

(Communicated to the
Council and the Members
of the League.)

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Geneva, August 19th, 1935.

LEAGUE OF NATIONS.

NATIONALITY OF WOMEN.

SECOND REPORT OF THE SECRETARY-GENERAL ON THE INFORMATION
OBTAINED IN EXECUTION OF THE RESOLUTIONS OF THE ASSEMBLY
AND THE COUNCIL.

In documents C.342.M.158, C.342(a).M.158(a), and C.342(b).M.158(b).1934.V, the Secretary-General summarised the information received from Governments down to the close of the fifteenth ordinary session of the Assembly (September 1934) in regard to the Nationality of Women.

Since that date, the Governments of South Africa, Australia, Czechoslovakia, Danzig, France, the Netherlands, New Zealand, Poland and Turkey have transmitted further information which is summarised below:

SOUTH AFRICA.

The ratification of the Hague Nationality Convention would necessitate the passing of legislation which the Union Government does not at present propose to introduce.

AUSTRALIA.

A bill is pending before Parliament to carry out the provisions of the Hague Nationality Convention which relate to the nationality of married women. The bill will probably be passed and the Convention will then be ratified.

CZECHOSLOVAKIA.

A foreign woman automatically acquires Czechoslovak nationality on marriage with a Czechoslovak national. She keeps such nationality even after a separation has been decreed or the marriage been dissolved by death of the husband or divorce. Annulment of the marriage annuls the acquired nationality.

Where Czechoslovak nationality is granted to the husband (naturalisation), the wife also takes that nationality unless she is separated or divorced.

If a woman has acquired Czechoslovak nationality by naturalisation at a time when she was separated from her husband, she loses the benefit of the nationality on resuming conjugal life with the husband.



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According to a well-established rule, a married woman whose marriage has not been dissolved by separation (de corps et des biens), divorce, or death or presumed death of her husband, is incapable of acquiring Czechoslovak nationality for herself individually by the process of naturalisation.

A Czechoslovak woman automatically loses that nationality on marrying a foreigner. This result follows in all cases; it is not possible for a Czechoslovak woman to marry a foreigner and retain Czechoslovak nationality.

A Czechoslovak woman who has married a foreigner does not recover Czechoslovak nationality on the death of her husband or on separation or divorce; if the marriage is annulled, she is reinstated in Czechoslovak nationality.

DANZIG.

The Senate of the Free City considers that the nationality law of Danzig has proved satisfactory and that any change in its provisions is unnecessary.

Danzig nationality is acquired by a foreigner through marriage with a Danzig national, and also through naturalisation of the husband if naturalisation for the wife is applied for at the same time and she is able to release herself from her former nationality. Acquisition of Danzig nationality through appointment as an official extends to the wife of the official. Danzig nationality is lost by marriage to a foreigner if such marriage confers the foreign nationality on the wife, but the widow or divorced wife of a foreigner who at the time of marriage was a Danzig national can recover Danzig nationality under prescribed conditions. Acquisition by naturalisation of a foreign nationality involves loss of Danzig nationality, and the loss applies also to the wife. Release of a married woman from Danzig nationality can be made only on application by her husband and, if he is a Danzig national, must be accompanied by an application for his release from Danzig nationality; the consent of the wife is necessary.

FRANCE.

The effect of marriage upon a woman's nationality continues to be governed by Article 8 of the law of August 10th, 1927. (1)

A bill was, however, presented on March 6th, 1934, to the Chamber of Deputies for the purpose of altering various provisions of the law of August 10th, 1927, and in particular of repealing paragraph 3 of Article 8 of that law which provides that a Frenchwoman marrying a foreigner loses her French nationality if the couple after marriage establish their first domicile outside France, and the wife necessarily acquires her husband's nationality under the national law of the husband.

(1) This article provides that a Frenchwoman marrying a foreigner who establishes his domicile in France shall retain French nationality unless she expressly declares her desire to acquire her husband's nationality under the provisions of the national law of the latter.

The article further provides that a foreign woman marrying a Frenchman shall not acquire French nationality except on her express request or in the case where, under her national law, she necessarily follows the condition of her husband.

If this paragraph were repealed, the law would permit a Frenchwoman marrying a foreigner to retain her original nationality in all circumstances. The change would thus be in conformity with Recommendation No. VI of the Conference of 1930 for the Codification of International Law.

NETHERLANDS.

Bills have been submitted to Parliament to provide for ratification of the Hague Nationality Convention and Protocols and to effect the necessary modifications in Netherlands law.

The Nationality Convention was signed on behalf of the Netherlands with a reservation excluding Articles 8, 9 and 10. The proposed legislation, however, brings the law into conformity with Articles 8 and 9 by providing that a woman shall not lose Netherlands nationality on marriage with a foreigner, or on acquisition of a foreign nationality by her husband, unless and until she acquires her husband's nationality.

NEW ZEALAND.

New Zealand, like the United Kingdom and Canada (document C.342.M.158.1934.V, p.2), while maintaining the general rule that the wife of a British subject shall be deemed to be a British subject, and the wife of an alien to be an alien, has enacted legislation bringing her existing law into conformity with the provisions of the Hague Convention dealing with the nationality of married women.

The New Zealand act, however, further provides that every woman who at the time of her marriage to an alien was a British subject and who, by reason of her marriage, has acquired the nationality of her husband may, within a certain time limit, make a declaration in the prescribed form and manner that she desires to retain, while in New Zealand, the rights of a British subject, and thereupon she shall, within New Zealand, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties, and liabilities, to which a natural-born British subject is entitled or subject.

POLAND.

The existing law of Poland is considered to deal with the nationality of women in a manner which on the whole is satisfactory and by no means prejudicial to women. No changes are expected in the near future. In any case, changes could not be retroactive, since to alter a nationality acquired under a treaty or under Polish law would produce chaos in the legal status of the woman concerned. The general rule under treaties concluded by Poland which affect the nationality of married women is that such women take the nationality of their husbands.

An alien woman who marries a Polish subject acquires Polish nationality. She may, however, lose her Polish nationality at any moment, independently of her husband, by acquiring the nationality of a foreign country or recovering the nationality of the State to which she formerly belonged.

As regards the loss of Polish nationality consequent on acquiring foreign nationality, the rights of married women are

more extensive than those of their husbands. Men must have the special permission of the Polish authorities to acquire foreign or discard Polish nationality. Such permission is not required by women.

In principle, the acquisition of Polish nationality by a husband confers that nationality on his wife, but if the wife does not desire to acquire Polish nationality together with her husband, she may make application to that effect in agreement with her husband.

On the other hand, an alien woman may apply for Polish nationality independently of her husband, in which case it is immaterial whether her husband is a foreigner or a Polish subject, and whether he resides in Poland or abroad.

If a husband loses Polish nationality, whether in consequence of acquiring foreign nationality or of accepting public office or entering military service in a foreign State without the permission of the competent Polish authority, such loss of nationality extends automatically to his wife. Even in such cases, however, there is a possibility of the woman's being exempted from loss of Polish nationality, if she lodges the necessary application. A married woman may also be exempted from losing her Polish nationality where her husband was deprived of such nationality under the provisions of the Ordinance of the Council for Defence of the Realm of August 11, 1920.

A married woman who accepts public office in a foreign country without the approval of the relevant Polish authority, loses her Polish nationality, independently of the nationality of her husband.

A Polish woman marrying a foreigner loses her Polish nationality only if, by the fact of marriage, she acquires the nationality of her husband.

The principle (Recommendation No. VI of the Codification Conference, paragraph 2) that no change should be made in a woman's nationality without her consent finds no support in the provisions of the present Polish Nationality Act. In view of the possibilities that Polish legislation, as the above instances show, already affords of exempting married women from losing or acquiring the Polish nationality of their husbands, and in view of the importance of domestic harmony, the introduction into Polish legislation of the above-mentioned principle of the non-extension of a husband's nationality to his wife, if the wife refuses to consent, is not desirable. If such a rule were introduced into Polish legislation, it would not infrequently react unfavourably on the interests (education) of the children, who would often be deprived of the necessary parental care - for instance, if the mother, being a foreigner, was for any reason (e.g., because of destitution, sickness, etc.) deported from her husband's and her children's country. In the event, again, of the husband - a Polish subject - dying, the mother, who as a foreigner might find it difficult to bring up the children who

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A D D E N D U M

BELGIUM.

A bill for the approval of the Hague Nationality Convention is about to be presented to the Chambers.

JAPAN.

The Japanese Government intends to ratify the Hague Nationality Convention, together with the Hague Protocol relating to a particular case of Statelessness, but will not do so until the necessary modifications in Japanese law have been made.

E R R A T U M

In the French of the document C.310.M.163.1935.V, page 4, paragraph 5 - Information given by POLAND - the phrase: "l'ordonnance du Conseil pour la défense du royaume" contains a mistranslation. The words "défense du royaume" should be "défense de l'Etat".

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are Polish subjects, could leave her husband's and children's country unhindered, abandoning the children to their fate.

In spite of the statutory possibilities, only a few isolated cases occur of married women asking to be exempted from the acquisition or loss of Polish nationality. It follows, that, on the whole, there is little demand by married women in Poland to possess a different nationality from that of their husbands or children and no need to alter the law on the subject.

TURKEY.

The law on nationality (No.1312) provides (Article 13) that a Turkish woman shall not lose her nationality through marriage with a foreigner unless she expresses the desire to acquire her husband's nationality and is officially authorised to do so (Article 7).

The competent department considers that the above-described provisions are sufficient to safeguard women's rights in connection with nationality and that there is no occasion to contemplate any change in the Turkish law on the subject.

