

Gender Equality, Nationality Laws, and Statelessness: Testimonials of the Impact on Women and their Families

The negative impacts of statelessness caused by gender inequalities in nationality laws are severe, numerous and have a knock-on effect for both affected children and their mothers. Some of these impacts include:

- exclusion from educational opportunities available to nationals;
- limited access to healthcare, social security and other benefits available to nationals, leading to a sense of instability and marginalization;
- curtailed employment opportunities; and
- psycho-social effects of anger, resentment, frustration and depression.

Below are stories of three women from Lebanon, Syria and Nepal, all of whom were denied by law the right to confer their nationality, thereby rendering their children stateless.

UmAli and Zeynab (Lebanon)

UmAli, a Lebanese citizen, married an Egyptian man who was working in the Bekaa valley in Lebanon. They had seven children before UmAli's husband died when her children were young. UmAli's ex-husband had initiated procedures to register their children with the Egyptian Embassy in Lebanon. When UmAli followed up with the Egyptian Embassy after her husband's death, she learned that her husband's brother in Egypt sent a letter ordering that her children be sent to Egypt for him to take custody of them. Refusing to leave her home country and give up custody of her children, UmAli stopped pursuing contacts with the Egyptian authorities, losing their chances of obtaining citizenship and resigning herself to struggle to support her family through her individual means in Lebanon. Her children have birth certificates and "*maktoum al kayd*" identity cards (cards that specify that the individuals are not registered and do not have Lebanese citizenship).

UmAli's oldest daughter married a Lebanese man. While this daughter is listed on her husband's family's civil record, she is unable to acquire Lebanese citizenship through her husband. According to Lebanese practice, an individual must have at least one nationality in order to be granted another one.

One of UmAli's sons married a Lebanese woman and has two children. His family also continues to face problems as his Lebanese wife can neither transfer her citizenship to her husband nor confer her citizenship on their children. This son owns a car, but it is registered in UmAli's name. UmAli also signs all official documents for her children, even those who are adults.

UmAli sent two of her daughters to an Evangelical Christian orphanage where they could be educated. Her daughter Zeynab was particularly bright and rose to the top of her class. In fact, Zeynab won a scholarship to travel to Canada for a summer school program, but could not go because she did not have a nationality. Zeynab attended a private technical college and specialized in marketing and sales. She now works for a cosmetics retailer, but because she does not have a nationality and no identity papers, she is paid informally in cash and earns almost half of what she would earn if she were Lebanese.

“Sometimes I hate myself. I feel like I am not a human being. I can’t handle it. My friends can live a natural life. I can’t. My dream to own a car, I can’t have it. Even if I have the money to buy it, it would never be registered in my own name. I dream of getting married, but one man has turned me down because I don’t have a citizenship. I feel like a prisoner. Lebanese papers are worth more than gold, you can pay millions but still not get them. It’s hard for me to see Lebanese girls who have nationality and their papers, especially when they’re not taking advantage of their status as they could – studying, working, fulfilling the dreams I wish I could achieve, but can’t.”

Nabila (Syria)

Nabila, a Syrian citizen, has one daughter from a Malian man she had married in Syria. Nabila and her husband agreed to divorce several years into their marriage on condition that Nabila would be able to keep and raise her daughter. Nabila has not seen her husband since.

Nabila realized there were problems with her daughter’s citizenship status when her daughter started to go to school. Nabila then learned she could not pass her Syrian citizenship to her daughter and that her daughter did not have any proof of Malian citizenship through her father. At that time, Nabila was able to her daughter in primary school through personal connections at the primary school.

When Nabila’s daughter finished the 8th Grade, Nabila was again able to enroll her daughter in secondary school through her personal contacts with some official departments. Her daughter successfully passed the baccalaureate exam. Further problems arose, however, when Nabila’s daughter sought to attend Damascus University. At first, Nabila’s personal connections did not work. The university officials insisted that Nabila obtain proof of her daughter’s citizenship, even if Malian, in order to enroll her as a foreign student.

At that time, Nabila made great efforts to obtain some form of proof that her daughter was Malian. Although she regretted that she was unable to pass her Syrian citizenship to her daughter, Nabila thought that obtaining proof of Malian citizenship would be better than her daughter’s current status of being stateless. Mali does not have a consular presence in Syria, so Nabila contacted the closest Malian Embassy in Cairo. Nabila put together a file of her daughter’s history, including birth certificate and school degrees. She also contacted the African Students Department at Damascus University to obtain statements from individuals who knew Nabila’s ex-husband that confirmed that Nabila’s Malian ex-husband is the father of her daughter. The Malian Embassy in Cairo contacted Nabila to say that they were not in a position to decide whether her daughter would be entitled to Malian citizenship. Rather they suggested that Nabila’s daughter travel to Mali to discuss her case with the Ministry of Foreign Affairs there. Nabila’s daughter was without any personal documentation and therefore unable to travel outside of Syria; without any guarantees that her travel to Mali would be successful, there was no further avenue that Nabila could pursue to obtain Malian citizenship for her daughter, leaving her daughter stateless.

Nabila’s daughter was able nevertheless to study French Literature at Damascus University as a result of Nabila’s personal contacts. Despite completing the university curriculum, she cannot obtain her university degree. Nabila’s daughter is extremely bright and multitalented. She has received a number of job offers at home and abroad. Without citizenship and identification papers, however, Nabila’s daughter, at 25, has reached the stage that she can go no further. Not only is she unable to obtain work but her marriage prospects are also bleak as a result of her statelessness.

Ganga (Nepal)

Ganga Nagarkoti is a Nepali citizen. Ganga met Edwin, her Indian husband in Jumla, Nepal. Edwin came to Jumla as a schoolteacher at the Kanika Nisha English Boarding school while Ganga was a student. They married in 1985 and decided to stay in Nepal and build a house in Jumla. Now they have three children: a son Jermin (23 years) and daughters Evelyn (21 years) and Jasmine (12 years). Ganga's two elder children have reached an age when they should be able to enter the job market and build their future. However, they have been unable to acquire Nepali citizenship and without citizenship, their future prospects are dim.

While the Interim Constitution of Nepal (2007) recognizes the principle of gender equality and the right of Nepali men and women to independently convey citizenship by descent to their own children, it significantly curtails this right by stipulating that Nepali women may not independently convey citizenship by descent in cases where the father is a foreigner. There is no similar restriction for Nepali men married to foreign women.

The Interim Constitution does allow Nepali women married to foreigners to petition for their children to be naturalized citizens if their children are born in Nepal, reside permanently in Nepal and have not acquired citizenship of another country on the basis of father's citizenship. However, this law has not produced any results for Ganga's children or others like them. Ganga's children applied for naturalized citizenship over four years ago but they are still waiting. Naturalization is a matter of state discretion and to date there has not been a single known case of a child with a Nepali mother and a foreign father successfully acquiring Nepali citizenship in this manner, even though the law has been in existence for several years.

Moreover, Ganga's husband Edwin, who has been living in Nepal for 25 years, renounced his Indian citizenship seven years ago in order to apply for naturalized citizenship of Nepal. In doing so, his children also lost their Indian citizenship. Foreign nationals who have lived in Nepal for 15 years can also apply for naturalized citizenship, provided they meet certain requirements. However, Edwin, like his children, is still waiting.

Ganga's children and husband are caught in the legal limbo of statelessness. Ganga worries every day about what will become of her children. "It is now a big problem for my children. They have to start working. They have difficulties to pursue their education. My children have missed many opportunities already, including scholarships. They need citizenship as it is required everywhere."

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