

# CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

## IV. CONCLUDING OBSERVATIONS

### CERD

- Czech Republic, CERD, A/53/18 (1998) 35 at para. 124.

The 1993 law on the acquisition of Czech citizenship (Law No. 40/1990) has resulted in widespread criticism from a number of international institutions and non-governmental organizations for its discriminatory effects, especially *vis-à-vis* Roma. Although the State party has taken steps to mitigate the negative consequences of the law, it is stressed that the act of rendering people stateless entails the deprivation of fundamental rights linked to citizenship, as well as exposing them to the risk of expulsion. Concern is expressed that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner. These include prisoners, and minors and orphans in children's homes, many of whom are of Roma origin.

- Zimbabwe, CERD, A/55/18 (2000) 38 at para. 199.

It is noted with dissatisfaction that the laws concerning citizenship give preference to non-national female spouses over non-national male spouses of nationals of Zimbabwe and that the children born to citizens of Zimbabwe overseas may not acquire citizenship. Citizenship laws should ensure non-discrimination.

- Cyprus, CERD, A/56/18 (2001) 48 at para. 263.

Satisfaction is expressed at the amendment of the 1967 Citizenship Law which eradicates discrimination in marriage to foreigners. Through this amendment, the right of an alien spouse to acquire the citizenship of the Cypriot spouse is now recognized for both spouses, as is the equal right of both spouses to transmit citizenship to their children.

- Egypt, CERD, A/56/18 (2001) 50 at para. 288.

Concern is expressed at the nationality law, which prevents an Egyptian mother married to a foreigner from passing on her nationality to her children. It is also of concern that children born to Egyptian mothers and foreign fathers are faced with discrimination in the field of education. The promise of the State party to revise the nationality law, which discriminates against children born to Egyptian women married to non-nationals, so as to bring it into line with the provisions of the Convention, is noted.

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

### **ICCPR**

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at paras. 108 and 114.

#### *Paragraph 108*

The discriminatory legal provisions concerning children born out of wedlock are of concern. In particular, provisions and practices regarding the birth registration forms and the family register are contrary to articles 17 and 24 of the Covenant.

#### *Paragraph 114*

The legislation concerning children born out of wedlock should be amended and the discriminatory provisions contained therein should be removed to bring it in line with the provisions of articles 2, 24 and 26 of the Covenant.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 104 and 115.

#### *Paragraph 104*

The requirement for persons who adopt a child abroad under the regime of simple adoption to submit an application for full adoption in Switzerland if they wish the adoption to be recognized in Switzerland is of concern. That procedure makes permanent adoption subject to a two-year trial period, during which the adoptive parents may decide not to go ahead with the adoption and the child is entitled to only a temporary and renewable foreigner's residence permit. This is of concern because those two factors make the child's position very precarious from both a legal and emotional standpoint.

#### *Paragraph 115*

The necessary legislative measures should be taken to ensure that children who have been adopted abroad are granted, as soon as they arrive in Switzerland, either Swiss nationality if the parents are Swiss, or a temporary or permanent residence permit if the parents have such a permit, and the two-year trial period prior to the granting of adoption should not apply to them.

- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at para. 306.

The State party should consider conferring Colombian nationality on stateless children born in Colombia.

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

- France, ICCPR, A/52/40 vol. I (1997) 62 at para. 412.

The State party should amend its Civil Code to allow mothers to make the declaration of birth of her child.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 221.

That children born to Zimbabweans abroad may not acquire Zimbabwean citizenship is of concern.

- Uruguay, ICCPR, A/53/40 vol. I (1998) 38 at para. 244.

The future Code Relating to Minors (*Codigo del Menor*) discriminates against female minors and fails to protect fully the newborn child, as unmarried minor mothers may register their children at any age whereas minor fathers may only do so from the age of 16 onwards. In the course of drafting this Code, the State party is urged to bring the whole of it into full conformity with articles 3 and 24 of the Covenant.

- Ecuador, ICCPR, A/53/40 vol. I (1998) 43 at para. 291.

The births of children born in Ecuador to undocumented refugees are frequently not registered due to the parents' fear of deportation. This situation prevents the children from claiming Ecuadorian nationality, to which any child born in Ecuador is entitled under Ecuadorian law. Measures should be adopted guaranteeing the right to a nationality to all children of undocumented refugees born in Ecuador.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 154.

Discrimination against children born out of wedlock, particularly with regard to the issues of nationality, family registers and inheritance rights, continues to be of concern. Pursuant to article 26 of the Covenant, all children are entitled to equal protection, and necessary measures should be taken to amend domestic legislation.

- Romania, ICCPR, A/54/40 vol. I (1999) 68 at para. 364.

All necessary measures should be taken to comply with article 24 of the Covenant, by protecting and rehabilitating street children and abandoned children, by guaranteeing them a name, and by ensuring

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

that all births are duly registered.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 481 and 482.

### *Paragraph 481*

That children who are born in Kuwait and whose parents are stateless or whose mother only has Kuwaiti nationality do not acquire any nationality is of concern.

### *Paragraph 482*

The State party should ensure the right of all children in Kuwait to measures of special protection pursuant to articles 24 and 26 of the Covenant. The State party is under an obligation to respect article 24, paragraph 3, of the Covenant, in order to ensure that every child has the right to acquire a nationality.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at para. 74(5).

Recent developments in which some of those responsible for the most serious violations of human rights, including forced disappearances, torture and removal of children from their parents for purposes of illegal adoption or trafficking, are being brought to trial, are welcomed. The establishment of a mechanism, without time restriction on its activities, to restore the identities of children who were forcibly removed from their families is particularly welcomed.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(18).

The abuse of the legal notion of "transient aliens" is of concern. According to information in the Committee's possession, such persons may be born in the Dominican Republic to parents who were also born there but are still not considered to be nationals of the Dominican Republic. The State party should regulate the situation of everyone living in the country and grant the rights recognized by article 12 of the Covenant.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(21) and 81(27).

### *Paragraph 81(21)*

The promulgation of Ordinance No. 1016 of 13 November 1999, which facilitates the travel, departure and return of citizens is noted. It remains of concern that many Syrians living abroad, as well as their children, have been denied a Syrian passport. This situation, which deprives them of the right to return to their own country, is incompatible with article 12, paragraph 4. The denial of a

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

passport to children of exiled Syrians constitutes a violation of articles 24 and 26 of the Covenant. Moreover, the fact that many designated categories of nationals are still required to obtain an exit visa each time they wish to leave the country is a matter of concern and constitutes a violation of article 12, paragraph 2 of the Covenant. The State party should facilitate the return to the country of Syrian citizens wishing to do so and should eliminate the exit visa requirement as a general rule and require it only in individual cases that can be justified in relation to the Covenant.

### *Paragraph 81(27)*

The situation of a large number of persons of Kurdish origin who have entered Syria from neighbouring countries is of concern. The fate of Kurds born in Syria whom the Syrian authorities treat either as aliens or unregistered persons and who encounter administrative and practical difficulties in acquiring Syrian nationality is also of concern. This discriminatory situation is incompatible with articles 24, 26 and 27 of the Covenant. Urgent steps should be taken to find a solution to the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality.

### **ICESCR**

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 225.

Note is taken of information from various sources concerning the arbitrary confiscation of identity cards and the illegal deportation during the 1995-1996 presidential campaign of persons of Haitian origin born in the Dominican Republic. This information stresses the insecurity prevailing with regard to nationality of Dominican citizens of Haitian origin. It thus appears necessary to adopt clear legislation on nationality, which would provide legal security to persons of Haitian origin born in the Dominican Republic and to their children; require the authorities to register births without discrimination; and allow Haitians to obtain Dominican nationality through naturalization under the same conditions as other foreigners.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at para. 216.

It is noted that approximately 500,000-600,000 Haitian illegal workers reside in the State party, some of them for one or two generations, without any legal status and any protection of their economic, social and cultural rights. Particular concern is expressed about the situation of the children, who do not receive Dominican nationality on the grounds that they are children born of foreigners in transit. These children are thus denied their most basic social rights, such as the rights to education and health care. It is noted with concern that until now, measures have not been taken to improve the overall situation of illegal workers by regularizing their status and that of their children.

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

- Cyprus, ICESCR, E/1999/22 (1998) 50 at para. 284.

The continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated), is of concern. This appears to be caused by structural and cultural factors.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 159 and 175.

### *Paragraph 159*

The Nationality Law does not grant equal citizenship status to children of Egyptian women married to non-nationals.

### *Paragraph 175*

It is recommended that the Nationality Law, which discriminates against children born to Egyptian women married to non-nationals, be revised.

- Jordan, ICESCR, E/2001/22 (2000) 49 at para. 234.

Concern is expressed about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at para. 420.

Effective measures should be taken to combat discrimination in practice against minority groups, in particular the Kurds. Such measures should be aimed especially at improving birth registration and school attendance and allowing for the use of their languages and other expressions of their culture.

- Nepal, ICESCR, E/2002/22 (2001) 83 at para. 533.

The legal inequalities between women and men in the field of inheritance, the regime of shared assets in marriage, divorce, child custody in case of divorce and remarriage, and the conferring of nationality to children on equal terms are noted with concern.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 593 and 620.

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

### *Paragraph 593*

The persisting legal, social and institutional discrimination against children born out of wedlock is of concern, particularly as regards the curtailment of their inheritance and nationality rights.

### *Paragraph 620*

The concept of "illegitimate children", which is unacceptable in a modern society, should be removed from legislation and practice. Urgent legislative and administrative measures should be taken to eliminate all forms of discrimination against children born out of wedlock, and further to restore the Covenant rights of persons so affected (art. 2, para. 2, and art. 10).

### **CEDAW**

- Venezuela, CEDAW, A/52/38/Rev.1 part I (1997) 30 at para. 239.

Concern is expressed over the fact that a Venezuelan man has the right to confer his nationality on his wife upon marriage, but a Venezuelan woman does not have the right to confer her citizenship on her husband.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 458.

Birth and marriages should be systematically registered so that laws prohibiting child marriage and polygamy can be rigorously enforced.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para. 83.

Concern is expressed over the fact that mothers cannot transmit their nationality to their children in the same way that fathers can. Citizenship is a fundamental right which men and women must be able to enjoy equally.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 62 and 63.

### *Paragraph 62*

India has not yet established a comprehensive and compulsory system of registration of births and marriages.

### *Paragraph 63*

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

The Government should provide adequate resources and establish a system of compulsory registration of births, and should monitor implementation in cooperation with women's groups and local bodies.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 172 and 173.

### *Paragraph 172*

It is of concern that Jordanian nationality law prevents a Jordanian woman from passing on her nationality to her children if her husband is not Jordanian. This is an anachronistic situation at a time when Jordan is making major strides in its economic and democratic development and when marriage between persons of different nationalities is increasingly common.

### *Paragraph 173*

The State party is called upon to revoke these laws and to withdraw its reservations to articles 9.2 and 15.4 of the Convention.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at para. 187.

It is of concern that Iraq's nationality law, which is based on the principle that the members of a family should all have the same nationality and that none should have dual nationality or lose their nationality, does not grant women an independent right to acquire, change or retain their nationality or to pass it on to their children.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at para. 127.

The Government is commended for amending its nationality law and for granting women equal rights with men to acquire, change or retain their nationality, and also to transfer their nationality to their children.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 326, 327 and 331.

### *Paragraph 326*

While the efforts of the National Council for Women to encourage the Government to withdraw its reservations to articles 2 and 9, paragraph 2, and article 16 of the Convention are appreciated, concern is expressed that these reservations have been retained.

### *Paragraph 327*

It is of concern that the Egyptian nationality law prevents an Egyptian woman from passing on her



## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

nationality to her children if her husband is not Egyptian, while Egyptian men married to non-Egyptians may do so. The hardship faced by the children of Egyptian women married to non-Egyptian men, including financial hardship with regard to education, is of particular concern.

### *Paragraph 331*

The legislation governing nationality should be revised in order to make it consistent with the provisions of the Convention.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at para. 75.

The nationality law should be further amended so as to eliminate discrimination against women, and the reservation to article 9 should be withdrawn. The explanation that a Singaporean woman cannot transfer nationality to her child when she marries a foreigner and the child is born overseas, since dual nationality is not recognized, is unconvincing. It is pointed out that since both mother and father can transfer nationality to children born within the country in many countries, the same problem can arise with respect to the children born of Singaporean men and foreign women.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at para. 125.

Female and male spouses who marry foreigners should be treated equally in regulations governing nationality. The Government is urged to ensure that the concept of *jus sanguinis* is applied to ensure that children of mixed parentage born outside the country can acquire nationality through their Guinean mother.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 223 and 224.

### *Paragraph 223*

It is of concern that the new Law on Names provides that where the parents cannot reach an agreement as to the name of a child, the father has the ultimate decision. This contravenes the basic principle of the Convention regarding equality.

### *Paragraph 224*

The Law on Names should be reviewed and amended to comply with the Convention.

## CRC

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

- Peru, CRC, CRC/C/20 (1993) 16 at paras. 62 and 71.

### *Paragraph 62*

The Committee is concerned that, due to the internal violence, several registration centres have been destroyed, adversely affecting the situation of thousands of children who are often left without any identity documents, thus running the risk of their being suspected of involvement in terrorist activities.

### *Paragraph 71*

Specific measures should be undertaken to provide undocumented children fleeing zones affected by internal violence with adequate identity documents.

- Norway, CRC, CRC/C/29 (1994) 27 at para. 163.

Concerning the right of a child to know his or her origins, the possible contradiction between this provision of the Convention with the policy of the State party in relation to artificial insemination, namely in keeping the identity of sperm donors secret, is noted.

### *See also:*

- Denmark, CRC, CRC/C/38 (1995) 30 at para. 180.
- Honduras, CRC, CRC/C/34 (1994) 11 at para. 39.

Worry is expressed over the persisting difficulties in providing the necessary registration certificates and that the absence of such basic documentation detailing the child's age and family affiliations may hamper the implementation of a child's other rights, including his or her access to public health services and to the necessary protection that a child should be accorded under the system of the administration of juvenile justice.

- Jamaica, CRC, CRC/C/38 (1995) 25 at paras. 148 and 161.

### *Paragraph 148*

The difficulties in ensuring the registration of children at birth are of concern. Such a situation implies the non-recognition of those children as persons before the law, which will affect the level of enjoyment of their fundamental rights and freedoms. The difficulties in ensuring the registration of post-natal deaths are also of concern.

### *Paragraph 161*

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

Further measures should be taken to facilitate the registration of children, in cooperation with non-governmental organizations and with the support of international organizations.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 214.

There is concern as to the possible adverse effects on children of the restrictions applied to unmarried fathers in transmitting citizenship to their children, as it could be in contradiction of articles 7 and 8 of the Convention.

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 43.

The continuing difficulties encountered in ensuring the birth registration of all children, particularly at the rural level, are of concern. The registration of all children is necessary, in particular, to ensure their recognition as persons before the law and the fuller enjoyment of their rights and, in general, to facilitate the effective monitoring of the situation of children and thus assist in the development of suitably appropriate and targeted programmes.

- Belgium, CRC, CRC/C/43 (1995) 20 at para. 104.

The application of the law and policy concerning children seeking asylum, including unaccompanied children, is of concern. Of particular concern is that unaccompanied minors who have had their asylum request rejected, but who can remain in the country until they are 18 years old, may be deprived of an identity and denied the full enjoyment of their rights, including to health care and education.

- Ukraine, CRC, CRC/C/46 (1995) 11 at paras. 57 and 74.

### *Paragraph 57*

The high rate of abandonment of children, especially new-born babies, and the lack of a comprehensive strategy to assist vulnerable families is worrisome. This situation can lead to illegal intercountry adoption or other forms of trafficking and sale of children. In this context, the absence of any law prohibiting the sale and trafficking of children, and the fact that the right of the child to have his/her identity preserved is not guaranteed by the law, are also of concern.

### *Paragraph 74*

The sale and trafficking of children should be clearly prohibited and the right of the child to have

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

his/her identity preserved should be fully endorsed. Ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption should be considered.

- Senegal, CRC, CRC/C/46 (1995) 21 at para. 136.

Special efforts should be undertaken to develop an effective system of birth registration to ensure the enjoyment of fundamental rights by all children, without discrimination, and as a meaningful tool to assess prevailing difficulties and to promote progress.

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 61 and 70.

### *Paragraph 61*

Insufficient steps have been undertaken to ensure birth registration of children. The fact that children living in remote areas might not be registered and therefore be deprived of their fundamental rights is of concern.

### *Paragraph 70*

Children's birth registration should be given priority to ensure that every child is recognized as a person and enjoys his or her full rights. Further steps are encouraged to ensure the birth registration of children, including the establishment of mobile registration offices.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 93 and 111.

### *Paragraph 93*

That the problem of statelessness has not been resolved, in particular with regard to refugee children and children born outside the territory of the Federal Republic of Yugoslavia and subject to its jurisdiction, is of concern.

### *Paragraph 111*

Legislative and other measures should be undertaken to ensure that children are protected from statelessness and that for each child under the jurisdiction of the State, the rights set forth in the Convention are respected and ensured.

- Iceland, CRC, CRC/C/50 (1996) 23 at para. 133.

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

Abolishment of the requirement that a person seeking Icelandic citizenship has to add an Icelandic name to his or her original name is welcomed.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 163 and 171.

### *Paragraph 163*

Insufficient measures have been adopted, including those of a legal nature, to ensure effective implementation of the civil rights and fundamental freedoms of children (such as in relation to the right to a nationality, freedom of expression, thought, conscience and religion, as well as to freedom of association and peaceful assembly). The threats to national security invoked by the Government have hampered the enjoyment of such fundamental freedoms.

### *Paragraph 171*

Legislative measures should be adopted with a view to preventing any risk of statelessness for a child born to a Korean mother.

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 39.

The apparent discrimination in the granting of nationality to a child of parents of mixed nationality is of concern; nationality may only be obtained by a child from her/his Lebanese father but not from the mother and, in the case of unmarried parents, only if the Lebanese father acknowledges the child.

- China, CRC, CRC/C/54 (1996) 18 at para. 120.

Serious concerns remain as to the effectiveness of measures taken to ensure the registration of all children through the household registry. Deficiencies in the registration system deprive children of basic safeguards for the promotion and protection of their rights, including in the areas of child trafficking, abduction, sale and maltreatment, abuse or neglect. In this connection, the situation of "unregistered girls" as regards their entitlement to health care and education is a matter of concern.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 165 and 180.

### *Paragraph 165*

Insufficient steps have been undertaken to ensure birth registration of children, particularly those living in remote areas, and the adverse effects arising therefrom for the enjoyment of their fundamental rights are of concern.

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

### *Paragraph 180*

Children's birth registration should be given priority to ensure that every child is recognized as a person and enjoys his/her full rights. Further steps are encouraged to ensure the birth registration of children, including the establishment of mobile registration offices and registration units in schools.

- Guatemala, CRC, CRC/C/54 (1996) 31 at para. 209.

Deficiencies in the system of birth registration are of deep concern since the failure to register children prevents them from being recognized as persons, from having access to education and health services and from being protected against trafficking in and illegal adoption of children.

- Cyprus, CRC, CRC/C/54 (1996) 38 at paras. 245, 250, 260 and 261.

### *Paragraph 245*

The apparent persistence of discriminatory attitudes towards children born out of wedlock with regard to their right to a name and to citizenship is a concern.

### *Paragraph 250*

While the procedure for birth registration is adequate, concern remains that the application in some rural areas may result in some children being hampered in the enjoyment of their rights.

### *Paragraph 260*

Steps should be taken to ensure the birth registration of all children, particularly children living in rural areas.

### *Paragraph 261*

In light of articles 2, 7 and 8 of the Convention, authorities should take all necessary measures to ensure that children born out of wedlock enjoy all their fundamental rights.

- Uruguay, CRC, CRC/C/57 (1996) 19 at para. 108.

The persisting discrimination against children born out of wedlock, including with regard to the enjoyment of their civil rights, is of particular concern. The procedure for the determination of their name paves the way for their stigmatization and the impossibility of having access to their origins, and when born to a mother or father who is a minor, these children cannot be recognized by that parent.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

(1996) 23 at para. 138.

As regards the situation of illegal immigrant children from China and the issues it raises with respect to the question of families split between Hong Kong and China, the increase in permits arranged for these children and their families, from 105 to 150, is of concern and is manifestly insufficient to meet the needs of the estimated 60,000 children currently in China who may have the right of abode in Hong Kong after 1 July 1997.

- Ethiopia, CRC, CRC/C/62 (1997) 12 at para. 74.

The insufficient steps that have been taken to ensure the registration of children after birth and the fact that the State registration procedure has been hampered in practice by a lack of registration desks, especially in rural areas, are of concern. The lack of adequate means available for the registration of refugee children is also of concern.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 148 and 168.

### *Paragraph 148*

The national identity card which explicitly mentions the religion and the ethnic origin of each citizen, including children, is of serious concern. The fact that the Citizenship Act establishes three different categories of citizenship and therefore some categories of children and their parents might be stigmatized and/or denied certain rights is also of serious concern.

### *Paragraph 168*

The categorization of citizens, as well as the mention on the national identity card of the religion and the ethnic origin of citizens, including children, should be abolished.

- Syrian Arab Republic, CRC, CRC/C/62 (1997) 32 at para. 209.

The right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin. Ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1961 Convention on the Reduction of Statelessness should be considered.

- Ghana, CRC, CRC/C/66 (1997) 15 at para. 89.

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

The Committee is concerned that in many rural areas regulations on birth registration are not fully implemented and that children who are not registered may be seriously disadvantaged in the enjoyment of their rights.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 140.

The birth of most children is not registered and this is of concern as the failure to register can have negative consequences on the full enjoyment of fundamental rights and freedoms.

- Algeria, CRC, CRC/C/66 (1997) 35 at paras. 239 and 256.

### *Paragraph 239*

The absence of specific and adequate regulations governing the registration of children who are members of nomadic groups is noted with concern.

### *Paragraph 256*

All necessary measures should be adopted to ensure the immediate registration of the birth of nomadic children.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 46.

The fact that there are children who are not registered at birth is of concern.

- Australia, CRC, CRC/C/69 (1997) 16 at paras. 96 and 112.

### *Paragraph 96*

The practice in some instances of depriving children of their citizenship in situations where one of their parents loses his/her citizenship is of concern.

### *Paragraph 112*

No child should be deprived of his/her citizenship on any ground, regardless of the status of his/her parent(s).

- Uganda, CRC, CRC/C/69 (1997) 21 at paras. 133 and 148.

### *Paragraph 133*



## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

Concern is expressed over birth registration legislation which is not fully implemented in many rural areas, which may seriously disadvantage non-registered children in the enjoyment of their rights.

### *Paragraph 148*

Efforts should be directed to the development of an effective system of birth registration. Such a system would serve as a tool for children's enjoyment of their rights.

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 173 and 190.

### *Paragraph 173*

With respect to the situation of children, especially those placed in institutions or in foster homes, who were not registered for lawful permanent residence and were thereby denied the right to citizenship, concern is expressed over the fact that children and caretakers in such situations are not sufficiently informed about the procedures for applying for citizenship.

### *Paragraph 190*

Measures should be taken to facilitate applications for citizenship, so as to resolve the situation of stateless children, especially those placed in institutions. Accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness should be considered.

- Togo, CRC, CRC/C/69 (1997) 39 at paras. 255, 265 and 278.

### *Paragraph 255*

In many cases children are not registered at birth and as a result the enjoyment of their rights may be hindered.

### *Paragraph 265*

The Committee is concerned that a refugee child has to reach the age of 18 years in order to acquire Togolese citizenship.

### *Paragraph 278*

Special efforts to guarantee an effective system of birth registration should be developed to ensure the full enjoyment of fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data and in the assessment of prevailing difficulties.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 46.

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

Legislation should explicitly prohibit discrimination on any grounds, including language, national, ethnic or social origin, property, disability and birth status. Domestic legislation should also be reformed to guarantee the right to a nationality to every child.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 98.

The appropriate measures should be taken to establish, as far as possible, procedures for the inclusion of the name of the father on the birth certificates of children born of unmarried parents.

- Micronesia, CRC, CRC/C/73 (1998) 20 at para. 134.

All appropriate measures should be taken to improve death registration.

- Hungary, CRC, CRC/C/79 (1998) 7 at para. 42.

The amendment to Act XV of 1990, which grants the parent the option of placing a child up for adoption before birth, is of concern.

- Fiji, CRC, CRC/C/79 (1998) 18 at paras. 114 and 134.

### *Paragraph 114*

The lack of conformity of the birth registration system with article 7 of the Convention is of concern.

### *Paragraph 134*

All appropriate measures should be taken to improve the birth registration system. An awareness-raising campaign regarding parents' duty to register newborn children should be launched.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at paras. 252 and 270.

### *Paragraph 252*

It is of concern that the right of the child to know his or her parent is being denied to children born anonymously ("under x"), even if this right is proven to be in their best interests.

### *Paragraph 270*

All appropriate measures should be taken to ensure that the child's right to know his or her parents

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

is enforced.

- Ecuador, CRC, CRC/C/80 (1998) 9 at para. 43.

Efforts should continue to be taken to ensure the registration of all children immediately after birth. Furthermore, birth registration procedures should be made widely known and understood by the population at large, with the cooperation of non-governmental and intergovernmental organizations.

*See also:*

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 106.
  
- Iraq, CRC, CRC/C/80 (1998) 15 at para. 76.

Legislation that allows nationality only to be obtained by a child from his/her father, except in cases where the father is unknown or stateless, is of concern. Domestic legislation should be amended to guarantee that the acquisition of a nationality is determined in light of the provisions and principles of the Convention.

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 138.

Existing legislation that allows nationality to be obtained by a child only from his/her father is of concern. Domestic legislation should be amended to guarantee that the acquisition of Kuwaiti nationality be determined in light of the provisions and principles of the Convention, especially articles 2, 3 and 7.

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 171.

Efforts should be increased to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. Measures should be adopted to regularize the situation of hill tribe children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

- Belize, CRC, CRC/C/84 (1999) 12 at para. 77.

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

Legislative reform should be undertaken with a view to ensuring that fathers are also made responsible for the registration of their children and that children born out of wedlock are guaranteed their right to preservation of identity, name and family relations. Furthermore, all necessary measures should be taken to ensure that birth registration is made accessible to all children. In this regard, the State party should seek to implement, at the earliest opportunity, its proposal to introduce a mobile birth registration programme as well as additional district facilities to reach those families in remote rural communities. Efforts should also be increased to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth and measures should be adopted to regularize the situation of immigrant children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

- Yemen, CRC, CRC/C/84 (1999) 33 at para. 170.

The insufficient measures undertaken by the State party in the area of birth registration, and the lack of awareness regarding registration procedures, especially in rural areas, are of concern. All available measures should be taken to ensure the immediate registration of the birth of all children. Birth registration procedures should be made widely known and understood by the population at large. Attention should be given to the serious implications of the absence of a birth certificate, which can result in the sentencing of a child to the death penalty or preclude his or her access to health services.

*See also:*

- Guinea, CRC, CRC/C/84 (1999) 21 at para. 109.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 149.

All necessary measures should be made to ensure that birth registration is made accessible to all parents. Efforts should be taken to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

*See also:*

- Mali, CRC, CRC/C/90 (1999) 43 at para. 212.

- Chad, CRC, CRC/C/87 (1999) 45 at para. 184.

The insufficient measures undertaken in the area of birth registration and the lack of implementation

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

of legislative measures requiring parents to register children at birth, especially in rural areas and, in particular among nomadic groups, are of concern. All available measures should be taken to ensure registration of the birth of all children. Birth registration procedures should be made widely known and consideration should be given to the establishment of mobile registration units, or other innovative approaches, to facilitate birth registration in remote rural areas and for nomadic groups.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 230.

All available measures should continue to be taken to ensure the immediate registration of the births of all children, especially in rural areas and among indigenous communities. Furthermore, birth registration procedures should be made widely known by the population at large, if necessary in cooperation with non-governmental organizations and with the support of international organizations.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 48.

Efforts should continue to be taken to ensure the immediate registration of the birth of all children, including measures in cooperation with non-governmental organizations and with the support of international organizations, to ensure that birth registration procedures are widely known and understood by the population at large. In this regard, the situation of children belonging to indigenous groups and to illegal immigrant families deserves special attention.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 180.

Greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. Measures should be strengthened to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 157 and 158.

### *Paragraph 157*

The absence of systematic birth registration in the State party is a concern. This can prevent an accurate statement of the identity or age of a child and can make it very difficult to enforce the protection afforded to children by domestic legislation or by the Convention. The arbitrary manner in which age and identity are frequently established is a concern.

### *Paragraph 158*

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

In the light of article 7 of the Convention, the State party should establish as quickly as is possible a practice of systematic birth registration for all children born within the national territory. The State party is urged to proceed with the registration of those children who have not thus far been registered.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at paras. 259 and 260.

### *Paragraph 259*

Concern is expressed that in spite of relevant legislation and an increasing number of births in hospitals, there are still children who are not registered at birth. A large proportion of unregistered births are of Roma children. Official birth registration is a fundamental first step towards securing the rights of a child to a name and nationality, whether in the state of birth or in another state, and to gaining access to social assistance, health, education and other services.

### *Paragraph 260*

In the light of article 7 of the Convention, the State party is urged to make every effort to enforce birth registration and to facilitate the registration process with regard to the children of parents, or other responsible persons, who may have particular difficulties in providing the necessary documentation.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 336 and 337.

### *Paragraph 336*

The situation of children living and/or working on the streets, who are amongst the most marginalized groups of children in Armenia, is a concern.

### *Paragraph 337*

It is recommended that the State party establish mechanisms to ensure these children are provided with identity documents, nutrition, clothing and housing. Moreover, the State party should ensure these children have access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; comprehensive education, including vocational and life-skills training; and access to legal aid.

### *See also:*

- India, CRC, CRC/C/94 (2000) 10 at para. 87.
- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 66 and 67.
- Georgia, CRC, CRC/C/97 (2000) 18 at para. 139.
- Jordan, CRC, CRC/C/97 (2000) 31 at para. 198.

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

- Peru, CRC, CRC/C/94 (2000) 64 at para. 372.

In light of article 7 of the Convention, measures should be continued to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 399.

It is noted that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act). Concern is expressed that some children are still not registered at birth and are not given a name until their baptism, which could be three or four months after their birth. In the light of articles 7 and 8 of the Convention, all necessary measures should be undertaken, including through awareness raising among government officers, community and religious leaders, and parents themselves, to ensure that all children are registered and given a name at birth.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 433.

The Births and Deaths Act provides for the registration of all children at birth. Recent initiatives have been undertaken to improve and facilitate the process of birth registration, particularly in rural areas. However, concern is expressed that many children are still not registered. In light of articles 7 and 8 of the Convention, the State party is encouraged to continue its efforts through, *inter alia*, mobile clinics and hospitals, to ensure that birth registration is made accessible to all parents within the territory. Efforts should be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 42.

The infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother, under the Civil Code (e.g. in relation to custody, guardianship and nationality) is incompatible with article 2.

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 114 and 115.

### *Paragraph 114*

While the State party's concerns regarding adoptions and the need to keep the identity of genetic

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

parents confidential are noted, deep concern is expressed about the fact that the law on adoption provides that the date and place of birth of an adopted child may be changed at the request of the adoptive parents.

### *Paragraph 115*

With reference to articles 3 and 7 of the Convention the State party should consider amending its legislation to ensure that information about the date and place of birth of adopted children and their genetic parents are preserved and, where possible, made available to these children upon request and when in their best interests.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 201 and 202.

### *Paragraph 201*

It is of concern that there are no procedures to prevent refugee children from becoming stateless, no legislative measures applicable to family reunification, and no special status determination procedures for unaccompanied children.

### *Paragraph 202*

The State party should accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and should adopt legislation in conformity with these instruments, taking into account the Guidelines on the protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR).

### *See also:*

- India, CRC, CRC/C/94 (2000) 10 at para. 93.
- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 296, 297, 320 and 321.

### *Paragraph 296*

Given that failure of timely registration of the birth of children can have negative consequences on the full enjoyment of their fundamental rights and freedoms, concern is expressed that many parents in rural areas, particularly internal migrants, fail to register their children owing to a lack of knowledge that it is necessary, lack of access to registration facilities, lack of documentation, and inability to pay registration fees.

### *Paragraph 297*

In light of article 7 of the Convention, greater efforts should be made to ensure free and timely registration of all births and measures should be taken as regards training and awareness-raising of



## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

registration in rural areas. Steps such as the establishment of mobile registration offices and registration units in schools and health facilities are encouraged.

### *Paragraph 320*

The issue of documentation is a serious problem for non-nationals, especially asylum-seekers, and this is of concern. Refugee documentation is provided only to the head of household, and this causes problems for "undocumented" children when encountering the militia, who constantly harass these children and subject them to fines and detention. For example, note is taken of the difficult situation of rejected refugee claimants who are denied refugee documentation yet whose illegal residence is tolerated, most notably Afghans.

### *Paragraph 321*

The State party should undertake effective public education campaigns to inform asylum-seekers, especially those newly arrived, about asylum procedures and the importance of children having documentation; provide practical assistance in obtaining birth certificates for every child and adequate

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

the Resident Book (No. 73) and the Family Book (No. 74), both of 1997, in particular to ensure that all children who were not registered at birth are registered. The State party should conduct awareness-raising campaigns to encourage the registration of all children at birth.

### *Paragraph 361*

It is of concern that the Law on Nationality (1996) might lead to discrimination against children of non-Khmer origin and might, in violation of article 7 of the Convention, leave stateless a large number of children born in Cambodia, such as children belonging to minority groups.

### *Paragraph 362*

The Law on Nationality should be reviewed in light of the Convention with a view to eliminating all grounds of possible discrimination and eradicating and preventing children from being stateless.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 479 and 480.

### *Paragraph 479*

While the law provides for the registration of children at birth, concern is expressed that children, particularly those belonging to communities in the interior of the country, are still not registered.

### *Paragraph 480*

In light of articles 7 and 8 of the Convention, appropriate measures should be taken, including awareness-raising among government officers, community and religious leaders and parents themselves, to ensure that all children are registered at birth.

- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 540 and 541.

### *Paragraph 540*

The insufficiency of systematic birth registration in the State party prevents an accurate statement of the identity or age of a child, which can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced. The difficulties experienced in registering the birth of refugee children outside of the refugee camps is a concern as is the limited type of birth registration available in the camps.

### *Paragraph 541*

In light of articles 1 and 7 of the Convention, it is recommended that the State party establish as quickly as possible the practice of systematic birth registration for all children born within the national territory. The State party is encouraged to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and to adopt national legislation that is in conformity with these international instruments. The State party is urged

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

to proceed with the registration of those children who have not been registered.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 119-122.

### *Paragraph 119*

It is noted that the State party has ratified the 1954 Convention relating to the Status of Stateless Persons. Concerns remain about the absence of legislation to implement the Convention's provisions as they affect children.

### *Paragraph 120*

The State party should consider adopting and implementing legislation to implement the 1954 Convention.

### *Paragraph 121*

The Committee is very concerned at the large numbers of children whose births are not being registered.

### *Paragraph 122*

In the light of article 7 of the Convention, the State party is urged to make every effort to ensure the registration of all children born, taking into account the particular situation of internally displaced persons, including those who have been regrouped, and refugees.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 358 and 359.

### *Paragraph 358*

Greater efforts are needed to ensure that all children are registered at birth and that they are provided with identity cards in order to facilitate the full enjoyment of their rights.

### *Paragraph 359*

In the light of article 7 of the Convention, the State party should continue its measures to ensure the immediate registration of the birth of all children. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children living in areas affected by the armed conflict and in camps for internally displaced groups.

- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 433-436.

### *Paragraph 433*

The low levels of birth registration in the State party are a concern as are reports indicating there are

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

financial charges for this service.

### *Paragraph 434*

In light of article 7 of the Convention, every effort should be made to ensure the birth registration of all children, particularly in rural areas, for example via the use of mobile offices, and to ensure that birth registration services are free.

### *Paragraph 435*

Concern is expressed about violations of the right to a nationality for children whose birth have not been registered or for children born in the State party and whose parents are not nationals of the State party. It is noted that while children can acquire nationality from age 12, parents who are non-nationals have much greater difficulty in acquiring nationality.

### *Paragraph 436*

The State party should examine concerns relating to the access of children to a nationality and make every effort to improve respect for this right. Attention should be given to the situation of children whose parents are unable to claim the State party's nationality.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 515 and 516.

### *Paragraph 515*

In light of article 7 of the Convention which requires the registration of children "immediately after birth," insufficient measures have been undertaken to ensure the birth registration of all children, in particular those living in the outer island communities.

### *Paragraph 516*

Special efforts should be made to guarantee an effective system of birth registration to ensure that all children fully enjoy their fundamental rights. The State party should develop widespread awareness among the population of the importance of birth registration and improve the registration system, including by providing mobile registration units in the outer islands.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 624 and 625.

### *Paragraph 624*

Concern is expressed about the limitations in the State party's birth registration system, which prevent an accurate statement of the identity or age of a child and can make it very difficult for the protection afforded to children by domestic legislation or by the Convention to be enforced.

### *Paragraph 625*

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

In the light of article 7 of the Convention, the State party should establish as quickly as possible the practice of systematic birth registration for all children born within the national territory. The State party is urged to proceed with the registration of those children who have not been registered. Birth registration procedures should be widely known and understood by the population at large.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 52 and 53.

### *Paragraph 52*

It is a matter of deep concern that, although all children born in Latvia after 1991 are automatically entitled to citizenship according to the amendment of 1998 of the Citizenship Law, there is still a large number of children who are without Latvian nationality. The slow pace in general of the process of naturalization of non-citizens in Latvia is also of concern.

### *Paragraph 53*

In light of article 7 of the Convention, the Committee concurs with the recommendation of the Committee on the Elimination of Racial Discrimination to streamline the process of naturalization for all those who apply for citizenship (A/54/18, para. 404) and, in particular, the State party is encouraged to provide more information and support to the parents of non-citizen children to enable them to apply for citizenship on behalf of their children.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 150 and 151.

### *Paragraph 150*

Deep concern is expressed at the very low levels of birth registration in the State party.

### *Paragraph 151*

Ongoing efforts should be continued and strengthened to establish institutional structures, for example through the use of mobile registration centres, in order to ensure full birth registration throughout the country. Information campaigns should be used to inform the population of birth registration requirements.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 224 and 225.

### *Paragraph 224*

The infringement of children's rights under the Convention as a result of indirect discrimination, or

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

discrimination against his or her mother, under personal status laws (e.g. in relation to child custody upon separation) is incompatible with article 2. Concerning the 1975 Nationality Law, concern is expressed about the negative impact on children of restrictions on the right of an Egyptian woman to pass on her nationality to her child, particularly if she is married to a non-national.

### *Paragraph 225*

In accordance with article 2 of the Convention, effective measures should be taken, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the State party is encouraged to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. In concurrence with the findings of the Committee on Economic, Cultural and Social Rights (E/C.12/1/Add.4), the State party should remove all provisions of the Nationality Law which discriminate against women, and also against children. All appropriate measures, such as comprehensive public education campaigns should be taken to prevent and combat negative societal attitudes in this regard, particularly within the family. Members of the legal profession, especially the judiciary, should be trained to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

### *See also:*

- Jordan, CRC, CRC/C/97 (2000) 31 at para. 175.
- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 274 and 275.

### *Paragraph 274*

It is noted with concern that children born to stateless persons who have no right of permanent residence in Lithuania do not automatically obtain Lithuanian citizenship.

### *Paragraph 275*

In light of article 7 of the Convention, the State party should take all appropriate measures to ensure that all children born in Lithuania are protected from statelessness.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 339 and 340.

### *Paragraph 339*

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

Concern is expressed about the low levels of birth registration and, in particular, about the fact that some registration procedures are inaccessible, cumbersome and expensive.

### *Paragraph 340*

All necessary measures should be taken, including through legislation, awareness raising among government officials, community leaders and parents and through the use of mobile registration offices whenever appropriate, to ensure that all children are registered at birth.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 397 and 398.

### *Paragraph 397*

The persistence of discrimination is of concern. In particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of identity cards for females) and personal status (e.g. inheritance, custody and guardianship), are incompatible with article 2. It is noted with concern that the nationality law does not grant equal citizenship status to children of Saudi women married to non-nationals. The persistence of stereotypical attitudes about the roles and responsibilities of women and men is also a matter of concern.

### *Paragraph 398*

In accordance with article 2 of the Convention, effective measures should be taken, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The practice of other States that have been successful in reconciling fundamental rights with Islamic texts should be considered.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 458 and 459.

### *Paragraph 458*

Concern is expressed at the inadequate legislation, policies and institutions to regulate inter-country adoptions and to protect the rights of children in this regard. It is noted with concern that the law regarding inter-country adoptions does not allow the adopting parents to transfer their nationality to non-Palauan adopted children. Additionally, concern is expressed that children in inter-country adoptions are generally not eligible for a Palauan passport and may not own or inherit land or benefit from health, education and social service subsidies.

### *Paragraph 459*

All appropriate measures, including legal and administrative ones should be taken, to ensure the effective regulation of inter-country adoptions and to protect the rights of children in this regard.

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 507 and 508.

### *Paragraph 507*

While efforts in the area of birth registration are noted, concerns remain that a large percentage of children are not registered and are not provided with identity cards, thus preventing them from fully enjoying their rights. In particular, concern is expressed about the situation of children of Haitian origin or belonging to Haitian migrant families whose right to birth registration has been denied in the State party. As a result of this policy, those children have not been able to enjoy fully their rights, such as to access to health care and education.

### *Paragraph 508*

In the light of article 7 of the Convention, the State party should strengthen and increase its measures to ensure the immediate registration of the birth of all children. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children of Haitian origin or belonging to Haitian migrant families.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 177-180.

### *Paragraph 177*

It is of deep concern that the right to a nationality of some children within the State party, particularly children living in eastern regions of the country and members of certain ethnic groups, is not respected.

### *Paragraph 178*

It should be ensured that all children, without discrimination, are accorded a nationality and measures should be taken to implement the concluding observations of the Committee on the Elimination of Racial Discrimination on this subject.

### *Paragraph 179*

The very low levels of birth registration are of concern. In this regard, the Committee joins with the State party in expressing concern that the registration of a child may be hindered by the legal requirement that children be registered only in the area of their regular address and given that many persons have no fixed place of residence.

### *Paragraph 180*

The State party should continue and strengthen its ongoing efforts to ensure that birth registration is completed for all children, including through suitable amendments to legislation, the introduction of more flexible methods of registration and information campaigns.



## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 255 and 256.

### *Paragraph 255*

It is of concern that a large number of children, in particular girls in rural and poor urban areas, are not registered because of distance from registry offices or because parents are unaware of the importance of the procedure for birth registration.

### *Paragraph 256*

In light of article 7 of the Convention, the State party should develop more widespread awareness among the population of the importance of birth registration and improve the registration system so that it reaches all people, in particular those in rural areas.

### *See also:*

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 115 and 116.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 315 and 316.

### *Paragraph 315*

Although welcoming the efforts undertaken by the State party to raise awareness of and extend the deadline for the registration of birth, the Committee remains very concerned at the large number of children whose births are not registered.

### *Paragraph 316*

In light of article 7 of the Convention, every effort should be made to ensure the registration of all children at birth, including through the continuation of awareness raising campaigns.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 386 and 387.

### *Paragraph 386*

It is noted that the law provides for the registration of children at birth and that the State party has initiated campaigns to raise awareness about the importance of birth registration. However, it is of concern that most children, particularly those born at home and those living in rural communities, are not registered.

### *Paragraph 387*

In light of articles 7 and 8 of the Convention, the State party should undertake appropriate measures, including awareness raising among government officers, midwives, community and religious leaders,

## **CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY**

and parents themselves, to ensure that all children are registered at birth. The State party is encouraged to introduce practical measures to facilitate birth registration, such as the introduction of mobile birth registration units.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 456-459, 474 and 475.

### *Paragraph 456*

Noting the difficulties imposed by terrain and settlement patterns, it is of concern that the failure of timely birth registration can have negative consequences on the full enjoyment by children of their fundamental rights and freedoms.

### *Paragraph 457*

Greater efforts should be made to ensure the timely registration of all births and to issue birth certificates. Awareness-raising should be carried out about registration in rural areas. The State party should also consider the establishment of mobile registration offices and registration units in schools.

### *Paragraph 458*

It is of concern that under citizenship laws a child of a Bhutanese mother and a non-national father must face a burdensome naturalization process, whereas this is not required if the father is Bhutanese.

### *Paragraph 459*

The right of a child to a nationality should be ensured without discrimination on the basis of the gender of the parent(s), in accordance with articles 2 and 7 of the Convention.

### *Paragraph 474*

Noting that the verification process of refugees in camps in Nepal has commenced, concern is expressed about the slow rate of this process and the serious and negative impact this has on the rights of children residing in these camps, particularly given that repatriation will begin only once all refugees have been verified.

### *Paragraph 475*

In accordance with the principles of the best interests of the child, the right to a nationality and to the preservation of identity (articles 3, 7 and 8 of the Convention), and with a view to reaching a just and durable solution to the situation of refugees in camps in Nepal, the State party should:

- (a) Make greater efforts to expedite the verification process and consider the possibility of repatriating individuals within a reasonable time following individual verification;
- (b) Consider a mechanism to allow individuals to appeal against decisions;

## CHILDREN'S RIGHTS - NAME, IDENTITY, NATIONALITY

(c) Ensure that returnees are repatriated and resettled, in safety and dignity, to their place of origin or choice;

(d) Consider acceding to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the conventions on statelessness; and

(e) In the best interests of the children, consider seeking assistance from UNHCR.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 507, 508, 511 and 512.

### *Paragraph 507*

Discrimination against women in the passing on of parents' nationality persists and this is of concern. There is also concern that children born out of wedlock continue to face discrimination with regard to inheritance rights. While noting the State party's efforts in this regard, concern is expressed over information indicating that children of all nationalities are not treated equally.

### *Paragraph 508*

The State party should pursue its efforts to adopt legislation that establishes an equal right for men and women to pass on Monegasque nationality to their children and to ensure that children born out of wedlock benefit from the same rights as children born within marriage. In light of article 12, the State party should continue its efforts to ensure that all children, regardless of their nationality, are treated equally.

### *Paragraph 511*

The lack of rules concerning *in vitro*-fertilization and respect for a child's right to know his or her identity is a matter of concern.

### *Paragraph 512*

The State party should consider ways to ensure respect of a child's right to know his or her parents' identities, as far as possible.