CHAPTER THREE

SCOPE OF ARTICLE 7

1. ‘[C]hild Shall Be Registered Immediately After Birth’

40. The CRC Committee has emphasized a positive obligation of States Parties to the CRC to make sure that children are registered properly even in situations where the access to, for example, nomadic families or rural areas in the country is very difficult. The registration must be efficient and the negligence of parents or a State cannot be excused. A system where children are registered in accordance with religion in different religious registers, like in Jordan, may create uncertainty as to whether the child is registered. It raises concerns as to the compliance with the minimum requirement of registration of children after birth. In its concluding observations concerning the situation in Paraguay, the CRC Committee emphasized that:

‘Children’s birth registration should be given priority to ensure that every child is recognised as a person and enjoys his/her full rights. The Committee encourages further steps to ensure birth registration of children, including the establishment of mobile registration offices.’

41. The CRC Committee also had the possibility to pronounce on the obligation of States not to discriminate or otherwise violate the identity of persons through the registration procedure. The registration certificates have to accurately protect and preserve the elements of the identity of a child.


63 CRC Committee, Concluding Observations: Jordan (UN Doc. CRC/C/15/Add.21, 1994), paras. 11–12.

64 CRC Committee, Concluding Observations: Paraguay (UN Doc. CRC/C/15/Add.166, 2001), para. 30.

65 CRC Committee, Concluding Observations: Paraguay (UN Doc. CRC/C/15/Add.27, 1994), para. 10.
The CRC Committee takes a very firm position that non-recognition leads to the lack of enjoyment of human rights and that, therefore, remaining problems in this area have to be diligently solved.66

42. The CRC Committee has in some instances treated the issues of registration closely with the issue of acquisition of nationality.67 There is a difference between the language of Article 7 requiring the registration of a child ‘immediately’ after birth, on the one hand, and taking measures ‘to facilitate applications for citizenship, so as to resolve the situation of stateless children’.68 Several States, when ratifying the CRC, have made reservations as concerns the application of their citizenship laws. Liechtenstein has not accepted an obligation to grant nationality immediately; it is to be granted under certain conditions.69 There are States that do not agree with the obligation to eliminate statelessness.70 Whenever such reservations appear, it is to be hoped that even if children remain stateless in some countries for some period of time, this does not impede their recognition as persons in domestic law through a registration procedure. The CRC Committee has emphasised that even if children remain stateless or are illegal residents, they should enjoy all rights under the CRC and the State should simplify the procedures for legalizing their residence.71 This principle has underlined the CRC Committee’s approach in different situations that children may find themselves in (temporary protection, internal displacement, asylum).72

43. Statelessness is to be seen as a threat to the enjoyment of the rights in paragraph 1 as often stated by the CRC Committee and other treaty-monitoring bodies discussed previously.73 This is very much a meaning of paragraph 2 of the Article. Having a status of a stateless person implies however

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66 CRC Committee, Concluding Observations: China (UN Doc. CRC/C/15/Add.56, 1996), para. 16.
67 In relation to the report of Kazakhstan, the Committee notes the efforts of the State as concerns the registration of children but notes with concern ‘that some children […] do not acquire nationality at birth’. See CRC Committee, Concluding Observations: Kazakhstan (UN Doc. CRC/C/15/Add.213, 2003), para. 32.
68 Ibid., para. 33.
71 CRC Committee, Concluding Observations: Estonia (UN Doc. CRC/C/15/Add.196, 2003), para. 29.
72 CRC Committee, Concluding Observations: Cyprus (UN Doc. CRC/C/15/Add.205, 2003), para. 53. For the same approach, see CERD Committee, o.c. Chapter Two, 2.3 (note 55).
73 Ibid.