



CEDAW

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Quick Reference Guide

STATELESSNESS AND HUMAN RIGHTS TREATIES

This reference guide highlights key international human rights provisions found in [CEDAW](#) that are relevant to women's nationality rights and individuals affected by gender discrimination in nationality laws, including stateless persons. It is addressed to all stakeholders who may wish to use this international human rights instrument to advance gender equal nationality rights and improve the enjoyment of human rights by affected persons, thereby helping to meet the goals of the [Global Campaign for Equal Nationality Rights \(GCENR\)](#) and the [#IBelong Campaign to End Statelessness](#).

Nationality laws determine the ability to acquire, change, and retain one's nationality and to confer nationality on children and spouses. 26 countries deny women the ability to confer nationality on children on an equal basis with men. Over 50 countries maintain other gender discriminatory provisions in their nationality laws. CEDAW primarily addresses nationality rights through two provisions, including through its provisions on non-discrimination (Article 2) and equal nationality rights between men and women (Article 9). In many contexts, gender discrimination in nationality laws results in or is linked with violations of social, political and economic rights. A number of **General Recommendations (GRs)** of the **Committee on the Elimination of Discrimination against Women (Committee)** further inform the meaning of these provisions when using them to advance gender equal nationality rights.

Even though she was born in Lebanon and her mother is Lebanese, Rama is stateless. Her mother married a stateless man but could not pass on her nationality to Rama because Lebanese law does not allow mothers to do so. © UNHCR/Jordi Matas

Prevention and Reduction of Statelessness

Article 2:

"... condemn discrimination against women in all its forms ..."

Full implementation of Article 2 means that States must eliminate provisions that discriminate against women, including provisions found in nationality laws.

- [GR No. 28 on the core obligations of States parties under article 2:](#) "Certain groups of women, including (...) stateless women (...) are particularly vulnerable to discrimination through civil and penal laws, regulations and customary laws and practices." (para. 31)

Article 9:

"... grant women equal rights with men to acquire, change or retain their nationality... [and] with respect to the nationality of their children."

Roughly 50 States deny women the same rights as men to acquire, change, or retain their nationality. 26 States deny women the right to confer their nationality on their children on an equal basis with men.

- [GR No. 21: Equality in marriage and family relations:](#) "Nationality is critical to full participation in society. (...) Nationality should be capable of change by an adult woman and should not be arbitrarily removed because of marriage or dissolution of marriage because her husband or father changes his nationality." (para. 6)
- [GR No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women:](#) "(...) discrimination against women can lead to a cycle of statelessness that can be perpetuated from generation to generation (...)" (para. 54)

The Rights & Protection of Affected Persons

Article 2:

“... condemn discrimination against women in all its forms ...”

- [GR No. 28 on the core obligations of States parties under article 2:](#) “The obligations of States parties apply (...) without discrimination both to citizens and non-citizens, including (...) stateless persons (...)” (para. 12)

Discriminatory nationality laws result in obstacles to women’s enjoyment of a number of fundamental human rights, including political, economic, and social rights as well as the right to a nationality itself:

Article 3:

“... ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

Article 6:

“... take all appropriate measures... to suppress all forms of traffic in women...”

Article 7:

“... take all appropriate measures to eliminate discrimination against women in political and public life...”

Article 10:

“... take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.”

Article 11:

“... take all appropriate measures to eliminate discrimination against women in the field of employment...”

Article 12:

“... take all appropriate measures to eliminate discrimination against women in the field of health care...”

Article 13:

“... take all appropriate measures to eliminate discrimination against women in other areas of economic and social life...”

Article 15:

“... accord to women equality with men before the law; ... equal rights to conclude contracts and to administer property...; accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”

- [GR No. 30 on women in conflict prevention, conflict and post-conflict situations:](#) “Stateless women and girls face heightened risks of abuse in times of conflict because they do not enjoy the protection that flows from citizenship (...) Statelessness also results in the widespread denial of fundamental human rights and freedoms in post-conflict periods.” (para. 60.)
- [GR No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women:](#) “Without status as nationals or citizens, stateless women and girls are often marginalized, deprived of the right to vote or stand for public office and may be denied access to public benefits, a choice of residence and free movement, in addition to access to various rights and benefits flowing from status as a national, including rights to education, health care, property or employment.” (para. 53)

Article 5 & Article 16:

“... take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices... and all other practices... based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.” & “... take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations...”

Gender discrimination in nationality implicitly endorses an understanding of women’s status as inferior and women’s legal identity as derivative, based on the nationality of her father or spouse, rather than an expression of her independent identity as a citizen. Women’s inability to equally confer citizenship on spouses limits their ability to freely choose a spouse. Women’s inability to equally confer nationality on children prevents mothers from equally exerting their rights and responsibilities as parents and guardians, while implicitly endorsing the notion of the father as the ‘head of the household.’ Basing women’s nationality rights on their marital status also contravenes these articles. Discriminatory nationality laws can also limit women’s ability to inherit family property and limit their ability to give their children an inheritance of family property.

- [GR No. 21: Equality in marriage and family relations:](#) The CEDAW Committee states that where de jure equality does not exist, women are “prevented from having equal access to resources and from enjoying equality of status in the family and society.” The Committee further states, “in this way, principles of justice and equality contained in particular in article 16 and also in articles 2, 5 and 24 of the Convention are being violated.”