



**Statement delivered by Volker Türk, UNHCR Assistant High Commissioner for Protection
on behalf of UN Women, OHCHR and UNHCR
at the High-Level Side Event on Equal Nationality Rights**

Tuesday 10 March 2015, 11.30 – 12.45 pm
Conference Room E, United Nations, New York
Commission on the Status of Women 2015

Distinguished Participants,

It is an honour to represent three members of the United Nations family, UN Women, the Office of the High Commissioner for Human Rights and the Office of the High Commissioner for Refugees, at this important event.

The United Nations has the responsibility to ensure that all its actions promote and protect gender equality and women's human rights, including when it comes to matters of nationality or citizenship. But where does this responsibility come from, and how are we to do this?

To answer these questions it is necessary to examine the principle that is one of the bedrocks of the United Nations. This principle is 'the rule of law'. Rule of law is not something abstract or amorphous. At its core, the rule of law is about providing the foundations for a just and equal society – something that affects all our lives. The United Nations' efforts to help establish equality on the basis of the rule of law are essential to this end. The rule of law, and the principle of non-discrimination, would be emptied of their essence if women were not enabled to exercise the same rights as men, including with respect to nationality.

In practical terms, the United Nations works to achieve gender equality in nationality matters through effective reforms that bring laws into line with international human rights norms and standards. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides a definition of discrimination that promotes real changes in women's lives and requires States to "embody the principle of the equality of women in their national constitutions and other appropriate legislation." Article 9 of CEDAW also acts as a bulwark against statelessness of women and their children. It requires that women be able to exercise the same rights as men to confer their nationality on their children and to acquire, change and retain their nationality.

Upholding these rights, in law and practice, also helps to fulfil other basic rights – including the right of every child to a nationality as set out in the Convention on the Rights of the Child, as well as the fundamental principles of non-discrimination, equality and family unity.

When these standards are not upheld the impacts can be crippling, as illustrated by the story of Nahmeh, a woman unable to confer her nationality to her children under the citizenship laws of her country in the Middle East. When her husband died before completing the administrative steps to pass on his nationality, Nahmeh was left to raise six stateless children. She is now in her sixties, and continues to work multiple jobs to support them in their adulthood because their statelessness prevents them from entering the legal job market. She fears for the day that she dies or is unable to work because she does

not know how her children will survive. She told UNHCR: *“It is not my mistake that I married a foreigner. I did not disobey my parents or the State in marrying my husband. Because of that, we all now live as though we were dead.”*

The solution to tragic situations like the one confronting Nahmeh lies in a true global commitment to ensure that all constitutions and nationality laws are reformed, to achieve gender parity in nationality matters. Such reform must involve not only removing discriminatory provisions from existing nationality laws, but also effective implementation. This requires training and awareness-raising among those responsible to enforce and uphold the rule of law, and the provision of the necessary financial and human resources.

The United Nations, and our three agencies in particular, stand ready to assist governments with this task. In December 2013, UN Women launched the first global constitutional database on gender equality-related provisions across 195 Constitutions. The database serves as a resource for constitutional support in various countries and has played a key role in sharing examples of good practice provisions on citizenship to countries that are undergoing constitutional reforms. UNHCR’s recently launched #ibelong Campaign to End Statelessness in 10 years, not only envisages the elimination of gender discrimination in nationality laws by the year 2024 as part of the Campaign’s broader goals, but also sets out a practical strategy through which this can be achieved.

Civil society also has a crucial role to play. UN Women, OHCHR and UNHCR recognise the NGO-led Campaign for Equal Nationality Rights, which brings together grassroots and international organizations with an interest in bringing about swift and effective reforms to nationality laws. We encourage all actors to work with this coalition to achieve our common goal of eliminating gender discrimination in nationality laws around the world.

The promise of the rule of law, of a just and equal society, cannot rest with the UN organizations alone. The rule of law is a principle of good governance for States as well as the community of States. It is heartening to see a growing trend of governments, twelve in the last decade, which have banished gender discrimination from their nationality regimes. It is inspiring to have heard some of the ‘can do’ stories from Algeria, Indonesia and Senegal today, and impressive to learn about the steps towards reform that are being taken in The Bahamas. We hope that these champion countries can convince others of the benefits of their positive actions.

Looking forward, it is imperative that the reform of discriminatory laws is included in the post-2015 sustainable development agenda, to achieve the goals of durable peace and security, human rights protection, and sustainable economic and social development. The very ‘idea of justice,’ as Amartya Sen puts it, demands that we act to address clearly remediable wrongs. Universal gender equality in nationality laws is well within our grasp, and its achievement will immeasurably improve the lives and futures of women and their families, and the quality of the societies in which we all live.