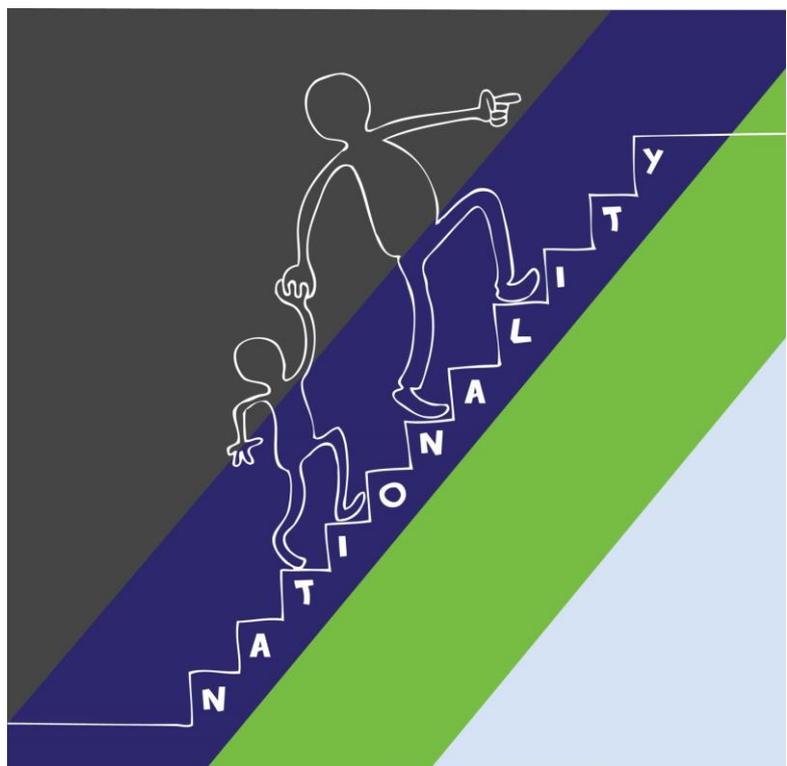


Addressing the Right to a Nationality through the Convention on the Rights of the Child

A Toolkit for Civil Society

Section 5: Checklist for identifying issues relating to the child's right to a nationality



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 World's 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.institutesi.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.

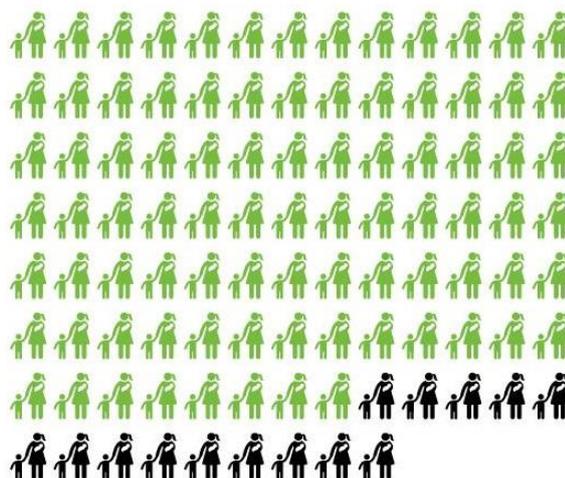
It is also important to assess how this situation relates to the other 9 points in the Checklist. (e.g., if the state has a discriminatory nationality framework, does it also have a large stateless population; does it have adequate safeguards to protect stateless children born in the state's territory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

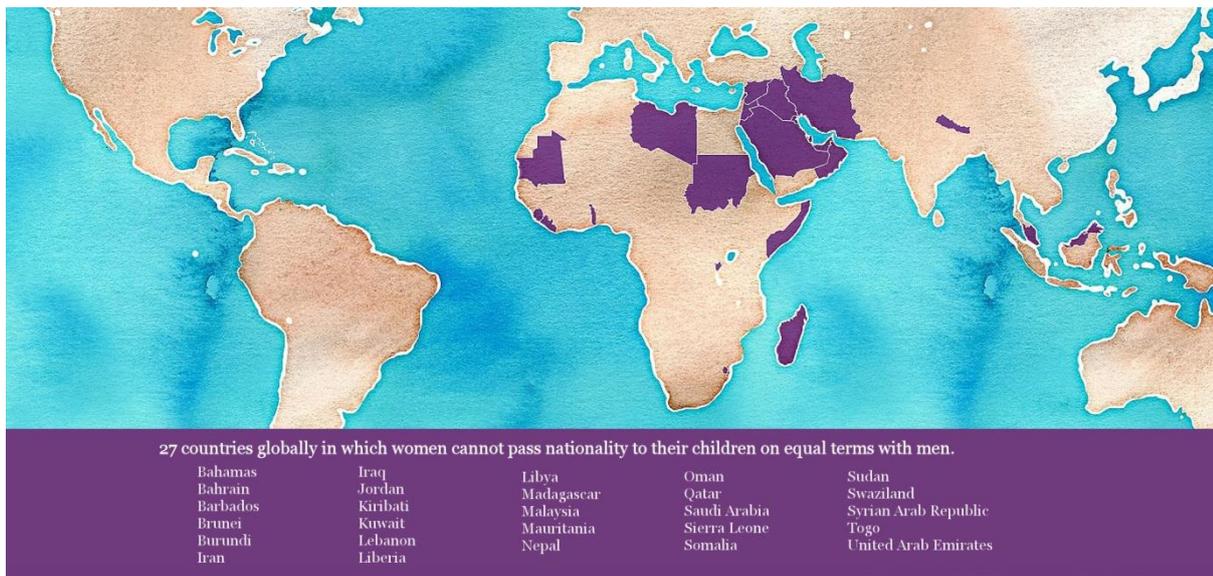
Today, the majority of states recognise the importance of recognising women's equal rights with men to transmit their nationality to their children – not only as a women's issue, but in order to protect children and families from the detrimental consequences of the old system. The adoption of the Convention 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](#)

[Registration – Right from the Start](#)⁴⁴ and [Every Child’s Birth Right: Inequities and Trends in Birth Registration](#).⁴⁵

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:

- 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;*
- 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;*
- 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.