

Submission to the CEDAW Committee

On Draft General Recommendation No. 41

On Dismantling Gender Stereotypes and the Unequal Power Relations that Sustain Them

Submitted by: Citizenship Affected People's Network Nepal (CAPN)

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About CAPN

The Citizenship Affected People's Network Nepal (CAPN) is a civil society organization based in Nepal working with and on the rights of persons affected by gender discriminatory citizenship laws. CAPN undertakes civic engagement, policy advocacy, legal empowerment, accountability work, and provides dignified individual support to affected individuals to address the structural exclusion of women and their children from full enjoyment of nationality rights. CAPN works by centering on the leadership of affected mothers and their children. CAPN's membership and constituency includes women who have been denied the ability to confer citizenship to their children independently, women married to foreign nationals, women from marginalized communities, and persons rendered stateless or at risk of statelessness due to Nepal's patrilineal citizenship framework.

CAPN welcomes the CEDAW Committee's initiative in developing General Recommendation No. 41 (GR 41) on dismantling gender stereotypes and the unequal power relations that sustain them. We congratulate the Committee on this timely and comprehensive draft, and are grateful for the opportunity to contribute comments. CAPN's submission focuses on the intersection of gender stereotypes with nationality law, citizenship rights, and statelessness. These are areas where we believe the current draft can be strengthened to reflect the lived experiences of women and girls whose very legal identity is denied or circumscribed by patriarchal stereotypes.

I. General Observations

CAPN commends the Committee for centering intersectionality throughout the draft and for including statelessness, migration, and nationality within the scope of GR 41. The draft's recognition that women face gender stereotypes in the context of "migration, asylum-seeking, refugee status, nationality, and statelessness" (para. 23) is an important step forward. However, CAPN observes that the current draft stops short of fully articulating how **gender-discriminatory nationality laws are themselves a manifestation and a product of harmful gender stereotypes**, and how they perpetuate poverty, lack of employment, education, statelessness and legal limbo, among others, as a direct consequence. We humbly suggest that this gap be addressed with specific and actionable language throughout the document.

II. Specific Comments by Paragraph

Paragraph 4 and 25 — Intersectionality and Single Motherhood

Observation on the current text: Paragraph 4 lists "marital status" and "widowhood" among the intersecting grounds of discrimination that women experience. Additionally, Paragraph 25 mentions stigmatization of motherhood, as how it is frequently treated as a duty rather than a choice, and women without children are seen as "incomplete". CAPN welcomes these inclusions. However, the draft does not address the specific and compounded discrimination faced by **single mothers and women who bear children outside of a recognized or cooperative partnership**. This is a distinct experience that is not fully captured by the concepts of marital status or widowhood.

Gap Identified: In many societies, including Nepal, women who are single mothers, or who have conceived children with partners who have since abandoned them, denied paternity, or refused to cooperate with civil documentation processes, face a particular form of social ostracism and legal exclusion rooted in gender stereotypes. These stereotypes construct motherhood as legitimate only within a sanctioned partnership with a cooperative male partner. Women who deviate from this norm, whether by choice, by circumstance, or as a result of abandonment, are stigmatized as "immoral," "irresponsible," or "dishonorable." The children they bear are frequently labelled illegitimate and subjected to structural exclusion.

Critically, this stigma is not merely social. In Nepal, a child's ability to obtain citizenship by descent is directly linked to the ability to produce paternal identity documentation. Where a father has

abandoned the mother, denied paternity, or is otherwise uncooperative, the mother cannot independently confer citizenship on her child. The child is rendered stateless or legally invisible — not because of any fault of the mother or child, but because the law encodes the stereotype that legitimate parenthood requires paternal acknowledgment. This is a concrete, systemic harm rooted in gender stereotyping that GR 41 is uniquely placed to address.

CAPN's recommendation: Paragraph 4 should be supplemented, and paragraph 25 (which addresses maternity stereotypes) should be strengthened, to explicitly recognize that single mothers and women with absent, uncooperative, or unacknowledging partners face compounded intersectional discrimination rooted in gender stereotypes that construct motherhood as legitimate only within a formal or cooperative male-headed household.

Proposed additional language for paragraph 4:

"Single mothers, and women who bear children outside of recognized or cooperative partnerships — including those who have been abandoned by partners, whose partners have denied paternity, or whose partners are uncooperative in civil registration processes — face compounded intersectional discrimination rooted in gender stereotypes that define legitimate motherhood in relation to male partnership. This discrimination manifests in social ostracism, denial of legal recognition and services, and, in many jurisdictions, the inability to independently confer nationality or citizenship on their children."

Proposed supplementary language for paragraph 25:

"The stereotype that motherhood is only legitimate within a recognized male partnership has particular consequences for single mothers and women with absent or uncooperative partners. These women often face social stigma as well as practical legal barriers — including in civil registration and nationality law — that leave their children without a legal identity or nationality where paternal documentation cannot be produced. States parties must address these stereotypes and their legal codification as a matter of urgency."

Paragraph 23 — Migration, Asylum, Nationality, and Statelessness (*Priority Comment*)

Observation on the Current text: Paragraph 23 addresses women facing gender stereotypes in the context of "migration, asylum-seeking, refugee status, nationality, and statelessness." It acknowledges stereotyping during asylum procedures and sexual violence during migration.

Gap Identified: This paragraph is critically important and reflects the intersection of gender stereotypes with nationality rights. However, CAPN submits that the paragraph as currently drafted focuses almost entirely on **stereotyping during migration and asylum procedures**, and does not adequately address the prior and more fundamental issue: that **gender-discriminatory nationality acquisition or granting process, practice, social narrative and laws are themselves rooted in and perpetuate gender stereotypes**, and that these process, practice, social narrative and laws **directly perpetuate gender based violence, lack of autonomy (because if a women marries within their country their children are easily recognized as a national and if the women decides to marry a foreign citizen, stateless or refugee, the child is not recognized as a citizen – this as a direct connection with women’s autonomy), poverty, lack of access to government services and most importantly causes statelessness** or position women and their children in a state of limbo or in-situ (un-recognized) state of statelessness.

The stereotype that women are dependent, secondary, and unable to act as legal heads of households, biologically incapable of propagating family lineage (a power only attributable to men by both religious/social and legal means) or independent citizens is embedded in many states' nationality legislation. This includes:

- Laws that prevent women from transmitting citizenship to their children independently;
- Laws that require women to adopt the nationality of their husbands upon marriage, or that automatically strip women of their nationality upon marriage to a foreign national;
- Laws that condition women's citizenship on proof of their husband's or father's identity documentation;
- Administrative practices that classify citizenship as a "responsibility and power only of men (fathers’ or husbands’)" matter.

Case Example: In Nepal, for example, the Constitution of Nepal 2015 and the Nepal Citizenship Act 2006 limit a child's ability to obtain citizenship through their mother alone. A child born to a Nepali mother and a foreign cannot obtain citizenship by descent through the mother, for which the father

either has to be a Nepali citizen or unidentified. This later is subject to multiple humiliating procedures of self-declaration, field survey, and multiple rounds of questioning and judgement of moral character or skepticism, followed by an imprisonment and fine clause if the self-declaration is found to be a lie. This reflects a deep-seated patriarchal stereotype that women are subordinate citizens incapable of independently transmitting national identity — a stereotype the Convention is obligated to address.

CAPN recommends that paragraph 23 be substantially strengthened to include the following:

1. **Recognition** that gender-discriminatory nationality laws are a form of institutionalized gender stereotyping under Articles 5 and 9 of the Convention;
2. **Explicit acknowledgment** that such laws produce statelessness, and multiple intersecting violation of women's fundamental rights, disproportionately affecting women and children, particularly in countries with patrilineal citizenship frameworks;
3. **Reference** to CEDAW Article 9, which obligates States parties to ensure women equal rights with men to acquire, change, or retain their nationality, and to grant their children nationality;
4. **Cross-reference** to existing CEDAW jurisprudence, including General Recommendation No. 32 (on gender-related dimensions of refugee status, asylum, nationality and statelessness), and the Committee's Concluding Observations on Nepal and similar states.

Proposed additional language for paragraph 23:

"In many countries, nationality laws are premised on patriarchal gender stereotypes that treat men as the primary bearers of national identity as they are socially and religiously considered a carrier of family lineage and descent and women as derivative or dependent citizens. These stereotypes are codified in laws that prevent women from independently transmitting citizenship to their children, or that tie women's nationality status to that of their husbands. Such laws — which constitute a form of institutionalized gender stereotyping under Article 5 of the Convention — disproportionately produce statelessness and multiple intersecting violation of women's rights, particularly affecting children born to single mothers, mothers with foreign partners or partners who have abandoned their responsibility. States parties must repeal nationality laws that discriminate on the basis of sex and fulfil their obligations under Article 9 of the Convention to ensure women equal rights to acquire, change, retain, and transmit nationality, as an independent and complete 'person'."

Paragraph 27 — Gender Stereotypes in the Family Sphere

Observation on the Current text: Lists areas in the family domain affected by gender stereotypes: "marriage, divorce, alimony, custody, distribution of marital property, housing and land, inheritance, guardianship, **nationality**, and entering contracts."

Gap Identified and Recommendation: CAPN welcomes the inclusion of "nationality" in this list, which is internally consistent with the Recommendations section (paras. 54(b) and 54(d)). However, as with paragraph 23, the word "nationality" appears without any explanatory or operational context. Given that the family sphere is precisely where gender-discriminatory citizenship practices are most acutely experienced — including documentation requirements tied to husbands' identity, children's citizenship depending on paternal acknowledgment, and harmful practices at local government level where despite positive laws, married women who had not acquired citizenship prior to marriage, are denied access to citizenship through their parents — a brief elaboration would significantly enhance the utility of this paragraph.

Proposed supplementary sentence:

"Citizenship documentation requirements (both at legal and implementation level) that condition women's or their children's nationality on the identity of a male guardian or spouse institutionalize the stereotype that women are legally subordinate within the family, violating both Articles 5 and 9 of the Convention."

III. Recommendations for the Committee

Based on CAPN's experience working with citizenship-affected persons in Nepal, we respectfully urge the CEDAW Committee to include the following in the final text of GR 41:

A. Strengthen Article 9 Cross-References Throughout

The current draft makes limited reference to Article 9 of the Convention (right to nationality). Given that gender stereotypes are a primary driver of discriminatory nationality laws and vice versa, GR 41 should explicitly note that the obligations under Article 5 (to modify stereotypical social and cultural patterns) apply directly to legislation and practices related to the right to

nationality/citizenship acquisition. The final GR should cross-reference CEDAW GR 32 and call on States parties to conduct a gender-stereotyping audit of their nationality and citizenship laws.

B. Include Specific Recommendation on Nationality Laws

In the Recommendations section, CAPN recommends that a specific sub-recommendation be added under the Legislative Level (Section III(B) or the equivalent Recommendations section) as follows:

"Repeal provisions in nationality, citizenship, and civil registration laws and regulations that are based on, apply, or perpetuate the stereotype that women are legally subordinate or dependent within the family, including provisions that prevent women from independently transmitting nationality to their children, that condition children's nationality on paternal acknowledgment or documentation, or that discriminate between mothers and fathers in the conferral of citizenship."

C. Address Statelessness because of Gender Stereotyping

The connection between gender stereotypes and statelessness should be made explicit in the final GR. Statelessness is not merely a migration or asylum issue — it is frequently a domestic issue, rooted in legislation reflecting the stereotype that women's civic identity is subordinate to men's. CAPN recommends that the GR include a standalone acknowledgment that **gender-discriminatory nationality laws constitute a form of structural gender stereotyping** that the Convention requires States parties to dismantle.

It is extremely difficult to imagine an overall women empowerment or securing their equal and meaningful participation, without first recognizing them as an equal human being or an equal citizen.

D. Data Collection on Citizenship-Affected Women

The Committee should recommend that States parties collect disaggregated data on women and children affected by ‘gender’ discriminatory citizenship documentation requirements and practices at concerned local and federal government offices, and nationality laws, including those rendered stateless or at risk of statelessness. This data gap significantly undermines accountability for compliance with Articles 5 and 9 of the Convention.

The current UN data on statelessness, which is only about 10 million worldwide, significantly underrepresents the stateless population, because most countries have either not provided the data or never carried out a data collection of the population impacted by their gendered nationality laws.

This CAPN believes, must be central to CEDAW's recommendation among other pressing concerns on gender stereotype, prejudices and stigma.

E. Reference Nepal and Similar National Contexts

CAPN draws the Committee's attention to Nepal as a case study of institutionalized gender stereotyping through nationality law. Nepal's Constitution of 2015 and Citizenship Act 2006 restrict a child's ability to obtain citizenship through their mother alone, perpetuating the stereotype that men are the primary bearers of national identity. The CEDAW Committee has previously raised concerns about Nepal's citizenship laws in its Concluding Observations. CAPN urges the Committee to use GR 41 as an opportunity to reinforce and expand on this jurisprudence.

IV. Conclusion

CAPN commends the CEDAW Committee for the breadth and ambition of Draft GR 41. Gender stereotypes are not merely cultural phenomena — they are codified into law, embedded in institutions, and enforced through administrative systems that deny women and their children their most fundamental rights, including the right to a legal identity and a nationality.

CAPN's submission focuses on the area where this intersection is most acute: nationality law and citizenship rights. We urge the Committee to ensure that GR 41 explicitly recognizes gender-discriminatory nationality laws as a form of institutionalized gender stereotyping, and provides clear and actionable guidance to States parties to dismantle these laws in line with their obligations under Articles 2, 5, and 9 of the Convention.

CAPN remains available for further consultation and would welcome the opportunity to present our findings and the experiences of citizenship-affected women in Nepal to the Committee.

For further information, please contact CAPN at info@capnnepal.org.np. This submission may be published.