Distinguished Committee Members,

On behalf of the Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion, my intervention focuses on the significant links between gender discrimination in nationality laws, statelessness, and trafficking in women and girls.

Stateless women and girls, and those at risk of statelessness due to lack of birth certificate or identity documentation, often face significant barriers to accessing education, formal employment, social services and freedom of movement. These hardships, combined with their lack of legal status, result in stateless women and girls facing an increased risk of human trafficking. Stateless women and girls also face obstacles in accessing justice systems, causing further challenges in the context of human trafficking.

Today, twenty-five countries have nationality laws that deny women the right to confer nationality on their children on an equal basis with men. Approximately fifty countries have nationality laws with some gender-discriminatory provisions, such as denying women the right to confer nationality on foreign spouses, or the right to acquire, change, or retain their own nationality on an equal basis with men. Gender discrimination in nationality laws is a primary cause of statelessness and undermines women’s equal status in society. Even if not left stateless, those denied access to their mother’s nationality also face an increased risk of trafficking, as a result of their vulnerable status in that country and their lack of access to a range of social services and rights.

By exacerbating women’s unequal status in society, such discriminatory laws contribute to an environment where women’s economic and other opportunities are constrained because of their gender, thereby exacerbating root causes linked with gender-based violence, including human trafficking. As global migration continues to increase, larger populations will be impacted by gender discrimination in nationality laws due to increased numbers of international marriages and children born to parents of different nationalities. Ensuring that nationality laws and practices are compliant with CEDAW Article 9 is therefore of direct concern to preventing and combating trafficking in women and girls.

In addition to statelessness increasing the risk of trafficking in women and girls, trafficking can also lead to new cases of statelessness. According to the laws of some countries, nationality can be lost on the basis of long-term absence from the country and/or the failure to report regularly to the consular authorities during a prolonged period of residence abroad. The risk that nationality problems, including statelessness, will arise from such regimes may be heightened in cases of trafficking in women and girls, where the opportunity to be informed of or meet requirements for retention of nationality may be constrained.

Migrant women and girls may also be put at risk of statelessness as a result of human trafficking due to the loss or destruction of identity documentation. In such cases, there is a distinct risk of statelessness for children born in the receiving country to trafficking victims.

Children of women of trafficking victims face an even greater risk of statelessness when their mother’s country denies women the right to confer nationality on children on an equal basis with men. This risk is especially pronounced when children are born out of wedlock to women who have been trafficked, given the frequent lack of legal links to the father.

We respectfully urge the Committee to therefore include in its General Recommendation:

1. The increased risk of human trafficking faced by stateless women and girls, and those at risk of statelessness;
2. The increased risk of statelessness as a result of trafficking amongst women and girls;
3. The role of gender discrimination in nationality laws in increasing the risk of:
   1. Statelessness, including amongst the children of trafficking victims; and
   2. Human trafficking, including by contributing to women’s unequal status in society; and
4. The urgent need for the reform of nationality laws that discriminate on the basis of gender; and action needed to identify and address any other potentially disadvantageous impact of nationality laws on women and girls who migrate or are trafficked abroad, and their children.

Thank you very much for your kind attention.