

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

The 83th session of the Committee on the Rights of the Child (the Committee) took place from 20 January to 07 February 2020. The Committee issued concluding observations to **Austria, Belarus, Costa Rica, Hungary, Rwanda and State of Palestine**.

The Institute on Statelessness and Inclusion (ISI), in collaboration with the European Network on Statelessness and the Hungarian Helsinki Committee, made a country submission and provided the Committee with additional information on [Hungary](#). These submissions highlighted issues relating to every child’s right to a nationality and birth registration, and the related risk of statelessness.

This report provides an overview and analysis of the recommendations on nationality, birth registration and statelessness that were made by the Committee during the 83th session. It also points out some important issues that the Committee did not address. The Concluding Observations can be accessed via the [OHCHR website](#).

In total sixteen recommendations were made. Five recommendations related to birth registration, four recommendations related to the right to nationality for children born on the territory. The remaining recommendations were made on data collection on statelessness (2), enjoyment of human rights for stateless children (2), the right to nationality for children born out of wedlock (1), Statelessness Determination Procedure (1), the ratification of UN Statelessness Conventions (1).

This Session Belarus, with seven recommendations, received the most recommendations. Austria, Costa Rica, Hungary and Rwanda received two recommendations. The State of Palestine received one recommendation.

Below is an analysis of recommendations by country.



5 recommendations on the right to nationality for children

6 recommendations on implementing measures

5 recommendations on birth registration

Austria (two recommendations)

<ul style="list-style-type: none"> • <i>One recommendation on nationality for children born on the territory</i> • <i>One recommendation on nationality for children born out of wedlock</i> 		
Issue	What the Committee said	What the Committee didn't say
Children born on the territory	Expand the scope of the Nationality Act in order to automatically grant nationality at birth to children born on Austrian territory who would otherwise be stateless or, as a minimum, bring article 14 paragraph 1(5) of the Nationality Act in line with the 1961 Convention on the Reduction of Statelessness to extend the period of opportunity for stateless persons to apply for nationality from two to three years.	The lack of a definition of a stateless person and the lack of a statelessness determination procedure in domestic law. There are other administrative procedures through which statelessness might be identified but these do not grant access to a legal residence status.
Children born out of wedlock	With due regard to the information provided by the delegation regarding a simplified procedure for acquisition of Austrian nationality by children born out of wedlock to Austrian fathers, amend article 7 of the Nationality Act to ensure that such children acquire Austrian nationality upon establishment of fatherhood retroactively.	

Belarus (seven recommendations)

<ul style="list-style-type: none"> • <i>One recommendation on children born on the territory</i> • <i>One recommendations on the statelessness determination procedure</i> • <i>Two recommendations on data collection</i> • <i>Two recommendations on access to human rights</i> • <i>One recommendation on the ratification of UN Statelessness Conventions</i> 		
Issue	What the Committee said	
Children born on the territory	Further strengthen the prevention of statelessness among children, including by extending protection to children born to undocumented stateless parents.	
Statelessness determination procedure	Establish status determination procedures to ensure the identification and protection of migrant children, including unaccompanied children and separated children and their protection.	
Data collection	Intensify the collection of data on stateless children, disaggregated by age, sex, country of origin or former habitual residence and residence in Belarus. Collect and analyse data on Roma and stateless children.	
Access to Human Rights	Ensure that all stateless children have access to education and healthcare. Ensure that all children have access to education, medical care and social	

	benefits on an equal basis, particularly children living in poverty, rural children, children without parental care, Roma children, migrant and stateless children, children with disabilities and children in institutions.
Ratification	Consider ratifying the 1954 Convention relating to the Status of Stateless Persons, the 1961 UN Convention on the Reduction of Statelessness, the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.

Costa Rica (two recommendations)

<ul style="list-style-type: none"> Two recommendations on birth registration 		
Issue	What the Committee said	What the Committee didn't say
Birth registration	<p>Implement a strategy to ensure that all indigenous, Afro-descendant, migrant children, and children with disabilities are registered at birth and provided with personal identification documents.</p> <p>Develop such strategy in consultation with indigenous peoples and Afro- descendant groups in coastal and rural areas, seeking partnerships to ensure universal birth registration.</p>	Continue efforts to protect the right to a nationality for indigenous children and migrant children born on the territory.

Hungary (two recommendations)

<ul style="list-style-type: none"> Two recommendations on children born on the territory 		
Issue	What the Committee said	What the Committee didn't say
Children born on the territory	<p>Amend the Citizenship Act to prevent statelessness of children of foreign parents who are unable to confer their nationality on children born abroad; and of children of recognized stateless persons who have no established residence in the country.</p> <p>Ensure that those children can obtain the Hungarian nationality through a clear process and rules applied uniformly throughout the country.</p>	<p>The domicile condition should be eliminated from Section 5/A (1) (b) of the Citizenship Act. The norm should allow for non-discretionary acquisition of Hungarian nationality by declaration solely with the conditions of having been born in Hungary, having habitually resided in the country for a period set by the law and not having acquired a nationality from their parents at birth.</p> <p>The domicile (lakóhely) condition should be eliminated from Section 3 (3) (a) of the Citizenship Act, in order to allow all children born in Hungary to stateless parents to acquire Hungarian nationality ex lege at birth. In order to create an unambiguous norm, it is recommended that this provision is explicitly extended to children born to a stateless mother and an unknown father. In addition,</p>

		the safeguard should be explicitly extended to children born in Hungary who are unable to acquire the nationality of their parents at birth.
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Rwanda (two recommendations)

<ul style="list-style-type: none"> Two recommendations on birth registration 		
Issue	What the Committee said	What the Committee didn't say
Birth registration	<p>Continue its efforts to promote the timely registration of births, including by implementing e-registration in all health facilities and mobile registration campaigns throughout the country and raising awareness among the general public of the importance of birth registrations and on the new e-registration system.</p> <p>Ensure effective coordination between health facilities, civil registrars and notary officers, the digitalization without fees of the registrations of children who were born prior to e-registration and that all registered children receive birth certificates.</p>	Prevent (further) exclusion of children who are at risk of statelessness through e-registration.

State of Palestine (one recommendation)

<ul style="list-style-type: none"> One recommendation on birth registration 	
Issue	What the Committee said
Birth registration	Consider waving fees for late birth registration, in particular for families living outside of the State party, and continue its measures to promote birth registration.