UNHCR
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UN WOMEN

BACKGROUND NOTE ON

Gender Equality, Nationality Laws and Statelessness

2025

Since 2012, UNHCR has issued an annual background note on gender equality in nationality laws related to the conferral of nationality on children. Nationality laws that do not grant women equal rights with men to confer nationality[1] on their children are a cause of statelessness and a concern for UNHCR under its mandate to prevent and reduce statelessness. This background note presents the most up-to-date information available to UNHCR and UN Women as of March 2025.

Sixty years ago, the laws of most States did not grant women equal rights in nationality matters. This has radically changed for the better since the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. However, gender-based inequalities in nationality laws continue to contribute to statelessness.

UNHCR and UN Women's survey of nationality legislation reveals that 24 countries – across nearly every region – still deny equal rights to men and women who are nationals at birth in conferring nationality on their biological children. This includes 12 countries in the Middle East and North Africa, 5 in Asia and the Pacific, 5 in Sub-Saharan Africa, and 2 in the Americas. Additionally, in 4 countries, mothers who became nationals later in life do not have equal rights to confer nationality on their children as fathers in the same circumstances, and in 5 countries women do not have the same rights as men to confer nationality on adopted children. These States are listed in the tables on page 9 and 10, with an analysis of their laws provided on pages 10 through 15. The relevant national legislation is listed in the annex on pages 16 to 18.

Discrimination against women in nationality laws can cause statelessness when children cannot acquire nationality from their fathers. This can occur (i) when the father is stateless; (ii) when the laws of the father's country restrict the conferral of nationality in certain cases, such as when the child is born abroad or out of wedlock; (iii) when the father is unknown; (iv) when the father is unable to fulfill administrative steps to confer his nationality or obtain proof of nationality for his children – such as in cases where he has died, been forcibly separated from his family, or faces burdensome documentation requirements; or (v) when the father is unwilling to complete these administrative steps.

Ensuring gender equality in nationality laws thus helps prevent statelessness and any adverse consequences that may stem from it, including limited access to rights and services, discrimination, and exploitation. It is against this background that UNHCR promotes gender equality in nationality laws as part of its mandate to prevent and reduce statelessness. UN Women is also committed to delivering programs, policies, and standards that protect the essential human right to nationality, and, as a result, ensure that every woman and girl can live

1 Under international law, the terms 'nationality' and 'citizenship' are synonymous, both referring to the legal bond between an individual and a State. These terms will be used interchangeably in this background note.

up to her full potential. The background note is intended as a roadmap for reform, highlighting that a few simple changes can advance sustainable development and eliminate one of the root causes of statelessness.

Scope of the background note

This background note examines gender discrimination in nationality legislation that prevents women from conferring nationality on their children on an equal basis with men. Previously, this analysis was restricted to **conferral of nationality by parents who are nationals at birth on their biological children**. This year's update expands the scope to also include:

- **Conferral of nationality by parents who became nationals later in life on their biological children**
- **Conferral of nationality by parents on adopted children**

Given that the previous scope only considered the first category, UNHCR continues to reference the number of countries where gender discrimination in nationality conferral by biological mothers who are nationals by birth persists—currently standing at 24—while separately noting the additional countries where other forms of discrimination regarding conferral of nationality on children exist.

While this background note focuses exclusively on the conferral of nationality on children, it is important to recognize that gender-based discrimination in nationality laws extends beyond this issue. Around 45 States do not provide equal rights to men and women concerning the acquisition, change, or retention of nationality upon changes in civil status. However, these aspects fall outside the scope of this background note.

The survey is further limited to issues concerning the conferral of nationality on children born as of March 2025. In some cases, States that have amended their laws to ensure equal nationality transmission rights for mothers and fathers have not made these reforms retroactive. As a result, children born before the reform may still face barriers to acquiring nationality from their mothers on the same basis as they would from their fathers. Such situations are not included in this note.

Additionally, certain States provide for equal nationality transmission rights for mothers and fathers but allow nationality conferred by the mother to be repudiated before the child reaches the age of majority. When this provision does not apply to nationality conferred by fathers, it represents a form of gender discrimination. However, such provisions are not covered within the scope of this background note.

The analysis focuses on legislation governing nationality acquisition, specifically examining nationality laws and constitutional provisions. In cases where constitutional provisions contradict nationality laws, the contradiction is explicitly noted.

Countries are classified as having gender discrimination in nationality acquisition based on discriminatory provisions in law rather than in practice. However, where notable discrepancies between law and practice exist, they are highlighted in the analysis. The background note does not assess the effectiveness of legal remedies available to individuals affected by discriminatory provisions, nor does it analyze broader administrative or procedural barriers that may arise in the implementation of nationality laws.

The international and regional legal framework and other commitments

Gender-equal nationality rights are enshrined in several international legal instruments, emphasizing the right to nationality and the principle of non-discrimination. The *Universal Declaration of Human Rights* (UDHR) (Article 15) affirms that "everyone has the right to a nationality", and underscores in Article 2 that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, …". Specifically on the issue of gender discrimination, the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) obliges States Parties to grant women equal rights with men in respect to acquisition, change, or retention of their nationality (Article 9(1)) and in relation to the conferral of nationality on their children (Article 9(2)).

Out of the 28 countries[2] with nationality laws that contain gender discriminatory provisions in the conferral of nationality on children, 25 are parties to the CEDAW. Only Iran, Somalia, and Sudan are not parties. However, 12 of the parties have made Reservations against Article 9(2) or to the entirety of Article 9.[3] The countries with discriminatory nationality laws that are parties to CEDAW without a Reservation against Article 9(2) are: Barbados, Burundi, the Dominican Republic, Eswatini, Iraq, Kiribati, Libya, Madagascar, Mauritania, Mauritius, Nepal and Yemen.

The *Convention on the Rights of the Child* (CRC) further reinforces the framework by protecting every child's right to acquire a nationality (Article 7). Similarly, the *International Covenant on Civil and Political Rights* (ICCPR) protects children's right to acquire a nationality (Article 24) and mandates equal protection of the law without any discrimination (Article 26), further buttressing the principle of gender-equal nationality rights.

2 These 28 countries include those where: (i) women who are nationals by birth do not have the same ability as men to confer nationality on their children, (ii) women who acquired nationality later in life face unequal restrictions in conferring nationality, or (iii) women do not have equal rights to confer nationality in cases of adoption.

3 These countries are: The Bahamas, Bahrain, Brunei Darussalam, Jordan, Kuwait, Lebanon, Malaysia, Oman, Qatar, Saudi Arabia, Syria, and the United Arab Emirates.

At the regional level, the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* (Maputo Protocol) commits States to ensure women's equal rights in nationality matters, including the ability to confer nationality on their children (Article 6). The *Protocol to the African Charter on Human and People's Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness* in Africa enshrines equal nationality rights for women and men to acquire, change, or retain their nationality, and to confer nationality on their children (Article 4). In the Americas, the *American Convention on Human Rights* (Article 20) protects the right to nationality, and the Inter-American Court of Human Rights has issued landmark rulings that recognize the importance of gender-equal nationality laws in preventing statelessness. In Europe, the *European Convention on Nationality* obligates States to eliminate gender discrimination in nationality laws, underscoring equal rights for parents to pass on their nationality (Article 5).

Several regional commitments have also been made to promote gender equality in nationality laws. In 2015, Member States of the Economic Community of West African States (ECOWAS) committed to ensuring that women and men have equal rights to confer nationality on their children under the *Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness*. The States reiterated this commitment in the legally binding *Banjul Plan of Action* adopted in 2017. Also in 2017, Member States of the International Conference of the Great Lakes Region signed a *Declaration on the Eradication of Statelessness* and an accompanying *Plan of Action*, which commits those States to ensuring that women and men have equal rights to acquire, change, and retain their nationality and to confer their nationality on their children and spouses. In 2018, Member States of the Economic and Monetary Community of Central Africa endorsed the *N'Djamena Initiative on the Eradication of Statelessness in Central Africa*, under which they commit to ensuring equal nationality rights for women and men to acquire, change, retain, and transmit their nationality. In 2023, the League of Arab States (LAS) adopted the *Arab Declaration on Belonging and Legal Identity*, which calls for member states to strengthen women's right to confer their nationality and to lift reservations to CEDAW related to this right. The Declaration was formally launched by LAS in July 2024.

At the 2019 High-Level Segment on Statelessness, convened by UNHCR at the mid-point of the #IBelong Campaign to End Statelessness, Eswatini pledged to resolve issues of gender discrimination in the conferral of nationality on children before the end of the #IBelong Campaign in 2024. The necessary steps towards Constitutional reform are underway, with UNHCR supporting the Government to deliver on its pledge.

Universal Periodic Review recommendations on gender equal nationality laws

The issue of gender discrimination in nationality laws has received significant attention in recent years through the Human Rights Council's Universal Periodic Review (UPR), a process that regularly reviews the human rights records of all 193 UN Member States. From 2008 to 2024 (up to the 45th session), at least 187 Recommendations were made calling for the removal of gender discriminatory provisions in nationality laws that prevent mothers from conferring nationality on their children.[4]

Among the States that received these Recommendations, Kenya, Liberia, Madagascar, Monaco, Sierra Leone and Suriname have since reformed their nationality laws to allow mothers to confer nationality on their children on an equal basis as men. Additionally, Iran and the United Arab Emirates have partially reformed their laws.

Of the total number of Recommendations on this issue, 170 were directed at the 24 countries where women who are nationals at birth cannot confer nationality on their biological children. Of these, 30% of Recommendations were accepted, including by: the Bahamas (8), Bahrain (12), Barbados (6), Iran (1), Iraq (1), Lebanon (2), Libya (5), Nepal (1), Oman (2), Qatar (1), Saudi Arabia (7), Syria (4) and Togo (1).

Law reforms and other developments to date

There is growing willingness and commitment by States to take action toward achieving gender equality in nationality laws. In many instances, discriminatory provisions in nationality laws were 'inherited' by newly independent States from former colonial powers and have remained unchanged for decades. However, in recent years, various countries have undertaken reforms to allow mothers to confer nationality on their children on an equal basis with fathers, including Sri Lanka (2003), Egypt (2004), Algeria (2005), Indonesia (2006), Morocco (2007), Bangladesh (2009), Kenya (2010), Tunisia (2010), Yemen (2010), Monaco (2005, 2011), Senegal (2013), Suriname (2014), Madagascar (2017),[5] Sierra Leone (2006, 2017), and Liberia (2022).

In addition, a few countries have in recent years partially reformed their nationality laws to expand mothers' rights to confer nationality on their children, though discrimination still exists.

4 The analysis was conducted using the Universal Human Rights Index of the Office of the High Commissioner for Human Rights (available at: https://uhri.ohchr.org/en/search-human-rights-recommendations). The query covered the period from the beginning of 2008 to the 45th session in 2024. However, it may not have captured all relevant recommendations.

5 The law reform in Madagascar addressed only the ability of mothers to confer nationality on their biological children; women can still not confer nationality on adopted children.

In 2017, the **United Arab Emirates** (UAE) partially reformed its nationality law, allowing children born in the UAE or abroad to an Emirati mother who is married to a foreign national to apply for Emirati nationality when they reach the age of six. This adds to the existing circumstances in which Emirati women can confer nationality, for example where children are born in the UAE and their fathers are unknown, stateless or where the paternal relationship has not been substantiated.

In 2019, **Iran** partially reformed its law to allow Iranian women to apply to confer their nationality on their children, regardless of their place of birth. However, in July 2023, a parliamentary group proposed a new bill that, if adopted, would significantly restrict the applicability of the 2019 nationality law. The proposed bill limits eligibility for naturalization to persons above the age of 18 born to officially registered marriages. This contrasts with the 2019 law, which also includes children born of Sharia marriages (not officially registered) that occurred before the law's adoption. The bill also introduces additional requirements for eligible children, such as renouncing any other nationality and undergoing a DNA test to confirm their lineage to the Iranian mother. For eligible children under 18, the bill proposes issuing a residence permit based on their father's residence status. The amendment is under review by the parliament.

In July 2022, the House of Representatives of **Nepal** endorsed a bill to amend the Citizenship Act 2006, which would allow children born to a Nepali citizen mother outside Nepal to apply for naturalized citizenship of Nepal, among other provisions.

In 2023, the Privy Council of the **Bahamas**, the country's highest court, ruled that children born out of wedlock to Bahamian fathers and foreign mothers are Bahamian citizens at birth.1 Previously, the Constitution had been interpreted as granting them only the right to apply for nationality at age 18. This ruling upheld a 2020 decision of the Court of Appeal. In 2024, the Passport Act was amended to allow individuals affected by the ruling to apply for a passport, provided their father is identified on their birth certificate.

In **Eswatini,** ongoing litigation seeks to address gender discrimination in the nationality law. The case Machakata v. Minister of Home Affairs & Others seeks a High Court declaratory order to ensure that the relevant legislative provisions are interpreted in a non-discriminatory manner. Notably, the Eswatini Ministry of Home Affairs is not opposing the case.

Although nationality laws can be complex, ensuring gender equality often requires relatively simple amendments. This can be seen in the example of Kenya's constitutional reform in 2010. Under the prior Kenyan Constitution of 1969, Kenyan mothers and fathers could confer Kenyan nationality on their children born in Kenya on an equal basis, but only Kenyan fathers could confer nationality on children born abroad. The 2010 Constitution of Kenya addressed this, using the following formulation: *A person is a citizen by birth if on the day of the person's birth, whether or not the person is born in Kenya, either the mother or father of the person is a citizen.*

Developments from March 2024 to February 2025

In December 2024, the Senate of **Malaysia** passed a constitutional amendment bill to allow Malaysian women to confer nationality on their children born abroad, thereby granting women equal rights as men to confer nationality to children. Previously, such children could acquire Malaysian nationality only at the Federal Government's discretion through registration before the age of 21 at a Malaysian consulate or the National Registration Department in Malaysia. However, the amendment is not retroactive and therefore does not address past violations. Additionally, it introduces three regressive provisions, including the removal of key safeguards for granting nationality to stateless children born in Malaysia and to foundlings. The constitutional reform will take effect upon receiving royal assent and being published in the Gazette.

In **Oman**, Royal Decree No. 17/2025 replaced Royal Decree No. 38/2014 in 2025, easing naturalization conditions for children of Omani mothers and foreign fathers. Both laws restrict eligibility to cases where the mother is widowed, divorced, or abandoned by the foreign father. Previously, a ten-year waiting period applied in all cases. The new law reduces this to five years in case the mother was widowed or got divorced but keeps it at ten in case of abandonment. Similarly, the residency requirement, previously ten years, is now five for children of widowed or divorced mothers, while remaining ten for those abandoned.

In **Kuwait**, amendments to the nationality law revoked a provision that allowed children born in Kuwait to a Kuwaiti mother and a foreign father—who was either deceased or divorced from the mother—to apply for nationality. As a result, the only remaining scenario in which a woman can confer nationality is if the child's father is unknown or paternity is not established, and only once the child reaches the age of majority. This process remains discretionary.

Overview of nationality laws that do not grant women equality with men in conferring nationality on their children

Conferral of nationality by nationals at birth on biological children

The table below uses a color scheme to divide the laws of the 24 States into three categories. The first group of countries (red) have nationality laws that do not allow mothers who are nationals at birth to confer their nationality on their biological children with no, or very limited, exceptions – these laws create the greatest risk of statelessness. The laws of the second group of countries (orange) allow women to confer nationality in some circumstances. For example, some make exceptions for mothers to confer nationality if the father is unknown or stateless. In the country in the third category (yellow), the gender discriminatory provisions are unlikely to result in statelessness, as nationality can be acquired by application. Finally, the country in the fourth category (grey) has enacted reform to remove gender discrimination, but the reform has yet to enter into force.

The Bahamas	Burundi	Jordan	Libya	Oman	Sudan
Bahrain	Eswatini	Kiribati	Malaysia	Qatar	Syria
Barbados	Iran	Kuwait	Mauritania	Saudi Arabia	Togo
Brunei Darussalam	Iraq	Lebanon	Nepal	Somalia	United Arab Emirates

Conferral of nationality by parents who acquired nationality later in life on biological children

The table below categorizes the four countries where women who acquired nationality later in life cannot confer nationality on their biological children equally with men who acquired nationality later in life into two groups. The first group of countries (red) have nationality laws where women who acquired nationality later in life cannot confer nationality on their children under any circumstances. The nationality laws of the countries in orange allow for women who acquired nationality later in life to confer nationality under some circumstances, i.e., if the father has not recognized paternity or if the mother is granted custody of the child.

Burundi	Dominican Republic	Kiribati	Yemen

Conferral of nationality by parents on adopted children

The table below divides the five countries where women do not have equal rights as men to confer nationality on their adopted children. In the nationality law of the country in red, women cannot confer nationality on their adopted children under any circumstances. In the nationality laws of the countries in orange, a woman can confer nationality only if she adopts the child as a single parent.

The Bahamas	Barbados	Kiribati	Madagascar	Mauritius

Analysis of nationality legislation with gender inequality in conferring nationality on children

Middle East and North Africa

The nationality law of **Bahrain** only allows Bahraini mothers to confer nationality on their children born either in Bahrain or abroad if the father is unknown or has not established filiation. In contrast, Bahraini fathers can confer nationality on children born in or outside the country.

In **Iraq**, although the Constitution establishes equality between men and women by providing that nationality is acquired by descent from any Iraqi, the nationality law contains contradictory provisions. While one article aligns with the Constitution, another stipulates that a child born outside Iraq to an Iraqi mother and an unknown or stateless father may apply for naturalization only within one year after reaching adulthood, provided the child resides in Iraq at the time of application.

The nationality law of **Jordan** only allows Jordanian mothers to confer nationality if the child is born in Jordan and the father is of unknown nationality, stateless, or has not established filiation. However, it is understood that the practical application of this provision may be limited. In contrast, children born to a Jordanian father, whether in Jordan or abroad, are granted nationality at birth.

Under the **Kuwaiti** nationality law, a Kuwaiti mother cannot automatically confer her nationality to her children under any circumstances. However, a discretionary provision, in principle, allows her to pass on her nationality if the child's father is unknown or if paternity is not established, but only once the child reaches the age of majority. By contrast, children born to a Kuwaiti father, whether in Kuwait or abroad, are automatically granted nationality at birth.

Under the **Lebanese** nationality law, a Lebanese mother can only confer her nationality on her child if the child is born out of wedlock and she is the first to legally recognize the child. By contrast, a Lebanese father can confer his nationality on his children in all situations, though in cases where the child is born out of wedlock the father still needs to legally recognize the child.

Under the nationality law of **Libya**, a Libyan mother can confer nationality on her children only in limited circumstances. While in principle a child born in Libya to a Libyan mother and an unknown or stateless father, or a father whose nationality is unidentified, can acquire Libyan nationality on a discretionary basis, the practical ability of these provisions is unclear. This discretionary grant of citizenship may also be available to the children of Libyan mothers and non-Libyan fathers, but the status of the law and its implementation is uncertain. In contrast, Libyan fathers can confer nationality on their children automatically, regardless of whether they are born inside or outside Libya.

According to the nationality law of **Mauritania**, children born in Mauritania to Mauritanian mothers and foreign fathers are automatically granted nationality.[6] Additionally, Mauritanian mothers automatically confer nationality on their children if the father is unknown or stateless, regardless of the child's place of birth. Children born abroad to Mauritanian mothers and foreign fathers can obtain Mauritanian nationality only by opting for it during the year before reaching majority. By contrast, children born to Mauritanian fathers, whether in Mauritania or abroad, automatically acquire nationality at birth, with no such conditions or limitations. No distinction is made in the Mauritanian nationality framework between the right of naturalized Mauritanian men and women to confer their nationality on their children.

The nationality law of **Oman** permits Omani mothers to confer nationality on their children only under specific conditions. A child born in Oman or abroad to an Omani mother is eligible for Omani nationality if the father has not established filiation or if the father was an Omani national who is now stateless. Additionally, a child born to an Omani mother and a foreign father may apply for naturalization only if the mother is widowed, divorced for five years, or has been abandoned by her foreign husband for at least ten years. The child must also have resided in Oman continuously for a minimum of five years in case the mother is widowed or got divorced and ten years in case the father abandoned the family, along with meeting other legal requirements.

6 Children born in Mauritania to Mauritanian mothers and foreign fathers can renounce their nationality in the year before reaching majority, even if this results in statelessness. This provision was originally intended to prevent dual nationality. However, a 2021 legal reform now allows Mauritanians to retain dual nationality, eliminating the requirement to renounce Mauritanian nationality upon naturalization in another country. While the provision on renouncing nationality remains in the nationality law, it falls outside the scope of this paper and, in practice, is understood to not be a cause of statelessness in the Mauritanian context.

The nationality law of **Qatar** does not permit Qatari mothers to confer their nationality on their children, without exception, even if this would result in statelessness. However, Qatari law gives the children of Qatari mothers priority for naturalization, but only after living in Qatar for more than 25 years. The practical application of this provision is unclear. In contrast, Qatari fathers can confer nationality on their children born in Qatar or abroad.

Under the nationality law of **Saudi Arabia**, a Saudi mother can confer her nationality on her child born either in or outside the country if the father is unknown or stateless. In addition, children born in Saudi Arabia to a Saudi mother and a foreign father may apply for naturalization within one year of reaching the age of majority, provided they meet several conditions: they must be permanent residents in the country, have no convictions or imprisonment exceeding six months, and be fluent in Arabic. In contrast, children of Saudi fathers automatically acquire Saudi nationality at birth, regardless of the child's birthplace.

In **Syria**, the nationality law allows Syrian mothers to confer nationality on their children only if the child is born in Syria and the father does not establish legal filiation with the child (i.e. because he is unknown, or paternity has not been established). By contrast, Syrian fathers confer nationality on their children regardless of the birthplace of the child.

The nationality law of the **United Arab Emirates** (UAE) only allows Emirati mothers to confer nationality on their children in limited circumstances. Children born in the UAE or abroad to an Emirati mother who is married to a foreigner may apply for Emirati nationality when they reach the age of six. A child born in the UAE or abroad to an Emirati mother and a father whose nationality is unknown, is stateless, or who has not established filiation can acquire Emirati nationality. In contrast, children born to an Emirati father, whether in the UAE or abroad, acquire Emirati nationality at birth.

Under the nationality law of **Yemen**, mothers who acquired nationality through naturalization cannot confer nationality on their children. In contrast, a naturalized father can confer nationality provided that the children are residing with him in Yemen.

Africa

Three African States – **Burundi, Sudan**, and **Togo** – have enshrined the principle of gender equality in recent constitutions but have yet to reform the relevant provisions of their nationality laws.[7] In principle, constitutional provisions prevail over the nationality law of each

7 The discrepancies between constitutional and nationality law provisions in the Gambia, Lesotho and Zimbabwe are not included in this list as it is clear that in these countries the provisions of their respective constitutions prevail. In the Gambia, the chapter on citizenship in the Constitution, which is the law applied for nationality matters, has addressed the discrimination related to transmission of nationality to children born abroad contained in the Citizenship Act. In Lesotho, discrimination with respect to women's ability to confer nationality on children present in Part II of the Citizenship Act was repealed by Article 166 of the Constitution. In Zimbabwe, the Constitution contradicts the discriminatory provisions contained in the Citizenship Act, and in cases where inconsistencies were challenged in court the Constitution prevailed. However, these citizenship acts should still be amended in order to be aligned with the gender equal provisions of each constitution.

State. However, because nationality laws tend to be more specific and practice-oriented, administrative authorities may be more likely to apply the older provisions of these laws rather than look to constitutional guarantees of gender equality.

According to the nationality law of **Burundi**, Burundian mothers automatically confer nationality on their children only in specific circumstances: (i) if the child is born out of wedlock, with the mother having established filiation and the father being unknown, and (ii) if the father has disowned the child. The law does not explicitly state whether a mother can confer nationality in these cases if the child is born abroad, but it is generally understood that she can. In contrast, Burundian fathers automatically confer nationality on their children born in Burundi and abroad. Additionally, minor children acquire Burundian nationality when their father acquires or regains Burundian nationality, provided he has recognized them. If the father has not recognized the child, the child will acquire Burundian nationality when the mother acquires or regains it. This disparity contradicts Burundi's Constitution, which guarantees gender equality in matters of nationality.

The nationality law of **Sudan** allows Sudanese mothers who are nationals by birth to confer nationality on their children upon application, whether the children are born in Sudan or abroad. In contrast, children born in Sudan or abroad to a Sudanese father who is a national at birth automatically acquire Sudanese nationality. An executive regulation further requires, as part of the application process, the permission of the father to confer the nationality on the child through maternal line in case the marriage is continuous. If the marriage has ended, the mother is to present legal documents that prove her custody over the child or present the death certificate of the father if he is deceased. This disparity is at variance with Sudan's Constitution, which guarantees that "anyone born to a Sudanese mother or father has an inalienable right to possess Sudanese nationality and citizenship".

In **Togo**, while the nationality law contains a safeguard to grant citizenship to children born in its territory who cannot claim the nationality of another State, it only allows Togolese mothers to confer their nationality on their children if the father is stateless or of unknown nationality. Children born to a Togolese father, in or outside of Togo, acquire nationality at birth. The discriminatory provision is contrary to the Constitution, which grants Togolese nationality to children born to Togolese fathers or mothers. In practice, a child born to a Togolese mother can acquire nationality on the basis of the mother's certificate of Togolese nationality, in accordance with the Constitution.

The nationality law and Constitution of **Eswatini** only allow Swazi mothers to confer nationality on their children if the child is born out of wedlock in Eswatini or abroad to a father who has not claimed the child in accordance with customary law. In contrast, a child born to an Eswatini father, whether in Eswatini or abroad, acquires nationality at birth. If the child is born out of wedlock, the father needs to legally recognize the child.

In **Madagascar,** only a father can confer nationality on an adopted child; a mother cannot.

In **Mauritius**, a woman can confer nationality on her adopted child only if she adopts the child as a single parent. In cases of joint adoption, only the father is able to confer nationality.

In **Somalia**, the nationality law does not allow Somali mothers to confer nationality on their children under any circumstances. In contrast, Somali fathers confer nationality at birth on children born in Somalia or abroad.

Asia

Under **Brunei Darussalam**'s nationality law, children of Brunei mothers, whether born in the country or abroad, can only obtain nationality through a discretionary application procedure. In contrast, children of Brunei fathers automatically acquire nationality at birth if their birth is registered within six months, regardless of where they are born.

Under the nationality law of **Iran**, children born in Iran or abroad to an Iranian mother and a non-Iranian father who are married under Sharia law may be granted nationality upon the mother's application before the child turns 18. After reaching 18, the child can apply independently. The Government retains discretion to grant or deny these applications. In contrast, children born to Iranian fathers automatically acquire nationality at birth, regardless of where they were born.

Under **Kiribati**'s Constitution, all children born in the country are granted Kiribati nationality, except those who acquire another nationality at birth. However, this exception does not apply to individuals whose father is a Kiribati citizen or who have an ancestor born in Kiribati before 1900; these individuals may hold dual citizenship. Meanwhile, children born abroad acquire Kiribati nationality only if they are born in wedlock to Kiribati fathers or out of wedlock to Kiribati mothers. Additionally, under the nationality law, naturalized women cannot pass their nationality to their children, whereas naturalized Kiribati men can. Finally, a Kiribati woman can confer nationality on her adopted child only if she adopts as a single parent. In cases of joint adoption, only the father is able to confer nationality. In December 2024, the Senate of Malaysia passed a constitutional amendment bill to allow Malaysian women to confer nationality on their children born abroad, ensuring equal rights with men in this regard. The reform will take effect upon receiving royal assent and publication in the Gazette.

While **Nepal**'s Constitution and nationality law state that a person can acquire citizenship by descent if either parent is a Nepali citizen, other discriminatory legal provisions in these same legislative documents significantly restrict women's ability to confer their nationality. The Constitution and nationality law stipulate that children of Nepali women married to foreign men—whether born in Nepal or abroad—can only obtain citizenship through naturalization, provided they have not acquired their father's nationality. However, many such applications

remain pending, leading to long delays.[8] Additionally, the Constitution grants citizenship by descent to a child born in Nepal to a Nepali mother and an unknown father, provided they have domicile in Nepal. If the father is later identified as a foreign citizen, the child's nationality is converted to naturalized citizenship. In practice, obtaining nationality through this provision is extremely difficult. The child and mother must declare that the father is unknown and navigate multiple procedural hurdles that compromise their dignity. These barriers often deter them from pursuing citizenship applications. In contrast, children born to Nepali fathers—whether in Nepal or abroad—automatically acquire Nepali nationality.

Americas

Under the Constitution of **the Bahamas**, children born in the country automatically acquire Bahamian nationality if either parent is Bahamian. For children born abroad within wedlock, only a father who was born in the Bahamas automatically confers Bahamian nationality. Children born abroad to a Bahamian mother and a foreign spouse may apply for nationality between the ages of 18 and 21, provided they do not hold another nationality. If a child is born out of wedlock abroad, nationality is automatically conferred through the mother if she was born in the Bahamas, while the father cannot confer nationality. Additionally, in cases of adoption, a Bahamian woman can confer nationality on her adopted child only if she adopts as a single parent. In joint adoptions, only the father is able to confer nationality.

According to the Constitution of **Barbados**, all children born in Barbados acquire Barbadian nationality at birth. However, children born outside Barbados can only acquire Barbadian nationality through the father if the child is born in wedlock, and through the mother if the child is born out of wedlock. In both cases nationality can only be conferred if the parent was born in Barbados. The Constitution also includes a provision allowing children born outside Barbados to acquire nationality through either parent if that parent was born in Barbados. However, the wording of the provision suggests it may not override the gender-discriminatory provision mentioned above. It remains unclear which provision takes precedence in practice. Additionally, under the nationality law, a Barbadian woman can confer nationality on her adopted child only if she adopts as a single parent. In cases of joint adoption, only the father is able to confer nationality.

While the **Dominican Republic**'s Constitution establishes equality between men and women and serves as the primary law governing nationality, the Naturalization Act imposes different rules for conferring nationality. A Dominican naturalized mother can pass Dominican nationality to her children born before her naturalization only if the father has not recognized paternity or if she has been granted custody. In contrast, a Dominican naturalized father can confer nationality simply by recognizing paternity.

8 The Supreme Court has ordered that such decisions are made without delay. See Arjun Kumar Shah vs Government of Nepal, Writ no. 074-WO0518, decided on 13 September 2018 and Sita Devi Adhikari et al vs Government of Nepal, Writ no. 067-WO1249, decided on 10 July 2013. An unofficial translation of these cases can be found in Compilation of Selected Decisions of Supreme Court on Citizenship and Birth Registration 2021, by the Forum for Women, Law and Development.

Annex – Nationality legislation regulating the conferral of nationality on children

The Bahamas
- Constitution of the Commonwealth of the Bahamas 1973, Articles 6, 8, 9 and 14
- Bahamas Nationality Act, Section 4

Bahrain
- Bahraini Citizenship Act 1963 (last amended in 1981), Article 4

Barbados
- Constitution of Barbados, Articles 4, 5 and 10(2)
- Barbados Citizenship Act, Cap. 186 (last amended 1982), section 5(3)

Brunei Darussalam
- Brunei Nationality Act (Amended by S 43/00 and S 55/02), Articles 4 and 6

Burundi
- Constitution de la République du Burundi promulguée le 7 juin 2018, Article 12
- Loi 1/013 du 18 juillet 2000 Portant Reforme du Code de la Nationalité, Articles 2 and 3(c)

Dominican Republic
- Law No. 1683 of 16 April 1948 Relating to Naturalisation, Article 4

Eswatini
- Constitution of the Kingdom of Swaziland Act 2005, Section 43(1), (2) and (4)
- Swaziland Citizenship Act 1992, Section 7(1), (2), and (4)

Iran
- Civil Code of the Islamic Republic of Iran, 23 May 1928, Article 976
- Amendment to the law on Determining the Nationality of Children Born from a Marriage of Iranian Women and Foreign Men, 7 September 2021

Iraq
- Constitution of the Republic of Iraq, 15 October 2005, Article 18
- Iraqi Nationality Act (No. 26/2006), Articles 3 and 4

Jordan
- Jordanian Nationality Law of 1954 (last amended 2023), Articles 3 and 9

Kiribati

- Constitution of Kiribati 1979, Articles 25 and 29
- Citizenship Act 1998, Chapter 18, Sections 6 and 7

Kuwait

- Nationality Law, 1959 (last amended 1987), Articles 2 and 3
- Decree 116/2024, amending the 1959 Kuwaiti Nationality Law, Article 3

Lebanon

- Decree No 15 on Lebanese Nationality (19 January 1925), as amended by Regulation No. 160 dated 16 July 1934; Regulation No. 122 L.R. dated 19 June 1939; Law of 11 January 1960, Articles 1 and 2

Libya

- Law No. (24) of 1378 FDP / 2010 AD on Provisions of Libyan Nationality, Articles 3 and 11
- Council of Ministers Decision No. 322 of 2021 for the formation of a Central Committee for Nationality and Reporting on some related Provisions

Madagascar

- Ordonnance No. 60-064 of July 22 1960, Article 21

Mauritania

- Loi No. 1961-112, Loi portant code de la nationalité mauritanienne, Loi n° 1962-157 and Loi n°1976-207, Article 8
- Loi No. 2010-023 du 2010 abrogeant et remplaçant certaines dispositions de la loi 61 –112 du 12 juin 1961 portant code de la Nationalité Mauritanienne, Article 13

Mauritius

- Mauritius Citizenship Act, RL 3/585, Section 3

Nepal

- Constitution of Nepal 2015, Article 11

Oman

- Royal Decree No. 17/2025 Promulgating the Omani Nationality Law, Articles 11, 12, 15 and 22

Qatar

- Law No. 38 of 2005 on the Acquisition of Qatari Nationality, Articles 1(4) and 2

Saudi Arabia

- Saudi Arabian Citizenship System, Decision no. 4, 25/1/1374, Articles 7 and 8

Somalia

- Law No. 28 of 22 December 1962 - Somali Citizenship, Article 4

Sudan

- Constitutional Charter for the Transitional Period of 2019, Article 45
- The Sudanese Nationality Act 1994 and its amendments 2011 and 2018, Article 4
- Nationality Executive Regulation 2005, Articles 6(a)(5) and (6)

Syria

- Nationality Law, Legislative Decree 276 of 20 November 1969, Article 3

Togo

- La Constitution de la IVe République 1992, Révisée par la loi no. 2002-029 du 31 décembre 2002, Article 32
- Loi sur la Nationalité Togolaise, 1978, Article 3

United Arab Emirates

- Federal Law No. 17 for 1972 Concerning Nationality, Passports and Amendments thereof, Articles 2 and 10-Bis

Yemen

- Law no. (6) of 1990 Concerning Yemeni Nationality, Article 9

Cover photo: *Deepti Gurung, left, who is the Asia and the Pacific Regional Winner of the 2024 UNHCR Nansen Refugee Award, and founder of the Citizenship Affected People's Network (CAPN), discusses a case with colleague Sangita Karki in Kathmandu, Nepal. With Deepti's support, Sangita secured citizenship in 2024 after a nine-year struggle. Deepti was recognized for her work to advocate for gender-equal nationality laws. Her own daughters, once stateless due to gender discrimination, also acquired citizenship in recent years. © UNHCR / Uma Bista*

Background Note on Gender Equality, Nationality Laws and Statelessness 2025

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