

# **Gender Discriminatory Nationality Laws and the Principle of Gender-Equal Citizenship**

## **CSW Expert Paper**

Expert Paper in preparation for the 70th session of the Commission on the Status of Women (CSW70) on women and girls' access to justice

**Summary: Despite progress in advancing gender equality in law, gender discrimination in nationality laws remains a critical area for reform and an important entry point for achieving gender-equal citizenship.**

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## 1. Historical Background

Historically, nationality laws both reflected and enforced a sexist, patriarchal political and social structure, whereby men were the “natural” source of national identity, belonging, and political personhood, while women’s nationality – like children’s – was derivative and dependent on their father or spouse, based on marital status. As such, a child would automatically obtain the nationality of their father, a foreign woman would acquire her husband’s nationality, and, in some countries, a woman married to a foreign man could lose her nationality of origin without her consent. If a man became a naturalized citizen, his wife and minor children would naturalize as well, and if a man was stripped of his nationality, laws often called for his wife and minor children to be stripped of theirs. In many countries’ nationality laws, the only instance whereby a woman could confer nationality on her child would be when the child was born outside of legal marriage. In this case, the woman was thought to take the place of the [absent] male “head of household,” as men were not expected to take responsibility for children born outside of wedlock. These discriminatory nationality laws were largely drafted during the colonial period, when women in many countries were not considered to have an independent legal or political identity, a reality reflected in their also lacking the right to vote, own property or marital resources, or enter into contracts independently. This framework was spread across much of the colonial world:

*“By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband....Husbands and wives are one legal entity. A woman does not legally exist. She is ‘covered’ by her husband, and before him her father. [E]ven the disabilities which the wife lies under, are for the most part intended for her protection and benefit. So great a favourite is the female sex of the laws of England.”*  
- Sir William Blackstone on the Common Law principle of coverture in British colonial territories.<sup>1</sup>

In France’s 19<sup>th</sup> century Civil Code , Article 217 states, "The wife, even when she is separate in estate from her husband, cannot grant, alienate, mortgage, acquire, either by gratuitous or incumbered title, unless her husband concurs in the act," while Article 214 notes that "The wife is bound to live with her husband and to follow him wherever he chooses to reside."<sup>2</sup> In early Roman law, "woman was placed by reason of her physical weakness under a perpetual tutorship. The only effect of marriage was to change her tutor: she escaped her father's authority only to be placed under her husband's."<sup>3</sup>

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<sup>1</sup> Sir William Blackstone, *Commentaries on the Laws of England, Book the First: Chapter the Fifteenth: Of Husband and Wife*. 4 vols (Oxford: Printed at the Clarendon Press, 1765–1769); See also Ireland, Emily. “Re-examining the Presumption: Coverture and ‘Legal Impossibilities’ in Early Modern English Criminal Law.” *The Journal of Legal History*, Volume 43, 2022; Pages 187-209.

<https://www.tandfonline.com/doi/full/10.1080/01440365.2022.2092945?scroll=top&needAccess=true#abstract>

<sup>2</sup> Ibid.

<sup>3</sup> Tunc, Andre. "Husband and Wife Under French Law: Past, Present, Future." *University of Pennsylvania Law Review*, Vol. 104, 1064-1079, 1956.

[https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=7495&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=7495&context=penn_law_review)

Over the past century, countries have increasingly enacted nationality law reforms to uphold gender equality, recognizing women's right to nondiscrimination and the benefits of gender-equal nationality laws to society. Yet, in 2025 twenty-four countries maintain nationality laws that deny women the right to confer citizenship on their biological child at birth on an equal basis with men.<sup>4</sup> An additional four countries uphold women's right to confer citizenship on their biological children at birth but deny women's equal right to confer nationality on their children in instances of naturalization or adoption.<sup>5</sup> Over forty-five countries retain at least one gender-discriminatory nationality law provision, including denying women the right to confer nationality on a noncitizen spouse on an equal basis with men.<sup>6</sup> While a number of these gender-discriminatory nationality laws (GDNL) permit women to confer citizenship to a child or spouse under some circumstances, they do not uphold women's right to confer citizenship *on an equal basis with men*. Two of the countries that deny women the equal right to confer citizenship on their children born of a legal marriage, deny men the equal right to confer citizenship when the child is born outside of legal marriage – a legacy of the historic nationality law structure that only allowed women to confer citizenship on children born outside of legal marriage as a stand-in for the male head of household.<sup>7</sup>

The diversity of the remaining countries with GDNL – like those that previously denied women equal nationality rights – demonstrates that this discrimination is not rooted in any particular region, religion, or cultural tradition, but is rather a reflection of the historic patriarchal order and the legacy of colonialism. Most of the countries where GDNL persists today are former colonies. As colonialism ended, most newly independent former colonies across the globe modelled their nationality laws on the gender-discriminatory nationality laws that were the norm at the time. In fact, former colonies often used virtually the same text for their nationality law as was used in the nationality laws of their former colonial ruler, which in the mid-twentieth century largely denied women equal nationality rights.

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<sup>4</sup> The Bahamas, Bahrain, Barbados, Brunei, Burundi, Eswatini, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Togo, United Arab Emirates: <https://www.equalnationalityrights.org/the-problem/>; See also UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2025, [https://www.refworld.org/sites/default/files/2025-03/background\\_note\\_on\\_gender\\_equality\\_nationality\\_laws\\_and\\_statelessness\\_-\\_2025-v357.pdf](https://www.refworld.org/sites/default/files/2025-03/background_note_on_gender_equality_nationality_laws_and_statelessness_-_2025-v357.pdf)

<sup>5</sup> Dominican Republic, Madagascar, Mauritius, Yemen; Ibid.

<sup>6</sup> The Bahamas, Bahrain, Bangladesh, Barbados, Benin, Brunei, Burundi, Cameroon, Central African Republic, Comoros, Congo (Republic Of), Egypt, Eswatini, Guatemala, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Libya, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Morocco, Nepal, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saint Vincent & the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, Tanzania, Thailand, Togo, Tunisia, United Arab Emirates, United States of America, Yemen. See: The Global Campaign for Equal Nationality Rights. <https://www.equalnationalityrights.org/resources/proposed-select-draft-articles-on-nationality-rights-to-ensure-gender-equality/>; See also: Equality Now, *The state we're in: Ending sexism in nationality laws, 2022 edition – Update for a disrupted world, 2022*, <https://equalitynow.org/wp-content/uploads/2022/07/The-State-Were-In-2022-Equality-Now-EN-Online.pdf>

<sup>7</sup> Malaysia, United States (The discriminatory provision in the United States applies only to naturalized American men whose children are born abroad out of wedlock, in which case the father must agree in writing to provide financial support. This requirement does not apply to naturalized American women who have children under the same circumstance.)

Throughout the twentieth century, as calls for gender equality grew, feminist actors increasingly emphasized that equal nationality laws are essential to women's equal citizenship and their equality in the family in all its diverse forms. At the same time, with an increase in migration, binational marriages, and the importance of civil documents throughout the twentieth and twenty-first centuries, the numbers of women and families impacted by these discriminatory laws increased, along with the evidence of the significant harm caused by GDNL.

## 2. Normative International Legal Framework

As with other aspects of gender discrimination in law, international law is clear on states' obligations to uphold gender-equal nationality laws. All women, no matter their gender identity, sexual orientation, or marital status should be able confer nationality on their children and spouses and to acquire, change, and retain their nationality on an equal basis with men. The Convention on the Elimination of All Forms of Discrimination against Women devotes Article 9 to women's equal right to acquire, change, and retain nationality, and to confer nationality on their children, and the CEDAW Committee has clarified in General Comment 32 that Article 9 equally applies to women's right to confer nationality on a noncitizen spouse on an equal basis with men.<sup>8</sup> The Committee has further clarified that because nationality plays such an integral role with respect to the enjoyment of other rights, reservations to Article 9 are contrary to the object and purpose of the Convention<sup>9</sup>, which equally calls on states to progressively eliminate gender discrimination in law via Article 2. The Convention on the Rights of the Child also calls on States parties to uphold the child's right to a nationality and family relations (Article 7 and 8) without discrimination on the basis of the sex of the parent (Article 2). These Conventions complement the International Covenant on Civil and Political Rights' obligations regarding persons' right to a nationality and to nondiscrimination on the basis of sex.<sup>10</sup>

In many countries, GDNL contradicts national constitutions, including constitutional mandates for nondiscrimination and equal protection of the law. This contradiction between constitutional requirements of nondiscrimination and the persistence of GDNL has been used in a number of countries to legally challenge GDNL, including the celebrated case of *Unity Dow v Attorney General*,<sup>11</sup> which resulted

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<sup>8</sup> CEDAW Committee General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. <https://www.refworld.org/legal/general/cedaw/2014/en/102146>

<sup>9</sup> "Given the critical importance of nationality to the full participation of women in society, the significant number and nature of reservations made by some States parties to article 9 of the Convention undermine the object and purpose of the Convention." CEDAW General Recommendation 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, paragraph 58, CEDAW/C/GC/32, 2014. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F32&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F32&Lang=en)

<sup>10</sup> For a comprehensive list of relevant international and regional instruments, see: Equality Now, Global Campaign for Equal Nationality Rights. *Proposed select draft articles on nationality rights to ensure gender equality*. 2025. <https://equalitynow.org/resource/reports/proposed-select-draft-articles-on-nationality-rights-to-ensure-gender-equality/>

<sup>11</sup> "High Court Judgement by Judge Martin Horwitz," *The Citizenship Case The Attorney General of The Republic of Botswana vs Unity Dow*, 1991. <https://www.law.cornell.edu/sites/www.law.cornell.edu/files/women-and-justice/Attorney-General-v-Unity-Dow.pdf>

in the reform of gender-discriminatory provisions in Botswana’s nationality law in 1995.<sup>12</sup> Most recently, impacted mothers and feminist activists in Malaysia leveraged the country’s constitutional article banning nondiscrimination on the basis of sex to challenge a nationality law provision denying Malaysian women’s right to confer nationality on children born abroad on an equal basis with men.<sup>13</sup> After an initial win in the High Court followed by Government appeals, the cause gained widespread support from the public and both of the main political parties – with the issue becoming a key aspect of the 2023 elections and both parties stating that reforms would be a priority if elected. This not only underscores the critical importance of nationality rights to women’s equal citizenship but also demonstrates the power of campaigns against GDNL to influence national conversations and norms around gender equality and the principle that all citizens are entitled to legal equality, without gender-based discrimination.

### 3. Consequences of GDNL

The deleterious impact of GDNL on women and their families persists throughout the lifecycle and can cause multigenerational harm. According to the CEDAW Committee, “Sex- and gender-based discrimination in nationality laws continues to have a significant and detrimental impact on the enjoyment by women and their children of their human rights.”<sup>14</sup>

GDNL is one of the leading causes of childhood statelessness, a status whereby an individual is not considered a national of any country by operation of its law. Statelessness can result when GDNL-impacted children also cannot access their father’s nationality, which can occur for a variety of reasons, including if: a legal link to the father cannot be proven; the father is stateless; or the father is unwilling or unable to confer nationality.<sup>15</sup>

Children denied their mother’s nationality often face obstacles accessing education, healthcare, social services, inheritance, property rights, and, as adults, formal employment. GDNL also contributes to family separation and can inhibit freedom of movement. Most impacted children are required to obtain often costly residency permits in order to simply reside in their mother’s country – even when it is their country of birth. Some countries do not permit noncitizen children of female citizens to reside in their mother’s country upon reaching the age of majority, unless they secure a work visa like any other “foreigner.”

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<sup>12</sup> The Global Campaign for Equal Nationality Rights, “Achieving Gender-Equal Nationality Laws in Africa: For Equality, For Families, For the Future.” 2018. <https://www.equalnationalityrights.org/resources/achieving-gender-equal-nationality-laws-in-africa-french/>;

<sup>13</sup> Ding, Emily. “Malaysian mothers fight country’s unequal citizenship laws,” Al Jazeera, 3 Aug 2022.

<https://www.aljazeera.com/news/2022/8/3/malaysian-mothers-fight-countrys-unequal-citizenship-laws>

<sup>14</sup> CEDAW Committee General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women

<sup>15</sup> Global Campaign for Equal Nationality Rights, UNHCR, UNICEF, and the Coalition on Every Child’s Right to a Nationality. *Gender Discrimination and Childhood Statelessness*, 2019.

<https://www.equalnationalityrights.org/resources/gender-discrimination-and-childhood-statelessness/>

*“They looked at me, heard my voice, and thought I was one of them because I am. I was born and raised in Lebanon. I speak the same language, share the same culture, and I went to school here, just like any Lebanese student.*

*[Because I am denied my mother’s nationality], I was treated differently in the education system. I faced rejection, delays, and legal complications in school and university paperwork, things my classmates with Lebanese citizenship never had to think about. One painful memory: when I tried to submit official documents, I was told I couldn’t. They called us “foreigners.”*

*That word stuck with me. How can I be foreign in my own country, with a Lebanese mother by my side? Meanwhile, students [with citizenship] had full rights to education, health insurance, and financial support.*

*Despite my strong grades and dedication, I was denied the chance to study medicine, the field I had dreamed of since I was a child. I couldn’t access public university seats or scholarships ... They pushed me away from becoming a doctor.*

*Like me, many [without nationality] are denied access to government scholarships, public university seats reserved for citizens, and countless academic or financial aid opportunities. We often face higher tuition fees, rejection from national programs, and are excluded from post-high school professional training sponsored by the state. Our academic journey is not limited by our ability, but by legal discrimination.”*

- JN, impacted youth born to a Lebanese mother and residing in Lebanon<sup>16</sup>

*“A lot of children like me had to face a lot of difficulties while growing up until their adult years. When I was in primary school, when I was in high school, I had to let go of opportunities because I was not Malaysian. Another difficulty was trying to find a good job. It was very heartbreaking at every single turn in my life.”*

- Diba, impacted youth born to a Malaysian mother and residing in Malaysia<sup>17</sup>

Denied the same access to citizenship that is granted to the spouses of male citizens, women’s spouses often must secure residency permits to reside in the country with their family and may not have the right to work as a foreigner or stateless person. The inability of impacted children and spouses to equally access formal employment – compounded with lost educational opportunities, the high cost of private medical care, and fees for residency permits – comes with a significant economic cost to the family. These factors contribute to poverty that can be compounded over generations when statelessness or the lack of nationality in one's country of residence is passed from one generation to another because of women’s unequal nationality rights.

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<sup>16</sup> Testimony provided by GCENR Lebanon coalition member My Nationality Is a Right for Me and My Family Campaign, housed at the Collective for Research and Training on Development Action in April 2025.

<https://www.facebook.com/jinsiyati/info/#>

<sup>17</sup> Testimony provided by GCENR Malaysia coalition member Family Frontiers in April 2025.

<https://familyfrontiers.org/>

In addition to the rights violations above, GDNL contributes to multiple forms of gender-based violence (GBV).<sup>18</sup> Women who are dependent upon an abusive spouse for their or their children's access to nationality face increased barriers to extracting themselves from situations of domestic abuse. During the COVID pandemic, a Malaysian mother wanted to leave her abusive foreign spouse and return to her home country of Malaysia, though because her children lack Malaysian citizenship she was forced to remain overseas with her abusive spouse, due to Malaysia's COVID travel ban on the entry of noncitizens.<sup>19</sup> Additionally, those without nationality in their country of residence are at heightened risk of human trafficking, while impacted women and girls face an increased risk of child, early and forced marriage. Those without nationality who are unable to access formal employment are exposed to heightened risks of exploitation and abuse in the workplace. As noted by the Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences:

*"The collective disadvantages resulting from statelessness and gender-discriminatory nationality laws can expose women and girls to exploitation and abuse, including domestic violence, child marriage, trafficking, restrictions on their freedom of movement and arbitrary detention, which have been addressed in various previous reports of the special procedure mandate holders of the Human Rights Council."<sup>20</sup>*

Further, impacted persons who have been victims of a crime often face obstacles in accessing justice due to their vulnerable status and lack of nationality, contributing to impunity.

Experts have documented repeated patterns across countries of mothers facing harassment by government officials while seeking to apply for their children to acquire their nationality. Many are told it is their fault that their child cannot access citizenship because they "chose to marry a foreigner." Those with children born outside of legal marriage have been mocked and shamed by officials.

*"I was given names in a most horrible way in front of my children [at the government office]. Imagine their only parent being humiliated in front of two teenage daughters in that manner. I was introduced to a room filled with people as 'meet the virgin, an unmarried mother... How can we provide citizenship to them?'...I have always taken the utmost care of my two kids. My father and I are both citizens by decent. How are we*

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<sup>18</sup> Global Campaign for Equal Nationality Rights, *The Impact of Gender Discrimination in Nationality Laws on Gender-Based Violence*. <https://www.equalnationalityrights.org/resources/the-impact-of-gender-discrimination-in-nationality-laws-on-gender-based-violence-2/>

<sup>19</sup> Global Campaign for Equal Nationality Rights, "Gender-Discriminatory Nationality Laws Add to Families' Suffering during COVID-19 Pandemic," 2020. <https://www.equalnationalityrights.org/resources/gender-discriminatory-nationality-laws-add-to-families-suffering-during-covid-19-pandemic-2/>

<sup>20</sup> Alsalem, Reem. A/78/256: Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem - Violence against women and girls, nationality laws and statelessness," 28 July 2023. <https://www.ohchr.org/en/documents/thematic-reports/a78256-report-special-rapporteur-violence-against-women-and-girls-its>

wrong?”

- Deepti Gurung, Founder of Citizenship Affected Peoples Network, Nepal<sup>21</sup>

Beyond GDNL’s link with these various forms of GBV – domestic violence, child, early and forced marriage, human trafficking, exploitation and abuse in the workplace – at a fundamental level, GDNL contributes to GBV by perpetuating its root cause: women’s unequal status in society. The Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences, detailed the many ways that gender discrimination in nationality laws contributes to GBV in addition to being a form of GBV in its own right:

*“Statelessness and gender-discriminatory laws are tantamount to violence against women, as defined in the Declaration on the Elimination of Violence Against Women contained in General Assembly resolution 48/104, and constitute a violation of multiple human rights, resulting in the physical, sexual or psychological harm or suffering of women and girls, as well as seriously impairing and nullifying their fundamental rights and freedoms. Taken as a whole, the overlapping, widespread and systematic impact of gender-discriminatory laws can also amount to torture, given the severity of the pain and suffering that certain practices inflict on affected women and girls and the long-term impact on their physical and psychological well-being, including the ability to enjoy all human rights (see A/HRC/31/57). In many respects, gender-discriminatory nationality laws institutionalize and codify violence against women and girls.”<sup>22</sup>*

Governments that commit to combating GBV and “protecting women” must uphold women’s equal nationality rights in law and practice, along with the reform of all gender-discriminatory laws, for these commitments to have meaning. Combating the root cause of GBV cannot be done in a context where the nationality law implicitly categorizes women as second-class citizens and rejects their equality in the family. Botswanan High Court Judge Martin Horwitz rightly noted, in his judgement in the case *The Attorney General of The Republic of Botswana vs Unity Dow*, the effect of gender discrimination in nationality laws is:

*“to interfere with the dignity of the person. The effect is to lower a person in her position and reputation, and that can be regarded as degrading treatment.... It seems to me that the effect of [the gender-discriminatory nationality law provision] is to punish a citizen female for marrying a noncitizen male. For this she is put in the unfavourable position in which she finds herself vis-a-vis her children and her country”<sup>23</sup>*

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<sup>21</sup> Citizenship Affected Peoples Network, Global Campaign for Equal Nationality Rights, Nationality For All. *Deepti Gurung: Beyond the Barbed Wire*, 2024. [https://www.youtube.com/watch?v=tbp6rmd\\_F4I](https://www.youtube.com/watch?v=tbp6rmd_F4I)

<sup>22</sup> Alsalem, Reem. A/78/256: Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem - Violence against women and girls, nationality laws and statelessness,” 28 July 2023. <https://www.ohchr.org/en/documents/thematic-reports/a78256-report-special-rapporteur-violence-against-women-and-girls-its>

<sup>23</sup> “High Court Judgement by Judge Martin Horwitz,” *The Citizenship Case The Attorney General of The Republic of Botswana vs Unity Dow*, 1991. <https://www.law.cornell.edu/sites/www.law.cornell.edu/files/women-and-justice/Attorney-General-v-Unity-Dow.pdf>

In addition to the wide-ranging human rights violations and hardships listed above, GDNL also undermines women's right to freely choose a spouse. The CEDAW Committee has affirmed in General Recommendation No. 21 Equality in Marriage and Family Relations: "A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being."<sup>24</sup> What does this right mean if any child born from such unions is denied their mother's national identity and the attending social rights and benefits of her country's citizenship? If her spouse does not have the same right as the spouse of a male citizen to become a naturalized citizen? If her right to family unity and freedom of movement is constrained because her child and spouse do not hold the same right to enter and reside in her country as the child and naturalized spouse of a male citizen? Due to the significant hardships faced by children who cannot access their mother's nationality, especially in instances where they would be rendered stateless, some impacted women have decided not to have children, even though they desire to be mothers.

*"It's impossible for me to have a baby because he would be born into a life that would be very difficult. I cannot give my child the Jordanian nationality...I will spend my whole life suffering because I brought a child into this world to make him suffer."*  
- Jordanian woman married to a stateless man<sup>25</sup>

Though many opposed to gender-equal nationality laws frame their position as in favor of family unity and traditional family values, in reality GDNL not only creates obstacles to women seeking to have children, but creates incentives for some women to divorce or have children out of wedlock, as it is the only route to securing nationality for their children in countries in which only single women may confer nationality.

The psychological toll on GDNL-impacted women and families is often severe. Mothers regularly express sentiments of guilt, blaming themselves for the injustices and hardships experienced by their children, as well as fear for what will become of their noncitizen children when they die, when those children are unable to equally access employment, property, inheritance or residency rights due to GDNL. Many impacted youths experience severe depression and have even died by suicide, seeing no hope for themselves in a future without citizenship and the many rights and opportunities that are tied to it.

*"She was born and brought up here, but when her right to citizenship was denied, she tried to cut her wrist."*  
- Nepali mother speaking about her daughter, who was denied Nepali citizenship because of gender discrimination in the nationality law<sup>26</sup>

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<sup>24</sup> OHCHR, *CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations*. 1994. <https://www.refworld.org/legal/general/cedaw/1994/en/61456>

<sup>25</sup> Women's Refugee Commission. *No Country, No Rights: Gender Discrimination and Statelessness*, 2014. [https://www.youtube.com/watch?v=1BIsRn8115s&list=PLYphK9DZs57P1VnHobxIjaes4P1cbVq\\_7](https://www.youtube.com/watch?v=1BIsRn8115s&list=PLYphK9DZs57P1VnHobxIjaes4P1cbVq_7)

<sup>26</sup> Citizenship Affected Peoples Network, *Global Campaign for Equal Nationality Rights, Nationality For All. Deepthi Gurung: Beyond the Barbed Wire*, 2024. [https://www.youtube.com/watch?v=tbp6rmd\\_F4I](https://www.youtube.com/watch?v=tbp6rmd_F4I)

The impacted person-led Nepali NGO Citizenship Affected People's Network shared the following account of the experience of a young man "Sajag" (not his real name) rendered stateless because of GDNL in Nepal:

*With authorities unable to verify his absent father's paternity and his mother unable to confer nationality on her child because of gender discrimination in Nepal's nationality law, Sajag was rendered stateless. His lack of citizenship significantly hindered his educational and personal development. Though he completed his academic studies, he was unable to receive formal certificates due to his lack of citizenship documentation. The psychological stress of uncertainty and the administrative hurdles created significant emotional and material burdens during his formative years. Without a valid citizenship document, Sajag was unable to apply for higher education, acquire a driving license, or seek formal employment.<sup>27</sup>*

Impacted mother and President of the Malaysian NGO Family Frontiers Adlyn Teoh also emphasized the psychological toll of GDNL:

*"Like many other Malaysian mothers, I endured endless uncertainty, wondering if my son would ever be fully accepted in the land I call home. I carried the weight of bureaucracy, legal hurdles, and the heartbreak of being told my child was 'less Malaysian' because of the circumstances of his birth."<sup>28</sup>*

Outside of legal obligations to uphold gender-equal nationality rights and commitments to gender equality, states' action to end GDNL is [essential to sustainable development](#)<sup>29</sup> and the realization of the Sustainable Development Goals in particular.<sup>30</sup> With impacted persons unable to equally access education, healthcare, employment, inheritance, and property rights, GDNL contributes to multigenerational poverty, exclusion, and statelessness, thereby significantly inhibiting the realization of nine of the seventeen SDGs and inhibiting all of the interdependent SDGs.<sup>31</sup>

In today's growing and globalized world, it is important to recognize that the reach and impact of GDNL will increase. With increasing populations and migration, the number of binational marriages and children born to parents with two different nationalities also increases. Therefore, until reforms are enacted, the

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<sup>27</sup> Provided by GCENR's Nepal Coalition Member Citizenship Affected Peoples Network <https://capnnepal.org.np/>

<sup>28</sup> Koya, Zakiah. "Malaysian mothers celebrate citizenship win for overseas-born children," The Star. 10 March 2025. [https://www.thestar.com.my/news/nation/2025/03/10/malaysian-mothers-celebrate-citizenship-win-for-overseas-born-children#goog\\_rewarded](https://www.thestar.com.my/news/nation/2025/03/10/malaysian-mothers-celebrate-citizenship-win-for-overseas-born-children#goog_rewarded)

<sup>29</sup> Global Campaign for Equal Nationality Rights, *Equal Nationality Rights for Sustainable Development*. <https://www.equalnationalityrights.org/wp-content/uploads/2025/08/SDG-Brochure.pdf>

<sup>30</sup> Global Campaign for Equal Nationality Rights, *Gender-Equal Nationality Laws: Building Equitable Societies for Sustainable Development (video)*. <https://www.equalnationalityrights.org/resources/259482/>

<sup>31</sup> Targets that are especially impeded by GDNL include: SDG 5 Gender Equality (target 5.1 "end all forms of discrimination against women and girls everywhere"); SDG 10 Reduced Inequalities (target 10.3 "Ensure equal opportunity and reduce inequalities of outcome...by eliminating discriminatory laws, policies and practices and promoting appropriate legislation..."); SDG 16 Peace, Justice, and Strong Institutions (Target 16.9 "By 2030 provide legal identity for all..."), as well as goals 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.

number of women and families who will be harmed by these discriminatory nationality laws will continue to grow.

Similarly, in contexts of displacement and conflict, discriminatory nationality laws have the potential to impact exponentially larger populations, due to the combination of lost or destroyed civil documents, family separation, and the inability to prove a legal link to missing or deceased men. GDNL also creates obstacles for refugee women in binational families seeking to return to their homelands, due to their children and noncitizen spouses lacking access to citizenship. Of note, just under half of the countries that deny women's right to confer nationality on their children are currently fragile states, conflict contexts, and/or countries of origin or hosts of large, displaced populations. With the greatest levels of displacement since World War II, ongoing displacement and migration from countries with gender-discriminatory nationality laws threaten to create a new generation of stateless children, as well as a population of excluded and marginalized persons residing in GDNL-affected countries, prevented from fully contributing to society because of their inability to access citizenship.

Further, when the granting of nationality to the child or spouse of female citizens is at the discretion of the government, rather than an automatic right as with men, this serves as an entry point for corruption. Experts have widely documented officials demanding money or otherwise exploiting women seeking to secure citizenship for their family members. Across the globe, this state discretion is also strongly linked with other forms of discrimination against minority groups including religious, ethnic, and/ or racial discrimination with xenophobia playing a notable role. In many places, gender-based discrimination disproportionately impacts individuals from marginalized ethnic or religious groups, especially when authorities have discretion to grant nationality to the children of women citizens in 'exceptional' circumstances, such as when the mother is single, paternity hasn't been established, or the father is stateless. Citizenship for children of female citizens are often rejected because the child's name doesn't "sound" indigenous to that country, or applicants appear to be of another or mixed race. Additionally, a number of nationality laws that permit applications for women's children or spouses to access nationality – but deny women's *right* to confer nationality on their child or spouse – are explicitly discriminatory on the basis of disability, requiring applicants to "be of sound mind and body."

#### **4. Recent Progress and Challenges**

Over the past several decades there has been considerable progress in eliminating GDNL – progress that has been realized through feminist movements successfully securing public and political support to advance women's equal rights and, in most instances, progress that was supported through women's increased political representation. Today, approximately 90% of countries worldwide uphold women's right to confer nationality on their children on an equal basis with men. Approximately 75% of countries uphold comprehensive gender equality in their nationality laws, including women's equal right to confer citizenship on a noncitizen spouse and the equal right to acquire, change, and retain their nationality.

Since the launch of the [Global Campaign for Equal Nationality Rights](#) in 2014, there have been reforms in eighteen countries to partially or comprehensively end GDNL. While recent reforms have occurred in several regions, there have been a significant number of reforms in the African region, with Madagascar and Sierra Leone being the most recent countries to uphold women's equal right to confer citizenship on

their children at birth, and Niger, Benin, Lesotho, and Liberia enacting reforms to remove all gender-discriminatory nationality law provisions. In the first decade of the 21st century, there was significant mobilization by feminist actors in the Middle East-North Africa region, resulting in a wave of reforms to uphold women's right to confer citizenship on their children on an equal basis with men in Algeria, Egypt, Morocco, Tunisia, and Yemen – with Algeria and Tunisia also advancing women's right to confer citizenship on a noncitizen spouse – and Iraq enshrining women's equal right to confer nationality on children born inside the country. Recent successes, such as Malaysia's Constitutional amendment to uphold women's right to confer nationality on children born abroad on an equal basis with men, which resulted from a powerful campaign led by Family Frontiers in partnership with impacted mothers, demonstrate the power of centering the voices and leadership of impacted mothers and children, and the important entry points provided by constitutional mandates for equal citizenship and nondiscrimination.<sup>32</sup>

*"The Constitutional (Amendment) Act 2024 gives Malaysian women the overdue right to pass on citizenship to their overseas-born children, just as Malaysian men can... This victory is a powerful celebration of unity, perseverance, and the unwavering hope for a Malaysia where equality and justice thrive for all... This landmark case offers a beacon of hope to women and children in countries yet to reform unequal citizenship laws. When mothers win, families thrive, and the country prospers."*

- Family Frontiers Statement on the settlement of their court challenge of GDNL<sup>33</sup>

There is also a growing body of normative legal frameworks at the regional level, including regional declarations that call for the eradication of GDNL as essential to ending statelessness. Some of these regional declarations include the [Arab Declaration on Belonging and Legal Identity](#) (2024), [Abidjan Declaration of Ministers of ECOWAS Member States on the Eradication of Statelessness in West Africa](#) (2015), and the [Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality and the Eradication of Statelessness in Africa](#), adopted by the African Union in February 2024.

International level engagement is also heightening attention and contributing to momentum to end GDNL. In 2014, the Global Campaign for Equal Nationality Rights was established to support and amplify national efforts to achieve gender-equal nationality rights for all and advances this mission through its coalition of national and international organizations, independent activists, and UN partners. Recent multistakeholder activities convened by GCENR with UN agencies, including the [Global Summit on Gender Equality in Nationality Laws](#) and the [Global Multistakeholder Summit](#), enhanced awareness of the harms caused by GDNL and the benefits of reforms, fostered enhanced collaboration between policymakers, civil society, and intergovernmental institutions, and spurred new commitments to support reform efforts. Other multistakeholder initiatives, including the [Global Alliance to End Statelessness](#) and the [Equality in Law for](#)

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<sup>32</sup> Tee, Kenneth. "Family Frontiers, govt reach settlement entitling Malaysian mums' kids born before 2024 constitutional amendment to citizenship," *Malay Mail*. 10 March 2025.

<https://www.malaymail.com/news/malaysia/2025/03/10/family-frontier-govt-reach-settlement-entitling-malaysian-mums-kids-born-before-2024-constitutional-amendment-to-apply-for-citizenship/169131>

<sup>33</sup> Koya, Zakiah. "Malaysian mothers celebrate citizenship win for overseas-born children," *The Star*. 10 March 2025. [https://www.thestar.com.my/news/nation/2025/03/10/malaysian-mothers-celebrate-citizenship-win-for-overseas-born-children#goog\\_rewarded](https://www.thestar.com.my/news/nation/2025/03/10/malaysian-mothers-celebrate-citizenship-win-for-overseas-born-children#goog_rewarded)

[Women and Girls by 2030 Strategy](#), have prioritized ending GDNL as essential to ending statelessness and realizing women’s legal equality. The UN Human Rights Council dedicated several recent resolutions to the topic, including [Resolution 20/4 The Right to a Nationality: Women and Children](#) (2012) and [32/7 Women’s Equal Nationality Rights in Law and Practice](#) (2016), and an [HRC Resolution calling for nondiscrimination in nationality laws \(July 2023\)](#), including an end to gender discrimination in nationality laws. Regional networks<sup>34</sup> established over the past decade to support efforts to end statelessness and advance nationality rights without discrimination are also contributing to mobilization at the regional level to end GDNL.

While governments in several impacted countries have committed to reforms, in others, innovative and robust campaigns – like the Citizenship in the Name of Mother campaign in Nepal and the My Mother’s Nationality Is a Right for Me and My Family Campaign in Lebanon – are being met with opposition that illustrates deeply entrenched sexist and patriarchal norms intersecting with xenophobia. Across diverse countries in various regions, while local contexts shape specific points raised by those opposed to women’s equal nationality rights, the attempted justifications for GDNL are largely framed as issues related to security, economics, demographics, bans on dual nationality, and state sovereignty and a framing of women’s equal nationality rights as “bad for society.”

In reality, GDNL creates a population of marginalized and excluded persons – often undocumented by the state – resulting in inhibited economic development and potentially contributing to insecurity. As State commitments to uphold gender equality make it increasingly difficult for state actors to attempt to justify women’s unequal nationality rights as simply the “natural” order of things, some have framed women’s right to confer nationality on an equal basis with men as a security threat, even framing this as linked with the risk of terrorism. How the granting of nationality to children born to female citizens causes a security risk is not explained in such instances but is meant to shut down discussion of the issue in the name of “security.” Further, the experiences of the majority of countries that uphold women’s equal nationality rights demonstrate that linking this to security is a red herring. Gender-equal nationality laws support security, stability, and sustainable economic development by enabling the inclusion of citizens’ families and their ability to fully contribute to society. Bans on dual citizenship *can coexist with gender-equal nationality rights*, as the experiences of other countries have demonstrated. Where bans on dual citizenship exist, nationality laws can uphold citizens’ equal right to confer nationality on their child, with children of binational parents required to elect to retain only one nationality at the age of majority. When it comes to the argument of state sovereignty, states have the right to determine the parameters of their nationality laws under international law, but this right is *limited by their obligation to refrain from discrimination on the basis of sex*.

The majority of countries that enacted reforms over the past several decades demonstrate that gender-equal nationality laws are not only aligned with states’ obligations to refrain from discrimination on the

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<sup>34</sup> Regional and global networks dedicated to advancing equal nationality rights include: Americas Network on Nationality and Statelessness, Central Asian Network on Statelessness, East African Nationality Network, European Network on Statelessness, Global Movement Against Statelessness, MENA Statelessness Network (Hawiati), Statelessness and Dignified Citizenship Coalition - Asia Pacific, Southern Africa Nationality Network

basis of sex but are in countries' best interests. This fact was underscored by Former Justice in the Supreme Court of Algeria and former Special Representative of the Secretary General for Children in Conflict, Leila Zerrougui when discussing Algeria's reforms to uphold gender-equal nationality rights:

*“Our constitution gives the same rights to women and men. Before reform the Nationality Code was in violation with the constitution....We used to think that changes [to uphold women's equal nationality rights] 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. It is a positive reform, without a cost.”*

The arguments cited to attempt to justify GDNL, including those related to fears of demographic shifts or the degradation of “nationality identity,” underscore the sexism and xenophobia at the root of opposition to gender-equal nationality laws. With increasing migration globally, there is a desire by some political actors to keep “others” from accessing citizenship. In GDNL-impacted countries, according to this line of thinking, it is acceptable to deny women equal rights to meet the goal of limiting access to citizenship. Yet, in these same countries, it is assumed to be men's “natural” right to confer nationality on their children and spouse, and demographics do not enter into the equation. For example, some Lebanese political leaders assert that the country's confessional system of government, which assigns political power according to the supposed size of religious communities (based on the outdated 1932 census), would be undermined if the law is reformed. The demographics of the country could change, the argument goes, so better to maintain the status quo at the expense of equality. Tellingly, similar concern is not expressed with regard to potential demographic shifts that may occur through granting citizenship to the children and spouses of Lebanese men and non-national women. Similarly, the Jordanian government cites the preservation of Palestinian identity as a reason for gender discrimination, even though the discrimination is not only applied to Jordanian women with Palestinian husbands but all Jordanian women. Furthermore, Jordanian men confer nationality on Palestinian wives and children from those unions without question.

This again underscores why ending GDNL is such a critical area for advancing gender equality writ large. Feminist efforts to realize gender equality in nationality laws challenge the root of the sexist, patriarchal political and social order. They also provide a clear example of how discrimination against women and girls hurts men, boys, and society as a whole, and the fact that gender equality in law contributes to thriving, secure, and prosperous societies.

Past reforms to achieve gender equal nationality rights have demonstrated several elements that contribute to successful civil society campaigns, lessons which ongoing campaigns can benefit from integrating. The most powerful campaigns center the voices and leadership of impacted mothers and children. They raise awareness of how gender-equal nationality rights contribute to national wellbeing and support cultural values that prioritize families and the protection of children. National campaigns also benefit from developing alliances with stakeholders from different sectors in society, including traditional and community leaders, MPs, media, and broader civil society groups focused on cross-cutting issues such

as children's rights, sustainable development, and GBV, as well as cross border learning and exchanges with stakeholders in countries that have recently achieved reforms. Many campaigns have benefitted from framing reforms around broader calls for gender-equal laws as well as leveraging constitutional review processes, UN human rights treaty body reviews and mechanisms, and regional solidarity campaigns.

## 5. Conclusion and Recommendations

To put an end to GDNL and uphold gender-equal nationality rights for all, the following actions are recommended:

- States with GDNL take urgent action to advance nationality law reforms to remove all gender-discriminatory provisions, in line with their obligations under international law to uphold nondiscrimination on the basis of sex, and:
  - Work with impacted activists and civil society to ensure comprehensive reforms of nationality laws and related policies to uphold equal nationality rights in law and practice;
  - Conduct public awareness campaigns so citizens can fully benefit from reforms;
  - Train government officials to ensure implementation of gender-equal nationality laws and related policies;
  - Develop accountability mechanisms so citizens can address any gaps in implementation; and
  - Include the issue of gender in nationality laws in SDG and national development plans and reporting.
- Donor states and institutional donors fund feminist organizations leading efforts to achieve gender-equal nationality laws, thereby contributing to the achievement of equitable legal systems and social norms supportive of gender equality.
- States leverage the Universal Periodic Review process and bilateral diplomacy to call on peer States to enact reforms to uphold gender-equal nationality laws and practices.
- UN agencies and intergovernmental organizations actively engage in efforts to end GDNL by:
  - Elevating the voices and experiences of GDNL-impacted activists;
  - Collaborating with and supporting civil society groups leading reform efforts; and
  - Engaging Member States on ending GDNL, including through facilitating thematic multistakeholder convenings, exchanges with good practice countries, and the development of regional and national action plans.
- Development banks and donor states discuss the negative impact of GDNL on sustainable development and urge needed reforms in their engagement with GDNL-impacted states.
- Civil society centers the leadership and voices of impacted activists in efforts to end GDNL.

The eradication of GDNL is within reach, but concerted efforts are needed to secure the required political will in impacted countries. Especially in this moment of backlash against gender equality and rising authoritarianism, efforts to end GDNL have the power to increase support for gender equality and the principle of equal citizenship more broadly, while ending the significant man-made hardships and rights violations experienced by GDNL-impacted persons.