

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

REFERENCE: AL  
SWZ 2/2014:

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 Swaziland, 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, legislation in Swaziland discriminates against women in that they are not able to confer their Swazi nationality to their children. Reportedly, according to the 2005 Constitution children born inside or outside of Swaziland prior to 2005 to at least one Swazi parent acquires Swazi citizenship but children born after 2005 only acquire citizenship from Swazi fathers.

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on Swaziland (CEDAW/C/SWZ/CO 1-2), in which the CEDAW Committee expressed concern that both the Constitution and the Citizenship Act contain provisions depriving children born to Swazi women and foreign husbands of nationality, hence increasing their risk of statelessness. The Committee recommended that the State party repeal the discriminatory provisions in the Constitution and the Citizenship Act to ensure that Swazi women can transfer their nationality to their children on the same basis as Swazi men, in line with article 9 of the Convention.

The Working Group would also like to recall the recommendations made in the context of the Universal Periodic Review of Swaziland, which are under consideration or are supported by Swaziland, which called on the State to combat gender inequality and discriminatory practices and consider legislative reforms to ensure equality between men and women before the law, abrogate without delay the legislative and regulatory provisions that discriminate women, and adopt new laws in accordance with the principle of gender equality and take concrete measures to repeal laws and practices that are

discriminatory toward women, including in respect of marriage (see recommendations 76.23, 77.20, 77.21 in A/HRC/19/6).

In order to clarify the measures being taken by your Excellency's Government's 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 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