

Fact Sheet - Nationality Law

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Algeria

The new code has brought a number of positive changes including Algerian women’s right to transmit citizenship to their children. Since 2005, the amended nationality code has recognized Algerian women’s ability to transmit citizenship to their children when the father is a foreigner. Article 6 of the new code stipulates that a child is considered Algerian when born to a father or a mother of Algerian citizenship. However, Article 26 subjects this provision to the approval of the Ministry of Justice. In light of the change to the code, the Algerian government recently withdrew its reservation to Article 9(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 9 of the code also recognizes the ability of a man to acquire Algerian citizenship when he marries an Algerian woman and the couple lives in Algeria.

The new code ensures Algerian women’s right to transmit citizenship to their children. However, most women’s rights groups continue to regard the amended code as far too hesitant to create true gender equality.

Bahrain

Nationality law currently allows only men to pass citizenship to their children and foreign-born spouse. Bahraini women are unable to pass their citizenship to their non-Bahraini spouses, even though Article 7 of the Bahraini Citizenship Law of 1963 permits male Bahraini citizens to do so. Moreover, the law stipulates that children may only receive Bahraini citizenship from their father, and the child of a Bahraini mother and a foreign father may not receive his mother’s nationality. In September 2006, over

370 children of Bahraini mothers and noncitizen fathers were granted Bahraini citizenship, but this was an ad-hoc decision made at the discretion of the king, and there is no guarantee that such an act will be repeated again. In November 2008, in an effort to provide consistency and a legal foundation in such cases, the Supreme Council for Women (SCW) recommended amendments to the citizenship law that would permit children from these unions to receive Bahraini citizenship after certain requirements are met.

Momentum for a change to the nationality law continued to build throughout 2009, spurring hope for government’s action. In May, a Bahraini woman and her foreign husband filed a petition in court challenging the constitutionality of the law. In June, the government extended a waiver for government fees - such as those related to health care, education, and visas—to all stateless children and children with Bahraini mothers who are nationals of their father’s country. Although this eases some of the day-to-day difficulties experienced by these children, legal inequality persists. By July 2009, the SCW officially announced the launch of a major lobbying campaign to amend the nationality law.

Egypt

Despite recent legislative reforms, women do not enjoy the same citizenship rights as men. The parliament amended the nationality law in 2004, allowing the children of Egyptian mothers and foreign fathers to obtain Egyptian citizenship, but the law still prohibits such children from joining the army, the police, and certain government posts. Moreover, those born before the reform’s enactment

had to apply for citizenship within one year or permanently lose the right to become citizens. The law continues to deny citizenship for the children of Egyptian mothers and Palestinian fathers. Prior to the 2004 amendment, Egyptian women married to foreigners could not pass their citizenship to their husbands or children, even if they lived permanently in Egypt. The ban on women passing their citizenship to their foreign spouses has been retained, although no such restriction is placed on Egyptian men married to foreign women.

Egypt ratified CEDAW in 1981. It placed reservations on Article 9(2), regarding the right of women to pass their nationality to their children; Article 16, related to equality within marriage; Article 29(2), on the resolution of disputes related to the convention; and Article 2, which calls for the implementation of policies designed to eliminate gender discrimination, on the grounds that this could violate *shari’a* in some cases. The reservation to Article 9(2) was lifted in 2008 after the nationality law was amended to allow women to transfer citizenship to their children. However, the other reservations remain.

Under amendments to the child law (No. 12 of 1996) made in June 2008, Article 20 now permits illegitimate children to receive birth certificates in the mother’s name if the father is unknown. Previously, such children were left without an official identity unless their fathers voluntarily claimed them. If left unclaimed, they were denied all citizenship rights, including the right to vaccinations, education, and Egyptian nationality. The new provision greatly helps children born out of wedlock or resulting from *urfi* marriages, although on the societal level, such children often remain stigmatized.

Iraq

Iraq now has one of the most progressive laws regarding citizenship rights in the Arab world, although the law falls short from guaranteeing full gender equality. Article 18 of the constitution guarantees that every child born to an Iraqi father or mother has the right to Iraqi nationality, and Article 3(a) of the Nationality Law (No. 26 of 2006) reflects this principle. The subsequent provisions,

however, place some gender-based limitations on conferral of nationality from mother to child. For example, according to Article 4, persons born outside Iraq to an Iraqi mother and unknown father – or a father with no nationality – can obtain Iraqi nationality upon petitioning the Ministry of Interior, provided that they fulfill certain residency and age requirements. No such conditions are placed on children born to Iraqi fathers. The new Nationality Law provides for the naturalization of the husband of an Iraqi woman as well as the wife of an Iraqi man; in the past this right was restricted to Iraqi men married to foreign women. In addition, Iraqi women can now confer their property to their non-Iraqi husbands and children after they become Iraqis. However, foreign husbands of Iraqi women need to reside at least 10 years in Iraq before they may apply for citizenship (Article 6), whereas foreign wives of Iraqi men qualify after five years (Article 11).

Iraq acceded to CEDAW in 1986, but with reservations exempting it from conforming to Article 2 (f) and (g), which call on states to modify or abolish existing laws and penal codes that discriminate against women; Article 9, which requires equal rights regarding changes and transfers of nationality; and Article 16, which concerns the elimination of discrimination in marriage and family relations. Iraq also filed a reservation on Article 29, paragraph 1, with regard to the principle of international arbitration on the interpretation or application of the convention. In practice, the former regime disregarded CEDAW at will. The current government has not discussed ratifying CEDAW or revoking the existing reservations.

Article 14 of the 2005 constitution states that Iraqis are equal before the law and bars discrimination based on “gender, race, ethnicity, nationality, color, origin, sect, belief or opinion, or economic or social status”. Unfortunately, there is no practical enforcement of this principle at present. The various parties of the government and parliament hold different views on women’s rights, and many are firmly attached to traditional views that oppose the empowerment of women. Even if some factions support women’s rights to a certain degree, they are

often unable or unwilling to assert their views and antagonize those who differ with them.
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Jordan

While Jordanian women now largely enjoy legal equality on issues such as freedom of movement, health care, education, political participation, and employment, they still suffer from discriminatory statutes like the nationality law, which bars them from passing Jordanian citizenship to their spouses or children. Women also face gender-based discrimination in family laws, in the provision of pensions and social security benefits, and on the societal level due to deeply entrenched patriarchal norms. These legal obstacles, combined with domestic violence and traditional societal restrictions on the scope of female employment and property ownership, have prevented many women from fully participating in the economy or achieving financial independence. Divorced women, the elderly, and widows are most likely to experience poverty and deprivation, and they are often forced to depend on relatives, friends, or welfare support.

Under the Nationality Law (No. 6 of 1954), all children of Jordanian fathers are Jordanian nationals, regardless of where the children are born, and Jordanian men can transfer their citizenship to foreign spouses. By contrast, Jordanian women married to non-Jordanian men cannot pass their citizenship to their children or husbands, although they may retain their own Jordanian citizenship. The government maintains that allowing women to transfer their citizenship to their husbands and children would encourage the immigration and assimilation of non-Jordanians, particularly Palestinians, which in turn would undermine the effort to secure Palestinian statehood and the right of return for Palestinian refugees.

Lack of Jordanian citizenship creates obstacles for children, including a requirement that they pay fees to attend government schools, whereas the primary education is free for citizens. The alternative – enrollment in private schools – entails high tuition payments. Noncitizen children and spouses require a yearly residency permit to access government

health services, and under the Law of Residency and Foreigners’ Affairs (No. 24 of 1973), they must each pay 400 dinars (US\$564) in annual residency fees.

Jordan signed CEDAW in 1980 and ratified it in 1992, although the country included reservations concerning Article 9(2), on nationality; Article 15(4), on freedom of housing and movement; and Article 16(1), paragraphs (C), (D), and (G), related to marital, custody, and personal status issues. In May 2009, Jordan formally reported that it was lifting its reservation on Article 15(4), leaving just two reservations in effect. The convention’s publication in the official gazette on August 1, 2007, represented a key step toward its full implementation. The move was the result of persistent efforts by the majority of women’s organizations, and had the effect of giving CEDAW the force of law. Any violations of the convention can now be challenged in court through lawsuits, although it remains to be seen whether this will be an effective mechanism in practice.
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Kuwait

Female Kuwaiti citizens remain unable to confer their nationality on their children or foreign-born spouses, while Kuwaiti men are permitted to exercise this right. A Kuwaiti woman married to a foreign national can transfer her nationality to her children only if the father is unknown or has died, or if there has been an ‘irrevocable’ divorce. Conversely, the foreign-born wife of a Kuwaiti man may become a Kuwaiti national after 10 years or less of marriage.

Women’s rights activists are generally free to advocate openly against discriminatory laws and women’s unequal access to justice. Although activists and organizations, in particular the Women’s Cultural and Social Society (WCSS), have lobbied for laws that would permit women to pass their Kuwaiti citizenship to their noncitizen children, the government has not taken any measures to address gender inequality in nationality laws.

The government should amend the Kuwait Nationality Act of 1959 to ensure that Kuwaiti women have the same rights as Kuwaiti men to transfer citizenship to their children and foreign-born spouses.

Lebanon

Progress on women’s issues since the 2006 war has been minimal, and many Lebanese policies and laws remain discriminatory. For instance, Lebanese women are unable to pass their nationality to foreign husbands and their children, the definition of and punishment for adultery differs depending on whether the perpetrator is male or female, and men are given reduced sentences for committing so-called “honor killings,” in which women are slain by male relatives for perceived moral transgressions. Systemic bias is also reflected in discriminatory provisions of the multiple personal status laws, which apply to citizens based on their religion. Under these laws, women are at a disadvantage in terms of marital rights, divorce proceedings, and child custody.

In comparison with many other Arab states, the Lebanese legal system is fairly progressive with respect to women’s rights, but the implementation of laws that assert gender equality has been uneven. Moreover, discriminatory provisions remain in the nationality law and penal code, and sectarian control over personal status law – reinforced by patriarchal social norms – generally puts women at a disadvantage. The country’s many women’s rights organizations have lobbied vigorously for legislative improvements, and the government has also taken steps to upgrade women’s legal status, but major reforms have failed to win approval in the parliament in recent years.

Certain provisions of the Lebanese Nationality Law (No. 15 of 1925) exemplify such discrimination. The foreign husbands of Lebanese women and their children have no right to obtain Lebanese nationality; even upon the father’s death, the minor children may not adopt their mother’s nationality. Article 2 states that a Lebanese woman may pass on her nationality to her child only when the child’s father is unknown. Under Article 5, a foreign woman married to a Lebanese man may become a Lebanese citizen after one year of marriage. The children resulting from this union are automatically considered Lebanese under Article 1. A woman’s inability to pass her Lebanese nationality to her foreign husband and children has serious repercussions on the entire family. Both the husband

and children must continuously secure residency and work permits in order to live and work legally in Lebanon, which is a tedious and time-consuming process. As residents rather than citizens, the children also lack the rights that nationals enjoy regarding access to education.

Defenders of this type of discrimination argue that it protects the fragile balance between the country’s various religious sects, since the extension of citizenship to male Palestinian refugees married to Lebanese women, and to their children, would greatly increase the number of Sunni Muslim voters. Reflecting this concern, a draft nationality law that is currently being considered by the parliament would allow Lebanese women to pass their nationality to their foreign husbands and children, unless the husband is Palestinian. The nongovernmental organizations (NGOs) involved in the reform effort have objected to this draft, noting that discrimination against women is simply being replaced by discrimination against Palestinian men. In 2003, the Directorate General of Public Security attempted to address this situation by adopting a measure that grants residency permits free of charge and for a period of three years to the children of a Lebanese mother, whatever the nationality of the husband. While this offers some relief to the children involved, it does not alter the fundamental gender discrimination found in the existing law.

Lebanon ratified CEDAW in 1997 with reservations to Article 9(2), regarding nationality; to several subparagraphs of Article 16(1), related to personal status laws; and to Article 29(1), on the settlement of disputes. The reservations related to personal status are premised on the fact that Lebanon lacks a unified personal status law. Establishing such a law and lifting these reservations is of primary importance if gender equality is to be secured. The right of Lebanese women to pass their citizenship to their husbands and children is an issue of particular concern to many activists. The Collective for Research and Training on Development–Action (CRTD-A) launched a campaign in 2002 entitled “My Nationality Is a Right for Me and My Family.” In early 2006, CRTD-A secured support for this initiative from leading politicians and members

of the parliament’s Women and Children’s Rights Commission. The campaign continues to date and receives notable media coverage despite continuing political and security-related instability. In 2008, the UN Development Programme (UNDP) began a two-year citizenship project in coordination with the National Committee for the Follow-Up of Women’s Issues.

The nationality law should be amended to allow Lebanese women to pass their nationality to foreign husbands and children. Specifically, Article 1 of Decree No. 15 of January 19, 1925, should be amended to read that any person born of a Lebanese father or mother shall be considered Lebanese.

Libya

Women have the right to full and equal status as citizens and enjoy the same rights as men regarding the right to acquire, change or retain their nationality, or replace it with another nationality. A Libyan woman forfeits her citizenship only if she wishes to adopt her foreign husband’s nationality. However, unlike Libyan men, Libyan women do not have the right to transfer their nationality to their foreign-born spouses or the children of such unions. While the children of a Libyan father and foreign mother are granted Libyan nationality, children of a Libyan mother and foreign father are not and require visas to enter the country if they reside abroad.

In 2007 the government issued a decree ruling that children of Libyan mothers and non-Libyan fathers cannot attend public schools unless they pay a fee of 800 dinars (US\$646). However, the General People’s Committee, the executive arm of government, later ruled that fees may be waived for families that cannot afford them. Families headed by Libyan mothers and foreign fathers are also discriminated against in that they are deprived of a family book (official documentation that permits access to certain state benefits such as subsidized food) and are not permitted to obtain loans. They are similarly excluded from state payments to families following the birth of a child.

Morocco

Whereas the 1998–2003 period was characterized by a flurry of ideological and political debates about women and their rights in Morocco, the period extending from 2004 to 2009 was characterized by a calmer legal discussion over the gains and implementation of the new family law, the new labor code (promulgated in December 2003), and the revised nationality code (which took effect in April 2008).

It is at the level of the law that Moroccan women’s rights have achieved the most significant gains, and the last five years have been particularly rich in this regard. A revised nationality code passed in 2007 eased women’s ability to pass citizenship to their children, the country lifted its reservations to CEDAW in 2008, and the *Moudawana* enacted in 2004 is now considered one of the most progressive legal texts in the Arab world. However, the implementation of that law is still problematic, and little headway is being made despite the sustained efforts of both women’s rights activists and the government.

Thanks in part to the efforts of women’s groups, particularly the Democratic Association of Moroccan Women, a new nationality code was passed in January 2007, thereby improving gender equality with respect to citizenship rights. Article 7 of the new law, which came into force in April 2008, enables women married to noncitizen men to pass their nationality to their children. However, the only children eligible for citizenship under this provision are those of a Moroccan woman and a Muslim noncitizen man who married in accordance with the *Moudawana*. In practical terms, Moroccan women married to non-Muslim men and those married outside of the country and its laws are excluded by the code. Furthermore, while foreign wives may receive Moroccan citizenship within five years of marriage to a Moroccan man, the foreign husbands of Moroccan women remain altogether ineligible for Moroccan citizenship. Although imperfect, the amendments to the code provide significant benefits for children with Moroccan mothers and noncitizen fathers who were previously excluded from receiving the free education and health care available to citizens.

In a move that bore both symbolic and substantive meaning for women in Morocco, the government announced on December 10, 2008, the 60th anniversary of the Universal Declaration of Human Rights, that it would lift all reservations to CEDAW. When it ratified the convention in 1993, Morocco, like many other Arab and Muslim countries, made multiple reservations and declarations covering portions that were thought to conflict with Islamic or national law. The reservations include provisions such as that related to Article 9, which relates to the transmission of nationality to children, and to Article 16, regarding the equality of men and women’s marital rights. The king declared that the reservations were “obsolete” in light of the progressive legislation adopted in recent years. The public proclamations regarding their removal created a stronger legal basis for additional progress on women’s rights issues, and carried a political and universal message that was widely applauded by civil society. The government and the media did not adequately explain the content of the convention or the implications of the decision to withdraw the reservations. However, the Moroccan Association of Human Rights and similar organizations are determined to ensure that CEDAW is fully implemented and that all discrimination against women is eradicated.

Palestine

Palestinian women do not have the same citizenship rights as men. Citizenship rights are still governed by the laws and regulations in effect before the 1967 Israeli occupation: the Jordanian nationality code (No. 6 of 1945) and its amendments are applied in the West Bank, while the Egyptian nationality code applies in Gaza. Both codes allow only men, not women, to pass their nationality to their spouses or children. In addition, a woman loses her nationality if she marries a non-Palestinian, unless she submits a written application to the minister of interior within one year following her marriage. In practice, however, women married to non-Palestinians are not always asked by the Ministry of Interior to give up their Palestinian nationality.

Palestinian women and men from the West Bank and Gaza who marry Palestinians with Israeli citizenship

face difficulty in transferring citizenship to their family members. Although the 1952 Israeli nationality law provided citizenship rights to Palestinians residing in Israel at that time, it did not entitle Palestinian citizens of Israel to family reunification with foreign spouses and children. In July 2003, the Israeli government enacted the Citizenship and Entry into Israel Law (Temporary Order) following a May 2002 freeze on applications for family reunification between Israeli citizens and Palestinians from the West Bank and Gaza. The law prohibits Palestinians from the occupied territories who are married to Israeli citizens or permanent residents (such as Palestinian residents of East Jerusalem) from receiving Israeli citizenship or residency. This measure affected 21,000 families as of 2004, and applies to even more today, forcing spouses as well as parents and children to live apart. On May 15, 2005, the Israeli cabinet endorsed a continuation of the law with limited exceptions depending on the age and sex of the Palestinian spouse.

Oman

Preliminary discussions regarding how to implement CEDAW are underway after its February 2006 ratification. The Ministry of Social Development (MSD), charged with supervising ‘women’s issues,’ is the governmental body most responsible for CEDAW’s implementation. Oman has made a general reservation to ‘all provisions of the Convention’ not in accordance with *Shari’a* law, and has specifically made reservations against Article 9, paragraph 2 (granting women rights equal to men in respect to deciding their children’s nationality), Article 15, paragraph 4 (granting women equal freedom of movement and choice of domicile as men), Article 16, paragraph 1 (granting women equal rights regarding marriage and family life), and Article 29 (regarding arbitration of conflicts arising from the convention).

Qatar

Overall, equality and access to justice have improved since the enactment of the new constitution, which specifically prohibits gender-based discrimination. The creation of the Constitutional Court in 2008, a

division of the Supreme Court, should help enforce this prohibition and encourage its implementation throughout Qatar’s laws and policies, although only time will tell whether it is an effective institution. Although the principles of equality and non-discrimination are enshrined in Qatar’s constitution, de jure and de facto gender discrimination continue to exist. Noncitizen husbands of Qatari women and their children are greatly disadvantaged in their ability to obtain Qatari citizenship, particularly as compared to the noncitizen wives of Qatari men and their children. The government, and especially the Supreme Council for Family Affairs (SCFA) and the Qatar Foundation for the Protection of Women and Children, has made efforts to inform women of their legal rights and provide them with social and legal services. However, the 2004 law governing private associations is so restrictive that independent women’s rights NGOs remain nonexistent, thereby limiting civil society’s influence on related legal and policy issues.

Qatari women have limited ability to pass their nationality to their non-Qatari husbands and children. The Qatari Citizenship Act (No. 38 of 2005) replaced its 1961 predecessor, a notoriously exclusive law that previously limited citizenship to descendants of those persons living in Qatar before 1930. The new law provides several avenues by which citizenship may be obtained, but it retains preferential treatment for native as opposed to naturalized citizens and continues to discriminate against Qatari women. For instance, Article 8 grants citizenship to the foreign wives of Qatari men after five years of marriage and upon notification to the Ministry of the Interior, but the noncitizen husbands of Qatari women face far more onerous preconditions for obtaining citizenship under Article 2.

Article 2 permits any person including noncitizen husbands and children to seek Qatari citizenship subject to extensive restrictions. The applicant must have maintained 25 successive years of residence in Qatar; traveled abroad for less than two months each year; maintained legal employment; established a good reputation and maintained good behavior; and learned to communicate adequately in Arabic. As noted by the NCHR, the 25-year

residency requirement limits this law’s value because children’s needs for the benefits conferred by citizenship, such as health care and education, are most acute while they are still young. On the other hand, children of native-born Qatari fathers gain full citizenship rights upon birth.

Article 8 of the citizenship act should be made gender neutral, thereby permitting all noncitizen spouses of Qatari nationals to become naturalized citizens after maintaining five years of residence in Qatar.

Kingdom of Saudi Arabia

In 2004 a royal decree affirmed the principle of equality between men and women in all matters relating to Saudi nationality, but women remain unable to pass their Saudi citizenship automatically to their noncitizen spouses and children. However, amendments to the citizenship law in October 2005 allow non-Saudis, including foreign-born husbands of Saudi women, to apply for citizenship if they have lived in the kingdom for at least 10 years and have professional qualifications deemed desirable by the Ministry of Interior. A new amendment in 2007 allows the sons of citizen mothers and noncitizen fathers to apply for Saudi citizenship once they reach age 18. Similarly situated daughters, however, may obtain citizenship only through marriage to a Saudi male citizen. While the 2007 reform in Saudi citizenship laws allows non-national women who have been divorced by Saudi husbands to apply for Saudi citizenship, Saudi women nationals married to non-Saudi husbands remain unable to pass their citizenship on to their children or spouses. However, their sons, but not their daughters, may apply for citizenship at the age of 18.

Additionally, Article 16 of the citizenship law was amended in 2007 to grant Saudi citizenship to noncitizen women married to or widowed by Saudi men on the condition that they relinquish any other citizenship. An additional amendment grants the government the discretion to revoke a foreign-born woman’s Saudi citizenship upon divorce if she has retained her original citizenship. These two amendments benefit women by letting them remain in the country to be near their children after being

divorced or widowed, but they also limit their future options for residence in their home countries by requiring renunciation of their original citizenship. Saudi Arabia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000, with reservations stating that the kingdom is under no obligation to observe terms of the treaty that contradict Islamic law. One such contradiction, noted by the CEDAW Committee that reviewed Saudi Arabia’s compliance with the treaty, involves the provision for equal citizenship rights between men and women, which goes against the presumed *shari’a* requirement permitting citizenship to be passed to children exclusively through fathers. The committee’s 2008 report was critical of Saudi Arabia’s compliance with the convention and called for Saudi Arabia “to enact a gender equality law”. Dr. Musfir al-Qahtani, deputy chairman of the Saudi National Society for Human Rights, responded by saying that laws related to marriage, inheritance, and women’s testimony, examples cited by the committee as discriminatory, are fixed by religious law, and are, by implication, non-negotiable.

Syria

Syria ratified CEDAW in 2003, sparking a flurry of activity among the existing women’s rights groups. However, the country filed several reservations affecting key provisions of the covenant. Although officials have indicated their willingness to revisit these reservations and more thoroughly implement the convention, few concrete changes have been instituted to date. The nationality law continues to prohibit women from passing on their citizenship to their children, while placing no such restrictions on men. This particularly affects the assimilation of the Palestinian population of about half a million and the more recent influx of about 1.5 million Iraqi refugees.

Article 3 of the nationality law permits only men to pass their nationality onto their children. Women married to noncitizen men may retain their Syrian citizenship but cannot transfer it to their husbands. Children of such marriages lack the rights of Syrian citizens, meaning they cannot inherit property,

cannot access free education and health care, and have difficulty obtaining employment generally. Additionally, they are not able to start a private business because non-Syrians are ineligible to buy or lease property. By contrast, Syrian men may confer their citizenship onto their spouse and children by virtue of their marriage and blood relationship. The Syrian Women’s League, which has led a national campaign to amend the law, in October 2004 presented a bill to the government calling for equal nationality rights for men and women. As of October 2009, nonetheless, the nationality law has remained unchanged.

Tunisia

The constitution enshrines the principle of equality, which has been incorporated through time into other legal texts, including the electoral code, the labor code, and the code of nationality. As a result, women have obtained the right to work, to move freely, to open a bank account, and to establish a business, all without the permission of their father or husband.

Despite these guarantees, the nationality law contains discriminatory provisions regarding the right of female citizens to pass their nationality to their noncitizen spouses. The noncitizen wife of a Tunisian man automatically adopts Tunisian citizenship upon marriage, often forfeiting her original nationality in so doing. Even if she retains her previous citizenship, she can acquire Tunisian nationality by simply declaring domicile in Tunisia. However, the noncitizen husband of a Tunisian woman can acquire Tunisian nationality only by decree and only if he is a Muslim who resides in Tunisia and has sufficient knowledge of the Arabic language. Even those who fulfill the conditions of naturalization often have difficulties obtaining Tunisian citizenship. A 2002 amendment to the nationality law permits Tunisian women married to noncitizens to transmit their nationality to their child, even if the child is born abroad, provided that the father consents.

Tunisia signed CEDAW in 1980 and ratified it in 1985, while issuing a general declaration statement positing that Tunisia “shall not take any organizational or legislative decision in conformity

with the requirements of this Convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution” (referring to the identification of Islam as the state religion). Reservations were also made to Article 9(2), regarding the right of a woman to pass her nationality to her children; Article 15(4), regarding the right of the woman to choose her own domicile; several paragraphs of Article 16 related to marriage and divorce; and Article 29, regarding arbitration of disputes arising from the convention. In September 2008, Tunisia became only the second Arab country after Libya to ratify the Optional Protocol to CEDAW. By ratifying this document, Tunisia has recognized the competence of the CEDAW Committee to hear complaints from individuals and groups of individuals who believe their rights under the convention have been violated by the state. However, because the committee is only able to issue nonbinding opinions, the impact of the protocol is as yet unclear.

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United Arab Emirates

Article 25 of the constitution provides for equality among Emirati citizens, “without distinction between citizens of the Union in regard to race, nationality, religious belief, or social status”. Although the law states that all people are equal, there is no mention of gender equality, nor are there any laws or policies designed to eliminate existing gender-based discrimination. Additionally, the constitution controls personal status in two separate articles. Article 15 states that the family is the basis of society, while Article 16 requires that welfare and social security legislation be promulgated to protect “childhood and motherhood,” as well as those who are unable to look after themselves. As a result, laws and policies tend to reinforce traditional roles for women rather than encourage true equality between the genders.

Gender discrimination is built into the laws governing citizenship in several ways. First, an Emirati woman loses her citizenship upon marriage to a foreign man in the absence of a special dispensation from the Naturalization and Residence Directorate of the emirate in which the wife lives. Even with such a dispensation, she may not transfer her citizenship to her foreign husband unless the

couple was granted permission from the Presidential Court prior to marrying. Conversely, in the case of a marriage between a national man and a non-national woman, the man needs only submit a copy of his wife’s passport, a copy of the marriage contract, and proof of his nationality, at which time a family book is issued within 24 hours as proof that their marriage is sanctioned by the state. Second, only fathers can pass their nationality to their children. The children of an Emirati mother and noncitizen father have no claim to UAE citizenship. On the other hand, the children of an Emirati father, whether he is dead or divorced from their mother, automatically receive his nationality. These children, even if they are minors, can sponsor their non-national mother’s residency in the UAE. Related to this, foreign women continue to be unable to sponsor their children’s residence permits in the UAE, unlike their male counterparts.

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Yemen

Under Yemen’s laws, women do not enjoy the same citizenship rights as men. The children of male Yemeni citizens automatically receive their father’s citizenship, regardless of whether their mother is Yemeni. The foreign-born wife of a Yemeni man has the right to apply for citizenship after four years of marriage, although her husband may object to this application. By contrast, Yemeni women married to foreign citizens are unable to pass on their citizenship to their children. The government has taken steps to amend some of the discriminatory aspects of the law, but the new legislation fails to guarantee equality. Specifically, Law No. 24 of 2003 added Article 10 to the Nationality Law (No. 6 of 1991), allowing Yemeni women to transfer their citizenship to their children only if they are divorced, widowed, or abandoned by their non-Yemeni husbands. This amendment, while representing a step forward, failed to provide women with the unconditional right to pass on their citizenship currently enjoyed by Yemeni men. In March 2008, Article 3 of the nationality law was amended to allow a Yemeni woman to transfer her citizenship to her child if the father is unknown or if he has no nationality.

Reforming Citizenship Law: Reports from Tunisia, Algeria, and Egypt

The following three public presentations on the experiences of reforming nationality law were given at a workshop entitled “Towards Reforming the Nationality Law in Lebanon” held in Beirut on March 10, 2009. The workshop was organized by the United Nations Development Programme (UNDP) and the National Committee for the Follow Up on Women Issues within the “Lebanese Women Rights and the Nationality Law” Project.

The Tunisian Experience: Citizenship Law in Tunisia: Framework, Progress and Dimensions

Boutheina Gribaa

Tunisia and the International Law on Women’s Rights
Tunisia joined the international movement supporting human rights in general and women’s rights in specific in the second part of the last century with the introduction of the Universal Declaration of Human Rights in 1948. In addition to modifying its domestic law in compliance with the Declaration, Tunisia has signed many treaties that aim at eliminating all forms of discrimination against women.

One of these treaties concerns the citizenship of married women signed on November 21, 1967 and the other concerns consensual marriage, minimum marriage age, and marriage registration (Copenhagen Treaty) which Tunisia signed on November 21, 1967 and published in the National Gazette on May 4, 1968. These treaties also include one on women’s political rights and another on children’s rights signed respectively on November 21, 1967 and on November 29, 1991.

Since these treaties contained general and abstract rules that were more like guidelines in most of their articles, national authorities took it upon themselves to turn these principles into clear and detailed rules by writing legal texts and to find structures

and mechanisms that would guarantee that these general principles were carried out on the ground.

In 1985, Tunisia signed the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was published in the Tunisian National Gazette in 1991. At that time, the socio-political climate was favorable for Tunisia to take part in the Convention due to the direct reforms the country witnessed following the changes of 1987. Moreover, the social context required to implement the Convention’s laws supporting gender equality in the family as well as in society was available. The availability of this favorable condition in 1991 was due mostly to the fact that the Personal Status Law had been passed over 30 years ago. This law radically and completely prohibited polygamy (having many wives) and arbitrary divorce by institutionalizing judicial divorce. The law also set the minimum age of marriage for both males and females and allowed women to file for divorce just like men. Consequently, this law contributed to making Tunisian society accept and implement gender equality as part of every day reality.

Tunisian Law on Women and International Law
Following the publication of CEDAW in the Tunisian National Gazette, legislators became aware that there were gaps in Tunisian positive law. They also noticed the conflict between some national laws and certain clauses in the convention. These laws, therefore, had to be revised in order to agree with the content of the convention.