Gender Discrimination in the Nationality Law of Brunei and Resulting Human Rights Violations

UPR Info Pre-sessions 33rd session Statement by the Global Campaign for Equal Nationality Rights on behalf of co-submitting partners
Gender Discrimination in the Nationality Law

• Brunei is 1 of 25 countries that **denies women the right to confer nationality on their children** on an equal basis with men.

• **Citizenship is automatically conferred to children born to male citizens**, but the *Brunei Nationality Act of 1961* does not grant female citizens this same right.

• Citizenship is only granted to the children of female citizens at the discretion of the state, **even if the child is stateless** without acquiring his or her mother’s citizenship.

• This **denies both the mother’s equal nationality rights** and the **child’s right to acquire a nationality**.

• The *Brunei Nationality Act 1961* does not allow female citizens to confer nationality on their **foreign spouses**, a right reserved for Brunei men.
Previous UPR Recommendations

• Brunei Darussalam received **recommendations from eight Member States** during the second UPR Cycle (The Czech Republic, France, Sweden, Burkina Faso, Portugal, Slovenia, Canada and Russia) to review or withdraw its reservations to CEDAW Article 9

• The State declared: “**[p]rocedures are available for children of women citizens married to foreign nationals to be accorded Brunei citizenship through an application process...**”

• Brunei Darussalam **received a recommendation** from Mexico that the State “**adopt reforms allowing women the transmission of citizenship as a measure in favour of gender equality and the reduction of cases of statelessness**”

• Though Brunei Darussalam accepted this recommendation, it has yet to take action in this regard
Gender Discrimination in Nationality Laws:

• Establishes women to be second-class citizens and promotes an understanding of children’s identity as primarily derived from the male line, further exacerbating a sexist and discriminatory framework for women’s role in the family and society.

• Negatively affects women’s ability to freely choose a spouse and to form a family

• Perpetuates statelessness

• Results in other wide-ranging human rights violations:
  o Obstacles to accessing subsidized healthcare, education, formal employment
  o Inability to own and inherit or acquire property – including the family home – or own a business.
  o Limited freedom of movement
We therefore urge reviewing States to make the following recommendations:

1. Reform provisions S4(1)(c)(i), S4(1)d and S5(6) of the Brunei Nationality Act 1961 to allow women to enjoy equal rights as men in conferring citizenship to their children and spouse, through the following amendments:

   S. 4(1): ...the following persons, and no others, shall be subjects of His Majesty the Sultan...—
   (c) any person born outside Brunei Darussalam
      (i): “whose mother or father was, at the time of birth of such person, a person born in Brunei Darussalam...”
   (d): any person born in Brunei Darussalam...whose mother or father was, at the time of the birth of such person, a subject of His Majesty the Sultan...

   S. 5(6): Subject as hereinafter provided a woman or man who –
   (b) is or has been married to a subject of His Majesty the Sultan...

2. Remove reservations to CEDAW Article 9.
Thank you.