

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

### **IV. CONCLUDING OBSERVATIONS, CONTINUED**

#### **CERD**

- Switzerland, CERD, A/57/18 (2002) 46 at para. 251.

251. The Committee is concerned at expressions of xenophobic and racist attitudes in naturalization procedures, particularly those subject to popular vote. It is also concerned that according to legislation still in force decisions taken in accordance with such procedures are not subject to legal review. The Committee is of the view that the right to appeal against decisions, in particular arbitrary or discriminatory ones, in matters relating to naturalization has to be made an integral part of the policy on naturalization, currently in the process of being amended. Further, the State party should endeavour to avoid statelessness, particularly of children, on its territory, bearing in mind article 38 (3) of the new Federal Constitution, which stipulates that the Confederation "shall facilitate the naturalization of stateless children".

- Estonia, CERD, A/57/18 (2002) 60 at para. 353.

353. The Committee remains concerned by the significantly high number of stateless persons residing in Estonia. Although it welcomes the fact that the naturalization procedure has been made easier for children and disabled persons, the Committee notes the existence of a significant discrepancy between the number of people passing the language proficiency test and of those effectively filing applications and acquiring Estonian citizenship. The Committee recommends a thorough investigation into possible barriers which may exist, both in terms of the naturalization procedure and in relation to lack of motivation to apply for citizenship. The Committee also calls for a speedy resolution of the issue concerning the difficulties in obtaining citizenship for children born in Estonia of long-term residents whose legal status has not yet been determined.

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 214.

214. The Committee, noting the information provided concerning the acquisition of nationality under the Nationality Regulations, is nevertheless concerned that a Saudi woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Saudi nationality in the same manner as a foreign woman. The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention.

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- Malawi, CERD, A/58/18 (2003) 93 at para. 558.

558. The Committee is concerned that the registration of births is not compulsory, except for children of non-African origin.

The Committee underlines the existing link between the registration of births and the ability of children to enjoy civil, political, economic, social and cultural rights, as enumerated under article 5 of the Convention. It recommends that the State party review the Births and Deaths Registration Act in order to make birth registration compulsory for all children without any discrimination.

- Bahamas, CERD, A/59/18 (2004) 10 at para. 33.

33. The Committee takes note of the constitutional reform process now in progress but is concerned at the fact that the Constitution contains discriminatory provisions on the subject of women's rights to transmit their nationality to their children and foreign spouses.

It invites the State party to continue its efforts to remedy such discrimination, and draws its attention to the Committee's general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

- Lebanon, CERD, A/59/18 (2004) 18 at para. 85.

85. The Committee notes that Lebanese citizenship is derived exclusively from the father, which may result in a situation of statelessness for children of a Lebanese mother and non-citizen father, where registration under the father's nationality is not possible.

The Committee urges the State party to review its relevant legislation, so as to bring it in line with the provisions of the Convention... In addition, the Committee recommends that the State party ratify the Convention on the Reduction of Statelessness of 1961.

- Sweden, CERD, A/59/18 (2004) 41 at para. 214.

214. The Committee welcomes the adoption of a series of legislative measures undertaken by the State party to combat racial discrimination, including:

...

(d) The new Act on Citizenship, which came into force on 1 July 2001, accepting the possibility of dual citizenship and facilitating the acquisition of Swedish citizenship for children of foreign background.

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- Madagascar, CERD, A/59/18 (2004) 58 at para. 318.

318. The Committee notes that the rules on nationality discriminate against children born to a mother of Malagasy nationality and a father of foreign nationality.

The Committee recommends to the State party that it revise its nationality law and guarantee such children Malagasy nationality on the same footing as children born to a father of Malagasy nationality and a mother of foreign nationality.

- Mauritania, CERD, A/59/18 (2004) 61 at para. 345.

345. The Committee notes with concern that the Nationality Code does not appear to comply fully with article 5 (d) (iii) of the Convention, in particular since it lays down rules on access to nationality that differ depending on whether the children are born to a Mauritanian father or a Mauritanian mother, or whether they are born to a foreign father or a mother born in Mauritania.

The Committee recommends that the State party guarantee respect for the principle of non-discrimination in children's access to nationality.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 87.

87. The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman.

The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendation XXV and to general recommendation XXX, which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

## **ICCPR**

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- Egypt, ICCPR, A/58/40 vol. I (2003) 31 at para. 77(10).

(10) The Committee draws attention to the discrimination affecting women as regards transmission of nationality to their children when their spouses are not Egyptian and as regards the rules governing inheritance (articles 3 and 26 of the Covenant).

The State party is encouraged to bring its current inquiries to a conclusion and do away with all discrimination between men and women in its domestic legislation.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at para. 79(14).

(14) Regretting that the concerns of its previous concluding observations (CCPR/C/79/Add.59, para. 12) have not been met, the Committee remains deeply concerned at the high number of stateless persons in Estonia and the comparatively low number of naturalizations. While the State party has adopted a number of measures designed to facilitate naturalization, a large number of stateless persons do not even initiate this procedure. The Committee takes note of the different reasons underlying this phenomenon, but considers that this situation has adverse consequences in terms of the enjoyment of the Covenant rights and that the State party has a positive duty to ensure and protect those rights.

The State party should seek to reduce the number of stateless persons, with priority for children, *inter alia* by encouraging their parents to apply for Estonian citizenship on their behalf and by promotion campaigns in schools. The State party is invited to reconsider its position as to the access to Estonian citizenship by persons who have taken the citizenship of another country during the period of transition and by stateless persons. The State party is also encouraged to conduct a study on the socio-economic consequences of statelessness in Estonia, including the issue of marginalization and exclusion (articles 24 and 26 of the Covenant).

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(22).

(22) The Committee is concerned about the criteria in the 1952 Law on Citizenship enabling the revocation of Israeli citizenship, especially its application to Arab Israelis. The Committee is concerned about the compatibility with the Covenant, in particular article 24 of the Covenant, of the revocation of the citizenship of Israeli citizens.

The State party should ensure that any changes to citizenship legislation are in conformity with article 24 of the Covenant.

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- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(17).

(17) The Committee is concerned at the low level of registration as citizens of children born in Latvia after 21 August 1991, to non-citizen parents (art. 24).

The State party should take all necessary measures to further encourage registration of children as citizens.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(4).

(4) The Committee appreciates the measures taken to improve the protection of children, in particular legislation granting children a right to education in a non-violent environment, the removal of remaining differences in the legal status of children born in and out of wedlock, and the introduction of elements of *jus soli* for children born in Germany to foreign parents.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(32).

(32) The Committee notes that a child born of a Moroccan mother and a foreign father (or a father of unknown nationality) is treated differently from the children of a Moroccan father with regard to obtaining Moroccan nationality.

The State party should comply with the provisions of article 24 of the Covenant and should ensure equal treatment for the children of a Moroccan mother and a Moroccan or foreign father (Covenant, arts. 24 and 26).

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(4).

(4) The Committee welcomes the adoption of Act No. 62/1998 amending the Icelandic Citizenship Act, which abolished important elements of the previous legislation with respect to discrimination against children born out of wedlock.

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at para. 93(15).

(15) The Committee is concerned at the reported neglect of unaccompanied minors seeking

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asylum or illegally residing in the territory of the State party. The Committee, while recognizing that registration is distinct from conferral of nationality, is also concerned that some children are registered at birth without a nationality (art. 24).

The State party should develop specific procedures to address the needs of unaccompanied children and to ensure their best interests in the course of any immigration and related proceedings. The State party should also ensure the right of every child to acquire a nationality.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(19).

(19) The Committee has noted the information provided by the State party with regard to the stateless Kurds. The Committee remains concerned at the situation of the large number of Kurds treated as aliens or unregistered persons and the discrimination experienced by them. The Committee reminds the State party that the Covenant is applicable to all individuals subject to its jurisdiction (arts. 2 (1), 24, 26 and 27).

The State party should take urgent steps to remedy the situation of statelessness of Kurds in Syria and to protect and promote the rights of non-citizen Kurds. The Committee further urges the State party to allow Kurdish children born in Syria to acquire Syrian nationality.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(22).

(22) Notwithstanding the corrective measures taken by the State party, most notably through the Central Registration Regulations 1992 and 1996, to address the issue of statelessness among ethnic minorities, including the Highlanders, the Committee remains concerned that a significant number of persons under its jurisdiction remain stateless, with negative consequences for the full enjoyment of their Covenant rights, as well as the right to work and their access to basic services, including health care and education. The Committee is concerned that their statelessness renders them vulnerable to abuse and exploitation. The Committee is also concerned about the low levels of birth registration, especially among Highlander children. (arts. 2 and 24).

The State party should continue to implement measures to naturalize the stateless persons who were born in Thailand and are living under its jurisdiction. The State party should also review its policy regarding birth registration of children belonging to ethnic minority groups, including the Highlanders, and asylum-seeking/refugee children, and ensure that all children born in the State party are issued with birth certificates.

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### CEDAW

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 274 and 275.

274. ...The Committee is...concerned at the existence of discriminatory legislation, such as the Land Development Ordinance, and the provisions allowing for Muslim personal law, which, *inter alia*, does not provide a minimum age of marriage, as well as the nationality law which precludes Sri Lankan women from passing nationality to their children on an equal footing with men.

275. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution...The Committee further recommends that, in its efforts to eliminate discriminatory legislation, the State party take into account, where appropriate, suggestions and recommendations from bodies such as the Muslim personal law reforms committee set up by the Ministry of Muslim Religious and Cultural Affairs. The Committee also encourages the Government to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 165 and 166.

165. The Committee is concerned about the discriminatory nature of Belgian law on family names, which does not allow a child to be given the name of his/her mother at his/her birth when his/her parents are married or cohabiting.

166. The Committee calls on the Government to modify the legislation on family names to permit choices in transmitting family names to children.

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at para. 184.

184. The Committee...welcomes the amendments to the Personal Status Code, which provide women with the capacity to institute legal proceedings in their own name, affirm the principle of equality and partnership between spouses, provide that both parties should cooperate in managing family affairs, prevent manipulation of divorce proceedings by the husband, allow spouses to agree to a joint property regime and grant women the right to give their family name to a child born of an unknown father and the opportunity for gene-testing to prove parenthood...

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 156, 162 and 163.

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156. The Committee appreciates the fact that a Royal Commission has been established with the principal goal of revising the Personal Status Code. The Committee commends the State party for the draft bill on the nationality law which would give Moroccan women the right to pass on their nationality to their children on the same basis as men.

...

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code...A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner.

163. The Committee urges the State party to continue, and to expedite, the process of legislative reform within the framework of the Royal Commission on the Personal Status Code and to amend discriminatory provisions...The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9, paragraph 2, of the Convention...

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 371 and 372.

371. The Committee...is...concerned about discrimination in law and administrative practice against children born out of wedlock with regard to registration and inheritance rights and the resulting considerable impact on women.

372. The Committee requests the State party to repeal discriminatory legal provisions that still exist in the Civil Code and to bring legislation and administrative practice into line with the Convention.

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 127 and 128.

127. The Committee is concerned about the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and now live in refugee camps in Nepal. It is also concerned about the situation of girls born of Bhutanese parents in refugee camps who can obtain naturalization only after the age of 15 years.

128. The Committee urges the State party to step up its efforts to conduct negotiations with the Government of Nepal, and to collaborate with the Office of the United Nations High Commissioner for Refugees, in order to find a prompt, just and durable solution to the situation of Bhutanese women and girls living in refugee camps in Nepal, including the possibility of return to Bhutan for those Bhutanese women who wish to do so.



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- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 173 and 174.

173. The Committee is concerned that the law on nationality precludes Kyrgyz women from passing their nationality on to their children on the same basis as men.

174. The Committee urges the State party to take immediate steps to amend the nationality law and bring it into conformity with article 9 of the Convention.

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 198 and 199.

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 253 and 254.

253. The Committee, while welcoming the fact that the age of marriage has been set at 18 years for both girls and boys, is concerned about the persistence of the practice of early marriage, which may be perpetuated further by the non-registration of births.

254. The Committee recommends that the State party take measures to achieve free and timely registration of all births and undertake awareness-raising measures, throughout the country, particularly in rural areas, on the importance of registering births and the negative effects of early marriage on women's enjoyment of human rights, especially the rights to health and education.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 249 and 250.

249. Although acknowledging that the State party has initiated the amendment of the 1951 Citizenship Act, the Committee is concerned that women are still unable to transmit their nationality to their foreign husbands and children.

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250. The Committee urges the State party to ensure that a new citizenship law, which is in line with article 9 of the Convention, is adopted without delay, in order to eliminate all provisions that discriminate against women in the area of nationality.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 300 and 301.

300. The Committee takes note of the draft immigration bill which has been submitted to the National Congress; however, it remains concerned about the discriminatory nature of the definition of nationality, which directly affects one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent. The Committee fears that this definition could hamper their access to education and other basic services...

301. The Committee urges the State party to promote discussion of the draft immigration bill and to ensure that it complies with article 9 of the Convention through elimination of all the provisions that discriminate against Dominican women and girls of Haitian descent, or any foreigners who find themselves in a similar situation...

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 41 and 42.

41. The Committee is concerned about existing discriminatory legal provisions, particularly that which establishes a minimum marriage age for females at 17 and for males at 18, and about article 7 of the citizenship law on the determination of the citizenship of a child under the age of 14...

42. The Committee urges the State party to initiate without delay a comprehensive review of all legislation, with the aim of identifying provisions that discriminate against women, and a process of law reform to bring its laws into conformity with the provisions of the Convention.

## **CAT**

- Argentina, CAT, A/60/44 (2004) 12 at para. 32.

32. The Committee...warmly welcomes the following positive developments:

...

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(d) The work accomplished by the National Commission for the Right to an Identity, which was entrusted with the task of locating children who disappeared under the military dictatorship.

### **CRC**

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 54, 55, 74 and 75.

54. While noting Act No. 96/020 of 19 June 1996 on the obligation to register every child's birth and the establishment of a Secretariat of State for Civil Registration, the Committee is nevertheless concerned at the difficulties that are still experienced in registering, organizing and keeping civil registry records, in particular in rural areas.

55. In light of article 7 of the Convention, the Committee recommends that the State party:

(a) Continue to develop more widespread awareness among the population, including through public information campaigns, of the importance of immediate birth registration; and

(b) Improve the registration procedures and system in order to reach all families, in particular in rural and remote areas, and facilitate the registration of the births of their children.

...

74. The Committee notes with concern that the State party does not give identification documents to refugees and their children and that the rights of refugee children are not specifically protected by law, notwithstanding the fact that the State party has signed the 1951 Convention relating to the Status of Refugees and has acceded to the 1967 Protocol...

75. In light of article 22 of the Convention, the Committee recommends that the State party:

(a) Integrate the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol into its legislation;

(b) Grant proper official identification documents to refugees in order to enable them to travel and to access other basic rights;...

...

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 112 and 113.

112. The Committee notes 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

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registration. However, it is concerned that many children are not registered, particularly those born at home and those living in rural communities.

113. In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among government officers, midwives, community and religious leaders, and parents themselves, to ensure that all children are duly registered at birth. The Committee also recommends that the State party make the birth registration procedure less costly and more accessible.

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 181 and 182.

181. The Committee is concerned that the Nationality Law does not grant citizenship to children of Omani women married to non-nationals, as it does where the father is Omani.

182. The Committee recommends that the State party ensure the right of all children to a nationality, without discrimination on the grounds of either parent's sex, in accordance with articles 2 and 7 of the Convention.

### ***See also:***

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 304 and 305.
- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 61 and 62.
- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 396 and 397.
  
- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 357 and 358.

357. While taking note of Ordinance No. 81/2 of 29 June 1981 which makes it an obligation to declare a birth to the registry official at the place of birth, and the designation of special registration officers, the Committee remains concerned at the large numbers of children whose birth is not being registered.

358. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure the registration of all children at birth, including through awareness-raising campaigns, and to consider introducing mobile registration units.

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 428 and 429.

428. The Committee notes that the law provides for the registration of children at birth. However, it is concerned that many children, particularly those born at home and those living in rural communities, are not registered. The Committee is also concerned that

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children do not easily obtain birth certificates, which are necessary for access to education.

429. In light of articles 7 and 8 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among government officers, midwives, community and religious leaders and parents themselves, in order to ensure that all children are registered at birth. The Committee also recommends facilitating the issuance of birth certificates, for example by combining birth registration with the automatic and issuance of a free birth certificate.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 566 and 567.

566. The Committee is concerned about:

...

The practice of secret adoption.

567. The Committee recommends that the State Party:

...

(c) Ensure that adopted children who have reached the age of majority have the right of access to the identity of their biological parents;

...

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 81 and 82.

81. The Committee is concerned at the absence of legislative or administrative provisions to protect refugee children. Issues of concern include the fact that only men may confer citizenship upon their children, instances of separation of children from their asylum-seeking parents during detention, as well as difficulties regarding full access to education.

82. The Committee reiterates its previous recommendation ([CRC/C/15/Add.54], para. 41) that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It further encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Furthermore, it encourages the State party to ensure that refugee children are provided with proper documentation, refrain from separating refugee children from their parents, facilitate family reunification and ensure the right to education for all refugee children.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 132 and 133.

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132. The Committee is concerned:

(a) That the right of some children, and particularly child members of some distinct ethnic, religious, linguistic and cultural groups such as the Roma, to birth registration is not respected as a result of a lack of information on birth registration procedures, a lack of legal representation for particular population groups and the lack of sufficiently decentralized services;

(b) That persons who speak a language other than Greek, including refugees and asylum-seekers, have difficulty in registering names for their children in their native language.

133. The Committee recommends that the State party ensure:

(a) That all children are registered at birth, including through improvement of the provision of information on, and easier access to, birth registration facilities;

(b) That all children are able to be registered under, and make use of, their full original name as chosen by themselves, their parents or other legal guardian.

- Gabon, CRC, CRC/C/114 (2002) 47 at para. 205, 206, 245 and 246.

205. While taking note of the obligation to register officially all births and the process of computerizing these registries, the Committee remains concerned at the large number of children whose birth is not being registered.

206. In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, and consider facilitating procedures of birth registration.

...

245. The Committee is deeply concerned about the poor situation of Pygmy children and their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

246. The Committee urges the State party to:

(a) Undertake a study to assess the situation and the needs of Pygmy children and to elaborate a plan of action involving leaders of the Pygmy community to protect the rights of those children and ensure their social services;

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(b) Seek adequate means to ensure birth registration, health care, etc.

### ***See also:***

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 455 and 456.
- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 283 and 284.

283. The Committee is concerned that:

(a) According to estimates, a very large proportion of children are not registered at birth and that the State party has no accurate statistics as to the scale of this phenomenon;

(b) Access to birth registration facilities among rural populations is extremely limited by distance, the time delay for registration and sometimes by cost;

(c) There is widespread misunderstanding, for numerous reasons, of the purposes of birth registration.

284. The Committee recommends that the State party:

(a) Take steps to increase significantly the numbers of children who are registered at birth, and make every effort to conduct late registration of older children who were not registered at birth;

(b) Ensure that registration is free, explore the use of mobile registration facilities to facilitate access for rural populations and pursue current efforts relating to extending the period within which registration must be completed;

(c) Conduct information campaigns for the general population explaining the importance and purposes of birth registration.

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 371 and 372.

371. The Committee notes with concern that the Chilean legislation does not regulate the status of non-accompanied children, who are therefore considered stateless.

372. The Committee recommends that the State party:

(a) Take measures to prevent unaccompanied children from statelessness;

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(b) Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 410 and 411.

410. The Committee is concerned that domestic legislation does not provide for compulsory registration of all births but only for children whose parents are of non-African origin, which explains the very low rate of registration. The Committee is further concerned at the practice of derogatory names being assigned to some children such as children born out of wedlock.

411. In light of articles 7 and 8 of the Convention, the Committee recommends that the State party:

(a) Make birth registration compulsory for all children and carry out awareness campaigns among government officers, midwives, community and religious leaders, and parents themselves, to ensure that all children are duly registered at birth;

(b) Make the birth registration procedure accessible and free or at a low cost; and

(c) Abolish the practice of derogatory names assigned to some children.

- Andorra, CRC, CRC/C/114 (2002) 134 at paras. 510 and 511.

510. The Committee is concerned at the State party's declaration on articles 7 and 8 of the Convention made upon ratification, but welcomes the information by the delegation of the State party regarding its possible withdrawal.

511. The Committee encourages the State party to withdraw its declaration made upon ratification of the Convention as soon as possible.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 58 and 59.

58. Noting the significant efforts by the State party to improve birth registration, the Committee remains concerned that not all children are registered at birth and that the imposition of a financial fine upon parents who register the birth of their child after the expiry of the official deadline is a hindrance to birth registration.



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59. The Committee recommends that the State party:

(a) Review its birth registration procedures, consider the abolition of sanctions for late registration and continue to use creative means of raising birth registration (such as the use of mobile registration units in rural areas and sensitization campaigns), with a view to ensuring the systematic registration of all births;

(b) Seek technical assistance from UNICEF.

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 185 and 186.

185. The Committee notes the adoption of the Law No. 97/016 of 30 June 1997, which addresses the protection of refugees and establishes the National Commission of Refugees, and welcomes the State party's policy with regard to refugee children, but is concerned that not all births are registered.

186. The Committee recommends that the State party implement this legislation and ensure birth registration for all refugee children born on the territory of the State party. In addition, the Committee recommends that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and that it continue its cooperation with international agencies such as UNHCR and UNICEF.

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 310, 311, 332, 333, 340 and 341.

310. The Committee is concerned at the reservations made by the State party to articles 5, 7, 10, 37 and the four reservations made with regard to article 40, but welcomes the information that the State party is considering the withdrawal of most of these reservations thanks to recent and current revisions of the Constitution and other relevant laws, following a tentative timetable presented during the dialogue. Despite this information, the Committee remains concerned at the rather slow pace of this withdrawal process and even more at the fact that some reservations may not be withdrawn at all, or only in the distant future.

311. In light of the 1993 Vienna Declaration and Programme of Action, the Committee recommends that the State party:

...

(b) Expedite the current revision of the naturalization law and withdraw as soon as possible after the approval of this revision the reservation made to article 7;

(c) Expedite the current revision of the Foreign Nationals Act (formerly Federal Act concerning the Permanent and Temporary Residence of Foreigners) and withdraw as soon

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as possible after the approval of the revision the reservation made to article 10, paragraph 1, regarding family reunification;

...

332. The Committee notes that, according to article 27 of the Law on Medically Assisted Procreation, a child can be informed on the identity of his/her father only if he/she has a "legitimate interest" and is concerned at the meaning of "legitimate interest" in that regard.

333. In light of article 7 of the Convention, the Committee recommends that the State party ensure, as far as possible, respect for the child's right to know his or her parents' identities.

...

340. The Committee welcomes the entry into force of article 268(c) of the Civil Code which will allow adopted children to know their biological parents, and the ratification process, expected to be completed in 2003, of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993. However, the Committee remains concerned that children adopted abroad must wait two years before being formally adopted, which can lead to discrimination and statelessness...

341. The Committee recommends that the State party take the necessary measures to avoid children adopted abroad becoming stateless or discriminated against because of the time between their arrival in the State party and their formal adoption...

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 371 and 372.

371. The Committee welcomes information by the delegation that the reservation to article 21 will be withdrawn. However, the Committee is concerned about the remaining reservations to the Convention entered by the State party. In particular:

(a) That the exercise of the rights in articles 7 and 17 are subject to their compatibility with domestic law;

...

372. The Committee emphasizes that it is long established in international law that States parties to a treaty cannot invoke provisions of their domestic laws as justification for their inability to perform obligations under a treaty. The Committee recommends that the State party:

(a) Withdraw its reservations to articles 7 and 21;

...

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 437 and 438.

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437. The Committee is concerned that many children born out of wedlock do not know the identity of their father, *inter alia*, because of societal pressures that cause mothers to be reluctant to file a paternity action.

438. Noting the supportive role that the Department of Family Services is already playing in this regard, the Committee recommends that the State party further facilitate and support the activities (including paternity procedures) which will contribute to the full implementation of the rights of children to know their parents.

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 557 and 558.

557. While the Committee takes note of the State party's efforts in the area of birth registration, including the three-months "grace period" given to undocumented migrants to register themselves, the Committee remains concerned that a large percentage of children, especially those from migrant families, are not registered and thus have not been able to enjoy their rights fully.

558. The Committee recommends that the Netherlands Antilles, in light of article 7 of the Convention, expand systems and procedures for the immediate registration of the birth of all children and campaign to raise awareness of the importance of birth registration. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children belonging to migrant families.

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 59 and 60.

59. The Committee recognizes the work done by the National Commission for the Right to an Identity to recover children missing during the military regime in power from 1976 to 1983, and notes that out of an estimated 500 cases of disappearances of children, 73 have been found.

60. In light of article 8 of the Convention, the Committee encourages the State party to continue and strengthen its efforts to recover the children who disappeared during the military regime.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 98, 99, 114, 115, 123 and 124.

98. While welcoming the State party's withdrawal of its reservations made to articles 37 (d) and 32, the Committee remains concerned that the State party does not intend to withdraw

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its wide-ranging reservation on immigration and citizenship, which is against the object and purpose of the Convention...

99. ...The Committee...recommends that the State party reconsider its reservation to article 22 with a view to withdrawing it given the State party's observation that this reservation is formally unnecessary because the State party's law is in accordance with article 22 of the Convention.

...

114. While welcoming the adoption of the Race Relations (NI) Order 1997 and the State party's commitment to end discrimination in its nationality law between children born in and out of wedlock, the Committee is concerned that the principle of non-discrimination is not fully implemented for all children in all parts of the State party and that there is unequal enjoyment of economic, social, cultural, civil and political rights, in particular for children with disabilities, children from poor families, Irish and Roma travellers' children, asylum-seeker and refugee children, children belonging to minority groups, children in care, detained children and children aged between 16 and 18 years old.

115. The Committee recommends that the State party:

(a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;

...

(c) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination;

(d) Amend the nationality law to allow transmission of nationality through unmarried as well as married fathers.

...

123. While noting the recent Adoption and Children Bill (2002), the Committee is concerned that children born out of wedlock, adopted children, or children born in the context of a medically assisted fertilization do not have the right to know the identity of their biological parents.

124. In light of articles 3 and 7 of the Convention, the Committee recommends that the State party take all necessary measures to allow all children, irrespective of the circumstances of their birth, and adopted children to obtain information on the identity of their parents, to the extent possible.

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 189 and 190.

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189. The Committee is concerned that the right of children born out of wedlock to know their biological fathers can be limited, *inter alia*, owing to the right of the mother not to reveal the name of the father, and that children of divorced or separated parents may not be able to preserve their identity.

190. In light of article 8, the Committee recommends that the State party review its legislation in order to ensure that all children born out of wedlock have, as far as possible, the legal right to know and maintain contact with both their biological parents, and that all children of divorced or separated parents have the legal right to maintain their identity.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 252 and 253.

252. Noting the efforts made by the State party to establish a civil registry, the Committee is nevertheless extremely concerned that large numbers of children, as high as 70 per cent in some parts of the country, are not registered.

253. The Committee recommends that ongoing efforts be continued and strengthened to improve birth registration throughout the country with a view to ensuring that all children are registered at birth, or as soon as possible afterwards, and are provided with birth certificates.

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 342 and 343.

342. ...The Committee is concerned that adopted children do not have the right, as far as possible, to know the identity of their biological parents.

343. ...In light of articles 3 and 7 of the Convention, the Committee recommends that the State party undertake all necessary measures to allow all adopted children to obtain information on the identity of their parents to the extent possible.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 45, 46, 50 and 51.

45. The Committee is concerned that the current discriminatory attitudes towards linguistic minority communities (e.g. the Russian-speaking community), non-citizens, especially those without legal status, and other disadvantaged groups may restrict, directly or indirectly, the rights guaranteed under the Convention to children belonging to those groups. In particular, the Committee is concerned:

...

(c) That a high proportion of children from Russian-speaking communities are stateless;

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...

46. The Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

...

50. The Committee welcomes the amendments made in 1998 to the Law on Citizenship simplifying procedures for the naturalization of children of stateless persons and notes that the number of stateless persons in Estonia is decreasing. Nevertheless, the Committee is concerned that the situation of stateless parents, who by virtue of their status are unable to participate fully in Estonian society, negatively impacts on their children's integration into Estonian society. Moreover, it is concerned that, under article 21 of the Law on Citizenship, children of former military and security service personnel and their spouses and families may be denied citizenship.

51. The Committee recommends, in accordance with articles 2 and 7 of the Convention, that the State party:

(a) Reduce the number of stateless children by, *inter alia*, expediting and improving the procedure of naturalization;

(b) Improve the situation of non-citizens without legal residence permits by, among other things, simplifying and shortening the procedures for applying for residence permits;

(c) Carry out campaigns to encourage applications with a view to reducing, as far as possible, the number of children who are stateless or illegal residents;

(d) Take measures to eliminate discrimination against children on account of their parents' past opinions or activities;

(e) Ensure that all children residing on the territory of Estonia enjoy all the rights under the Convention, whether or not they are citizens;

(f) Accede to the Convention relating to the Status of Stateless Persons of 1954 as well as to the Convention on the Reduction of Statelessness of 1961, with a view to ensuring protection to all stateless persons in Estonia.

- Italy, CRC, CRC/124 (2003) 36 at paras. 168 and 169.

168. The Committee is concerned that adopted children cannot know the identity of their

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natural parents even after having reached majority and when this is proved to be in their best interests. The Committee is further concerned that children born out of wedlock legally do not have a mother or a father unless they are recognized by their mothers and/or fathers.

169. In the light of article 7 of the Convention, the Committee recommends that the State party:

(a) Ensure, as far as possible, respect for the child’s right to know his or her parents’ identity should he/she be an adopted child or a child born out of wedlock who has not been recognized by either of his or her parents;

(b) Urgently review and amend legislation in order to ensure that children born out of wedlock legally have from birth a mother (in accordance with the European Court on Human Rights decision *Marcx v. Belgium* and the rule *mater semper certa est*) and encourage recognition of these children by their fathers (as a way to prevent “easy” abandonment of children);

(c) Ratify the European Convention on the Legal Status of Children Born out of Wedlock.

- Romania, CRC, CRC/124 (2003) 49 at paras. 230 and 231.

230. The Committee notes that Law No. 119/1996 includes special provisions for the issuance of birth certificates to abandoned children found in hospitals. However, the Committee remains concerned at the lack of measures to prevent non-registration of children and at the high number of stateless persons, in particular among the Roma.

231. The Committee recommends that the State party:

(a) Strengthen efforts to ensure birth registration of all children, paying particular attention to occurrences of non-registration of Roma children;

(b) Take further measures, in accordance with article 7 of the Convention, to facilitate applications for citizenship and resolve the situation of stateless children;

(c) Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

- Viet Nam, CRC, CRC/C/124 (2003) 67 at paras. 296 and 297.

296. While welcoming the State party’s many efforts in this regard, the Committee is

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concerned that all children are still not registered at birth and that there are, in particular, problems with the birth registration of children living in remote and mountainous regions, where parents are not always aware of birth registration requirements.

297. The Committee recommends that the State party continue and strengthen its efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 329, 330, 358 and 359.

329. The Committee regrets that the State party has not withdrawn its reservation to article 7, paragraph 1, of the Convention. Based on the dialogue, it is the Committee's understanding that the civil registration of irreversible adoption does not necessarily mean that the adopted child has no possibility of knowing his or her (biological) parents.

330. The Committee therefore recommends that the State party reconsider its position and withdraw its reservation.

...

358. The Committee welcomes the amendment to the Citizenship Law, adopted in September 1999, which was aimed at resolving the problems of statelessness that had disproportionately affected the Roma population, including children.

359. The Committee recommends that the State party:

(a) Expedite the procedure of acquiring citizenship and ensure its effective implementation at the local level;

(b) Accede to the Convention relating to the Status of Stateless Persons of 1954.  
Violence/abuse/maltreatment

- Haiti, CRC, CRC/124 (2003) 95 at paras. 424-427.

424. The Committee welcomes the 1995 decree which allows for late birth registration, but remains concerned at the large number of children whose birth is not being registered. The Committee is further concerned at the fees which parents have to pay for a birth certificate for their children.

425. In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, to consider facilitating birth registration procedures, notably



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by eliminating fees and decentralizing the system, and to take measures to register those children who were not registered at birth.

426. The Committee is concerned that children born out of wedlock are denied the right to know the identity of their father (article 306 of the Civil Code).

427. In the light of article 7 of the Convention, the Committee recommends that the State party take the necessary measures, including the repeal of article 306 of the Civil Code, to ensure, as far as possible, respect for the child's right to know his or her parents' identities.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 51 and 52.

51. The Committee is concerned that although parents are required by law to register the birth of their children, a significant number of children are not registered at birth.

52. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure that all children are registered at birth, *inter alia*, by eliminating administrative costs for parents, conducting awareness-raising campaigns and establishing mobile registration units in rural areas. The Committee also recommends that the State party undertake similar measures to register all children who were not registered at birth. In this regard, the State party should consider seeking technical assistance from UNICEF, the United Nations Population Fund (UNFPA) and other potential donors.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 115 and 116.

115. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment. Furthermore, the Committee is concerned that certain factors linked to discriminatory attitudes may persist, in particular those related to acquisition of nationality, children born out of wedlock and Cypriot children of Turkish origin...

116. The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds...

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- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 179 and 180.

179. The Committee takes note of the obligation to register all births officially and the efforts undertaken by the State party to encourage birth registration; however, the Committee remains concerned that less than 10 per cent of children were registered at birth in 1999, and even less in rural areas.

180. In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns (e.g. using the Day of the African Child); to reinforce its efforts to facilitate birth registration procedures; and to take measures to decentralize the system, consider introducing mobile registration units, and register without fees those children who were not registered at birth.

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 376 and 377.

376. With reference to the recommendations contained in its previous concluding observations on this matter, the Committee welcomes the information that the Higher Committee is considering the possibility of adopting a rule that would permit a Libyan mother to transfer her nationality to her children, irrespective of her husband's nationality.

377. The Committee recommends that the State party support the Higher Committee in this regard with a view to guaranteeing that children of Libyan mothers have the same right to Libyan nationality as children of Libyan fathers.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 424 and 425.

424. The Committee welcomes the measures taken by the State party to improve birth registration, e.g. mobile units visiting rural communities, but is concerned at the fact that the level of registration decreased in 2001.

425. The Committee recommends that the State party more effectively enforce the Registration Act and facilitate late registration.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 479, 480, 486, 487, 523 and 524.

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of

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wedlock, including in areas relating to personal status (e.g. inheritance, custody and guardianship), which is incompatible with article 2 of the Convention. The Committee is further concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth...

480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, 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 Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

...

486. The Committee welcomes the new law on birth registration that has been in force since May 2000, but remains concerned at the rather low level (85.5 per cent) of birth registration.

487. The Committee recommends that the State party ensure effective implementation of the new law, supported by awareness-raising campaigns concerning the importance of birth registration, in order to achieve 100 per cent birth registration by May 2008.

...

523. The Committee is concerned that children belonging to the Amazigh community cannot always exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee is concerned that parents are not allowed to give Amazigh names to their children.

524. In line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.57), the Committee recommends that the State party take all necessary measures to ensure that children belonging to the Amazigh community can exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee recommends that the State party allow parents from that community to give Amazigh names to their children.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 558 and 559.

558. The Committee is concerned that article 3 of the Syrian Nationality Act No. 276 of 1969 does not automatically grant citizenship to children of Syrian women married to non-nationals as it does where the father is Syrian. Moreover, the Committee regrets that children of Syrian-born Kurdish parents who are stateless and have no other nationality at birth continue to be denied Syrian nationality and are subject to discrimination, contrary to

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articles 2 and 7 of the Convention.

559. The Committee re-emphasizes that articles 2 and 7 of the Convention require that all children within the State party's jurisdiction have the right to be registered and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnic origin. The Committee recommends that the State party:

(a) Ensure the right of a child to a nationality without discrimination on the basis of either parent's sex;

(b) Take urgent steps to guarantee children of Syrian-born Kurdish parents the right to acquire Syrian nationality;

(c) Ratify the Convention relating to the Status of Stateless Persons of 1954, and the Convention on the Reduction of Statelessness of 1961.

- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 613, 614, 626 and 627.

613. The Committee takes note of efforts made to ensure registration at birth; however, it remains concerned that some children, particularly children born in families of Kazakh repatriates, do not acquire nationality at birth, which may have negative consequences for the full enjoyment of their rights.

614. The Committee recommends that the State party take further measures in accordance with article 7 of the Convention, including measures to facilitate applications for citizenship, so as to resolve the situation of stateless children. The Committee also suggests that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

...

626. The Committee notes the existence of the National Board on Adoption and of regulations for organizations involved in domestic and intercountry adoption. However, taking into account the very large number of abandoned children, the Committee is concerned at the lack of a comprehensive policy regarding domestic and intercountry adoption, including effective monitoring and follow-up of adoptions. The Committee is concerned that adoptions are processed in such a way that seriously hinders the right of the child to know, as far as possible, her/his biological parents.

627. The Committee recommends that the State party establish a comprehensive national policy and guidelines governing adoption, including mechanisms to review, monitor and follow up adoptions, in order to prevent any form of abuse of adoption for the purpose of exploitation and trafficking. In light of articles 3 and 7 of the Convention, the Committee

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recommends that the State party undertake all necessary measures to allow all adoptive children to obtain, as far as possible, information on the identity of their parents. The Committee finally recommends that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

- San Marino, CRC, CRC/C/133 (2003) 9 at paras. 41 and 42.

41. While welcoming the adoption of Act No. 83 of 20 July 1999 on the adoption of foreign children and noting that *de facto* almost all adoptions are intercountry adoptions, the Committee is concerned about possible irregularities in these cases of adoption. It is further concerned that the Registry Office does not make any reference to the natural parents of adopted children, which implies that such children do not have the right to know their natural parent(s).

42. The Committee recommends that the State party provide the child, in accordance with article 8 of the Convention, with the right to know, as far as possible, his/her natural parent(s) and to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The Committee further recommends that the State party undertake a study on intercountry adoptions to better assess the situation.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 76, 77, 80 and 81.

76. The Committee is encouraged by the adoption of the new Citizenship of Canada Act facilitating the acquisition of citizenship for children adopted abroad by Canadian citizens...

77. The Committee recommends that the State party take further measures in accordance with article 7 of the Convention, including measures to ensure birth registration and to facilitate applications for citizenship, so as to resolve the situation of stateless children. The Committee also suggests that the State party ratify the Convention relating to the Status of Stateless Persons of 1954.

...

80. The Committee is encouraged by the priority accorded by the State party to promoting the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 in Canada and abroad. However, the Committee notes that while adoption falls within the jurisdiction of the provinces and territories, the ratification of the Hague Convention has not been followed up by legal and other appropriate measures in all provinces. The Committee is also concerned that certain provinces do not recognize the right of an adopted child to know, as far as possible, her/his biological parents (art. 7).

81. The Committee recommends that the State party consider amending its legislation to

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ensure that information about the date and place of birth of adopted children and their biological parents are preserved and made available to these children. Furthermore, the Committee recommends that the Federal Government ensure the full implementation of The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 throughout its territory.

...

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 145 and 146.

145. The Committee welcomes the State party's intention to reform its legislation on adoption, although it is concerned that planned amendments do not fully conform to the principles and provisions of the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

146. In considering the reform of its legislation on adoption, the Committee recommends that the State party pay particular attention to article 12 and the right of children to express their views and have those views be given due weight in accordance with the age and maturity of the child. In particular, the Committee recommends that the State party:

...

(b) Ensure the right of adopted children to access, as far as possible, information about their biological parents;

(c) Ensure the right of children, as far as possible, to maintain one of their original first names.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 204 and 205.

204. While noting the many efforts made by the State party to promote timely birth registration, the Committee is concerned at the fact that a very significant number of children are not registered at birth, especially children belonging to a religious or other minority group and children living in rural areas, which has negative consequences on the full enjoyment of fundamental rights and freedoms by the children.

205. The Committee recommends that the State party strengthen and increase its measures to ensure the timely registration of all births, particularly of children belonging to a religious or other minority group and children living in rural areas, in accordance with article 7 of the Convention.

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 359 and 360.

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359. The Committee is concerned that under the Brunei Nationality Act (cap. 15), citizenship is not automatically granted to children of Brunei women married to non-nationals, while it is where the father is Brunei.

360. The Committee recommends that the State party revise the Brunei Nationality Act in order to ensure that children who have a Brunei parent acquire Brunei citizenship in an equal manner, regardless of whether the Bruneian parent is the father or the mother.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 413 and 414.

413. The Committee is concerned that elements of the State party’s immigration and citizenship laws do not fully conform to articles 2 and 7 of the Convention. In particular, the Committee is concerned that Singaporean citizenship is not acquired automatically by children of a Singaporean mother and a foreign father born overseas, and that in such cases the mother is obliged to apply for “citizenship by registration”.

414. The Committee recommends that the State party review its citizenship and immigration laws and undertake the necessary reforms to ensure that they respect, as far as possible, the right of the child to nationality and identity, without discrimination.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 471, 472, 499 and 500.

471. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child’s name and nationality are derived solely from her/his father and not her/his mother.

472. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.

...

499. The Committee is very concerned about the difficult conditions under which some refugee children, especially children belonging to the Rohingya population from Myanmar, are living, and that many of these children and their families do not have access to legal procedures that could grant them legal status. Furthermore, the Committee is concerned at the lack of a national refugee policy and that refugee children are not registered at birth.

500. The Committee recommends that the State party:

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(a) Adopt a national refugee legislation and accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;

(b) Grant all refugee children and their families immediate access to relevant procedures determining refugee status;

...

(e) Register all refugee children born in Bangladesh.

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 540 and 541.

540. While noting the high level of birth registration, the Committee is concerned at the information that some groups of children, in particular children abandoned at maternity wards, children whose parents cannot afford the registration (related) fee, refugee children and children of internally displaced persons still do have difficulties with proper birth registration.

541. The Committee recommends that the State party take the necessary measures to facilitate birth registration of children in difficult circumstances and make all birth registration free.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 57-60, 65, 66 and 86.

57. The Committee welcomes the provisions contained in Law No. 23 of 2002 on Child Protection, stipulating that a birth certificate shall be issued by the Government, free of charge. However, it remains concerned by the low rate of birth registration and by the fact that few concrete measures have been taken to increase it.

58. While noting that the Human Rights Act of 1999 guarantees the right of the child to a nationality, the Committee is concerned that, in some instances:

(a) Children born out of wedlock may be denied the right to know their father;

(b) Children with a foreign father may be denied Indonesian citizenship.

59. The Committee recommends that the State party amend all national and local laws relating to birth registration and that it implement a comprehensive strategy to achieve 100 per cent birth registration by 2015, including by cooperating with UNICEF and other international agencies.

60. The Committee recommends that the State party reform its citizenship laws, including



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Law No. 62 of 1958 on Nationality, in order to ensure the transmission of citizenship through both the maternal and paternal lines.

...

65. The Committee is concerned that according to Islamic law applicable to Muslims in Indonesia, in divorce proceedings decisions relating to custody of children are based on the age of the children rather than on their best interests. The Committee is similarly concerned that children cannot legally have a father unless their biological parents are legally married.

66. The Committee recommends that the State party:

...

(b) Take all necessary measures to facilitate the establishment of the parentage of the child and to guarantee, as far as possible, his/her right to know both biological parents, and to be raised by them.

...

86. The Committee recommends that the State party:

(a) Take immediate steps to ensure that all displaced and refugee children and their families have access to basic health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

...

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 204, 205, 207, 214 and 215.

204. The Committee is concerned at the extent of non-registration of births in the State party, a problem which seems to be connected with the increasing number of births at home and the difficulty of travelling to regional centres from remote areas to register births.

205. The Committee recommends that the State party strengthen efforts to ensure that all children born in Armenia are registered, including by facilitating birth registration procedures and assisting families in acquiring the necessary documentation and waiving fees for the poor.

...

207. The Committee recommends that the draft law on amendments to the Law on Refugees of 1999 currently under consideration provide explicit protection of the family unity of asylum-seekers and refugees. The amendments should also ensure that refugee children automatically acquire Armenian citizenship when their parents do so, and that the Law on Citizenship is revised accordingly.

...

214. The Committee notes that a set of instruments were approved by the Government in 2000 which define the conditions and standards for adoption and foster care. It also

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commends amendments to relevant legislation designed to give priority to domestic adoption of children and avoid adoptions from medical institutions. The Committee, however, remains concerned about the absence of established mechanisms to review, monitor and follow up placement of children.

215. The Committee recommends that the State party ensure that effective mechanisms to review, monitor and follow up adoption of children are established. In this regard, serious consideration should be given to the establishment of a central authority for adoption. The Committee also recommends that the State party ensure that the Adoption Act is in full conformity with the Convention. The adoption law should guarantee the right of the child to know his or her origin and to have access to information about the background and vital medical history of both the child and biological parents...

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 254, 305 and 306.

254. The Committee welcomes the adoption of:

(a) The law on Nationality and Citizenship adopted on 15 July 1999, which allows for a better integration of foreign children;

...

305. In addition to its concerns related to the declaration made by the State party on article 22 of the Convention, the Committee remains concerned that:

...

(e) Some children of asylum-seekers in the Land Berlin were denied the right to a birth certificate because of incomplete documentation provided by the parents.

306. In light of article 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party take all necessary measures:

...

(e) To ensure that birth certificates are issued for all children of refugees and asylum-seekers born in the territory of the State party.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 352 and 353.

352. The Committee shares the State party's concern that a significant number of births are not registered in Aruba.

353. The Committee recommends that the State party strengthen efforts in Aruba to ensure that the births of all children are registered, including those of undocumented migrants. In

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this regard, the Committee suggests that the State party explore cooperation between the regions of Aruba and the Netherlands Antilles and possibly other countries in the region.

- India, CRC, CRC/C/137 (2004) 75 at paras. 416-419.

416. The Committee welcomes the intention to review the birth registration system in the State party (CRC/C/93/Add.5, para. 281) but remains seriously concerned that about 46 per cent of children are not registered at birth.

417. In line with its previous recommendation (CRC/C/15/Add.115, para. 37), the Committee recommends that the State party make greater efforts to ensure the timely registration of all births by the year 2010 as planned (CRC/C/93/Add.5, para. 284), and take training and awareness-raising measures as regards registration in rural areas. The Committee encourages steps such as the establishment of mobile registration offices and registration units in schools and health facilities, and recommends that the State party seek technical assistance from, among others, UNICEF and UNFPA.

418. The Committee is concerned that Pakistani refugee and Mohajir children residing in India (Rajasthan and Andhra Pradesh, respectively) are stateless.

419. The Committee recommends that the State party take measures to provide these children with a nationality, in accordance with article 7 of the Convention.

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 496 and 497.

496. The Committee is concerned that the majority of parents in the State party are not aware of the importance of birth registration. It is also concerned at the lack of a comprehensive decentralized birth registration system and at the fact that parents have to pay fees to get a birth certificate for their children.

497. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, and to facilitate procedures of birth registration, notably by suppressing any fees and decentralizing the system. The Committee also recommends that the State party take measures to register those who were not registered at birth.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 557, 558, 565 and 566.

557. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February

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1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

558. The Committee recommends that the State party proceed with the full and prompt implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.

...

565. While welcoming the new Implementation of Fostering Activities Act of 2003, which provides for a more systematic regulation of fostering activities, the Committee is concerned that the mechanisms for reviewing and monitoring the placement of fostered children are not sufficient. Furthermore, the Committee is concerned at the lack of standards and regulations on adoption and of a national adoption register.

566. The Committee recommends that the State party ensures that the legislation on foster care and adoption is in conformity with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The law on adoption should guarantee the right of the child to know his/her origin and access to information about his/her background...

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 626, 627, 633 and 634.

626. The Committee is concerned that legislation discriminates against children born out of wedlock and that societal discrimination persists against girls, children with disabilities, Amerasian, Korean, Buraku and Ainu children and other minority groups, and children of migrant workers.

627. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as "illegitimate" from legislation and regulations...

...

633. The Committee is concerned that a child of a Japanese father and foreign mother cannot obtain Japanese citizenship unless the father has recognized that child before its birth, which has, in some cases, resulted in some children being stateless. It is additionally concerned that undocumented migrants are unable to register the birth of their children, and

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that this has also resulted in cases of statelessness.

634. The Committee recommends that the State party amend its Nationality Law and all other relevant legislation and regulations to ensure conformity with article 7 of the Convention so that no child born in Japan should become stateless.

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 55 and 56.

55. The Committee is deeply concerned that an estimated 9.8 per cent of the population in the State party have not been registered at birth and do not have a birth certificate.

56. The Committee recommends that the State party strengthen its efforts to ensure that children are registered at birth and facilitate the registration of children without birth certificates, including by overcoming the administrative and bureaucratic obstacles at all levels, providing such registration free of charge for all, and by conducting national campaigns. In addition, the Committee recommends that the State party provide every child with a birth certificate.

- Panama, CRC, CRC/C/140 (2004) 23 at para. 148.

148. The Committee recommends that the State party take action to regularize the situation of those children of Colombians under temporary protection in Darien who were born in Panama and to facilitate their naturalization...

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 189-192.

189. The Committee takes note of the efforts made by the State party to re-establish the identity of a large number of children evacuated to different countries during and just after the genocide of 1994. However, the Committee is concerned that it has not yet been possible to identify many children and reunite them with their families..

190. The Committee recommends that the State party strengthen its efforts to reunite these children with their families by facilitating the re-establishment of their identity.

191. The Committee takes note of the introduction of the new system of birth certificate and identity card, which does not refer to ethnic origin. However, the Committee is concerned about the slow progress made in this regard.

192. The Committee recommends that the State party strengthen its effort to ensure that all

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children are provided with new birth certificates and identity cards.

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 268 and 269.

268. The Committee welcomes the provisions contained in the Constitution and in Act No. 2/77 recognizing the right of the child to be recognized immediately after birth, the right to a name and to a nationality from birth, and the right to know and be cared for by his or her parents. It also commends the State party for the high scores attained in birth registration following the national campaign for birth registration.

269. The Committee recommends that the State party continue implementing its comprehensive strategy in order to achieve a 100 per cent rate of birth registration as soon as possible, including by cooperating with UNICEF and other international agencies. The Committee further recommends that the strategy be adapted so as to establish public service mechanisms that will ensure birth registration in the future.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 334 and 335.

334. The Committee is very concerned that the granting of citizenship to children born in the State party is restricted on the basis of colour or racial origin by the provisions contained in article 27 of the Constitution and the Alien and the Nationalization Law, which are contrary to article 2 of the Convention on the Rights of the Child.

335. The Committee recommends that the State party amend its Constitution and citizenship laws to eliminate discrimination on the basis of colour or racial origin.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 408, 409, 438 and 439.

408. While noting the progress achieved by the State party in registering children at birth, the Committee remains concerned at the large number of children whose births have not been registered. The Committee is further concerned that religion and ethnic origin are specified on the identity card and is deeply concerned that the Citizenship Act establishes three different categories of citizenship, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights.

409. In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to reform its civil registration system to ensure that all children are

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registered at birth without discriminatory conditions, through, *inter alia*, conducting awareness-raising campaigns and a review of the existing registration system. It is also encouraged to consider facilitating birth registration procedures through mobile units for remote areas. In line with its previous recommendations ([CRC/C/15/Add. 69], paras. 28 and 34), the Committee recommends that the State party abolish the categories of citizens, as well as the statement on the national identity card of the religion and ethnic origin of citizens, including children.

...

438. The Committee notes that a large number of returnees from Bangladesh to northern Rakhine State have gone back to their villages of origin, but is concerned that some 850,000 Muslim residents in northern Rakhine State and large numbers of persons of Chinese or Indian descent throughout the country remain stateless, making it impossible for children of these families to benefit from the provisions and principles of the Convention...

439. In light of articles 7, 22 and other relevant provisions of the Convention, the Committee recommends that the State party:

(a) Take the necessary measures to allow children and their families who have returned to Myanmar and who are stateless to acquire Myanmar citizenship by way of naturalization;

...

(d) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the 1954 Convention relating to the Status of Stateless Persons; and

(e) Work closely in this regard with UNHCR and UNICEF.

- France, CRC, CRC/C/140 (2004) 124 at paras. 602 and 603.

602. The Committee takes note of the law adopted on 22 January 2002 related to the right to know one's origins. However, the Committee remains concerned that the rights enumerated in article 7 of the Convention may not be fully respected by the State party and that the right to conceal the identity of the mother if she so wishes is not in conformity with the provisions of the Convention. Furthermore, the Committee is concerned at the low level of birth registration in French Guyana.

603. The Committee recommends that the State party take all appropriate measures to ensure that the provisions of article 7, especially the right of the child to know, as far as possible, his or her parents, be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3). It also encourages the State party to continue and strengthen its efforts to address the situation of birth registration in French Guyana.

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- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 63 and 64.

63. The Committee welcomes the information provided by the State party, particularly that the federal Constitution ensures the civil registration of birth and death certificates for the poor free of charge. The Committee also notes that, pursuant to the December 1987 law No. 9,534, the civil registration of birth is free of charge. However, the Committee is concerned that, as noted by the State party, although recognized as a universal right, many children remain unregistered, particularly on the periphery of large cities, in rural and remote areas and in the lands of the indigenous population. This impedes the full exercise of children's rights.

64. The Committee recommends that the State party improve its system of birth registration, so as to cover its territory fully, taking into account regional disparities, and that it adopt measures that facilitate birth registration, particularly aimed at the poorest and most marginalized children.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 198 and 199.

198. The Committee welcomes the efforts made by the State party to reform its legislation in accordance with the provisions and principles of the Convention but it remains concerned about the different types of access to citizenship, which mainly affect children from minority groups, especially Roma children.

199. The Committee recommends that the State party undertake measures to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 7 of the Convention and that the law is implemented in a non-discriminatory manner.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 403 and 404.

403. While welcoming the efforts undertaken by the State party in cooperation with civil society groups to ensure that children are registered and provided with birth certificates, including the National Campaign for Free Registration of Children, the Committee remains concerned about the unacceptably high number of unregistered children in the State party and the consequences of non-registration on children's access to education and other services.

404. In light of article 7 of the Convention, the Committee strongly recommends that the State party undertake all necessary measures (e.g. by using mobile birth registration units)



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to ensure that all children are registered at birth, including by providing such registration free of charge, in line with the commitments made by the Government at the National Forum on Early Childhood Care and Development in June 2004...

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 485 and 486.

485. Given the information that some 50 per cent of all households in the State party are headed by women, the Committee expresses its concern that the establishment of legal paternity, where the biological father does not want to legally recognize the child, is time consuming and expensive, which constitutes an impediment to the right of the child to an identity and/or to know both parents.

486. In the light of article 7 of the Convention, the Committee recommends that the State party facilitate the establishment of legal paternity for children born out of wedlock by creating accessible and expeditious procedures and by providing mothers with necessary legal and other assistance in this regard.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 109 and 110.

109. The Committee notes the significant efforts made by the State party to ensure that every child is registered within 30 days after birth. Nevertheless, it appears that those failing to meet the deadline encounter additional difficulties.

110. The Committee recommends that the State party take appropriate measures to promote the registration of all children, including through facilitating late registration when necessary and paying particular attention to the most vulnerable and marginalized groups. In this context, the State party should ensure that the provisions of article 7 be fully enforced in the light of the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents...

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 184 and 185.

184. The Committee remains concerned about the fact that the children born anonymously (“under x”) are denied the right to know, as far as possible, their parents, and notes with interest the proposal of the National Consultative Commission on Life Sciences and Health Ethics (CNE) which seems to allow for significant improvements in this regard.

185. The Committee urges the State party to take all necessary measures to prevent and

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eliminate the practice of the so-called anonymous birth. In case anonymous births continue to take place, the State party should take the necessary measures so that all information about the parent(s) are registered and filed in order to allow the child to know - as far as possible and at the appropriate time - about his/her parent(s).

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 251 and 252.

251. The Committee is concerned at the practice of anonymous birth in the State party (also known as “baby flaps” or “baby nests”) and notes the information that some data on the parent(s) are collected in an informal manner.

252. The Committee recommends that the State party undertake all necessary measures to prevent the use of the so-called “baby flaps”. It further recommends that the State party, as a matter of urgency, introduce and implement legal provisions and regulations for the separate registration of all relevant medical and other data, in particular the name and date of birth of the parent(s) and allow the child at an appropriate time to have access to these data.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 324-327.

324. While noting the provisions of the Registration of Births and Deaths Act (chapter 157 of the Laws of Belize), which requires registering the birth of children, the Committee remains concerned about the shortcomings in the implementation of this Act and the concrete shortcomings in the birth registration system. The birth registration system should be equally accessible to all parents in the whole territory of the State party. The Committee is also concerned about the unregistered children in the State party and the consequences of non-registration on access by children to education, health and other services.

325. The Committee recommends that the State party implement an efficient and at all stages free-of-charge birth registration system, which covers its territory fully, including through introducing mobile birth registration units and awareness-raising campaigns to reach the most remote areas of its territory. The Committee requests the State party to pay particular attention to the need for improved access to an early birth registration by immigrant parents and parents whose children were born out of wedlock. In addition, the Committee recommends that the State party establish cooperation between the birth registration authority and maternity clinics and hospitals, midwives and traditional birth attendants in order to achieve better birth registration coverage in the country. Meanwhile, children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.

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326. The Committee notes with appreciation the efforts made by the State party, such as the amendments to the Belizean Nationality Act and the Immigration Act as well as the encouraging results of the Amnesty Programme conducted in 1999 which provided undocumented individuals and families with the opportunity to legalize their status, to better safeguard the right of the child to require a nationality. Notwithstanding the positive steps taken by the State party, the Committee is concerned at the high number of immigrant children without any legal status or documentation residing in the territory of the State party.

327. The Committee recommends that the State party continue its efforts to promote and facilitate the proper registration of all undocumented immigrant children and provide them with the legal status they need.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 459, 460, 470-473, 494 and 496.

459. The Committee is deeply concerned at the persisting discrimination against girls and women, in particular in their role as parents, reflected in various legal provisions and practices (e.g. the requirement that a child's father or paternal grandfather only may give his permission for the issuance of a passport for a child under 18 years. Consequently, in a case in which the parents are separated and the mother of the child resides in another country, the child may only leave Iran to visit his/her mother if the father permits the child to do so.). The Committee is equally concerned at discrimination on the grounds of religion and birth. As to the latter, it is concerned that insufficient information has been provided on children born out of wedlock, in particular with respect to the discrimination against and stigmatization of these children, who are particularly vulnerable.

460. The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender-neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

...

470. The Committee is concerned about discrimination against children on account of their father's nationality. It notes with concern that while a child whose father is an Iranian national is considered to have Iranian nationality, a child whose mother is Iranian and who has married a non-Iranian without getting the official consent of the Government, will not be recognized as an Iranian national. The Committee is concerned that this situation currently affects a large number of children whose mothers are Iranian and fathers Afghan and who consequently have neither a birth certificate nor a nationality.

471. The Committee recommends that all children are registered at birth and acquire an

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irrevocable nationality without discrimination.

472. The Committee is concerned about information that a large number of Iranian children, particularly those living in rural areas, are still not registered at birth and that birth registration is required for school enrolment. It is also concerned about reports that a large number of children born of non-Iranian parents, and in particular Afghan parents who have not registered in Iran, will similarly remain unregistered, thereby excluding them from obtaining a refugee registration card.

473. In the light of article 7 of the Convention, the Committee encourages the State party to adopt all appropriate measures to ensure the registration of all children at birth, including all refugee children born in rural areas. Such measures should include the establishment of mobile registration offices and, for children not yet registered, registration units in schools. In this context, the State party should ensure that the provisions of article 7 are fully enforced in conformity with the principles of non-discrimination (art. 2) and of the best interests of the child (art. 3), including the right of the child to know, as far as possible, his or her parents...

...

494. Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower dropout rates, it remains concerned that not all children are enrolled in or graduate from primary school. Working children, children living on the streets and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge...

...

496. While welcoming the State party's initiatives with respect to youth, the Committee encourages the State party to continue its efforts to reach its goal of universal basic education and recommends that the State party:

...

(b) Ensure that all children, including refugee children, have equal educational opportunities on all levels of the educational system without discrimination based on gender, religion, ethnic origin, nationality or statelessness;

...

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 547-550.

547. The Committee is concerned that mothers cannot pass their nationality to their children, and that children born out of wedlock or children with foreign fathers may, in some instances, be denied Togolese citizenship and/or left stateless.

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548. The Committee, while noting the various efforts made by the State party in this regard, is concerned at the low rate of registration of birth, largely due to the lack of awareness on the part of the population of the registration procedure, to high fees and to long distances to the civil registry service centres.

549. The Committee recommends that the State party reform its citizenship laws, including the Nationality Code of 1998, in order to ensure the transmission of citizenship through both the maternal and paternal line, in accordance with article 32 of the Constitution of 1992.

550. The Committee also recommends that the State party strengthen its efforts and enact appropriate legislation, supported by awareness-raising campaigns concerning the importance of birth registration and by a reorganization of civil registry services in local communities, in order to achieve 100 per cent birth registration at the earliest time possible, and to ensure the registration of children who had not been registered at birth. Meanwhile, children who have no birth registration certificates should be allowed access to basic services, such as health and education, while preparing to be registered properly.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 624 and 625.

624. While noting the efforts made by the State party to ensure that all births are registered and that all children are issued birth certificates, the Committee is concerned that a large number of children in the State party do not have a birth certificate. It also notes with concern the large proportion of indigenous children who are not registered with the Civil Registry.

625. The Committee recommends that the State party strengthen its efforts to ensure that children are registered at birth and organize, through special measures and in accordance with the law, the registration of children who were not registered at birth, giving special attention to indigenous children, including by providing for such registration free of charge. The Committee also recommends that the State party undertake efforts to raise awareness of the importance of birth registration for children for the full enjoyment of their rights.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 700, 701, 727 and 728.

700. While acknowledging the work of the National Population Commission and the African Refugee Commission whose mandate includes birth registration, the Committee is concerned that the alarmingly low rate of birth registration, in particular in rural areas, is a reflection of the generally low awareness among parents of the importance of birth registration and its consequences on the full enjoyment of fundamental rights and freedoms by children, in particular, access to education and health, the right to know and be cared for

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by parents. The Committee also notes that the birth registration of children of foreign parents and refugee parents can be problematic.

701. In the light of article 7 of the Convention, the Committee urges the State party to adopt a short-term as well as a long-term approach in its strengthened efforts to ensure the registration of all children at birth, including through the development of mobile registration units and increased outreach activities and awareness-raising campaigns for families, birth attendants and traditional leaders. The Committee further recommends that the State party ensures coordination between relevant ministries and institutions involved in birth registration processes, and provide necessary social infrastructure to facilitate birth registration in rural communities...

...

727. The Committee notes that communal clashes linked to political, religious and ethnic differences have led to a large population of internally displaced persons in the State party, and that Nigeria is a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee is concerned about the situation of refugee and internally displaced children living in refugee camps, and regrets the paucity of information with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children do not arise in Nigeria...

728. The Committee recommends that the State party:

(a) Seek to ensure, as a matter of priority, that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

...

(d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 128, 131 and 136-140.

128. The Committee...notes with concern the deficiencies in the reporting system of newborn deaths and stillbirths due to limited access to civil registrars.

....

131. As regards reporting of newborn deaths and stillbirths, the Committee recommends that the State party facilitate access to civil registrars, particularly in the remote areas of the country.

....

136. While noting the estimated increase in the birth registration rate and the measures taken by the State party in this respect, including the Unregistered Children Project conducted in

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collaboration with PLAN International and the National Statistics Office, the Committee remains concerned at the difficulties in ensuring timely birth registration of children, in particular children belonging to religious or other minority groups or indigenous peoples and children living in the remote areas of the country and at the fact that birth registration is not free of charge and not equally accessible to all parents in the entire territory of the State party. The Committee also expresses its concern about the simulation of birth certificates.

137. In order to secure the full enjoyment of all human rights and fundamental freedoms by children and to achieve 100 per cent birth registration, the Committee recommends that the State party strengthen its efforts to develop an efficient and at all stages free of charge birth registration system, which covers its territory fully, including through using more effectively mobile birth registration units to reach the most remote areas of its territory. The Committee requests the State party to pay particular attention to improved access to an early birth registration for parents whose children were born out of wedlock and parents belonging to religious or other minorities or indigenous peoples.

138. The Committee recommends to the State party that it introduce awareness-raising campaigns aimed at changing public attitudes and sensitizing parents, maternity clinics and hospitals, midwives and traditional birth attendants, in order to achieve better birth registration coverage in the country. In addition, the Committee recommends that the State party deepen its cooperation with the international agencies and non-governmental institutions in this respect. The Committee recommends that the State party take effective measures against simulation of birth certificates, *inter alia*, by assigning a governmental body, such as the Department of Social Welfare and Development, to monitor the implementation of relevant provisions and file all simulation cases. The Committee also recommends to the State party that it launch an information campaign, particularly at the local level, on the child's right to identity at birth and on growing up in a family.

139. With reference to the high number of overseas Philippine workers, the Committee is concerned about children born abroad to Philippine migrant workers. Due to the non-registration of these children, they are deprived of their right to name, nationality and identity as well as basic services.

140. The Committee recommends to the State party that it encourage and facilitate parents, irrespective of their residence status, to register their children born abroad. The Committee also recommends that the State party ensure that unregistered children without official documentation are allowed access to basic services, such as health and education, while waiting to be properly registered. In addition, the Committee recommends to the State party that it raise awareness among parents about the need and value of birth registration.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 234 and 235.

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234. The Committee is concerned that, according to data provided by the Ombudsmen of the two Entities, there are about 5,000 children with incomplete data in the registries and a number of children in some regions of the country who are not registered at all. The Committee is further concerned at the information that Roma children are often not registered due to the lack of identification documents for their parents. They are also discriminated against by authorities who refuse to recognize the right of Roma children to registration.

235. In the light of article 7 of the Convention, the Committee urges the State party to continue to strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents - of all children born abroad by parents who are citizens of the State party and to take specific steps to ensure the registration of Roma children.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 322-325 and 361.

322. While noting that birth registration is mandatory by law, the Committee is concerned that despite the efforts of the State party, the low rate of birth registration remains a problem, particularly in rural areas, and has been exacerbated by the conflict which has reduced the ability of local authorities to carry out "public administration services", including birth registration. The Committee is concerned that children who have not been registered at birth are more vulnerable to abuse and exploitation, including recruitment into armed groups, as their ages cannot be established.

323. The Committee is also concerned that many groups of children are not registered and/or are ineligible for Nepalese citizenship, with gravely negative consequences on the full enjoyment of fundamental rights and freedoms by those children, in particular, the right to know and be cared for by parents. The Committee is particularly concerned that under the current provisions of the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976 a mother may experience difficulties in registering her child, and similarly, the Citizenship Act of 1964 does not allow a child to claim nationality with his/her mother's name. As a consequence, children born to foreign fathers, abandoned children, orphans, children born to single mothers and children from the *Badi* community who may not be able to identify their fathers are unable to obtain citizenship. In addition, the Committee expresses concern that birth registration of Bhutanese refugees is not carried out by the authorities.

324. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth. In this regard, the Committee recommends that the State party ensure that



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local government authorities, which are entrusted with the task of birth registration, actively engage with the local communities to ensure that births are registered in a timely and effective manner. In this regard, the Committee urges the State party to seek assistance from, *inter alia*, UNICEF, non-governmental organizations and other members of the civil society.

325. The Committee further recommends the State party to amend, as a matter of priority, the relevant legislation, most notably the Birth, Death and other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 1964 and articles 9 (1), (2) and (5) of the Constitution to ensure full compliance with articles 7 and 8 of the Convention. The Committee also urges the State party to, as a matter of priority, review its policy regarding birth registration of refugee children and ensure that all children of refugees and asylum-seekers born in the State party are issued with birth certificates.

...

361. The Committee recommends that the State party:

(a) Ratify, as a matter of priority, the Convention relating to the Status of Refugees, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(b) Seek to ensure, as a matter of priority, that all internally displaced, refugee and asylum-seeking children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

...

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 542 and 543.

542. The Committee reiterates its concerns about deficiencies in the implementation of the child's right to immediate registration after birth. The Committee notes with particular concern that a fee imposed upon registration of a newborn child can cause financial obstacles for poor families and tends to delay if not prevent birth registrations. In addition, delays in birth registrations are subject to additional fees.

543. The Committee recommends the State party implement an efficient and at all stages free-of-charge birth registration system, which covers its territory fully, including through introducing mobile birth registration units and awareness-raising campaigns to reach the most remote areas of its territory.