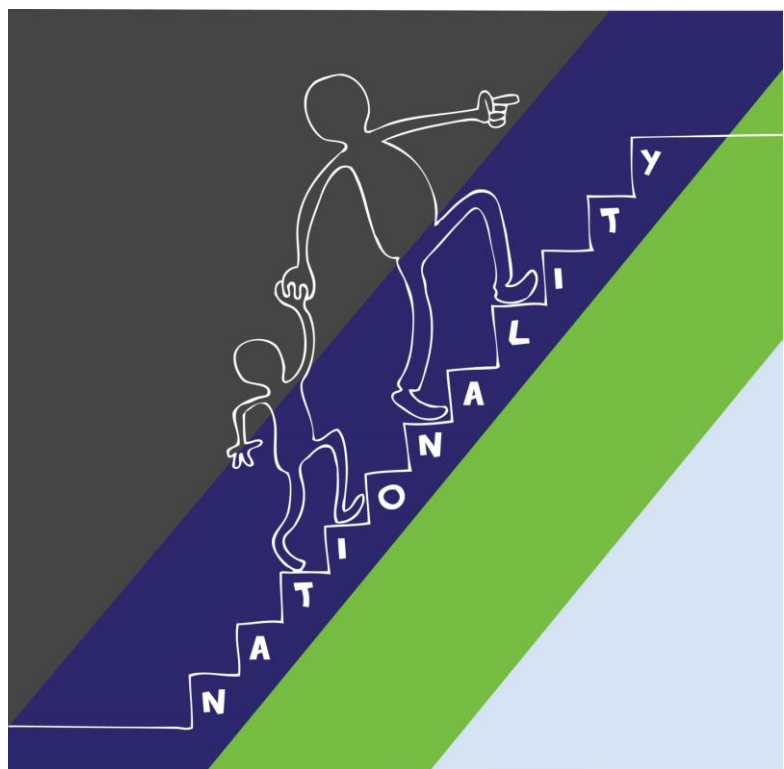


# Addressing the Right to a Nationality through the Convention on the Rights of the Child

A Toolkit for Civil Society

## Section 8: Relevant excerpts of other Treaties, Treaty Bodies and Special Procedures



# 8. Excerpts of other relevant standards and recommendations

This section presents some relevant excerpts from other Treaties, Treaty Bodies, the Universal Periodic Review and Special Procedures that relate to the child's right to a nationality and the protection of stateless children. Please note that this is not a comprehensive selection.

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## Treaty Standards

### 1. International Human Rights Treaties

[International Convention on the Elimination of All Forms of Racial Discrimination](#),<sup>1</sup> 1965 (Article 5)

...

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...

(d) Other civil rights, in particular:

...

(iii) The right to nationality;

[International Covenant on Civil and Political Rights](#),<sup>2</sup> 1966 (Article 24)

...

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

[Convention on the Elimination of All Forms of Discrimination against Women](#),<sup>3</sup> 1979 (Article 9)

...

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

[International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#),<sup>4</sup> 1990 (Article 29)

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

[International Convention for the Protection of All Persons from Enforced Disappearances](#),<sup>5</sup> 2006 (Article 25)

1. Each State Party shall take the necessary measures to prevent and punish under its criminal law:

(a) The wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance;

(b) The falsification, concealment or destruction of documents attesting to the true identity of the children referred to

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<sup>1</sup> Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

<sup>2</sup> Available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>3</sup> Available at: <http://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

<sup>4</sup> Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>.

<sup>5</sup> Available at: <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>.

in subparagraph ( a ) above.

...

4. Given the need to protect the best interests of the children referred to in paragraph 1 ( a ) of this article and their right to preserve, or to have re-established, their identity, including their nationality, name and family relations as recognized by law, States Parties which recognize a system of adoption or other form of placement of children shall have legal procedures in place to review the adoption or placement procedure, and, where appropriate, to annul any adoption or placement of children that originated in an enforced disappearance.

### **Convention on the Rights of Persons with Disabilities,<sup>6</sup> 2006 (Article 18)**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

(a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;

(b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

...

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

## **2. Other International Standards**

### **Universal Declaration of Human Rights,<sup>7</sup> 1948 (Article 15)**

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

### **Convention relating to the Status of Stateless Persons,<sup>8</sup> 1954 (Article 32)**

The Contracting States shall as far as possible facilitate the assimilation and naturalization of stateless persons. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

### **Convention on the Reduction of Statelessness,<sup>9</sup> 1961**

#### **Article 1**

1. A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted:

(a) at birth, by operation of law, or

(b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph 2 of this Article, no such application may be rejected.

A Contracting State which provides for the grant of its nationality in accordance with sub-paragraph (b) of this paragraph may also provide for the grant of its nationality by operation of law at such age and subject to such conditions as may be prescribed by the national law.

2. A Contracting State may make the grant of its nationality in accordance with sub-paragraph (b) of paragraph 1 of this Article subject to one or more of the following conditions:

(a) that the application is lodged during a period, fixed by the Contracting State, beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years, so, however, that the person concerned shall be allowed at least one year during which he may himself make the application without having to obtain legal authorization to do so;

(b) that the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all;

(c) that the person concerned has neither been convicted of an offence against national security nor has been sentenced to imprisonment for a term of five years or more on a criminal charge;

(d) that the person concerned has always been stateless.

<sup>6</sup> Available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>.

<sup>7</sup> Available at: <http://www.un.org/en/universal-declaration-human-rights/>.

<sup>8</sup> Available at: <http://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>.

<sup>9</sup> Available at: <http://www.unhcr.org/protection/statelessness/3bbb286d8/convention-reduction-statelessness.html>.

3. Notwithstanding the provisions of paragraphs 1 (b) and 2 of this Article, a child born in wedlock in the territory of a Contracting State, whose mother has the nationality of that State, shall acquire at birth that nationality if it otherwise would be stateless.

...

#### Article 2

A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State.

...

See also, Articles 4, 5 and 6 of the Convention.

**\*See also the [Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws](#),<sup>10</sup> 1930 (Articles 13-17)**

### 3. Regional Standards

#### **[African Charter on the Rights and Welfare of the Child](#),<sup>11</sup> 1990 (Article 6)**

1. Every child shall have the right from his birth to a name.
2. Every child shall be registered immediately after birth.
3. Every child has the right to acquire a nationality.
4. States Parties to the present Charter shall undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child's birth, he is not granted nationality by any other State in accordance with its laws.

#### **[Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa](#),<sup>12</sup> 2003 (Article 6)**

...

*h) a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;*

#### **[European Convention on Nationality](#),<sup>13</sup> 2000 (Article 6)**

- 1 Each State Party shall provide in its internal law for its nationality to be acquired *ex lege* by the following persons:
- a) children one of whose parents possesses, at the time of the birth of these children, the nationality of that State Party, subject to any exceptions which may be provided for by its internal law as regards children born abroad. With respect to children whose parenthood is established by recognition, court order or similar procedures, each State Party may provide that the child acquires its nationality following the procedure determined by its internal law;
  - b) foundlings found in its territory who would otherwise be stateless.
- 2 Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality. Such nationality shall be granted:
- a) at birth *ex lege*; or
  - b) subsequently, to children who remained stateless, upon an application being lodged with the appropriate authority, by or on behalf of the child concerned, in the manner prescribed by the internal law of the State Party. Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application.
- 3 Each State Party shall provide in its internal law for the possibility of naturalisation of persons lawfully and habitually resident on its territory. In establishing the conditions for naturalisation, it shall not provide for a period of residence exceeding ten years before the lodging of an application.
- 4 Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons:
- a) spouses of its nationals;
  - b) children of one of its nationals, falling under the exception of Article 6, paragraph 1, sub-paragraph a;
  - c) children one of whose parents acquires or has acquired its nationality;

<sup>10</sup> Available at: <http://www.refworld.org/docid/3ae6b3b00.html>.

<sup>11</sup> Available at: <http://pages.au.int/acerwc/documents/african-charter-rights-and-welfare-child-acrwc>.

<sup>12</sup> Available at: <http://www.achpr.org/instruments/women-protocol/>.

<sup>13</sup> Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007f2c8>.

- d) children adopted by one of its nationals;
- e) persons who were born on its territory and reside there lawfully and habitually;
- f) persons who are lawfully and habitually resident on its territory for a period of time beginning before the age of 18, that period to be determined by the internal law of the State Party concerned;
- g) stateless persons and recognised refugees lawfully and habitually resident on its territory.

See also, Article 7 on Loss of nationality ex lege or at the initiative of a State Party

**Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession,<sup>14</sup> 2009**  
(Article 10)

*A State concerned shall grant its nationality at birth to a child born following State succession on its territory to a parent who, at the time of State succession, had the nationality of the predecessor State if that child would otherwise be stateless.*

**American Declaration of the Rights and Duties of Man,<sup>15</sup> 1948** (Article XIX)

*Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him.*

**American Convention on Human Rights,<sup>16</sup> 1969** (Article 20)

1. *Every person has the right to a nationality.*
2. *Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.*
3. *No one shall be arbitrarily deprived of his nationality or of the right to change it*

**Arab Charter on Human Rights,<sup>17</sup> 2004** (Article 29)

1. *Everyone has the right to nationality. No one shall be arbitrarily or unlawfully deprived of his nationality.*
2. *States parties shall take such measures as they deem appropriate, in accordance with their domestic laws on nationality, to allow a child to acquire the mother's nationality, having due regard, in all cases, to the best interests of the child.*
3. *Non one shall be denied the right to acquire another nationality, having due regard for the domestic legal procedures in his country.*

**Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms,<sup>18</sup> 1995**  
(Article 24)

1. *Everyone shall have the right to citizenship.*
2. *No one shall be arbitrarily deprived of his citizenship or of the right to change it.*

**Covenant on the Rights of the Child in Islam,<sup>19</sup> 2005** (Article 7)

*A child shall, from birth, have right to a good name, to be registered with authorities concerned, to have his nationality determined and to know his/her parents, all his/her relatives and foster mother.*

*States Parties to the Covenant shall safeguard the elements of the child's identity, including his/her name, nationality, and family relations in accordance with their domestic laws and shall make every effort to resolve the issue of statelessness for any child born on their territories or to any of their citizens outside their territory.*

*The child of unknown descent or who is legally assimilated to this status shall have the right to guardianship and care but without adoption. He shall have a right to a name, title and nationality.*

<sup>14</sup> Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680083747>.

<sup>15</sup> Available at: <https://www.cidh.oas.org/Basicos/English/Basic2.American%20Declaration.htm>.

<sup>16</sup> Available at: [https://www.oas.org/dil/treaties\\_B-32\\_American\\_Convention\\_on\\_Human\\_Rights.htm](https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm).

<sup>17</sup> Available at: <http://www.refworld.org/docid/3ae6b38540.html>.

<sup>18</sup> Available at: <http://www.refworld.org/docid/49997ae32c.html>.

<sup>19</sup> Available at: <http://www.refworld.org/docid/44eaf0e4a.html>.

# Recommendations of Treaty Bodies, UPR and Special Procedures

## 1. Right to acquire a nationality

### Committee on the Elimination of Racial Discrimination

#### [General Recommendation No. 30: Discrimination Against Non-Citizens](#)<sup>20</sup>

##### IV. Access to citizenship

...

16. Reduce statelessness, in particular statelessness among children, by, for example, encouraging their parents to apply for citizenship on their behalf and allowing both parents to transmit their citizenship to their children;

17. Regularize the status of former citizens of predecessor States who now reside within the jurisdiction of the State party;

#### [Czech Republic CERD/C/CZE/CO/10-11](#)<sup>21</sup>

28. The Committee recommends that the State party take all measures necessary to ensure that stateless children born in the Czech Republic obtain citizenship of the State party and collect data on the stateless in the State party.

#### [Italy CERD/C/ITA/CO/16-18](#)<sup>22</sup>

The Committee recommends that the State party take measures to facilitate access to citizenship for stateless Roma, Sinti and non-citizens who have lived in Italy for many years, and to pay due attention to and remove existing barriers. Bearing in mind the 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness, the Committee also recommends that the State party take measures to reduce statelessness, in particular statelessness among Roma and Sinti children and children born in Italy.

#### [Suriname CERD/C/SUR/CO/13-15](#)<sup>23</sup>

... the Committee recommends that the State party remove administrative barriers and discriminatory practices that currently prevent children born to foreign parents from acquiring nationality at birth and introduce safeguards to prevent statelessness and address discriminatory practices in the application of its 1975 Law on Nationality and Residence, as amended, particularly in the context of birth registration

### Human Rights Committee<sup>24</sup>

#### [General Comment No. 17: The Rights of the Child](#)<sup>25</sup>

8. Special attention should also be paid, in the context of the protection to be granted to children, to the right of every child to acquire a nationality, as provided for in article 24, paragraph 3. While the purpose of this provision is to prevent a child from being afforded less protection by society and the State because he is stateless, it does not necessarily make it an obligation for States to give their nationality to every child born in their territory. However, States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. In this connection, no discrimination with regard to the acquisition of nationality should be admissible under internal law as between legitimate children and children born out of wedlock or of stateless parents or based on the nationality status of one or both of the parents. The measures adopted to ensure that children have a nationality should always be referred to in reports by States parties.

#### [Estonia CCPR/CO/77/EST](#)<sup>26</sup>

The State party should seek to reduce the number of stateless persons, with priority for children, inter alia by encouraging their parents to apply for Estonian citizenship on their behalf and by promotion campaigns in schools. The State party is invited to reconsider its position as to the access to Estonian citizenship by persons who have taken the

<sup>20</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en).

<sup>21</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCZE%2F10-11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCZE%2F10-11).

<sup>22</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/ITA/CO/16-18&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/ITA/CO/16-18&Lang=En).

<sup>23</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSUR%2FCO%2F13-15&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSUR%2FCO%2F13-15&Lang=en).

<sup>24</sup> Monitors the International Covenant on Civil and Political Rights.

<sup>25</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6623&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6623&Lang=en).

<sup>26</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F77%2FEST&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F77%2FEST&Lang=en).



*citizenship of another country during the period of transition and by stateless persons. The State party is also encouraged to conduct a study on the socio-economic consequences of statelessness in Estonia, including the issue of marginalization and exclusion (articles 24 and 26 of the Covenant).*

**Kuwait** [CCPR/C/KWT/CO/2](#)<sup>27</sup>

*The State party should guarantee the right of every child to acquire a nationality, in compliance with article 24, paragraph 3 of the Covenant, and end discrimination between men and women in the transmission of nationality. The State party should guarantee that applicants are officially informed of the reasons why they were denied Kuwaiti nationality, and should also implement a review procedure.*

**Mongolia** [CCPR/C/MNG/CO/5](#)<sup>28</sup>

*The State party should conduct a thorough analysis of its legal framework to identify the provisions that lead to statelessness, and implement immediate reforms to guarantee the right of all persons to receive a nationality, including for stateless children who were born on the territory of Mongolia to stateless parents. The State party should ensure respect for the six-month legal deadline for the finalization of this procedure.*

## **Committee on Economic, Social and Cultural Rights**

**Djibouti** [E/C.12/DJI/CO/1-2](#)<sup>29</sup>

*The Committee calls on the State party to revise the Djiboutian Nationality Code so that all children born in its territory who would otherwise be stateless can obtain Djiboutian nationality at birth.*

**Kuwait** [E/C.12/KWT/CO/2](#)<sup>30</sup>

*The Committee recommends that the State party expedite the work entrusted in 2010 to the Central Body to review Bidoun claims for recognition of their status under the Law on Citizenship, and find a permanent solution to their status by 2015, in conformity with international law. The Committee also recommends that the State party:*

- (a) Involve legal experts or judges in the citizenship review process to ensure that decisions are taken according to the relevant laws and standards, and to guarantee the right of individuals to be informed of the grounds of decisions taken and the right to appeal;*
- (b) Accelerate the naturalization process for those who meet the legal requirements;*
- (c) Ensure birth registration of children of stateless women, including those who are not registered with the Central Body, irrespective of the nationality of the father;*
- (d) Expedite adoption by the National Assembly of the decision endorsed by the Central Body granting Bidouns access to socio-economic rights, and address the administrative obstacles to their effective access to services; and*
- (e) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.*

## **Committee on the Elimination of Discrimination against Women**

**Chile** [CEDAW/C/CHL/CO/5-6](#)<sup>31</sup>

*27. The Committee encourages the State party to:*

- (a) Review and amend its legislation to ensure that children of migrant women in an irregular situation, who are born in the State party, can acquire Chilean nationality at birth, whenever they are unable to transfer their nationality to the children, as recommended by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/C/CHL/CO/1, para. 33);*

**Denmark** [CEDAW/C/DNK/CO/8](#)<sup>32</sup>

*26. The Committee encourages the State party to ensure that its national citizenship legislation complies fully with the 1961 Convention on the Reduction of Statelessness, in particular by providing for the automatic granting of nationality to all children born in Denmark who would otherwise be stateless. In doing so, the State party should ensure that its procedures for addressing statelessness are timely and gender sensitive, in accordance with the Committee's general*

<sup>27</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KWT/CO/2&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KWT/CO/2&Lang=En).

<sup>28</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MNG/CO/5&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MNG/CO/5&Lang=En).

<sup>29</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/DJI/CO/1-2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/DJI/CO/1-2&Lang=en).

<sup>30</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en).

<sup>31</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CHL/CO/5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CHL/CO/5-6&Lang=en).

<sup>32</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/DNK/CO/8&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/DNK/CO/8&Lang=en).

recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

Lithuania [CEDAW/C/LTU/CO/5](#)<sup>33</sup>

The Committee encourages the State party to bring its national citizenship legislation in line with the 1961 Convention on the Reduction of Statelessness, in particular by providing for the automatic granting of nationality to all children born in Lithuania, including Roma children, who would otherwise be stateless.

### Committee against Torture

Czech Republic [CAT/C/CZE/CO/5](#)<sup>34</sup>

The Committee recommends that the State party introduce the definition of statelessness in its legislation, establish procedures and mechanisms for the determination of the status of statelessness and create a central database on stateless persons in its territory. In order to avoid discrimination among different categories of stateless persons, the State party should review the provisions in the draft Citizenship Act relating to acquisition of nationality by children who would otherwise be stateless or who are born out of wedlock to foreign stateless mothers. In addition, the Committee recommends that stateless persons be provided with identification documents.

Estonia [CAT/C/EST/CO/5](#)<sup>35</sup>

The State party should:

- (a) Adopt legal and practical measures to simplify and facilitate the naturalization and integration of stateless persons and non-citizens, including by revisiting the requirements for the granting of citizenship;
- (b) Consider offering language courses free of charge to all non-citizens who wish to apply for Estonian citizenship;
- (c) Continue and enhance the efforts by the Citizenship and Migration Board to raise the awareness of parents whose children are eligible for naturalization through the simplified procedure of the requirements for citizenship, and consider granting automatic citizenship at birth, without previous registration by parents, to the children of non-citizen parents who do not acquire any other nationality;
- (d) Ensure the effective implementation of the Integration Strategy and of the State Integration Programme for 2008–2013, and extend the Programme beyond 2013;
- (e) Despite the information provided by the State party regarding its decision not to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the reduction of statelessness, reconsider such ratification as a matter of priority.

### Committee on Migrant Workers

Chile [CMW/C/CHL/CO/1](#)<sup>36</sup>

33. The Committee encourages the State party to grant nationality to children who are born in Chile and whose parents are in an irregular situation, whenever parents are unable to transfer their nationality to the children. The Committee also encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Colombia [CMW/C/COL/CO/1](#)<sup>37</sup>

30. The Committee recommends that the State party, in accordance with article 29 of the Convention, should ensure, both in law and in practice, the right of all children to have a name, to registration of their birth and to a nationality. The Committee urges the State party to complete as soon as possible the process of accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Seychelles [CMW/C/SYC/CO/1](#)<sup>38</sup>

27. The State party should take appropriate measures to ensure the protection of children of migrant workers from statelessness.

<sup>33</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LTU/CO/5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LTU/CO/5&Lang=en).

<sup>34</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/CZE/CO/4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/CZE/CO/4-5&Lang=en).

<sup>35</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/EST/CO/5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/EST/CO/5&Lang=en).

<sup>36</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/CHL/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/CHL/CO/1&Lang=en).

<sup>37</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/COL/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/COL/CO/1&Lang=en).

<sup>38</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CMW/COC/SYC/21647&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CMW/COC/SYC/21647&Lang=en).



## Universal Periodic Review

### [Barbados](#)<sup>39</sup>

*Reform national legislation to enable mothers with Barbadian nationality to confer their nationality to their children born abroad (Ecuador)*

### [Dominican Republic](#)<sup>40</sup>

*Strengthen measures to guarantee the right to a nationality and include necessary safeguards to prevent statelessness of those born in the territory of the Dominican Republic (Argentina)*

### [Luxembourg](#)<sup>41</sup>

*Take the necessary measures to ensure that all persons born in Luxembourg obtain a nationality if otherwise they would become stateless, and regardless of the immigration status of their parents (Mexico)*

### [Tonga](#)<sup>42</sup>

*Reform the Nationality Act to include safeguards against statelessness, so that children born in Tonga's territory, who would otherwise be stateless, can acquire Tongan nationality (Slovakia)*

## Special Procedures of the Human Rights Council

Special Rapporteur on extreme poverty and human rights: Mission to Namibia, [A/HRC/23/36/Add.1](#)<sup>43</sup>

*... (e) Ensure that every child under its jurisdiction enjoys the right to acquire a nationality; accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;*

Special Rapporteur on Myanmar, [A/HRC/25/64](#)<sup>44</sup>

*83... (f) Bring the Citizenship Act into line with international standards, by providing for objective criteria in the granting of citizenship that comply with the principle of non-discrimination, such as birth in the territory and descent (with citizenship being passed through a parent who is a citizen);*

*(g) Ensure that all children who are born in Myanmar and who do not have a right to the nationality of another State are able to acquire Myanmar citizenship, A/HRC/25/64 21 regardless of the status of their parents, and provide for naturalization under a revised citizenship law.*

## 2. Prohibition of gender and other forms of discrimination

### Committee on the Elimination of Racial Discrimination

#### [General Recommendation No. 27: Discrimination Against Roma](#)<sup>45</sup>

*4. To ensure that legislation regarding citizenship and naturalization does not discriminate against members of Roma communities.*

#### [General Comment 34 on Racial discrimination against people of African descent](#)<sup>46</sup>

*47. Ensure that legislation regarding citizenship and naturalization does not discriminate against people of African*

<sup>39</sup> For this and other recommendations received by Barbados, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=15&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=15&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>40</sup> For this and other recommendations received by the Dominican Republic, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=49&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=49&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>41</sup> For this and other recommendations received by Luxembourg, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=100&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=100&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=100&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>42</sup> For this and other recommendations received by Tonga, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=176&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=176&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>43</sup> Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/36/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/36/Add.1).

<sup>44</sup> Available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-64\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-64_en.doc).

<sup>45</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7499&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7499&Lang=en).

<sup>46</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f34&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f34&Lang=en).

descent and pay sufficient attention to possible barriers to naturalization that may exist for long-term or permanent residents of African descent.

#### Oman CERD/C/OMN/CO/1<sup>47</sup>

*Bearing in mind general recommendation 30 (2004) on non-citizens, the Committee urges the State party to review its legislation on the acquisition of Omani nationality in order to ensure that both parents are allowed to transmit their citizenship to their children. In addition, the Committee recommends that the State party accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.*

#### Qatar CERD/C/QAT/13-16<sup>48</sup>

*Recalling its general recommendation No. 30 (2005) on discrimination against non-citizens and especially its paragraph 16 on reducing statelessness and in particular among children, the Committee recommends that the State party revise its nationality laws to allow Qatari women to transmit their citizenship to their children without discrimination.*

### **Human Rights Committee**<sup>49</sup>

#### General Comment No. 28: Equality of rights Between Men and Women<sup>50</sup>

*25. To fulfil their obligations under article 23, paragraph 4, States parties must ensure that the matrimonial regime contains equal rights and obligations for both spouses with regard to the custody and care of children, the children's religious and moral education, the capacity to transmit to children the parent's nationality, and the ownership or administration of property, whether common property or property in the sole ownership of either spouse. ... Also, States parties should ensure that no sex-based discrimination occurs in respect of the acquisition or loss of nationality by reason of marriage, of residence rights, and of the right of each spouse to retain the use of his or her original family name or to participate on an equal basis in the choice of a new family name.*

#### Kenya CCPR/C/KEN/CO/3<sup>51</sup>

*The State party should adopt necessary programmes and budgetary measures to ensure universal birth registration at an early stage in the life of all children born in the territory of the State party. The State party should also ensure that the rights and entitlements of all children of Nubian descent, and other children in a similar situation, to citizenship and national identity cards are fully respected.*

#### Mauritania CCPR/C/MRT/CO/1<sup>52</sup>

*The State party should review its Nationality Code to allow Mauritanian women to transmit their nationality on an equal footing with men and the 2001 Personal Status Code to remove the provisions that discriminate against women.*

#### Nepal CCPR/C/NPL/CO/2<sup>53</sup>

*The State party should amend the Birth, Death and Other Personal Incidents Registration Act to ensure the birth registration of all children born on its territory, and establish an efficient birth registration system that is free of charge at all stages. It should also continue to strengthen efforts to remove barriers, particularly for women and those living in rural areas, to access citizenship certificates and birth registrations. The State party should ensure that citizenship provisions of the new Constitution guarantee the equal right of women to acquire, transfer and retain citizenship.*

### **Committee on Economic, Social and Cultural Rights**

#### Madagascar E/C.12/MDG/CO/2<sup>54</sup>

*The Committee urges the State party to adopt revised legislation, so as to guarantee Malagasy nationality to children born to a mother of Malagasy nationality and a father of foreign nationality, on an equal footing to children born to a Malagasy father and a mother of foreign origin.*

<sup>47</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/OMN/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/OMN/CO/1&Lang=en).

<sup>48</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/QAT/CO/13-16&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/QAT/CO/13-16&Lang=en).

<sup>49</sup> Monitors the International Covenant on Civil and Political Rights.

<sup>50</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.10&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.10&Lang=en).

<sup>51</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KEN/CO/3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KEN/CO/3&Lang=en).

<sup>52</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMRT%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMRT%2fCO%2f1&Lang=en).

<sup>53</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NPL/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NPL/CO/2&Lang=en).

<sup>54</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDG/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDG/CO/2&Lang=en).

Monaco [E/C.12/MCO/CO/1](#)<sup>55</sup>

17. The Committee encourages the State party to adopt legislation that provides for equality at law in respect of the transmission of nationality to children by Monegasque women, regardless of the manner in which nationality was acquired.

## Committee on the Elimination of Discrimination against Women

### [General recommendation No. 32: On the gender-related dimensions of refugee status, asylum, nationality and statelessness of women](#)<sup>56</sup>

54. Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women... Gender inequality persists in the nationality laws and practices of a significant number of countries and can lead to women becoming stateless. Gender inequality can also render children stateless when their mothers are prevented, on an equal basis with fathers, from transmitting their nationality to their children. In this way, discrimination against women can lead to a cycle of statelessness that can be perpetuated from generation to generation.

...

58. Given the critical importance of nationality to the full participation of women in society, the significant number and nature of reservations made by some States parties to article 9 of the Convention undermine the object and purpose of the Convention. The rights to nationality and non-discrimination contained in many other international human rights instruments, which reinforce the equal right of women to nationality, also raise the question of the validity and legal effect of such reservations. The Committee notes with interest the trend towards the withdrawal or, at least, the narrowing of reservations to article 9 and the related tendency of States parties to introduce formal equality of men and women in nationality laws, thereby reducing the risk of discrimination against women and in particular of statelessness among women and their children.

...

61. Article 9 (2) of the Convention requires States parties to ensure that women and men have equal rights to confer their nationality to their children. The non-fulfilment by States parties of their obligations under article 9 (2) places children at risk of statelessness. Nationality laws that grant nationality through paternal descent alone infringe article 9 (2) and may render children stateless if:

(a) The father is stateless;

(b) The laws of the father's country do not permit him to confer nationality in certain circumstances, such as when the child is born abroad;

(c) The father is unknown or not married to the mother at the time of the child's birth;

(d) The father has been unable to fulfil administrative steps to confer his nationality or acquire proof of nationality for his children because, for example, he has died, has been forcibly separated from his family or cannot fulfil onerous documentation or other requirements;

(e) The father has been unwilling to fulfil administrative steps to confer his nationality or acquire proof of nationality for his children, for example if he has abandoned the family.

62. Articles 1 to 3 of the Convention also support the right of women to benefit, on an equal basis with men, from naturalization for themselves and their spouses. Discrimination against women in this respect impedes the reduction of statelessness. The same holds true when women are unable to confer their nationality on their stateless spouses. It may also create further risks of statelessness in the case of children born out of such unions.

63. In the light of the foregoing, the Committee recommends that States parties that have not already done so:

(a) Review and withdraw their reservations to article 9 of the Convention because they are incompatible with the object and purpose of the Convention and thus impermissible under article 28 (2);

(b) Review and reform their nationality laws to ensure equality of women and men with regard to the acquisition, changing and retention of nationality and to enable women to transmit their nationality to their children and to their foreign spouses and to ensure that any obstacles to practical implementation of such laws are removed, in full compliance with articles 1 to 3 and 9 of the Convention;

(c) Repeal laws stipulating the automatic acquisition of nationality upon marriage or automatic loss of a woman's nationality as a result of changes in the marital status or nationality of her husband;

(d) Consider permitting dual nationality where women have married foreign men, and for the children born of such unions, especially in situations in which legal regimes providing for dual nationality may lead to statelessness;

(e) Prevent statelessness through legislative provisions making the loss or renunciation of nationality contingent on possession or acquisition of another nationality, and allow reacquisition of nationality for women left stateless owing

<sup>55</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MCO/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MCO/CO/1&Lang=en).

<sup>56</sup> Available via: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en/](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en/).

to the absence of such safeguards;

(f) Promote awareness of recent legal and policy development granting women equal rights with men to acquire, change or retain their nationality or that enable women to confer their nationality to their children and their foreign spouses;

(g) Address indirect discrimination in nationality laws that arise, for example, through naturalization requirements that may be more onerous for women to meet in practice than for men;

(h) Ratify or accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(i) Refrain from adopting and implementing any measures that deprive women of their nationality and render them stateless;

(j) Collaborate with UNHCR in relation to its work on the identification, reduction and prevention of statelessness and protection of stateless persons, in particular stateless women;

(k) Collect, analyse and make available sex-disaggregated statistics on stateless persons within their respective territories;

(l) Implement effective measures to ensure that women and girls have equal access to identity documentation, including proof of nationality;

(m) Take measures to achieve the timely registration of all births and, in this regard, take measures to raise awareness, especially in rural and remote areas of their respective territories, of the importance of registering births to ensure that all children are registered and that girls benefit from the same rights as boys.

### General Recommendation No. 30: Women in conflict prevention, conflict and post-conflict situations<sup>57</sup>

58. In addition to the heightened risks faced by internally displaced persons, refugees and asylum seekers, conflict can also be both a cause and a consequence of statelessness, rendering women and girls particularly vulnerable to various forms of abuse in both the private and public domains. Statelessness can arise when a woman's experience of conflict intersects with discrimination with regard to nationality rights, such as laws that require women to change nationality upon marriage or its dissolution or that deny them the ability to pass on their nationality.

### Brunei Darussalam CEDAW/C/BRN/CO/1-2<sup>58</sup>

29. The Committee encourages the State party:

(a) To withdraw its reservation to article 9 (2) of the Convention;

(b) To amend its Nationality Act with a view to bringing it into full compliance with the Convention and enabling Bruneian women to transmit their nationality to their children and foreign spouses on a basis of equality with Bruneian men.

### Solomon Islands CEDAW/C/SLB/CO/1-3<sup>59</sup>

31. The Committee urges the State party to repeal without delay all the discriminatory provisions of the Citizenship Act (1978) concerning the acquisition, transmission, retention and loss of nationality and in particular ensure that both mothers and fathers are able to transmit their nationality to their children, in compliance with article 9 of the Convention.

### Swaziland CEDAW/C/SWZ/CO/1-2<sup>60</sup>

29. The Committee recommends that the State party repeal the discriminatory provisions in the Constitution and the Citizenship Act to ensure that Swazi women married to foreign men can transfer their nationality to their husbands and children on the same basis as Swazi men married to foreign women, in line with article 9 of the Convention. Furthermore, the Committee recommends that the State party undertake programmes aimed at ensuring that children born to Swazi women married to non-Swazi men are not rendered stateless and have equal access to education, health care and other basic services.

<sup>57</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en).

<sup>58</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=en).

<sup>59</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SLB/CO/1-3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SLB/CO/1-3&Lang=en).

<sup>60</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SWZ/CO/1-2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SWZ/CO/1-2&Lang=en).

## Universal Periodic Review

### [Japan](#)<sup>61</sup>

*Ensure equality and non-discrimination of children born out of wedlock in issues related to the acquisition of nationality, inheritance rights and birth registration (Slovenia)*

### [Liberia](#)<sup>62</sup>

*Guarantee women the same right as men to transmit their nationality to their children, in particular by deleting Section 20.1 (b) of Part III of the “Law on Immigration and Nationality” (Switzerland)*

### [Libya](#)<sup>63</sup>

*Address discrimination against women in Law No. 24 for 2010 on the Libyan Nationality so that women can transfer their nationality to their children and foreign spouses, and acquire, change or retain their nationality, on an equal basis with men, in line with article 9 of the Convention on the Elimination of All Forms of Discrimination against Women (Portugal)*

### [Madagascar](#)<sup>64</sup>

*Reform its nationality law to ensure that all citizens have equal right to confer nationality to their children and the children born to citizen mothers are no longer at risk of statelessness (United States of America)*

### [Panama](#)<sup>65</sup>

*Repeal the constitutional provision making it possible to refuse naturalization on the grounds of physical and/or mental disability (Mexico)*

### [Qatar](#)<sup>66</sup>

*Achieve real progress with regard to women’s rights by reforming the Nationality Act, to ensure gender equality and to give Qatari women the right to transmit their nationality to their children, and by withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto (France)*

## Special Procedures of the Human Rights Council

### [Working Group on the issue of discrimination against women in law and in practice: Mission to Tunisia A/HRC/23/50/Add.2](#)<sup>67</sup>

72. ... (d) Repeal all gender-based discriminatory provisions in the Personal Status Code and the Nationality Code as well as other statutory law and amend those in the Criminal Code, as identified in this report;

### [Report of the Special Rapporteur on the human rights of migrants: Mission to Qatar A/HRC/26/35/Add.1](#)<sup>68</sup>

131. ... *Measures should be undertaken to prevent children born out of wedlock from becoming stateless*

<sup>61</sup> For this and other recommendations received by Japan, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=85&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=85&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>62</sup> For this and other recommendations received by Liberia, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=96&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=96&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>63</sup> For this and other recommendations received by Libya, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=97&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=97&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>64</sup> For this and other recommendations received by Madagascar, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=102&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=102&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>65</sup> For this and other recommendations received by Panama, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=133&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=133&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>66</sup> For this and other recommendations received by Qatar, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=140&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=140&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>67</sup> Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/50/Add.2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/50/Add.2).

<sup>68</sup> Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/26/35/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/35/Add.1).



Report of the Working Group on People of African Descent on its eleventh session Mission to Portugal A/HRC/21/60/Add.1<sup>69</sup>

77. (h) *Ensure that the rights of children of African descent are respected and protected in accordance with the Convention on the Rights of the Child, including the rights to education, citizenship and full recognition by the State.*

Special Rapporteur on the rights of indigenous peoples: Mission to Argentina A/HRC/21/47/Add.2<sup>70</sup>

113. *The Government should pay particular attention to the situation of the Nivaclé and other peoples living in the border areas of Argentina, with a view to guaranteeing their citizenship in accordance with the relevant laws and international standards and providing them with the necessary health and social services.*

### 3. Ensuring universal birth registration

**Human Rights Committee** (monitors the International Covenant on Civil and Political Rights)

General Comment No. 17: The Rights of the Child<sup>71</sup>

7. *Under article 24, paragraph 2, every child has the right to be registered immediately after birth and to have a name. In the Committee's opinion, this provision should be interpreted as being closely linked to the provision concerning the right to special measures of protection and it is designed to promote recognition of the child's legal personality. Providing for the right to have a name is of special importance in the case of children born out of wedlock.*

Thailand CCPR/CO/84/THA<sup>72</sup>

*The State party should continue to implement measures to naturalize the stateless persons who were born in Thailand and are living under its jurisdiction. The State party should also review its policy regarding birth registration of children belonging to ethnic minority groups, including the Highlanders, and asylum-seeking/refugee children, and ensure that all children born in the State party are issued with birth certificates.*

**Committee on Economic, Social and Cultural Rights**

Kuwait E/C.12/KWT/CO/2<sup>73</sup>

*The Committee recommends that the State party expedite the work entrusted in 2010 to the Central Body to review Bidoun claims for recognition of their status under the Law on Citizenship, and find a permanent solution to their status by 2015, in conformity with international law. The Committee also recommends that the State party:*

...

*(c) Ensure birth registration of children of stateless women, including those who are not registered with the Central Body, irrespective of the nationality of the father;*

**Committee on the Elimination of Discrimination against Women**

General Recommendation No. 30: Women in conflict prevention, conflict and post-conflict situations<sup>74</sup>

61. (c) *Guarantee conflict-affected women and girls equal rights to obtain documents necessary for the exercise of their legal rights and the right to have such documentation issued in their own names, and ensure the prompt issuance or replacement of documents without imposing unreasonable conditions, such as requiring displaced women and girls to return to their area of original residence to obtain documents;*

(d) *Ensure individual documentation, including in post-conflict migration flows, of internally displaced women, refugee and asylum-seeking women and separated and unaccompanied girls, and ensure the timely and equal registration of all births, marriages and divorces.*

General recommendation No. 32: On the gender-related dimensions of refugee status, asylum, nationality and statelessness of women<sup>75</sup>

<sup>69</sup> Available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-60-Add1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-60-Add1_en.pdf).

<sup>70</sup> Available at: [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-47-Add2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-47-Add2_en.pdf).

<sup>71</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f623&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f623&Lang=en).

<sup>72</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/84/THA&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/84/THA&Lang=en).

<sup>73</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en).

<sup>74</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en).

<sup>75</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en).



56. Birth registration is also closely linked to the enjoyment by women and their children of the right to a nationality. Birth registration provides proof of a person's identity and acquisition of nationality based either on descent (*jus sanguinis*) or place of birth (*jus soli*). In practice, indirect discrimination, cultural practices and poverty often make it impossible for mothers, especially unmarried mothers, to register their children on an equal basis as fathers. Failure to register a child's birth may impair or nullify the child's effective enjoyment of a range of rights, including the right to nationality, to a name and identity, to equality before the law and to recognition of legal capacity.

57. Discriminatory laws or practices may lead to women and their children being unable to gain access to documentation that proves their identity and nationality. In the absence of proof of identity and nationality, a woman and her children may be faced with restrictions on freedom of movement, problems gaining access to diplomatic protection, prolonged detention pending determination of proof of identity and nationality and, ultimately, to a situation in which no State considers them to be nationals and they are rendered stateless.

...

63. (l) Implement effective measures to ensure that women and girls have equal access to identity documentation, including proof of nationality;

(m) Take measures to achieve the timely registration of all births and, in this regard, take measures to raise awareness, especially in rural and remote areas of their respective territories, of the importance of registering births to ensure that all children are registered and that girls benefit from the same rights as boys.

#### General recommendation No. 34: On the rights of rural women<sup>76</sup>

28. Article 9 provides that States parties shall grant women equal rights with men to acquire, change or retain their nationality. Rural women and their children may be deprived of their rights if not recognized as citizens of their countries. Their statelessness is often the consequences of discriminatory legislation whereby women cannot pass on their nationality to their children and foreign spouse or may risk losing their nationality through marriage with a foreigner or as a consequence of divorce. In addition, identity documents may be more difficult to acquire in rural areas, owing in particular to the lack of birth registration or of marriage, divorce or death certificates.

29. In line with general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, States parties should ensure that rural women may acquire, change, retain or renounce their nationality, or transfer it to their children and foreign spouse under the same conditions as men, and that they are aware of their rights in this regard. States parties should also provide rural women with access to personal identification documents (such as identity cards, passports and social security numbers) and ensure that civil registration procedures, including for birth, marriage, divorce and death, are accessible in rural areas.

#### Bosnia and Herzegovina CEDAW/C/BIH/CO4-5<sup>77</sup>

30. The Committee calls upon the State party to:

(a) Ensure that all children born on the territory of the State party, in particular Roma children, are registered at birth, as a means of preventing statelessness and to ensure their access to education, social services, health care and citizenship; and develop measures to identify unregistered children and ensure that they are provided with personal documents;

(b) Strengthen its public awareness-raising campaigns to ensure that Roma women are aware of the importance of birth registration and of the procedural requirements to obtain certificates, and ensure their access to registration services and procedures.

### **Committee on Migrant Workers**

#### Belize CMW/C/BLZ/CO/1<sup>78</sup>

33. The Committee recommends that the State party take steps to make birth registration procedures more efficient and provide birth certificates for all children born in the State party, in accordance with article 29 of the Convention. The Committee further recommends that the State party carry out awareness-raising campaigns, particularly for vulnerable populations and in rural areas.

#### Mexico CMW/C/MEX/CO/2<sup>79</sup>

40. The Committee recommends that the State party adopt effective measures, including amendments to article 68 of the Population Act, to ensure that Civil Registry officials and other relevant authorities register all births of children of

<sup>76</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en).

<sup>77</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BIH/CO/4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BIH/CO/4-5&Lang=en).

<sup>78</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/BLZ/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/BLZ/CO/1&Lang=en).

<sup>79</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/MEX/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/MEX/CO/2&Lang=en).

migrant workers in the State party on an entirely non-discriminatory basis, regardless of those workers' migration status.

Egypt [CMW/C/EGY/CO/1](#)<sup>80</sup>

35. The Committee recommends that each child born in Egypt of a migrant worker be ensured the right to a name, to registration at birth and to a nationality in accordance with article 29 of the Convention and to the delivery of a birth certificate by the Egyptian civil registry.

## Committee on the Rights of Persons with Disabilities

General comment No. 1 Article 12: Equal recognition before the law<sup>81</sup>

43. Persons with disabilities have the right to a name and registration of their birth as part of the right to recognition everywhere as a person before the law (art. 18, para. 2). States parties must take the necessary measures to ensure that children with disabilities are registered at birth. This right is provided for in the Convention on the Rights of the Child (art. 7); however, children with disabilities are disproportionately likely not to be registered as compared with other children. This not only denies them citizenship, but often also denies them access to health care and education, and can even lead to their death. Since there is no official record of their existence, their death may occur with relative impunity.

Mexico [CRPD/C/MEX/CO/1](#)<sup>82</sup>

42. The Committee urges the State party to ensure that all children with disabilities are immediately registered at birth and are provided with an identity document.

Paraguay [CRPD/C/PRY/CO/1](#)<sup>83</sup>

46. The Committee urges the State party to set up a programme on the civil registration of children with disabilities at birth, on an equal footing with other children, and decentralize registry procedures and ensure that they can be carried out simply, quickly and free of charge.

## Universal Periodic Review

Angola<sup>84</sup>

Strongly regulate the issue of the civil registration in order to grant legal personality to all human beings on its territory (Democratic Republic of the Congo)

India<sup>85</sup>

Take the necessary measures to ensure birth registration on a universal basis, particularly for persons living in extreme poverty, belonging to religious minorities or in remote areas (Mexico)

Kyrgyzstan<sup>86</sup>

Simplify the procedure for birth registration and ensure that all children born in its territory are registered and provided with birth certificates, irrespective of the availability of their parents' identity documents or residence permits (Albania)

Malaysia<sup>87</sup>

Withdraw reservations to articles 2 and 7 of the CRC to ensure to everyone the right to a name and nationality through universal birth registration (Belgium)

<sup>80</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/EGY/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/EGY/CO/1&Lang=en).

<sup>81</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en).

<sup>82</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MEX/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MEX/CO/1&Lang=en).

<sup>83</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/PRY/CO/1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/PRY/CO/1&Lang=en).

<sup>84</sup> For this and other recommendations received by Angola, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=5&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=5&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>85</sup> For this and other recommendations received by India, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=77&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=100&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=77&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>86</sup> For this and other recommendations received by Kyrgyzstan, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=91&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=91&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

## [Republic of Korea](#)<sup>88</sup>

Revise the national legislation with a view to guarantee that all persons are registered at birth, independently of their migrant condition or the nationality of their parents (Mexico)

### Special Procedures of the Human Rights Council

#### Report of the Special Rapporteur on the human rights of migrants [A/HRC/11/7](#)<sup>89</sup>

120. The Special Rapporteur encourages States to take effective measures to guarantee the birth registration of children born outside their parents' country of origin and to uphold the principle of avoiding statelessness, and highlights the importance of harmonizing migration policies with public policies concerning childhood, adolescence and the family.

#### Special Rapporteur on the human rights of internally displaced persons: Mission to Côte d'Ivoire

##### [A/HRC/23/44/Add.1](#)<sup>90</sup>

40. The national and political context renders it especially important to address issues of citizenship and civil status documentation in order to secure the human rights of all concerned persons. According to information received by the Special Rapporteur, some of those who have long settled in the country may not be protected from statelessness under the current nationality law or national documentation structures. The problem has been compounded by the disruption of the civil registry system during the many years of crisis in the country..

41. Additionally, an estimated 3 million children are without documentation of their birth. A presidential decree (No. 2011-258) issued in September 2011 provided for the possibility of delayed registration of births that could not be registered within the normal 90 days because of disruption to the civil registry system between 2002 and the 2010 post-election violence. The Special Rapporteur welcomed the measure, but notes that at its expiration on 30 July 2012, many children had still been unable to benefit from it. He urges the Government to extend the duration for delayed birth registrations, strengthen effective awareness-raising programmes at the community level on the importance of birth registrations, and consider abolishing all fees related to the registration and issuance of birth certificates. He further encourages the Government to ratify, at the earliest opportunity, the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.

#### Special Rapporteur on trafficking in persons, especially women and children: Mission to the Philippines

##### [A/HRC/23/48/Add.3](#)<sup>91</sup>

71. The Special Rapporteur observed that a significant number of children born in Malaysia to Filipino parents, who have been deported back to the Philippines, did not have identification documents, which increases their vulnerability to trafficking. Lack of citizenship significantly restricts their enjoyment of the rights to education, employment opportunities, health services and freedom of movement, which encourages them to resort to unsafe migration avenues at the risk of being trafficked. She was informed of the recent progress made in issuing birth certificates to many of these children, and urges the Government to intensify efforts in this regard.

#### Special Rapporteur on extreme poverty and human rights: Mission to Namibia [A/HRC/23/36/Add.1](#)<sup>92</sup>

Ensure immediate and universal birth registration of all children without discrimination of any kind; ensure that the lack of a birth certificate is not an impediment for children accessing basic public services such as education, health and social protection;

## 4. Deprivation and loss of nationality:

### Committee on the Elimination of Racial Discrimination

<sup>87</sup> For this and other recommendations received by Malaysia, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=104&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=104&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>88</sup> For this and other recommendations received by the Republic of Korea, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=142&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=142&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>89</sup> Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/132/23/PDF/G0913223.pdf?OpenElement>.

<sup>90</sup> Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/44/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/44/Add.1).

<sup>91</sup> Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/48/Add.3](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/48/Add.3).

<sup>92</sup> Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/36/Add.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/36/Add.1).

### [General Recommendation No. 30: Discrimination Against Non-Citizens](#)<sup>93</sup>

14. Recognize that deprivation of citizenship on the basis of race, colour, descent, or national or ethnic origin is a breach of States parties' obligations to ensure non-discriminatory enjoyment of the right to nationality;

### [General Comment 34: Racial discrimination against people of African descent](#)<sup>94</sup>

48. Recognize that deprivation of citizenship on the basis of race or descent is a breach of States parties' obligation to ensure non-discriminatory enjoyment of the right to nationality.

### [Jordan CERD/C/JOR/CO/13-17](#)<sup>95</sup>

*In accordance with international law and the State party's own legislation on nationality, the Committee urges the State party to discontinue the practice of withdrawing nationality from persons originating from the Occupied Palestinian Territory. It further calls upon the State party to restore nationality to persons that have been affected by previous and current situations of such nationality withdrawal. The Committee also recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and, the 1961 Convention on the Reduction of Statelessness.*

## **Human Rights Committee (monitors the International Covenant on Civil and Political Rights)**

### [Dominican Republic CCPR/C/DOM/CO/5](#)<sup>96</sup>

*The State party should abstain from applying the 2004 General Migration Act retroactively and maintain Dominican nationality for persons who acquired it at birth. Furthermore the State party should consider the possibility of acceding to the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, and adopt the necessary legislative and administrative measures to bring its laws and procedures in line with those norms.*

## **Universal Periodic Review**

### [Dominican Republic](#)<sup>97</sup>

*Implement a regularization process, in accordance with its international obligations, to prevent the arbitrary deprivation of nationality, avoid deportations of populations affected by the Tribunal's ruling, and ensure a non-discriminatory process for the acquisition of nationality by individuals born in the Dominican Republic and their descendants for whom documentation is not accessible (United States of America)*

### [Kuwait](#)<sup>98</sup>

*Respect the universally recognized right to nationality set forth in the Universal Declaration of Human Rights, and stop revoking citizenships, while reinstating citizenships that have already been revoked (United States of America)*

## **5. Other (including protection of the rights of stateless children)**

### **Committee on the Elimination of Racial Discrimination**

### [General Recommendation No. 30: Discrimination Against Non-Citizens](#)<sup>99</sup>

15. Take into consideration that in some cases denial of citizenship for long-term or permanent residents could result in creating disadvantage for them in access to employment and social benefits, in violation of the Convention's anti-discrimination principles;

<sup>93</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en).

<sup>94</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f34&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f34&Lang=en).

<sup>95</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JOR/CO/13-17&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JOR/CO/13-17&Lang=en).

<sup>96</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDOM%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDOM%2fCO%2f5&Lang=en).

<sup>97</sup> For this and other recommendations received by the Dominican Republic, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=49&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=49&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>98</sup> For this and other recommendations received by Kuwait, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=90&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=90&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>99</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en).

Canada CERD/C/CAN/CO/18<sup>100</sup>

*The Committee recommends that the State party consider ratifying the 1954 Convention relating to Status of Stateless Persons and the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. The Committee urges the State party to take necessary legal and policy measures to ensure that undocumented migrants and stateless persons whose asylum applications have been rejected are provided with access to social security, health care and education in all provinces and territories, in line with article 5 (e) of the Convention. The Committee also recommends that the State party consider amending the Immigration and Refugee Protection Act (IRPA) so as to explicitly include statelessness as a factor of humanitarian and compassionate consideration.*

Georgia CERD/C/GEO/CO/4-5<sup>101</sup>

*In the light of its general recommendations No. 11 (1993) and No. 30 (2004) on non-citizens, the Committee recommends that the State party take all legislative and other measures to avoid discrimination against non-citizens and stateless persons. It also recommends that steps be taken to solve the documentation issues of stateless persons so that they can be registered, including through mobile registration centres, and have access to public services.*

## **Committee on Economic, Social and Cultural Rights**

General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights<sup>102</sup>

*26. Birth. Discrimination based on birth is prohibited and Article 10(3) specifically states, for example, that special measures should be taken on behalf of children and young persons “without any discrimination for reasons of parentage”. Distinctions must therefore not be made against those who are born out of wedlock, born of stateless parents or are adopted or constitute the families of such persons. The prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status. States parties should take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descent.*

*30. Nationality. The ground of nationality should not bar access to Covenant rights, e.g., all children within a State, including those with an undocumented status, have a right to receive education and access to adequate food and affordable health care. The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.*

Kuwait E/C.12/KWT/CO/2<sup>103</sup>

*The Committee recommends that the State party expedite the work entrusted in 2010 to the Central Body to review Bidoun claims for recognition of their status under the Law on Citizenship, and find a permanent solution to their status by 2015, in conformity with international law.*

Viet Nam E/C.12/VNM/CO/2-4<sup>104</sup>

*The Committee recommends that the State party recognize and register children of marriage immigrants who are currently stateless, and ensure that they receive the necessary education, health care and other social services.*

## **Committee on the Elimination of Discrimination against Women**

General Recommendation No. 30 women in conflict prevention, conflict and post-conflict situations<sup>105</sup>

*60. Stateless women and girls face heightened risks of abuse in times of conflict because they do not enjoy the protection that flows from citizenship, including consular assistance, and also because many are undocumented and/or belong to ethnic, religious or linguistic minority populations. Statelessness also results in the widespread denial of fundamental human rights and freedoms in post-conflict periods. For example, women may be denied access to health care, employment and other socioeconomic and cultural rights as Governments restrict services to nationals in times of increased resource constraints. Women deprived of a nationality are also often excluded from political processes and from participating in the new government and governance of their country, in violation of articles 7 and 8 of the Convention.*

<sup>100</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/18&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/18&Lang=en).

<sup>101</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GEO/CO/4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GEO/CO/4-5&Lang=en).

<sup>102</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en).

<sup>103</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en).

<sup>104</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/VNM/CO/2-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/VNM/CO/2-4&Lang=en).

<sup>105</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en).



Kazakhstan [CEDAW/C/KAZ/CO/3-4](#)<sup>106</sup>

25. The Committee recommends that the State party:

- (a) Undertake programmes aimed at accelerating the regularization of stateless women and girls and ensure that they have adequate access to education, health care and other basic services;
- (b) Strengthen its public awareness-raising campaigns and take specific measures to ensure that poor and rural women are aware of the requirements relating to State birth registration and are able to easily gain access to birth registration services, including birth certificates, provided by the Government.

## Committee against Torture

Australia [CAT/C/AUS/CO/4-5](#)<sup>107</sup>

The State party should adopt the necessary measures with a view to considering:

- (a) repealing the provisions establishing the mandatory detention of persons entering its territory irregularly;
- (b) ensuring that detention should be only applied as a last resort, when determined to be strictly necessary and proportionate in each individual case, and for as short a period as possible; and
- (c) establishing, in case it is necessary and proportionate that a person should be detained, statutory time limits for detention and access to an effective judicial remedy to review the necessity of the detention. ... It should also adopt all necessary measures to ensure that stateless persons whose asylum claims were refused and refugees with adverse security or character assessments are not held in detention indefinitely, including by resorting to non-custodial measures and alternatives to closed immigration detention.

Czech Republic [CAT/C/CZE/CO/5](#)<sup>108</sup>

The Committee recommends that the State party introduce the definition of statelessness in its legislation, establish procedures and mechanisms for the determination of the status of statelessness and create a central database on stateless persons in its territory. In order to avoid discrimination among different categories of stateless persons, the State party should review the provisions in the draft Citizenship Act relating to acquisition of nationality by children who would otherwise be stateless or who are born out of wedlock to foreign stateless mothers. In addition, the Committee recommends that stateless persons be provided with identification documents.

## Universal Periodic Review

Bahamas<sup>109</sup>

Devise and implement an appropriate determination procedure to identify stateless persons within the Bahamas and afford them adequate protection (Ireland)

Kuwait<sup>110</sup>

Strengthen actions to ensure that the rights of stateless individuals (Bidoun), domestic migrant workers and foreign female workers are protected and stateless children have access to education and health care (Netherlands)

Luxembourg<sup>111</sup>

Establish a formal procedure to improve compliance with the State obligation to protect stateless persons, in line with the Convention relating to the Status of Stateless Persons of 1954 (Guatemala)

## Special Procedures of the Human Rights Council

Special Rapporteur on extreme poverty and human rights: Mission to Mongolia [A/HRC/23/36/Add.2](#)<sup>112</sup>

97. With regard to the situation of groups particularly vulnerable to poverty:

<sup>106</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KAZ/CO/3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KAZ/CO/3-4&Lang=en).

<sup>107</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/AUS/CO/4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/AUS/CO/4-5&Lang=en).

<sup>108</sup> Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/CZE/CO/4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/CZE/CO/4-5&Lang=en).

<sup>109</sup> For this and other recommendations received by the Bahamas, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=12&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=12&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>110</sup> For this and other recommendations received by the Bahamas, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=90&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=300&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=90&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).

<sup>111</sup> For this and other recommendations received by Luxembourg, please see: [http://www.upr-info.org/database/index.php?limit=0&f\\_SUR=100&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=100&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](http://www.upr-info.org/database/index.php?limit=0&f_SUR=100&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly).



...

*(v) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and undertake a comprehensive review of national legislation and policies for the purpose of preventing and reducing statelessness; resolve the issue of statelessness, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), through improved registration of persons who previously held Mongolian nationality and expedite procedures for (re-)acquisition of Mongolian nationality;*

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<sup>112</sup> Available at: <http://ap.ohchr.org/Documents/gmainec.aspx>.