

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

Dear Mr. Elgannas,

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 Libya, 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 Libya discriminates against women in that Libyan women married to foreign nationals are not allowed to pass automatically their nationality to their children but only in certain circumstances such as when fathers are unknown, stateless, of unknown nationality or do not establish filiation.

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on Libya (CEDAW/C/LBY/CO/5), in which the CEDAW Committee expressed concern that Libyan women married to non-Libyan nationals are not granted equal rights with men with respect to the nationality of their children. The Committee encouraged the State to accelerate the process of amendment of Law No. 18 of 1980 to make it consistent 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 Libya, which are under consideration, which called on the State to speed up the reform process to guarantee equality between men and women, including with regard to the transfer of nationality (see recommendation 95.8).

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to your attention the existence of wide spread good practices by States in your region which, in recent years, have repealed legislative provisions which discriminate against women in the matter of nationality.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

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

Please accept, Mr. Elgannas, 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