

Committee on the Elimination of Discrimination Against Women
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Re: United Arab Emirates – 62nd Pre-sessional Working Group of the Committee (9-13 March 2015)

23 January 2015

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Elimination of Discrimination Against Women (the Committee's) discussion of United Arab Emirates at its 62nd Pre-sessional Working Group of the Committee (9-13 March 2015). This letter will focus on continued violations of women's nationality rights in United Arab Emirates in violation of Article 2 (policy measures), and Article 9 (nationality) of the Convention on the Elimination of All Forms of Discrimination Against Women (the Convention)..

Equality Now, Equal Rights Trust, Women's Refugee Commission, and the Institute on Statelessness and Inclusion submit this letter on behalf of the Global Campaign for Equal Nationality Rights, a coalition of international and national organizations that promotes gender equality in nationality laws, so that women and men can confer, acquire, change and retain their nationality on an equal basis.

As a party to the Convention, United Arab Emirates has obligations to ensure that women enjoy equality in the area of nationality. Article 9 states that:

1. 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.

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

In its recent General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee confirmed that Article 9

extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

United Arab Emirates has placed a reservation against Article 9, which states that:

The United Arab Emirates, considering the acquisition of nationality an internal matter which is governed, and the conditions and controls of which are established, by national legislation makes a reservation to this article and does not consider itself bound by the provisions thereof.

We share the view of the Committee that Article 9 among other articles is “central to the object and purpose of the Convention and that the reservations impact negatively on the enjoyment by women of their rights”. Furthermore, we believe that the maintenance of nationality laws which discriminate on the basis of gender are in conflict with the object and purpose of the Convention and with the general obligation of all state parties to “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”.

United Arab Emirates’ Federal Law No. 17 for 1972 Concerning Nationality, Passports and Amendments Thereof discriminates against women. The law provides automatic citizenship to children of male citizens, while denying Emirati women equality with men with respect transferring nationality to their children, unless the father is unknown or is stateless or his affiliation is not legally established. The law also permits citizenship for foreign spouses of Emirati men under certain circumstances, but does not allow similar rights for foreign spouses of Emirati women.

The United Arab Emirates’ nationality law not only denies equality to women and men, but can also result in severe consequences for children, leaving them vulnerable, at risk of statelessness, and frequently without access to publicly-funded education, health and social benefits and economic opportunities. Such distinctions in the transmission of citizenship violate the right to equality, and constitute discrimination on the basis of sex. As stated above, while the United Arab Emirates has placed a reservation against Article 9, we consider this reservation to be contrary to the object and purpose of the Convention, and are also of the view that the provisions of Federal Law No. 17 which distinguish between men and women in respect of their ability to confer nationality contravene the general obligation to eliminate all forms of discrimination against women which arises under Article 2.

While the UAE maintains reservations to Article 9 of CEDAW, the unequal treatment of men and women in its nationality law is in contradiction to the principles of equality enshrined in the country’s Constitution. Article 14 of the Constitution states, “Equality, social justice, the provision of safety and security, and equality of opportunity for all citizens shall be pillars of society.” The UAE’s nationality law, however, denies equality to women citizens. This point was emphasized in the United Arab Emirates-based NGO Mafiwasta’s 2009 shadow report to CEDAW:

“It is clear from even a cursory examination of nationality provisions that Emirati women occupy a significantly inferior status in the eyes of the law. A woman’s citizenship and in certain situations even her continued residence in the country are dependent on the citizenship

entitlements of her husband or children, while a man's citizenship may be passed on and propagated through the simplest clerical procedures."

In the United Arab Emirates' 2008 report to CEDAW, the government stated that in the country's Constitution "the legislator was intent that there should be no distinction between the citizens of the Emirates on the basis of sex in any laws or legislation."

In its response to the CEDAW Committee's 2008 List of Issues, the government stated that it had established a consultative committee to prepare a legal study on the granting of State citizenship to such children who bear their father's nationality and whose parents remain married.

"As a result of that study, a bill was prepared for amendment of the Nationality and Passports Law that will permit children born to female citizens with foreign husbands to acquire their mother's nationality, in accordance with the conditions that shall be set forth by the administrative regulation of that Law, which will be promulgated as soon as the necessary Constitutional procedures have been completed."

There were reports of a 2011 decree granting eligibility to citizenship at the age of majority on application to children of Emirati mothers and foreign fathers under certain conditions. In addition, we understand that a new law was introduced in 2012 which permits acquisition of Emirati nationality by children born to an Emirati mother and foreign father on dissolution of the marriage provided those children have residency in the UAE and give up their father's nationality. If true, we would like to welcome these initial steps but encourage the government to accelerate the legislators' aspiration that there be no distinction between citizens in any laws by removing all remaining discrimination in its nationality provisions.

We would respectfully urge the Committee to raise with the government of the United Arab Emirates in its List of Issues the following questions with regard to gender discrimination in the country's nationality law:

- Please clarify what steps have been enacted to provide equality of citizenship provisions to Emirati women and men and how these are being publicized and implemented in practice.
- What further steps are proposed and within which timeframe to ensure that women citizens have the same rights as men with respect to nationality?
- What support is needed, if any, to further this process?

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Global Campaign for Equal Nationality Rights
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Institute on Statelessness and Inclusion
Women's Refugee Commission