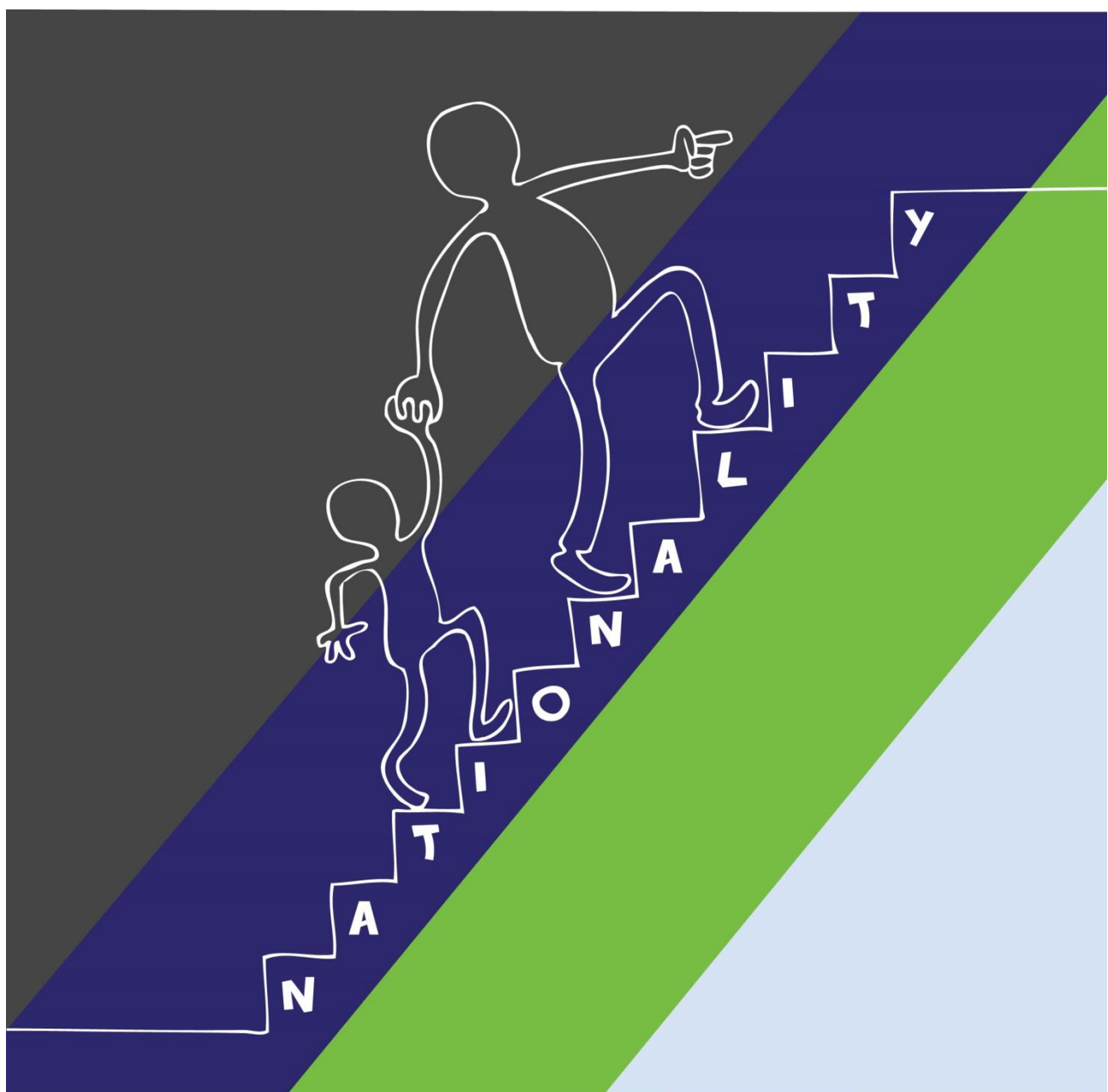


Addressing the right to a nationality through the Convention on the Rights of the Child

A Toolkit for Civil Society



Institute on
Statelessness and
Inclusion

June 2016



The Institute on Statelessness and Inclusion is an independent, non-profit organisation dedicated to leading an integrated, inter-disciplinary response to the injustice of statelessness and exclusion. Established in August 2014, it is the first global centre of expertise and action committed to promoting the rights of stateless persons and reducing statelessness worldwide. We believe in the value of research, education, partnership and advocacy. We aim to develop and share our skills and expertise with partners in civil society, academia, the UN and governments, and to serve as a catalyst for change.

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This Toolkit is dedicated to all children around the world who continue to be denied the right to a nationality and are made stateless in violation of Article 7 of the Convention on the Rights of the Child. The Institute hopes that this Toolkit will help civil society actors to strengthen their advocacy efforts on behalf of these children, so they can find more effective ways to promote every child's right to acquire a nationality.

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Foreword

There is one thing that all adults all over the world have in common. We have all been children. Those first eighteen years of our lives in which we learnt the most, grew the most, imagined the most – our childhood years - formed us into the adults we have become. Childhood is finite, but its legacy lasts a lifetime, and the legacy of denial, disenfranchisement and disadvantage which often accompanies childhood statelessness is extremely difficult if not impossible to shake off. Ever.

Despite the language of the Convention on the Rights of the Child (CRC) being absolutely clear: the child *“shall have ... the right to acquire a nationality”*; this right has often been overlooked and sometimes poorly understood. But it is an incredibly important one. This is because the child’s right to acquire a nationality has a wider importance beyond the child’s identity - significant as this may be. It also serves as an enabling right through which the child’s access to and enjoyment of a range of other rights is strengthened, including education, healthcare, family life, an adequate standard of living, movement, liberty, equality and non-discrimination. Hence, realising every child’s right to a nationality is also essential to achieving many of the targets set out under the Sustainable Development Goals.

The Committee on the Rights of the Child, on which I serve, has been providing guidance on the scope and content of the child’s right to a nationality (and to be protected from statelessness) since the Convention came into force. Through many years of interpretation and application to real-life human rights challenges, the Committee has developed a rich body of jurisprudence, though inevitably there are gaps as new issues emerge and old issues remain unaddressed.

The Committee, which has a duty to be active and not activist in executing its supervisory role depends on a vibrant global civil society to provide it with the information it needs, to help ensure that every state fulfils its obligation to ensure every child’s right to acquire a nationality. This Toolkit is thus a timely and important new resource for civil society. It guides actors through both the issue and the process, and provides key information and helpful advice along the way. It is a useful, practical and accessible tool, no matter what the starting level of expertise of the user is.

The CRC provides a powerful framework through which gaps in law, policy and practice that continue to undermine children’s right to acquire a nationality and create statelessness can be identified, understood and addressed. We all have our own role to play in order to achieve this, and I have no doubt that this Toolkit will contribute to an increase in the quality, quantity and comprehensiveness of civil society submissions to the Committee on the child’s right to acquire a nationality; which in turn will enable the Committee to continue to raise this issue and make stronger, more consistent and better informed recommendations.

Benyam Dawit Mezmur
Chairperson, Committee on the Rights of the Child
June 2016



1. Introduction

The Institute on Statelessness and Inclusion has developed this Toolkit to assist civil society in its endeavours to effectively engage the Committee on the Rights of the Child to ensure that States fulfil their obligations under Article 7 of the Convention on the Rights of the Child to promote, respect and fulfil every child's right to acquire a nationality, and to ensure that no child is stateless.

The Toolkit comprises ten sections which can be read together or individually, depending on the reader's existing level of knowledge and interest. Each section serves a specific purpose, while also being part of a collection of Tools which provide civil society actors, including NGOs, National Human Rights Institutions and Ombudspersons with a wide range of information and advice.

Who is this Toolkit for?

The Convention on the Rights of the Child recognises the right of every child to acquire a nationality, yet millions of children are denied this right and face a life of statelessness. **This Toolkit is designed to help civil society organisations promote the fulfilment of the child's right to a nationality through leveraging the full potential of the CRC framework.** It offers an overview of the core challenges relating to childhood statelessness and how the CRC can support efforts to address these, as well as a step-by-step guide to effectively navigate relevant procedures. While not its primary focus, the Toolkit also looks at how challenges faced by stateless children in the enjoyment of their rights can be raised during the CRC monitoring and reporting process.

The Toolkit has two main audiences. Firstly, it aims to help civil society actors engaged in efforts to address statelessness to understand how the CRC can be used as an instrument in helping to prevent and reduce childhood statelessness and protect stateless children in their country or region. Secondly, the Toolkit aims to help civil society organisations working to promote the full enjoyment of child rights to better appreciate, identify and respond to problems relating to the realisation of the child's right to a nationality through their engagement with the CRC monitoring and reporting process. The content of this Toolkit may also be of interest to any civil society organisations operating in the broader field of human rights, as well as to other stakeholders involved in studying and/or promoting the fulfilment of child rights, including UN agencies, academics, legal practitioners, the media and government policy makers.

Why nationality?

Among child rights advocates, the right to a nationality has received relatively little attention. Nationality is a less tangible concept than, for example, education or protection from child labour. Childhood statelessness (the situation that arises when the right to a nationality has not been fulfilled) is also a largely invisible problem: it remains unidentified in many countries and there is very little data available on who is affected. Moreover, the very nature of statelessness as an extreme form of exclusion pushes stateless children to the very margins of society, from where it is very difficult to make their voices heard.

For all people, including children, nationality is a right that is of fundamental importance to well-being and the ability to lead a dignified life. Nationality acts as an 'enabling' or 'gateway' right, without which it is often impossible to exercise many other rights. Denying children a nationality can have a significant impact on all other child rights, including their access to education, healthcare, free movement and family life. Not

only is statelessness not in a child's best interests, but as long as children are denied the right to a nationality, this will obstruct the fulfilment of other child rights. Preventing and resolving childhood statelessness by ensuring the right of every child to a nationality is central to any holistic approach to the promotion, protection and fulfilment of child rights.

Why a child rights approach?

Statelessness is a global phenomenon, affecting millions of people of all ages, across all regions of the world. The problem is bigger than 'just' a child rights issue and a range of strategies must be adopted as part of an effective international response. However, there are a number of important reasons to adopt a child rights approach to statelessness, including through active engagement with the CRC framework.

As with any child rights issue, today's children cannot be made to wait for tomorrow's action or solutions. Childhood is finite: it lasts just 18 years. The failure to fulfil the right to a nationality is affecting the lives of millions of children right now, with tens of thousands more being born into statelessness every year. Childhood statelessness is a real and urgent issue that must be prioritised because with each year that a child spends without a nationality, the impact of statelessness on his or her life deepens.

Preventing childhood statelessness is also an important measure in halting the spread of statelessness in general. The greatest source of new cases of statelessness in any given year is the denial of the child's right to a nationality, in particular through the inheritance of statelessness from parent to child. While many situations of statelessness have become entrenched, making it difficult to achieve a wholesale remedy in the short term, taking measures to prevent new generations from being affected will contribute to at least managing such a situation and may help to pave the way to broader solutions in the longer term. It can also be easier to address cases of statelessness immediately at birth or during (early) childhood than to resolve them later in life. Children usually have clear and strong connections to just one or two countries – through place of birth and parentage – which should allow for a clear and uncomplicated pathway to nationality. The process of granting nationality to children also tends to be easier than acquisition of nationality as an adult – the latter of which often requires naturalisation, which can be subject to wide discretion and a range of conditions, some of which are particularly challenging for a stateless person to meet.

What can be found in the Toolkit?

The ten sections of this Toolkit provide the reader with the following:

- 1. Introduction:** The Introduction sets out the purpose and aims of the Toolkit. It also provides a basic introduction for its two key target audiences: Civil society actors working on statelessness and child rights organisations, on the importance and relevance of taking a child rights approach and addressing the right to a nationality respectively. The introduction also briefly summarises the contents of the Toolkit.
- 2. About the right of every child to a nationality:** This 'substantive' section of the Toolkit provides a more in-depth analysis of the scope and content of every child's right to a nationality. It explains childhood statelessness and its impact, sets out what international law can do to help prevent childhood statelessness and the key principles which inform the right of every child to a nationality. It also elaborates on why the CRC framework is so important.
- 3. About engaging with the Committee on the Rights of the Child:** This second 'substantive' section provides a closer look at the Committee, its mandate and its previous work to ensure every child's right to a nationality, including the recommendations it has made on the content/substance of the right and on general measures of implementation.

4. **The CRC reporting cycle and opportunities for civil society engagement:** This section provides an overview of the CRC reporting cycle – its different stages and the opportunities these each present for civil society engagement, the role that civil society actors can play in this process and relevant considerations for civil society actors in this regard.
5. **Checklist for identifying issues relating to the child’s right to a nationality:** This Checklist presents a group of questions to guide civil society stakeholders in the assessment of issues, legal gaps, and conditions in which statelessness may arise in countries being reviewed, in order to determine whether statelessness should be addressed within more globally thematic submissions presented before the CRC; or if the nature of the issues in the country under review warrants a specific and detailed submission focused on the performance of the State in respect to its obligations to guarantee the right to acquire a nationality and prevent statelessness under the CRC.
6. **Template for civil society submissions on the child’s right to nationality:** This Template sets out some general considerations for civil society actors to take into account when preparing a submission to the Committee. It then provides them with a model structure, proposing formatting and content of themes to guide civil society organizations in drafting submissions. It is important to note that this Template is merely for guidance and inspiration, and need not be strictly followed.
7. **Instructions for using the CRC Concluding Observations database on the child’s right to a nationality:** This user guide explains the wide variety of features available in the Institute’s *Analytical database of recommendations on the right to a nationality*. It provides instructions on how to make the most of this database to look up the information you require. It focuses on different sorts of queries that can be made by using various examples of data queries. Please note that these examples are only used to show different ways of retrieving information and aim to assist the user in finding patterns and combinations in the data available in this database.
8. **Relevant excerpts of other Treaties, Treaty Bodies and Special Procedures:** For ease of reference, this section collates for the reader, excerpts from other Treaties, Treaty Bodies and Special Procedures that relate to the child’s right to a nationality and the protection of stateless children.
9. **Resources and further reading:** For those interested to learn more, this final section of the Toolkit lists and provides links to other useful resources – both those published by the Institute and by other actors.
10. **Glossary and abbreviations:** This final section contains a list of all abbreviations used in this Toolkit as well as a glossary of key terms.

Complementing this Toolkit, is the Institute’s [Analytical database of recommendations on the right to a nationality](http://www.institutesi.org/ourwork/children.php). This database reproduces raw data of CRC concluding observations, without any further interpretations made by the Institute. It contains information on the content of the recommendations made by the Committee regarding children’s right to acquire a nationality and implementing measures that the Committee suggests on how a State can realise what has been recommended. With this database—which can, among others, be filtered by country, region, year, and theme—it is possible to easily and comprehensively research the Committee’s previous recommendations related to Article 7 CRC, for research, policy and advocacy purposes.

This Toolkit, the database and separate versions of the tools listed can be downloaded at: <http://www.institutesi.org/ourwork/children.php>.

2. About the right of every child to a nationality

Nationality is an important aspect of a child's identity and serves as a 'gateway' right, facilitating children's access to and enjoyment of their other human rights. Statelessness is never in a child's best interests and international law protects the right of every child to acquire a nationality.

What is childhood statelessness and what impact does it have?

Article 7 of the Convention on the Rights of the Child (CRC) obliges States Parties to realise every child's right to acquire a nationality. Even though most human rights should be enjoyed by all persons, regardless of whether they have a nationality or not,¹ in our modern world, nationality often operates as a legal or practical gateway to the enjoyment of other rights. The realisation of Article 7 is therefore fundamental to children's ability to exercise many of the other rights provided for by the CRC.

There are a variety of circumstances that give rise to statelessness at birth or in later life, and there is often an element of discrimination and/or arbitrariness at play, when individuals or entire groups become stateless. It is important to remember that while States do have significant freedom to set out their own membership criteria, they also have a responsibility to protect against discrimination and arbitrariness, and to uphold international standards, including CRC Article 7. Statelessness most often occurs when States fail to do so.

From a young age, stateless children are aware of the disadvantage and discrimination they face.

"All my friends go to places and I could not go to them. I feel sad because I don't have ID and all my friends have ID... I don't like to be stateless because it's not fair"

9 year old Rama, in Lebanon

Video by UNHCR:
www.youtube.com/watch?v=qAGTBY42s5Q

The main causes of statelessness can be set out as follows:²

- **Conflict of nationality laws:**

When the nationality laws of two States are at odds with each other, statelessness can arise in situations of migration and/or those in which two people from different countries parent a child together. The classical example is where State A confers nationality by descent while State B confers nationality by place of birth, but the combination of a particular individual's birthplace and parentage is such that neither nationality is acquired.

- **State succession:**

When part of a State secedes and becomes independent, or when a State dissolves into multiple new States, the new nationality laws of successor States may conflict and leave people without any nationality, while the redefinition of who is a national of the original State (where it continues to exist) may also render people stateless. Most often in the context of State succession, it is

¹ Barring for example, the right to vote or seek public office.

² For a more detailed analysis, see Institute on Statelessness and Inclusion, *The World's Stateless*, 2014, pages 23 – 27, available at: <http://www.institutesi.org/worldsstateless.pdf>.

vulnerable minorities who are deprived of nationality, exposing the discriminatory motivations and arbitrary nature for such exclusion.

- **The legacy of colonisation:**

Many of the most large scale and entrenched situations of statelessness in the world today were born out of the experiences of colonisation, de-colonisation and consequent nation-building. In such contexts, newly independent States (many of which never had a common pre-colonial national identity) have had to deal with borders arbitrarily drawn (often dividing ethnic groups), peoples forcibly migrated (for labour) and the consequences of decades, sometimes centuries, of colonial rule. Colonial history does not justify in any way discrimination, arbitrariness and disenfranchisement, but this historical context must be understood and addressed.

- **Arbitrary deprivation of nationality:**

Arbitrary acts can involve the collective withdrawal or denial of nationality to a whole population group, commonly singled out in a discriminatory manner on the basis of characteristics such as ethnicity, language or religion, but it can also impact individuals who are deprived of their nationality on arbitrary and discriminatory grounds including sex.

- **Administrative barriers and lack of documentation:**

The hand of discrimination can often be seen at play, with ethnic and religious minorities, nomadic communities and the rural poor more likely to face administrative barriers in accessing documentation. Many (now) entrenched situations of statelessness stemmed from poor administration or documentation when citizenship registration was first carried out. Even today, individuals and groups who have had difficulties accessing birth or other forms of civil registration are at heightened risk of statelessness.

- **The inheritance of statelessness by new-borns:**

Many contemporary situations of statelessness have their roots at a particular moment in history as outlined above. Yet these situations grow over time because the States concerned have not put any measures in place to stop statelessness being passed from parent to child – or do not implement existing measures to that effect.

Where a child lacks a nationality, i.e. is stateless,³ this creates a situation of severe disadvantage and vulnerability. Statelessness undermines the enjoyment of childhood and the child's opportunity to develop to his or her full potential. Many stateless children are excluded from the benefits of education and are denied equal access to other rights. Stateless children and their families are often trapped in poverty and grow up knowing only discrimination and marginalisation.⁴ Stateless children also face human rights challenges in accessing birth registration and documentation, and being able to benefit from social security. Furthermore, they can be vulnerable to arbitrary and lengthy detention, trafficking and even persecution.⁵ Statelessness can also have significant implications on the identity of

No child asks to be stateless.
To be excluded from
nationality has a significant
impact on a child's sense of
belonging and self-worth.

"I don't know, I can't explain
the feeling because the
feeling is like you are less
than everyone. Less. I am
still someone, but less".

A now 22-year old stateless
woman from Ukraine who
grew up without a
nationality in the
Netherlands.

Multimedia by Greg Constantine
www.youtube.com/watch?v=PhJi3pagaaU

³ A stateless person is defined under international law as "a person who is not considered as a national of any State under the operation of its law". Article 1, 1954 Convention relating to the Status of Stateless Persons.

⁴ See further on the impact of statelessness on children, for instance, UNHCR, *A Special Report: Ending Statelessness Within 10 Years*, November 2014, available at: <http://www.unhcr.org/546217229.html>.

⁵ See above n2, pages 29-30.

the child. As held in *Mennesson v. France*, “everyone must be able to establish the substance of his or her identity” and the uncertainty the applicants faced in this regard “is liable to have negative repercussions on the definition of their personal identity”.⁶

For these reasons, Article 7 CRC not only affirms the right of every child to acquire a nationality, it also goes on to require States to ensure, in the implementation of this right that children are not left stateless. In spite of the clear prescription, in the most widely ratified UN convention, that childhood statelessness should be avoided, it remains a serious challenge. United Nations High Commissioner for Refugees (UNHCR) estimates that a child is still born stateless every ten minutes.⁷

“Whatever the root cause(s), the African Committee cannot overemphasise the overall negative impact of statelessness on children. While it is always no fault of their own, stateless children often inherit an uncertain future... difficulty to travel freely, difficulty in accessing justice procedures when necessary, as well as the challenge of finding oneself in a legal limbo vulnerable to expulsion from their home country. Statelessness is particularly devastating to children in the realisation of their socio-economic rights such as access to health care, and access to education.”

African Committee of Experts on the Rights and Welfare of the Child,
General Comment No. 2 on Article 6 of the ACRWC.

Why is the Convention on the Rights of the Child so important?

While the CRC is an autonomous instrument, it sits within the broader body of international and regional standards and mechanisms relating to children’s right to a nationality. As such, and particularly given the almost universal ratification of the Convention,⁸ the norms and principles contained within the CRC inform the interpretation of other human rights standards and the recommendations made by their monitoring mechanisms. Consequently, by further clarifying and expanding the normative content on the right of every child to acquire a nationality, the Committee can positively influence the work of other mechanisms. In the same vein, the work of the Committee in interpreting Article 7 CRC may equally draw on the broader normative development on the right to nationality and avoidance of childhood statelessness.

The right to a nationality is reaffirmed in Article 7 CRC, which pays particular attention to the avoidance of childhood statelessness, setting out that:

1. *The child 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 his or her parents.*
2. *States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, **in particular where the child would otherwise be stateless.***

Moreover, in accordance with Article 8 CRC, “States Parties undertake to respect the right of the child to preserve his or her identity, including nationality [...] without unlawful interference” and “[w]here a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.” The article ensures that a child’s right to preserve their identity, including their nationality, name and family relations, must be protected. Not only should these be protected, but where a child has not obtained, or has had any aspect of their identity taken away from them, the State must make efforts to remedy this.

⁶ European Court of Human Rights, *Mennesson v. France*, Application No. 65192/11, 26 June 2014, paras 99 and 97. Available at: <http://acerwc.org/?wpdmdl=8606> (FR).

⁷ Ibid.

⁸ There are currently 196 States Parties to the Convention. See: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en.

What key principles inform the right of every child to a nationality?

In interpreting the content of the rights protected under the CRC, the Committee gives particular consideration to the General or Guiding Principles that inform the implementation of all rights in the convention. The **General Principles** that the Committee has identified as cross-cutting in the CRC are:⁹

- **Non-discrimination (Article 2)**
- **Best interests of the child (Article 3)**
- **Right to life, survival and development (Article 6)**
- **Respect for the views of the child (Article 12)**

All of these General Principles are relevant to the problem of childhood statelessness and the protection of children's right to a nationality.¹⁰ However, the principle of non-discrimination has had a particularly strong influence in informing the interpretation of States Parties' obligations. Indeed, a number of relevant recommendations on the child's right to a nationality have been made in respect of improving the application of Article 2, rather than Article 7, of the CRC.¹¹

"Where a child is precluded from obtaining a nationality on discriminatory grounds, this amounts to arbitrary deprivation of nationality".

UN Secretary-General report on Impact of the arbitrary deprivation of nationality, 2015

The **principle of non-discrimination** dictates that children have the right to acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. *"Where a child is*

precluded from obtaining a nationality on discriminatory grounds, this amounts to arbitrary deprivation of nationality".¹² Article 9(2) of the Convention on the Elimination of All Forms of Discrimination Against Women requires States to grant women equal rights with men with respect to transmitting their nationality to their children, echoing the obligation contained in Articles 2 and 7 of the CRC.¹³ In fact, it is important to note that the CEDAW requires that all women have equal nationality rights with men in relation to acquisition, changing, retention and conferral of nationality to their children and spouses.

⁹ UN Committee on the Rights of the Child (CRC), General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child, 27 November 2003, CRC/GC/2003/5. Available at: http://www2.ohchr.org/english/bodies/crc/docs/GC5_en.doc.

¹⁰ See, for instance, African Committee of Experts on the Rights and Welfare of the Child, *General Comment No. 2 on Article 6 of the ACRWC: "The Right to a Name, Registration at Birth, and to Acquire a Nationality"*, ACERWC/GC/02, 16 April 2014. Available at: <http://www.refworld.org/pdfid/54db21734.pdf>.

¹¹ For instance, CRC/C/QAT/CO/2.

¹² UN General Assembly, "Secretary-General report on Impact of the arbitrary deprivation of nationality on the enjoyment of the rights of children concerned, and existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless", A/HRC/31/29, 16 December 2015, para 8. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/286/02/PDF/G1528602.pdf?OpenElement>.

¹³ Committee on the Rights of the Child, *Concluding Observations: Jordan*, CRC/C/JOR/CO/4-5, 13 June 2014. See further A/HRC/23/23.

The **principle of the best interests of the child**, which gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere,¹⁴ has also been explicitly referenced by the CRC Committee within recommendations on nationality.¹⁵ This principle must be respected by States in legislative and administrative acts in the area of nationality, including in the implementation of safeguards for the avoidance of statelessness among children.¹⁶ This principle and its influence on the scope and content of children's right to acquire a nationality has received only limited attention by the Committee to date, especially as compared to the central role it has played in relevant regional jurisprudence¹⁷ and in the ACERWC General Comment on children's right to a name and nationality under Article 6 of the African Charter on the Rights and Welfare of the Child. As the African Committee of Experts on the Rights and Welfare of the Child has explained, being stateless as a child is generally an antithesis to the best interests of children.¹⁸ The importance of this principle is underscored in the *Mennesson v. France* decision (on nationality in the context of surrogacy) in which the Court ruled that even though the children's parents had broken the law (as surrogacy is prohibited under French legislation), causing the denial of certain elements of the children's identity, "*a serious question arises as to the compatibility of that situation with the child's best interests, respect for which must guide any decision in their regard*".¹⁹

The State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area - including in the determination of statelessness - and for giving them due weight as a primary consideration.

CRC Concluding Observations: Turkmenistan
CRC/C/TKM/CO/2-4

The application of this principle implies, among other things, that a child must acquire a nationality at birth or as soon as possible after birth,²⁰ children must not be left stateless for an extended period of time,²¹ nor with their nationality status undetermined.²²

The **right to life, survival and development** aims to ensure that all children have opportunities to develop fully in all areas of life, i.e. physical, mental, spiritual, moral, psychological and social development. This is confirmed by the Committee's statement that it expects States Parties to interpret "development" in its broadest sense as a holistic concept.²³ In its first General Comment the Committee on the Rights of Persons with Disabilities noted the importance of birth registration in protecting the right to life of children with disabilities, noting that lack of birth registration "*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*".²⁴ This is, of course, not only true of children with disabilities; any child whose birth is not registered is placed in a more vulnerable position. Furthermore, birth registration and thus official documentation of the existence of the child will help the State to fulfil its obligations in relation to the development of the child. The right to life, survival and

¹⁴ Committee on the Rights of the Child, *General Comment No. 14: The right of the child to have his or her best interests taken as a primary consideration*, 29 May 2013.

¹⁵ For instance, CRC/C/MLI/CO/2.

¹⁶ See above n12, para 9.

¹⁷ In particular *Nubian minors v. Kenya*, African Committee of Experts on the Rights and Welfare of the Child, 22 March 2011, available at: <http://www.refworld.org/docid/4f5f04492.html> and *Mennesson v. France*, European Court of Human Rights, Application No. 65192/11, 26 June 2014, available at: <http://acerwc.org/?wpdmdl=8606> (FR).

¹⁸ See above n10.

¹⁹ See above n6.

²⁰ Human Rights Committee, *General Comment No. 17*, 7 April 1989; Committee on the Rights of the Child, *Concluding Observations: Czech Republic*, CRC/C/CZE/CO/3-4, 4 August 2011.

²¹ African Committee of Experts on the Rights and Welfare of the Child, *Nubian Minors v. Kenya*, 22 March 2011; UNHCR, *Guidelines on Statelessness No. 4: Ensuring every child's right to acquire a nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, 21 December 2012.

²² See above n6.

²³ See above n9.

²⁴ UN Committee on the Rights of Persons with Disabilities, *General Comment No. 1* (2014): *Equal Recognition before the Law*. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/031/20/PDF/G1403120.pdf?OpenElement>.

development also relates to the right of the child to acquire a nationality and the importance of ensuring that the child acquires a nationality as soon as possible after birth. While in theory human rights and the provisions of the CRC guarantee rights to all children, and *“there is no legal basis upon which States that have arbitrarily deprived a child of his or her nationality can justify the denial of other human rights to the child on grounds of his or her resulting statelessness”*,²⁵ in practice access to rights and the services needed for the ‘physical, mental, spiritual, moral, psychological and social development’ may be limited or more difficult to access for non-nationals, including stateless children.²⁶ More generally, stateless or undocumented children may find themselves living in a precarious situation which in itself can impede their full development.

Respect for the views of the child (or the right to be heard) entails a child’s right to express his or her views freely in *“all matters affecting the child”*, and for those views to be given due weight in accordance with the age and maturity of the child. This principle reflects the position of a child as an active participant in the promotion, protection and monitoring of his or her rights.²⁷ The Committee stresses that this principle applies equally to all measures adopted by States to implement the CRC, thus, also measures regarding children’s right to a nationality. The right to be heard is directly relevant to the child’s right to a remedy, since this depends on the child’s ability to access procedures for remedying the violation.²⁸ One area in which this could be particularly relevant to the right to nationality is situations where a child may have the possibility of acquiring multiple nationalities at birth, for instance if the child’s parents are of different nationalities and could each transmit their nationality to the child. The principle that the views of the child should be taken into consideration would suggest that in this situation the child should be allowed to hold both nationalities, or if assigned one nationality, have the option of reclaiming the other nationality once they are of an age to express an opinion on the matter. This provision, considered with the right of the child to acquire a nationality, might also suggest that provisions on naturalisation need to take into consideration the rights of the child. In particular rules which prevent children (particularly stateless children) applying for naturalisation in their own right or do not give them an opportunity to be heard if the naturalisation of a parent would affect their status might be problematic. Furthermore, the Committee underlines the importance for States to respect this principle when dealing with stateless children outside their country of origin to ensure that such particularly vulnerable children are included in decision-making processes within the territories where they reside.²⁹ This would also apply, for example, to decisions relating to the deportation of stateless children or members of their families. This principle is also of relevance to civil society actors reporting to the CRC as a reminder of the importance of ensuring that the views of children are taken into consideration in reporting and developing recommendations and where possible supporting children to produce their own reports and engage directly in the process.

It must be noted that there remains scope for the Committee to further elucidate the significance and impact of the General Principles of the CRC on the interpretation and application of Article 7 of the Convention.

²⁵ See above n12, para 28.

²⁶ The Committee on the Rights of the Child has generally addressed access to specific rights for stateless children under the relevant provisions of the CRC rather than under the general heading of right to life, survival and development, but its concern that stateless children have limited access to education and healthcare are seen for instance in concluding observations on Kuwait CRC/C/KWT/CO/2, para 57-58. 63-64 and Kazakhstan CRC/C/KAZ/CO/4, 54-55.

²⁷ See above n9.

²⁸ UN Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009. Available at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>.

²⁹ UN Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009, CRC/C/GC/12; UN Committee on the Rights of the Child (CRC), *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6.

What other international law standards help to prevent childhood statelessness?

In addition to the CRC, various other international instruments also have provisions related to the child's right to a nationality. The Universal Declaration of Human Rights recognises the right to a nationality in its Article 15. This right is reaffirmed across many core UN human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR Article 24), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD Article 5), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Article 9), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW Article 29) and the Convention on the Rights of Persons with Disabilities (CRPD Article 18).

Alongside the core UN human rights treaties, numerous other international instruments also recognise the right of every child to a nationality and provide for the avoidance of statelessness among children. Central among these are the 1961 Convention on the Reduction of Statelessness (Articles 1-4) and a number of regional conventions, such as the American Convention on Human Rights (Article 20), the African Charter on the Rights and Welfare of the Child (Article 6), the European Convention on Nationality (Article 6) and the Covenant on the Rights of the Child in Islam (Article 7). The right of every child to a nationality has also been recognised and further elaborated through the decisions of regional human rights courts and committees, including in the Inter-American Court of Human Rights case of *Yean and Bosico v. Dominican Republic*,³⁰ the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) case of *Children of Nubian descent in Kenya v. Kenya*,³¹ and the European Court of Human Rights cases of *Genovese v. Malta*³² and *Menesson v. France*.³³

Moreover, in 2014, the ACERWC adopted a General Comment on children's right to a name and nationality under Article 6 of the African Charter, outlining how this right is to be interpreted and implemented in the African region.³⁴ At the UN level, further guidance can also be found on the content of norms relating to children's right to a nationality and the avoidance of childhood statelessness in a number of resolutions adopted by the UN Human Rights Council and reports issued by the UN Secretary-General,³⁵ as well as in the Guidelines issued by UNHCR on the interpretation of the relevant provisions of the 1961 statelessness convention.³⁶ Finally, the Universal Periodic Review (UPR) provides an opportunity for stakeholders to make submissions on the human rights performance of every State in the world and for other States to make recommendations to States under Review in four year cycles. The child's right to a nationality and the consequences of being denied this right are increasingly being taken up in the UPR process.³⁷

More (excerpts of) Treaties, work by Treaty Bodies and Special Procedures that relate to the child's right to a nationality and the protection of statelessness are listed in **Section 8** of this Toolkit.

It is also important to note the wider international context as it relates to this issue. In late 2014, UNHCR launched a global campaign to end statelessness within the next decade. One of the central components of

³⁰ 8 September 2005, available at: <http://www.refworld.org/docid/44e497d94.html>.

³¹ 22 March 2011, available at: <http://www.refworld.org/docid/4f5f04492.html>.

³² See above n6.

³³ Ibid.

³⁴ See above n10.

³⁵ For instance, successive resolutions of the Council on "Human Rights and Arbitrary Deprivation of Nationality" and a July 2012 resolution on "The Right to Nationality: women and children"; Secretary-General reports on "Impact of the arbitrary deprivation of nationality on the enjoyment of the rights of children concerned, and existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless" of 16 December 2015, and "Human Rights and Arbitrary Deprivation of Nationality" of 14 December 2009; all available via <http://www.refworld.org/statelessness.html>.

³⁶ UNHCR, *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, 21 December 2012, available at: <http://www.refworld.org/docid/50d460c72.html>.

³⁷ See for example, the Institute's overviews of recommendations related to statelessness and the right to a nationality made at the 23rd and 24th Sessions of the UPR; available at: <http://www.institutesi.org/ourwork/humanrights.php>.

the Action Plan that UNHCR has outlined is to ensure that no child is born stateless.³⁸ Over the past year, this goal has garnered key support of government and civil society in different regional fora, including through the *Brazil Declaration and Plan of Action* agreed by Latin American and Caribbean States,³⁹ the *Abidjan Declaration* endorsed by ECOWAS Heads of State,⁴⁰ the *Regional Action Framework* adopted at a ministerial conference on Civil Registration and Vital Statistics in Asia and the Pacific,⁴¹ the Parliamentary Assembly of the Council of Europe report on the eradication of childhood statelessness in Europe and draft resolution,⁴² and the Action Statement agreed at the European Network on Statelessness' regional campaign conference *None of Europe's children should be stateless*.⁴³ Equally significant is the relevance of the right to a nationality and the eradication of statelessness to Goal 16.9 of the Sustainable Development Goals. As set out in the 2015 UN Secretary General's Report on the impact of arbitrary deprivation of nationality on the enjoyment of the rights of children:

*"Target 16.9 of the Sustainable Development Goals is to provide, by 2030, legal identity for all, including birth registration. The arbitrary deprivation of nationality of children is a significant barrier to the realization of this target, which will not be fully met unless Articles 7 and 8 of the Convention on the Rights of the Child are universally respected and fulfilled and childhood statelessness has been eradicated."*⁴⁴

³⁸ See Action 2, as well as Actions 3 and 7 of UNHCR, *Global Action Plan to End Statelessness: 2014-2024*, November 2014, available at: <http://www.unhcr.org/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html>.

³⁹ Available at: <http://www.refworld.org/docid/5487065b4.html>.

⁴⁰ Available at: <http://www.refworld.org/docid/54f588df4.html>.

⁴¹ Available at: http://www.unescap.org/sites/default/files/Regional.Action.Framework.English.final_.pdf.

⁴² The draft resolution was unanimously adopted by the Migration Committee of the Parliamentary Assembly and will be debated by the full Assembly later in 2015. The report and draft resolution are available at: <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=22496&lang=EN>.

⁴³ Available at: <http://www.statelessness.eu/news-events/news/conference-action-statement-none-europes-children-should-be-stateless>.

⁴⁴ See above n12, para 33.

3. About engaging with the Committee on the Rights of the Child

The CRC – with 196 States Parties - is the most widely ratified international treaty through which civil society actors can address the right to a nationality and the prevention of statelessness. Article 7 is clear and unambiguous in its affirmation of every child's right to acquire a nationality, and of every state's obligation to protect children from statelessness.

The Committee on the Rights of the Child works closely with civil society actors as well as State Parties and UN Agencies, in monitoring the implementation of the Convention. As such it is an extremely relevant and important framework through which to promote every child's right to acquire a nationality.

What is the Committee's mandate?

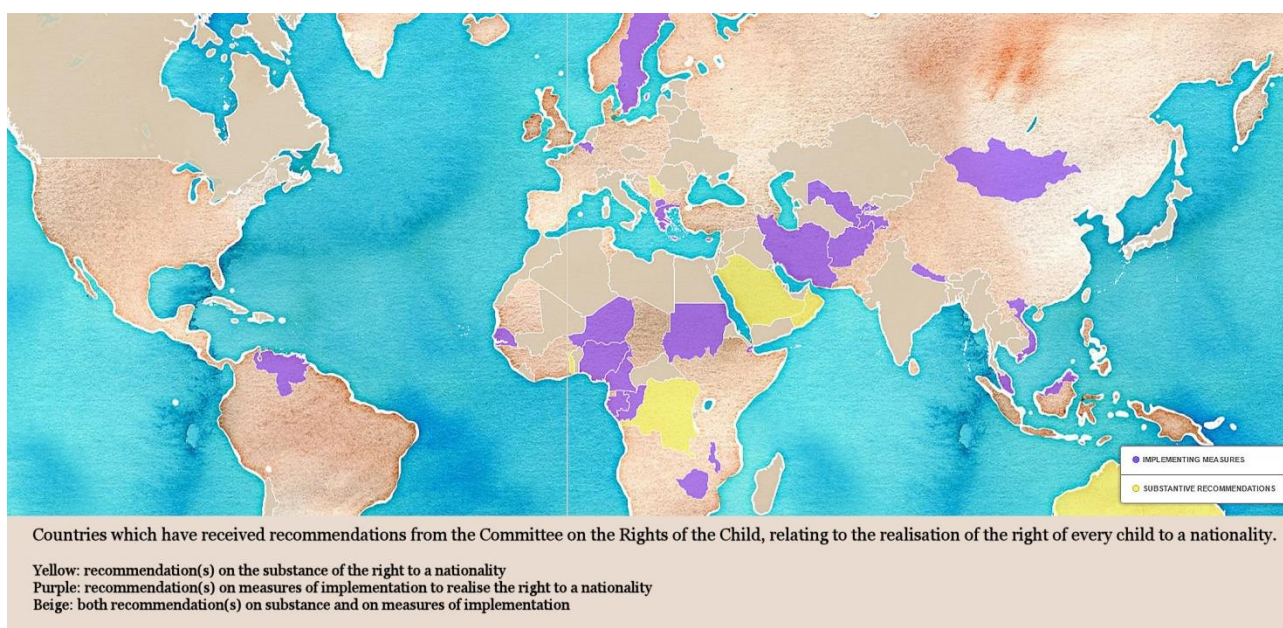
The Committee is the body of 18 independent experts that monitors the implementation of the CRC and its optional protocols by States Parties. Under this mandate, it issues authoritative guidance on the content of CRC provisions through the publication of "General Comments" on particular articles or thematic issues. The Committee also organises "Days of General Discussion", on a biennial basis, to further the understanding of specific child rights issues. Moreover, with the entry into force of the Third Optional Protocol on a communications procedure (OPIC), in April 2014, the Committee is also able to consider individual complaints alleging violations of the Convention.

As the UN treaty body mandated to interpret and monitor States Parties' compliance with the CRC, the aforementioned work of the CRC Committee is central to gaining a better understanding of States Parties' obligations under Article 7 of the Convention. To date, the child's right to acquire a nationality has yet to be the subject of a General Comment, Day of General Discussion or any individual complaints.⁴⁵ Nevertheless, the interpretation of Article 7 CRC has been addressed as part of the regular monitoring of States Parties' implementation of their Convention obligations and the subsequent "**Concluding Observations and Recommendations**" issued to States Parties by the Committee.

How has the Committee addressed the child's right to nationality?

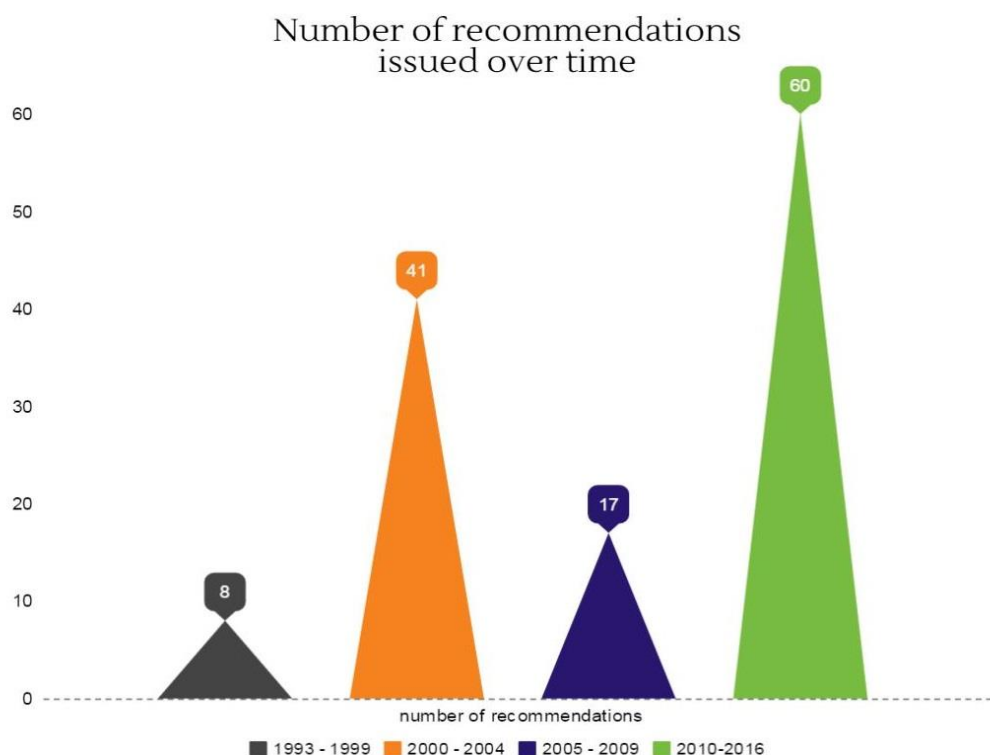
In the 23 years of Committee reviews of State Party reports (until mid-2016), the Committee issued 126 recommendations on the content of children's right to acquire a nationality. An additional 226 recommendations have been made on measures of implementation that States should take in order to improve the protection of children's right to acquire a nationality. In total, 89 different States have received relevant recommendations from the Committee.

⁴⁵ Note that the Human Rights Committee has touched on the content of children's right to a nationality in the interpretation of Article 24 of the ICCPR. It has emphasised the particular importance of preventing statelessness and "*ensuring that every child has a nationality when he is born*". See Human Rights Committee, *General Comment 17: Article 24 (Rights of the Child)*, 7 April 1989, para 8. Available at: <http://www.refworld.org/docid/45139b464.html>.



Growing engagement over time

The Committee's attention to the issue of childhood statelessness and the right of every child to acquire a nationality has increased over the past two decades. The number of recommendations issued in the past five years is seven times higher to the number issued in the 1990s.⁴⁶



As the graph shows, this growth in attention to the issue has not always been consistent. Even if translated into a percentage of the total number of State Party reviews for which Concluding Observations were issued, there is evidence of a slight dip during the period of 2005-2009. How much attention is paid by the Committee to the issue in any given period will necessarily also be influenced, to some degree, by which

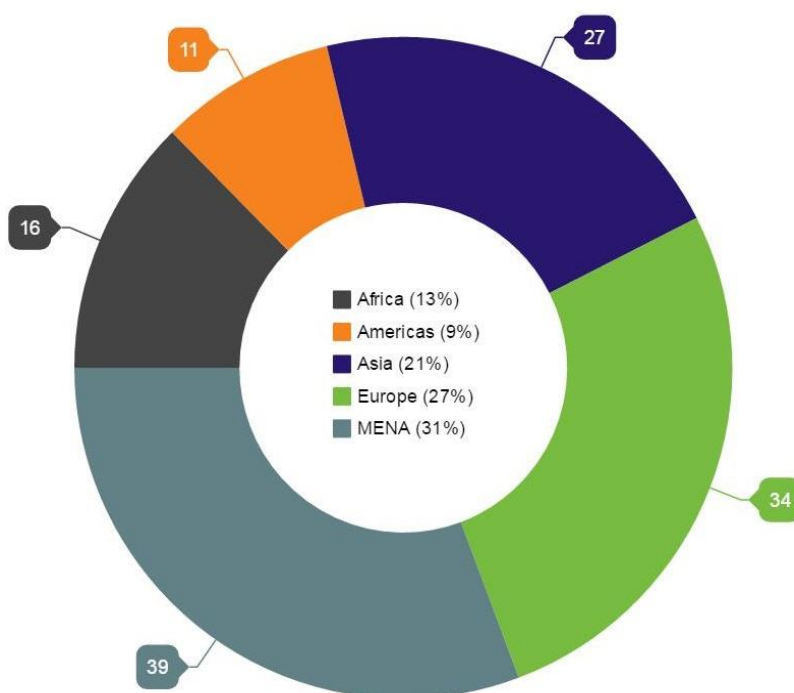
⁴⁶ From 8 recommendations in the 1990s to 59 recommendations in period 2010-2015.

States Parties have been reviewed during that time (the problem of childhood statelessness, for instance, is more acute in some countries than others), as well as the scope and quality of information presented to the Committee by States, civil society and UN actors. Despite this improvement, there still remains significant room for growth in terms of the attention given to the promotion of children's right to acquire a nationality. Even in the most recent five year period, only 59 of the 127 States that were reviewed received relevant recommendations whereas problems in respect of children's right to a nationality are present in the majority of countries worldwide.

Differences in engagement by region

The Committee has issued the highest number of recommendations on children's right to acquire a nationality to States in the Middle East and North Africa (39) and Europe (34), followed by the Asia and Pacific region (27). The following chart shows the overall distribution of the Committee's recommendations relating to the content of Article 7 CRC by region over the last 23 years:

Number of recommendations by region



As highlighted in respect of the trends over time, this is not necessarily – or solely – a reflection of the relative scope of problems in different regions, it is also influenced by the number of times States from a particular region have come up for review. Indeed, the picture is rather different if the number of occasions on which relevant recommendations have been made is expressed as a percentage of how many States' reviews have occurred for countries in the region:

- Middle East and North Africa: 30 of 46 State reviews (65%)
- Asia and the Pacific: 23 of 97 State reviews (24%)
- Europe: 28 of 134 State reviews (21%)
- Africa: 15 of 99 State reviews (15%)
- Americas: 8 of 91 State reviews (9%)

Seen in this light, the Committee has paid far more structural attention to issues relating to children's enjoyment of the right to acquire a nationality in the Middle East and North Africa (MENA) than any other region. While there are, indeed, significant challenges in that region – in particular in respect of gender discrimination in nationality law, which is the most common issue to be raised by the Committee in relation to MENA countries – there are also considerable challenges elsewhere. Such overall trends demonstrate that although the Committee has commented on relevant issues in all regions and across a range of themes, it has not yet been able to achieve consistency in addressing recommendations on the same challenges to all relevant States. There may be different reasons for this, but it demonstrates the need both for there to be greater awareness among all stakeholders of the issues which the Committee considers to fall within the scope of Article 7 CRC and greater capacity of these stakeholders to engage with the Committee on problems that occur in respect of these issues, across different countries.

What substantive recommendations has the Committee made?

To date, the Committee has made recommendations on the content of the child's right to acquire a nationality across a number of themes, clarifying the nature of States Parties' obligations under the CRC as follows:

Access to nationality for stateless children born in the State Party's territory:

The CRC does not specify which rules States should apply in order to fulfil their obligations under Article 7, nor does it oblige States Parties to grant nationality to every child born on the territory. It does, however, oblige States to guarantee access to nationality for children born in their territory

who would otherwise be stateless. The Committee therefore has assessed and commented on whether the provisions of national law related to the right to nationality of children born in the territory, and their implementation, create exceptions based on: the parents' or child's legal status (including residency); the parents' sex, race, religion or ethnicity, social origin, status or other characteristic; the parents' past opinions or activities (e.g. former military personnel); the child belonging to a(n) (ethnic) minority group; and the child being born to (irregular) migrants or (former) refugees.

The Committee urges the State Party to further review and enact legislation in order to ensure that all children who are at risk of becoming stateless... especially children of indigenous and minority groups, and children of migrant workers, refugees and asylum-seekers are provided with access to Thai nationality.

CRC Concluding Observations: Thailand
CRC/C/THA/CO/3-4

The Committee strongly urges the State Party to review the provisions of the Act on Determination of Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality amending the Civil Code and ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers.

CRC Concluding Observations: Iran
CRC/C/IRN/CO/3-4

Prohibition of gender and other forms of discrimination:

The principle of non-discrimination, one of the Guiding Principles of the CRC, informs the scope and content of Article 7; particularly, when assessing if States ensure equal rights for all parents to pass their nationality on to their children, without distinction based on gender, ethnicity, race, religion, disability or marital status of parents. This prohibition includes the creation of distinct categories of citizenship which result in discrimination, stigmatization, or

the denial of certain rights. The Committee has therefore assessed and commented on whether domestic

laws, policies and practices restrict a child's access to the parents' nationality in circumstances including: the child being born out of wedlock; the child's mother or father being married to a non-national; and the child being born abroad.

Ensuring universal birth registration:

Birth registration provides official evidence of key facts relating to a child's birth, including birthplace and parentage, without which the child may face difficulties proving his/her entitlement to nationality under the law and may not be considered as a national by the State. The right to birth registration is particularly important for disadvantaged groups that are more likely to be affected by statelessness such as, refugee and asylum-seeking children, ethnic minority children, children born out of

The Committee recommends that the State Party ensure that all children born in Indonesia are registered and issued birth certificates, regardless of their nationality, religion and status at birth, and that birth registration is facilitated and free of charge everywhere and under all circumstances.

CRC Concluding Observations: Indonesia
CRC/C/IDN/CO/3-4

wedlock and children born abroad. The Committee has therefore assessed and commented on States overcoming structural barriers to achieve universal birth registration, ensuring it is free and accessible to everyone born in the territory, regardless of: the parent's residence status; whether the parents are foreign nationals; whether the parents are themselves undocumented or stateless.

Other themes:

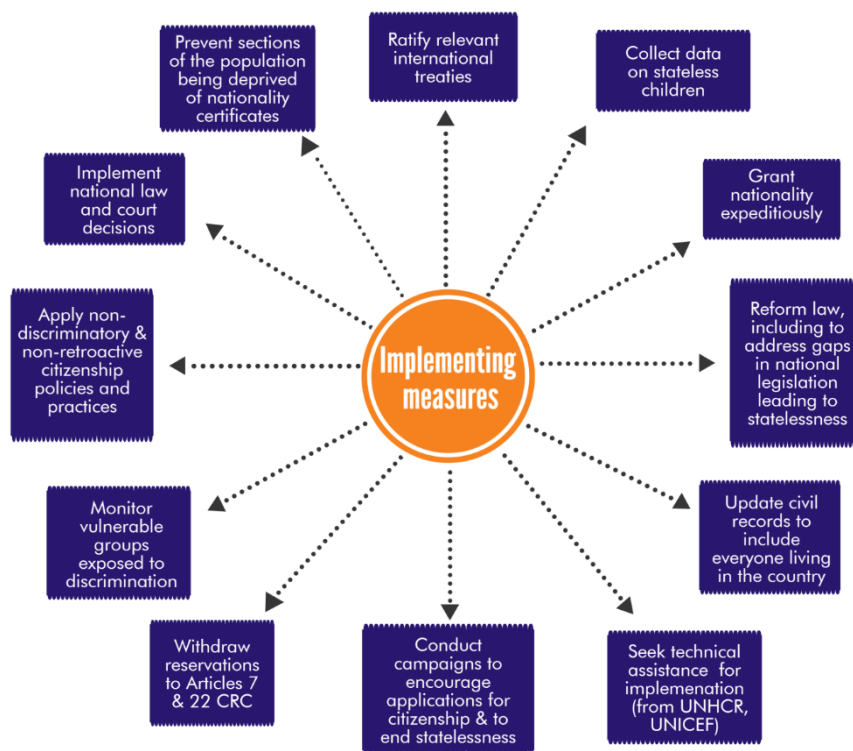
The Committee has also made recommendations on the following;

- a) *Foundlings*: States should put in place specific safeguards and necessary measures to ensure no child found abandoned in the territory is left stateless.
- b) *Children born abroad*: States should remove obstacles to accessing nationality for children born to nationals abroad.
- c) *Adoption*: States should regulate acquisition and loss of nationality in cases of international adoption such that statelessness is avoided.
- d) *Deprivation and loss of nationality*: States should not deprive any child of his/her nationality on any ground; regardless of the status of the child's parents and any loss or deprivation of their nationality.
- e) *Right to a remedy*: States should ensure access to legal remedies for the restoration of nationality in cases of arbitrary deprivation, and for adequate and fair compensation to be paid.

It is important to note, that the Committee has not (fully) addressed all themes relevant to the issue. Issues that could benefit from more in depth attention include that of children born in prisons or other forms of detention, who are particularly vulnerable to statelessness, the risk of statelessness in international surrogacy and discrimination in access to nationality on grounds of disability.

What implementing measures has the Committee recommended?

In monitoring States Parties' fulfilment of their obligations under the CRC, the Committee not only helps to further interpret the content of CRC norms and apply these in their assessment of the challenges faced in a particular State, it also prescribes a range of "General Measures of Implementation" that States are expected to develop. This is in accordance with Article 4 of the Convention which requires States to *"undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention"*.



These **General Measures of Implementation** are further crystallized in General Comment 5 of the Committee on the Rights of the Child, and include:⁴⁷

- **National plans and strategies for implementation of the CRC**
- **National mechanisms for coordinating implementation**
- **Law reform and judicial enforcement of the rights of children**
- **Awareness-raising, training and education**
- **Resource allocation and "making children visible in budgets"**
- **Monitoring**
- **Data Collection**
- **Statutory children's rights institutions**
- **Participation of civil society in implementation of the CRC**
- **International cooperation**
- **The ratification and application of other relevant international standards**

The Committee has been very active in recommending that States take various implementing measures in respect of Article 7 CRC, the most common of which being the last on the above list: the ratification and application of other relevant international standards. Nevertheless, given the significant challenges that are faced around the world in realising children's right to acquire a nationality and ending childhood statelessness, there is also real scope for the further, structural promotion of General Measures of Implementation on this issue. In particular, it must be noted that the Committee has not yet made relevant recommendations on **resource allocation**, **participation of civil society** and **international cooperation**.

⁴⁷ CRC Committee, *General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child*, 27 November 2003. Available at: http://www2.ohchr.org/english/bodies/crc/docs/GC5_en.doc.

4. The CRC reporting cycle and opportunities for civil society engagement

This section of the Toolkit provides an overview of the CRC reporting cycle – its different stages and the opportunities they each present for civil society engagement, the role that civil society actors can play in this process and relevant considerations for civil society actors in this regard. This section provides an overview of some of the practical information related to the CRC reporting cycle, which can be found in much greater detail in the Child Rights Connect mini site on “[Engaging in the Reporting Cycle of the UN Committee on the Rights of the Child](#)”. Indeed, this section is not meant to replace the Child Rights Connect mini site, which all readers who would like to learn more about the CRC reporting cycle are encouraged to visit. The OHCHR website also provides useful information on [monitoring the core international human rights treaties](#).

Where do civil society actors come in?

All around the world, civil society actors play a crucial role in promoting the national-level implementation of international human rights norms, including child rights. Whatever the focus of their work – monitoring, advocacy, individual assistance, etc. – civil society actors are often able to get “close to” an issue and the people who are affected by it. This puts them in a good position to understand what barriers exist with respect to the full realisation of particular rights and to provide useful information on the impact of laws, policies and practices. Such insights can, in turn, help international monitoring bodies such as the Committee on the Rights of the Child to engage in an effective and well-informed dialogue with States about the implementation of their international obligations. Indeed, the Committee is reliant on NGOs, NHRIs and other civil society actors to provide it with independent and credible information in relation to various aspects of Article 7, and the lack of such information makes it difficult for the Committee to make in-depth recommendations to States. Civil society actors also play a crucial role in transmitting information, standards and interpretations of rights across mechanisms. Thus for example, CRC Recommendations to a given State Party on the lack of safeguards against statelessness, can be fed by NGOs and NHRIs into the Universal Periodic Review (UPR) process,¹ resulting in other States making recommendations to the State under Review that draw on those made by the Committee.

NGOs

A wide range of Non-Governmental Organisations (NGOs) engage with issues relating to children’s right to a nationality. These include NGOs with a focus on statelessness, citizenship, migration or related themes which may uncover situations of childhood statelessness in the course of their activities on these broader issues; and NGOs dedicated to the promotion of child rights, which may identify the right to a nationality as one area of concern within their wider child rights work.

Lawyers for Human Rights is an NGO that engages in human rights advocacy and public interest litigation in South Africa. Its work covers a broad spectrum of issues, including refugee and migrant rights. In 2011, they launched a dedicated project on statelessness within this broader programme and it has since undertaken

¹ For more information on the UPR process, why it is an important tool and how to use it, visit: <http://www.upr-info.org/en>.

activities to address different aspects of this issue, including childhood statelessness. Drawing from the experience of assisting stateless children in seeking to access a nationality in South Africa – including through litigation – Lawyers for Human Rights was able to identify obstacles within the country's Citizenship Act and Births and Death Registration Act that are causing the safeguards to fail that should be protecting children born on the territory from statelessness.² The NGO submitted information on these problems to the Committee on the Rights of the Child in 2015³ and briefed the Committee during its pre-session in early 2016. To draw further attention to the issue at the national level and grow support for the necessary law and policy reforms, Lawyers for Human Rights followed up this international advocacy with the publication of a short report on *Childhood Statelessness in South Africa*, which tells the stories of children affected.⁴

NHRIs and Ombudspersons

National Human Rights Institutions and Commissions (NHRIs) and Ombudspersons fulfil an important role in promoting and monitoring the implementation of States' human rights obligations at the domestic level. In some countries, the special post of Ombudsperson for children exists to ensure adequate focus on the implementation of child rights. Like NGOs, these bodies can also engage in international human rights reporting processes by passing information to, for instance, UN treaty bodies such as the Committee on the Rights of the Child – including in respect of the right to a nationality.

The European Network of National Human Rights Institutions, ENNHRI (a network of 40 National Human Rights Commissions, Institutes and Ombudspersons from across Europe) adopted a Position Paper on *The Eradication of Statelessness in Europe* in September 2014. It directs recommendations to States, as well as the Council of Europe and the European Union, on a number of topics relating to statelessness – including addressing the situation of stateless children in the region. The ENNHRI recognises nationality to be part of a child's identity and the prevention of statelessness to be of "utmost importance". It calls on States to, among other issues, "ensure acquisition of nationality for children born in the territory who would otherwise be stateless".⁵ One way for members of the ENNHRI network to follow up on the implementation of this Position Paper is to provide information on gaps in domestic safeguards and procedures to relevant international bodies, such as the Committee on the Rights of the Child.

² See, for instance, the short video *Belonging, Part 2*, produced by LHR in 2005, available at: <https://www.youtube.com/watch?v=ih5keCYFHyM>.

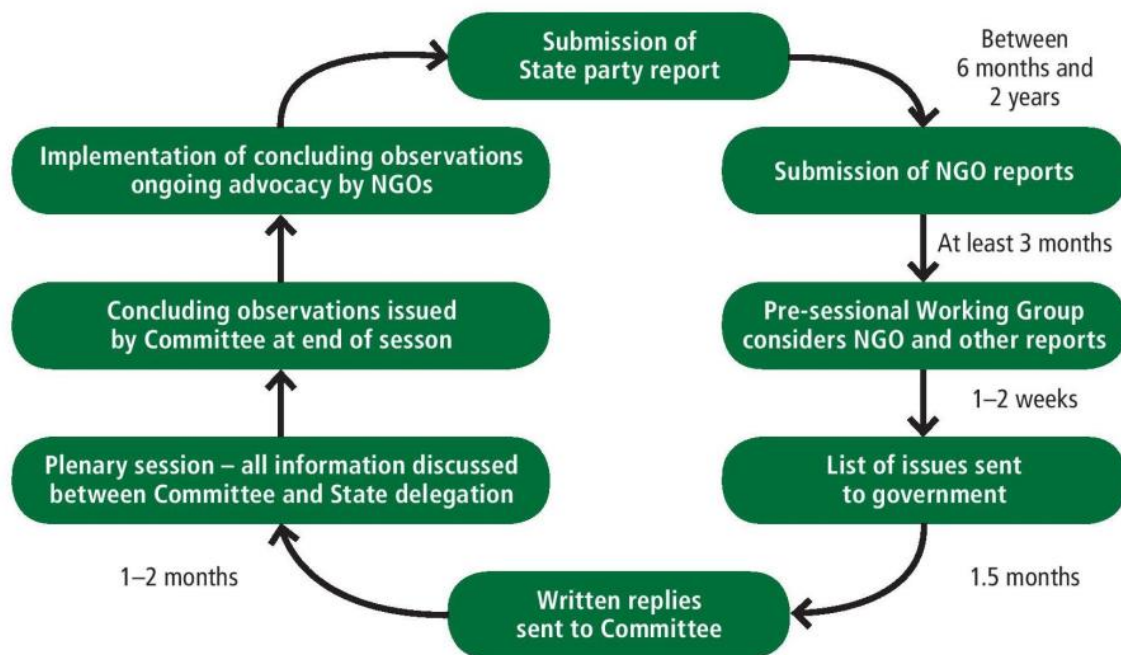
³ This was a joint submission, in collaboration with the Institute on Statelessness and Inclusion, which is available at: http://www.institutesi.org/CRC_SouthAfrica_2015.pdf.

⁴ The report can be accessed via: http://www.lhr.org.za/sites/lhr.org.za/files/lhr_stateless_booklet_5.pdf.

⁵ The position paper is available at: <http://www.mensenrechten.nl/sites/default/files/ENNHRI%20Statement%20on%20Statelessness.September.2014%20pdf.pdf>.

What is the reporting process of the Committee on the Rights of the Child?

As shown in the CRC reporting process diagram of [Child Rights Connect](http://www.childrightsconnect.org/connect-with-the-un-2/crc-reporting/) below,⁶ the reporting process of the Committee on the Rights of the Child is a cycle of many stages with which civil society can engage. At its culmination and following the consideration of State Party reports, the Committee adopts “Concluding Observations” in which it points out positive achievements and raises concerns about any issues arising in



the State in respect of the rights protected under the CRC. The Committee also makes recommendations on how these concerns are to be addressed and compliance with the Convention can be improved.

Civil society actors are able to enter the cycle at any stage, and add value. Understanding what these stages are and how civil society can engage, will help actors navigate and maximise their interaction with CRC Reporting. Successful contributions to and use of this procedure can result in strong, relevant Concluding Observations and Recommendations from the Committee to the State under review. In addition to providing the State being reviewed with authoritative guidance on the steps it should take to strengthen its compliance with the CRC, this process can also:

- Influence parallel UN and regional human rights processes including the Universal Periodic Review and State reviews by other Treaty Bodies.
- Influence/support action under complementary frameworks, including the Sustainable Development Goals.
- Raise awareness on the scope and impact of childhood statelessness in the country.
- Ultimately contribute to law and policy reform as well as better practices to safeguard against childhood statelessness.

And so, the Concluding Observations and Recommendations of the Committee can lead to improved performance by States Parties. However, it must be noted that States cannot be ‘compelled’ to respond, and so, it is essential that civil society actors continue to engage in follow-up activities throughout the implementation phase.

⁶ Diagram: Childs Right Connect, <http://www.childrightsconnect.org/connect-with-the-un-2/crc-reporting/>.

In order to find out when a particular State is scheduled for consideration by the Committee or other UN Treaty Bodies, as well as to access already available reports, civil society actors may access and search the OHCHR [calendar of country reviews by treaty bodies](#).⁷

Step 1: State Party report

All States Parties are obliged to submit an initial report to the Committee two years after acceding to the Convention, and to submit subsequent periodic reports every five years. While civil society actors do not have a formal role to play in the development of the State Party report, States often consult with and seek their input when preparing the State Party report. Through sustained engagement with the State and other actors operating in the national child protection space – including, where they do exist, National Child Rights Coalitions – civil society actors may be able to contribute to the State report and ensure that the State addresses its performance in relation to the child’s right to acquire a nationality. Engaging in this process may also provide civil society actors with insight into the State’s perspective and attitude towards the issues at hand, which can be helpful when developing alternative reports. This process may also help civil society to develop stronger relationships with government, which may help with future advocacy efforts.

For answers to Frequently Asked Questions, tips, challenges and further resources on civil society engagement in relation to the State Party report, visit this page of the Child Rights Connect mini-site: <http://csrcreporting.childrightsconnect.org/state-report/>.

Step 2: Alternative reports

Alternative reporting is the formal entry-point for civil society actors into the process. Alternative reports provide the Committee with a different perspective to that presented by the State in its report, and therefore are a crucial element of the process, which can help ensure that the Committee receives comprehensive information on the issues at hand. In particular, as the quality and scope of information received by the Committee during this stage is beyond the Committee’s control but crucial to the outcomes, it is very important that civil society actors adequately address the child’s right to a nationality in their reporting. Therefore, it is important to determine:

- a. Whether to contribute to the process;
- b. If yes, how to contribute to the process; and
- c. Who to collaborate with (if any) in contributing to the process.

A. Should you contribute to the process:

The question of should you contribute, and in what capacity, depends on a range of factors including:

- Are there serious concerns in your country related to the child’s right to acquire a nationality, childhood statelessness and connected issues? To help ascertain this, please utilise this **Checklist** found in **Section 5**.
- Does your organisation work with affected children and/or have information to share on this issue? (i.e., can you add value to the process?) Can your organisation include the views of children in its report, and have children meaningfully participate in the monitoring process?
- Does your organisation have the capacity to engage in the process?

⁷ Available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En.

- Does your organisation have suitable partners to collaborate with?
- Is there sufficient political space in your country, which would allow civil society to freely participate in this process? Would your organisation face any risks from the authorities if you engage in the process? How can such risks be mitigated? (NB: alternative reports and participation in the pre-session working group meeting can be kept confidential. While this does not guarantee safety, it does increase the space for civil society actors who operate in difficult environments to engage in this process).

B. How you can contribute to the process:

There are various ways in which civil society actors can contribute to the process. Options, which are not mutually exclusive include:

- Contributing a section on Article 7 to a National Child Rights Coalition Report (if such a coalition exists)
- Submitting a separate thematic report on Article 7
- Encouraging children's participation
- Advocating for UN agencies to address this issue in their reports

The process followed in Step A should help civil society actors determine whether the issue is relatively significant in their country, whether they have adequate capacity and value to add to warrant a separate thematic contribution, and whether they have the political space to safely do so. Even if it is determined that a separate thematic report is not warranted, where possible, civil society actors are encouraged to strongly consider contributing a section on Article 7 to the alternative report of the National Child Rights Coalition where such a coalition exists in your country. Facilitating children's participation, while a powerful and important means of engagement, should not be taken lightly or be forced or tokenistic. Civil society actors that work with children will be better placed to facilitate this process. Children's participation can be ensured in various ways, from including the views of children in alternative reports to encouraging children to submit their own reports (written or audio/visual). Civil society actors interested in exploring this option further, are encouraged to look at the Committee's '[Working Methods for the Participation of Children in the Reporting Process](http://www.ohchr.org/EN/HRBodies/CRC/Pages/WorkingMethods.aspx)'⁸, and also seek advice from Child Rights Connect.

Civil society actors would also do well to, where possible, coordinate with UN agencies in their country. The UNHCR and UNICEF are the two UN agencies that submit reports to the Committee for each State Party under consideration, therefore sharing information with and encouraging them to also address the child's right to a nationality in their reports can have a strong impact.

C. Who you can collaborate with:

This is an important issue. Strong and successful collaborations with independent and credible partner organisations can strengthen the quality and credibility of the report and also ease the pressure on resources. This is particularly so, when considering further engagement down the line (see below). Participation in a National Child Rights Coalition Report would obviously entail collaboration with all coalition members. But thematic reports may also benefit from collaboration with strong national, regional and international partners. Furthermore, particularly in contexts where there is little political space to safely engage in this process, collaboration with UN agencies and NHRIs may be an effective way to ensure the Committee receives important information. Things to consider when considering collaboration:

- Is there a National Child Rights Coalition with which your organisation can collaborate?
- Is there a national organisation that brings a complementary perspective to the table? For example, if yours is a legal organisation, is there a suitable organisation that provides psychological support or other services to affected persons?

⁸ Available at: <http://www.ohchr.org/EN/HRBodies/CRC/Pages/WorkingMethods.aspx>.

- Is there a regional statelessness network that you would consider collaborating with? See for example, the [European Network on Statelessness](#) or the [Americas Network on Nationality and Statelessness](#).
- Are there organisations/campaigns/networks working on thematic issues relevant to your country? For example, if gender discrimination in nationality laws is an issue, consider the [Global Campaign on Equal Nationality Rights](#).
- Would you consider collaborating with an international organisation such as the [Institute on Statelessness and Inclusion](#)?

If your organisation decides to submit a thematic report to the Committee, you may wish to look at this **Template (Section 6)** for guidance and ideas on how to structure your submission. Once a report has been submitted, your organisation may choose to make it public by making it available on your website and indicating to OHCHR that it can be included on the session webpage, or you may choose to keep it confidential. If your organisation decides not to participate at this stage of the process, there will be other opportunities down the line, though more limited, to highlight the topic of childhood statelessness.

Finally, it is important to note that the deadlines for submitting alternative reports (and additional information), as well as the CRC sessions and Pre-sessions are fixed. This table, which is available on the [OHCHR website](#)⁹ is a useful tool in this regard:

Alternative reports for the pre-session			Additional submissions between the pre-session and the session		
	Electronic copies	Paper copies		Electronic copies	Paper copies
February pre-session working group	1 November	20 November	September session	15 August	20 August
June pre-session working group	1 March	20 March	January session	15 December	20 December
October pre-session working group	1 July	20 July	May session	15 April	20 April

For answers to Frequently Asked Questions and tips on format and content of alternative reports, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-alternative-report/>.

Step 3: Pre-sessional working group considers alternative reports

The Committee invites some (not all) submitters of alternative reports to participate in the closed and confidential pre-sessional working group meeting. If invited, this is a great opportunity to directly brief Committee Members and answer their questions. Significantly, the pre-sessions are a forum through which the Committee can be briefed on gaps in information in the State report, which can be addressed by including relevant questions in the List of Issues. Pre-sessions take place in Geneva and can therefore be expensive to attend. However, it may be possible to seek funding to attend them. One of the advantages of collaborating with a wider coalition for your submission is that one of the co-submitting organisations may be able to attend and represent the entire coalition. However, it must be noted that it is most effective if national civil society actors attend the pre-session.

All civil society actors invited to attend the pre-session on a particular country are required to plan ahead, coordinating their presentations and working as a team, to ensure that collectively, they cover all of the important child rights issues in the country. Working effectively with this wider group of civil society actors

⁹ Available at: <http://www.ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx>.

will ensure a more cohesive and impressive contribution at the pre-session. However, all actors must be willing to invest time into this process. Given the wide range of child rights issues prevalent in most countries, it is possible that the authors of a thematic report on Article 7 will not be invited to attend the pre-session. Even in such instances, organisations can reach out to a partner organisation or the other child rights' organisations who have been invited to participate. By briefing them in advance, you can still ensure that the Committee receives relevant information during the pre-session.

Pre-sessions are not open to the public and the content of the exchange between the invited experts and Committee members are confidential. The confidentiality of these proceedings creates space for civil society actors working in difficult and dangerous environments to also participate.

For more information on pre-sessions and answers to Frequently Asked Questions, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-pre-session/>. Civil society actors are also encouraged to visit the Committee's [Working Methods](#)¹⁰ which provide more information on the invitation process for the pre-sessions.

Step 4: List of Issues

While there is no formal role for civil society actors to play at this stage, it is important to monitor the List of Issues and assess if they satisfactorily address gaps in information that the Committee has received. Civil society actors can send feedback to the Committee on the List of Issues, including on whether you feel the Committee could have addressed issues which it has not. Providing feedback to the Committee at this stage can help strengthen the process.

For more information on List of Issues and answers to Frequently Asked Questions, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-list-of-issues/>.

Step 5: Written replies sent to the Committee

Once the State being reviewed submits its written replies to the Committee, there is an opportunity for civil society actors to provide additional information. This is the final phase at which formal engagement in the process is possible. As it is a few weeks before the plenary session, it is a good opportunity to provide the Committee with:

- updated information (new developments since the first submission and/or pre-session) including law and policy reform, new statistics etc.;
- comments on the State's written responses (including where you feel the State has not accurately or adequately addressed questions in the List of Issues);
- suggestions to the Committee in terms of questions to raise at the plenary session and recommendations to make to the State being considered; and
- any other relevant information.

As an example, the Institute of Statelessness and Inclusion, which had not participated earlier in the process, submitted additional information in relation to the review of Iran at the Committee's 71st Session, particularly with regard to gender discrimination in a proposed amendment to nationality laws. The Committee subsequently made the following concluding observation:

The Committee strongly urges the State Party to review the provisions of the Act on Determination of the Nationality of

¹⁰ Available at: <http://www.ohchr.org/EN/HRBodies/CRC/Pages/WorkingMethods.aspx>.

Children Born into Marriages of Iranian Women with Men of Foreign Nationality amending the Civil Code, and to ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers. The Committee also recommends that the State Party provide information on the number of children born to Iranian mothers who have been naturalized, in its next periodic report.

For more information on Written Replies and Additional Submissions, answers to Frequently Asked Questions and advocacy tips, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/written-replies-additional-submissions/>.

Step 6: Plenary session

Unlike the pre-session, the plenary session or dialogue with the State Party, is open to the public. There will not be an opportunity for civil society to speak during the plenary session, but they are encouraged to attend and participate as observers. Attending the session will provide civil society stakeholders an opportunity to witness the dialogue with the government. On the margins of the session, you may informally engage with Committee Members and government representatives, which may be useful for future follow-up activities. Monitoring the plenary sessions, noting the commitments and statements made by the State on Article 7 and the level of engagement of Committee Members will be useful for future advocacy. Please note that the plenary session is [streamed online](#) and therefore civil society actors can observe it without being physically present.¹¹

For more information on the Session, answers to Frequently Asked Questions and advocacy tips, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-session/>.

Step 7: Concluding Observations issued by the Committee

Once the Concluding Observations are issued by the Committee, it is important to reassess your engagement with the process. Have you been able to contribute to positive and strong recommendations? It is also important to provide the Committee with constructive feedback. Significantly, the Concluding Observations and Recommendations of the Committee as well as your organisation's submissions to the Committee are valuable resources for engagement with other UN and regional human rights processes (including the UPR, other UN treaty monitoring bodies such as CEDAW, ICCPR and CERD, and regional mechanisms). By adapting and reusing submissions and relating the authoritative statements and recommendations of one framework to another, it is possible to maximise impact.

For more information on the Concluding Observations, answers to Frequently Asked Questions and tips, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-concluding-observations/>.

Step 8: Follow-up Advocacy to ensure National Implementation of Concluding Observations and Recommendations

The Committee does not have a formal follow-up procedure to ensure that States are implementing the recommendations they have received. However, the review and reporting process is cyclical, and States will

¹¹ Live streams can be accessed via this link: www.treatybodywebcast.org

be reviewed on their implementation of previous recommendations. Hence, the role of civil society stakeholders is key for this stage:

- by offering to cooperate with governments by providing specialised and technical assistance in the implementation of the recommendations (the **analytical database** will help civil society navigate the existing body of concluding observations);
- by helping governments make good use of existing measures of implementation (as referred to both in the policy paper and the submission template); and
- by helping to develop such measures at the national level.

Likewise, civil society plays a fundamental role in monitoring State implementation of relevant recommendations, not only those provided by the Committee on the Rights of the Child but across other treaty monitoring bodies, such as CEDAW, CRMW, as well as the State's commitments and recommendations under the Universal Periodic Review. Recommendations across the UN human rights mechanisms should be used in a complementary manner in order to follow up on State implementation as well as to further ongoing advocacy efforts at the national level. Civil society organisations can also do a lot of awareness raising and media engagement work, to raise the profile of the issue and the Committee's Recommendations, in pushing for national implementation.

Significantly, the more civil society actors engage in follow-up work related to the implementation of Recommendations, the more likely that the entire CRC process will result in real change.

For more information on what can be done in the follow-up stage, including answers to Frequently Asked Questions, other relevant UN mechanisms that can be engaged and further tips, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-follow-up/>.

5. Ten-point Checklist for identifying issues relating to the child's right to a nationality

The following 10-point Checklist serves as a tool to guide civil society stakeholders in the assessment of issues, legal gaps, and conditions in which statelessness may arise and manifest in countries under review, in order to determine if and how they would engage with the CRC process. (See **Section 4 of the Toolkit**) This Checklist will also help organisations determine what the focus and content of their submissions should be. For each of the issues on the Checklist, a brief description and guiding questions are offered to help identify relevant problems. Some examples of relevant recommendations issued by the Committee in respect of these issues are also provided. Civil society stakeholders may wish to draw on the language of these and other recommendations by the Committee, when formulating draft recommendations for their submissions. Furthermore, directly quoting previous recommendations made by the Committee can serve as a useful reminder to the Committee of its past work that it can build on.

Scale of the problem and related data/statistics

1. Is there a **large habitually resident stateless population** in the country?
2. Does the country host to a **large refugee or irregular migrant population** that is stateless or at risk of statelessness?
3. Does the State maintain systematic and **disaggregated data** on children's acquisition of nationality, birth registration, statelessness and as relevant, the questions listed above?

The legal framework

4. Does the country's legal framework contain **discriminatory provisions** which arbitrarily deprive nationality or deny access to nationality?
5. Does the country's legal framework have **adequate safeguards** to protect all children born in the territory (including foundlings) from statelessness?
6. Are there **other legal gaps** affecting children's access to nationality?
7. Is the State party to the most **relevant treaties** and has it removed any **reservations that it made to these treaties**?

State practice

8. Is there **universal birth registration, which is free and accessible for all**?
9. **Is there access to justice and a right to a remedy?**
10. Do stateless children in the country benefit from the protection and enjoyment of **other human rights enshrined in the CRC**?

1) Is there a large habitually resident **stateless population** in the country?

As highlighted in the map below, 23 countries are known to have non-refugee stateless populations of over 10,000, and in at least 15 additional countries, there are large but unquantified stateless populations.



Countries with stateless populations over 10,000 people or where statelessness is reported to be a problem, but there are no reliable statistics (the latter marked by an asterisk *):

Bhutan *	Eritrea *	Iraq	Libya *	Poland	Tajikistan
Brunei	Estonia	Kenya	Madagascar *	Russian Federation	Thailand
Cambodia *	Ethiopia *	Kuwait	Malaysia	Saudi Arabia	Ukraine
Côte d'Ivoire	Germany	Kyrgyzstan	Myanmar	South Africa *	UAE *
Dem. Republic of Congo *	India *	Latvia	Nepal *	Sri Lanka *	Uzbekistan
Dominican Republic	Indonesia *	Lebanon *	Pakistan *	Sweden	Viet Nam
				Syria	Zimbabwe

Based on UNHCR statistical data available as of 1 June 2016, www.unhcr.org/figures-at-a-glance

An interactive version of this map is available on the website of the Institute on Statelessness and Inclusion: https://institutesi.cartodb.com/viz/487a608a-2261-11e6-abfb-0ef7f98ade21/embed_map.

For an overview of the statelessness situation in each of these countries (as well as various other countries from around the world), please see Part 3 of the 2014 [World's Stateless](#) report published by the Institute on Statelessness and Inclusion.¹

The situation in these countries is demonstrative of the significant impact of the 'causes of statelessness' identified in **Section 2** of this Toolkit not being adequately addressed. For example, race and ethnic discrimination in the Dominican Republic and Myanmar, resulted in the arbitrary deprivation of nationality and statelessness of Dominicans of Haitian descent and the Rohingya respectively. Similarly, in Estonia and Latvia, the ethnic Russian communities were made stateless after the dissolution of the Soviet Union. In countries such as Malaysia and Sri Lanka, the legacy of colonisation, whereby Indian Tamil labourers who were brought to each country during the colonial period were not recognised as citizens post-

¹ Institute on Statelessness and Inclusion, *The World's Stateless*, 2014. Available at: <http://www.institutesi.org/worldsstateless.pdf>.

independence, has had an impact. In Nepal, the combination of gender discrimination and poor administrative practices has left an extensive population stateless. In many of these countries, including Sweden and Germany, statelessness is a consequence of the failure to protect migrants and their descendants born in the country.

Significantly, in all of these countries, statelessness has been perpetuated from one generation to the next, so these countries are also those in which the problems of childhood statelessness and the failure to realise children's right to a nationality are the most acute.

If your organisation works in/on one of these countries, a submission to the Committee is strongly recommended (bearing in mind the various considerations listed in **Section 4**).

Other questions to bear in mind when considering making a submission include:

- Is this situation recognised/acknowledged by the government?
- What is the government position on this situation?
- Has the government made any commitments to address it?
- Has the government taken any measures/steps to address it?
- Has the government sought international cooperation/technical assistance from international organisations in order to address any aspects of this situation?

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to there being a large stateless population is there a discriminatory legal framework, is there universal birth registration, are there gaps in data etc.)

2) Is the country host to a large refugee or irregular migrant population that is stateless or at risk of statelessness?

Statelessness is recognised as an important root cause of forced displacement and there have been many instances, both historical and contemporary, in which stateless persons have been compelled to escape persecution in their country and seek refuge elsewhere. Statelessness can also be a consequence of forced migration, particularly in the context of the children of refugees who do not have access to their parent's nationality or that of their country of birth. So, while not all stateless persons are refugees and, indeed, not all refugees are stateless, there is some overlap between these two groups - a person can be both stateless and a refugee under international law.

While many if not most countries of the world are likely to host some stateless refugees, countries which host large stateless refugee populations and which do not have adequate safeguards against childhood statelessness in place in their legal frameworks, are of most concern in this regard. These populations of concern include:

- Bhutanese in Nepal
- Black Mauritians
- Faili Kurds in Iran
- Former Burundian refugees in Tanzania
- Former Liberian, Rwandan and Sierra Leonean refugees
- Kurdish refugees from Syria in Iraq and other countries
- Rohingya in Bangladesh, Malaysia, Thailand, Indonesia, India, Pakistan, and Saudi Arabia
- Sahrawi refugees in Algeria and Mauritania
- West Papuans in Papua New Guinea
- Bidoon refugees from Kuwait
- Palestinian refugees

For a more comprehensive overview of the large stateless refugee populations around the world, and their estimated numbers (according to available statistics), please see pages 114 – 132 of the 2014 [World's Stateless](#) report published by the Institute on Statelessness and Inclusion.²

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to there being a large refugee stateless population is there a discriminatory legal framework, is there universal birth registration, are there gaps in data etc.)

Sample recommendations issued by the Committee

Thailand

The Committee urges the State Party to further review and enact legislation in order to ensure that all children who are at risk of becoming stateless... especially children of indigenous and minority groups, and children of migrant workers, refugees and asylum-seekers are provided with access to Thai nationality.³

² Institute on Statelessness and Inclusion, *The Worlds Stateless*, 2014. Available at: <http://www.institutesi.org/worldsstateless.pdf>.

³ The Committee on the Rights of the Child, *Concluding Observations: Thailand*, CRC/C/THA/CO/3-4, 17 February 2012, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/THA/CO/3-4&Lang=En.

3) Does the State maintain systematic and disaggregated data on children's acquisition of nationality, birth registration, statelessness and as relevant, the questions listed above?

The lack of credible data and statistics related to statelessness is a significant concern in most countries around the world. The 2014 report, 'The World's Stateless' by the Institute provides insight into the various challenges and gaps related to statelessness data around the world. These include:

- Definitional issues: Failure to understand, interpret and apply the right definition of statelessness can result in stateless persons wrongly being excluded from statistical information, or those who have a nationality wrongly being included.
- Gaps in data collection tools: States may give insufficient priority to the implementation of measures to identify statelessness or accurately quantify it. Sometimes, there is even a deliberate strategy to deny the prevalence of statelessness by asserting that such persons are nationals of another country.
- Lack of adequate or comprehensive data collection: Even where data on statelessness is collected, this does not always yield comprehensive or reliable results, due to poor methodology, limitations in scope etc.
- Unwillingness or lack of awareness to self-identify as stateless: Many stateless persons do not see themselves as being stateless. Even if they do, there is often reluctance to draw attention to this. Thus, data collection which relies on self-identification may not be entirely accurate.
- Not all countries in the world are able to report data on statelessness: Today, UNHCR has reliable data on the number of stateless persons in 75 countries. This means that statelessness remains unmapped in over 50% of the world's States.

*For a more in-depth analysis of the challenge of documenting statelessness, please see pages 37 – 52 of the 2014 [World's Stateless](#) report published by the Institute on Statelessness and Inclusion.*⁴

The lack of data is not only a challenge in relation to statelessness. It also can be so in relation to birth registration and/or acquisition of nationality. Furthermore, it is extremely important that all such data is disaggregated so as to be able to identify if particular groups are discriminated against in access to birth registration and/or nationality. As increasingly sophisticated methods of civil registration and documentation are being developed and implemented around the world, the OHCHR has stated that:

"[t]o protect the rights of all individuals, birth registration must be part of a comprehensive civil registration system that is continuous, permanent, compulsory and universal. Civil records must be kept in a form that cannot easily be destroyed. Furthermore, retrieval of records should be possible for persons at any stage of their life.

The security of the civil registration and vital statistics system, and of the birth certificate that is issued as proof of registration, is also vital. The birth certificate is often a "breeder" document for other forms of identification, including identity papers, passports, driver's licences and voter registration cards."⁵

If there are questions around the maintenance of systematic, reliable and disaggregated on children's access to nationality, statelessness and/or birth registration in the country concerned, it may be important to draw this to the attention of the Committee through a submission.

⁴ Institute on Statelessness and Inclusion, *The World's Stateless*, 2014. Available at: <http://www.institutesei.org/worldsstateless.pdf>.

⁵ Human Rights Council, *Birth Registration and the Right of Everyone to Recognition Everywhere as a Person before the Law*, A/HRC/27/22, 17 June 2014, available via: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Pages/ListReports.aspx>.

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to there being challenges related to data, is there a large stateless population in the country, is there a discriminatory legal framework, is there universal birth registration etc.)

Sample recommendations issued by the Committee

Belarus

The Committee recommends that the State party strengthen the collection of disaggregated data, with special attention to violence against children, juvenile delinquency, child labour, abandonment, migration, children belonging to minority groups, particularly the Roma, stateless children, and women and children infected and affected by HIV.

In accordance with article 7, the Committee urges the State party to ensure the implementation of the right of all children to acquire a nationality, as far as possible, in order to prevent statelessness. It should inter alia collect data on stateless children. In this regard, the Committee encourages the State party to seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR).⁶

Brunei Darussalam

In line with its general comment No.6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party (...)

(b) Establish a comprehensive and systematic data collection mechanism on stateless children, and ensure that the data is disaggregated by, inter alia, sex, age, national and ethnic origin, geographical location, rural or urban residence, minority or socioeconomic status.⁷

Guinea Bissau

The Committee recommends that the State party (...)

(c) Identify potential stateless children, and collect data on the number of cases of stateless children residing in the country.⁸

Kuwait

In the light of its previous recommendation (CRC/C/15/Add.96, para. 13), the Committee encourages the State party to set up a national and comprehensive system to collect data, disaggregated by, inter alia, age, sex, ethnicity, geographic location and socioeconomic background, on all areas of the Convention in order to facilitate the analysis of progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The State party should ensure that the information collected contains up-to-date data on children in disadvantaged situations, particularly girls, Bidoon children, children of migrant workers and children with disabilities. The Committee further urges the State party to develop and implement a policy to protect the privacy of all children who have been registered in the national databases.⁹

Senegal

34. The Committee recommends that the State party (...)

(b) Conduct a statelessness mapping study in order to better prevent this phenomenon and address the protection of stateless children or children at risk of statelessness; and

(c) Seek technical assistance from UNHCR and UNICEF among others, for the implementation of these recommendations.¹⁰

⁶ CRC/C/BLR/CO/3-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BLR/CO/3-4&Lang=En.

⁷ CRC/C/BRN/CO/2-3, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BRN/CO/2-3&Lang=En.

⁸ CRC/C/GNB/CO/2-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/GNB/CO/2-4&Lang=En.

⁹ CRC/C/KWT/CO/2, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KWT/CO/2&Lang=En.

¹⁰ CRC/C/SEN/CO/3-5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FSEN%2FCO%2F3-5&Lang=en.

4) Does the country's legal framework contain **discriminatory provisions** which arbitrarily deprive nationality or deny access to nationality?

The principle of non-discrimination dictates that children have the right to acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Discriminatory nationality policy can also create, perpetuate or prolong problems of statelessness. For instance, where a woman does not enjoy the same right to transmit nationality to her child as a man, children are put at heightened risk of statelessness. Arbitrary deprivation or denial of nationality on the basis of race or religion has also left whole communities stateless in different countries around the world. The discriminatory implementation of the law (for example, not registering the births of minority groups) can also cause statelessness.

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., if the state has a discriminatory nationality framework, does it also have a large stateless population; does it have adequate safeguards to protect stateless children born in the state's territory from statelessness, etc.)

Gender discrimination

Once upon a time, it was very common for countries to have a system under which a woman acquired her husband's nationality upon marriage and children acquired this same nationality at birth, through their father. These were the rules contained in the nationality laws of colonial powers such as Britain and France, which were exported to their colonies all over the world – many of which maintained this approach following independence.

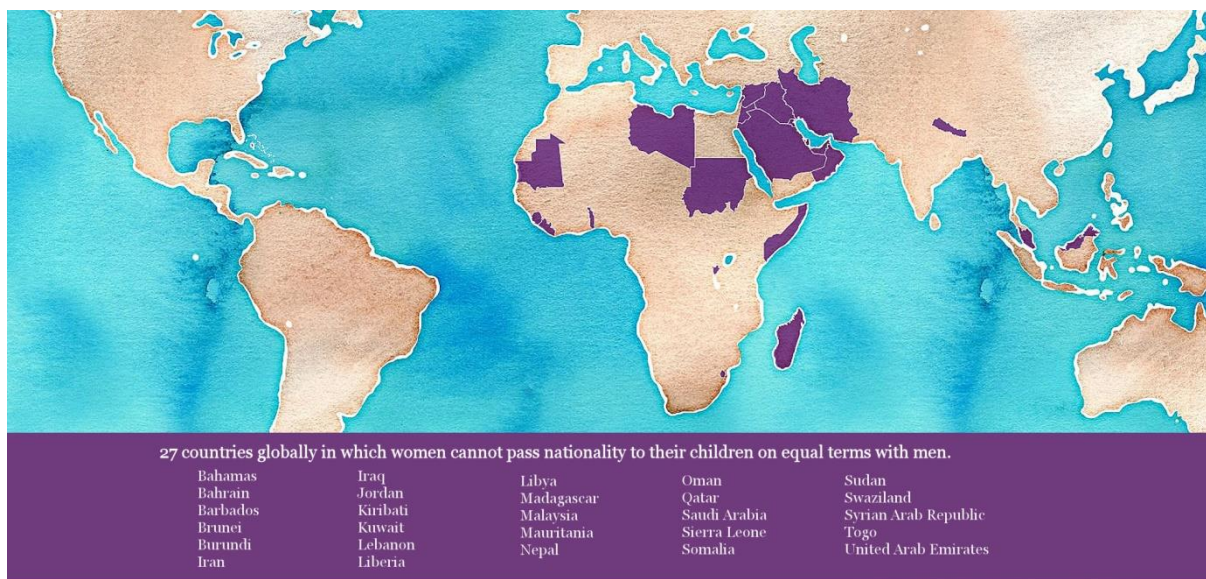
Today, the majority of states recognise the importance of recognising women's equal rights with men to transmit their nationality to their children – not only as a women's issue, but in order to protect children and families from the detrimental consequences of the old system. The adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in 1981, solidified international commitment to protecting a mother's nationality rights and many more countries have since enacted legal reform.

Just 27 states remain where a woman cannot pass her nationality to her children on equal terms with a man. Where the law restricts the right of children to acquire the nationality of their mother, this can cause statelessness – if the father is unknown, is unable or unwilling to pass on his nationality, or is himself stateless. There are also countries in which men are restricted in their ability to



86% of countries now allow women to pass nationality to their children on an equal basis with men

transmit nationality to their children, if these children are born outside marriage.¹¹ This too, can expose children to statelessness and is a violation of the principle of non-discrimination in the enjoyment of the child's right to a nationality.



An interactive version of this map is available on the website of the Institute on Statelessness and Inclusion: www.institutesi.org/gender.

Sample recommendations issued by the Committee

Iran:

The Committee strongly urges the State Party to review the provisions of the Act on Determination of Nationality of Children Born into Marriages of Iranian Women with Men of Foreign Nationality amending the Civil Code and ensure that all children who are born to Iranian mothers, including children born out of wedlock, are entitled to Iranian citizenship on the same conditions as children born to Iranian fathers. The Committee also recommends that the State Party provide information on the number of children born to Iranian mothers who have been naturalised in its next periodic report.¹²

Brunei Darussalam:

The Committee remains concerned that according to the Brunei Nationality Act (Cap 15), children of Bruneian women married to foreign nationals may be accorded Brunei nationality only upon application, while the children of Bruneian fathers are granted Brunei citizenship automatically. While welcoming the steps taken by the State Party to naturalize a number of stateless children between 2009 and 2012, the Committee is concerned at the lack of awareness among the parents and guardians of stateless children on the needs to register their children as citizens, according to the Brunei Nationality Act.

The Committee urges the State Party to: Review the Brunei Nationality Act and other relevant legislation relating to nationality to ensure that Bruneian women can transfer nationality automatically to their children.¹³

Oman:

The Committee recommends that the State Party amend its domestic laws to grant Omani women equal rights with Omani men with regard to transmission of their nationality to their children and to provide adequate safeguards to ensure the conferral of citizenship to children who would otherwise be stateless. (...) It further recommends that the

¹¹ See Equality Now, *The State We're In*, 2016, available at: http://www.equalitynow.org/nationality_report. The annex to this report contains a comprehensive overview of relevant extracts from nationality laws around the world.

¹² CRC/C/IRN/CO/3-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRN/CO/3-4&Lang=En.

¹³ CRC/C/BRN/CO/2-3, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BRN/CO/2-3&Lang=En.

State Party become Party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁴

Other forms of discrimination

Many countries discriminate in access to nationality on grounds of race, religion, disability or other status. For example in Liberia, nationality is only open to those who are “*of negro descent*”¹⁵ and therefore discriminates against an individual based on their race. In Algeria, the naturalisation requirement of being “*sound in body and mind*”¹⁶ has the potential to exclude persons with certain disabilities from acquiring nationality. A few countries have arbitrarily deprived entire communities of their nationality on grounds of ethnicity, religion etc. In Myanmar in the 1980s, entire communities – particularly the Rohingya - were stripped of their nationality through a change in law that excluded them from being citizens on grounds of ethnicity. Mauritania provides a further example, where many Black Mauritians were stripped of their nationality and deported in the 1980s by an Arab government. Both the Rohingya and the Black Mauritians were arbitrarily deprived of their nationality and left stateless. More recently, the Dominican Republic has arbitrarily deprived persons of Haitian descent of their Dominican nationality.¹⁷

Sample recommendations issued by the Committee

Eritrea:

The Committee urges that the State Party to:

- a) Respect the right of children belonging to all religious denominations, including Jehovah’s Witnesses to exercise their right to freedom of religion and ensure that they are not harassed or prosecuted;*
- b) Immediately reinstate full citizenship of children and their families who follow unrecognized religious denominations and ensure their equal access to public services, including issuance of official identity cards.¹⁸*

Yemen:

The Committee is concerned at a discriminatory provision against children with disabilities contained in Article 4 (b) of the Nationality Act No. 6 (1990), according to which one of the prerequisites for children born in the State Party to foreign parents to acquire Yemeni nationality, once they have attained majority, is not to have a disability.

The Committee urges the State Party to repeal any discriminatory provisions against children with disabilities in the National Act No. 6 (1990), in particular Article 4 (b), and ensure that all children without discrimination of any kind have the right to acquire nationality.¹⁹

¹⁴ CRC/C/OMN/CO/3-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/OMN/CO/3-4&Lang=En.

¹⁵ Aliens and Nationality Law 1973, Chapter 21.

¹⁶ Law No. 1970-86, 15 December 1970, Algerian Nationality Law, Article 10(6).

¹⁷ See for more information on these and other situations of arbitrary deprivation of nationality, Institute on Statelessness and Inclusion, *The Worlds Stateless*, 2014. Available at: <http://www.institutesi.org/worldsstateless.pdf>.

¹⁸ CRC/C/ERI/CO/4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/ERI/CO/4&Lang=En.

¹⁹ CRC/C/YEM/CO/4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/YEM/CO/4&Lang=En.

5) Does the country's legal framework have **adequate safeguards** to protect all children born in the territory (including foundlings) from statelessness?

Some countries have no safeguards to protect against childhood statelessness. An example of this would be Cyprus, where the only way to obtain nationality is through blood links or naturalization. Being born on Cypriot territory and obtaining no other nationality would mean being born a stateless child. In addition to that, many countries have no safeguards for foundlings born in their territory. If a baby is found in Côte d'Ivoire for example, where both parents are unknown, they would not be able to become Ivorian nationals and therefore would be left stateless.

Some countries have only partial safeguards, conditional on the fulfilling of additional criteria, including residence requirements imposed on the child and/or parents. For example, Viet Nam grants a child who was otherwise born stateless in its territory a nationality, but *only* where both parents are stateless and permanently resident in the country.²⁰ With regards to foundlings, some countries have safeguards that are limiting. For example, a 'foundling' may only be defined as a 'new-born' or, as in the case of Austria,²¹ babies under 6 months old. Therefore when a baby is found who is older than this but where the parentage is still unestablished, the child may be left stateless.

Some countries may have full or partial safeguards in the law which are not implemented or implemented in a discriminatory and/or ineffective manner. Article 1 of the Lebanese nationality law for example clearly states that a person who is born on Lebanese territory and did not acquire a foreign nationality at birth is Lebanese. However, this is rarely applied and many births on the Lebanese territory are resulting in stateless children. Similarly, a [study by the European Network on Statelessness](#) focusing on the prevention of childhood statelessness in Europe found that implementation of safeguards to realise children's right to a nationality is severely hampered by the failure to identify children who are stateless and need to acquire a nationality under these special provisions.²²

Some questions to consider in assessing the nationality framework in your country of work:

- Is acquisition of nationality by otherwise stateless children born on the territory automatic (at birth) or subject to an application procedure? If an application procedure:
 - Is there a time limit?
 - Are there additional requirements (legal residence, domicile, language, etc.)?
 - Is there any discretion (i.e. can the authorities decide not to grant nationality, even if the conditions have been met)?
 - Are there any other barriers such as high fees?
- Do the normative provisions related to the right to nationality of children born in the territory, and their effective implementation, create exceptions based on
 - The parents' legal status, including residency?
 - The parents' gender, sexual orientation, race, religion or ethnicity, social origin, marital or other status?
 - The parents' past opinions or activities (e.g. former military personnel)?
 - The child belonging to a(n) (ethnic) minority group?
 - The child being born to (former) refugees?
- Are safeguards designed to grant nationality to children who are otherwise stateless implemented in practice?

²⁰ Law on Vietnamese Nationality 2008, Article 17.

²¹ Federal Law Concerning the Austrian Nationality, Article 8(1).

²² European Network on Statelessness, *No child should be stateless*, 2015, available at: http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_NoChildStateless_final.pdf.

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to a lack of or gaps in the safeguards needed to prevent childhood statelessness, is there already a large stateless population in the country, is any data available on acquisition of nationality by stateless children, is the state a party to the 1961 Convention on the Reduction of Statelessness, etc.)

Sample of recommendations issued by the Committee

Latvia:

The Committee recommends that the State Party intensify its efforts to ensure all children's access to a nationality, including by reviewing the Citizenship Law to automatically grant citizenship to children born in Latvia who would otherwise be stateless, including children of parents with a "non-citizen" status or parents who are unable to transmit their citizenship to the child. The Committee further recommends that the State Party consider ratifying the 1997 European Convention on Nationality, signed on 30 May 2001, and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.²³

Kuwait:

In the light of its recommendation of 1998 (CRC/C/15/Add.96, para. 20) and those of other treaty bodies, the Committee urges the State Party to abide by its obligation to ensure that all children within the State Party's jurisdiction have the right to be registered at birth and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnicity, social origin or status. The Committee urges the State Party to take immediate action to:

- (a) Ensure gender equality in the 1959 Nationality Act in order for all children born to a Kuwaiti mother and non-Kuwaiti father to automatically acquire their mother's nationality;
- (b) Ensure that identity documents no longer permit the identification of children as being of unknown parentage; and
- (c) Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.²⁴

Thailand:

The Committee urges the State Party to further review and enact legislation in order to ensure that all children who are at risk of becoming stateless, including children belonging to the disadvantaged groups mentioned in paragraph 41 (i.e. especially children of indigenous and minority groups, and children of migrant workers, refugees and asylum-seekers) are provided with access to Thai nationality. The Committee recommends that the State Party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and its 1967 Optional Protocol, and the 1961 Convention on the Reduction of Statelessness.²⁵

Fiji:

The Committee recommends that the State Party take all the necessary measures to avoid a child found abandoned in Fiji being stateless. Furthermore, the Committee recommends that the State Party consider ratifying the Convention on the Reduction of Statelessness of 1961.²⁶

²³ CRC/C/LVA/CO/3-5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LVA/CO/3-5&Lang=En.

²⁴ CRC/C/KWT/CO/2, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/KWT/CO/2&Lang=En.

²⁵ CRC/C/THA/CO/3-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/THA/CO/3-4&Lang=En.

²⁶ CRC/C/FJI/CO/2-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/FJI/CO/2-4&Lang=En.

6) Are there **other legal gaps** affecting children's access to nationality?

Children born abroad

In some countries, children born abroad to nationals do not have access to nationality. One example of this relates to children with Canadian parents born outside Canada. Only in 2015 was a set of amendments to the Canadian Citizenship Act passed to allow children born abroad to Canadian parents to acquire citizenship.²⁷ Children born outside Canada to parents with Canadian citizenship who themselves were already born abroad remain excluded from the possibility to acquire their parents' citizenship.²⁸ This type of restriction whereby nationality cannot be transmitted beyond the first or second generation born abroad exists in several country's nationality laws. Elsewhere, for children born outside their parents' country of nationality, additional administrative steps must be taken for nationality to be acquired – and carrying out such steps in practice may be problematic. Finally, some countries place tighter restrictions on the transmission of nationality to any child born outside the country, or deny women the right to pass nationality to their children if born outside the country.

Sample of recommendations issued by the Committee

Haiti:

*The Committee further recommends that the State Party: Immediately provide children of Haitian descent who have been expelled from the Dominican Republic and their families with identity documentation.*²⁹

International adoption

In certain countries the law may fail to protect children from statelessness in the context of adoption. An example of this is Malaysia, where adopted children do not acquire Malaysian nationality following their adoption by Malaysian nationals, causing the prolongation of statelessness in some reported cases. International adoption can create particular challenges. When a child originally held the nationality of one country and is adopted by adoptive parents who hold another nationality, the nationality of the child will usually follow that of the adoptive parents, but there may be problems. If the country of the child's original nationality provides for automatic loss of nationality upon foreign adoption, while the country of nationality of the adoptive parents does not automatically or immediately allow for acquisition of nationality, statelessness can result. Problems can also arise if the adoption is later cancelled or reversed. Romania, for instance, allows for the loss of nationality by a child if his or her adoption is annulled, regardless of whether statelessness results from that loss.

Sample of recommendations issued by the Committee

Switzerland:

The Committee notes that the State Party's law prohibits surrogate motherhood and is aimed at discouraging surrogate motherhood arrangements made abroad. The Committee is nevertheless concerned about the uncertainty of the legal status of the child during the one-year period of assessment for possible adoption.

The Committee recommends that the State Party:

- (a) Accelerate the assessment procedure and ensure that the child is not stateless or discriminated against during the waiting period between his or her arrival in the State Party and formal adoption.*³⁰

²⁷ Canadian Citizenship Act 1985, Article 3(1)(b).

²⁸ Canadian Citizenship Act 1985, Article 3(3)(a).

²⁹ CRC/C/HTI/CO/2-3, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/HTI/CO/2-3&Lang=En.

³⁰ CRC/C/CHE/CO/2-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/CHE/CO/2-4&Lang=En.

International surrogacy arrangements

The law may also lack protection against statelessness in the context of surrogacy, i.e. where intending parents arrange for a child to be carried to term by a surrogate mother. There is a growing market for international commercial surrogacy, whereby commissioning parents make arrangements to use the services of a surrogate mother who resides in and is a national of another country. In countries where surrogacy is illegal or not recognised by the law, the parentage of either the commissioning parents and/or the surrogate mother may not be legally recognised and children born from such arrangements may be denied citizenship.

The case of *Mennesson v. France* which was brought before the European Court of Human Rights provides an example of how these problems can play out. It centred around the French authorities' refusal to grant French nationality to the children of its nationals who were born from an international surrogacy arrangement because, under French law, surrogacy is void and goes against public policy.³¹ In that case, the Court recognised the French authorities' interest in seeking to deter people from using prohibited commercial surrogacy arrangements. However, *"the effects of non-recognition in French law of the legal parent-child relationship between children thus conceived and the intended parents are not limited to the parents alone, who have chosen a particular method of assisted reproduction prohibited by the French authorities. They also affect the children themselves, whose right to respect for private life [...] is substantially affected. Accordingly, a serious question arises as to the compatibility of that situation with the child's best interests, respect for which must guide any decision in their regard"*.³²

The Committee on the Rights of the Child has yet to issue recommendations to States specifically addressing the nationality law implications of surrogacy arrangements (although see above for a related recommendation to Switzerland dealing with nationality in the context of adoption following a birth commissioned through surrogacy).

Loss and deprivation of nationality

In some countries, the law may allow for the deprivation or loss of nationality of children (including as a result of deprivation or loss of their parent's nationality). In Benin for example the loss of Beninese nationality by the father can be extended to his children.³³ If no other nationality is acquired this may lead to the statelessness of the children involved.

Sample of recommendations issued by the Committee

Ukraine:

The Committee expresses concern that a child's citizenship may be renounced by the State Party in the following circumstances, as referred to in paragraph 58 of the State Party report (CRC/C/UKR/3-4): (a) if the child, and at least one parent, leave for permanent residence abroad and at least one parent gives up Ukrainian citizenship; and (b) when a child has acquired Ukrainian citizenship at birth and, at the time of birth, at least one of his or her parents was a foreigner or stateless person, such citizenship may be renounced at the request of either parent, regardless of the child's place of residence.

*The Committee recommends that the State Party: (a) Amend legislation so as to guarantee by law and in practice the right of the child to a nationality and not to be deprived of it on any ground and regardless of the status of his/her parents; (b) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.*³⁴

³¹ European Court of Human Rights, *Mennesson v. France*, Application No. 65192/11, 26 June 2014. Available at: <http://acerwc.org/?wpdmdl=8606> (FR). Although the children involved in this specific situation were not left stateless – they acquired US citizenship based on their birth on the territory – children born out of surrogacy arrangements in other countries where nationality is not granted based on the place of birth may not be as lucky.

³² Ibid, para. 99.

³³ Benin Code de la nationalité dahoméenne, Act No. 65-17 of 23 June 1965. Also see CRC/C/BEN/CO/3-5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BEN/CO/3-5&Lang=En.

³⁴ CRC/C/UKR/CO/3-4

7) Is the State party to the most relevant treaties and has it removed any reservations that it made to these treaties?

The CRC is not the only treaty to address the right to nationality and the prevention of statelessness. For example, Article 24(3) of the International Covenant on Civil and Political Rights provides that “*Every child has the right to acquire a nationality*” and Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women reads:

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

For a full list of relevant provisions of UN human rights treaties and links to the text of treaties see **Section 8 of the Toolkit**.

It can be useful to refer to other relevant standards that the State has accepted and any relevant recommendations by other human rights bodies to support and reinforce the analysis and recommendations in submissions (**Section 8** also includes some examples of recommendations on the right to nationality by other UN human rights treaty bodies). Where the State is not a party to relevant treaties the submission may wish to mention this, as the Committee can recommend that the State ratify other relevant treaties. Similarly, if the State has made reservations to other treaties relating to the right to nationality it is useful to mention these both as an indication of problems in the national laws and attitudes to the right to nationality and so that the Committee can consider making a recommendation on withdrawal of the reservations. To find out if a State is party to relevant human rights treaties and whether it has made reservations (available in the ‘Declarations’ tab when you select a State from the list) check the [OHCHR Interactive Dashboard of Ratification](#).³⁵

In addition to human rights treaties, relevant standards are contained in the [1954 Convention relating to the Status of Stateless Persons](#)³⁶ and the [1961 Convention on the Reduction of Statelessness](#).³⁷ A list of States Parties to the [1954 Convention](#)³⁸ and the [1961 Convention](#)³⁹ are available from the UN Treaty Collection website and UNHCR has a [map of the States Parties to the two Statelessness Conventions](#).⁴⁰

If there is a stateless refugee population or a refugee population at risk of statelessness, it may also be relevant to refer to the [1951 Convention relating to the Status of Refugees](#).⁴¹ A list of States Parties to the [Convention](#)⁴² and the [1967 Protocol](#)⁴³ are available on the UN Treaty Collection website.

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., if the state has a reservation to CEDAW article 9, does it also have gender discrimination in its nationality law; or if it is not a party to the 1961 Convention on the Reduction of Statelessness, does it have adequate safeguards to protect stateless children born in the state’s territory from statelessness, etc.)

³⁵ Available at: <http://indicators.ohchr.org/>.

³⁶ Available at: <http://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>.

³⁷ Available at: <http://www.unhcr.org/protection/statelessness/3bbb286d8/convention-reduction-statelessness.html>.

³⁸ Available at: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&lang=en.

³⁹ Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&lang=en.

⁴⁰ Available at: <http://www.refworld.org/docid/54576a754.html>.

⁴¹ Available at: <http://www.refworld.org/docid/3be01b964.html>.

⁴² Available at: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&lang=en.

⁴³ Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-5&chapter=5&lang=en.

8) Is there universal birth registration which is free and accessible for all?

The majority of countries have not achieved universal birth registration. Minority, rural, migrant and refugee communities are likely to be disproportionately impacted. The decentralisation of birth registration responsibilities to local government can also have an impact, as this may result in different local authorities implementing the law differently. The lack of birth registration and documentation is not the same as statelessness, but it heightens the risk of statelessness, in particular in a context of forced displacement, irregular migration or where a population's belonging is challenged. Questions to be mindful of include:

- a. What role does birth registration and documentation play in the law and policy framework related to acquisition of nationality? I.e. is birth registration and documentation required in any situation for a child to acquire a nationality?
- b. Is a federal/national or local authority responsible for birth registration? Are there different practices depending on the region where the child is born or where the family tries to register the birth, and to what extent do local authorities have discretion in setting the rules and process for registration?
- c. Is the nationality of both parents mentioned on the birth certificate? Is the presumed nationality of the child mentioned? If yes, is this in all cases or just some (e.g. if born to a national)? What happens if nationality is unclear?
- d. What role does birth registration play in the country for the recognition of nationality in practice? I.e. are there any circumstances in which a child who should enjoy nationality under the law is not recognised as a national due to lack of birth registration?
- e. Is the country appropriately guaranteeing the right of every child to have his or her birth registered and certified?
- f. Are there challenges pertaining to access to birth registration in the State? In particular, are minority or indigenous groups, undocumented persons, (irregular) migrants, asylum seekers, refugees, stateless persons likely to find obstacles to birth registration, being ultimately unable to register the birth of a child? Are there barriers to registering the births of children born out of wedlock or children born out of hospitals? And are there discriminatory laws/codes which penalise having children out of wedlock, or limit the number of children per family, which can serve to discourage registration?
- g. Do inherent structures and attitudes that are gender discriminatory mean that girl children are less likely to have their births registered?
- h. Are there any structural barriers to achieve universal birth registration, and ensure it is free and accessible to everyone born in the territory, regardless of:
 - i. The parent's residence status?
 - ii. Whether the parents are foreign nationals?
 - iii. Whether the parents are, themselves, undocumented?
 - iv. Whether the parents are stateless?

It is important to note that the realisation of universal birth registration features in the Sustainable Development Goals. Goal 16.9 aims to “By 2030, provide legal identity for all, including birth registration”. This Goal cannot be achieved without the full implementation of CRC Article 7. Therefore, it is also important to monitor national action plans and their implementation in relation to this goal.

If there are questions around the practice of birth registration in the country concerned, it is likely to be important to draw this to the attention of the Committee through a submission. More information about birth registration principles and practices globally can be found, for instance, in the UNICEF reports [Birth](#)

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to there being challenges related to birth registration, is there a large stateless population in the country, is there a discriminatory legal framework, are there gaps in data etc.)

Sample of recommendations issued by the Committee

Indonesia:

*The Committee recommends that the State Party ensure that all children born in Indonesia are registered and issued birth certificates, regardless of their nationality, religion and status at birth, and that birth registration is facilitated and free of charge everywhere and under all circumstances.*⁴⁶

Myanmar

The Committee recommends that the State party (...)

*(b) Implement special measures for improving the birth registration system, greater access to registry services and sensitization and training for registry officials, with a view to ensuring that all children, including children born in remote areas, and displaced and stateless children, especially Rohingya children, are duly registered at birth and provided with birth certificates and identity cards.*⁴⁷

Zimbabwe:

In the light of the Committee's General comments no. 6 on the treatment of unaccompanied and separated children outside their country of origin and no. 7 on implementing child rights in early childhood, it recommends that the State Party:

*(a) Take measures to ensure that all children born in the State Party have the legal right to be registered at birth with a name regardless of their parents' citizenship status and/or country of origin, and have equal access to health care, protection, education and other social services.*⁴⁸

⁴⁴ Available at: <https://www.unicef-irc.org/publications/330/>.

⁴⁵ Available at: http://www.unicef.org/publications/files/Birth_Registration_11_Dec_13.pdf.

⁴⁶ CRC/C/IDN/CO/3-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC/C/IDN/CO/3-4&Lang=En.

⁴⁷ CRC/C/MMR/CO/3-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC/C/MMR/CO/3-4&Lang=En.

⁴⁸ CRC/C/ZWE/CO/2, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRC/C/ZWE/CO/2&Lang=En.

9) Is there access to justice and a right to a remedy?

Access to justice is a matter of significant importance, both in relation to remedying denials of the right to a nationality and other human rights violations faced by stateless children. In this regard, the full implementation of Article 12.2 of the CRC – one of the Guiding Principles of the Convention (See **Section 2** of the Toolkit) – is extremely important, which states that:

“The child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

Questions to be mindful of include:

- Do children who have been arbitrarily denied or deprived of a nationality, have access to legal recourse and a fair remedy?
- In such legal proceedings, are all procedural and substantive guarantees under international law in place? In particular, are the Guiding Principles of the CRC adhered to?
- Does this remedy include the retro-active granting of nationality?
- Does it include the provision of fair and adequate compensation?
- Do stateless children who are denied access to other human rights, also have access to legal recourse and a fair remedy, with all procedural and substantive guarantees in place?

If there are questions around access to justice and the right to a remedy in the country concerned, it may be important to draw this to the attention of the Committee through a submission.

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to there being challenges related to access to justice, is there a large stateless population in the country, is there a discriminatory legal framework, are there barriers related to the enjoyment of other human rights.)

Sample of recommendations issued by the Committee

Brunei Darussalam

In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the State party to:

- (a) Ensure the incorporation of that right into all laws, policies and programmes relating to children, particularly regarding education, healthcare, the family environment, alternative care and the administration of justice;*
- (b) Guarantee that children are actively consulted and involved in the formulation and implementation of policies and programmes affecting them, and pay particular attention to the active involvement of children in vulnerable situations, including children with disabilities, minority children and stateless children;*
- (c) Develop awareness-raising programmes, including campaigns and the training of professionals working with or for children, to promote the meaningful and empowered participation of all children in judicial proceedings, in the school, the community, the family and alternative care settings.⁴⁹*

Dominican Republic:

The Committee strongly urges the State Party to:

⁴⁹ CRC/C/BRN/CO/2-3, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BRN/CO/2-3&Lang=En.

*(a) Ensure the restoration of nationality to all individuals, including children, born before the Constitution of 2010 who are affected by the Constitutional Court's Ruling of 23 September 2013.*⁵⁰

Eritrea

The Committee urges that the State party to (...)

*(b) Immediately reinstate full citizenship of children and their families who follow unrecognized religious denominations and ensure their equal access to public services, including issuance of official identity cards.*⁵¹

Iraq

The Committee calls upon the State party to (...)

*(c) Accelerate the reinstatement process for the Faili Kurd population, and provide Faili Kurd children with identification.*⁵²

Bosnia and Herzegovina

The Committee recommends that the State party (...)

*(d) Consider the expeditious adoption of its pending law on the right to legal aid free of charge, aimed at providing free legal aid for those unable to afford it, including persons in need of international protection, stateless persons, victims of trafficking and unaccompanied minors.*⁵³

⁵⁰ CRC/C/DOM/CO/3-5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/DOM/CO/3-5&Lang=En.

⁵¹ CRC/C/ERI/CO/4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/ERI/CO/4&Lang=En.

⁵² CRC/C/IRQ/CO/2-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRQ/CO/2-4&Lang=En.

⁵³ CRC/C/BIH/CO/2-4, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BIH/CO/2-4&Lang=En.

10) Do stateless children in the country benefit from the protection and enjoyment of other human rights enshrined in the CRC?

While this toolkit focuses on the child's right to a nationality and the protection from statelessness, it is also important, to where relevant, draw the attention of the Committee to other human rights challenges faced by children who are stateless (as a consequence of them being denied their right to a nationality). Significantly, while under international law, statelessness should not result in denial of enjoyment of basic human rights, in reality, this is often the case. It is important to ascertain therefore, if access to any other rights under the CRC and services related to the enjoyment of such rights is being barred or limited either in law or practice, because of not holding the nationality of the State that is being reviewed? These include, but are not limited to:

- i. Non-discrimination and the best interests of the child: The guiding principles of non-discrimination (Article 2) and the best interests of the child (Article 3) are relevant both to the prevention of statelessness and the protection of stateless children. Furthermore, the child's right to not be discriminated against is likely to be undermined by statelessness, which can be the basis for further discrimination.
- j. The right to an identity: The Article 8 right to the preservation of the child's identity is undermined by the child being denied a nationality; nationality being a core element of the child's identity.
- k. The right to education: Article 28 which protects every child's right to an education is often violated through the denial of education to stateless children.
- l. The right to the highest attainable standard of health: Similarly, the Article 24 right to healthcare is often denied to stateless children.
- m. The right to family life: This is upheld by various provisions of the Convention (7, 9, 10, 16 and 18). Childhood statelessness can have an impact on the enjoyment of these rights, particularly in the context of migration, and the deportation of persons.
- n. Freedom of movement: The lack of documentation (including passports) and in extreme cases, travel restrictions imposed within countries, undermine the freedom of movement of stateless children.
- o. The right to an adequate standard of living: While this right is enshrined in Article 27, stateless persons are routinely denied the right to work, making it impossible for stateless parents to adequately provide for their children.
- p. Protection from economic exploitation: Article 32 obligates States to protect all children from economic exploitation and hazardous work. However, due to poverty (see above) and lack of documentation, stateless children often have no choice but to undertake such work.
- q. Child trafficking: While prohibited under Article 35, stateless children can be easy targets for traffickers due to lack of documentation, legal status and poverty.
- r. Freedom from torture and freedom from arbitrary deprivation of liberty: Articles 37 (a) and (b) respectively protect children from these two violations. However, stateless children in a migratory context, are more vulnerable to arbitrary and lengthy immigration detention, which can be in violation of these rights.

If there are questions around enjoyment of other human rights by stateless children in the country concerned, it may be important to draw this to the attention of the Committee through a submission.

It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., in addition to there being challenges related to enjoyment of other human rights, is there a large stateless

population in the country, is there a discriminatory legal framework, are there barriers in access to justice etc.)

Sample of recommendations issued by the Committee

Brunei Darussalam

In line with its general comment No.6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) Provide birth registration and access to basic rights, such as health and education, to all stateless children and their families on the State party's territory, irrespective of their legal status.⁵⁴

Kuwait

The Committee urges the State party to shift from its humanitarian approach to a child rights-based response to the situation of Bidoon children and to take immediate measures to ensure that all Bidoon children enjoy all their rights enshrined in the Convention without discrimination. The Committee urges the State party to report in detail about these measures and their outcome in its next periodic report.

The Committee is deeply concerned that a number of stateless, expatriate and migrant children resort to selling goods on the street in dangerous conditions. The Committee is also concerned that these children may be considered as subject to "perversity" in accordance with article 1 of the Juveniles Act and may therefore be prosecuted and placed in social homes.

The Committee urges the State party to:

- (a) Address the root causes of such issues as poverty, statelessness and discrimination, as well as school dropout;*
- (b) Strengthen the support and assistance for families with children working on the street and take concrete measures to enable them to have access to a decent source of income; and*
- (c) Set up programmes and reporting mechanisms that provide children in street situations with relevant information in order to prevent them from becoming victims of trafficking and economic and sexual exploitation and to assist and advise them.⁵⁵*

Zimbabwe

In the light of its general comments No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and No. 7 on implementing child rights in early childhood, the Committee recommends that the State party:

(a) Take measures to ensure that all children born in the State party have the legal right to be registered at birth with a name, regardless of their parents' citizenship status and/or country of origin, and that they have equal access to health care, protection, education and other social services.⁵⁶

⁵⁴ CRC/C/BRN/CO/2-3, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/BRN/CO/2-3&Lang=En.

⁵⁵ CCPR/C/KWT/CO/2, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KWT/CO/2&Lang=En.

⁵⁶ CRC/C/ZWE/CO/2, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/ZWE/CO/2&Lang=En.

6. Template for civil society submissions on the child's right to nationality

The following template serves as a suggested model to help civil society stakeholders draft thematic submissions on the Article 7 “right to acquire a nationality”. This template serves as a guide, and it is not necessary for organisations to strictly follow it, rather to draw inspiration from it and adapt it to suit their context. This template is intentionally comprehensive so as to be as useful a tool as possible. Civil society actors should not feel that their submissions are required to be as comprehensive, and are encouraged to tailor their submissions according to their context and purpose.

Points to be mindful of when drafting a submission

Certain aspects of drafting a submission for the CRC Committee require specific attention. The purpose, content, structure and format, and outcome are all important point to keep in mind when drafting a submission.

Purpose

What is the purpose of your submission? What situation/s do you want to highlight before the Committee? The **Checklist** (found in **Section 5**) is a useful tool to help determine this. Draft your submission in a way that highlights these issues.

Content

What content/information should you include in your submission? Be mindful of the Committee’s needs in preparing your submission – i.e., provide it with information and perspectives that it has not received from the State and other actors, so it is as well informed as possible. In particular:

- Refer to the State report and highlight any gaps, inaccuracies and counter-perspectives.
- Refer to previous relevant Concluding Observations and recommendations of the Committee as well as other human rights mechanisms, and comment on the State’s performance in this regard.
- Provide a balanced position based on reliable data, empirical research and your work in the field. Do not make unsubstantiated claims or engage in hate speech. These will undermine the credibility of your submission. Hence, where the State has performed well, it is important to record this.
- Draw the Committee’s attention to jurisprudence and relevant law and policy provisions. Quote the full provisions and if necessary, annex the relevant laws (or excerpts of them) to your submission.
- Include as many facts and statistical information and data in your submission as possible. Similarly, draw the Committee’s attention to the lack of statistical data.
- If it is possible to do so in a meaningful and protection-sensitive way, include the opinions and viewpoints of children.
- Strongly consider including case studies, testimonies and human stories to illustrate the issues being addressed by your submission.

Structure and format

Structure your submission in an easy to follow, and easy to refer to manner. Be mindful that the report will be referred to in a Committee setting, so numbering paragraphs will help Committee Members navigate it. Bearing in mind the purpose and intended outcome of your Submission, highlight key information in text

boxes and bold text. In particular, highlight your suggested issues for the List of Issues and your suggested recommendations at the end of each relevant section.

Be mindful of practical considerations related to format and content, such as the maximum word limit (20,000 words) etc. For more information in this regard, visit this page of the Child Rights Connect mini-site: <http://crcreporting.childrightsconnect.org/convention-on-the-rights-of-the-child-alternative-report/>.

Outcome

Ultimately, you want your submission to achieve the following:

- **Inform the Committee:** of the situation and provide a different perspective to that of the State report.
- **List of Issues:** draw the Committee's attention to information that is not available, so it may include questions related to this in the List of Issues to the State under review.
- **Concluding Observations:** Convince the Committee of the importance of addressing the issue in its Concluding Observations and provide the Committee with information and language that can inform this.
- **Recommendations on the content of children's right to acquire a nationality:** Convince the Committee of the importance of making relevant content recommendations and provide the Committee with information and language that can inform this.
- **Recommendations on measures of implementation:** Convince the Committee of the importance of making relevant recommendations on measures of implementation and provide the Committee with information and language that can inform this.

THE COMMITTEE ON THE RIGHTS OF THE CHILD

XX^{XX} Pre-Sessional Working Group (DATE)

COUNTRY

Civil society submission on the right of every child to acquire a nationality under Article 7 CRC

DATE

Introduction

1. This civil society submission by the **SUBMITTING ORGANISATION(S)**¹ highlights problems in the realisation of the right of every child to acquire a nationality and the avoidance of childhood statelessness in **COUNTRY**.
 - a. Enumerate any previous recommendations or Concluding Observation by [CRC](#),² [CEDAW](#),³ [CERD](#),⁴ [CAT](#)⁵ or any other treaty body, Universal Periodic Review, UN Special Rapporteurs or regional and/or sub regional human rights mechanism.
 - b. Highlight the importance of the eradication of statelessness as expressed by the UN High Commissioner for Refugees #IBelong campaign.⁶ If relevant, make reference to the Sustainable Development Goals (in particular, Goal 16.9).
 - c. Highlight any international (if applicable), regional and domestic calls of concern on the issue.

The **SUBMITTING ORGANISATION(S)** hope the Committee will:

- Goal 1 (i.e. *Address recommendations to the Government of **COUNTRY** to further prevent and reduce the problem of childhood statelessness in the country*)
 - Goal 2...
2. Description of sources and background material on which the content of the submission is based (for example, a consultation with affected children).
 3. Briefly set out the work of the submitting organisations (show their credentials – experience, expertise, track record etc., and why their submission should be taken seriously).
 4. Description on the content and thematic structure of the submission.

The report of COUNTRY to the Committee

5. In its combined [**ENUMERATE PERIODIC REPORTS**] reports to the Committee, the Government of **COUNTRY** [describe content of statements, commitments, and existing domestic measures, policies and procedures reported by the State].⁷

¹ **HYPERLINK TO ORGANISATION**

² Available at: <http://www.refworld.org/publisher/CRC.html>.

³ Available at: <http://www.refworld.org/publisher/CEDAW.html>.

⁴ Available at: <http://www.refworld.org/publisher/CERD.html>.

⁵ Available at: <http://www.refworld.org/publisher/CAT.html>.

⁶ The UNHCR #IBelong campaign aims to eradicate statelessness by the year 2024, see further: <http://www.unhcr.org/ibelong/>.

⁷ **ADD REFERENCE AND CITATION**

6. **UPDATE** on progress or developments, on the aforementioned, since the State report.
7. Highlight any **GAPS/INACCURACIES** in the State report, or any **COUNTER-PERSPECTIVES** you may have.
8. **Include suggestions for the List of Issues**

Statelessness in the COUNTRY

(The **Checklist** contained in **Section 5** will help identify statelessness issues in the country under review)

9. Brief summary of background of statelessness in the country. Referencing historical developments, legislative reform, and shifts in policies.
10. If available, provide data on stateless population in the country. Identify the different populations of concern that are either stateless or at risk of statelessness.
11. Describe the context and conditions that lead to childhood statelessness in the country.
12. If statelessness is not large in numbers or is not a result of historically rooted discrimination, but rather of technical issues in the interpretation or implementation of nationality laws and procedures, describe in detail what challenges or gaps exist.
13. Describe the consequences that statelessness, or lack of means to proof nationality, have on the enjoyment or full realisation of other rights under the CRC.
 - a. Describe if the provision of services or rights is subject (in law or practice) to holding a birth certificates and/or national identification documents.
 - b. Include a description of limitations or differentiated access to services, such as health and education (This might include access to specialised medical treatment, financial aid, subsidies or scholarships).
 - c. Note if the Committee has highlighted these restrictions (including citation and reference).
14. Describe the challenges that remain with regard to children being stateless or at a risk of becoming stateless due to gaps that persist in legislation or in the implementation of norms. If any law reform is being discussed which would create statelessness, describe the problems that would arise in the implementation of this new law.
15. If applicable, describe how the status of parents (stateless, refugee, irregular migrant etc.) impacts the access to nationality or the enjoyment of rights for their children, particularly the right to health and education.
16. Detail any international or domestic pressure calling the country to address statelessness, and demonstrate if there has been any progress or if on the contrary there has been no political will to address this issue.
17. Enumerate the relevant international conventions the State is a party to, and include any reservations the State has entered that are of relevance to the issue of children's right to a nationality. Including the [1954 and 1961 Statelessness Conventions](#)⁸, the [ICCPR](#)⁹ and the optional protocols, the [ICESCR](#)¹⁰, [CERD](#)¹¹,

⁸ Available at: <http://www.unhcr.org/pages/4a2535c3d.html>.

⁹ Available at: <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>.

¹⁰ Available at: <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx>.

¹¹ Available at: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx/>.

[CEDAW](#)¹², [CRPD](#)¹³, and [CAT](#).¹⁴ Highlight international and regional conventions relevant to statelessness to which the State is not a party to.

18. Include suggestions for the List of Issues

Positive developments

19. Describe any positive developments in the form of legislative reform or policy, and how it signifies progress and how, if at all, it has created an impact.

Enduring problems or possible issues that could arise and suggested questions for the State Party's review

20. Using the **Analytical Database** of the Concluding Observations of the Committee on the Rights of the Child which relate to children's right to a nationality to establish if the Committee has directly addressed any of these challenges including the appropriate reference and analysis, to demonstrate how the problem persists. Use the database to determine if the Committee has addressed a similar issue when reviewing another country, include this reference, and explain how the situation is comparable and the Committee's conclusions and recommendations applicable to the country under review.

21. Articles 2, 3, 6 and 12 of the CRC serve as **Guiding Principles** to assess if a country under review is complying with its obligations under different articles of the CRC.

- The State has a duty to respect and ensure the rights set forth in the Convention "*irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*" (Art. 2).
- In all government action the best interests of the child shall be a primary consideration (Art. 3).
- The State must ensure the child such protection and care as is necessary for his or her well-being (Art. 3).
- All institutions, services and facilities of the State responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision (Art. 3).
- The State must protect every child's right to life and ensure the survival and development of the child (Art. 6).
- The State should ensure the child's right to express his or her views freely, and these views must be given due weight. In particular, the child should "*be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child*" (Art. 12).

22. Based on the assessment carried out through the use of the **Checklist (Section 5)**, describe in detail, if any of the following issues highlighted in the checklist are relevant to the country under review (whenever possible, reference previous recommendations by the Committee).

23. Include suggestions for the List of Issues

Access to other human rights under CRC provisions in relation to children's right to acquire a nationality

¹² Available at: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>.

¹³ Available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>.

¹⁴ Available at: <http://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx>.

24. While focused on Article 7, the submission may also be an opportunity to raise questions and concerns regarding the enjoyment and protection of the rights of stateless children. The following is not a prescriptive nor exhaustive list of additional rights that may also be addressed through the submission:

- Non-discrimination (Article 2)
- Best interests of the child (Article 3)
- The right to an identity (Article 8)
- The right to education (Article 28)
- The right to the highest attainable standard of health (Article 24)
- The right to family life (Articles 7, 9, 10, 16 and 18)
- Freedom of movement (Article 10)
- The right to an adequate standard of living (Article 27)
- Protection from economic exploitation (Article 32)
- Child trafficking (Article 35)
- Freedom from torture, cruel, inhuman or degrading treatment or punishment (Article 37(a))
- Freedom from arbitrary deprivation of liberty (Article 37 (b))

25. **Include suggestions for the List of Issues**

Recommendations

26. Conclude your submission with proposed recommendations for the consideration of the Committee. There are two types of recommendation:

- a. Recommendations on General Measures of Implementation
- b. Recommendations on the content of Article 7 (or any other Article of the Convention your submission focuses on).

27. **General Measures of Implementation:** Support your submission by referencing any of the enumerated measures below, referenced by the Committee as “*General measure of implementation on the Convention on the Rights of the Child*” ([General Comment No. 5 \(2003\)](#)),¹⁵ which are not concerned to any specific right, but rather serve as a foundation for efforts to protect all the rights and principles as set forth in the Convention. States Parties to the CRC are required to develop these measures to fulfil the rights set out in the convention. Such measures have to do with “*making reality of the human rights of children*”.¹⁶ They are the “how” rather than the “what” in terms of States Parties’ obligations.

28. Mention if any of the following are relevant to the country under review, and how they could be useful to help overcome the challenges and issues detailed in the submission:

- Ensure that all children have access to nationality documentation and ensure that persons are not denied documentation on discriminatory grounds.
- Accede to relevant international treaties (the 1954 and 1961 Statelessness Conventions, 1951 Refugee Convention, CEDAW, CERD, CRPD and ICCPR) and remove reservations to relevant provisions of treaties that the State is party to.
- Collect and present data and statistics on stateless children, access to birth registration and documentation, implementation of the nationality law, etc.
- Grant nationality expeditiously to those who have been wrongfully denied nationality due to the discriminatory implementation of the law.

¹⁵ Available at: <http://www.refworld.org/docid/4538834f11.html>.

¹⁶ Ibid.

- Reform existing law and policy to remove discriminatory provisions, enhance safeguards against statelessness and address any gaps in national legislation that undermine the child's right to acquire a nationality under Article 7 CRC.
- Update civil records and registries to include everyone living in the country.
- Seek technical assistance for the implementation of birth registration and of nationality laws, from UN agencies including UNHCR and UNICEF.
- Conduct campaigns to encourage universal birth registration and applications for nationality documentation to end statelessness, including for children of refugees, foreigners, stateless persons and single mothers.
- Monitor vulnerable groups exposed to discrimination in accessing nationality for their children, in particular, single mothers, refugees, foreigners, stateless persons and ethnic minorities.
- Ensure widespread and non-discriminatory implementation of national law and of court decisions.
- Allocate resources to ensure the right of all children born on the territory to acquire a nationality is respected, promoted and fulfilled.
- Cooperate with civil society to ensure full effectiveness of State policy and practice.
- Enhance international cooperation in efforts to ensure every child's right to a nationality, including through supporting and cooperating with the UNHCR Campaign to End Statelessness and the Global Campaign for Equal Nationality Rights and including targets in its National Action Plan under the Sustainable Development Goals related to the achievement of universal birth registration and legal identity for all.

29. **Recommendations on the content of Article 7:** Based on the content of this submission, the following recommendations are made which we hope the Committee will consider in urging the Government of COUNTRY to ensure the right of every child to acquire a nationality and to solve statelessness:

30. You may wish to make recommendations on any of the focal areas of your submission. The following are **examples of possible recommendations**:

- I. Ensure that national laws, regulations and policies are in line with **COUNTRY** obligations under international law to ensure the right of every child to acquire a nationality, and to prevent childhood statelessness. In particular, guarantee the right to acquire a nationality for all otherwise stateless children born in **COUNTRY**, regardless of the parents' nationality or statelessness, or of their legal status.
- II. Amend legislation that creates barriers to accessing birth registration. In particular, the legal status of the parent should not determine whether a child's birth can be registered or not, nor should the imposition of a short time limit for birth registration. Furthermore, the birth registration of foundling children must be clarified and implemented.
- III. Implement information campaigns and other measures to disseminate information about legislative reform and how to access nationality under new frameworks.
- IV. Address the current gap in the law which allows particularly vulnerable children who are stateless or at risk of statelessness, to reach adulthood without having accessed **COUNTRY** nationality.
- V. Take further measures to reduce and ultimately eradicate cases of statelessness, particularly among children, including through retroactive implementation of safeguards to provide a nationality to stateless children born on the territory, and through ensuring that loss, deprivation or renunciation of the parent's nationality does not result in deprivation of the child's nationality.
- VI. Accede to the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and **OTHER RELEVANT TREATIES** (see Section 9 of the Toolkit), and remove reservations to relevant provisions.

7. Instructions for using the CRC Concluding Observations database on the child's right to a nationality

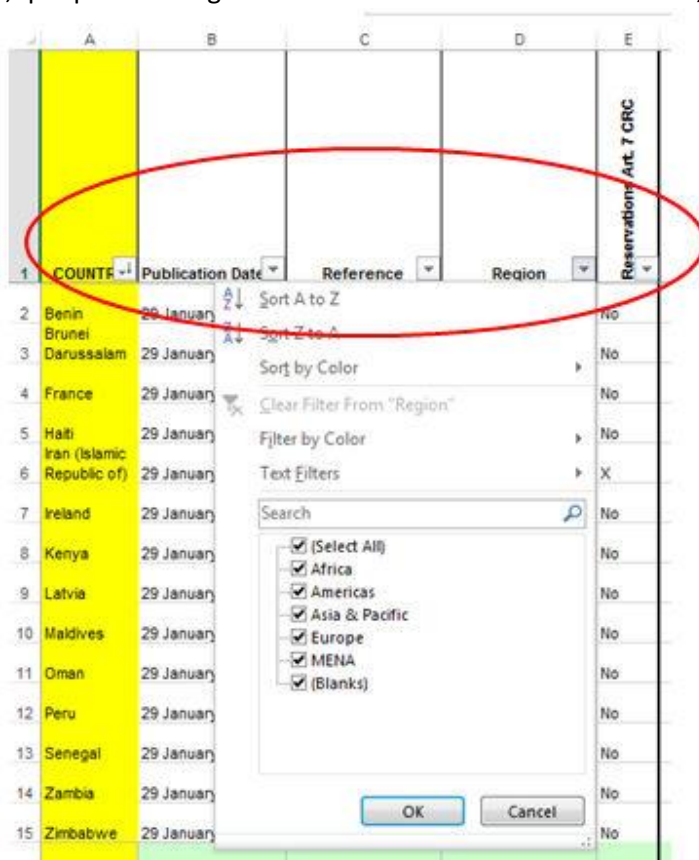
The Institute on Statelessness and Inclusion developed a comprehensive [Analytical Database](#)¹ of recommendations on the right to a nationality made by the Committee on the Rights of the Child (Committee) in its Concluding Observations.² With this database, a wide array of new insights into the interpretation of Article 7 CRC as recommendations has become easily accessible and can, among others, be filtered per country, region, year, and topic. This user guide explains the wide variety of features available in this database to look up the information you want and focuses on different sorts of queries that can be made by using various examples of data queries. Please note that these examples are only used to show different ways of retrieving information and aims to assist the user in finding patterns and combinations in the data available in this database.

The analytical database reproduces raw data deriving from CRC Concluding Observations, without any further interpretations made by the Institute. It contains information on the content of the recommendations made by the Committee regarding children's right to acquire a nationality and implementing measures that the Committee suggests on how a State can realise what has been recommended. Users of this database include, people working for national and international NGOs, academics, government policy workers, lawyers, statisticians and students who wish to know more about what the right to a nationality entails according to the Committee.

Elements of the database

In order to explore the different search functions this database offers, it is important to gain familiarity with the basic elements of the database and variables used.

For each recommendation, the database lists the States Parties that were subject to review by the Committee, the date on which the Committee adopted the Concluding Observation (publication date), the reference code and the region in which the State Party concerned is situated (see red circle in image to the right). It also shows whether a State Party to the CRC has made a reservation to Article 7 in which the child's right to acquire a



¹ Available at: <http://www.institutesi.org/ourwork/children.php>.

² Article 7 of the Convention on the Rights of the Child states that "1. The child 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 his or her parents. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless."

nationality is enshrined. As you can see, each of these columns have filters which allow you to narrow down your search query, for instance, to a specific country, region or CRC session. The blue arrow in the image on the right shows the options that appears when you click the filter in column 'region'.

This analytical database also provides statistical information on the total number of recommendations on birth registration and nationality issued to each State. Column F (Total number of recommendations on birth registration and nationality) is a sum of column G (recommendations on birth registration) and column H (recommendations on nationality). This database also shows how many of these recommendations directly relate to statelessness (column I).

Please note that the Committee's reports and recommendations are structured by theme or CRC provision. This means that several (sub) recommendations can be made under one theme. These are also counted as separate recommendations in the database.

	E	F	G	H	I
	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS
No		2	1	1	0
No		3	2	1	2
No		1	1	0	0
No		5	4	1	1
X		2	1	1	1
Nn		0	0	0	0

Having an overview of the States to which recommendations have been made, when these recommendations were made and how many were made, we can now move on to the content of recommendations. The Institute has identified ten topics to which the content of the Committee's recommendations on the right to a nationality relate. These topics can be found in the image below, depicting column J to S in the database.

F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination	Other discrimination	Children born in the territory	Children born abroad	Foundlings	Adoption	Birth registration	Remedy & Restoration	Loss/Deprivation	OTHER

T	U	V	W	X
Total # Implementation Measures related to realisation of the right to acquire a nationality and preventing statelessness	ACCESSION	DATA COLLECTION	RESERVATIONS	OTHER
0				
2	Art. 22*	Art. 22*		
1	Art. 7			
2	Art. 7*			Art. 7*
0				
0				

As mentioned before, recommendations do not only focus on the content of the right to acquire a nationality. The Committee also advises on specific measures and tools that States may use in order to ensure all children's right to a nationality. The database also indicates the number of general measures of implementation recommended to States (column T). The main implementing measures recommended to States are included in the analytical database in columns U-X (i.e. ratifying international treaties, data collection, and withdrawing reservations to Article 7 CRC). Other, rarely recommended, implementing measures have not been included in this database, but can be found in the Institute's [report](#)³ which analyses the work of the Committee regarding the realisation of the right to a nationality.

Coding

It will not come as a surprise that the Committee generally links its recommendations and general measures of implementation relating to children's right to acquire a nationality to Article 7 of the CRC. Nevertheless, recommendations and other suggestions are at times also linked to other relevant provisions in the CRC (e.g. the right to a nationality for refugee children or unaccompanied minors can also be linked to Article 22 CRC on the protection of refugee children). To point the user to which provision a recommendation (under a topic in columns J–S) or implementing measure (columns U–X) is linked, the CRC article number is used as a variable (see image below). A question mark is used when this information is unknown or unclear.

	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination	Other discrimination	Children born in the territory	Children born abroad	Foundlings	Adoption	Birth registration	Remedy & Restoration	Loss/Deprivation	OTHER	Total # Implementation Measures related to realisation of the right to acquire a nationality and preventing statelessness	ACCESSION	DATA COLLECTION	RESERVATIONS	OTHER
1																					
2	Africa	No	2	1	1	0								Art. 22*	Art. 7*	Art. 7	0	Art. 22*	Art. 22*		
3	Asia & Pacific	No	3	2	1	2											2	Art. 7			
4	Europe	No	1	1	0	0											1	Art. 7*			
5	Americas	No	5	4	1	1			Art. 7*								2	Art. 7*			Art. 7*

If an asterisk is added to the CRC provisions or symbol, it indicates that the issue of statelessness is explicitly raised in the recommendation concerned. If no asterisk is added to the CRC provision it means that statelessness is not explicitly raised in the recommendation, but the content of the recommendation links to the child's right to a nationality.

³ Available at: http://www.institutesi.org/CRC_nationality_paper.pdf.

With regard to reservations to the CRC made by States Parties (Column E), to indicate that a reservation has or has not been made, 'Yes' and 'No' are used as variables. Some States make broad reservations and it is unclear if Article 7 falls within their scope. For instance, Iran makes a reservation to *"the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration, upon its ratification."* In these cases, an X is inserted in the database under column E.

Implicated article(s) <i>Columns J-S and U-X</i>	The article to which the recommendation or implementing measure relates	Art.7 (e.g.)
	It is unclear which article the recommendation or implementing measure relates	?
CRC provisions and symbols	Explicit mention of statelessness	*
Reservations <i>Column E</i>	The State has made a reservation	'yes'
	The State has not made a reservation	'no'
	It is unclear whether the State has made a reservation	'x'

In addition to identifying under which theme and CRC Article the Committee issued a recommendation and/or implementing measures to a State, the database also provides the actual text of the recommendations. This text can be found in columns Y to AL of the Excel database, which replicate the categories under columns J-S. When clicking on the cell in the table under these columns, the text of the recommendation will appear in the textbox. See picture below.

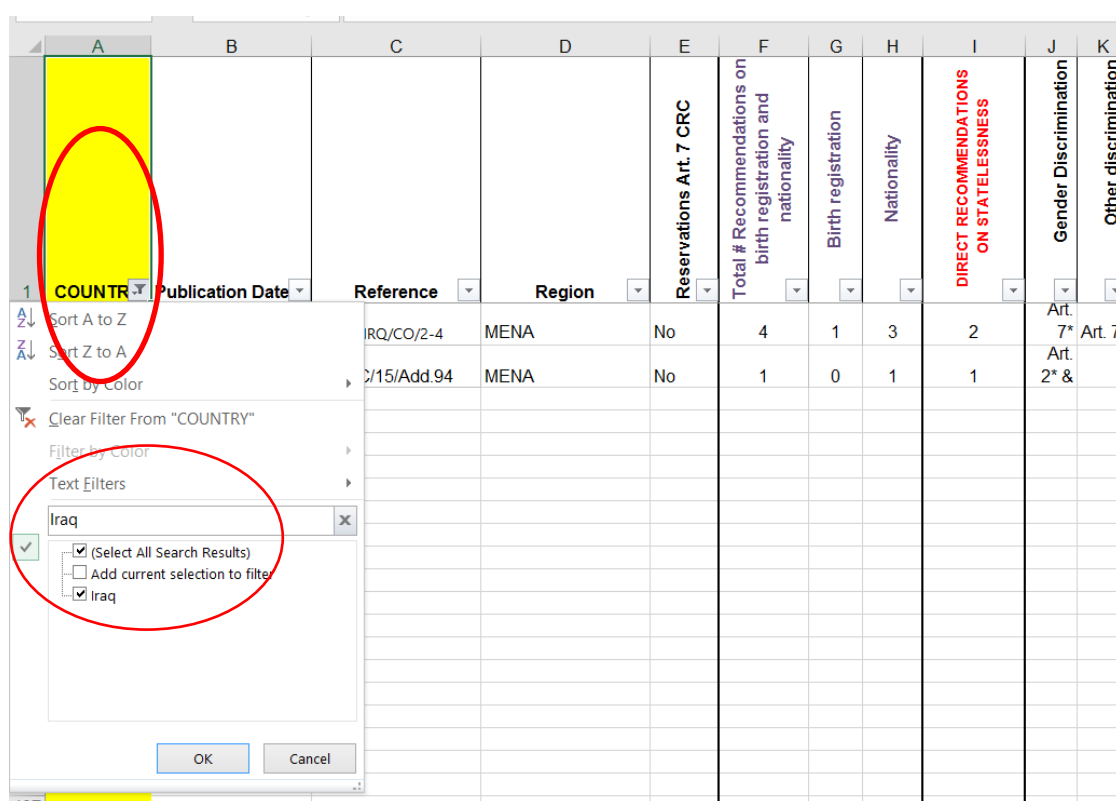
Exploring the database: Making queries

Having gone over the different elements that make up the database and the coding, we can now explore how to use the database and how to find and understand information tailored to your work. This will be done by using several examples which each serve a different purpose and explore different features of the database.

Example 1

A lawyer in Iraq works on the issue of gender discrimination and would like to have more information on previous recommendations issued to Iraq on this matter. He would also like to know which countries in the region received recommendations related to gender discrimination.

Step 1: Click on the filter in the column 'Country' and a search engine will appear with all countries included in the database in alphabetical order. Type 'Iraq' in the text filter or look up the country in the list of all countries available and click 'OK'. We now have all recommendations issued to Iraq.



A	B	C	D	E	F	G	H	I	J	K
COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination	Other discrimination
IRQ/CO/2-4			MENA	No	4	1	3	2	Art. 7*	Art. 7
C/15/Add.94			MENA	No	1	0	1	1	Art. 2*	& Art. 7

Step 2: To have an overview of the recommendations that relate to gender discrimination in Iraq, click on the filter in the thematic column titled 'Gender Discrimination'. The picture below shows that 3 options appear in the filter, namely recommendations related to gender discrimination linked to Articles 2 and 7 CRC, recommendations linked to Article 7 CRC, and 'Blanks'. Unselect 'Blanks' to filter out the blank cells which indicate that for the selected country, recommendations have been made under topics other than gender discrimination. You can read the text of the recommendations made under the indicated CRC Articles in column Y of the database.

Important: Remember, the asterisk added to the CRC provisions indicates that the issue of statelessness is explicitly raised in the recommendation concerned. If no asterisk is added behind the CRC provision it means that the content of the recommendations links to the child's right to a nationality without referring to statelessness.

In the image below you can also see that you can further narrow your search per topic. You can also look up which recommendations have been made under different CRC provisions.

The screenshot shows an Excel spreadsheet with the following columns: A (COUNTRY), B (Publication Date), C (Reference), D (Region), E (Reservations Art. 7 CRC), F (Total # Recommendations on birth registration and nationality), G (Birth registration), H (Nationality), I (DIRECT RECOMMENDATIONS ON STATELESSNESS), and J (Gender Discrimination). The 'COUNTRY' column is highlighted in yellow. A red circle is drawn around the 'COUNTRY' header and the first few rows of data. A red arrow points from the 'Gender Discrimination' column header to the 'Filter by Color' option in the 'Filter by Color' dialog box.

COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination
iraq	30 January 2015	CRC/C/IRQ/CO/2-4	MENA						
iraq	26 October 1998	CRC/C/15/Add.94	MENA						
iraq	xx	xx	MENA						

Tip: Some of your search queries may result into recommendations made under different CRC articles, with and without an asterisk, and you are only interested in recommendations which are linked to Article 7 CRC and directly refer to the issue of statelessness. The search filter under the topics allows you to only select recommendations made under Article 7*.

The screenshot shows the 'Filter' task pane in Excel. The 'COUNTRY' filter is highlighted with a red circle. A red arrow points to the 'Clear Filter from "COUNTRY"' option. The list of countries includes Iraq (checked), Kuwait, and others.

Step 3: The lawyer also indicated that he would like to find out if the Committee issued recommendations relating to gender discrimination to other States in the region. To retrieve this information, you should first

clear the previous query. Do this by clicking on the filter under column 'countries'. Then select 'clear filter from country' and click 'OK'. See picture below.

A	B	C	D	E	F	G	H
COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality
Iraq	30 January 2015	CRC/C/IRQ/CO/2-4	MENA	No	4	1	3
Morocco	19 September 2014	CRC/C/MAR/CO/3-4	MENA	No	1	0	1

Step 4: To find out if the Committee issued gender discrimination-related recommendations to other countries in the region, click on the filter in the column named 'Region' and select the region concerned- in this case MENA (Middle East and North Africa). Then, click on the filter under column 'Gender Discrimination' where you will find an overview of all provisions to which gender discrimination related recommendations are linked in the MENA region. Make sure you unselect 'Blanks' and click 'OK' to exclude countries in the MENA region which have not received relevant recommendations related to your query. You can find the text of the recommendations under Column Y.

A	B	C	D	E	F	G	H	I	J
COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination
Iraq	30 January 2015	CRC/C/IRQ/CO/2-4	MENA	No					
Morocco	19 September 2014	CRC/C/MAR/CO/3-4	MENA	No					
Jordan	13 June 2014	CRC/C/JOR/CO/4-5	MENA	No					
Yemen	31 January 2014	CRC/C/YEM/CO/4	MENA	No					
Kuwait	28 October 2013	CRC/C/KWT/CO/2	MENA	Yes					
Algeria	18 July 2012	CRC/C/DZA/CO/3-4	MENA	No					
Syrian Arab Republic	09 February 2012	CRC/C/SYR/CO/3-4	MENA	No					
Bahrain	03 August 2011	CRC/C/BHR/CO/2-3	MENA	No					
Egypt	15 July 2011	CRC/C/EGY/CO/3-4	MENA	No					
Tunisia	16 June 2010	CRC/C/TUN/CO/3	MENA	No					
Qatar	14 October 2009	CRC/C/QAT/CO/2	MENA	No					
Oman	02 November 2006	CRC/C/OMN/CO/2	MENA	No					

Example 2

The government of Switzerland is interested in changing the country's legislation regarding the right to a nationality for children and is interested in the interrelationship between birth registration and the right to a nationality. They are aware that the CRC has issued recommendations to them about this matter. To further explore this issue and to see how the government can take account of this, a civil servant is assigned to look into relevant CRC recommendations issued to them and other States Parties.

Step 1: All recommendations related to birth registration and the right to a nationality are gathered under column P. Click on the filter in this column and unselect the option 'Blanks' to exclude States Parties which have not been issued recommendations related to birth registration.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination	Other discrimination Children born in the territory	Children born abroad	Foundlings	Adoption	Birth registration	
1	Brunei Darussalam	29 January 2016	CRC/C/BRN/CO/2-3	Asia & Pacific	No	3	2	1								
5	Zimbabwe	29 January 2016	CRC/C/ZWE/CO/2	Africa	No	5	5	0								
9	Switzerland	30 January 2015	CRC/C/CHE/CO/2-4	Europe	No	4	1	3								
6	Indonesia	13 June 2014	CRC/C/IDN/CO/3-4	Asia & Pacific	No	1	1	0								
7	Guinea-Bissau	08 July 2013	CRC/C/GNB/CO/2-4	Africa	No	2	1	1								
1	Israel	14 June 2013	CRC/C/ISR/CO/2-4	Asia & Pacific	No	1	1	0								
9	Namibia	16 October 2012	CRC/C/NAM/CO/2-3	Africa	No	1	1	0								
5	Algeria	18 July 2012	CRC/C/DZA/CO/3-4	MENA	No	2	1	1								
8	Myanmar	13 March 2012	CRC/C/MMR/CO/3-4	Asia & Pacific	No	7	5	2								
17	Montenegro	21 October 2010	CRC/C/MNE/CO/1	Europe	No	3	3	0								
26	Japan	20 June 2010	CRC/C/JPN/CO/3	Asia & Pacific	No	1	1	0								
47	Niger	18 June 2009	CRC/C/NER/CO/2	Africa	No	3	2	1								
33	Serbia	20 June 2008	CRC/C/SRB/CO/1	Europe	No	3	3	0								
73	Kenya	21 June 2007	CRC/C/KEN/CO/2	Africa	No	5	4	1								

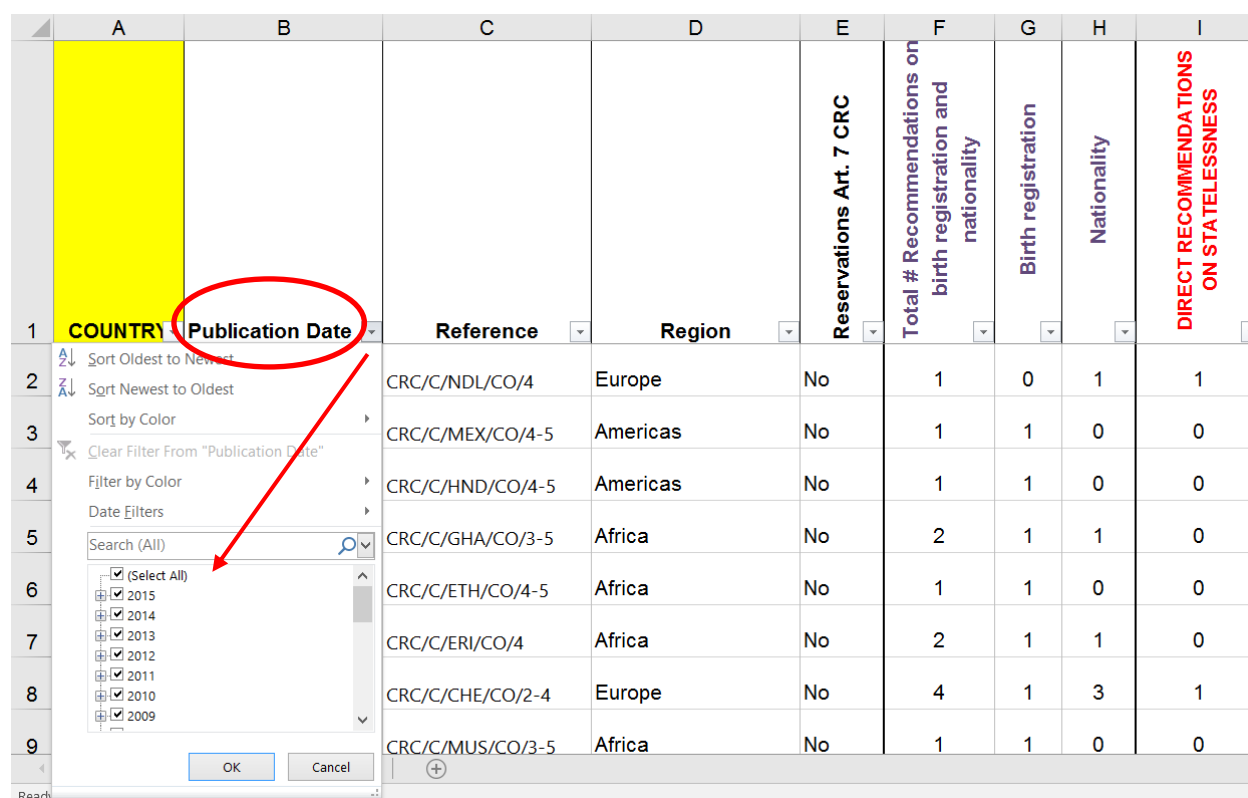
Step 2: Analyse patterns by having all recommendations in place, looking up the content of the recommendations, which countries within the region received recommendations related to this specific matter etc.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
	COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations	Birth registration	Nationality	Total # Implementation Measures	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination	Other discrimination Children born in the territory	Children born abroad	Foundlings	Adoption	Birth registration	
30	Montenegro	21 October 2010	CRC/C/MNE/CO/1	Europe		3	3	0	1	1							Art. 22 *
38	Serbia	20 June 2008	CRC/C/SRB/CO/1	Europe		3	3	0	1	1							Art. 32 *
58	Romania	18 March 2003	CRC/C/15/Add.199	Europe		2	1	1	3	1							Art. 7 *

Example 3

A student is researching for her master thesis and is interested in developments with regard to the content of CRC Recommendations relating to a child's right to acquire a nationality, from the constitution of the Committee to present day. She would therefore like to analyse and compare the texts of recommendations made in 1993, 2000, 2005, 2010 and 2015.

Step 1: Click on the filter in column 'Publication Date'. Here you can select the years in which recommendations were adopted by the CRC Committee. See picture below.



	A	B	C	D	E	F	G	H	I
	COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS
1									
2			CRC/C/NDL/CO/4	Europe	No	1	0	1	1
3			CRC/C/MEX/CO/4-5	Americas	No	1	1	0	0
4			CRC/C/HND/CO/4-5	Americas	No	1	1	0	0
5			CRC/C/GHA/CO/3-5	Africa	No	2	1	1	0
6			CRC/C/ETH/CO/4-5	Africa	No	1	1	0	0
7			CRC/C/ERI/CO/4	Africa	No	2	1	1	0
8			CRC/C/CHE/CO/2-4	Europe	No	4	1	3	1
9			CRC/C/MUS/CO/3-5	Africa	No	1	1	0	0

Step 2: In addition to selecting recommendations issued to States Parties in a specific year, it is also possible to analyse whether the content of recommendations under a specific topic has changed over the years by using filters featured in the thematic columns. This will make it easier to compare the content of recommendations per topic.

To find recommendations relating to specific topics in the time periods selected, click on the filter in the thematic column and unselect "(Blanks)" to exclude countries in the selected time period which have not been issued recommendations relating to a specific topic (see example 2, step 1, on how to do this).

Important: When you are done with analysing the content of recommendations under one topic and want to move on to another topic, do not forget to clear the filter options under the topic you currently selected to make sure you have a comprehensive overview of all recommendations made in that time period.

COUNTRY	Publication Date	Reference	Region	Reservations Art. 7 CRC	Total # Recommendations on birth registration and nationality	Birth registration	Nationality	DIRECT RECOMMENDATIONS ON STATELESSNESS	Gender Discrimination	Other discrimination	Children born in the territory	Children born abroad	Foundlings	Adoption	Birth registration
Switzerland	30 January 2015	CRC/C/CHE/CO/2-4	Europe	No	4	1	3								
Montenegro	21 October 2010	CRC/C/MNE/CO/1	Europe	No	3	3	0								
Japan	20 June 2010	CRC/C/JPN/CO/3	Asia & Pacific	No	1	1	0								
					71	47	24								

Exercise

Having seen different ways of using the database, try to use the database yourself by doing the following exercise:

A researcher on citizenship issues relating to children in Africa would like to know what issues have come up in the database in respect of countries in Africa. He then would like to focus on one particular issue that the countries have in common relating to the child's right to a nationality.

- Which steps would you undertake to retrieve this information from the database?
- What are your findings?

Tips:

- As shown in the earlier examples, select Africa as region under column D.
- Use the filters in row 1 to explore which topics regarding the right to acquire a nationality African States have in common. Again unselect 'blank' in the filter to exclude the African States which have not received recommendations in relation to a specific topic.

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.

Treaty Standards

1. International Human Rights Treaties

[International Convention on the Elimination of All Forms of Racial Discrimination](#),¹ 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](#),² 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](#),³ 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](#),⁴ 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](#),⁵ 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

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

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

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

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

⁵ 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,⁶ 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,⁷ 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,⁸ 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,⁹ 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.

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

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

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

⁹ 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](#),¹⁰ 1930 (Articles 13-17)**

3. Regional Standards

[African Charter on the Rights and Welfare of the Child](#),¹¹ 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](#),¹² 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](#),¹³ 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;

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

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

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

¹³ 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,¹⁴ 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,¹⁵ 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,¹⁶ 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,¹⁷ 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,¹⁸ 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,¹⁹ 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.

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

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

¹⁶ Available at: https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm.

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

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

¹⁹ 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-Citizens²⁰

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/10-11²¹

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/16-18²²

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/13-15²³

... 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 Committee²⁴

General Comment No. 17: The Rights of the Child²⁵

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/EST²⁶

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

²⁰ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en.

²¹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FCZE%2F10-11.

²² Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/ITA/CO/16-18&Lang=en.

²³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSUR%2FCO%2F13-15&Lang=en.

²⁴ Monitors the International Covenant on Civil and Political Rights.

²⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6623&Lang=en.

²⁶ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F77%2FEST&Lang=en.

State party is invited to reconsider its position as to the access to Estonian citizenship by persons who have taken the 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](#)²⁷

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](#)²⁸

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](#)²⁹

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](#)³⁰

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](#)³¹

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](#)³²

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

²⁷ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KWT/CO/2&Lang=en.

²⁸ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MNG/CO/5&Lang=en.

²⁹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/DJI/CO/1-2&Lang=en.

³⁰ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en.

³¹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/CHL/CO/5-6&Lang=en.

³² Available at: 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](#)³³

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](#)³⁴

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](#)³⁵

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](#)³⁶

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](#)³⁷

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](#)³⁸

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

³³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LTU/CO/5&Lang=en.

³⁴ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/CZE/CO/4-5&Lang=en.

³⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/EST/CO/5&Lang=en.

³⁶ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/CHL/CO/1&Lang=en.

³⁷ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/COL/CO/1&Lang=en.

³⁸ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CMW/COC/SYC/21647&Lang=en.

Universal Periodic Review

[Barbados](#)³⁹

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

[Dominican Republic](#)⁴⁰

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](#)⁴¹

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](#)⁴²

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](#)⁴³

... (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](#)⁴⁴

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](#)⁴⁵

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](#)⁴⁶

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

³⁹ 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.

⁴⁰ 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.

⁴¹ 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.

⁴² 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.

⁴³ Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/36/Add.1.

⁴⁴ Available at: http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-64_en.doc.

⁴⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7499&Lang=en.

⁴⁶ Available at: 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](#)⁴⁷

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](#)⁴⁸

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 Committee⁴⁹

General Comment No. 28: Equality of rights Between Men and Women⁵⁰

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](#)⁵¹

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](#)⁵²

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](#)⁵³

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](#)⁵⁴

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.

⁴⁷ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/OMN/CO/1&Lang=en.

⁴⁸ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/QAT/CO/13-16&Lang=en.

⁴⁹ Monitors the International Covenant on Civil and Political Rights.

⁵⁰ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.10&Lang=en.

⁵¹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KEN/CO/3&Lang=en.

⁵² Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMRT%2fCO%2f1&Lang=en.

⁵³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NPL/CO/2&Lang=en.

⁵⁴ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDG/CO/2&Lang=en.

Monaco [E/C.12/MCO/CO/1](#)⁵⁵

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](#)⁵⁶

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

⁵⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MCO/CO/1&Lang=en.

⁵⁶ Available via: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en/.

possession or acquisition of another nationality, and allow reacquisition of nationality for women left stateless owing 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 situations⁵⁷

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/1-2⁵⁸

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/1-3⁵⁹

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/1-2⁶⁰

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.

⁵⁷ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en.

⁵⁸ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BRN/CO/1-2&Lang=en.

⁵⁹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SLB/CO/1-3&Lang=en.

⁶⁰ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SWZ/CO/1-2&Lang=en.

Universal Periodic Review

[Japan](#)⁶¹

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](#)⁶²

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](#)⁶³

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](#)⁶⁴

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](#)⁶⁵

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

[Qatar](#)⁶⁶

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](#)⁶⁷

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](#)⁶⁸

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

⁶¹ 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.

⁶² 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.

⁶³ 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.

⁶⁴ 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.

⁶⁵ 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.

⁶⁶ 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.

⁶⁷ Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/50/Add.2.

⁶⁸ Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/50/Add.2.

Report of the Working Group on People of African Descent on its eleventh session Mission to Portugal [A/HRC/21/60/Add.1](#)⁶⁹

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](#)⁷⁰

113. The Government should pay particular attention to the situation of the Nivacle 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](#)⁷¹

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](#)⁷²

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](#)⁷³

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](#)⁷⁴

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.

⁶⁹ Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-60-Add1_en.pdf.

⁷⁰ Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-47-Add2_en.pdf.

⁷¹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6623&Lang=en.

⁷² Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/CO/84/THA&Lang=en.

⁷³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en.

⁷⁴ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en.

General recommendation No. 32: On the gender-related dimensions of refugee status, asylum, nationality and statelessness of women⁷⁵

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 women⁷⁶

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/CO4-5⁷⁷

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/1⁷⁸

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.

⁷⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/32&Lang=en.

⁷⁶ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en.

⁷⁷ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/BIH/CO/4-5&Lang=en.

⁷⁸ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/BLZ/CO/1&Lang=en.

Mexico [CMW/C/MEX/CO/2](#)⁷⁹

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

Egypt [CMW/C/EGY/CO/1](#)⁸⁰

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](#)⁸¹

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](#)⁸²

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](#)⁸³

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](#)⁸⁴

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](#)⁸⁵

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](#)⁸⁶

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)

⁷⁹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/MEX/CO/2&Lang=en.

⁸⁰ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/EGY/CO/1&Lang=en.

⁸¹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en.

⁸² Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/MEX/CO/1&Lang=en.

⁸³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/PRY/CO/1&Lang=en.

⁸⁴ 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.

⁸⁵ 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.

⁸⁶ 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.

Malaysia⁸⁷

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)

Republic of Korea⁸⁸

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](#)⁸⁹

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](#)⁹⁰

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](#)⁹¹

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](#)⁹²

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;

⁸⁷ 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.

⁸⁸ 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.

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

⁹⁰ Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/44/Add.1.

⁹¹ Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/48/Add.3.

⁹² Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/36/Add.1.

4. Deprivation and loss of nationality:

Committee on the Elimination of Racial Discrimination

General Recommendation No. 30: Discrimination Against Non-Citizens⁹³

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 descent⁹⁴

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/13-17⁹⁵

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/5⁹⁶

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 Republic⁹⁷

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)

Kuwait⁹⁸

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-Citizens⁹⁹

15. Take into consideration that in some cases denial of citizenship for long-term or permanent residents could result in

⁹³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en.

⁹⁴ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGC%2f34&Lang=en.

⁹⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/JOR/CO/13-17&Lang=en.

⁹⁶ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDOM%2fCO%2f5&Lang=en.

⁹⁷ 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.

⁹⁸ 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.

creating disadvantage for them in access to employment and social benefits, in violation of the Convention's anti-discrimination principles;

Canada [CERD/C/CAN/CO/18](#)¹⁰⁰

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](#)¹⁰¹

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](#)¹⁰²

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](#)¹⁰³

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](#)¹⁰⁴

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](#)¹⁰⁵

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

⁹⁹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en.

¹⁰⁰ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/18&Lang=en.

¹⁰¹ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GEO/CO/4-5&Lang=en.

¹⁰² Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en.

¹⁰³ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/KWT/CO/2&Lang=en.

¹⁰⁴ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/VNM/CO/2-4&Lang=en.

¹⁰⁵ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en.

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.

Kazakhstan [CEDAW/C/KAZ/CO/3-4](#)¹⁰⁶

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](#)¹⁰⁷

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](#)¹⁰⁸

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

Bahamas¹⁰⁹

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

Kuwait¹¹⁰

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)

Luxembourg¹¹¹

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)

¹⁰⁶ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KAZ/CO/3-4&Lang=en.

¹⁰⁷ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/AUS/CO/4-5&Lang=en.

¹⁰⁸ Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/CZE/CO/4-5&Lang=en.

¹⁰⁹ 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.

¹¹⁰ 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.

¹¹¹ 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.

Special Procedures of the Human Rights Council

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

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

...

(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;

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

9. Resources and further reading

This section presents a selection of further resources and reading materials relating to the child's right to a nationality and the protection of stateless children. Please note that this is not a comprehensive catalogue of all materials on this topic.

General information on children and statelessness

UN Human Rights Council Resolutions & Reports

- Resolution A/HRC/RES/20/4 'The Right to Nationality: women and children', July 2012, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/20/4
- Resolution, A/HRC/RES/10/13 'Human Rights and Arbitrary Deprivation of Nationality', March 2009, available at http://ap.ohchr.org/Documents/E/HRC/resolutions/A_HRC_RES_10_13.pdf
- Resolution A/HRC/RES/13/2 'Human Rights and Arbitrary Deprivation of Nationality', April 2010, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/127/96/PDF/G1012796.pdf?OpenElement>
- Resolution A/HRC/RES/20/5 'Human Rights and Arbitrary Deprivation of Nationality', July 2012, available at <http://ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/ResDecStat.aspx>
- Resolution A/HRC/RES/26/14 'Human Rights and Arbitrary Deprivation of Nationality', July 2014, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/14
- Resolution A/HRC/RES/19/9 'Birth registration and the Right of Everyone to Recognition Everywhere as a Person before the Law', April 2012, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/19/9
- Resolution A/HRC/RES/22/7 'Birth registration and the Right of Everyone to Recognition Everywhere as a Person before the Law', April 2013, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/7
- Resolution A/HRC/RES/28/13 'Birth registration and the Right of Everyone to Recognition Everywhere as a Person before the Law', April 2015, available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/28/13
- *Report of the Secretary-General on the Impact of the arbitrary deprivation of nationality on the enjoyment of the rights of children concerned, and existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless*, A/HRC/31/29, December 2015, available at <http://www.refworld.org/docid/56c42b514.html>
- *Report of the Secretary-General report on Human Rights and Arbitrary Deprivation of Nationality*, A/HRC/10/34, January 2009, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/105/62/PDF/G0910562.pdf?OpenElement>
- *Report of the Secretary-General report on Human Rights and Arbitrary Deprivation of Nationality*, A/HRC/13/34, December 2009, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/175/12/PDF/G0917512.pdf?OpenElement>
- *Report of the Secretary-General report on Human Rights and Arbitrary Deprivation of Nationality*, A/HRC/19/43, December 2012, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/174/43/PDF/G1117443.pdf?OpenElement>
- *Report of the Office of the High Commissioner for Human Rights on Birth registration and the right of everyone to recognition everywhere as a person before the law*, A/HRC/27/22, June 2014, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/053/91/PDF/G1405391.pdf?OpenElement>
- *Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in*

the context of migration, A/HRC/15/29, July 2010, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/151/41/PDF/G1015141.pdf?OpenElement>

- Report on discrimination against women on nationality-related matters, including the impact on children, A/HRC/23/23, March 2013, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/119/42/PDF/G1311942.pdf?OpenElement>
- Report of the Working Group on the issue of discrimination against women in law and in practice, A/HRC/23/50, April 2013, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/132/51/PDF/G1313251.pdf?OpenElement>
- Report of the independent expert on minority issues, Gay McDougall, A/HRC/7/23, February 2008, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/113/51/PDF/G0811351.pdf?OpenElement>
- Report of the Special Rapporteur on minority issues, Rita Izsák: Comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism, A/HRC/29/24, May 2015, available at http://imadr.org/wordpress/wp-content/uploads/2015/10/A_HRC_29_24_E_Comprehensive-study-of-the-human-rights-situation-of-Roma-worldwide-with-a-particular-focus-on-the-phenomenon.pdf

Other Standards, Developments and Initiatives

- International
 - International Law Commission, *Articles on Nationality of Natural Persons in Relation to the Succession of States (With Commentaries)*, April 1999, Supplement No. 10 (A/54/10), available at <http://www.refworld.org/docid/4512b6dd4.html>
 - UN Committee on Economic, Social and Cultural Rights, *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, July 2009, E/C.12/GC/20, available at <http://www.refworld.org/docid/4a60961f2.html>
 - UN Committee on the Elimination of All Forms of Discrimination against Women,
 - *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, 1 November 2013, CEDAW/C/GC/30, available at <http://www.refworld.org/docid/5268d2064.html>
 - *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, 5 November 2014, CEDAW/C/GC/32, available at <http://www.refworld.org/docid/54620fb54.html>
 - UN Committee on the Elimination of Racial Discrimination, *CERD General Recommendation XXX on Discrimination Against Non Citizens*, October 2002, available at <http://www.refworld.org/docid/45139e084.html>
 - UN Committee on the Rights of Persons with Disabilities, *General comment No. 1 Article 12: Equal recognition before the law*, April 2014, C/PD/C/GC/1, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/1&Lang=en
 - UN Human Rights Committee,
 - *CCPR General Comment No. 15: The Position of Aliens Under the Covenant*, April 1986, available at <http://www.refworld.org/docid/45139acfc.html>
 - *CCPR General Comment No. 17: Article 24 (Rights of the Child)*, April 1989, available at <http://www.refworld.org/docid/45139b464.html>
 - *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, November 1999, CCPR/C/21/Rev.1/Add.9, available at <http://www.refworld.org/docid/45139c394.html>
 - *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)*, March 2000, CCPR/C/21/Rev.1/Add.10, available at <http://www.refworld.org/docid/45139c9b4.html>
- Africa

- African Commission on Human and Peoples' Rights, *234: Resolution on the Right to Nationality*, April 2013, available at <http://www.refworld.org/docid/51adbcd24.html>
- African Committee of Experts on the Rights and Welfare of the Child, *General Comment No. 2 on children's right to a name and nationality under Article 6 of the African Charter*, April 2014, available at <http://www.refworld.org/docid/54db21734.html>
- Economic Community of West African States (ECOWAS), *Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness*, February 2015, available at <http://www.refworld.org/docid/54f588df4.html>
- Asia Pacific
 - Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific, *Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific*, November 2014, available at http://www.unescap.org/sites/default/files/Regional.Action.Framework.English.final_.pdf
- Europe
 - Parliamentary Assembly of the Council of Europe, *The Need to Eradicate Statelessness of Children*, Resolution 2099 and Report Doc 13985, adopted March 2016, available at <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=22496&lang=EN>
 - European Network on Statelessness Conference 'None of Europe's Children should be Stateless', *Action Statement: None of Europe's children should be stateless*, June 2015, available at <http://www.statelessness.eu/news-events/news/conference-action-statement-none-europes-children-should-be-stateless>
- Latin American and Caribbean
 - *Brazil Declaration and Plan of Action: A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean*, December 2014, available at <http://www.refworld.org/docid/5487065b4.html>

Jurisprudence

- African Committee of Experts on the Rights and Welfare of the Child, *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative (on behalf of Children of Nubian Descent in Kenya) v. the Government of Kenya*, Decision No 002/Com/002/2009, (The case dealt with the right to nationality of Nubian children in Kenya) March 2011, available at <http://www.refworld.org/docid/4f5f04492.html>
- Botswana High Court, *The Attorney General of the Republic of Botswana v. Unity Dow*, 1991 BLR 233 (HC), (The case dealt with the denial of citizenship to the children of a Botswanan mother and non-citizen father) June 1991, available at <http://www3.lawschool.cornell.edu/AvonResources/Attorney-General-v-Unity-Dow.pdf>
- European Court of Human Rights, *Genovese v. Malta* Application no. 53124/09, (The case dealt with the right to Maltese nationality of a child born out of wedlock to a Maltese father and British mother) October 2011, available at <http://www.refworld.org/docid/509ea0852.html>
- European Court of Human Rights, *Mennesson v. France*, Application no 65192/11, (The case dealt with the legal establishment of a parent-child relationship between children born as a result of surrogacy and the couples who had the surrogacy treatment) June 2014, available at <http://www.refworld.org/docid/53b678474.html>
- European Court of Human Rights, *Kuric and others v. Slovenia*, Application no. 26828/06, (The case dealt with discrimination against the so-called "erased" in determination of residency status) June 2012, available at <http://www.refworld.org/docid/4fe9c88c2.html>
- Inter-American Court of Human Rights, *Yean and Bosico v. Dominican Republic*, (The case concerned the deprivation of nationality from Dominicans of Haitian descent) September 2005, available at <http://www.refworld.org/docid/44e497d94.html>

UN High Commissioner for Refugees (UNHCR)

- Ibelong – Campaign to End Statelessness in Ten Years, website available at <http://www.unhcr.org/ibelong>
- *Background Note on Gender Equality, Nationality Laws and Statelessness 2016*, March 2016, available at <http://www.refworld.org/docid/56de83ca4.html>
- *Children and Statelessness: Information Package*, August 2013, available at <http://www.refworld.org/docid/52206b204.html>
- *Global Action Plan to End Statelessness: 2014-2024*, November 2014 available at <http://www.refworld.org/docid/545b47d64.html>
- *Good Practices Paper - Action 3: Removing Gender Discrimination from Nationality Laws*, March 2015, available at <http://www.refworld.org/docid/54f8377d4.html>
- *Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, December 2012, available at <http://www.refworld.org/docid/50d460c72.html>
- *Handbook on the Protection of Stateless Persons*, June 2014, available at <http://www.refworld.org/docid/53b676aa4.html>
- *I Am Here, I Belong: The Urgent Need to End Childhood Statelessness*, November 2015, available at <http://www.refworld.org/docid/563368b34.html>
- UNHCR Executive Committee, *Conclusion on civil registration*, October 2013, No.111(LXIV)-2013, available at <http://www.refworld.org/docid/525f8ba64.html>
- *Birth Registration: A Topic Proposed for an Executive Committee Conclusion on International Protection*, February 2010, available at <http://www.refworld.org/docid/4b97a3242.html>
- UNHCR Executive Committee, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, October 2006, No. 106 (LVII) - 2006, available at <http://www.refworld.org/docid/453497302.html>
- UNHCR Executive Committee, *Prevention and Reduction of Statelessness and the Protection of Stateless Persons*, October 1995, No. 78 (XLVI) - 1995, available at <http://www.refworld.org/docid/3ae68c443f.html>
- *UNHCR Executive Committee Conclusions related to Statelessness* (compilation of excerpts from Executive Committee Conclusions), July 2010, available at <http://www.refworld.org/docid/4c499c022.html>
- UNHCR and Plan International, *Under the Radar and Under Protected: The Urgent Need to Address Stateless Children's Rights*, June 2012, available at <http://www.refworld.org/docid/514acd3e2.html>

NGO Reports, Academic Writing and Other Resources

- Americas Network on Nationality and Statelessness, website <http://www.americasns.org>
- Equal Rights Trust, *My Children's Future: Ending Gender Discrimination in Nationality Law*, September 2015, available at <http://www.equalrightstrust.org/resources/my-childrens-future-ending-gender-discrimination-nationality-laws>
- European Network on Statelessness, website <http://www.statelessness.eu>
 - *No Child should be Stateless*, September 2015, available at <http://www.statelessness.eu/resources/no-child-should-be-stateless>
 - *Preventing Childhood Statelessness in Europe: Issues, Gaps and Good Practices*, April 2014, available at <http://www.statelessness.eu/resources/preventing-childhood-statelessness-europe-issues-gaps-and-good-practices>
- Global Campaign of Equal Nationality Rights, website <http://equalnationalityrights.org>
 - *Equal Nationality Laws Are Vital to Realizing Girls' Rights and Security*, available at <http://equalnationalityrights.org/news/61-equal-nationality-laws-are-vital-to-realizing-girls-rights-and-security?highlight=WYJnaXJscylsmdpcmxzJyIsImdpdpcmxzJy4iXQ>
- Institute on Statelessness and Inclusion, website <http://www.institutesi.org/>
 - *World's Stateless*, December 2014, available at <http://www.institutesi.org/worldsstateless.pdf>
 - *CRC Policy Paper: Realising the Right of Every Child to Acquire a Nationality*, September 2015, available at http://www.institutesi.org/CRC_nationality_paper.pdf
- S. Heap and C. Cody, 'The Universal Birth Registration Campaign' in *Forced Migration Review*, Issue 32, 2009, available at www.fmreview.org/sites/default/files/textOnlyContent/FMR/32/Heap & Cody.doc
- M. Lynch, 'Futures Denied: Statelessness among infants, children and youth', *Refugees International*, 2008, available at <http://www.refworld.org/docid/48fef8632.html>
- M. Lynch and M. Teff, 'Childhood statelessness' in *Forced Migration Review*, Issue 32, 2009, available at www.fmreview.org/sites/default/files/textOnlyContent/FMR/32/Lynch & Teff.doc

- M. Vink and R. de Groot, Birthright citizenship. Trends and regulations in Europe, EUDO-Citizenship comparative report, November 2010, available at http://eudo-citizenship.eu/docs/birthright_comparativepaper.pdf

Information on the Convention on the Rights of the Child and engaging with the Committee on the Rights of the Child

- Committee on the Rights of the Child, website <http://ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>
 - Information for Partners, <http://ohchr.org/EN/HRBodies/CRC/Pages/InfoPartners.aspx>
 - *Guidelines for the Participation of Partners (NGOs and Individual Experts) in the Pre-sessional Working Group of the Committee on the Rights of the Child*, available at http://ohchr.org/Documents/HRBodies/CRC/GuidelinesForPartners_en.pdf
- Institute on Statelessness and Inclusion
 - Submissions to the Committee on the Rights of the Child:
 - Full submission on **Estonia** (in collaboration with the European Network on Statelessness), October 2015, available at www.institutesi.org/CRC_Estonia_2015.pdf
 - Submission of additional information on **Iran**, December 2015, available at http://tbinternet.ohchr.org/Treaties/CRC/Shared_Documents/IRN/INT_CRC_NGO_IRN_22616_E.docx
 - Submission of additional information on **Nepal** (in collaboration with Forum for Women, Law and Development and Global Campaign for Equal Nationality Rights), April 2016, available at http://tbinternet.ohchr.org/Treaties/CRC/Shared_Documents/NPL/INT_CRC_NGO_NPL_23757_E.docx
 - Full submission on **Serbia** (in collaboration with Praxis Serbia and European Network on Statelessness), March 2016, available at http://www.institutesi.org/CRC_Serbia_2016.pdf
 - Full submission on **South Africa** (in collaboration with Lawyers for Human Rights), October 2015, available at www.institutesi.org/CRC_SouthAfrica_2015.pdf
 - Other resources on the CRC:
 - Analytical Database of the Concluding Observations of the Committee on the Rights of the Child which relate to children's right to a nationality, available at <http://www.institutesi.org/ourwork/children.php>
 - Policy Paper, *Realising the Right of every Child to a Nationality: An analysis of the work of the Committee on the Rights of the Child*, September 2015, available at http://www.institutesi.org/CRC_nationality_paper.pdf
 - Factsheet on the Content of Children's Right to a Nationality under the Convention on the Rights of the Child, September 2015, available at http://www.institutesi.org/CRC_nationality_factsheet.pdf
- Child Rights Connect (NGO supporting civil society engagement with the CRC), website: <http://www.childrightsconnect.org>
 - *Guide for NGOs on Reporting to the Committee*, 2014, available in English, French and Spanish at <http://www.childrightsconnect.org/publications-resources>
 - *Together with Children* (Guide on accompanying children during the CRC reporting process), 2011, available in English, French and Spanish at <http://www.childrightsconnect.org/publications-resources>
 - *Factsheet on Elections to the Committee on the Rights of the Child: Information for NGOs*, 2006, available in English, French and Spanish at <http://www.childrightsconnect.org/publications-resources>
 - *Factsheet on Days of General Discussion*, 2008, available in English, French and Spanish at <http://www.childrightsconnect.org/publications-resources>
 - *Factsheet on General Comments*, 2008, available in English, French and Spanish at <http://www.childrightsconnect.org/publications-resources>
- UN Children's Fund (UNICEF)
 - *Implementation Handbook for the Convention on the Rights of the Child*, September 2007, available at http://www.unicef.org/publications/index_43110.html

Information on engaging with other UN Human Rights Mechanisms

- Universal Periodic Review
 - OHCHR information on NGO engagement, available at <http://ohchr.org/EN/HRBodies/UPR/Pages/NgosNhris.aspx>
 - UPR-Info website <http://www.upr-info.org> and information on how NGOs can engage <http://www.upr-info.org/en/how-to/role-ngos>
 - UPR-Info database of UPR recommendations, available at <http://www.upr-info.org/database>
 - UNHCR, *Compilation of recommendations relating to statelessness made during the first cycle (1st - 12th sessions) of the Human Rights Council's Universal Periodic Review*, July 2013, available at <http://www.refworld.org/docid/51dfaf484.html>
 - UNHCR, *Compilation of recommendations relating to statelessness made during the Second Cycle (13th - 16th sessions) of the Human Rights Council's Universal Periodic Review*, July 2013, available at <http://www.refworld.org/docid/51dfb0ee4.html>
- International Covenant on Civil and Political Rights
 - Centre for Civil and Political Rights, *Guidelines for NGOs on Engaging with the UN Human Rights Committee State Reporting Process*, 2010, available at <http://ccprcentre.org/ccpr-ngo-guidelines>
- Convention on the Elimination of All Forms of Discrimination against Women
 - International Womens' Rights Action Watch – Asia Pacific, Information on engaging with CEDAW, available at <http://www.iwraw-ap.org/cedaw/using-cedaw/for-ngos>
- Universal Human Rights Index (searchable database, including all treaty body and special procedure recommendations), available at <http://uhri.ohchr.org>
- Calendar of upcoming Treaty Body reviews, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En

10. Glossary of Key Terms and List of Abbreviations & Acronyms

Glossary of Key Terms

Acquisition of nationality	Becoming a legal citizen of a State through any mode. This can be either be at/subsequent to birth or later in life. It can happen automatically or non-automatically.
Arbitrary Deprivation of Nationality	The involuntary loss of the status of a national of a country, in a manner which violates international norms, e.g. those relating to non-discrimination or due process.
Child	“Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” – Convention on the Rights of the Child, Article 1.
Childhood Statelessness	Situation in which a child is not considered as a national by any state under the operation of its law. Commonly the consequence of inability to acquire nationality at birth, but also following the loss or renunciation of nationality.
Citizen	See 'National'
Citizenship	See 'Nationality'
Civil society submission	Reports delivered by civil society actors (e.g. NGOs) to a Treaty Body as part of the UN reporting cycle. These provide the treaty body with information such as comments on the State Party report, additional issues that are not yet addressed, and how its recommendations are being implemented by the government concerned.
Committee on the Rights of the Child	Body of independent experts tasked with the assessment of the implementation of the content of the Convention on the Rights of the Child by States. The Committee also has the authority to give guidance and interpretation regarding the articles of the CRC in the form of General Comments (see below).
Concluding Observations	Treaty bodies' summary of the assesment of progress as well as deficits in the implementation of the content of a treaty in a particular country, as well as recommendations relating to improving the situation in relation to the rights protected under the relevant treaty.
Contracting Party	A country which has ratified a particular treaty, thereby consenting to be bound by the obligations specified therein.
Foundling	A child of unknown parentage who has been deserted or abandoned.
General Comment	Authoritative interpretations of individual human rights obligations issued by the relevant treaty body, thereby filling the rights with meaning and providing states with guidance on how to respect, protect and fulfil them.
General Principles	Basic legal rules of a relative general and abstract nature, including but not limited to such principles that are common across a large number of jurisdictions.

Implementing Measures	In relation to a Convention, implementing measures are general measures, including legislative, administrative, and other measures which States are expected to undertake in order to fully implement the rights set forth by the Convention.
Irregular Migrant	See 'undocumented migrant'
List of Issues	A list adopted by a Treaty Body concerning questions on selected issues, as well as a request for updates on new laws, institutions, policies, programmes, ratifications of human rights treaties and disaggregated data and statistics, that is sent to a country right after its corresponding pre-session.
Loss or Deprivation of Nationality	Involuntary loss of the status as national of a country. This can be automatic (loss) or non-automatic (deprivation).
National	An individual who holds the nationality of a State. This is used synonymously with 'citizen' within this Toolkit, although there may be variations under domestic law.
Nationality	The legal bond between an individual and a State that entails belonging and specific legal responsibilities and rights. This is used synonymously with 'citizenship' in this Toolkit, although there may exist significant differences under domestic law.
Recommendations	Suggestions made by a treaty body as part of the Concluding Observations (see above) about what States can do in light of the fulfilment of their obligations under a specific treaty.
Refugee	"A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" – 1951 Convention relating to the Status of Refugees, Article 1
Renunciation of Nationality	The voluntary loss of the status as national of a country, often as part of efforts to acquire another nationality.
Reporting Cycle	The process through which the progress that States make in fulfilling their obligations under a treaty is monitored by the relevant treaty body. Each cycle includes certain steps, such as the contribution of State reports (see State Party report below), additional information provided by civil society actors, discussion of the reports during Session (see below), all culminating in the adoption of Concluding Observations (see above).
Session	Discussion of the State Party report (see below) and additional civil society provided information by the relevant treaty body and the State concerned as part of the reporting cycle.
Special Procedures	Independent human rights experts who are mandated to report and advise on human rights on the basis of either a thematic or a country-specific focus.
State Party	See 'Contracting Party'.
State Party Report	A report containing State provided information with regard to the rights contained in the relevant treaty. To be submitted once every five years.
Stateless person	"A person who is not considered as a national by any State under the operation of its law" - 1954 Convention relating to the Status of Stateless Persons, Article 1.

Treaty Bodies	Committees of independent experts that are tasked with the monitoring of the core international human rights treaties. Other functions of the Committees include the adoption of general comments (see above).
Undocumented migrant	A person without a residence permit authorising him/her to regularly stay in the country of destination. Such a migrant may have been unsuccessful in an asylum procedure, have overstayed their visa or have entered irregularly.
Universal Periodic Review (UPR)	The periodic review of the human rights records of all UN Member States, focusing on past actions. The UPR aims to create an image of the current situation and provide recommendations regarding steps to improve the human rights situation in a country.

Abbreviations & Acronyms

1954 Convention	Convention Relating to the Status of Stateless Persons
1961 Convention	Convention on the Reduction of Statelessness
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRC or the Committee	Committee on the Rights of the Child
CRMW	International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
ECOWAS	Economic Community of West African States
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
MENA	Middle East and North Africa
NGOs	Non-Governmental Organisations
NHRIs	National Human Rights Institutions (and Commissions)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPIC	Third Optional Protocol on a communications procedure
The Institute or ISI	Institute on Statelessness and Inclusion
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review

