

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

REFERENCE: OL
IRQ 6/2014:

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 Iraq, 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, Iraq's 2006 nationality law limits the ability of Iraqi women to confer nationality to children born outside the country. For such cases, the child of an Iraqi mother may apply for Iraqi nationality within one year of reaching majority, provided that the child's father is unknown or stateless and the child resides in Iraq at the time of the application.

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on Iraq (CEDAW/C/IRQ/CO/4-6), in which the CEDAW Committee expressed concern that while Iraqi men may transmit their nationality to their children born outside of the State party's territory, Article 4 of Act No. 26 (2006) establishes that Iraqi women may transmit their nationality to their children born outside of the State party's territory only if the father is unknown or stateless and subject to the discretion of the Minister of the Interior. The Committee recommended that the State party amend the discriminatory provisions of Act No. 26 (2006) in order to ensure that women and men enjoy equal rights relating to nationality, in line with article 9 of the Convention.

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Government the existence of wide spread good practices by States in your region which, in recent years, have repealed legislative provisions which discriminate against women in the matter of nationality.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