

THE COMMITTEE ON THE RIGHTS OF THE CHILD

74th Session (16 January – 3 February 2017)

SERBIA

Additional information for the consideration of the Committee on the right of every child to acquire a nationality under Article 7 CRC

15 December 2016

1. Praxis,¹ the Institute on Statelessness and Inclusion (Institute)² and the European Network on Statelessness (ENS)³ welcome the opportunity to submit additional information for the consideration of the Committee on the Rights of the Child regarding Serbia's compliance towards every child's right to acquire a nationality under Article 7 CRC.
2. In light of the Committee's previous recommendations to Serbia on the issue,⁴ state recommendations issued to Serbia during the second UPR cycle,⁵ the importance of the

¹ Praxis is a national non-governmental organization established in 2004 in Belgrade that protects human rights by providing legal protection and advocating for elimination of systemic obstacles in access to rights. Praxis acts in the area of status and socioeconomic rights, antidiscrimination, gender equality, migration and child rights. Praxis has spent ten years working to solve and prevent the issue of statelessness. (<http://www.praxis.org.rs/index.php/en/>)

² The Institute on Statelessness and Inclusion is an independent non-profit organization committed to promoting the human rights of stateless persons and fostering inclusion to ultimately end statelessness. Addressing childhood statelessness is one of the core thematic priorities of the Institute. See further: <http://www.institutesi.org/ourwork/children.php>.

³ The European Network on Statelessness is a civil society alliance of NGOs, academic initiatives and individual experts committed to addressing statelessness. With 103 members in 39 European countries, the Network's current thematic priority is ending childhood statelessness in Europe, including through its #StatelessKids campaign. See further www.statelessness.eu.

⁴ The Committee previously recommended that Serbia "Take all necessary measures to systematically register Roma children so as to provide equal access to health services and to avoid statelessness". CRC/C/SRB/CO/1, 20 June 2008, para. 76 C.

⁵ In January 2013, Serbia accepted the recommendation made by Brazil, during the second UPR cycle, to "Take appropriate measure to ensure that the basic civil and political rights of Roma are being assured and that birth registration is available and accessible for all children without discrimination".

eradication of statelessness as expressed by the UN High Commissioner for Refugees #IBelong campaign,⁶ and the relevance of Goal 16.9 of the Sustainable Development Goals, which aims to “by 2030, provide legal identity for all, including birth registration”,⁷ the submitting organisations made a civil society submission to the Committee (Joint Submission) on 1 March 2016.⁸ This joint submission highlighted challenges in the realisation of the right of every child to acquire a nationality and the avoidance of childhood statelessness in Serbia as a result of discrimination, poor implementation of the law and challenges related to birth registration, faced in particular by the Roma community.

3. As noted in paragraphs 7 and 8 of this joint submission:

Several categories of children are particularly at risk of statelessness in the Republic of Serbia. These include children who have not been registered in birth registries, children of undetermined citizenship and those who were registered in registry books that were lost or remain unavailable to the authorities of Serbia. The great majority of these children belong to the Roma community, which lives in deep poverty and social exclusion, exposed to discriminatory treatment in almost every area of life.

Statelessness and the risk of statelessness is an issue that the Republic of Serbia has made efforts to address. Legislative changes and better practices have helped to both prevent new cases of statelessness and find solutions for persons who have been living without citizenship or proof of citizenship for many years. However, some gaps still remain, which must be addressed to fully resolve statelessness in the country. In particular, in order to prevent childhood statelessness and to fulfil obligations stemming from Serbia’s international obligations and its constitution, it is still necessary to ensure that every child is registered at birth without discrimination and regardless of status of his/her parents.

4. We are encouraged therefore, that paragraph 3 of the List of Issues adopted by the Committee (CRC/C/SRB/Q/2-3) includes specific questions on discrimination against Roma children and other vulnerable groups:

Please provide information on the outcome of the action plans (2009-2011 and 2013-2015) established through the Strategy for Improvement of the Status of Roma in the Republic of Serbia (see CRC/C/SRB/2-3, para. 41). Please inform the Committee about any other measures taken to prohibit and eradicate the continuing discrimination against Roma children, children in alternative care, children with disabilities, migrant children, refugee and asylum seeking children, children living in remote areas, children in street situations and lesbian, gay, bisexual, transgender and intersex children.

5. The discriminatory denial of the right to acquire a nationality that Roma children face, is a central form of discrimination they face, which perpetuates their disadvantage, undermining their access to other socio-economic rights.

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

⁷ A/RES/70/1.

⁸ Institute on Statelessness and Inclusion, Praxis and European Network on Statelessness, 1 March 2016, Civil Society Submission on the right of every child to acquire a nationality under Article 7 CRC, available at: http://www.institutesi.org/CRC_Serbia_2016.pdf

6. The List of Issues also asks for “updated information on the measures taken to reach universal birth registration, particularly for the Roma community, through amendments to the Law on Non-Contentious Procedure, and the results thereof.”⁹
7. Therefore, while the Committee has not specifically raised through the List of Issues, questions related to the child’s right to acquire a nationality, it has directly addressed the two most significant factors which undermine this right, namely: discrimination against the Roma and other vulnerable groups, and birth registration.
8. In this context, ISI, Praxis and ENS would like to take this opportunity to request that the Committee emphasise through these two questions, the relevance between these issues and the child’s right to acquire a nationality, and more directly address the issue of the child’s right to a nationality in its dialogue with the state party during the forthcoming Committee session. In line with the previous Joint Submission we would like to take this opportunity to request the Committee to seek further information and clarification from Serbia on the following:
 - I. What steps have been taken to ensure that every child’s birth will be registered immediately regardless of the status of his/her parents?
 - II. What measures have been taken to prevent discrimination against children of undocumented Roma parents in relation to birth registration?
 - III. What steps have been taken to provide free legal aid to vulnerable persons so they may initiate and complete relevant registration procedures?
 - IV. Can it provide disaggregated data (including by ethnicity) on the number of births that were not registered over the last 5 year-period?

⁹ CRC/C/SRB/Q/2-3, Para 4.