

[Communicated to the Assembly,
the Council and the Members of
the League.]

Official No.: **A. 23.** 1932. V.

Geneva, September 7th, 1932.

LEAGUE OF NATIONS

NATIONALITY OF WOMEN

**OBSERVATIONS BY THE COMMITTEE OF REPRESENTATIVES OF
WOMEN'S INTERNATIONAL ORGANISATIONS.**

Note by the Secretary-General.

By its resolution of September 26th, 1931, by which it adjourned until its session of this year consideration of the question of the nationality of women, the Assembly decided to receive any further observations which the above-mentioned Committee might desire to present to it.

The Committee is composed of representatives of the following organisations :

- The International Council of Women ;
- The International Alliance of Women for Suffrage and Equal Citizenship ;
- The Women's International League for Peace and Freedom ;
- The Inter-American Commission of Women ;
- The Equal Rights International ;
- The World Union of Women for International Concord ;
- The All-Asian Conference of Women ;
- The International Federation of University Women.

It was set up by these organisations in response to an invitation which was addressed to them by the Secretary-General in accordance with the Council's resolution of January 24th, 1931, and drew up a report which was submitted last year to the Assembly and is reproduced as an annex to the document A.19.1931.V.

The Committee has now presented, for communication to the Assembly, the following two reports, each of which was signed by the representatives of four of the organisations represented on the Committee.

By a letter of September 13th, 1932, to the Secretary-General, the Equal Rights International has asked for the withdrawal of the signatures of its two representatives from the report signed by them.

STATEMENT TO THE ASSEMBLY OF THE LEAGUE OF NATIONS ON THE
NATIONALITY OF WOMEN AND THE HAGUE NATIONALITY CONVENTION

*Submitted by the Undersigned Organisations, Members of the Women's Consultative Committee
on Nationality.*

The representatives of the undersigned four organisations, members of the Women's Consultative Committee on Nationality created by the Council of the League of Nations, unite in submitting the following statement in response to the opportunity for further observations from this Committee graciously afforded by the last Assembly :

We wish, first, to reaffirm the principles set forth in our report to the Assembly last year, wherein we expressed our opposition to the Hague Nationality Convention because it differentiates between men and women, and wherein we urged the Assembly to submit to the Governments a new Convention founded upon the principle of equality in nationality. We wish also in this connection to emphasise again the especial significance of the Hague Nationality Convention as the beginning of the League of Nations programme for the codification of international law and the particular importance therefore of keeping the Convention free from inequalities based on sex.

We make these declarations with even greater emphasis this year because we are face to face to-day with an emergency — namely, the imminent danger of the ratification of the Hague Convention. During the past year, one additional Government has adhered to this Convention and several others, in replying to the League of Nations enquiry, have stated their intention to ratify. Only seven more ratifications or adhesions are needed to bring the Convention into operation. The long-heralded code of international law would then be established with discriminations against women in its opening articles, and a new era would be opened with deplorable reaction.

Not only is there an emergency because of the danger of the ratification of the Hague Convention, but there is also an emergency in that women are suffering to-day, as never before in recent times, from the disastrous consequences of unequal nationality laws. The recommendation by the Hague Codification Conference that the States should study " the question whether it would not be possible to introduce into their law the principle of the equality of the sexes in matters of nationality " has not been carried into effect. The result is that now, in this time of economic distress, large numbers of women who have been deprived by marriage of their own nationality are unable to get employment because they are classed as aliens even though living in the land of their birth. Some cannot carry on their professions because their licences have been taken away on the ground that they are aliens. Others suddenly find that various new restrictions applying to foreigners prevent them from going on with the trade or occupation in which they have been engaged for years. And it is not only in the matter of employment that women are finding it an exceedingly great handicap in these times to have their nationality changed without their consent. The woman who has been in Government service finds she has lost her pension ; the woman who is sick finds the State hospitals of her native country closed to her ; the woman who is destitute finds she has no claim upon her own country for help.

It is gratifying that the Assembly realises the seriousness of this situation and has put the subject of the nationality of women and the Hague Nationality Convention upon the agenda of the coming Assembly. Since the Assembly plans to consider this problem, we wish to present certain recommendations. We are in entire agreement with all that is said by our colleagues on this Committee in their accompanying statement to the Assembly, but we believe that, in this emergency, we should make recommendations for action as well as for further study. We therefore lay before the Assembly the following recommendations and, in doing so, we believe that we are expressing the desires and hopes of vast numbers of women the world over.

RECOMMENDATIONS.

In order to put the codification work already undertaken by the League upon a basis of equality between men and women, and in order to prevent inequalities in any future codification by the League, we urgently request the Assembly to take whatever measures are necessary and within its power :

- (1) To bring about the reconsideration of the Hague Nationality Convention ;
- (2) To delete from the Hague Nationality Convention the four articles that discriminate against women (Articles 8, 9, 10, 11) ;
- (3) To submit to the Governments a new Convention founded on the principle of equality between men and women with regard to nationality, along the lines of the draft Convention which was placed by the delegation from Chile before the Hague Codification Conference, reading :

“ The Contracting States agree that from the going into effect of this Convention there shall be no distinction based on sex in their law and practice relating to nationality ”;

(4) To provide means for taking into consideration the woman's point of view on all codification projects affecting the status of women which may hereafter be brought forward ;

(5) To ensure that all future codification of international law undertaken under the auspices of the League shall be free from inequalities based on sex.¹

August 15th, 1932.

The Women's International League for Peace and Freedom :

(Signed) : Eugénie Miskolczy MELLER.

Lola Maverick LLOYD.

The Inter-American Commission of Women :

(Signed) Alice PAUL.

Marta VERGARA.

*The Equal Rights International :**

(Signed) Dorothy EVANS.

Lillian VON MATSCH.

The All-Asian Conference of Women :

(Signed) Rosa WELT STRAUS.

Margaret E. COUSINS.

¹ This recommendation is in line with the proposed equality reservation to the resolution for the adherence of the United States of America to the World Court. This reservation, which is now pending before the United States Senate, reads : “ provided that the Code of Law to be administered by the World Court shall not contain inequalities based on sex ”.

* Note by the Secretariat.

By a letter of September 13th, 1932, to the Secretary-General, the Equal Rights International has asked for the withdrawal from this report of the signatures of its two representatives.

OBSERVATIONS ON THE NATIONALITY OF WOMEN AND THE HAGUE CONVENTION

Presented by the Undersigned Women's International Organisations, Members of the Women's Consultative Committee on Nationality.

The twelfth Assembly of the League of Nations, after it had adjourned to its session of 1932 the examination of the question of the nationality of women, decided to consider, together with observations from the Governments, any additional observations which the Committee of Representatives of Women's Organisations might desire to present.

In response to this invitation, the undersigned organisations, members of the Committee and representing 45 million women distributed among the national associations of forty-six countries, have the honour to submit their observations to the Assembly.

First, however, these organisations desire to thank those members of the twelfth Assembly and those Governments which have supported the principle of equality between the sexes in the matter of nationality.

OBSERVATIONS.

I. *Does the Hague Convention constitute the Maximum which can at present be obtained ?*

It has been said that the articles of the Hague Convention on the nationality of women represent the maximum which is at present obtainable in a codification of international law.

The reasons put forward in support of this statement are essentially reasons of a political character rather than legal objections.

In 1927, when the Assembly gave the Council the mission of convening the Governments to a Codification Conference, it recommended that certain general rules to govern the discussions should be indicated, more particularly as regarded " the spirit of the codification, which should not confine itself to the mere registration of the existing rules, but should aim at adapting them as far as possible to contemporary conditions of international life ".

Why are the limits of the " possible " so restricted ? The cause lies not merely in divergencies of legislation but also, as M. Guerrero pointed out in the report which he presented at The Hague, in the " more or less marked tendency of each delegation to press the claims of its own country's laws ". But the spirit of internationalism requires that the solution of problems should be sought objectively, not subjectively.

This does not mean any infringement of the sovereignty of States, which exercise that sovereignty in the act of ratifying a convention in its totality, or with such restrictions as are permitted by the text.

It cannot be denied that, in contemporary international life, modifications of economic and social conditions have brought with them a change in the legal status of women. To refuse to take this fact into account is to be in contradiction with the basic principle of the convocation of the Codification Conference.

II. *Conflicts of Laws.*

1. *Statelessness and Double Nationality of Married Women.* — It has been contended that the Hague Convention should be accepted because it abolishes as regards married women certain cases of statelessness and of double nationality. The Convention, however, would only abolish such conflicts at the expense of recognising the principle of the subjection of women.

The Hague Conference did partially admit the principle of the independence of a married woman in regard to nationality, but it felt unable to go beyond the provisions of Article 10 of the Convention.

Nevertheless, the representatives of the Governments showed their feelings by adopting a recommendation which invites States to consider " whether it would not be possible to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent, either by the mere fact of marriage or by any change in the nationality of her husband ".

It is therefore desirable that the Governments, after a fresh study of the question, should instruct their delegates to bring about the complete application of this principle which, if universally adopted, would thenceforward prevent conflicts either of statelessness or of double nationality in the special case of the married woman.

2. *Nationality of Children.* — The nationality of children ought not to be an obstacle to women being independent as regards their nationality.

It should be realised that the simultaneous application of the two principles of *jus soli* and *jus sanguinis* frequently produces cases of double nationality of children born to parents who have the same nationality. Furthermore, double nationality resulting from the application of the *jus sanguinis* alone to children whose parents have different nationalities already exists.

The Hague Conference dealt with this question of double nationality and endeavoured to solve it in a special chapter of the Convention.

3. *Unity of the Family.* — It has been alleged that equality between the sexes in the matter of nationality would destroy the unity of the family. To argue on the assumption that unity of the family depends entirely on its members being of the same nationality and that a necessary consequence of such sameness of nationality is that one set of legal rules only is applicable to its members is to maintain a theory which is incorrect. This can be easily demonstrated.

(a) The sameness of nationality which existed at the beginning of a marriage ceases when the husband acquires a different nationality by naturalisation.

(b) Multiplicity of nationalities in the same family may result, not merely from the husband and wife having different nationalities, but also from a third nationality being conferred on a child by application of *jus soli*.

(c) A woman who has married a foreigner may see her child acquire through the application of *jus soli* the nationality of which her marriage has deprived her.

(d) Domicile itself sometimes confers power to exercise certain civil rights and may thus give a member of a family a possibility of acting in a way which is absolutely contrary to the law based on the nationality of the family.

(e) The devolution of property may sometimes depend, not upon the law applicable to a family in virtue of its nationality, but upon the law of the country where the property is situated. It is often the rule that movable property follows the personal status of the owner but immovable property is governed by the law of the country where it is situated. Accordingly, the character of property may itself profoundly alter the respective rights of members of a family who are all of the same nationality.

The above examples clearly show that sameness of nationality within a family in no way implies that one set of legal rules only will be applicable as between the members of a single family.

It is thus clear that, even under a system of law based in part on the dependence of woman in regard to nationality, conflicts of law may exist, especially as regards the respective rights of spouses (*régimes matrimoniaux*), separation and divorce, inheritance, devolution of property on death, paternal authority, guardianship, etc.

It is only by means of an international convention that such conflicts can be and ought to be resolved. The problem has not escaped the attention of the League of Nations, which has set up in Rome an International Institute for the Unification of Private Law.

It is all the more important to ensure the application of the principle of the equality of the sexes at the foundation of the codification of international law, as this must of necessity influence subsequent conventions.

III. *Reasons for the Evolution of Legislation.*

The women's organisations have pointed out that recent changes in nationality law all tend towards establishing more and more the independence of the married woman. In reply, it has been said to be casuistry to argue that any nationality law is the result of any particular tendency, because, since the war, every State has had no other object than to keep its own nationals and to take over the subjects of other countries. Is it possible to attribute this as the sole motive of the twenty-three States which in recent years have modified their law in a direction more favourable to women? These States are the following: 1918, Union of Soviet Socialist Republics; 1922, Belgium, Estonia, United States of America; 1924, Norway, Roumania, Sweden; 1925, Denmark; 1926, Guatemala, Iceland; 1927, Finland, France; 1928, Turkey, Yugoslavia; 1929, Albania, China, Cuba, San Domingo, Ecuador, Persia; 1931, Spain; 1932, Canada.

This list undoubtedly contains States which desire to increase the number of their nationals; but, if this had been the sole consideration in view, they would have confined themselves to giving a woman who married a foreigner the right to keep her original nationality without having recognised the same right in the foreign woman who married one of their nationals.

IV. *The Present Situation.*

Since the Hague Convention was drawn up, some States have modified their legislation. Various Governments, also, in the observations drawn up for submission to the thirteenth Assembly, have stated their intention of examining the question of the nationality of women again, both as regards their internal law and as regards the international convention.

It seems thus possible and necessary that the question should be taken up again before the Convention has come into force through ratification by ten States.

In submitting their observations, the undersigned women's organisations do not think that the benefit of the work done at The Hague should be lost. They only ask the thirteenth Assembly of the League of Nations to decide that it is necessary to proceed to a new examination of the nationality of women.

CONCLUSION.

The League of Nations recognises, and its mission is to recognise, the rights of all peoples, small or great. Must it not also ensure recognition of the right to liberty of all individuals without distinction of sex? Is woman to be treated as a human being whose independence cannot be sacrificed to circumstances or to the needs of a community; or is she to be dealt with merely as an object of whom anyone may dispose at his pleasure? That is the real question, even if it is being asked in an apparently purely legal form, a form which cannot, however, conceal its great moral and social importance.

The Covenant of the League of Nations has established the equality of the sexes within its own internal organisations. That is good, but it is not enough. This principle of equality should now be applied in international legislation.

The League of Nations had good reason for placing nationality on the agenda of the First Conference for the Codification of International Law, for nationality determines the rules of law which apply to individuals in public as in private life. Thus it is equitable that for women as for men there should be recognised the right to keep their nationality of origin and not to have their nationality changed except with their consent freely given in a voluntary act.

August 15th, 1932.

International Council of Women :

(Signed) Maria VÉRONE.

Louise VAN EEGHEN.

International Alliance of Women for Suffrage and Equal Citizenship :

(Signed) Emilie GOURD.

A. LEUCH-REINECK.

International Federation of University Women :

(Signed) N. SCHREIBER-FAVRE.

Chrystal MACMILLAN.

The World Union of Women for International Concord :

(Signed) Clara Guthrie D'ARCIS.

Cécile WUARIN.

(Communiqué à l'Assemblée,
au Conseil et aux Membres
de la Société.)

LN.V. 2. 36
A.23. 1932. V.
CORRIGENDUM

Genève, le 26 septembre 1932.

SOCIÉTÉ DES NATIONS

NATIONALITÉ DE LA FEMME.

OBSERVATIONS DU COMITÉ DE REPRÉSENTANTES
DES ORGANISATIONS FÉMININES INTERNATIONALES.

Rectification à faire à la requête présentée par l'Internationale
pour les Droits égaux.

Par une lettre du 24 septembre 1932 la Présidente de l'Internationale pour les Droits égaux a informé le Secrétaire général qu'au cours d'une assemblée générale de la dite association, tenue le 23 septembre, il fut décidé que les signatures données à l'un des deux rapports contenus dans le document A.23.1932.V. - Observations du Comité de Représentantes des Organisations féminines internationales - seraient maintenues.

En conséquence, le dernier paragraphe de la note du Secrétaire général contenue dans le document, ainsi que la note insérée au bas de la page 3 du document, concernant le retrait des signatures en question, devraient être considérés comme annulés.

LEAGUE OF NATIONS

NATIONALITY OF WOMEN.

OBSERVATIONS BY THE COMMITTEE OF REPRESENTATIVES
OF WOMEN'S INTERNATIONAL ORGANISATIONS.

Correction to be made at the request of the Equal Rights International.

By a letter of September 24th, 1932, the Chairman of the Equal Rights International has informed the Secretary-General that at a General meeting of that Organisation held on September 23rd it was decided that the signatures given to one of the two reports contained in the document A. 23. 1932. V. - Observations by the Committee of Representatives of Women's International Organisations - should be maintained.

Accordingly the last paragraph of the Note by the Secretary-General contained in the document and the note on page 3 of the document, concerning the withdrawal of the signatures in question, should be considered as deleted from the document.

