

# The Denial of Citizenship

## The case of Arab women's rights to pass on their nationality

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### Background and Rationale

At present, women throughout the Machreq and Maghreb regions are being denied their full national identities by being excluded from the rights, privileges, and security that all citizens of a country should have access to. Unjust laws, discriminatory constitutions, and biased mentalities, that do not recognize women as equal citizens, hinder women's rights to such things as political participation, economic security, mobility, and state protection.

In every country throughout MENA (Middle East and Northern Africa), women are not granted full-citizenship, and are thus treated by the state and society as second-class citizens. In many cases, the laws and codes of the state actually work to reinforce gender inequality and exclusion from nationality rather than granting women equal membership in their country. The state can be used to strengthen religious and familial control over women, making them even more dependant on these institutions for representation and security.

Unlike in the West, where the individual is the basic unit of the state, it is the family that is the basis of

Arab states. This means that the state is primarily concerned with protection of the family over the protection of the family's members. Within this framework, the rights of women are expressed solely in their roles as wives and mothers. State discrimination against women in the family is expressed through unjust family laws that deny women equal access to divorce and child custody.

Throughout the Machreq/Maghreb, Arab women, should they choose to marry a foreigner, are denied the right to extend their citizenship to their husbands. Furthermore, only fathers, not mothers, can independently pass citizenship to their children. In many cases, where a woman has been widowed, divorced or abandoned, or if her husband is not a national in the country where they reside, her children have no access to citizenship, and are thus excluded from the rights of a citizen. These rights include access to education and healthcare, and to land ownership and inheritance. There is no good reason for men to be able to extend their nationality to their wives and children while women cannot. This inequality not only refuses women their right as citizens, it also denies children their basic rights as human beings.

If the state is designed to only protect women from within their role in the family, the state often fails to protect women who are in need of protection from their families. By failing to protect women adequately from violence such as domestic abuse, rape, marital rape, and honor killings, the state fails to provide the protection forthcoming to a full-citizen. In fact, by ignoring issues of gender-based violence or by granting lenient punishments to perpetrators of violence against women, the state actually reinforces women's exclusion from the rights of citizens.

Additionally, women are frequently denied their right to nationality by requiring a male relative's permission to access the rights and privileges that she should inherently have access to. This works to increase the dependency women have on their male family members for economic, social, and legal stability. For example, in many Arab countries women must attain the permission of their fathers, brothers, or husbands in order to obtain a passport, travel outside of their country, start a business, receive a bank loan, open a bank account, or get married. All of the above should be available to women independently as equal citizens of their country, yet they continue to be denied.

#### **Citizenship, Nationality and the CEDAW**

Article 9 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), explicitly holds state signatories responsible for granting women equal rights with men to acquire, change or retain their nationality as well as the right of women to pass their nationality on to their children and husbands. However, many of its Arab states signatories do not respect this right and have not fulfilled their promise to grant full citizenship to women. Across the Middle East and North Africa, married women are denied their right to nationality if their husbands are non-nationals. In these cases the women cannot pass their citizenship to their husbands or their children while a man married to a non-national can. As such, all signatory Arab states have expressed reservations on this provision of the Convention.

#### **MACMAG GLIP's Campaign on Gender, Citizenship and Nationality**

Since 8 March, 2002, the Women's Right to Nationality campaign organized by the Machreq/Maghreb Gender Linking and Information Project (a project of the Centre for Research & Training on Development), is one regional project that aims to focus on this issue across the Middle Eastern/North African region. Through regional workshops, awareness building and training are among the first tasks of the campaign whereby participants identify and understand the concepts of gender, nation-

ality and citizenship. Through research and advocacy training an action group is formed in each region, with experience and the ability to raise awareness and pressure their own governments to change policies that discriminate against women as national and full citizens and implement those already required by the CEDAW. Those countries involved in the campaign and its attendant action-oriented research include Yemen, Morocco, Egypt, Lebanon, Tunisia, Jordan and Syria.

In Lebanon alone around 800 women are in this situation of which approximately 60% are married to Arab non-nationals, 35% to Europeans, 10% to Asians and 5% to Africans. Research conducted with women in this situation has unveiled tremendous suffering at the level of access to social and economic rights, political participation, as well as mobility. It also indicated that women bear the brunt of the consequences at the individual, family and social level and suffer from exclusion as well as stigmatization.

MAC/MAG GLIP is among many grassroots organizations from around the Arab world who have aimed to pressure Arab state signatories of the CEDAW (as well as non-signatories) to fulfill their promise of granting women the right to full citizenship and be held responsible for such a task. It has recognized that the right to nationality is not only a women's right but also a human right based on the right to equal citizenship regardless of age, race or gender stipulated in the Declaration of Human Rights.

Based on the recognition that culture and tradition is one of the major influences of gender perception, GLIP has thus focused on the importance of awareness of women's status and issues in Arab countries. The aim of this awareness in the campaign is three-fold, a) to generate knowledge, b) set the stage for change and c) inform advocacy. Known as the Action Oriented Research Component, the second component of the campaign, organizations are trained to develop their research skills through identification of issues, comparison and assessment of changes pertaining to the issue and examination of different documents. Each in-country focal point (organization) will thus have the means to present a country case study report preparing for the last and most important part of the campaign, the advocacy component.

Through research and identification of the issues, actors and scope, the campaign is thus able to promote change from within rather than without whereby each in-country organization takes the responsibility of forming a campaign on the local level with the supervision of GLIP.

### A Suggested Mini-Annotated Bibliography

The three annotated readings suggested in this section from the MAC/MAG GLIP CRTD library, aim to introduce the interested reader to the issue of gender and citizenship in the local, regional and global level. Reviewing the literature will give the reader a general idea of the history and importance of concepts such as citizenship and citizen rights from a feminist perspective. Each book provides ample information on country case studies from the Middle East to Canada and Australia.

### Books

#### **Citizenship and the State: A Comparative Study of Citizenship**

Legislation in Israel, Jordan, Palestine, Syria and Lebanon

Uri Davis

Ithaca Press

1997 - ISBN: 0-86372-218-0

Davis provides insight into the definitions of key concepts such as democracy, citizenship vs. nationalism, state vs. nation, and sovereignty. Although lacking in any sort of gender analysis, this work does clearly depict the laws that determine citizenship and citizen rights in the Levant. The special case of Palestinian citizens and refugees is examined in each country case study.

#### **Citizenship: Pushing the Boundaries**

Feminist Review

Routledge

1997 - ISBN: 0-415-16174-6

This review aims to give its reader a glimpse of the issues surrounding gender & Citizenship that exist globally. The contributions included are the following: Women, Citizenship and Difference, Gender, Disability and Citizenship in Australia, The Lebanese Case, Fortress Europe, Foreign Domestic Workers in Canada, and Women's Publics and the Search for New Democracies.

#### **Gender and Citizenship in the Middle East**

Ed. Suad Joseph

Syracuse University Press

2000 - ISBN: 0-8156-2865-X

Beginning with an insightful theoretical introduction, this work is then organized into four regional sections: North Africa, Eastern Arab States, The Arab Gulf, and the non-Arab Middle East. Each of these sections includes country specific articles that examine the ways in which Arab women are excluded from the identity and rights characteristic of full-citizens. The history behind, and relevance of, concepts of citizenship in the middle East are questioned. Major reoccurring themes include the way in which religion influences citizenship; the importance of lineage/family, as opposed to the individual, as the most basic unit of the state; and family law.

#### **Box 1**

Without progress in the situation of women, there can be no true social development. Human rights are not worthy of the name if they exclude the female half of humanity. The struggle for women's equality is part of the struggle for a better world for all human beings, and all societies. Boutros Boutros Ghali, United Nations Secretary General

#### **Box 2**

Everyone has the right to nationality. No one shall be arbitrarily deprived of his/her nationality nor denied the right to change her/his nationality Article 15 of the United Nations Universal Declaration of Human Rights.

#### **Box 3**

What is Nationality?

Nationality refers to one's legal recognition of their status as a citizen, and their ability to extend this status to their spouse or children