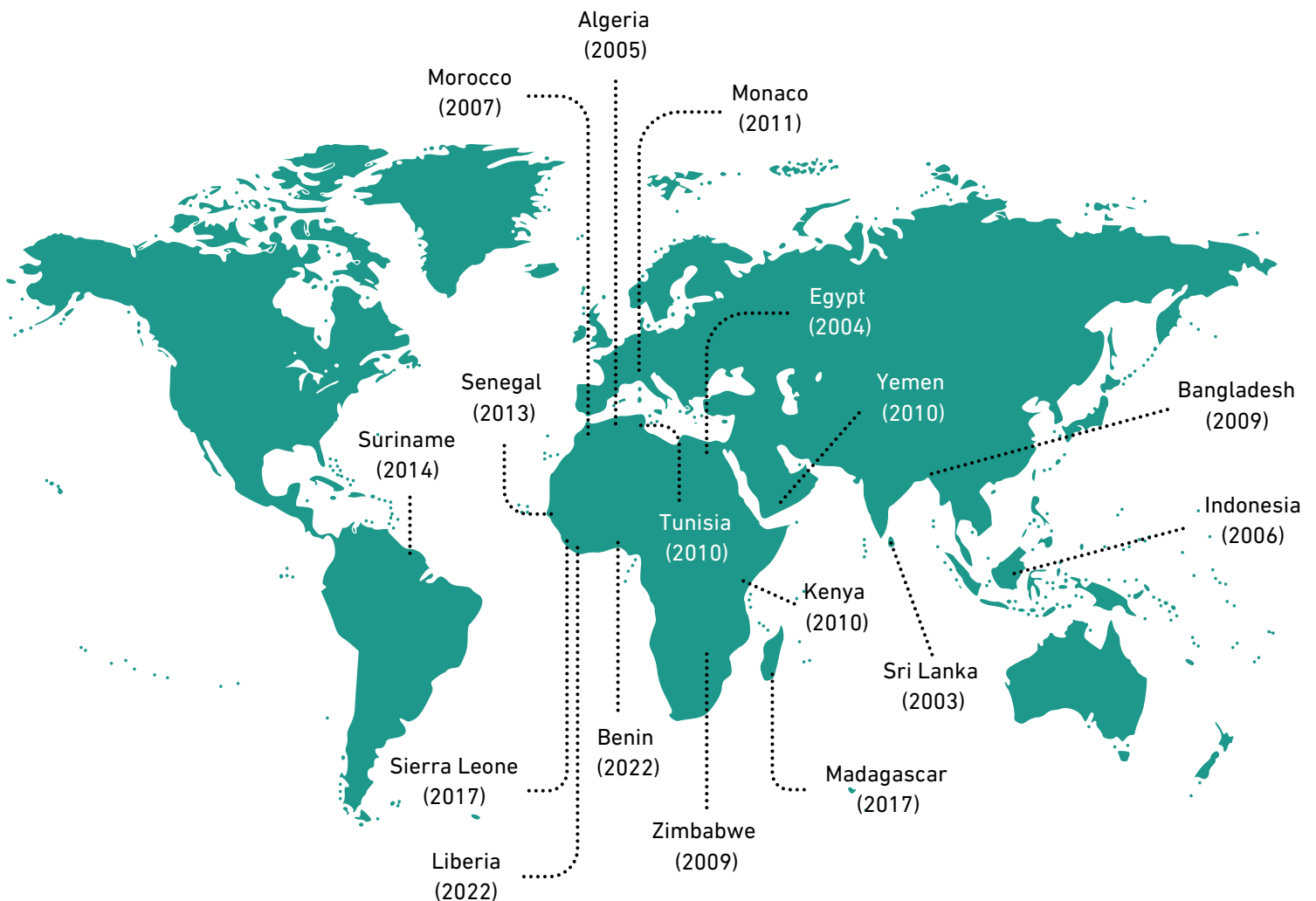
1) *If the mother registers their child's birth to ensure they have a legal identity, this could lead to the mother's imprisonment and separation from the child.*

2) *The mother could refrain from registering the birth to protect her liberty and custody of her child, but the child would then face a life of exclusion, without a nationality.*



**GENDER EQUALITY
IS THE ONLY WAY
FORWARD**

SINCE 2004, 17 COUNTRIES HAVE REFORMED THEIR NATIONALITY LAWS TO UPHOLD WOMEN'S EQUAL RIGHT TO CONFER NATIONALITY ON THEIR CHILDREN



- Many of the countries that retain gender-discriminatory nationality laws are taking steps to enact reforms to uphold equality.
- Civil society, religious and political leaders across the globe are calling for action to realize gender-equal nationality rights.
- Nationality laws that enshrine the equal rights of citizens, whether women or men, benefit the nation and support more stable, secure, and prosperous societies.



Grant women and men equal nationality rights to achieve gender equality, for a stronger society and prosperous development, and to ensure the well-being and human development of every man, woman and child.