

Committee on the Elimination of Discrimination Against Women  
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Re: Madagascar – 62<sup>nd</sup> Pre-sessional Working Group of the Committee (9-13 March 2015)

23 January 2015

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Elimination of Discrimination Against Women (the Committee's) discussion of Madagascar at its 62<sup>nd</sup> Pre-sessional Working Group of the Committee (9-13 March 2015). This letter will focus on continued violations of women nationality rights in Madagascar in violation of Articles 2 (policy measures), 9 (nationality) of the Convention on the Elimination of All Forms of Discrimination Against Women.

Equality Now, Equal Rights Trust, Women's Refugee Commission, and the Institute on Statelessness and Inclusion submit this letter on behalf of the Global Campaign for Equal Nationality Rights, a coalition of international and national organizations that promotes gender equality in nationality laws, so that women and men can confer, acquire, change and retain their nationality on an equal basis.

As a party to the Convention, Madagascar has obligations to ensure that women enjoy equality in the area of nationality. Article 9 states that:

*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. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

In its recent General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee confirmed that Article 9

extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

The Nationality Code of the Republic of Madagascar discriminates against women by providing lesser rights with respect to a Madagascan woman's ability to pass her nationality to her children or her foreign spouse as it does to a Madagascan man.

In its 2008 report to the Committee, the government stated that certain provisions of the Nationality Code will be revised with a view to improving the situation of women with regard to nationality. However no reforms were enacted. In its 2012 review of Madagascar's compliance with the Convention on the Rights of the Child, the Committee on the Rights of the Child also recommended that Madagascar urgently finalize its reform of the legislation on nationality of children and ensure that no discrimination exists against children born of a Madagascan mother and a father of foreign nationality or children born out of wedlock. While the State indicated that legislation to amend this discrimination was being reviewed, no reforms have been implemented to date as far as we are aware.

We welcome the government's expressed pledge to reform its nationality law to remove all discrimination and respectfully request the Committee strongly encourage it to enact these measures without further delay.

We would respectfully urge the Committee to raise with the Madagascan government in its List of Issues the following questions with regard to gender discrimination embedded in the country's nationality law:

- What measures are in place to remove all remaining discrimination from Madagascar's nationality law and what is the time frame for implementation of a new law?
- What steps are being planned to publicize any new law and train officials responsible for its implementation?
- What support is needed, if any, to further this process?

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Global Campaign for Equal Nationality Rights  
Equality Now  
Equal Rights Trust  
Institute on Statelessness and Inclusion  
Women's Refugee Commission