

Committee on the Elimination of Discrimination Against Women
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva
Switzerland

Mailing address:
UNOG-OHCHR
CH-1211 Geneva 10 (Switzerland)

Tel.: +41 22 917 94 43
Fax: +41 22 917 90 08
E-mail: cedaw@ohchr.org

Re: Liberia – 62nd 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 Liberia at its 62nd Pre-sessional Working Group of the Committee (9-13 March 2015). This letter will focus on continued violations of women's nationality rights in Liberia in violation of Article 2 (policy measures), and Article 9 (nationality) of the Convention on the Elimination of All Forms of Discrimination Against Women (the Convention).

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, Liberia 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 1973 Alien and Nationality Law of the Republic of Liberia, presently in effect, discriminates against women by allowing children born outside Liberia to Liberian fathers the right to citizenship, while denying Liberian women the same rights to pass citizenship to their children born abroad.

This distinction discriminates against women. This not only denies equality to women and men, but can also result in severe consequences for children, leaving them vulnerable, at risk of statelessness, and frequently without access to publicly-funded education, health and social benefits and economic opportunities. Such distinctions in the transmission of citizenship discriminate directly on the basis of sex. As illustrated above, under Article 9(2) of the Convention, Liberia is required to ensure equal rights to women with respect to the nationality of their children.

We note the nationality law is at odds with the Liberian Constitution which establishes at Article 28 that any child who has a parent who was a Liberian citizen at the time of birth acquires citizenship, provided that the person renounces any other nationality upon attaining majority. We would respectfully request the Committee urge the government to remove the discrimination from its nationality law in line both with provisions of the Constitution which guarantee fundamental rights and freedoms for all, irrespective of sex, as well as with Liberia's international obligations.

We note also that at a Ministerial Meeting organized by UNHCR in Geneva in December 2011 to mark the 60th Anniversary of the 1951 Refugee Convention and the 50th Anniversary of the 1961 Convention on the Reduction of Statelessness Convention, the government of Liberia pledged to reform the Aliens and Nationality Law and ensure its harmonization with Article 11 of the Constitution of Liberia. We welcome this and the government's renewed commitment to nationality law reform in its March 2014 report to CEDAW. We note with sorrow the loss of human life and suffering caused by the recent Ebola outbreak, and the significant government resources that have been required to fight this terrible epidemic. We join with others in hoping measures put in place by the government have led to the outbreak's end.

Looking forward, we hope for the government's enactment of its commitment to remove all remaining discrimination from its nationality law as soon as possible.

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

- What steps are proposed and within which timeframe to remove all remaining discrimination in Liberia's nationality law?
- What thought has been given to publicizing any changes in the law and training officials on 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