



CENTRE FOR
CHILD LAW



CHILD
IDENTITY
PROTECTION
Knowing origins is a right



CONSORTIUM FOR
STREET CHILDREN



Family
for every child



FAMILY FRONTIERS



European
Network on
Statelessness



Global
Campaign
for **Equal**
Nationality
Rights



GLOBAL
SURVIVORS FUND
FOR AND WITH SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE



뿌리의집
KOROOT



Inter Country Adoptee Voices



ifsw



Institute on
Statelessness and
Inclusion

ORIGINES



RELAF
Por el derecho a vivir
en familia y comunidad



UNHCR
The UN Refugee Agency



2057

Submission Identity Rights Working Group (IDRWG) for first session of the Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child concerning the right to education.

16 May 2025

INTRODUCTION

1. The Identity Rights Working Group (IDRWG)¹ welcomes the opportunity to provide inputs for the preparation of the first session of the Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child concerning the right to education.
2. Article 28 of the Convention on the Rights of the Child (CRC) affirms that every child has the right to education and prescribes that primary education must be free and compulsory for all children. It further affirms that secondary education should be available and accessible for all. The CRC also elaborates that the goals of education should be directed to “the development of the child's personality, talents and mental and physical abilities to their fullest potential”².
3. Research increasingly shows that in the early years of a child's life (ages 0–8 years), the brain develops at a rapid pace, with 85% of the brain development being completed between 3-6 years old³. These initial stages of a child's life – occurring prior to compulsory primary education - are crucial for building cognitive, social, and emotional abilities;⁴ and when properly nurtured, will form the foundation for learning and developing skills that will help children to thrive throughout their lives.
4. Despite strong evidence showing the positive impact of pre-primary education on children's overall development, more than 175 million pre-primary-aged children worldwide remain out of school⁵.
5. **The organizations within the IDRWG represent a wide range of civil society groups and UN agencies working with marginalized children, and/or on related issues, who are excluded from education for many reasons, often linked to their lack of legal identity or nationality.**
6. This submission examines the intersection between lack of legal identity and nationality, and the impact on the enjoyment of other rights, specifically the right to education. In response to the specific questions raised under the call for inputs, this submission will focus on the following issues:
 - i. The main barriers to free public pre-primary education (in law, policy, and practice) and the impact on the rights of the child;
 - ii. The main barriers to free public secondary education (in law, policy, and practice) and impact on the rights of the child;
 - iii. Examples of innovative/sustainable financial mechanisms to support the full and effective implementation of public pre-primary and secondary education to all children;
 - iv. Examples of steps Governments are currently taking to remove barriers and make public pre-primary and secondary education available free to all, including through the allocation of adequate resources and cross-sectoral and international cooperation.

Article 7 CRC

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8 CRC

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

¹ The Identity Rights Working Group (IRWG) brings together more than 25 civil society organizations and international agencies working across the child protection and child rights landscape, united by a shared commitment to advance children's identity rights. Our members work in diverse contexts and are connected through the intersecting issues of the right to legal identity and nationality.

² United Nations Convention on the Rights of the Child (art. 29)

³ UNICEF, *A World Ready to Learn: Prioritizing quality early childhood education*, 2019; available at <https://www.unicef.org/reports/a-world-ready-to-learn-2019>

⁴ Ibid.

⁵ Ibid.

i. **Barriers to free public pre-primary education (in law, policy and practice) and the impact on the rights of the child.**

7. The right to legal identity and nationality is enshrined in Article 7 of CRC and is closely intertwined with a child's access to education. Without legal identity - typically established through birth registration and official documentation - many children face legal and administrative barriers that prevent school enrolment, continuing education (e.g. sitting exams from primary to high school) and/or obtainment of different school certificates.
8. This lack of legal identity disproportionately affects marginalized groups, such as children living in extreme poverty, stateless children, children born of conflict-related sexual violence, refugees, internally displaced, children living in remote areas, and undocumented migrants and children in street situations, effectively denying them their right to education under Article 28 of the CRC. The risks of lack of birth registrations are accentuated in conflict and emergency settings. Without proof of who they are, these children are excluded from critical early learning opportunities, including pre-primary education, undermining their development and limiting their future prospects.

Barriers

9. Marginalized children often face significant **legal barriers** in accessing education, both directly and indirectly, due to discriminatory laws. A clear example of **direct discrimination limiting access to education** occurs when legislation restricts access to public education to citizens or legal residents. For instance, under Malaysian law, public education is limited to Malaysian citizens, leaving non-citizen children dependent on private schools or informal institutions⁶. This barrier is exacerbated by the lack of legal safeguards in some countries to ensure that children who would otherwise be stateless obtain a nationality as soon as possible, which can impact access to education in the short and long term.⁷
10. **Discriminatory laws can also indirectly limit access to education** through barriers present in the birth registration process. For example, where both parents are needed to register the child, or when only the father is able to register the child, or when a marriage certificate is required.⁸ Additionally when a parent is denied the right to confer nationality on their child due to gender-based or other discrimination, this often inhibits the parent's ability to acquire civil documents, such as birth registration⁹ thereby undermining the child's right to a legal identity and, in turn, their access to education.
11. **Policy barriers** often emerge when administrative requirements are imposed that certain groups of marginalized children cannot meet. This most commonly affects children without legal identity or nationality, as they may lack a birth certificate - the primary legal document required for school enrolment and sitting compulsory exams. UNICEF estimates that approximately 150 million children under five do not have their births registered¹⁰ and a further 50 million whose births have been registered, lack a birth certificate¹¹. **Other barriers to birth registration** include those related to costs, cumbersome

⁶ Institute on Statelessness and Inclusion, Leaving No Child Behind: Childhood Statelessness and the Fight for Inclusive Education; available at (2025) [Leaving No Child Behind Report.pdf](#)

⁷ For example, in Romania, there is no legal provision granting nationality to children born on the territory who would otherwise be stateless. See European Network on Statelessness, *Statelessness Index – Romania* (January 2025), available at <https://index.statelessness.eu/country/romania>.

⁸ UNCHR and UNICEF (2021) Background note on sex discrimination in birth registration <https://www.child-identity.org/background-note-on-sex-discrimination-in-birth-registration/>

⁹ Global Campaign for Equal Nationality Rights, UNHCR and UNICEF, Gender Discrimination and Childhood Statelessness, <https://www.equalnationalityrights.org/resources/gender-discrimination-and-childhood-statelessness/>

¹⁰ UNICEF, *The Right Start in Life: Global levels and trends in birth registration, 2024*, for more see [The Right Start in Life: 2024 update - UNICEF DATA](#)

¹¹ Ibid.

administrative processes and lack of resources to provide decentralised services.¹² Children born to marginalized communities, such as the Romani population in the Western Balkans, have been shown to be disproportionately impacted by barriers to birth registration, particularly requirements for specific documentation from parents.¹³ However, in most countries a birth certificate is the minimum requirement to enrol in pre-primary education and sitting compulsory exams, thereby creating a major obstacle for unregistered, undocumented and stateless children.

12. Additional **policy or administrative barriers** appear in situations where school enrolment rules vary or are inconsistently applied across regions, provinces, or districts. While flexible application of such administrative policies can sometimes benefit marginalized children, in many cases the opposite occurs — certain groups end up excluded unless access is explicitly guaranteed and made compulsory.
13. Beyond legal and policy obstacles, **practical barriers** also affect how marginalized children access education. In particular, children from ethnic minorities, low-income families and children in street situations, may encounter cultural, linguistic, or socioeconomic challenges as well as discriminatory behaviours that hinder their participation in school. Children from minoritized groups may face differential treatment in the type of education provided as well. In Hungary and Slovakia, some children from the Romani community experienced discriminatory treatment by being enrolled in special schools or attending ‘segregated’ schools i.e. non-specialised schools in which an ethnic minority constitutes the majority in the school, with the ECtHR finding violations of the right to education in such cases.¹⁴
14. For children born of conflict-related sexual violence, additional psychological, social, and economic difficulties often prevent their registration at birth.¹⁵ In addition, the child’s relationship to, and the trauma of, the mother further complicate the birth registration process. This lack of identity hinders their access to education and perpetuates a cycle of exclusion, vulnerability, and exploitation.¹⁶

Impact

15. When children are denied access to pre-primary education, it has a deep and lasting effect on their development. UNICEF describes quality early childhood education as “essential” for lifelong learning and growth, and research shows that early learning experiences enhance long-term learning capacity, social skills, empathy, and other key traits needed to navigate the challenges they will encounter in life. These skills are especially crucial for marginalized children, who are disproportionately impacted by hardship and adversity.

ii. Barriers to free public secondary education (in law, policy and practice) and their impact on the rights of the child.

16. As noted in the preceding paragraphs, some countries limit free public education to citizens or those with legal residence, making it extremely difficult — and often impossible — for certain marginalized groups of children to access schooling. These **legal barriers** are compounded by new challenges that typically arise at the start of secondary school, when education is no longer compulsory and nationality or legal status

¹² UNICEF (2019) Birth registration for every child by 2030: Are we on track? <https://www.unicef.org/reports/birth-registration-every-child-2030>

¹³ European Network on Statelessness, *Birth registration and the prevention of statelessness in Europe: Identifying good practices and remaining barriers* (November 2024), available at: <https://www.statelessness.eu/updates/publications/birth-registration-and-prevention-statelessness-europe-identifying-good>, 10.

¹⁴ ECtHR, *Szolcsán v. Hungary*, application no. 24408/16, judgment of 30 March 2023, § 20, 58; ECtHR, *Salay v. Slovakia*, application no. 29359/22, judgment of 27 February 2025.

¹⁵ Global survivors fund, *Outcome Report, Expert roundtable on children born of conflict-related sexual violence Breaking down barriers to accessing the rights to identity and nationality*, https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Policy_Briefs/Outcome_report_roundtable_children_born_of_CRSV_March24_web.pdf, 2023.

¹⁶ UNICEF Innocenti Research Centre, *Birth registration and armed conflict* <https://www.unicef-irc.org/publications/pdf/insight-br-eng.pdf>, 2007, p. 27

requirements are more strictly enforced. Stateless children, and those without legal status (i.e., refugees, children with ‘undetermined nationality’, and irregular migrants) encounter serious challenges at this juncture. Moreover, the non-compulsory nature of secondary education itself becomes a barrier for marginalized children, as there is no legal obligation ensuring their continued attendance.

17. **Policy barriers** arising from administrative requirements such as identification and documentation become significantly more rigid at the secondary level. In many cases, children will be required to prove their identity through the presentation of a birth certificate or other form of legal ID for registration and to sit entry level exams. In cases where children have never had a birth certificate, or are displaced/fleeing conflict, this is a particularly difficult requirement to fulfil. Inflexible policies that fail to consider the documentation challenges faced by these groups of children can effectively lead to their outright exclusion from secondary education or encourage them to ‘opt out’ altogether, detrimentally impacting their future.
18. The **impact of when** children are denied access to secondary education is that it limits their future potential to be part of society, with greatest ramifications on marginalised groups. Socioeconomic factors also create practical barriers to accessing secondary education. Transitioning to high school typically brings increased financial demands, including school fees, uniforms, textbooks, and other materials. While some children from low-income families may qualify for government scholarships or bursaries, such assistance is often limited to citizens, excluding others. Without this support, families may struggle to prioritize education, especially when additional doubts arise about the value of completing studies — as identity issues can resurface when it comes time to receive official qualifications.

iii. **Examples of innovative and sustainable financial mechanisms to support the full and effective implementation of public pre-primary and secondary education to all children**

19. As part of its [project providing education as a form of reparation in Nigeria](#), the Global Survivors Fund facilitated the registration of children affected by conflict-related sexual violence in schools and community learning spaces. National Identity Management Commission officers have registered the children directly in their schools to avoid further stress for those children, many of whom already facing stigma and exclusion. The registration provided these children with a legal identity that enables access to formal education systems. This legal identity is also crucial for accessing scholarships and participating in national examinations.

iv. **Examples of steps Governments are currently taking to remove barriers and make public pre-primary and secondary education available free to all, including through the allocation of adequate resources and cross-sectoral and international cooperation?**

20. As birth registration may be a requirement to access education, by increasing birth registration coverage, more children will be able to access/complete their education. Improving birth registration can occur by building on the interoperability between the Ministries responsible for civil registration and education. This can include establishing routine mechanisms for identification of students without birth registration, and regular catch-up registration in coordination between civil registration and educational authorities. For example, catch-up birth registration in Senegal has resulted in 50% of the backlog being resolved through a formal protocol.¹⁷ Additionally, special catch-up birth registration programmes have been initiated in Cote d’Ivoire over different periods, where between 2017 and 2019, more than 600,000 pupils obtained a birth certificate¹⁸ and in 2022, 150,000 pupils were registered.¹⁹ A special catch-up birth

¹⁷ <https://child-identity.org/strengthening-birth-registration-to-improve-access-to-education/>

¹⁸ <https://www.unicef.org/cotedivoire/communiqu%C3%A9s-de-presse/malgr%C3%A9-un-enregistrement-des-naissances-en-nette-hausse-un-quart-des-enfants>

¹⁹ <https://www.unicef.org/media/135841/file/Cote-d-Ivoire-2022-COAR.pdf>

registration mechanism was initiated in Cameroon in 2024. During this period, 48,232 “Classe Moyenne 2” (CM2) and Class 6 pupils had their civil status regularised through the Special Operation of the Support Programme for Education Reform in Cameroon (PAREC), an intersectoral initiative launched by the Ministry of Basic Education (MINEDUB), in collaboration with the Ministry of Decentralisation and Local Development (MINDDEVEL), Ministry of Health, Ministry of Justice (MINJUSTICE), the National Civil Status Registration Office (BUNEC), UNICEF and the World Bank.

21. Moreover, as statelessness can be a barrier to accessing pre-primary and secondary education, steps taken by governments to prevent children who may otherwise be stateless from growing up without access to a nationality is critical to ensuring universal access to education. Best practice in this regard are provisions in law which provide for the automatic conferral of nationality to otherwise stateless children born on the territory as soon as possible and without additional conditions attached to the parents’ legal status.²⁰
22. Some States have also taken positive steps to ensuring that all children have access to education by providing for the right to education to those granted statelessness status. For example, in several European countries with a statelessness determination procedure leading to a dedicated status and rights, once an individual has been recognised as stateless, they have a right to primary, secondary and higher education in line with nationals.²¹
23. Other steps can be found in the Webinar “Protecting Futures: Addressing lack of access to education for children without legal identity” held by the IDRWG.²²

24. As the Open-ended Intergovernmental Working Group advances toward its goal of fully recognizing the right to education as encompassing both pre-primary and compulsory secondary education, we respectfully urge the working group to consider the following recommendations:

- **Explicitly recognize the link between legal identity and the right to education** so that any future protocol clearly acknowledges that access to pre-primary and compulsory secondary education is fundamentally connected to the right to legal identity. Children who have not been registered at birth or who lack proof of legal identity, nationality many children are systematically excluded from school enrolment, undermining the full realization of the right to education;
- **Prohibit exclusion based on legal or migration status** so that any future protocol includes an explicit guarantee that no child shall be denied access to pre-primary or secondary education on the basis of their nationality, statelessness, refugee status, migration status, or lack of documentation or proof of nationality;
- **Require flexible enrolment procedures to accommodate undocumented children** so that enrolment is not reliant on formal identity documents. Alternative documents should be accepted to ensure that undocumented children can access school without unnecessary administrative barriers;
- **Strengthen connections between education systems and civil registration** so that schools use enrolment as an opportunity to identify children without legal identity or nationality and connect them with the relevant authorities so their situation and status as stateless can be resolved;
- **Guarantee uninterrupted education despite pending documentation issues** so that children may continue their education even while issues related to legal status or identity documents are being resolved.

²⁰ European Network on Statelessness, *Statelessness Index: Norms and Good Practices* (2024), available at:

https://index.statelessness.eu/sites/default/files/List%20of%20norms%20and%20good%20practices%202024_0.pdf.

²¹ France, Georgia, Hungary, Italy, Moldova, Spain, Türkiye, Ukraine, and the United Kingdom. European Network on Statelessness, *Statelessness Index* available at <https://index.statelessness.eu>.

²² <https://www.child-identity.org/28-november-2023-protecting-futures-addressing-lack-of-access-to-education-for-children-without-legal-identity/>

Annex:

Testimonies on the Impact of Discriminatory Nationality Laws and Statelessness on Access to Education

Lebanon²³:

"I am a woman born to a Lebanese mother and a non-Lebanese father. Since childhood, I have faced repeated denial of my educational rights simply because I am unable to acquire my mother's nationality. My mother was burdened with higher school fees every year, simply because I was not recognized as a citizen.

At the Lebanese University, we were treated as foreigners—even though my mother is Lebanese. We paid higher tuition than other students and held a "courtesy" residence, as if our presence was a favor, not a right. Following the October 17 uprising and the economic crisis, a policy was introduced requiring foreign students to pay in U.S. dollars. If it weren't for the intervention of advocacy campaign "Jinsiyati", we would have lost our chance at higher education.

I studied Media and Information Management, but I cannot join the professional syndicate nor apply for public sector jobs. Even full university scholarships were not available to me because my case is "not eligible." I've had to alter my career path multiple times—not because of a lack of qualifications, but because the system denied me equal opportunities granted to citizens.

All of this, simply because I do not hold my Lebanese mother's nationality". - RN

"As a youth denied my mother's Lebanese nationality, I've faced real limitations in pursuing higher education and professional development. I was excluded from a government university scholarship I had applied for, despite meeting all academic requirements, solely due to my legal status. I also had to forgo attending a regional youth conference abroad because I couldn't secure the necessary documentation.

These missed opportunities are not just personal setbacks — they reflect a larger injustice that continues to marginalize capable youth based on a discriminatory law. Access to education and growth should be a guaranteed right, not a privilege tied to citizenship." - KA

"They looked at me, heard my voice, and thought I was one of them because I am. I was born and raised in Lebanon. I speak the same language, share the same culture, and I went to school here, just like any Lebanese student.

But because my mother is Lebanese and my father is not, I was treated differently in the education system.

I faced rejection, delays, and legal complications in school and university paperwork, things my classmates with Lebanese fathers never had to think about. One painful memory: when my mother and I tried to submit documents together, we were told we couldn't. They separated us, calling us 'foreigners.'

²³ Provided by "My Nationality Is a Right for me and my Family" Campaign to the Global Campaign for Equal Nationality Rights

That word stuck with me. How can I be foreign in my own country, with a Lebanese mother by my side? Meanwhile, students born to Lebanese fathers and non-Lebanese mothers had full rights, education, health insurance, and financial support.

Despite my strong grades and dedication, I was denied the chance to study medicine, the field I had dreamed of since I was a child. I couldn't access public university seats or scholarships like students with Lebanese fathers, even though my mother is Lebanese. I realized that even if I studied medicine for 14 years and it cost me a lot, even at the Lebanese University, I wouldn't be allowed to join the "Doctors' Syndicate" because I don't hold my mother's nationality.

They pushed me away from becoming a doctor, but I became a Software Engineer for Medical Systems, working to enhance the medical sector and help offer better treatment and diagnosis. I was forced to shift my dream, but not my purpose. Still, the government refuses to see me, even though I was born to a Lebanese mom.

Like me, many born to Lebanese mothers and non-Lebanese fathers are denied access to government scholarships, public university seats reserved for citizens, and countless academic or financial aid opportunities. We often face higher tuition fees, rejection from national programs, and are excluded from post-high school professional training sponsored by the state. Our academic journey is not limited by our ability, but by legal discrimination." - JN

Nepal:

Simran Karki

Born to parents who were both street children, Simran Karki is 17 years old and does not possess Nepali citizenship. Due to both parents lacking citizenship documents, Simran was left without legal identity. This legal invisibility became a critical obstacle when she reached Grade 8 and was required to submit a birth registration to sit for the Basic Level Examination (BLE). Without this document, her academic progression was at risk.

The organization Citizenship Affected People's Network (CAPN) was able to secure a birth certificate for her. With this certificate, Simran was able to take her BLE, SEE exams and continue her education through high school.

Despite her challenging upbringing, Simran is highly academically inclined. However, now nearing adulthood, Simran remains without citizenship, rendering her unable to pursue higher education or access other state-provided services. This has created a deep psychological impact. She has faced significant emotional distress and has experienced severe depression. The lack of certainty about her future has contributed to feelings of hopelessness, and there have been instances of self-harm and attempted suicide.

Sajag Pahari

Sajag's lack of legal identity significantly hindered his educational and personal development. Though he completed his academic studies, he was unable to receive formal certificates due to his lack of citizenship documentation. The psychological stress of uncertainty and the administrative hurdles created additional emotional and social burdens during his formative years. Without a valid citizenship document, Sajag was unable to apply for higher education programs, acquire a driving license, or seek formal employment. Sajag's case is one of countless where gender unequal laws have rendered individuals without legal identity and equal access to education.