

WOMANS
ARE Rights
HUMAN Rights

EXECUTIVE SUMMARY

THE STATE WE'RE IN:

ENDING SEXISM IN

NATIONALITY LAWS

2022 Edition - Update for a Disrupted World



This updated report from Equality Now, reflecting women’s intersecting realities and the devastating impact of the sex discriminatory nationality laws on people’s lives, alongside a record of inspiring progress being made in some countries and regions, is a timely and important tool for governments, lawmakers and advocates seeking to bring their vision of gender and generational equality to life.

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Everyone has the right to be born with a nationality – anywhere in the world – and to be secure in their human right to equally acquire, change, retain or transfer it, as provided for under international law. Sex discriminatory nationality laws still exist, however, in 49 countries (25% of UN member states). Discriminatory nationality laws have an enormous impact on women and their families, often violating their rights to health, education, employment, and non-discrimination on the basis of race, ethnicity and religion etc.

The COVID-19 pandemic, and armed or political conflict and displacement caused by other crises, have exacerbated the effect of gender-discriminatory laws, resulting in increased family separations, statelessness and other unnecessary and unjust hardships as a result of patriarchal behavior and unequal power relations.

¹ In addition to provisions restricting married women from passing on their nationality to their foreign spouse on an equal basis with men generally, some countries also specify that a naturalised woman may not pass on her nationality to a foreign spouse where a man otherwise could.

² The list of 28 countries also includes 3 countries where the discrimination is applicable to adopted children or children of naturalized women only.

CONSEQUENCES OF DISCRIMINATION

The inability, largely of women, to pass on their nationality to their spouse¹ or to their children can have grave consequences for both them and their families, including:

- statelessness
- fear of deportation of children and spouse and family separation
- additional vulnerability of girls to child, early and forced marriage
- increased vulnerability of women in abusive marriages
- difficulties for women in claiming child custody/access on marriage break-up
- lack of access to publicly-funded medical services and national health insurance
- lack of access to social benefits
- inability to register personal property and inherit family property
- limited freedom of movement, including to travel abroad
- limited access to jobs, economic opportunities, and financial services
- shame, trauma and anxiety

RECOMMENDATIONS

Governments with sex discriminatory legal provisions on nationality should revise them so that:

- all women and men can equally confer citizenship on their children wherever born, whether born in or out of marriage (whether heterosexual or same-sex), and whether the child is adopted or not
- all women and men can equally confer citizenship on their spouses whether married at home or abroad
- foreign women and men do not automatically lose their new nationality on termination of the marriage
- women do not automatically lose or gain nationality on marriage to a spouse of another nationality without their active consent
- a change in the father’s nationality does not automatically mean loss of nationality for his spouse and children
- there is consistency between all laws and regulations dealing with the issue in order that all provisions treat all men and women equally and fairly and that these provisions are clear to both those wanting to take advantage of them and those implementing them.

SEX DISCRIMINATORY NATIONALITY LAWS

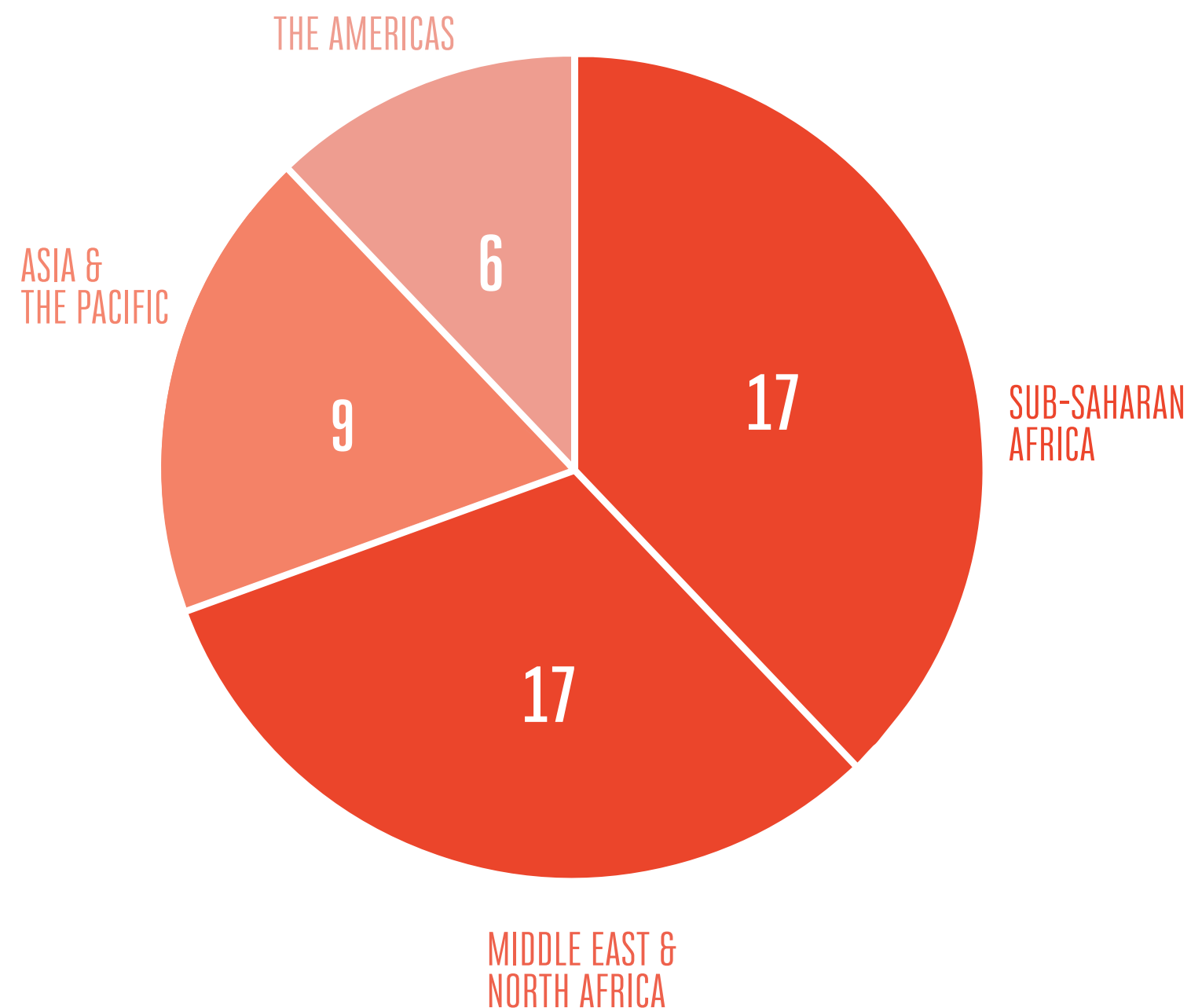
Despite challenges, we have also seen good progress in achieving equality in nationality laws with 19 countries making partial or full legal reforms and making significant commitments at the regional and global levels over the past decade. Since the March 2016 launch of The State We’re In: Ending Sexism in Nationality Laws alone, four countries we highlighted - Guinea, Lesotho, Nauru and Solomon Islands - have achieved full legal equality in nationality rights and another eight have achieved important reforms or taken important steps towards reform.

However, much remains to be done.

Nationality laws in 28 countries around the world prevent women from passing nationality to their children on an equal basis with men.²

Nationality laws in 46 countries around the world prevent women from passing nationality to their spouse on an equal basis with men.

SEX DISCRIMINATORY NATIONALITY LAWS BY REGION





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