

ARTICLE 9

NATIONALITY

1. *States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
 2. *State Parties shall grant women equal rights with men with respect to the nationality of their children.*
- 9.1 The Singapore Government lifted the reservation to Article 9 in July 2007. This is an enlightening move and AWARE congratulates the State on this initiative.
- 9.2 AWARE applauds the government's decision to grant automatic Singapore nationality rights to children born - on after 15 May, 2004 - to non-Singaporean fathers and Singaporean mothers. This is an improvement as previously only children born to Singaporean fathers could acquire citizenship without application.

AREAS OF CONCERN

Children Born Before 2004

- 9.3 While AWARE is happy with the changes it also urges the government to offer citizenship status to minors born before 15 May, 2004 and so be aligned with the local laws and the Convention on the Rights of the Child (CRC). Article 1 of the CRC defines a "child" "as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18". Singapore ratified CRC in 1995 and operates on three different legal ages:- 21 years to enter legal contract; 16 years to be sexually active and 18 years to be married¹.
- 9.4 AWARE recommends that children born to Singaporeans with a foreign spouse be given citizenship rights at least up to the age of 16, if not 18. This means the Government can offer retrospectively, citizenship to all children born on or after 15 May, 1988 or 15 May, 1986. Citizenship provides children with access to free primary and secondary education, subsidised medical care and more affordable higher education.

¹ <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSingapore.asp> ... accessed 14 March 2011.

Citizenship and Marriage

- 9.5 AWARE is concerned about the protracted process of acquiring citizenship for foreign women² married to Singapore citizens. Many of the women married to lower educated and/or less skilled Singapore men are from developing countries. They depend on their husbands to sponsor their applications for citizenship. This process is long and often the women struggle to find employment or they face threats from their husbands. Such issues are some of the most challenging MPs face at their weekly Meet-the-People sessions. These issues have also come up in the media. (See also Article 5 para 5.7 and Article 6 para 6.26).
- 9.6 The Constitution of Singapore should be applied to foreign wives and due process be followed as prescribed in Citizenship by Registration of Article 123(2). This Article reads: - Subject to the provisions of this Constitution, any woman (**person**) who is married to a citizen of Singapore may, on making application therefore in the prescribed manner, be registered as citizen of Singapore if he/she satisfies the Government –
- (a) that he/she has resided continuously in Singapore for a period of not less than 2 years immediately preceding the date of the application;
 - (b) that he/she intends to reside permanently in Singapore; and
 - (c) that he/she is of good character.

RECOMMENDATIONS

Extending Citizenship

- 9.7 AWARE recommend the State review its limitation of citizenship status to minors born only after 15 May 2004. Citizenship should be extended to minors born in the year 2004 or before.

Citizenship and Marriage

- 9.8 AWARE urges the State to follow the provisions of Article 123(2) and make the process of acquiring citizenship as transparent as possible.
- 9.9 AWARE urges the Government to offer citizenship to women who marry Singapore citizens in a shorter timeframe, make the process more transparent and support new couples with opportunities to understand the Singapore culture and pick up job-related skills.

² See Appendix 4.1 for an extended discussion. ‘Social escalator needs oiling’ by Janie Heng, *The Straits Times*, 28 August 2008 and ‘Poor kids need aspiration; they must not be allowed to sink into apathy and stop striving’ by Rachael Chang, *The Straits Times*, 23 March 2011.