



Global
Campaign
for **Equal
Nationality
Rights**



Institute on
Statelessness and
Inclusion

Committee on the Rights of the Child
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Re: **Saudi Arabia** – 73rd Pre-sessional Working Group of the Committee (1-5 February 2016)

29 October 2015

Distinguished Committee Members,

The [Global Campaign for Equal Nationality Rights](#)¹ and the [Institute on Statelessness and Inclusion](#)² respectfully submit this letter in advance of the Committee on the Rights of the Child (the Committee's) discussion of Saudi Arabia at its 73rd Pre-sessional Working Group of the Committee (1-5 February 2016). This letter will focus on the gender discriminatory nationality law in Saudi Arabia, in violation of Articles 7 and 8 of the Convention on the Rights of the Child (CRC).

This letter is based on the research carried out by the Global Campaign and its member organisations on the nationality law of Saudi Arabia. It also draws on recent research and analysis carried out by the Institute, on all Concluding Observations and Recommendations made by the Committee in relation to the right of every child to acquire a nationality under Article 7 CRC.³ This research confirms that the Committee has consistently recommended that states amend gender discriminatory nationality laws, in order to ensure that the rights of all children to acquire a nationality are respected and fulfilled without discrimination. For example the Committee in its 2014 review of Kuwait⁴ and its 2012 review of

¹ The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws and is led by its Steering Committee of the Office of the UN High Commissioner for Refugees, Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.

² The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to addressing statelessness and disenfranchisement in the world through the promotion of human rights, participation and inclusion.

³ This research has been made publicly available in the form of a comprehensive analytical database of all Concluding Observations, a Factsheet summarizing state party obligations and a longer draft policy paper, and was shared with the Committee at a briefing in September 2015. To access these materials, visit: <http://www.institutesi.org/ourwork/children.php>

⁴ CRC/C/KWT/CO/2 2013: "Ensure gender equality in the 1959 Nationality Act in order for all children born to a Kuwaiti mother and non-Kuwaiti father to automatically acquire their mother's nationality"

Madagascar⁵ made strong recommendations to the respective states to end gender discrimination in their nationality laws.

According to Saudi Arabia's nationality law, the Saudi Arabian Citizenship System, children of Saudi fathers acquire Saudi nationality at birth, regardless of the child's birthplace, but Saudi women cannot transmit their Saudi nationality to their children born from a relationship with a non-Saudi man or from a non-marital relationship unless the father is unknown. Article 7 of the law states,

"Individuals born inside or outside the Kingdom from a Saudi father, or Saudi mother and unknown father, or born inside the Kingdom from unknown parents (foundling) are considered Saudis."⁶

In its last concluding observations on Saudi Arabia issued in March 2006, the Committee "recommends that the State party review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction." (CRC/C/SAU/CO/2). Saudi women are also denied the right to confer their nationality to foreign spouses, a right that is reserved for men.

We acknowledge the positive step taken by Saudi Arabia in reforming its law to facilitate the naturalization of children of Saudi female citizens at the age of majority. However, this reform is inadequate and does not rectify the gender discriminatory nature of the law. Furthermore, the fact that nationality through naturalization is not a right but remains at the discretion of state authorities, and that it is only accessible upon the attainment of majority means that this step does not bring Saudi Arabia's law into compliance with the CRC.

CRC Article 2 calls on State parties to respect and ensure the rights set forth in the Convention irrespective of the child's or his or her parent's sex. Article 7 of the CRC states that a child has "the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents ... in particular where the child would otherwise be stateless." Article 8 calls for States Parties to "undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations..." Saudi Arabia's law does not fulfill the requirements of Articles 2, 7 and 8 and should be amended without delay, including by allowing Saudi women the same right to pass their nationality to their children as that accorded Saudi men. In addition, Saudi women's inability to confer nationality on their foreign spouses threatens a child's right to know and be cared for by his or her parents which would violate Article 7 of the CRC. For example, when foreign men are denied access to their spouses' nationality, they may be forced to live away from their children due to challenges in acquiring residency permits and obstacles to employment. In addition, a father may threaten to take any children away from the mother and back to his home country for a number of reasons, including if his employment and social status in his wife's country is insecure because of his nationality status. His wife may have very limited legal means to oppose such a threat.

⁵ CRC/C/MDG/CO/3-4 2012: "The Committee recommends that the State party urgently finalize the reform of the legislation on nationality of children and ensures that no discrimination exists against children born of a Malagasy mother and a father of foreign nationality or children born out of wedlock. The Committee also urges the State party to ensure that children born in Madagascar do not risk being stateless."

⁶ Saudi Arabian Citizenship System Article 8 further states: Individuals born inside the Kingdom from Non-Saudi father and Saudi mother may be granted Saudi: Citizenship by the decision of The Minister of Interior in case of the following conditions. a- Having a permanent Resident Permit (Iqama) when he reaches the legal age; b- Having good behaviour, and never sentenced to criminal judgment or imprisonment for more than six months; c- Being fluent in Arabic; d- Applying for the citizenship after one year of reaching the legal age

Sex discrimination in nationality laws can result in significant violations of children's rights, as well as the rights of women and their foreign spouses, including: statelessness; lack of access to public education, healthcare and other services; increased risk of gender-based violence; impeded family reunification; unemployment; social alienation and psychological damage.⁷ This alienation can result in future security threats for a State where a proportion of their population feels indefinitely marginalized. We therefore respectfully request the Committee explore further with the State Party any harmful impacts of its sex discriminatory nationality law, such as on children's right to healthcare and to education under Articles 24 and 28 respectively, and recommend swift and comprehensive changes to remedy all breaches of the CRC.

Finally we urge the Committee to raise with the government of Saudi Arabia in its List of Issues the following questions with regard to violations of children's rights resulting from sex discrimination in the country's nationality law.

- Given the violations of children's rights resulting from sex discrimination in the Saudi Arabia's Saudi Arabian Citizenship System, what steps is the government taking and within what timeframe to amend the nationality law to ensure that women citizens have the same rights as men to confer nationality on their children and their foreign spouses?
- What support might be 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.



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⁷ Equality Now, *Campaign to End Sex Discrimination in Nationality and Citizenship Laws*, 2013 (updated May 2014, Feb. 2015), available at http://www.equalitynow.org/sites/default/files/NationalityReport_EN.pdf