

Mandate of the Working Group on the issue of discrimination against women in law and in practice

REFERENCE: OL
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14 November 2014

Excellency,

I have the honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 23/7.

The Working Group is following up on the information on The Bahamas, published by the UN High Commissioner for Refugees in its 2014 annual note regarding **gender equality in legal provisions in nationality laws**. According to this information, current nationality law in The Bahamas discriminates against women in that, although a child born in the country to either a Bahamian father or mother acquires Bahamian nationality, children born abroad can acquire Bahamian nationality only if they are born to Bahamian fathers, not mothers. Furthermore, unlike Bahamian men, Bahamian women cannot pass on their nationality to their spouses of foreign nationality.

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on The Bahamas (CEDAW/C/BHS/CO/1-5), in which the CEDAW Committee expressed concern that the State does not consider Article 9 (1) and (2) of the CEDAW as binding because a majority voted in a constitutional referendum against repealing the constitutional provision which prevents Bahamian women from passing their nationality to their children or to their spouses of foreign nationality. The Committee recommended that the State amend its Constitution and relevant domestic laws to grant Bahamian women equal rights with men in this field.

The Working Group would also like to recall the recommendations made in the context of the Universal Periodic Review of The Bahamas, which are under consideration or are supported by Bahamas, which called for a number of measures to ensure that Bahamian women are able to pass their nationality to their children on an equal footing with men, including by revising relevant legislation and raising public awareness about the equality of rights of women with regard to nationality (see recommendations 92.41, 92.42, 92.43 in A/HRC/23/8).

The Working Group would like to draw to the attention of your Excellency's Government the existence of good practices by States in your region, which, in recent years, have repealed legislative provisions that discriminate against women in the matter of nationality.

In order to clarify the measures being taken by your Excellency's Government to repeal the discriminatory legislative provisions on nationality, the Working Group would be grateful if you could address the following matters:

1. Please provide any additional information on the current status of the relevant legislation with regard to the right of women to pass their nationality to the children and to their spouses of foreign nationality on an equal footing with men;
2. Please provide information on any measures that your Excellency's Government has taken or intend to take in order to implement the recommendations by UN human rights mechanisms, referred to above, and to bring its legislation into compliance with international human rights law.

The Working Group would appreciate a response within 60 days and remains available for any type of technical advice on legislative reform that your Excellency's Government may require.

This communication and your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice