

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

The 75th session of the Committee on the Rights of the Child (CRC) took place from 15 May to 2 June 2017. The CRC issued concluding observations to **Antigua and Barbuda, Bhutan, Cameroon, Lebanon, Mongolia, Qatar, and Romania**.

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

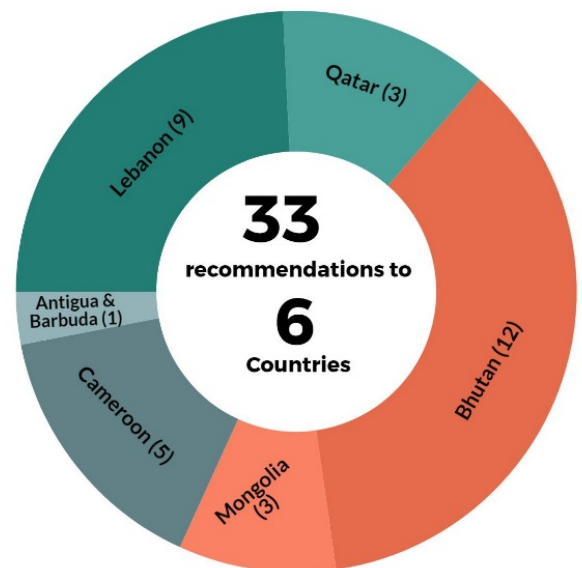
This report provides an overview and analysis of the recommendations on nationality, birth registration and statelessness that were made by the Committee during the 75th session. It also points out important issues that the Committee did not address. The Concluding Observations can be accessed via the [OHCHR website](#).

13 recommendations were made on complying with the right to birth registration and nationality. 8 on the rights to stateless children. 12 recommendations were made on measures to implement Convention rights.

Bhutan received most recommendations (12), followed by Lebanon (9). Romania did not receive any recommendations. Most recommendations relate to gender discrimination in nationality laws (Qatar, Lebanon and Bhutan). Other forms of discrimination that impose barriers in acquiring a nationality (e.g. discrimination against children born out of wedlock, discrimination against children with a disability), birth registration and nationality, and the right to nationality for otherwise stateless children were also addressed.

Most of the recommendations on implementing measures related to acceding to the two UN Statelessness Conventions and seeking technical assistance (from UNHCR and UNICEF) on the implementation of the Conventions and achieving universal birth registration.

Below, is an analysis of recommendations by country.



13 recommendations on right to birth registration and nationality

8 recommendations on rights of stateless children

12 recommendations on implementing measures

Antigua and Barbuda (one recommendation)

<ul style="list-style-type: none"> • <i>One recommendation on acceding to the 1961 Convention on the Reduction of Statelessness</i> 		
Issue	What the Committee Said	What the Committee didn't say
Accessions	Accede to the 1961 Convention on the Reduction of Statelessness and establish referral mechanisms to ensure the proper identification and protection of victims of trafficking, especially unaccompanied children, and to provide victims of trafficking, including children, an effective opportunity to seek asylum	while second part of the recommendation links to the proper identification of people, the Committee did not also recommend that the State establish a mechanism to identify stateless people

Bhutan (Twelve recommendations)

<ul style="list-style-type: none"> • <i>One recommendations on birth registration</i> • <i>Three recommendations to end discrimination (against ethnic Nepalese and women)</i> • <i>One recommendation on the right to a nationality for a child born to one Bhutanese parent</i> • <i>Two recommendations on ratifying Statelessness Conventions</i> • <i>One recommendation on determination of nationality of child refugees</i> • <i>Four recommendations related to the rights of stateless people</i> 	
Issue	What the Committee Said
Birth registration	Review the Citizenship Act of 1985 to dissociate birth registration from citizenship, simplify the birth registration procedure after the 12-month period, ensure that single mothers can register their children and ensure that children born to either a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship;
Discriminatory provisions in nationality law	Ensure that children born to either a Bhutanese mother or father, including in cases when the identity of the father cannot be ascertained, are granted Bhutanese citizenship Take prompt measures to end instances of discrimination in practice against girls, children with disabilities, children of ethnic Nepalese origin, children of single parents and undocumented children, in particular regarding the right to a nationality and education Identify and correct practices which may discriminate against children of ethnic Nepalese origin lacking adequate documentation in their access to education and health services
Extend citizenship to children born to at least one Bhutanese parent	Review the Citizenship Act of 1985 to extend citizenship to children born to at least one Bhutanese parent
Accessions	Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness Consider acceding to the ... 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
Determine nationality	Ensure the transparency of the procedure for the determination of the nationality of child refugees based on the right to a nationality and the right to leave and return to one's country, with due consideration to the best interests of the child

Rights for stateless people	<p>Review the Citizenship Act of 1985 to extend citizenship to children born to at least one Bhutanese parent;</p> <p>Identify and correct practices that may discriminate against children of ethnic Nepalese origin who lack adequate documentation in their access to education and health services;</p> <p>Recognize the rights of children of ethnic Nepalese origin to enjoy their own culture, practise their religion and use their language;</p> <p>Seek the technical assistance of UNICEF in the implementation of these recommendations.</p>
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Cameroon (five recommendations)

<ul style="list-style-type: none"> • <i>One recommendation on elimination of discriminatory provisions in nationality laws.</i> • <i>Three recommendations on birth registration.</i> • <i>One recommendation on acceding to statelessness Conventions.</i> 		
Issue	What the Committee Said	What the Committee didn't say
Elimination of discriminatory provisions in nationality laws	The Committee recommends that the State party amend the Nationality Code to repeal discriminatory provisions relating to the acquisition of nationality by children born out of wedlock and relating to the naturalisation of children with disabilities.	<p>No recommendations on:</p> <ul style="list-style-type: none"> - eliminating discrimination and risks of statelessness for adopted children or children of foreign parents - addressing discriminatory attitudes of state officials which may result in a denial of the right to a nationality of children born in the Bakasi Peninsula - mitigating the risk of statelessness among refugee and IDP children in Cameroon
Birth Registration	<p>The Committee urges birth registration to eliminate all fees for birth registration and certificate issuance,</p> <p>Increase the financial, technical and human resources of the National Civil Status Office to increase its accessibility throughout the State party,</p> <p>to strengthen awareness-raising campaigns encouraging parents to register births</p>	These recommendations do not recognise that birth registration is an important step, without which it becomes more difficult to acquire a nationality
Accessions	Consider acceding to the 1951 Convention relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	No recommendation to accede to the Convention on the Rights of Persons with Disabilities

Lebanon (nine recommendations)

- *One recommendation on eliminating gender discriminatory provisions in nationality law on conferral of nationality to children and providing adequate safeguards for otherwise stateless children*
- *Two recommendations on birth registration*
- *One recommendation on children born on the territory to unknown parents or parents of unknown nationality*
- *Two recommendations on acceding to the statelessness conventions*
- *Three recommendations on rights for stateless children*

Issue	What the Committee Said
Elimination of discriminatory provisions in nationality laws	Intensify discussions with the relevant religious authorities and other relevant stakeholders with a view to amending Decree No. 15 on Lebanese Nationality of 1925 to grant Lebanese women equal rights with Lebanese 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.
Nationality for children born to unknown parents or parents of unknown nationality	Ensure that article 1.3 of Decree No. 15 of the Lebanese nationality law, which provides for granting Lebanese nationality to children born in Lebanon of unknown parents or parents of unknown nationality, is implemented in practice, and amend article 25 of Act No. 422 on the Protection of Minors in Conflict with the Law or at Risk so that an unregistered minor is not considered at risk in accordance with this law.
Birth Registration	<p>Further strengthen efforts to ensure that all births of children in the State party are registered, in particular, children of refugees and asylum seekers, migrant workers and historically stateless communities, including by streamlining documentation requirements and other barriers to obtaining an official birth certificate in cooperation with the States concerned, and to provide statistics to assess this issue in its next periodic report.</p> <p>Amend the 1951 Personal Status Law to facilitate birth registration for children over the age of one year, and amend article 12 of the Registration of Personal Status Documents Act to allow the mother or the juvenile court judge to request the registration of such children in addition to the Public Prosecutor or father of the child.</p>
Accessions	Consider becoming a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (The Committee issues this recommendation twice to Lebanon)
Rights for stateless children	<p>Ensuring valid special identity cards for children of Palestinian fathers who are neither registered as refugees by United Nations Relief and Works Agency for Palestine Refugees in the Near East in Lebanon nor recognised as such by the Lebanese authorities. Streamline the application and renewal processes, and ensure that such special identity cards are recognised as having the same status as formal registration by the Lebanese authorities.</p> <p>Continue to strengthen efforts to ensure access to quality health care, in particular for stateless, refugee and asylum-seeking children, children of migrant workers and families in situations of poverty, by expanding the national network of primary health centres to cover all primary health centres in the State party and the accreditation programme established by the Ministry of Public Health.</p> <p>Ensure the right to compulsory and free education for all and continue efforts aimed at improving access to education by refugee, asylum-seeking and stateless children by addressing barriers to access to education, including inadequate facilities and funding.</p>

Mongolia (three recommendations)

<ul style="list-style-type: none"> • <i>One recommendation on birth registration and legal identity</i> • <i>One recommendation on acquisition of citizenship for otherwise stateless children</i> • <i>One recommendation on acceding to the statelessness conventions</i> 	
Issue	What the Committee Said
Birth registration and legal identity	Strengthen efforts to provide all children with legal identity through birth registration, including Kazakh children, those who migrate within the territory of the State party, and those who were born at home or without midwife support
Acquisition citizenship for otherwise stateless children	Take all necessary measures to grant Mongolian citizenship to all children residing in the State party who would otherwise be stateless, particularly Kazakh children who have returned to Mongolia
Accessions	Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961, and bring its legislation in line with these international instruments.

Qatar (three recommendations)

<ul style="list-style-type: none"> • <i>One recommendation on gender discrimination in nationality laws</i> • <i>Two recommendations on acceding to the statelessness conventions</i> 		
Issue	What the Committee Said	What the Committee didn't say
Elimination of gender discriminatory provisions in nationality laws	The Committee urges Qatar to review its legislation on nationality to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction, in particular, for those children who would otherwise be stateless	No recommendations on: <ul style="list-style-type: none"> - gender discrimination in nationality laws impact on foreign spouses - improving data on stateless children residing in Qatar, as well as children residing in Qatar who are not Qatari nationals and who have Qatari mothers
Accessions	Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961 Seek technical assistance for the implementation of these recommendations from, among others, UNHCR and UNICEF	

No relevant recommendations were made to Romania.