

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

The 77th session of the Committee on the Rights of the Child (CRC) took place from 15 January to 2 February 2018. The CRC issued concluding observations to Guatemala, the Marshall Islands, Palau, Panama, Seychelles, Solomon Islands, Spain, and Sri Lanka. This report provides an overview and analysis of the recommendations on nationality, birth registration and statelessness that were made by the Committee during the 77th session. It also points out some important issues that the Committee did not address. The Concluding Observations can be accessed via the OHCHR website.<sup>1</sup>

In total 24 recommendations were made. Sixteen recommendations were made on complying with the right to birth registration, mainly from the perspective of the CRC Article 7.1 obligation of immediate birth registration, and target 16.9 of the Sustainable Development Goals (legal identity for all, including birth registration). However, none of these recommendations linked birth registration as a prerequisite to acquire a nationality. States were also issued four implementing recommendations to realise universal birth registration, i.e. by seeking technical assistance from UN partners and setting up awareness raising campaigns on the importance of birth registration. Four more recommendations were made on implementing measures related to acceding to the two UN Statelessness Conventions and other treaties that include provisions relating to nationality and statelessness.

Palau and the Seychelles received recommendations on ensuring the right to a nationality for otherwise stateless children. The Marshall Islands and the Solomon Islands received most recommendations each (5). Palau (4) and Seychelles (3) received the most diverse range of recommendations. Below is an analysis of recommendations by country.



**2 recommendations on the right to a nationality for otherwise stateless children born in the territory**

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

<sup>1</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1143&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1143&Lang=en).

### Guatemala (three recommendations)

• <i>Three recommendations on birth registration</i>		
Issue	What the Committee said	What the Committee didn't say
Birth Registration	<p>Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recalls its previous concluding observations and urges the State party to:</p> <p>(a) Adopt a strategy to promote universal and timely birth registration, free of charge, and in particular facilitate access to registry offices or mobile units in all maternity wards and in communities and rural areas where children are born under the care of traditional birth attendants;</p> <p>(b) Remove fines for late registration and provide information on free access to birth registration;</p> <p>(c) Ensure that public authorities at all levels appropriately consider the unique identification code for the implementation of public policies and programmes for the protection of children's rights.</p>	<p>Guatemala does not have a Statelessness Determination Procedure in place, which makes it challenging to identify stateless children and protect them.</p>

### Marshall Islands (five recommendations)

• <i>Five recommendations on birth registration</i>		
Issue	What the Committee said	What the Committee didn't say
Birth Registration	<p>While noting the progress in terms of birth registration coverage, and taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recommends that the State party:</p> <p>(a) Strengthen its efforts to implement early birth registration procedures and issuance of birth certificates, with particular focus on birth registration at the community level;</p> <p>(b) Review the registration process in order to improve the level of registration of births that do not take place in hospital facilities, and introduce mobile birth registration teams in the outer islands;</p> <p>(c) Launch extensive awareness-raising programmes about the importance of birth registration and the process by which the children are registered;</p> <p>(d) Ensure birth registration of children born out of wedlock and for those born to adolescent mothers;</p> <p>(e) Seek technical assistance from UNICEF and the United Nations Population Fund, among others, for the implementation of these recommendations.</p>	<p>No recommendation to accede to the 1954 and 1961 Statelessness Conventions.</p> <p>No recommendation on carrying out a mapping study on statelessness and publicly sharing data on statelessness.</p>

### Palau (four recommendations)

<ul style="list-style-type: none"> <li>• One recommendation on birth registration</li> <li>• One recommendation on ensuring access to nationality for otherwise stateless children</li> <li>• One recommendation on ratifying the Statelessness Conventions</li> <li>• One recommendation on seeking technical assistance from international partners in implementing recommendations</li> </ul>	
Issue	What the Committee said
Birth Registration	Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee strongly urges the State party to: Strengthen its efforts to implement early birth registration procedures and the issuance of birth certificates, with a special focus on birth registration at the community level;
Safeguard otherwise stateless children	Consider reviewing the Constitutional provision relating to citizenship to ensure that all children born in Palau are granted access to citizenship if they would otherwise be stateless;
Ratifying Statelessness Conventions	Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;
Seek technical assistance	Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund, among others, concerning the implementation of these recommendations.

### Panama (one recommendation)

<ul style="list-style-type: none"> <li>• One recommendation on birth registration and review obligation to carry ID cards for adolescents from the age of 12</li> </ul>		
Issue	What the Committee said	What the Committee didn't say
Birth Registration & Identity Documents	Welcoming targeted action undertaken to end under registration among indigenous peoples and in remote areas, and taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee urges the State party to continue efforts to ensure that all children, including indigenous children, refugee children and children of migrant parents, are duly registered at birth. The Committee also recommends that the requirement for adolescents from the age of 12 years on to carry the new youth identity cards be reviewed to ensure that it does not result in the arbitrary detention of members of any group of adolescents.	No recommendation on fully implementing the 1954 and 1961 Statelessness Conventions.  No recommendation on resolving the risk of statelessness among indigenous groups, particularly among the groups who span the border between Panama and Costa Rica (such as the Ngäbe-Buglé).

### Seychelles (three recommendations)

<ul style="list-style-type: none"> <li>• One recommendation on otherwise stateless children's right to a nationality (particularly children born out of wedlock)</li> <li>• One recommendation on ratifying the Statelessness Conventions</li> <li>• One recommendation on seeking technical assistance from international partners to implement recommendations</li> </ul>	
Issue	What the Committee said
Right to nationality for otherwise stateless children Ratifying treaties Seeking technical assistance	Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, and reiterating its previous recommendations, the Committee urges the State party to: (b) Introduce legal safeguards for children in the State party who would otherwise be stateless, in line with article 6 of the African Charter on the Rights and Welfare of the Child, and consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness; (c) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and UNICEF, among others, for the implementation of these recommendations.
Non-Discrimination (relevant for otherwise statelessness children born out of wedlock)	(b) Remove the terms "illegitimate child" and "illegitimate children" from the Civil Code and the gender discriminatory "carnal knowledge" provision from art. 15 (3) of the Penal Code

### Solomon Islands (five recommendations)

<ul style="list-style-type: none"> <li>• Five recommendations on birth registration</li> </ul>		
Issue	What the Committee said	What the Committee didn't say
Birth Registration	The Committee urges the State party: (a) To decentralize civil registration functions to the provincial level to make a birth registration available outside the capital and hospital facilities and strengthen the use of mobile birth registration teams to cover remote communities; (b) To strengthen its efforts to implement early birth registration procedures and issuance of birth certificates with a special focus on birth registration at the community level; (c) To remove penalties for late registration; (d) To launch extensive awareness-raising programmes about the importance of birth registration and about the birth registration process; (e) To ensure accuracy of registration details for children born to unmarried parents and to adolescent mothers.	No recommendation on acceding to the 1954 and 1961 Statelessness Conventions.

### Spain (two recommendations)

<ul style="list-style-type: none"> <li>Two recommendations on ratifying treaties</li> </ul>		
Issue	What the Committee said	What the Committee didn't say
Ratification (Art. 7*, Art. 22*)	The Committee recommends that the State party consider ratifying the European Convention on Nationality and the Council of Europe Convention on the avoidance of statelessness in relation to State succession.	No recommendation to review its current Statelessness Determination Procedure, which imposes a time limit for applications (i.e. generally within one month after entry into Spain or following the expiration of a residence entitlement)

### Sri Lanka (one recommendation)

<ul style="list-style-type: none"> <li>One recommendation on birth registration</li> </ul>		
Issue	What the Committee said	What the Committee didn't say
Birth Registration	The Committee, taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, recommends that the State party further raise awareness on the importance of birth registration and simplify the procedure, including by creating mobile registration structures, in particular for those children who were not registered within established timelines.	<p>No recommendation on acceding to the 1954 and 1961 Statelessness Conventions</p> <p>No recommendation on ensuring the right to nationality of the children of Sri Lankan Tamil refugees born in India.</p>