

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:
 - Obstacles to accessing subsidized healthcare, education, formal employment
 - Inability to own and inherit or acquire property – including the family home – or own a business.
 - 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.