



Global
Campaign
for **Equal
Nationality
Rights**



Institute on
Statelessness and
Inclusion

Committee on the Rights of the Child
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Re: Sierra Leone – 73st Pre-sessional Working Group of the Committee (1-5 February 2016)

29 October 2015

Distinguished Committee Members,

The [Global Campaign for Equal Nationality Rights](#)¹ and the [Institute on Statelessness and Inclusion](#) respectfully submits this letter in advance of the Committee on the Rights of the Child (the Committee's) discussion of Sierra Leone at its 73st Pre-sessional Working Group of the Committee (1-5 February 2016). This letter will focus on the gender discriminatory nationality law in Sierra Leone, in violation of Articles 7 and 8 of the Convention on the Rights of the Child (CRC).

This letter is based on the research carried out by the Global Campaign and its member organisations on the nationality law of Qatar. It also draws on recent research and analysis carried out by the Institute, on all Concluding Observations and Recommendations made by the Committee in relation to the right of every child to acquire a nationality under Article 7 CRC.² This research confirms that the Committee has consistently recommended that states amend gender discriminatory nationality laws, in order to ensure that the rights of all children to acquire a nationality are respected and fulfilled without discrimination. For example the Committee in its 2014 review of Kuwait³ and its 2012 review of Madagascar⁴ made strong recommendations to the respective states to end gender discrimination in their nationality laws.

¹ The Global Campaign for Equal Nationality Rights mobilizes international action for the removal of gender discriminatory provisions from all nationality laws and is led by its Steering Committee of the Office of the UN High Commissioner for Refugees, Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.

² This research has been made publicly available in the form of a comprehensive analytical database of all Concluding Observations, a Factsheet summarizing state party obligations and a longer draft policy paper, and was shared with the Committee at a briefing in September 2015. To access these materials, visit: <http://www.institutesi.org/ourwork/children.php>

³ CRC/C/KWT/CO/2 2013: "Ensure gender equality in the 1959 Nationality Act in order for all children born to a Kuwaiti mother and non-Kuwaiti father to automatically acquire their mother's nationality"

⁴ CRC/C/MDG/CO/3-4 2012: "The Committee recommends that the State party urgently finalize the reform of the legislation on nationality of children and ensures that no discrimination exists against children born of a Malagasy mother and a father of foreign nationality or children born out of wedlock. The Committee also urges the State party to ensure that children born in Madagascar do not risk being stateless."

Sierra Leone took positive steps in 2006 to reduce gender discrimination in its nationality laws. However, there are still two critical steps to make before we can applaud the State for having gender neutral legislation. According to the Sierra Leone Citizenship Act 1973, as amended by the Sierra Leone Citizenship (Amendment) Act, 2006, a Sierra Leonean mother can only confer nationality on her child born abroad if the child would otherwise be stateless. Sierra Leonean fathers confer their nationality to children born abroad at birth. In addition, Section 7 of the Citizenship Act refers only to foreign women married to Sierra Leonean male citizens for the purpose of naturalization, and not to foreign men married to Sierra Leonean female citizens. In its last concluding observations on Sierra Leone issued in June 2008, the Committee “urge[d] the State party to continue and strengthen its efforts to remove all discriminatory laws from its statute books...In particular, the Committee urge[d] the State party to review the Constitution with a view to ensuring that its provisions on non-discrimination are in full compliance with article 2 of the Convention” (CRC/C/SLE/CO/2, ¶126).

Article 7 of the CRC states that a child has “the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents ... in particular where the child would otherwise be stateless.” Article 8 calls for States Parties to “undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations...” While changes brought under the 2006 amendment grant nationality to children of a Sierra Leonean women born in the country, Sierra Leone’s law does still not fulfill the requirements of Articles 7 and 8 and should be amended without delay, including by allowing Sierra Leonean women the same right to pass their nationality to their children as that accorded Sierra Leonean men. In addition, Sierra Leonean women’s inability to confer nationality on their foreign spouses threatens a child’s right to know and be cared for by his or her parents, in violation of Article 7 of the CRC. For example, when foreign men are denied access to their spouses’ nationality, they may be forced to live away from their children due to challenges in acquiring residency permits and obstacles to employment.

Sex discrimination in nationality laws can result in significant violations of children’s rights, as well as the rights of women and their foreign spouses, including: statelessness; lack of access to public education, healthcare and other services; increased risk of gender-based violence; impeded family reunification; unemployment; social alienation and psychological damage.⁵ This alienation can result in future security threats for a State where a proportion of their population feels indefinitely marginalized. We therefore respectfully request the Committee explore further with the State Party any harmful impacts of its sex discriminatory nationality law, such as on children’s right to healthcare and to education under Articles 24 and 28 respectively, and recommend swift and comprehensive changes to remedy all breaches of the CRC.

We welcome the recommendation by Sierra Leone’s last Constitutional Review Commission that, since citizenship is a human (including women’s) right issue, the right to citizenship should be included in the Constitution under Fundamental Human Rights.⁶ We welcome also the government’s renewed commitment to nationality law reform in its March 2014 report to the CEDAW Committee.⁷ We also note that in February 2015, Ministers of ECOWAS States, including Sierra Leone, committed through the [Abidjan Declaration](#) to ensuring that “men and women have equal rights to acquire, change and retain their nationality and confer nationality

⁵ Equality Now, *Campaign to End Sex Discrimination in Nationality and Citizenship Laws*, 2013 (updated May 2014, Feb. 2015), available at http://www.equalitynow.org/sites/default/files/NationalityReport_EN.pdf

⁶ CEDAW/C/SLE/Q/6/Add.1, Question 14, available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SLE/CEDAW_C_SLE_Q_6_Add-1_16168_E.pdf

⁷ Ibid.

to their children.”⁸ The Declaration also includes a recommitment to implement the relevant provisions of CEDAW and the Protocol to The African Charter on Human and People’s Rights on the Rights of Women in Africa. It is therefore paramount to ensure that this issue is highlighted during this round.

Finally we urge the Committee to raise with the government of Sierra Leone in its List of Issues the following questions with regard to violations of children’s rights resulting from sex discrimination in the country’s nationality law.

- Given the violations of children’s rights resulting from sex discrimination in the Sierra Leone Citizenship Act and the government’s commitment to enact reforms, what steps is the government taking and within what timeframe to amend the Citizenship Act to ensure that women citizens have the same rights as men to confer nationality on their children and their foreign spouses?
- Please describe how the right to nationality and non-discrimination is being addressed by the Constitutional Review Commission? In what timeframe will the Constitutional Review Commission complete its work?
- What support might be 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.



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⁸ Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness, 25 February 2015, p.4, available at: <http://www.refworld.org/docid/54f588df4.html>