

CRTD 'Gender Citizenship and Nationality Program'
Summary of Regional Research. February 2004

CRTD 'Gender, Citizenship and Nationality Programme'

Denial of Nationality: The Case of Arab Women

Summary of Regional Research

February 2004

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Everyone has the right to a nationality; No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 15 of the Universal Declaration of Human Rights

I am a 14-year-old girl. My mother is Moroccan and my father is Syrian. My father is a generous and patient man. He spent a long period of time in Morocco where he lived and studied, married, and had his children. My brother and I were born here and we got integrated in this society... I grew up in a 100 percent Moroccan environment, my family and friends are Moroccan and so is my accent...above all I love this country and mom is Moroccan! I've known the national anthem as long as I can remember...I am also a supporter of Raja De Casablanca soccer team and a fan of singer Abdel-Hadi Belkhayat; haven't I the right, being a Moroccan to obtain the nationality?

Testimony of Rana, a 14 years old girl.

1.0 Introduction

Most Arab countries are signatories to the Convention for the Elimination of all Forms of Discrimination Against Women, yet none uphold Article 9 that countries ratifying the convention 'shall grant women equal rights with men, with respect to the nationality of the children'. In every country throughout the MENA region, women are not granted full citizenship and are thus treated by state and society as 'second-class' citizens. This is fundamentally because in Arab countries, the relationship between the state and women very rarely a direct one, rather it is arbitrated by a male kinsman, be he a brother, father or husband. Consequently, for the average Arab woman in many countries, basic citizenship rights such as the right to vote, to issue an identity card or a passport, to access social protection schemes and entitlements, to send their children to school, to marry, to travel and

most relevant to the issue at hand, to pass on citizenship to their children are either lacking or granted through the mediation of a male family member.

Arab women who choose either voluntarily or involuntarily, to marry a foreign man, are denied the right to extend their citizenship to their husbands and children. Only men can independently pass citizenship on to their children. Hence, women are essentially deprived of one of their fundamental and basic freedoms. In many cases where a woman has been widowed, divorced or abandoned, or if her husband is not a national of the country in which they reside, her children have no access to citizenship, and are thus excluded from the rights granted to citizens. These rights include but are not limited to access to education, healthcare, land ownership, inheritance and last but not least possession of a nationality. This inequality, not only denies women their basic rights as citizens, it also denies children their basic rights as human beings.

Nationality codes in the MENA countries violate the spirit and letter of all international conventions relating to the issue of women and nationality. As the below paper will illustrate, these include, but are not limited to, The Universal Declaration of Human Rights, The Convention on the Elimination of all Forms of Discrimination Against Women, The Convention on the Rights of the Child (CRC) and The International Covenant on Civil and Political Rights (ICCPR). Moreover, as the research findings in the below paper also indicate, current nationality legislation in the MENA countries under study, are also in contradiction to their own state constitutions which recognize the principle of equity among all their citizens. The daily realities which Arab women married to foreign men experience and which essentially come hand in hand with these contradictions will also be highlighted in the below paper.

2.0 Background

Considering the extent to which current nationality laws hinder the socio-economic status of women married to non-nationals, the Center for Research and Training on

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Development prioritized the issue and set to work on it in March 2001. It was recognized that any sort of advocacy campaign would require sufficient and comparative data on the subject. Yet information regarding the socio-economic impact of the inability to transfer citizenship was not readily available in any of the countries in question. Hence a decision was taken during a partners meeting held in Beirut in May 2002 to undertake an analytical research project, tackling the issues mentioned above in Lebanon, Syria, Jordan, Palestine, Yemen, Tunisia, Morocco and Egypt. Common grounds and concerns were identified between CRTD and the UNDP’s Program on Governance in the Arab region (POGAR), in an experts meeting held in Casablanca in July 2002 on the POGAR’s Gender and Citizenship Initiative¹. Hence, UNDP POGAR supported the undertaking of the regional research carried out by CRTD within the framework of it’s initial objective to ‘support research informed policy debate and dialogue on women’s citizenship in selected countries in the Arab region’. The Gender and Citizenship Initiative identified two strategic and immediate entry points to the issue of women’s citizenship in the region: nationality legislation and identity (citizenship) cards. The choice of CRTD to tackle the issue of nationality legislation was motivated by the lack of knowledge about it’s gendered nature, as well as the urgent need recognized to raise awareness about their direct effect on the quality of women’s lives.

3.0 Objectives

This study’s primary objective is to act as a research informed advocacy tool for policy-makers. It aims to do so, by acting as a qualitative data source for NGO’s, policymakers and any other body concerned with effecting change in the current nationality laws. More specifically it seeks to document and summarize the results

¹ The Gender and Citizenship Initiative implemented is guided by a broad strategy and a number of tools to achieve four main objectives:

- 1) to support research-informed policy debate and dialogue on women's citizenship in selected countries in the Arab region,
- (b) to raise public and media awareness about the scale and implications of gender inequalities inherent in key legislation,
- (c) to build the capacity of Arab women's NGOs in networking and advocacy to lobby for policy changes and
- (d) to build partnerships between women's NGOs and parliamentarians.

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of a comprehensive desk and field research carried out by CRTD and its partners on the subject of women and nationality in the Middle East and North Africa region. This will be done in various steps. The paper will firstly define the notion of nationality, traditional perceptions of it and the practical implications for nationality legislations. The latter will be analyzed within the context of current nationality laws in each of the countries under study. This section will also encompass a review of the reservations and justifications for article 9 of CEDAW as well as a list of treaties signed and ratified but not adhered to by the countries under study. Secondly, the paper seeks to highlight the harsh implications of citizenship laws for both women and children (especially those in lower income categories). This will be done by, examining the socio-economic and psychological impacts affecting women married to non-nationals and their children. This is carried out by analyzing the various interviews carried out with Arab women married to non-nationals in various of the countries of study, namely Egypt, Jordan, Morocco, Syria and Lebanon. This will include an analysis of the education, health, employment and social status of the children of women married to non-nationals as well as the magnitude in quantitative terms of the phenomenon at hand in only Morocco and Lebanon. Despite their limited form and the fact that statistics are available only for the latter two countries, they remain sufficient in allowing for a more concise analysis of a social reality that has until now been generally overlooked.

The report will conclude by reviewing a number of developments that have taken place since the onset of the campaign to change the laws. Finally a number of recommendations based on the major finding of both the desk and field research will be issued.

It is hoped that this document will act as a driving force provide the basis from which development organizations for women's rights groups to launch both short and medium term advocacy and awareness-raising strategies in favor of recognizing the Arab women's right to pass on their nationality and hence practice the citizenship rights that come along with it

4.0 Desk Research

4.1 What is Nationality?

Nationality signifies the legal relationship between an individual and a state. It not only provides individuals with a sense of belonging and security, but it also creates a legal link between the individual and the state². Accordingly, International Law requires that there is a 'genuine connection' between a person and the state for the bestowal of nationality³. Nationals are entitled to the protection of the state, which is of increasing significance considering the increasingly globalizing world and the simultaneous cross-border movement of nationals.

In many cases, nationality is the legal basis for the exercise of citizenship. Although frequently used interchangeably with nationality the term 'citizenship' has a wider meaning, and denotes a status bestowed on full members of a community⁴. In many countries, the full exercise of political, social and cultural 'citizenship' rights is predicated on nationality. Nationality frequently determines if individuals are entitled to participate fully in the political process, such as voting for instance, or to exercise the right to work, be educated and to access health care. The right to own land may also be contingent on nationality. It may also determine whether individuals have the right to hold public office or have access to the judicial system and/or public services.

4.1.2 Nationality in a Historical Context:

Historically, many States adopted the patriarchal position that a woman's legal status is acquired through her relationship to a man-first her father and then her husband. Although the laws of most states are such that nationality is bestowed through birth or descent, or a combination of these, a widely accepted principle-law in most states at the beginning of the 20th century-was that of dependent nationality

² Women 2000 and Beyond: Women, Nationality and Citizenship, UN Division for the Advancement of Women, June 2003

³ *ibid.*

⁴ Davis U, *Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon*, Ithaca Press, London 1997

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or the unity of nationality of the spouses⁵. The result of the application of this principle was the automatic assumption that a woman who married a foreigner acquired the nationality of her husband, and not the other way round. Accordingly, Article 6 of the Lebanese Constitution for instance states the following:

A Lebanese woman who married a foreigner remains Lebanese until such time as she may apply to remove her record from the census rolls on the ground of taking the citizenship of her husband (amendment added in conformity to law (Lebanese woman married to a foreigner) of 11 January 1960)⁶

The rationale for the principle of dependent nationality derived from two assumptions. Firstly, that all members of a family should have the same nationality, as they are considered one unit and secondly that, important decisions affecting the family would be made by the husband. Moreover, in an international order in which conflict between states was deemed inevitable, permitting spouses to maintain separate nationalities was regarded as unacceptable since conflict between the couple's different states would cause divided loyalties within households. Potential for familial problems on these grounds was resolved in favor of family unity, with the wife being required to take on her husband's nationality.

The assumption that all members of a family should have the same nationality was based on the view that nationality entailed loyalty to one's state of Nationality. It was believed that if a woman were to have a different nationality from her husband, her allegiances and loyalties would become divided. This assumption was also linked to the idea that citizenship encompasses the relationship between the individual and the state. For loyalty to the state is in effect the counterpart of the state's duty to protect its citizens. The assumption that a married woman's primary

⁵ Women 2000 and Beyond: Women, Nationality and Citizenship, UN Division for the Advancement of Women, June 2003

⁶ Davis U, Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon, Ithaca Press, London 1997

location is within the private sphere under the protection of her husband has prevailed in many states and more specifically in those under study for the purposes of this paper. Accordingly the woman's need for a separate public identity and legal relationship with a state is not viewed as essential.

4.1.3 Nationality and its Application in the MENA region

The relative role of kin-based formations in the political history and development of the sovereign nation state in the Arab World has had a crucial influence on shaping legislation and practices related to citizenship. In societies where tribal forces, lineages and patrilineal family-based structures have remained prominent, the individual citizenship of women has been negatively affected (Joseph 2002). In specific, the laws and codes of the state continue to work in favor of reinforcing gender inequality and exclusion from nationality by maintaining the view that the family and not the individual is the basic unit of society. Consequently the state is primarily concerned with the protection of the family as opposed to individual members or it. It is within this context that the rights of women generally, and nationality rights more specifically come to be expressed through their roles as wives or mothers. This is a major factor in enhancing and promoting both religious and familial control over them and rendering them more dependent on these institutions for representation and security.

Hence, considering that citizenship is first and foremost a set of legal processes defining the relationship of the individual to the state, depriving women of the right to pass on their nationality to their children, raises questions regarding their applicability to women in the Arab world. For in definition, citizenship implies equity of rights and duties between genders within the state. Yet in terms of basic citizenship rights such as the right to vote, to issue an identity card or a passport, to access social protection, to send their children to school, to marry, travel, and pass on citizenship to their children, Arab women are either being denied these or are having to negotiate for them through a male family member as mediator. Current nationality laws in the Arab world therefore contradict the concept of citizenship. Yet, due to an increase in wars, abandonment and male unemployment an

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important and rapid change in family structures is occurring in the Arab world. The way in which these new family structures will serve to either reinforce or challenge the place of kinship in established socio-political structures and hence citizenship, is yet to be determined. It also offers fertile ground for activism on behalf of NGO's and other bodies concerned with the an egalitarian application of the notions of gender and citizenship.

Interestingly, the notion of citizenship broadens the debate on gender in the region, as it forces us to look beyond the more traditional issues concerning women, to more basic concerns about the nature of the State and Politics in the Arab world. The State is arguably the most influential catalyst in the gendering of citizenship. State legislation designates and regulates the rights and responsibilities of citizens and the ways in which one can acquire and transfer citizenship. As Joseph (2000) illustrates, a citizenship framework also broadens the discussions to address crucial issues such as the place of family, and kinship ties in the social fabric, the extent to which kin-based formations are integrated into the modern political order, and the impact this may have on the construction of citizenships and more specific to this study, nationality rights in the Arab world⁷.

For a long time women citizens of European countries such as Germany and Italy for instance were unable to pass on their citizenship to their foreign husbands. Married women in many countries did not have the right to confer their citizenship on their foreign husbands, although men could do so for their wives. Nor did mothers necessarily transfer citizenship to their children.

Hence, a discussion of gender within the broader context of citizenship allows for a deeper analysis and understanding of the tremendous challenges involved in tackling the challenges of gender equality in the region. Interestingly, the most intense debates in the Arab world today are probably those that revolve around women's integration into public

⁷ Joseph, Suad, ed. 2000. *Gender and Citizenship in the Middle East*. New York: Syracuse University Press.

life⁸. For, what is in reality being disputed here is the future nature of the socio-political structure in the Arab world. More specifically, it is the core of the social and cultural fabric of the Arab world that is being re-drawn. Thus if there ever was a time ripe enough for women's rights groups to advocate for a change in the nationality laws, it is probably now.

4.2 Nationality and the Law

4.2.1 The Constitution

A review of the nationality laws in Morocco, Tunisia, Egypt, Syria, Lebanon and Jordan reflects a polarity between them on the one side and international treaties to which they are signatories as well as their own constitutions on the other (see annexes...) on the other. It is clear that the current nationality laws in the countries under study contradict with the notion of equality between all citizens as enshrined in their respective constitutions. Simply put, under the current nationality laws, men have the legal right to transfer their nationality to their wives and children, whereas women, married to foreigners, with the exception of a few cases do not enjoy the same right, although their constitutions state otherwise. Article 40 of the Egyptian Constitution for instance, states that 'All citizens are equal before the law. They have equal public rights and duties without discrimination between them due to race, ethnic origin, language, religion or creed'. Similarly Article 7 of the Lebanese constitution states that 'all Lebanese are equal before the law. They equally enjoy civil and political rights and are equally bound by public obligations and duties without any distinction' (see annexes for similar clauses from other constitutions).

4.2.2 International Treaties:

Both international judicial jurisprudence and international agreements grant states the right to set their own regulatory framework for granting nationality. They also provide states the right to confer nationality upon their own citizens according to their own independent will as sovereign states with particular national interests.

⁸ *ibid.*

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Accordingly, each of the MENA countries subject to this study have drawn up their own nationality laws, which they claim serve their own particular interests.

Consequently, a comparative analysis of the current nationality laws (see annex??) illustrates that only husbands may transfer their nationality on to their wives and children. Women married to non-nationals may transfer their nationality on to their children under two conditions only; if the child's father is unknown, if the latter does not possess a nationality, and in the case of Lebanon, if the latter dies while his children are still minors. Moreover, in Tunisia, Egypt and Syria for instance, the law only applies in cases where the child is actually born in the mother's homeland.

Hence, in each of the countries reviewed for this study, equality of the sexes before the law and the state, as set out in their respective constitutions are contradicted by their own nationality laws. This contradiction is further reinforced when considering the low levels of commitment to the spirit of equality as set out in CEDAW and as reflected in the reservations of countries subject to this study to clause 2 of article 9 of the convention. While reasons for the reservations might have varied slightly, the overall tendency has been to justify their decisions by claiming the article is incompatible with the provisions of national family codes dictated by established Islamic Jurisprudence. Egypt for instance justified its reservation in the following way:

“This is in order to prevent a child's acquisition of two nationalities where his (sic) parents are of different nationalities, since this may be prejudicial to his future. It is clear that the child's acquisition of his father's nationality is the procedure most suitable for the child and that this does not infringe upon the principle of equality between men and women, since it is customary for a woman to agree, upon marrying an alien, that her children shall be of the father's nationality”⁹

⁹ Egyptian reservation, 18 September 1981; <http://www.un.org/womanwatch/daw/cedaw/reservations.htm>

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The explanation provided by the Egyptian government is clearly a stand against the notion of dual nationality referred to in the above section. Yet there are no reasons provided in the explanation as to why the child's acquisition of the father's nationality is the "most suitable" procedure for a child, especially when considering that the father is unlikely to be the child's primary caregiver.

In the case of Lebanon however, it was not possible to use Islamic Sharia, as the justification for its reservation on article 9 of CEDAW. Hence, the main argument backing its reservation was that the country's policies and its constitution, were against any form of encouragement of a permanent settlement of Palestinian refugees, which might eventually harm the Palestinian right to return to their occupied land once a final settlement is reached with Israel. Yet, it would do no harm to the Palestinian cause if the government issued a new law giving women the right to pass on nationality with an exception to those married to Palestinians.

Benanni and Maadi (2003) argue that to use the justification that the requirements of the second paragraph of CEDAW are in violation of the Islamic Sharia, as most MENA countries subject to this study have done, is merely a cover used by states' to justify their varied and often inconsistent reservations of the article. This is especially so considering that these cover justifications are inconsistent with Sharia family laws and particularly those requirements concerning lineage. These laws are not the provisions of Islamic Sharia, per se, but subjective explanations and interpretations of a particular jurisprudent/human being. They go on to argue that in fact to claim that the second paragraph of CEDAW is in violation of the Sharia, is in essence harmful to Islam. If the term 'Islamic Sharia' which the majority of Arab States used as a justification for their reservation is intended to purport religious texts, then the implication is that inequality between men and women, and the inferiority of women, are established in these texts. Working from this assumption would mean great difficulty in achieving equality between the sexes. Islam would then become the reason for inequality of the sexes in the right to pass on nationality to the children. It would then become responsible as well for creating the legal difficulties in which Arab mothers find themselves because of legislation formulated

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in the 20th century. It is for this reason that the importance of clarifying the distinction between religion and religious interpretations cannot be overemphasised.

It is clear from the above section that nationality laws in Egypt, Jordan, Lebanon, Syria, Yemen, Tunis and Morocco are in fact unconstitutional. They are also in contradiction to major treaties signed (such as the CRC and CEDAW) and in some cases ratified by these states, albeit with some major reservations. As explained previously, Islamic Sharia has been the major justification used in reservations submitted by states. Yet, more coherent explanations can probably be found in the long established hierarchal and patriarchal social structures in the region. Such institutionalized structures which have emerged from interplay of various global, regional and local socio-economic, cultural and religious dynamics, now form an explicit basis for social action. These social institutions are nurtured by generally gender discriminating legal systems, ranging from Personal Status and Family laws to Civil and Criminal laws and most relevant to the issue at hand, Nationality laws. They are also maintained and reinforced by complex legal procedures and a social and judicial environment, which is unfavorable to women. The latter is illustrated by the reluctance of judges to refer to international conventions despite them having been signed and ratified as well as the ban on female magistrates delivering verdicts on matters of personal status, such as the case in Morocco and Jordan (and Israel)¹⁰.

The state of women in Arab Islamic countries is an important component in the process of modernisation, for it cannot be achieved if the latter remain second-class citizens. MENA countries must therefore work towards eliminating their inconsistency and hesitation between the commitment to international human rights laws and their obstinate adherence to unilateral human interpretations of religious text.

Israel: A Special Case in Point?

In Israel the law on nationality continues to discriminate against approximately one

¹⁰ Naciri,R. and Nusair 2003 *The Integration of Women’s Rights in to the Euro-Mediterranean Partnership*. Published by the Euro-Mediterranean Human Rights Network.

thousand women of Palestinian origin-Israeli citizens who married Palestinians from the Occupied Territories between the years of 1967 and 1990. These women were required to sign a document giving up their Israeli nationality while married to and residing with Palestinian from the Occupied Territories. The women signed the documents without understanding the implications. Children of these women were therefore born stateless and without nationality. Divorcees or Widows wishing to recover their Israeli nationality, to return to Israel or at to gain permanent residency are often refused. They continue to live in Israel as refugees and face deportation if discovered¹¹.

5.0 Field Research

The field research for this study demonstrated that statistics on migrations in Arab countries are difficult to obtain. Cross-national marriages often go unrecorded. In addition, when they are recorded they tend to be done in different places. Hence records are often difficult to obtain from one central location. Nonetheless, existing data on the topic indicates that the number of women married to non-nationals in Arab countries has increased in recent years.

The Arab world, like elsewhere is experiencing increasing inward and outward migratory flows as a result of conflict, poverty and the consequent search for economic stability. Accordingly, the number of Arab women married to non-nationals appears to have risen in recent years. This can and often poses a serious problem for women's families on many fronts. As mentioned previously, without the right to pass on their nationality to their family members, Arab women along with their husbands and children face immense economic and social challenges.

The non-national spouse and children of an Arab woman are generally treated as foreigners in the country in which they reside. State laws demand that they apply for residency and work permits. Moreover, they are excluded from using any of the state's services such as social security, health care and subsidized or free access to

¹¹ From Naciri R, and Nusair I for The Euro-Mediterranean Human Rights Network, *The Integration of Women's Rights from the Middle East and North Africa into the Euro-Mediterranean Partnership*, May 2003

education. This inevitably affects the life chances and emotional and psychological status of both parents and their children. The children because they are being exposed to discrimination at both official and unofficial levels and thus living in social exclusion and the parents because they are having to cope with a situation that is in essence violating their basic economic rights.

5.1 The Quantitative Studies

There does not seem to be a central record of data and information on women married to non-nationals in any of the countries under study. Such information would have had to be extracted and crosschecked from various sources such as residency permits, school enrolment, marriage/divorce registry etc. Moreover, registration procedures require a certain level of both literacy and awareness for them to be carried out. As the qualitative data suggests in some cases even literate middle class women regard registration procedures and knowledge of their rights as challenging. It can therefore be deduced that a large number of cross-national marriages might actually go unrecorded, especially amongst women from lower income groups. It is for the above reasons that statistical information on the subject matter could only be found in Lebanon and Morocco, albeit with a somewhat limited scope.

5.1.1 Morocco

Incidence of Moroccans married to non-nationals:

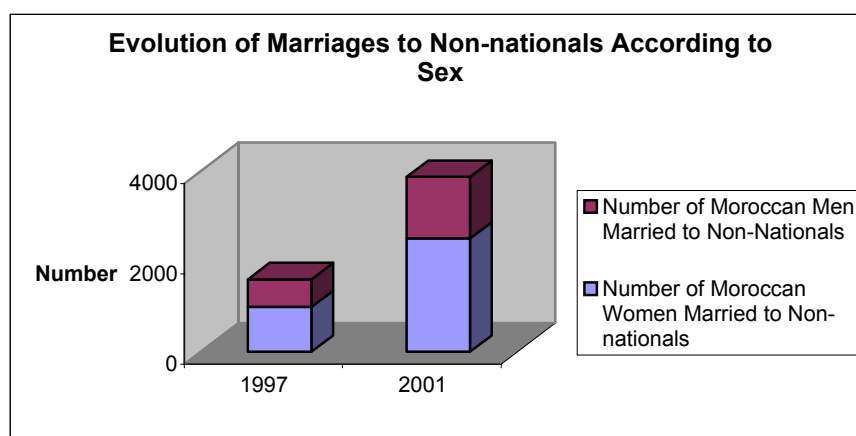
Interestingly more Moroccan women marry non-nationals than do Moroccan men. Moreover, in a space of four years, the number of marriages to non-nationals for both sexes jumped from 996 in 1997 to 2379 in 2001. This is an increase of more than 100%.

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Evolution of Marriages to Non-nationals According to Sex:

| Sex | 1997 | 2001 |
|-------|------|------|
| Women | 996 | 2507 |
| Men | 614 | 1366 |

Ministry of Justice bulletin on the marriages and divorces in Morocco 1997 and 2001



Nationalities of the Spouses:

Traditionally, Moroccans chose their foreign spouses from geographical surroundings. A large number of those were Algerians living along the border with Morocco. However, according to the data collected at the national level in 2001, the proportion of Algerian male spouses seems to have decreased in favor of spouses from Western Countries.

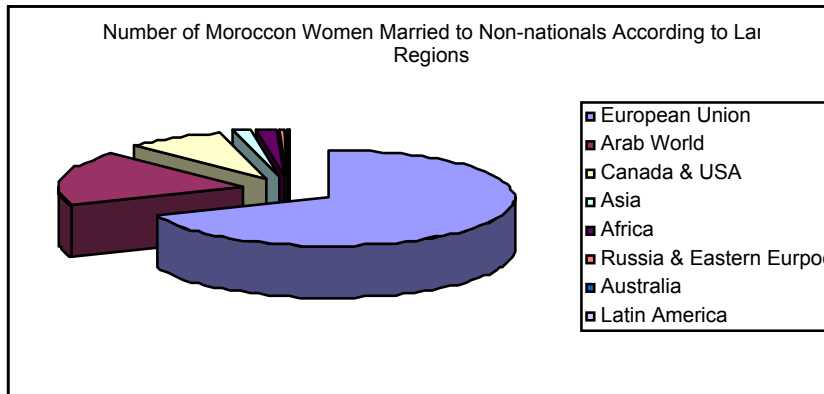
Number of Non-National Husbands according to Ethnic background:

| Regions | Number | % |
|----------------|--------|-------|
| European Union | 1640 | 68,93 |
| Arab World | 433 | 18,2 |
| Canada & USA | 204 | 8,57 |
| Asia | 45 | 1,89 |
| Africa | 38 | 1,59 |

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| | | |
|-------------------------|----|------|
| Russia & Eastern Europe | 12 | 0,5 |
| Australia | 5 | 0,21 |
| Latin America | 2 | 0,08 |

Source: Ministry of Justice, Civil Affaires Directorate



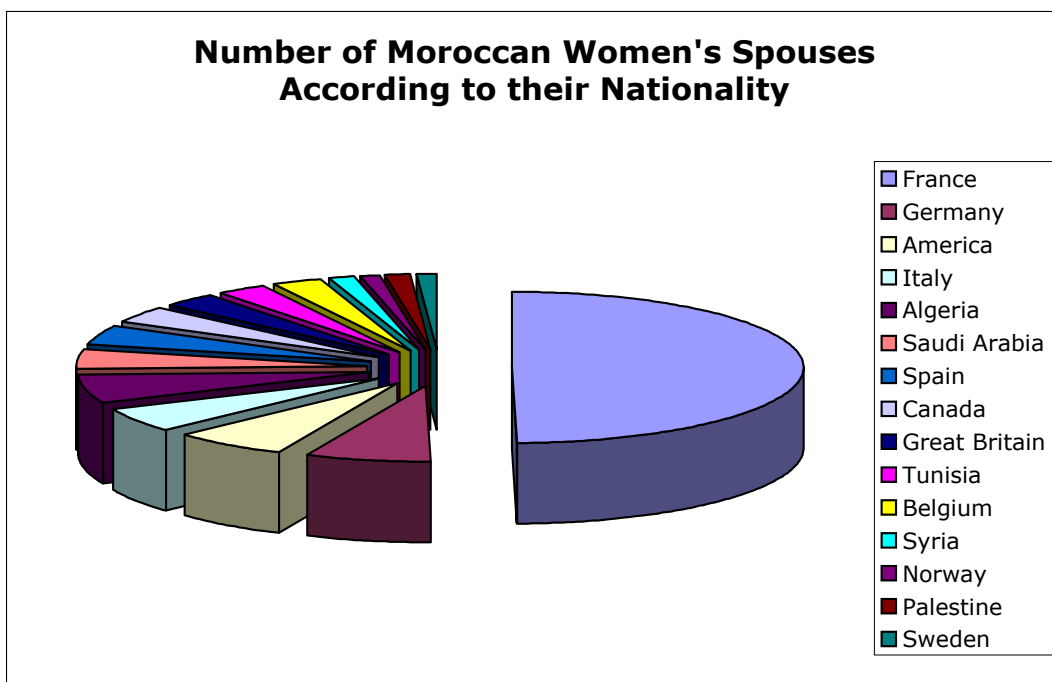
Number of Non-National Husbands according to Nationality:

| Number of Marriages to Non-nationals | Nationality of the Spouse | Amount |
|--------------------------------------|---------------------------|--------|
| More than 1000 | France | 1002 |
| Between 100 -150 | Germany | 138 |
| | America | 128 |
| | Italy | 109 |
| | Algeria | 122 |
| Between 51-100 | Saudi Arabia | 87 |
| | Spain | 80 |
| | Canada | 76 |
| | Great Britain | 61 |
| | Tunisia | 56 |

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| | | |
|----------------|-----------|----|
| | Belgium | 53 |
| Between 20 –50 | Syria | 28 |
| | Norway | 26 |
| | Palestine | 25 |
| | Sweden | 24 |
| Less than 20 | Others | |

Source: Ministry of Justice, Civil Affaires Directorate



5.1.2 Lebanon

A large proportion of foreign men married to Lebanese women left the country with their spouses during the 1975-1990 civil war. Hence, statistics regarding the number of marriages between nationals and non-nationals in Lebanon are less likely to be accurate. In addition, Civil Status laws and regulations do not oblige Lebanese women married to foreign men to register their marriages. Finally, as is the case everywhere, the concept of nationality is generally affiliated with political frameworks. In the case of Lebanon, this affiliation has even wider implications due

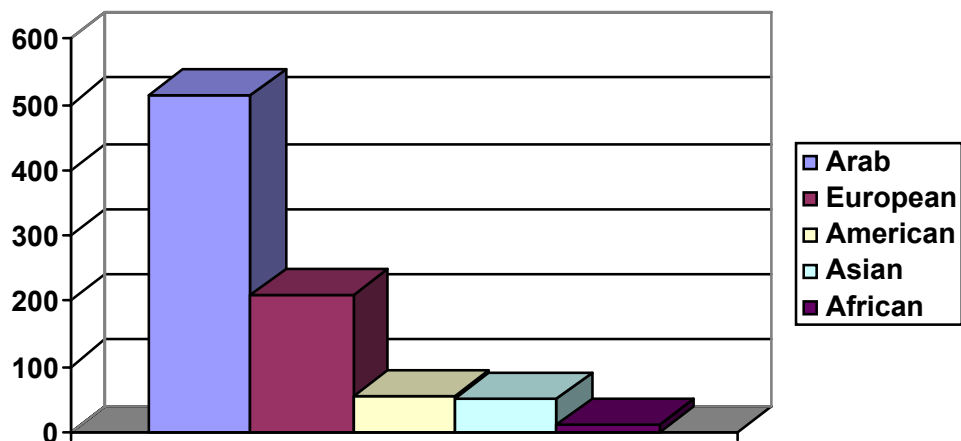
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to the question of Palestinian refugees, their right to return and the political concern to preserve the demographic balances between the sects.

Number of Foreigners Married to Lebanese Women According to Ethnic Background (Cumulative data for the period 1995-2002):

| Origin | Number | % |
|--------------|------------|------------|
| Arab | 515 | 61,3 |
| European | 210 | 25 |
| American | 54 | 6,4 |
| Asian | 50 | 6 |
| African | 11 | 1,3 |
| Total | 840 | 100 |

Source: Lebanese General Security



Number of non-nationals married to Lebanese Women According to their nationalities (Cumulative data for 1995-2002):

| Nationality | Number | % |
|-------------|--------|------|
| Egyptian | 197 | 23,5 |
| Jordanian | 148 | 17,6 |
| Iraqi | 783 | 9,9 |
| French | 70 | 8,3 |
| British | 30 | 3,6 |

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| | | |
|-------------|----|-------|
| Syrian | 29 | 3,5 |
| Iranian | 26 | 3,1 |
| American | 23 | 2,7 |
| Turkish | 19 | 2,3 |
| Canadian | 17 | 2,0 |
| German | 17 | 2,0 |
| Palestinian | 16 | 1,9 |
| Others | | 19, 6 |

Source: Lebanese General Security

The above data indicates that unlike in Morocco, in Lebanon Arab husbands constitute a majority of all non-national husbands (61.5%).

5.2 Qualitative Data and Analysis

5.2.1 Methodology

In anticipation of the challenges that would be met in obtaining and focusing on purely quantitative data for the study and with the intention of acquiring information on human life experiences that are commonly lost in quantitative research the research team took the decision to focus on the collection of qualitative data. This was done by carrying out face-to face interviews with 46 women married to non-national men from each of, Morocco (10) Egypt (10), Syria (10), Lebanon (10) and Jordan (6). The sample size was chosen according to various criteria. These range from marital status to husband’s nationality, level of education, social class and religion (See Annex for the socio-demographic characteristics of the husband chosen).

5.2.3 Socio-demographic conditions

An analysis of the socio-demographic characteristics and marriage conditions data collected indicates the following patterns:

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- Most of the interviewed women were still married. 26.8% of the sample size was divorced while 10.7 were widowed.
- In most cases, the cross-national marriage took place between Arab couples. Morocco is the only exception here as most women in the sample size were married to Europeans.
- In most cases, the cross-national marriage took place between same religion couples. Again, Morocco is the only exception here as most women in the sample size were married to European men.
- Most of the couples in the sample possess equivalent educational levels.

5.2.4 Marriage Conditions

Choosing the Husband:

Most of the women in the sample, with the exception of Jordan and Egypt said that they chose their husbands freely and in spite of family and social pressures not to do so. As one Moroccan woman summed it up: *"We can manage to convince the family, but it is harder to convince our social environment."* In Jordan only three of the six women interviewed were the marriages based on love, the other half submitted to pre-arranged marriages to more well to do families. In Egypt, most marriages were pre-arranged by their respective families. Finally, as was the case with a Christian Egyptian woman who married a Sudanese Muslim, it is more difficult for families to approve marriages to non-Muslim foreigners, be they Arab or otherwise.

Lack of Awareness of the Repercussions of Marriages to Non-nationals:

Most of the women in the sample claimed they were unaware of the consequences of marriage to a non-national. Such was the case with the more educated women in the sample as well. This is indicative of a general lack of awareness or knowledge regarding national civic laws and practices. In the case of Lebanon for instance, most women said they assumed that upon marriage to a foreigner their children would in fact have the right to dual nationality. Another Lebanese woman claimed that the right to pass on her nationality to her children was "unquestionable" in her

mind. In Egypt, 6 out of 10 women claimed that they were not informed about the results of marrying non-nationals. One of them blamed the government for her situation as she married during the union between Egypt and Syria where both people were considered the same. One Jordanian woman claimed that although she was informed about the consequences of marrying a non-national, she assumed that the situation would change as she had heard rumors that the law would be amended.

Interestingly the lack of awareness in regards to nationality laws and the consequences of marriage to a foreigner cut across class lines and educational levels. Most women in the sample chosen, regardless of income groups admitted to being ignorant of what was awaiting them upon marrying a non-national.

5.2.5 Consequences of marrying a non-national

"I didn't know about the punishment that results from marriage to someone with another Arab nationality. I had no clue that this marriage was destined to be punished..."

All the women who were interviewed said they discovered the consequences of getting married to non-nationals either when they had their first child or after the divorce from or death of the husband. One woman discovered that her husband was Syrian after he died, the other when she had her first child. Again, this is also a phenomenon that was found to cut across class lines and educational backgrounds.

Registering the Children in the Civil Records:

"I refuse to accept that my own flesh and blood, the baby I held inside me for nine months is not the same nationality as me..."

The first painful contact with reality women have to face is when they find out that they are unable to register their children in national civil records. Many women in

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the sample spoke of the shock they received and the intense feeling of indignity upon realizing the limits to their rights as citizens.

In most cases the only option available for women to register their children is at the embassies of their husbands' countries. However, the husband is often the only person entitled to execute that function, which makes the situation more difficult in cases of death, separation or divorce. Some women in the sample, whose husbands worked abroad, were compelled to wait for more than one year to register their child.

Other problems occur in cases of the absence of the consulate services. Such a situation exists between Syria and Lebanon for instance, where there is no diplomatic representation between the two countries. Crises between Arab countries that result in the severing of diplomatic ties such as Kuwait and Iraq can also be a problem for mixed marriages.

Such problems principally affect women who are married to Arab non-nationals. Those who are married to occidental non-nationals are not confronted with the same issues since their children are easily registered in their husband's countries of origins and the governments of those countries protect their rights. Hence children with mothers from one of the countries subject to this study and a non-national father from another Arab country fare the worst. Along with citizenship comes a set of basic human rights such as access to social services and health care. Yet when children are denied their mother's citizenship they sometimes have to resort to the father's country of origin where social service provision is also compromised to an extent that renders the children vulnerable

Freedom of Movement:

"My Husband is not free to travel....to move..."

Since children are not generally registered on their mothers' passports, they often need their fathers' approval to be able to travel, even when they are actually traveling with their mothers. In cases where the father is deceased or the parents

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are separated or divorced, the children may resort to traveling without ID's or passports.

The absence of legal papers can force families to live as outlaws in constant fear of being stopped by police. According to one woman, *"When it gets dark and my children are not home yet, I get scared that they were arrested by the police and that they would be kicked out of the country"*. This in turn, can have severe psychological impacts on the children who feel as one Jordanian teenager put it *"like prisoners in our own homes"*.

The Return Visa:

"I was not able to return to my country with my sick child..."

Return visas generate complications for the whole family. In Morocco, Authorities issue three-month visas. In one case a Moroccan woman had to take her sick child to another country for treatment and was obliged for the same reasons to reside abroad for more than three months. Returning to Morocco after the three-month deadline was a near impossible experience. Lebanese women complained of the bureaucracy and red tape involved in renewing and/or acquiring new visas. The complaints referred to humiliating treatment on behalf of the civil administrators and irregular procedures and regulations. As one woman explained *"we know what they are doing and thinking when they send us back and forth collecting papers for days on end"* Jordanian women spoke of the same treatment in Jordan; *"I am not treated like a human being when I go do my paperwork at the Ministry of interior"*.

The Judicial and Administrative Procedures:

"The only reason my children were able to attend school is because I was friends with the school teachers"

In some cases consular authorities refuse to register or deliver official papers to the children in the absence of their fathers. A Syrian woman for instance, was unable to

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register her in children in school because their father's passport was expired and was having it renewed at the same time as the school's registration period.

Moreover, children's diplomas, which are sometimes obtained in the country of origin of one of their parents, may not necessarily be recognized in the country of the other parent. Consequently, children are forced to undertake lower paid and lower skilled jobs as they are excluded from fairly competing in the job market because of their lack of legal papers.

Residence of the Husband and Children:

Residency permits are probably the most problematic issue resulting from marriages between Arab women and non-nationals. Non-national husbands, and their children who were born and raised in the wife's country, have to submit to strict laws and procedures to obtain residency permits as regular foreigners.

If the husband's residency permit is cancelled for any reason, the residency permits of his children are cancelled, as well, forcing them all to leave the country. This is likely to occur during periods of tension and crises between countries.

Social Rights:

"We had to send our son, who is Lebanese, to France for his post-graduate studies in medicine. As a result, the family suffered financially and morally because we couldn't afford to do the same for his sister".

In Morocco and Tunisia, children of cross-national marriages have no problem in accessing school education. However, challenges are faced at the university level, as they fall within the foreign students' category, whose quota is normally small.

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A Jordanian woman described how her children were constantly threatened to be thrown out of school because they didn’t have the required official papers. She had to intervene various times to keep them in school¹².

Like education, health care is often not accessible for the children of a non-national father. The daughter of one Jordanian woman is handicapped, yet the Ministry of Social Affairs is not able to help because of her legal status. She couldn’t obtain health insurance for the same reason.

Finally, it is difficult for non-nationals’ families to receive any sort of governmental social, no matter how desperate the financial situation might be.

The Economic Rights of the Non-national Husbands and Children:

My children have not given up looking for work, yet without national identity cards this is virtually impossible...

According to the women’s statements, non-national husbands and their children can’t work in the public sector because they are considered foreigners. Some rare exceptions exist, where countries offer a small number of jobs to foreigners.

In the private sector, there are many restraints hindering the availability of job opportunities. In Lebanon for instance, foreigners are prohibited from working in jobs that Lebanese could potentially compete for. This compels people to resort to illegally paid work. This in turn can mean poor salaries and abusive treatment. A Jordanian widow of an Indian man was not able to claim her husband’s indemnities after his death because he was working illegally and she had no proof to support her claim. She considered appointing a lawyer to defend her case, but she couldn’t afford the legal procedures’ fees.

The Right of Ownership:

¹² In 1996, The Supreme council on Education ruled that children who have the official civil family document have the right to go to university.

In the countries under study, there are often restrictions on land ownership by foreigners. Hence, couples are obliged to register their properties under the wife's name. Most couples that choose to buy property often have to submit to severe restrictions and regulatory frameworks in order to

In the cases of Lebanon, Jordan and Morocco, inheritance between two foreigners is forbidden.

The Psychological Impact on the Children and the Family:

"My life is consistently threatened by divorce and instability..."

In general, women married to non-nationals feel responsible for their situations. Most women interviewed claimed that they never resorted to their families for help, as they tended to oppose the marriage in the first place.

Many women spoke of the tensions that arise between themselves and their husbands as a result of financial and legal instabilities. This can cause many women to live in fear of their husband's leaving the country and taking their children with them. This fear has led some women to bear their husband's maltreatment and violence in order to keep their children near them.

In terms of the psychological impact on children, it is found that they often feel deprived of what other children possess in terms of freedom to travel and access to education for instance. Additionally, they tend to be sensitive to other people's judgments and prejudice. As one young Jordanian man put it "*in Egypt, I am not able to accustom to their local traditions and way of life...and in Jordan I am treated as an Egyptian with no rights*". As the brother of this young man put it "*we grew up wishing we were Jordanian and not Egyptian*"

In Lebanon one woman clearly expressed the prejudice she feels "*no body acknowledges us...not my family nor my friends*". Another woman married to a

Palestinian expressed her frustration at not being accepted either by the Palestinian community nor the Lebanese *"We are Christian so the Palestinians don't acknowledge us, but neither do the Lebanese"*. Finally another woman articulated feelings of shame in front of her society *"I feel shame...shame...its an insult, it must not be like this"*. A Jordanian woman married to a Ghanaian man spoke of her anger at being discriminated against by her own people and government *"It angers me that I am not recognized as a full Jordanian, yet I am, I've lived here all my life and my allegiance is to this country-yet this is not recognized"*. She went on to express her anger at granting women who marry Jordanian men nationality upon marriage.

5.3 Feelings and Opinions

"Every time I think about the situation of my children...I get so angry, I go crazy"

Women whose husbands are Arabs or come from other developing countries are more likely to suffer as a result of the situation. So are families with more modest financial standing. Yet all women in the study clearly expressed their anger, disappointment and disillusionment with the laws and regulations that treat them as second-class citizens and social outcasts, regardless of their husband's nationality. Sentiments of anger at the injustices they felt they were enduring are present. As a Jordanian woman clearly stated *"I am angry that Jordanian men can get married to non-nationals without causing negative legal and socio-economic consequences, while we can't"*

Feelings of culpability and regret are also present amongst women with more modest financial backgrounds. Culpability, illustrated in statements such as: *"I am the reason why my daughters have no future,"* or *"I wish I could die to stop regretting what I did to my children"*. In some cases women even admitted to regretting marrying non-nationals, feeling shameful about what they feel they have put their families through.

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Finally, women expressed feelings of anguish when they contemplated the future of their children and the difficulties awaiting them. *"I have the impression that I am trapped and suffocating,"* a Jordanian woman said.

5.4 Coping Strategies

"He entered hospital to undergo an operation under a false name...I was so afraid someone would find out"

Despite some minor procedural differences in their coping strategies, most women in this study adopt similar techniques to deal with the situation.

At the individual level, women tended first to attempt registering the children on the mother's passport, they appeal to the Judiciary or the Royal Court (in the cases of Jordan and Morocco) or contact the Ministry of Interior. When this fails they would resort to the use of personal connections. Some women feel resigned and given in others choose alternative means, such as bypassing the laws. Here they may forge papers to register the children in school, benefit from social security or to get them in to hospitals and universities. Employing personal connections is a common method to obtain some rights. In some cases such connections provided some non-national husbands with the necessary bank clearances to obtain working permits. Some women in Tunisia, Lebanon and Morocco resorted to collective action through work with relevant NGOs on the matter.

6.0 Concluding Remarks

It is clear from the above analyses that across the MENA region, married women are denied their right to nationality if their husbands are non-nationals. Moreover article 9 of 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. All countries of focus for this research are signatories to this convention. However, none of them have granted their promises to grant full citizenship to women and respect their rights as outlined in the treaty. As such, all signatory Arab states have expressed reservations on this provision of the Convention. Additionally, local nationality laws in these states are, in essence, unconstitutional considering they contradict with the provision of equality between all citizens at all levels in each of their respective constitutions.

Almost all women in the research sample admitted to not knowing what marrying a non-national of their country would entail. This is a confirmation of the fact that knowledge of overall citizenship rights in general and nationality laws in specific is lacking in the region. Thus the challenge here is to incorporate terms such as 'citizenship' and 'nationality' into mainstream public discourse. In many parts of the world citizenship is already emerging as the central point for protest and resistance by NGOs against deprivation and social exclusion¹³. In the MENA countries the public and in specific women's knowledge and understanding of these tools is potentially a powerful strategic tool that can be used as a leverage for change and greater empowerment for women in the region.

Needless to say, immense efforts have already been exerted on behalf of many grassroots organizations in the Arab World to pressure Arab state signatories of CEDAW to fulfill their promise of granting women the right to full citizenship. Consequently, in parallel with the activities and projects of the *Gender and*

¹³ *Citizenship: Pushing the Boundaries*, Feminist Review, Routledge 1997

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Citizenship Initiative, some interesting changes regarding family and nationality laws have or are about to take place in some Arab countries. Below are highlights of recent developments:

- Tunisia has recently modified its nationality legislation, allowing Tunisian women married to non-nationals to pass on their nationality to their children provided that they are born in Tunisia.
- In Morocco, several women groups have been working with some political parties on the issue of nationality, with the objective of a significant change in the legislation, giving women the right to transfer nationality to their children systematically (the bill will be debated in parliament next October.
- In Jordan, women's organisations proposed an amendment to the Nationality Code in 2001, giving the council of ministers the power to grant Jordanian nationality on humanitarian grounds to children of Jordanian women married to non-nationals as these children have difficulty in accessing both education and employment¹⁴. Moreover, in November 2002 a temporary citizenship law was passed whereby women married to non-Jordanians will be able to pass their nationality to their children-however, it is still conditioned on the approval by the Council of Ministers, and this temporary law is still subject to approval by the Lower House of Parliament.
- In Egypt, the Government announced the permission to grant Egyptian citizenship to children of Egyptian women married to non-nationals under the condition that they meet certain requirements, such as proof of consistent residency in Egypt for at least ten years. This has yet to be finalized, ratified and implemented.

While the amendments put forward in each of the above examples, signify important shifts in policy, they will continue to remain only symbolic first steps until they materialize into real and functioning laws. Responding to the need for change illustrated by the realities exposed in this paper and building on the recommendations of women put forward, a comprehensive strategy for activism,

¹⁴ Naciri R, and Nusair I for The Euro-Mediterranean Human Rights Network, *The Integration of Women's Rights from the Middle East and North Africa into the Euro-Mediterranean Partnership*, May 2003, p.g. 30

including campaigning and awareness-raising to solve the issue must be implemented by all parties involved.

7.0 Recommendations

In response to the observations and conclusion set forth in the above section, the below recommendations are made. They are based first and foremost on the immediate need for countries in the MENA region to put an end to the inconsistency and hesitation which has thus far characterized their commitment (or lack thereof) to international human rights laws and their own constitutions by:

- Ratifying and implementing existing treaties, including both CEDAW and CRC
- Withdrawing reservations to international treaties and especially article 9 CEDAW

The below are a practical set of recommendations aimed at tackling challenges faced at the community level in MENA countries:

- In response to the prevalent lack of knowledge about citizenship and nationality: to push on with full force what CRTD and its partners and UNDP/POGAR have already in terms of an awareness campaign. Considering the extent to which current nationality laws are part and parcel of an overall socio-cultural tendency to de-prioritize women’s needs and rights, this should therefore be aimed at both the local community level and policy levels. This can be implemented with the utilization of a multi-media campaign to promote and educate about the notions of citizenship and right to transfer nationality in specific. The campaign will encompass posters, leaflets, training manuals as well as a billboard campaign if possible.
- As part of the need to amend domestic laws to facilitate the procedures for the acquisition and transfer of nationality: to ally with key members of parliament and the media to ensure that they carry the campaigns message forward. This would entail serious follow-up work as well as keeping track of

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- their activities in the in the period following any meetings and conferences to take. The Media and MPs are potentially the strongest partners in pushing the notions of citizenship and nationality further into the public
- As response to women's complaints about the treatment they receive from immigration officers and interior ministry staff: Gender training for immigration law enforcement and administrative officers is crucial.

APPENDICES

Appendix I: Overview of the Laws of Nationality in Morocco, Tunisia, Egypt, Syria, and Lebanon

The General Principles of Equity Consecrated in the Constitution:

1. Egypt

The Egyptian Constitution, promulgated in April 1923, Article 11, declares:

"The State shall guarantee the proper coordination between the duties of woman towards the family and her work in the society, considering her equal with man in the fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence."

Article 40 adds: "All citizens are equal before the law. They have equal public rights and duties without discrimination between them due to race, ethnicity, language, or creed."

2. Jordan

The Jordanian Constitution, formulated and adopted on November 28, 1947 (ratified January 1, 1952) contains in Article 6 that:

- (i) Jordanians shall be equal before the law. There shall be no discrimination between them with regards to their rights and duties on grounds of race, language or religion.
- (ii) The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquility and equal opportunities to all Jordanians.

3. Lebanon

The May 23, 1926 Lebanese Constitution consecrates the principle of equity among nationals. Clause 'B' of the Major Principles of the Lebanese Constitution includes: "Lebanon is Arab in its identity and in its association. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception." Clause 'C' asserts:

"Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination."

Article 7 further adds:

"All Lebanese are equal before the law. They equally enjoy civil and political rights and are equally bound by public obligations and duties without any distinction."

4. Morocco

The Moroccan Constitution of October 7, 1996 declares that men and women have equal rights. The first section consecrates freedom of all Moroccan citizens, which is then cemented in Article 5, which states that all Moroccans are equal. Article 8 of the constitution certifies this equality regardless of gender; "men and women enjoy equal political rights."

5. Syria

The Syrian Constitution, adopted on March 13, 1973 states, "The citizens are equal before the law in their rights and duties" (Article 25, Clause 3)

The Constitution further declares:

"The state guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state removes the restrictions that prevent women's development and participation in building the socialist Arab society."

6. Tunisia

Chapter 6 of the Tunisian Constitution, adopted 1 June 1959, explicitly declares: "All citizens have the same rights and the same duties. They are equal before the law."

Appendix II: The International Pacts and Treaties Regarding Nationality

1. The Nationality Treaty:

The first article of the Treaty - endorsed during the codification conference convened in April 12, 1930 in the city of LaHaye, Holland - tackled the topic of nationality and urged all states to regulate this matter. The statement reads:

"Every state has the right to specify its citizens through its own legislations. Other states should approve the legislations' decisions. They also should be in agreement with international treaties and pacts as well as the mostly recognized principles of the nationality laws."

2. The Universal Declaration of Human Rights:

Adopted in 1948. Article 15 of clause one declares:

"Everyone has the right to a nationality"

3. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Adopted by the United Nations General Assembly on December 18, 1978.

Article 9 (1) states:

States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

Article 9 (2) states:

States Parties shall grant women equal rights with men with respect to nationality of their children.

4. *The Child's Rights Convention*

Adopted by the United Nations' General Assembly in November 1989 states:

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality

States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless

5. The treaty regarding the nationality of married women ratified by the National Assembly (decision number 1040) in January 29, 1957 states:

"The contractual states did not perceive that among the cases of laws practical discordances regarding nationality some that could result in women losing their nationality or gaining a nationality through marriage."

The following declarations were also made:

Article 1: Marriage or divorce between a national and a foreigner, or the nationality change of the couple during their marital lives, should not reflect on the couple's original nationality

Article 2: The contractual states agree that in case a national chose to acquire another nationality, his wife should be allowed to maintain her original nationality.

Article 3: 1. The contractual states agree that a foreigner married to a national man has the right to acquire her nationality if she chooses to. Acquiring nationality in such cases should be regulated by the bonds of national security and public rules.

6. The International Pact on Civil and Political Rights states:

"The party-states to this pact are committed to securing equity among men and women regarding all the civil and political rights mentioned in this pact."

Appendix III: Commitment and Reservations to International Treaties

Signing the Treaties

1. Morocco:

Morocco joined The International Pact of Civil and Political Rights in May 3, 1979 and did not register any reservations.

In 1993, Morocco also joined The Convention on the Elimination of All Forms of Discrimination Against Women and expressed some reservations, highlighted in section B.

2. Tunisia:

According to the law 41/67 issued on November 21, 1967, the Tunisian government ratified the treaty of married women's nationality, the treaty of women's political rights, and the treaty of women's right of choice and minimum age in marriage.

This ratification is considered an approval of the principle of equity between the two sexes. It is also considered the mean to achieve and secure women's rights.

Most importantly, the ratification made the treaty mandatory and legal, privileging the treaties over existing Tunisian laws. Chapter 32 of the Tunisian Constitution amended in May 26, 2002 states: "legally ratified treaties are stronger than laws as long as they are implemented by the other party."

The Tunisian government also ratified the international CEDAW with some reservations.

3. Egypt:

Article 151 of the Egyptian Constitution states: The President of the republic endorses treaties and notifies the People's Council, and it has the power of the law after its endorsement.

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Egypt ratified most of the international treaties and acknowledges all the international pacts regarding human rights. It even considers those documents as part of the Egyptian system insofar as they do not contradict the country's Constitution and local traditions.

Egypt also ratified the Children's Rights Treaty and CEDAW in 1980, which was utilized in an Egyptian Legislator's statement following the presidential decision 434 in 1981. The decision to take the treaty on board included reservations on Clause 2 of Article 9.

5. Lebanon:

In 1996, Lebanon signed the CEDAW treaty with reservations in accordance with law 572. Reservations were published in the Official Gazette in August 8, 1996

6. Morocco:

Upon its amendment of the CEDAW treaty, Morocco had reservations regarding Clause 2 of Article 9, which declares: The participant countries provide women the same rights as men regarding the children's nationality.

Moroccan nationality law denies women the right to pass on their nationality to their children, with the exception of cases whereby the father is unknown or without a nationality in order to uphold the universal right of a nationality to all the children.

However, Moroccan women married to non-nationals can confer their nationality on their children. To this end, children should be Moroccan residents and should apply for the nationality two years before reaching consensual age.

Morocco also held reservations to Article 2 (arrangements took by the states), Clause 4 of Article 15 (freedom of movement and the right to choose a residence), Clause 2 of Article 9 (right to pass on nationality), Article 16 (equity in marital rights and duties between men and women) and Article 29 (solving crises).

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Morocco argued that all its reservations were due to the treaty's discordance with Islamic Jurisprudence.

7. Tunisia:

Tunisia regarded many of CEDAW's declarations in contravention to the country's laws, especially those related to the transfer of nationality. Consequently, Tunisia had reservations to Chapter 9 of the children's nationality treaty as well as to Chapter 16, which deal with custody and inheritance. Tunisia argued that these reservations protected the traditional paternal authority and agreed with the Tunisian personal status laws as well as Islamic Jurisprudence.

6. Overview of the Reservations:

Most of the countries subject to this study had reservations to the international treaties and pacts calling for equity between men and women regarding nationality transfer to children. Those reservations were mostly the results of each of the countries' policies, legislations, and laws.

Reservations noted arise as a result of discrepancies in each country's policies and legislations

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Appendix IV: Socio-Demographic Characteristics of Non-National Spouses

| | Nationality | Sect | Educational Level | Profession | | Marital Status/ Number of Children |
|----------------|-----------------|-----------|-------------------|---------------|--------------|---------------------------------------|
| | | | | Wives | Husbands | |
| Egypt | | | | | | |
| 1 | Palestinian | | Superior | Teacher | Sans | M- 1 |
| 2 | Libyan | | Primary Sans | Sans | | W- 4 |
| 3 | Sudanese | | Sans Sup | Civil servant | | M- 3 |
| 4 | Greek | | Superior | Sans | | M- 4 |
| 5 | Saudi | | Secondary Sans | Hair dresser | | D- 1 |
| 6 | Iraqi | | Superior | Sans | | M- 2 |
| 7 | Syrian | | Illiterate Sup | Sans | | W- 2 |
| 8 | Austrian | | Superior | Interpreter | | D- 1 |
| 9 | Norwegian | | Superior | Consultant | | M- 2 |
| 10 | Palestinian | | illite rate Sans | Sans | | W- 2 |
| Lebanon | | | | | | |
| 1 | British | | Superior | Architect | Landscaper | M- 2 |
| 2 | Syrian/American | | Superior | Sans | Engineer | M- 2 |
| 3 | Syrian | | Primary | Maid | Sans | S - 8 |
| 4 | Syrian | | Secondary | Employee | Employee | M- 1 |
| 5 | Syrian | | Secondary Sans | Sans | | S- 1 |
| 6 | Palestinian | | Primary | Maid | | W- 2 |
| 7 | Syrian | | Primary Second | Nurse | Sans | M-2 |
| 8 | Palestinian | | Superior | Maid | Employee | M-2 |
| 9 | Egypt/Canadian | | Secondary | Sans | Sans | M-1 |
| 10 | Egyptian | | Primary Second | Tailor | Employee | M-2 |
| Morocco | | | | | | |
| 1 | Syrian | Muslim | Superior | University | Tutor | M- 2 enfants |
| 2 | Lebanese | Christian | Superior | Journalist | Architect | M- 2 |
| 3 | French | Christian | Superior | University | Tutor | D- 2 |
| 4 | Italian | Christian | Secondary | Employee | Merchant | M- 1 |
| 5 | Cameroonian | Christian | Superior Second | Secretary | Merchant | M- 2 |
| 6 | French | Christian | Superior | University | Direct.Soc | M- 2 |
| 7 | Algerian | Muslim | Primary | Sans | Worker | M- 2 |
| 8 | Palestinian | Muslim | Superior | Civil servant | Teacher | S- 3 |
| 9 | Lebanese | Muslim | Superior | Engineer | Entrepreneur | D- 2 |
| 10 | Cameroon | Christian | Superior Second | Teacher | Merchant | M- 2 |

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| | | | | | | |
|---------------|-------------|-----------|-----------------|----------------|----------------------|-------|
| Syria | | | | | | |
| 1 | Jordanian/ | Muslim | Superior | Private sector | | M-2 |
| 2 | Palestinian | Muslim | Secondary | Civil servant | Deceased | W- 3 |
| 3 | Iraqi | Muslim | Superior | Professor | Physician | D -1 |
| 4 | Saudi | Muslim | Superior | Sans | Engineer | M -1 |
| 5 | Lebanese | Muslim | Superior ND | Act | Private sector | D - 1 |
| 6 | Jordanian/ | Muslim | Superior Second | Teacher | Merchant | M - 4 |
| 7 | Palestinian | Muslim | Superior | Employee | Liberal | M - 2 |
| 8 | Sudanese | Muslim | Primary Second | Sans | Liberal | M - 4 |
| 9 | Lebanese | Muslim | Secondary | <i>Teacher</i> | <i>Civil servant</i> | D - 1 |
| 10 | Egyptian | | Superior Second | | | M - 2 |
| | Iraqi | | | | | |
| Jordan | | | | | | |
| 1 | British | Christian | Superior | Liberal | Researcher | M- 1 |
| 2 | Ghanaian | Muslim | Primary Second | Secretary | Merchant | S- 1 |
| 3 | Egyptian | Christian | Illiterate | Sans | Artisan | S - 5 |
| 4 | Palestinian | Christian | Secondary Sup | Secretary | Sans | M- 0 |
| 5 | Hindu | Muslim | - | Sans | Worker | V- 7 |
| 6 | Palestinian | Muslim | Illiterate | Sans | Merchant | M- 12 |

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