

## **Analysis of the Committee’s recommendations on the right to a nationality, statelessness and birth registration**

The 80th session of the Committee on the Rights of the Child (the Committee) took place from 14 January to 1 February 2019. The Committee issued concluding observations to **Bahrain, Belgium, Guinea, Italy, Japan and the Syrian Arab Republic**.

The Institute on Statelessness and Inclusion (ISI), in collaboration with partner organisations, made country submissions and provided the Committee with additional information on [Bahrain](#) and the [Syrian Arab Republic](#). These submissions highlighted issues relating to every child’s right to a nationality and birth registration, and the related risk of statelessness.

This report provides an overview and analysis of the recommendations on nationality, birth registration and statelessness that were made by the Committee during the 80th session. It also points out some important issues that the Committee did not address. The Concluding Observations can be accessed via the [OHCHR website](#).

In total 28 recommendations were made. Ten recommendations were made on birth registration, while four were made on ratification of international instruments and the reduction of (childhood) statelessness respectively.

Bahrain received seven recommendations, Guinea and the Syrian Arab Republic received six. Italy and Japan received five and four recommendations respectively. Only Belgium did not receive any relevant recommendations, but the Committee welcomed its accession to the 1961 Convention in 2014.

Below is an analysis of recommendations by country.



**10 recommendations on birth registration**

**4 recommendations on ratifying the Statelessness Conventions and other relevant treaties**

**4 recommendations to reduce (child) statelessness**

## Bahrain (seven recommendations)

| <ul style="list-style-type: none"> <li>• One recommendation to amend the nationality law</li> <li>• One recommendation on discrimination</li> <li>• One recommendation on gender discrimination</li> <li>• One recommendation on data collection</li> <li>• One recommendation on child statelessness</li> <li>• One recommendation on acceding to the UN Statelessness Conventions</li> </ul> |   |  |
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| Issue  | What the Committee said   | What the Committee didn't say  |
| Law reform   | Expediently pass into law the Correctional Justice Bill, the amendment to the nationality law and other measures aimed at harmonising Bahrainian Law with the Convention of the Rights of the Child.  |  |
| Discrimination   | Conduct comprehensive public education and awareness-raising programmes, including campaigns, to combat and prevent discrimination against girls, children with disabilities, Baharna and Ajam children and children born to foreign or stateless fathers.                      |  |
| Gender discrimination  | Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:   | Deprivation of nationality that results in statelessness must be prohibited, especially when this results in children being denied their right to a nationality. |
| Data collection  | (a) Expediently amend its Citizenship Act to ensure the right to a nationality for all children of Bahraini women married to non-Bahraini men, to establish safeguards to prevent children from being stateless and to ensure that citizenship of such children is not revoked; |  |
| Childhood statelessness  | (b) Collect data on stateless children, disaggregated by, inter alia, sex, age, national and ethnic origin, and minority or socioeconomic status, and provide information on this issue in its next report;   |  |
| The statelessness conventions  | (c) Guarantee the right to acquire Bahraini citizenship for all children currently residing in the State party who would otherwise be stateless, regardless of their own, or their parents', legal status;  |  |
| Technical assistance   | (d) Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;   |  |
|  | (e) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF) among others, for the implementation of these recommendations.   |  |
| Deprivation of nationality as a counter-terrorism measure  |   | Amend the Citizenship Law and the 2006 Law on Protecting Society from Terrorism Acts to prevent arbitrary deprivation of nationality and to                      |

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|  |  | ensure redress and right of appeal for those who are deprived of their nationality. |
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### Belgium (zero recommendations)

| <ul style="list-style-type: none"> <li>• <i>One commendation on accession to the 1961 Convention</i></li> </ul> |  |  |
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| Issue   | What the Committee said  |  |
| Ratification<br>Statelessness<br>Conventions  | The Committee welcomes the progress achieved by the State party in various areas, including the ratification of [...] the Convention on the Reduction of Statelessness (2014). |  |

### Guinea (six recommendations)

| <ul style="list-style-type: none"> <li>• <i>One commendation on accession to the 1961 Convention</i></li> <li>• <i>Six recommendations on birth registration</i></li> </ul> |   |  |
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| Issue   | What the Committee said   |  |
| Birth<br>registration   | <p>Taking note of target 16.9 of the Sustainable Development Goals, the Committee urges the State party to:</p> <p>(a) Strengthen measures to promote mandatory, universal and timely birth registration, free of charge, and intensify its efforts to raise awareness among the population, including parents, health professionals and teachers, of the importance of birth registration and on the birth registration procedures, taking into account the high level of illiteracy in the State party;</p> <p>(b) Continue efforts to decentralize birth registration as far as possible to benefit rural and marginalized populations, including by establishing mobile birth registration teams and by integrating registration units into health facilities;</p> <p>(c) Eliminate any fees and costs associated with registration;</p> <p>(d) Ensure that all children receive a birth certificate without delay and adopt effective measures to combat the prevalence of counterfeit birth certificates;</p> <p>(e) Improve the data-collection, transmission system and archives used for birth registration and seek technical assistance from UNICEF, among others;</p> <p>(f) Allocate sufficient human, technical and financial resources to the civil registration system, in particular to bodies and mechanisms at the local level and to the National Directorate for Civil Status Matters.</p> |  |
| Accession<br>1961<br>Convention   | The Committee welcomes the adoption of Law No. L/2018/050/AN on Asylum and the Protection of Refugees in the Republic of Guinea on 3 September 2018 and the accession of the State party to the 1961 Convention on the Reduction of Statelessness on 17 July 2014.  |  |

### Italy (five recommendations)

| <ul style="list-style-type: none"> <li>• <i>Two recommendations to reduce (childhood) statelessness</i></li> <li>• <i>One recommendation on statelessness determination procedures</i></li> <li>• <i>One recommendation on discrimination</i></li> <li>• <i>One recommendation on acceding to relevant international instruments</i></li> </ul> |  |  |
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| Issue   | What the Committee said  | What the Committee didn't say  |
| <p>Reduce statelessness</p> <p>Statelessness determination procedure</p> <p>Discrimination</p> <p>International instruments</p>   | <p>In view of target 16.9 of the Sustainable Development Goals and with reference to its previous recommendations (CRC/C/ITA/CO/3-4, para. 29), the Committee recommends that the State party:</p> <p>(a) Adopt measures to prevent statelessness and ensure the effective implementation of the law regulating the acquisition of Italian citizenship at birth to otherwise stateless children;</p> <p>(b) Adopt legislation to improve statelessness determination procedures in line with international standards;</p> <p>(c) Resume the meetings of the working group on the legal status of Roma, Sinti and Caminanti and take measures to improve the situation of undocumented or stateless children belonging to these communities;</p> <p>(d) Consider ratifying the 1997 European Convention on Nationality.</p> | <p>The Committee made one reference to detention of immigrants, but made no recommendations in this regard. There are gaps in safeguards against the arbitrary detention of stateless people, including no requirement for a country of removal to be identified prior to detention and no formal mechanism to refer detainees to a procedure to determine statelessness. Italy also does not routinely publish data on its detention practices.</p> |
| Reduce statelessness  | <p>With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to:</p> <p>(c) Strengthen measures to reduce statelessness of migrant children;</p>   |  |

### Japan (four recommendations)

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| <ul style="list-style-type: none"> <li>• <i>One recommendation to reduce (childhood) statelessness</i></li> <li>• <i>One recommendation on birth registration</i></li> <li>• <i>One recommendation on statelessness determination procedures</i></li> <li>• <i>One recommendation on acceding to the UN Statelessness Conventions</i></li> </ul> |
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| Issue  | What the Committee said  | What the Committee didn't say   |
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| Prevent statelessness<br>Birth registration<br>Statelessness determination procedure<br>Ratification statelessness conventions | <p>Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:</p> <p>(a) Consider expanding the scope of article 2(3) of the Nationality Act to automatically grant nationality at birth also to children who cannot acquire the nationality of their parents, and review other nationality and citizenship laws to ensure that all children living in the State party are duly registered, including children of irregular migrants, and protected from de jure statelessness;</p> <p>(b) Take necessary and proactive measures to ensure that all unregistered children, such as asylum-seeking children, receive education, health and other social services;</p> <p>(c) Develop a procedure to determine statelessness in order to properly identify and protect stateless children;</p> <p>(d) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.</p> | <p>The Committee did not make recommendations on relevant statistics and data</p> |

**Syrian Arab Republic (six recommendations)**

| <ul style="list-style-type: none"> <li>• <i>Two recommendations on gender discrimination</i></li> <li>• <i>Three recommendations on birth registration</i></li> <li>• <i>One recommendation on acceding to the UN Statelessness Conventions</i></li> </ul> |  |  |
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| Issue  | What the Committee said  | What the Committee didn't say                      |
| Gender discrimination  | <p>The Committee remains concerned about discriminatory provisions in the Penal Code, the Personal Status Law and the Nationality Law that negatively impact children, such as in accessing nationality, inheritance, parental recognition or age of custody. In the light of the armed conflict it is also concerned about discrimination against children based on where they live, particularly regarding access to education, health services and safe water. The Committee urges the State party to:</p> <p>(a) Repeal all the legal provisions that discriminate against girls such as unequal inheritance rights, and provisions not allowing children to receive their mother's nationality, not letting children born to unmarried parents to have their father's name registered in civil records, and establishing different age of custody for girls and boys;</p> |  |
|  | <p>Taking note of target 16.9 of the Sustainable Development Goals and recalling its previous recommendations (CRC/C/SYR/CO/3-4, paras. 4 and 44), the Committee urges the State party to:</p>   | <p>The Committee did not recommend that Syria:</p> |

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| Birth registration                               | (a) Strengthen its efforts to re-establish civil affairs services throughout the territory, take into account the difficulties faced by families currently or previously living in areas controlled by non-State actors in accessing official documentation, and consider recognizing locally-issued documents by mukhtars or sheikhs to facilitate the issuance of birth certificates; | <ul style="list-style-type: none"> <li>- Take all necessary steps to respect, protect and fulfil every child’s right to acquire a nationality under Article 7 CRC. In particular, implement comprehensive safeguards to protect all children born in Syria from statelessness; Urgently facilitate access to nationality for all Ajanib Kurds by removing prohibitive obstacles and negative consequences, and allowing the nationality process to be conducted from embassies abroad; or Open the naturalisation procedure to the Maktoum Kurds and their children, to ensure their right to a nationality, and to ensure that all children born in non-government controlled areas are recognised as Syrian citizens, thereby protecting their right to acquire a nationality.</li> </ul> |
| Birth registration                               | (b) Consider waving fees for late birth registration, in particular to displaced families and those living in areas newly under State control; and consider adopting temporary measures, such as mobile teams to assist families in hard-to-reach areas, to promote and facilitate birth registration;  |   |
| Gender discrimination                            | (c) Review its legislation to implement gender-equitable measures regarding civil documentation allowing women to be the legal guardians of their children and promptly adopt the draft amendment to article 3 of the Nationality Act allowing Syrian women to grant nationality to their children on an equal basis with Syrian men;   |   |
| Birth registration                               | (d) Amend the Personal Status Code to ensure that children of Muslim mothers and non-Muslim fathers, children born to unmarried parents and children born from situations of sexual violence are recognized, registered and have access to birth registration documents;  |   |
| Ratification of the UN Statelessness Conventions | (e) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.   |   |